

Development Committee – 28 June 2018

Minutes of the meeting of the Development Committee held on **28 June 2018** when there were present:-

Chairman: Cllr S P Smith
Vice-Chairman: Cllr Mrs L Shaw

Cllr C C Cannell
Cllr J D Griffin
Cllr N J Hookway
Cllr G J Ioannou
Cllr P J Shaw

Cllr M J Steptoe
Cllr Mrs C A Weston
Cllr A L Williams
Cllr S A Wilson

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs Mrs D Hoy and R Milne.

SUBSTITUTE MEMBERS

Cllr Mrs J R Gooding - for Cllr R Milne

NON-MEMBERS ATTENDING

Cllr M J Lucas-Gill

OFFICERS PRESENT

M Thomas	- Assistant Director, Planning and Regeneration Services
K Rodgers	- Team Leader (Area Team South)
M Stranks	- Team Leader (Area Team North)
A Evans	- Senior Planner
R Hurst	- Senior Solicitor
S Worthington	- Democratic Services Officer

PUBLIC SPEAKERS

S Thomas - for item 10

125 MINUTES

The Minutes of the meeting held on 24 May 2018 were approved as a correct record and signed by the Chairman.

126 DECLARATIONS OF INTEREST

Cllr M J Steptoe declared a non pecuniary interest in items 7 and 8 of the agenda relating to 19 South Street, Rochford by virtue of chairmanship of the Investment Board.

Cllrs Mrs C A Weston and N J Hookway each declared a non-pecuniary interest in the same items by virtue of previous membership of the Investment Board and Cllrs S A Wilson and Mrs J R Gooding also declared a non-

pecuniary interest in items 7 and 8 by virtue of membership of the Investment Board.

Cllr A L Williams declared a non-pecuniary interest in the same items by virtue of membership of the Investment Board and chairmanship of Rochford Parish Council.

Cllr G J Ioannou declared an other pecuniary interest in items 7 and 8 by virtue of being the Portfolio Holder for Enterprise and left the Chamber during debate of those items.

127 17/00850/OUT – CHERRY ORCHARD BRICKWORKS, CHERRY ORCHARD LANE, ROCHFORD

The Committee considered an outline application with some matters reserved for a proposed business park B1, A3, D1 and D2 uses, access road, parking and landscaping, access (to the site only).

Resolved

That the application be approved, subject to a Section 106 Legal Agreement with the following Heads of Terms and subject to the following conditions:-

Section 106 Heads of Terms

- Financial Contribution of £200,000 to Essex County Council towards bus service and infrastructure enhancements to provide improved sustainable transport to the site.
- Requirement for Travel Plan and financial contribution of £3000 to Essex County Council for Travel Plan Monitoring.
- Financial contribution of £18,500 to Rochford District Council towards the delivery of footpath/cycleway enhancements within the vicinity of the development.

Conditions

- (1) No development shall commence within any phase (Reserved Matters application site area) until plans and particulars showing precise details of the layout, scale, appearance, access (save for access points to the site as shown on the approved plans) and landscaping of the site (herein after called the "Reserved Matters") within the phase have been submitted to and approved in writing by the Local Planning Authority. All development at the site shall be carried out in accordance with the Reserved Matters details approved.
- (2) In the case of the Reserved Matters, application for the first reserved matters application shall be made no later than the expiration of two years beginning with the date of this permission. Application for the

approval of the remaining "Reserved Matters" referred to in Condition 1 above shall be made to the Local Planning Authority before the expiration of three years from the date of this planning permission.

