

Development Committee – 26 July 2012

Minutes of the meeting of the **Development Committee** held on **26 July 2012** when there were present:-

Chairman: Cllr P A Capon
Vice-Chairman: Cllr K H Hudson

Cllr Mrs P Aves	Cllr Mrs G A Lucas-Gill
Cllr C I Black	Cllr C J Lumley
Cllr Mrs T J Capon	Cllr Mrs J R Lumley
Cllr T G Cutmore	Cllr M Maddocks
Cllr Mrs H L A Glynn	Cllr D Merrick
Cllr K J Gordon	Cllr Mrs J A Mockford
Cllr J E Grey	Cllr Mrs C E Roe
Cllr J D Griffin	Cllr C G Seagers
Cllr Mrs A V Hale	Cllr D J Sperring
Cllr B T Hazlewood	Cllr M J Steptoe
Cllr Mrs D Hoy	Cllr I H Ward
Cllr M Hoy	Cllr Mrs B J Wilkins

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs M R Carter, J P Cottis, Mrs C M Mason, J R F Mason, Mrs J E McPherson, T E Mountain, R A Oatham, S P Smith, Mrs M J Webster, P F A Webster and Mrs C A Weston.

OFFICERS PRESENT

S Scrutton	- Head of Planning and Transportation
K Rodgers	- Team Leader (Area Team South)
M Stranks	- Team Leader (Area Team North)
N Khan	- Principal Solicitor
S Worthington	- Committee Administrator

PUBLIC SPEAKERS

Cllr L Street	- for item 7
E Hanson	- for item 5
M Houghton	- for item 6
J Lee	- for item 6
R Morgan	- for item 5
D Westbrook	- for item 10(1)

162 MINUTES

The Minutes of the meeting held on 28 June 2012 were approved as a correct record and signed by the Chairman.

163 DECLARATIONS OF INTEREST

Cllrs K J Gordon and Mrs G A Lucas-Gill each declared a non pecuniary interest in item 8 of the Agenda by virtue of being acquainted with the architect.

Cllr C J Lumley declared a non pecuniary interest in item 5 of the Agenda.

Cllrs Mrs D Hoy and M Hoy each declared a non pecuniary interest in item 10 of the Agenda by virtue of membership of Hullbridge Parish Council.

Cllr M Hoy declared a non pecuniary interest in item 5 of the Agenda by virtue of membership of the Board of Rochford Housing Association.

Cllr Mrs A V Hale declared a non pecuniary interest in item 10 of the Agenda by virtue of being acquainted with the previous licensee and of being a Member of Hullbridge Parish Council.

Cllr Mrs J A Mockford declared a non pecuniary interest in item 9 of the Agenda by virtue of having previously been a member of the board of Rochford Housing Association.

Cllrs M Hoy and C J Lumley each declared other pecuniary interests in item 9 of the Agenda by virtue of membership of Rochford Housing Association and left the Chamber during debate of that item.

164 12/00363/FUL – 190 LONDON ROAD, RAYLEIGH

The Committee considered a planning application for a residential development (class C3) of 101 dwellings comprising 10 no. 2-bedroomed apartments, 20 no. 2-bedroomed houses, 44 no. 3-bedroomed houses, 13 no. 4-bedroomed houses and 14 no. 5-bedroomed houses, associated infrastructure, public open space and vehicular and pedestrian access routes.

Resolved

That the application be approved, subject to the applicants entering into a legal agreement under Section 106 of the act to achieve the following heads of terms:-

- A) A contribution of £25,000 towards infrastructural improvements at the bus stops along London Road in the vicinity of the site to provide, where required, enhancements to include improved passenger waiting facilities to the existing infrastructure.
- B) Provision of thirty five affordable dwellings.

- C) Contribution to primary health care of £67,367 equivalent to £667 per unit for the development/upgrading of primary care facilities in the area as a result of the increased population.
- D) Arrangements for the maintenance of the open areas of the site.
- E) Contribution for youth and community facilities of £20,000 to be held for a period of not less than 10 years.
- F) A contribution of £100,596 towards the provision of early years and child care facilities.

