

<p>Item 3 08/00670/FUL Land Between The Athenaeum Health Club and Cherry Orchard Way, Rochford.</p>	<p>ADDITIONAL NOTES:</p> <p>The position of the Environment Agency is that, in accordance with Planning Policy Statement 25 – Development and Flood Risk, surface water management is a material consideration that needs to be fully established within a Flood Risk Assessment. Paragraph 27 of Planning Policy Statement 25 states that where the Environment Agency objects to an application for a major development on flood risk grounds, all parties (the Local Planning Authority, the Environment Agency and the applicant), should discuss and agree the course of action which would need to be taken to enable the Environment Agency to withdraw its objection.</p> <p>The applicant has informed the Local Planning Authority that they are in contact with their flood risk consultants, the Environment Agency and Anglian Water and that they are pursuing the necessary steps to resolve the issues raised by the Agency. Members are advised that this process may take several weeks.</p> <p>The Environment Agency has informed the Authority that if the applicant is able to provide sufficient information to overcome the current holding objection, they could agree to a request for a planning condition that allowed for detailed drainage designs to follow at a later stage.</p> <p>The officer requests that, if Members are otherwise minded to approve the application pending further consultation from the Environment Agency, the final decision be delegated to the Head of Planning and Transportation to approve, subject to any recommended condition by the Environment Agency and any further condition thought necessary.</p> <p>RECOMMENDATION A</p> <p>If the objection by the Environment Agency is withdrawn on or prior to 3 November 2008 the REVISED RECOMMENDATION is APPROVAL, subject to the following conditions:-</p> <ol style="list-style-type: none">1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. <p>REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p> <ol style="list-style-type: none">2. No development shall commence before details 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
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	<p>used in the development hereby permitted.</p> <p>REASON: To enable the Local Planning Authority to retain adequate control over the appearance of the building, in the interests of amenity.</p> <p>3. No development shall commence before an ecological impact assessment of the site has been undertaken and submitted to and agreed in writing by the Local Planning Authority in consultation with Natural England. The assessment shall include appropriate mitigation measures for any protected species which may be found on the site. Furthermore, before any development shall commence, all reasonable steps necessary shall be taken to implement the identified mitigation measures for all protected animal species on the site. No translocation of these species, should it prove necessary, shall commence until written details of receptor sites, together with a management plan including monitoring, have been submitted to the Local Planning Authority and approved by it in writing.</p> <p>REASON: In the interests of protecting any fauna that may be present on the site.</p> <p>4. No development shall commence before plans and particulars showing precise details of the hard and soft landscaping that shall form part of the development hereby permitted have been 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:-</p> <ul style="list-style-type: none"> - schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted; - existing trees to be retained and details of the methods to protect the retained trees during the construction process; - areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment; - paved or otherwise hard surfaced areas and the extent of permeable and non permeable areas; - existing and finished levels shown as contours with cross-sections, if appropriate; - means of enclosure and other boundary treatments; - car parking layouts and other vehicular access and circulation areas; - details of the pedestrian routes through the site; - details of the exterior lighting to be used and the attenuation measures to reduce upward light spillage and pollution; - minor artefacts and structures (eg, furniture, play equipment, refuse or other storage units, signs, lighting etc; - existing and proposed functional services above and below ground level (eg, drainage, power and communication cables,
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	<p>pipelines, together with positions of lines, supports, manholes etc)</p> <p>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.</p> <p>REASON: To enable the Local Planning Authority to retain adequate control over the landscaping of the site, in the interests of securing an attractive site.</p> <p>5. No development requisite for the erection of the hotel and office buildings shall commence before plans and particulars showing precise details of a satisfactory means of surface water drainage for this site (including attenuation measures), have been submitted to and agreed in writing by the Local Planning Authority. Any scheme as may be agreed in writing by the Local Planning Authority shall be implemented commensurate with the development hereby permitted and made available for use prior to the occupation of the hotel and office buildings.</p> <p>REASON: To enable the Local Planning Authority to secure a satisfactory means of surface water drainage, in the interests of the local environment and the public sewer network.</p> <p>6. No development requisite for the erection of hotel and office buildings shall commence before plans and particulars showing precise details of a satisfactory means of foul water drainage for this site have been submitted to and agreed in writing by the Local Planning Authority. Any scheme, as may be agreed in writing by the Local Planning Authority, shall be implemented commensurate with the development hereby permitted and made available for use prior to the occupation of the hotel and office buildings.</p> <p>REASON: To enable the Local Planning Authority to secure a satisfactory means of foul water drainage, in the interests of the local environment and the public sewer network.</p> <p>7. Prior to the commencement of the development hereby approved the applicant shall submit to the Local Planning Authority a scheme of measures for the control and suppression of dirt, dust, noise or any other noxious emissions generated during the construction of the proposed development. Such scheme as may be agreed in writing by the Local Planning Authority shall be implemented in the</p>