- (3) The development to which this permission relates shall be commenced not later than the expiration of two years from the approval of the first reserved matter and the remainder of the development shall be begun not later than:-
- (i) the expiration of three years from the date of the grant of outline planning permission, or
 - (ii) within two years of the approval of the Reserved Matters for the phase or, in the case of approval on different dates, the final approval of the last Reserved Matters to be approved.
- (4) The development hereby approved shall be constructed in strict accordance with the approved plans; site access points (drawing No: 105) date stamped 26 January 2018, location plan (drawing No: 103) date stamped 25 August 2017 and site plan (drawing No: 103) date stamped 25 August 2017.
- (5) The gross internal floor space of the following uses hereby approved at the site shall be limited to maximums as follows:-
- A3 – Café/Restaurant 260m²
 - D1 – Nursery 550m²
 - D2 - Gymnasium 400m²
- The A3 and D2 uses shall be incorporated within a larger building for B1 use such that the A3 and D2 uses are ancillary to the main B1 use of the site rather than stand alone uses.
- (6) No development shall commence (in any phase with a phase equating to a Reserved Matters application), excluding ground works before plans and particulars showing precise details of hard and soft landscaping which shall form part of the development hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority, which shall show the retention of existing trees, shrubs and hedgerows on the site and include details of:-
- schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted (to include new planting suitable for linnet nesting including low growing native species such as blackthorn, hawthorn, gorse and bramble and to include new tree

planting to compensate for the loss of trees resulting from development at the site);

- existing trees to be retained;
- areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
- paved or otherwise hard surfaced areas;
- existing and finished levels shown as contours with cross-sections if appropriate;
- means of enclosure and other boundary treatments; and
- car parking layouts and other vehicular access and circulation areas

shall be implemented in its entirety during the first planting season (October to March inclusive) following commencement of the development (as it relates to development within the phase), or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

- (7) Prior to commencement of any work on site, including ground works, tree protection fencing shall be installed in accordance with details as set out in the Arboricultural Impact Assessment dated 4 September 2017 reference P2665.3.1.A and the development shall be carried out in accordance with the method statements in this report unless alternative details are otherwise agreed in writing by the Local Planning Authority in which case fencing and methods shall be installed/complied with in accordance with the amended details. Fencing as agreed shall remain in place throughout the construction period or until the Local Planning Authority has advised in writing that it can be removed in advance of completion.
- (8) No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:-
 - a. A Preliminary Risk Assessment (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those off site.

- b. The results of a site investigation based on (a) and a detailed risk assessment, including a revised CSM.
 - c. Based on the risk assessment in (b) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.
 - d. No occupation/use of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (c) has been submitted to and agreed in writing by the Local Planning Authority. The long term monitoring and maintenance plan in (c) shall be updated and be implemented as approved.
- (9) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.
- (10) Clearance of vegetation including grass, scrub, trees shall take place between September and February (inclusive) unless the Local Planning Authority agrees in writing to focused clearance outside these times in which case evidence and details of proposed clearance shall be submitted to and agreed in writing by the Local Planning Authority. Evidence shall include a report by a suitably qualified ecologist to demonstrate that proposed clearance areas have been checked for nesting birds and that no active nests are present. Clearance, if agreed outside the times above, shall take place strictly in accordance with details as agreed.
- (11) Prior to the first occupation of each building at the site, nest boxes shall be installed on the building in accordance details that shall have been submitted to and agreed in writing by the Local Planning Authority. Boxes as agreed shall remain in perpetuity. Details shall include:-
- Schwegler (or similar woodcrete) bird boxes (house sparrow terraces and multi-chambered swift boxes) and;
 - Proposed siting of the boxes on an elevation plan – showing the boxes facing away from the prevailing wind/rain (between north and south east) and placing of house sparrow terraces at least 2m above ground level in areas where shrubs and / or climbers provide

cover within 10m of the box and placing of swift boxes at least 5m above ground level at locations with an open aspect where birds have a clear flight line directly up to the box entrance.

- (12) No development or preliminary ground works of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority. The archaeological work will comprise full recording of the brickworks and assessment to determine if archaeological features survive beneath the brickworks or elsewhere on the site. This may be followed by excavation, if archaeological features are found. All field work should be conducted by a professional recognised contractor in accordance with a brief issued by this office.
- (13) Prior to the commencement of the development, excluding ground clearance works, details of how the development (at the site as a whole or in individual phases equating to a Reserved Matters application) will utilise rain water harvesting and water recycling systems, as well as other environmentally sustainable features such as green roofs/walls, unless details are provided to demonstrate that this is not feasible or not viable, shall be submitted to and approved in writing by the Local Planning Authority. The details as agreed shall be implemented prior to first beneficial use of the development (to which the system relates) hereby approved.
- (14) Prior to the commencement of the development, excluding ground clearance works, details of how the development (at the site as a whole or in individual phases equating to a Reserved Matters application) will achieve a BREEAM rating of excellent, unless details are provided to demonstrate that this is not feasible or not viable, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the details as agreed.
- (15) Prior to the commencement of the development, excluding ground clearance works, details of how the development (at the site as a whole or in individual phases equating to a Reserved Matters application) will secure at least 10 per cent of their energy from decentralised and renewable or low carbon sources - unless this is demonstrated to be not feasible or not viable - shall be submitted to and approved in writing by the Local Planning Authority. The details as agreed shall be implemented prior to first beneficial use of the development (to which the agreed provision relates).
- (16) Prior to commencement of the development hereby approved (at the site as a whole or in individual phases equating to Reserved Matters applications) excluding ground works, details shall be submitted to and