And to the following heads of conditions:-

- 1) SC4B – Time limits standard.
- 2) An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:-
 - (i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;
 - (ii) an assessment of the potential risks to:-
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments.
 - (iii) An appraisal of remedial options and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

- 3) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks' written notification of commencement of the remediation scheme works.
- 4) Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.
- 5) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 2 "Site Characterisation", and where remediation is necessary, a remediation scheme must be prepared in accordance with the requirements of condition 3 "Submission of Remediation Scheme", which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority, in accordance with condition 4 "Implementation of Approved Remediation Scheme".
- 6) The renewable energy measures for any individual dwelling shall be fully installed and operational prior to the occupation of the dwelling.
- 7) A scheme of measures to control dust during the construction phase of the development shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development. The scheme shall then be fully implemented throughout the construction phase of the development.
- 8) Following the demolition and site restoration works, no further 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 applicants and approved by the Local Planning Authority.

- 9) No dwelling shall be occupied until the works have been carried out in accordance with the surface water strategy forming part of the application, as approved in writing by the Local Planning Authority.
- 10) The development shall not commence until details have been submitted to the Local Planning Authority to show the reptile translocation site at Stow Maries and as identified in the supporting reptile survey Ref: DFC 1069 dated July 2011 accompanying the application hereby approved has been confirmed as to be ready for the receipt of species from the application site. No development shall commence until the applicants have undertaken the relocation of reptile species in accordance with the recommendations, as identified in the supporting Reptile Survey Ref: DFC 1069 dated July 2011 accompanying the application hereby approved.
- 11) The development shall be implemented in accordance with the advice and recommendations contained within the arboricultural impact assessment reference DFC 1069 revision A dated 8 November 2011 accompanying the application hereby approved.
- 12) Prior to occupation of the development, the road junction shall have been re-modelled with appropriate kerb radii and road markings. The junction shall be maintained with a clear to ground visibility splay with dimensions of 4.5 metres by 120 metres to both the east and west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times.
- 13) Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.
- 14) Prior to commencement of the development, the areas within the curtilage of the site for the purpose of the loading/unloading/reception and storage of building materials and manoeuvring of all vehicles, including construction traffic, shall be identified clear of the highway, submitted to and approved in writing by the Local Planning Authority.
- 15) Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highways shall be submitted to approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained

at all times.

- 16) Prior to commencement of the proposed development details of a wheel cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The wheel cleaning facility shall be provided at the commencement of the development and maintained during the period of construction.
- 17) Prior to commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.
- 18) All independent paths to be a minimum of 2 metres wide, with details of lighting and drainage to be submitted to and approved in writing by the Local Planning Authority.
- 19) Any tree planting proposed within the highway must be agreed with the Highway Authority. Trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme. All proposed tree planting must be supported by a commuted sum to cover the cost of future maintenance, to be agreed with the Highway Authority.
- 20) All parking shall conform to the Essex Planning Officers Association Parking Standards Design and Good Practice September 2009. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres. All single garages should have a minimum internal measurement of 7m x 3m.
- 21) Prior to occupation of the proposed development, 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 10 (ten) All Essex scratch card tickets.
- 22) Notwithstanding the approved layout, details shall be submitted to the Local Planning Authority prior to the commencement of the development for the provision of 2No. (two) additional visitor parking spaces to be provided within the layout. The development shall be implemented in accordance with such details as may be agreed.
- 23) Prior to the commencement of the development the applicants shall submit to the Local Planning Authority details, including samples, of the external facing materials to be used in the development hereby approved. The development shall be implemented in accordance with such details as may be agreed.

- 24) Prior to the first occupation of the development the applicants shall submit to the Local Planning Authority detailed design, elevations and siting of the proposed fencing and means of enclosure to be used throughout the development. The development shall be implemented in accordance with such details as may be agreed.
- 25) The vehicular accesses hereby permitted shall not be used by vehicular traffic before sight splays measuring 1.5m x 1.5m, providing unobstructed visibility of pedestrians using the adjoining footway, have been provided at both sides of the accesses at their junction with the adjoining highway. Once provided, the said visibility splays shall be retained thereafter and maintained in their approved form free of obstruction above a height of 600mm above the finished surface of the approved vehicular accesses.
- 26) The development shall be implemented in accordance with the landscaping and planting scheme, as set out in the Landscape Strategy reference DFC 1069 dated 15 November 2011 accompanying the application, unless as otherwise 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 applicant's, or their successor in title, with species of the same type, and size in the first available planning season following removal.
- 27) The garages shown on the approved layout Drawing No. BW 100-001 Revision A1 shall be retained for the parking of vehicles and shall not be converted to habitable accommodation.
- 28) The development hereby permitted shall be implemented in accordance with the advice and recommendations set out in the accompanying bat survey reference DFC 1069 dated 26 July 2011, including the works to trees during April or mid-September to the end of October and the soft fell approach to tree and branch removal, the installation of bat boxes and bat bricks in the development. Details of external lighting in the vicinity of the western boundary of the site shall be located below 3m in height and with shields, hoods and cowls to ensure such light is directed to the ground and shall not spill into the adjacent woodland to the west of the site.
- 29) Prior to the first occupation of the development to plots 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61 and 62 the applicants shall undertake the preparation of a mast awareness management plan in conjunction with the mast operator, Arqiva, to highlight to residents of those dwellings the reasonable requirements of the telecommunications operator for emergency and routine maintenance. The management plan shall be