agreed in writing by the Local Planning Authority to demonstrate how the development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning.

- (17) No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:-
- Limiting discharge rates to no higher than 13.75l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
 - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
 - Final modelling and calculations for all areas of the drainage system.
 - The appropriate level of treatment for all run off leaving the site, in line with the CIRIA SuDS Manual C753.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The agreed scheme shall subsequently be implemented prior to first occupation.

- (18) No works shall take place until a Maintenance Plan detailing the maintenance arrangements, including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed in writing by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.
- (19) The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any

approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

- (20) Prior to commencement of development within each phase (excluding ground works) (a phase equating to a Reserved Matters application area), details shall be submitted to and agreed in writing by the Local Planning Authority to demonstrate that the development within the phase would be appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning. The development shall be constructed in accordance with the agreed details.
- (21) The development hereby approved shall not be occupied until the hazardous substances consent for the storage of LPG at the former Hanson Brick Ltd site at Cherry Orchard Way, Rochford has been revoked in its entirety under the provisions of the Planning (Hazardous Substances) Act 1990, and written confirmation of the necessary revocation has been issued by the Hazardous Substances Authority.
- (22) No unbound material shall be used in the surface treatment of the vehicular access within 30 metres of the highway boundary.
- (23) There shall be no discharge of surface water onto the highway.
- (24) No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. If the development is phased the requirement for a Construction Method Statement shall apply equally to each phase. The Statement shall provide for:-
 - i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development; and
 - iv. wheel and underbody washing facilities.
- (25) Prior to first beneficial use of the development (save for any part of the site whereby access to vehicular parking is agreed directly off Cherry Orchard Lane via a new access) and notwithstanding the details as shown on approved plan drawing No. 105 date stamped 26 January 2018, the existing access from the west of the site onto Cherry Orchard Lane as shown on drawing No. 105 date stamped 26 January 2018 shall be stopped up and closed off permanently to all vehicular traffic to the satisfaction of the Local Planning Authority in consultation with the

Highway Authority in accordance with details that shall have been submitted to and agreed in writing by the Local Planning Authority and be provided entirely at the developer's expense. The site, save for any part of the site whereby access to vehicular parking is agreed directly off Cherry Orchard Lane, shall be accessed solely from the south via the airport business park road network.

- (26) The site layout shall ensure that the adopted vehicular highway within the site shall extend right up to the eastern boundary of the site to enable vehicular access to the eastern portion of the remaining part of the Area 2 allocation within the Joint Area Action Plan (2014) from within the site hereby granted planning permission.
- (27) Details of how the requirements of the Design Code have been taken into account in the design of the Reserved Matters applications shall be submitted with each Reserved Matters application.
- (28) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (GPDO) as amended, none of the premises as built shall benefit from provisions within the GPDO which allow for a change of use.
- (29) The site layout shall incorporate a main road designed and constructed in accordance with the principles as set out in the Design Code (page 15) including the provision of street trees in a planted buffer, footpath and grass verges. Precise details of the hard and soft landscaping including spacing of trees, species and girth shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of construction in connection with the road.

The soft landscaping, including tree planting as agreed, shall be planted in the first planting season following completion of the section of highway to which the planting is directly adjacent.

Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective within five years of planting shall be replaced by the developer(s) or their successors in title with species of the same type, size and in the same location as those removed, in the first available planting season following removal. The hard landscaping agreed shall be completed prior to completion of the adjacent highway.

- (30) Open green space of a minimum area as shown on the indicative site layout plan reference 104d shall be provided including all hard and soft landscaping and including but not limited to tree planting, footpaths and street furniture in accordance with Reserved Matters details as approved alongside construction of the main spine road through the site extending off the site access to the south and completed prior to first occupation at the site, save for the development of that part of the site which can be accessed from the western site boundary.

Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective within five years of planting shall be replaced by the developer(s) or their successors in title with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

The open green space shall be maintained in perpetuity in accordance with the agreed details.

Informative

Parking provision should at least match provision on the other side of the business park (reference 15/00781/OUT). (ADP&RS)

128 18/00282/FUL – 19 SOUTH STREET, ROCHFORD

(Note: Cllr C C Cannell declared a non-pecuniary interest in this item and the following item by virtue of membership of the Investment Board.)

The Committee considered an application for the change of use of No. 19 South Street to provide seven one-bedroom flats and one two-bedroom flat, together with associated landscaping and car parking.

Resolved

That planning permission be granted, subject to the following conditions:-

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- (2) The development shall be undertaken in strict accordance with the plans received on 19 February and 19 March 2018, Drawing Numbers: D1117324-L11 Rev A 13/02/18 Existing Site Layout D1117324-L10 Rev D (dated January 2018) Proposed Site Layout Plan D1117324-L09 Rev B (dated November 2017) Existing and Proposed East Elevations D1117324-L08 Revision C (dated November 2017) Proposed North Elevation D1117324-L07 Revision A (dated November 2017) Proposed South Elevation D1117324-L06 Revision A (dated November 2017) Proposed West Elevation D1117324-L05 Revision A (dated November 2017) Section through 19 and Typical Out building Section D1117324-L01 Revision E (dated November 2017) Ground Floor Plan, Basement Plan and Cycle Store Plan D1117324-L02 Revision C (dated November 2017) First Floor Plan D1117324- L03 Revision C (dated November 2017) Second Floor Plan D1117324-L04 Revision B 9dated Nov 17) Roof Plan D1117324-L12 (dated January 2018) Section looking North.

- (3) Notwithstanding the details of the submitted plans, prior to their installation, the following details shall be submitted to the local planning authority for its written approval
- a) Detailed drawings showing all new replacement internal doors in section and elevation at a scale between 1:1 and 1:20 at A3.
 - b) Detailed drawings showing all proposed new skirting boards and architraves in section at a scale of 1:5 at A3.
 - c) Materials schedule setting out the proposed internal finishes, which is to include specific sectional drawings or manufacturer's details.
 - d) Detailed drawings showing the proposed new windows, doors and roof lights (which shall be Conservation Type) shown on the proposed elevation in section and elevation at a scale between 1:1 and 1:20 at A3.

The development shall be undertaken in accordance with the agreed details.

- (4) The provision of ten on site vehicle parking spaces and an associated turning area, as shown in principle on planning drawing D1117324-L10, shall be provided prior to the first use of the development and retained in perpetuity thereafter.
- (5) Prior to the first use of the development the existing entrance gates shall be secured in an open position and maintained as such in perpetuity.
- (6) There shall be no discharge of surface water from the development onto the Highway.
- (7) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- (8) Prior to first occupation of the proposed dwellings the developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. One pack per dwelling.
- (9) The development shall incorporate the enhancements cited in the ecological report prepared by AGB Environmental Ltd., namely the installation of bat boxes and native hedgerow planting the details of which should be submitted to and approved in writing by the local planning authority prior to the undertaking of such work.
- (10) The planting works including those planting works indicated by proposed site layout plan reference D1117324-L-10 shall be

implemented in its entirety during the first planting season (October to March inclusive) following commencement of the development, or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

- (11) If roosting bats are discovered, works to the tree would be suspended until appropriate mitigation and licensing arrangements are made. If nesting birds are discovered, works to the tree would be suspended until eggs are hatched and the young have fledged.
- (12) The following measures should be implemented within the development to reduce impacts on foraging and commuting bats caused by artificial lighting (ILE/BCT, 2007; BCT 2014):
 - Direct any task lighting used during construction away from the boundary vegetation.
 - Set any necessary security lighting on short timers with a sensitivity to large moving objects only.
 - Use hoods, cowls or directional lighting to avoid light being directed at the sky or towards the boundary vegetation.
 - Limit lighting times to provide dark periods.
 - Low pressure sodium security lights with glass glazing are recommended, as these produce the least amount of UV light. Avoid white and blue wavelengths of the light spectrum and keep the brightness of the lamps as low as feasibly possible.