provided to each household identified upon first occupation.

- 30) The carriageways of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months, in the case of a shared surface road) from the construction of such dwelling.
- 31) Condition to ensure the provision of the pedestrian cycle links to adjoining land, as shown.
- 32) Condition requiring the revision to the house types on plots 1, 14, 15, 19, 23, 24, 26, 27, 32, 34, 35, 38, 39, 40, 41, 42, 43, 46, 47, 51, 52, 55, 56, 62, 63, 91 and 97 identified to achieve improved window treatment to side elevations, as per the recommendation from Urban Design.
- 33) Prior to the first occupation of any dwelling on the site the applicants shall submit details to the Local Planning Authority of play equipment to be provided to the LAP area identified to the area of public open space to be provided to the central part of the development layout hereby approved. The development shall be implemented in accordance with such details as may be agreed prior to the occupation of the final dwelling on the development.
- 34) Notwithstanding the application details, the applicants shall submit to the Local Planning Authority prior to the commencement of the construction phases for the development a revised mitigation plan and revised timescales for implementation of that plan to accord with section 5.0 conclusions and recommendations to the submitted reptile survey by Messrs. D F Clark Bionomique Ltd and reference DFC 1069 dated 25 July 2011. The development shall be implemented in accordance with such details as may be agreed. (HPT)

165 12/00309/FUL – 239-241 EASTWOOD ROAD, RAYLEIGH

The Committee considered an application for a new shop front, the installation of an ATM and new plant to the rear consisting of air conditioning units and refrigeration condenser units enclosed in a compound.

Following publication of the officer's report, the applicants have submitted revised plans removing the ATM from the proposal.

Resolved

That the application 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 materials for use in the shop frontage hereby approved shall be in accordance with the details as specified on drawing number P-12754-220 Revision C date stamped 19 JUL 2012.
- 3) Prior to the commencement of use of the building as a convenience store, details of any external equipment or openings in the external walls or roofs of the building proposed at any time in connection with the permitted use, shall be submitted to and approved in writing by the Local Planning Authority before the machinery is installed or the opening formed. The equipment shall be installed or the openings formed as approved (subject to condition 6 below) and shall be maintained in the approved form while the premises are in use for the permitted purpose.
- 4) Prior to the commencement of use of the building as a convenience store, specific details of the noise management measures, including locations, dimensions and performance specifications of façade and boundary treatments to be installed shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be implemented as approved (subject to condition 6 below) prior to use of the building as a convenience store and shall be maintained in the approved form while the premises are in use for the permitted purpose.
- 5) The external equipment installed, together with the noise management measures, as agreed in condition 4 above, shall not exceed a level of 30dB (LAeq, 1 hour) at any point within 1 metre of the rear windows to properties directly adjacent to the site.
- 6) Following installation of the equipment and noise management measures as agreed, but prior to the opening of the convenience store, a post-implementation acoustic survey to confirm the necessary performance of the equipment and measures employed shall be carried out, submitted to and agreed in writing by the Local Planning Authority. Where the level exceeds that required by condition 5 above, details of additional or alternative noise mitigation measures and/or alternative equipment shall be submitted to and agreed in writing by the Local Planning Authority. These additional or alternative measures and / or equipment shall be implemented as agreed, prior to the

opening of the convenience store and a further survey carried out, submitted to and agreed in writing by the Local Planning Authority in accordance again with the requirements of condition 6. (HPT)

166 12/00095/COU - 32 HIGH STREET, GREAT WAKERING

The Committee considered an application for the change of use from A1 to A3 (restaurants and cafés).