Informative

Please be advised that a charge of £168.00 per household for waste bins is required in advance of occupancy of the properties. (ADP&RS)

129 18/00283/LBC – 19 SOUTH STREET, ROCHFORD

The Committee considered an application for the change of use of No. 19 South Street to provide seven one-bedroom flats and one two-bedroom flat, together with associated landscaping and car parking.

Resolved

That Listed Building Consent be approved, subject to the following conditions:-

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- (2) The development shall be undertaken in strict accordance with the plans received on 19 February and 19 March 2018, Drawing Numbers:-

D1117324-L11 Rev A 13/02/18 Existing Site Layout

D1117324-L10 Rev D (dated January 2018) Proposed Site Layout Plan

D1117324-L09 Rev B (dated November 2017) Existing and Proposed East elevations

D1117324-L08 Revision C (dated November 2017) Proposed North Elevation

D1117324-L07 Revision A (dated November 2017) Proposed South Elevation

D1117324-L06 Revision A (dated November 2017) Proposed West Elevation

D1117324-L05 Revision A (dated November 2017) Section through 19 and Typical Out Building Section

D1117324-L01 Revision E (dated November 2017) Ground Floor Plan, Basement Plan and Cycle Store Plan

D1117324-L02 Revision C (dated November 2017) First Floor Plan

D1117324- L03 Revision C (dated November 2017) Second Floor Plan

D1117324-L04 Revision B 9dated November 2017) Roof Plan

D1117324-L12 (dated January 2018) Section looking North

- (3) Notwithstanding the details of the submitted plans, prior to their installation, the following details shall be submitted to the local planning authority for its written approval. The development shall be implemented in accordance with such details as may be agreed.
- a) Detailed drawings showing all new replacement internal doors in section and elevation at a scale between 1:1 and 1:20 at A3.
 - b) Detailed drawings showing all proposed new skirting boards and architraves in section at a scale of 1:5 at A3.
 - c) Materials schedule setting out the proposed internal finishes, which is to include specific sectional drawings or manufacturer's details.
 - d) Detailed drawings showing the proposed new windows, doors and roof lights (which shall be Conservation Type) shown on the proposed elevation in section and elevation at a scale between 1:1 and 1:20 at A3.

130 18/00368/FUL – 32 PARK GARDENS, HAWKWELL

The Committee considered an application for a proposed rear extension and roof alterations, including the creation of an extended front dormer.

Resolved

That planning permission be refused for the following reason:-

The proposed alterations to the roof would be of an inappropriate design and scale that would be over dominant within the roof scape creating an incongruous feature, which would have a damaging impact on the character of the existing dwelling and the character of the area as a whole contrary to the high quality design standards required by policy CP1 of the Core Strategy 2011, policy DM1 of the Development Management Plan 2014 and the guidance set out in “SPD2” Housing Design. (ADP&RS)

131 18/00318/FUL – LAND ADJACENT TO ST. THERESA, PUDSEY HALL LANE, CANEWDON

The Committee considered an application for a proposed gypsy/traveller pitch comprising two mobile homes and a separate day room building, together with the siting of two touring caravans and hard surfacing.

Mindful of officers’ recommendation to approve a temporary permission of 5 years personal to the applicant, Members nevertheless considered that the application should be refused on the grounds that it constituted inappropriate development within the Green Belt.

Resolved

That the application be refused for the following reason:-

The site is located within an area of Metropolitan Green Belt as defined in the Rochford District Council Local Development Framework Allocations Plan (2014). The proposed Gypsy/Traveller site would, if allowed, result in inappropriate development in the Green Belt. (ADPR&S)

The meeting closed at 9.25 pm.

Chairman

Date

If you would like these minutes in large print, Braille or another language please contact 01702 318111.