Resolved

That the application be approved, subject to the following conditions:-

- 1) SC4B – Time Limits Full Standard
- 2) The premises shall not be used for the sale of hot food for consumption off the premises.
- 3) The use of the site hereby permitted shall not take place (whether or not open to customers) and no deliveries shall be taken at the site, outside the hours of 1000 to 2400.
- 4) Before the use hereby permitted commences at the site, details of the proposed external ventilation/filtration/extraction flues or measures to be installed at the site, including details of the external finish/colour, shall be submitted to and approved in writing by the Local Planning Authority. The measures, as approved, shall then be installed at the site prior to the use hereby permitted first commencing and retained at the site thereafter in accordance with the approved drawings at all times. (HPT)

167 12/00341/FUL – 32 THORPE ROAD, HAWKWELL

The Committee considered an application to demolish an existing dwelling and garage and to construct 1no. detached four-bedroomed house, 1no. detached three-bedroomed bungalow and a detached double garage and to create a new vehicular access.

Resolved

That the application be refused for the following reason:-

The parking spaces proposed would not meet the preferred bay length, as specified in the adopted Parking Standards: Design and Good Practice Supplementary Planning Document adopted in December 2010 such that adequate on-site parking provision to cater for the proposed dwellings would not be provided contrary to part (iii) of Policy HP6 of the Rochford District

Replacement Local Plan (2006). (HPT)

168 12/00349/FUL – GARAGE BLOCKS NORTH AND SOUTH SIDE, SOUTH SIDE OF THE BOULEVARD, ROCHFORD

Resolved

That the application be approved, subject to the following conditions:-

- 1) SC4B – Time Limits Standard
- 2) No development shall commence before details, including samples of all external facing (including windows and doors) and roofing materials to be used in the development, have been submitted to and approved in writing by the Local Planning Authority. Such materials as may be agreed in writing by the Local Planning Authority shall be those used in the development hereby permitted.
- 3) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) no extensions shall be erected on any elevations of the dwellings hereby permitted.
- 4) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class B and/or Class C, of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) no dormers or roof openings shall be inserted, or otherwise erected, within the roof area (including roof void) on the rear elevation of the dwellings hereby permitted.
- 5) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) no window, door or other means of opening shall be inserted above first floor finished floor level on the rear elevation of the dwellings hereby permitted, in addition to those shown on the approved drawings 1172 / P-04 Rev. A, P-05 Rev. B, P-07 Rev. A and P-08 Rev. A.
- 6) Notwithstanding the plans hereby approved the applicant shall submit to the Local Planning Authority details for an alternative design to provide the means of enclosure to the garden areas to front The Boulevard for each plot. Such details shall be submitted prior to the commencement of the development. The development shall be implemented in accordance with such details as may be agreed.

- 7) Prior to the commencement of the development a 1.5m x 1.5m pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.
- 8) The vehicular hardstandings shall be provided for each property having a minimum dimension of 2.9m width x 5.5m depth for each vehicle.
- 9) Prior to occupation of the development the vehicular hardstandings shall be provided with an appropriate dropped kerb vehicular crossing of the footway, which is tight/in line with the parking area immediately the proposed new accesses are brought into use.
- 10) Other than those crossings required to serve the new dwellings proposed the remaining vehicular crossings to the site frontage shall be permanently closed incorporating the reinstatement to full height of the highway footway kerbing immediately the proposed new accesses are brought into use.
- 11) No unbound material shall be used in the surface treatment of the vehicular access within the first 6m of the highway boundary.
- 12) Prior to the commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- 13) No gates shall open over highway maintainable at public expense.
(HPT)

169 12/00317/COU – UNWINS WINE MERCHANTS, 249 FERRY ROAD, HULLBRIDGE

The Committee considered an application for change of use from shop to use as a dog and cat grooming parlour.

Mindful of officers' recommendation for refusal, Members nevertheless considered that exceptional circumstances existed relating to the lack of viability of the current retail unit, the fact that the application would include some retail element, and the particular characteristics of Hullbridge as a village settlement, to justify granting planning permission.

Resolved

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

SC4B –Time limit standard (three years).

The meeting closed at 9.35 pm.

Chairman

Date

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