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	<p>approved form prior to the commencement of the development and shall be maintained in the approved form for the duration of the construction period for the proposed development.</p> <p>REASON: To enable the Local Planning Authority to retain control over any emissions from the site; in the interests of amenity to occupiers adjoining the site.</p> <p>8. No occupation of the development hereby permitted shall commence until precise details of an access arm onto the Cherry Orchard Way Roundabout junction has been submitted to and agreed with the Highways Authority; and that the access arm shall be completed in accordance with the agreed details and made operational to the satisfaction of the Highways Authority.</p> <p>REASON: To enable the Local Planning Authority to secure a suitable means of access to the site, in the interests of highway safety.</p> <p>9. No occupation of the development hereby permitted shall commence until precise details of a crossing facility for pedestrians, cyclists and bridleway users on the new access arm onto the Cherry Orchard Way Roundabout junction has been submitted to and agreed with the Highways Authority; and that the crossing shall be completed in accordance with the agreed details and made operational to the satisfaction of the Highways Authority. The details and design to be agreed with the Highways Authority shall include a suitable diversion of Bridleway 10 and appropriate signage / linkages.</p> <p>REASON: To enable the Local Planning Authority to secure a suitable crossing for all highway users, in the interests of highway safety.</p> <p>10. No occupation of the development hereby permitted shall commence until the provision of measures to eliminate the potential short cut by vehicle users through the site have been agreed with the Highways Authority and implemented accordingly.</p> <p>REASON: To enable the Local Planning Authority to control unnecessary traffic movements across the site, in the interests of providing a safe environment for users of the site.</p> <p>11. No development shall commence before a traffic management plan for control of vehicle movements associated with construction traffic arriving and departing the site has been provided and agreed by the Planning Authority in consultation with the Highways Authority. Thereafter vehicle movements associated with construction traffic shall be in accordance with the agreed plan.</p>
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	<p>REASON: To enable the Local Planning Authority to control traffic movements, in the interests of highway safety and the amenities of the occupiers of nearby premises.</p> <p>12. Prior to commencement of the development the areas for the purposes of loading/unloading, demolition/construction operations, parking for those employed within the site and the manoeuvring of vehicles visiting the site, shall be identified and submitted to and approved in writing by the Local Planning Authority and all these areas shall be clear of the public highway. Measures shall be provided to ensure no mud and/or debris is deposited on the public highway by any vehicle associated with the proposal.</p> <p>REASON: To enable the Local Planning Authority to ensure that appropriate facilities are available on the site, in the interests of highway safety and the amenities of the occupiers of nearby building.</p> <p>13. Prior to the commencement of the development the details of the number, location and design of powered two wheelers and bicycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be covered, secure, and convenient and provided prior to the occupation of the development and retained at all times.</p> <p>REASON: To enable the Local Planning Authority to ensure appropriate powered two wheeler and bicycle parking is provided, in the interests of reducing reliance on private cars and the promotion of sustainable transport measures.</p> <p>14. No occupation of the hotel and/or each of the office buildings shall commence until the vehicle parking area indicated on the approved plans associated with that part of the development, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays of dimensions in accordance with the policies of the Local Plan. The vehicle parking area shall be retained in this form at all times. The vehicle park shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.</p> <p>REASON: To enable the Local Planning Authority to ensure appropriate parking is provided in accordance with the adopted policies of the Rochford District Replacement Local plan.</p> <p>15. On commencement of the occupation of the hotel and/or each of the office buildings a Travel Plan Co-ordinator shall be appointed and within three months of the occupation of each development a Travel Plan, as detailed in the submitted Transport Assessment, shall be submitted to and approved in writing by the Local Planning Authority. The provision of the Travel Plan shall be adhered to at all times unless otherwise approved in writing by the Local Planning</p>
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	<p>Authority.</p> <p>REASON: To enable the Local Planning Authority to encourage the reduction in private car usage, in the interests of promoting sustainable transport measures.</p> <p>ALTERNATIVE RECOMMENDATION B:</p> <p>If the Environment agency are unable to withdraw their objection on or before 3 November 2008 officers recommend refusal for the reasons set out in the report, but would recommend, if Members are minded, the following informative to be attached to a decision of refused planning permission to make clear that Members are generally supportive of the application and would be minded to grant planning permission if it were not for the outstanding drainage issue.</p> <p>INFORMATIVE:</p> <p>The applicant is advised that Members, having considered the merits of the scheme, expressed general support for the application to which this decision relates. Were it not for the standing objections raised by the Environment Agency, which must be given weight and are a significant material consideration, the Council would have expected to grant planning permission for the development proposed. If the applicant can resolve the drainage issue to the satisfaction of the Environment Agency the Council would encourage the application to be re-submitted for re-consideration.</p> <p>And Further Informatives:</p> <ol style="list-style-type: none">1. The applicant is advised that the landscaping scheme should provide safe, suitable and legible pedestrian routes into and within the site and that such routes shall provide safe passage between all sections of the parking areas and the buildings.2. The applicant is advised that the consent of Anglian Water Services Ltd will be required under Section 106 of the Water Industry Act 1991, for the proposed connection to the public sewer.3. The applicants' attention is drawn to the fact that during the construction of the proposed development there is potential for nuisance to occur by way of noise, smoke, smell, etc. It is strongly recommended that steps are taken to prevent such nuisances arising, otherwise formal action may be taken under the Environmental Health legislation. These steps should include:-<ol style="list-style-type: none">(a) Ensuring that works of clearance or construction that are likely to generate noise at the boundary of the site are not carried out:-
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	<p>(i) outside the hours of 7.00 am to 6.00 pm Monday to Friday and 7.00 am to 2.00 pm Saturdays or;</p> <p>(ii) on Sundays and Bank Holidays.</p> <p>(b) Ensuring that during the clearance of the site and construction works, no waste materials are burnt on site.</p> <p>Advice on the control of nuisances is available from the Council's Head of Environmental Services.</p> <p>4. Attention is drawn under the provisions of Circular 21/87 (Development of Contaminated Land) that the responsibility for safe development and secure occupancy rests with the developer and the application has been determined on the basis of the information available to the Local Planning Authority at the date of determination of the application.</p> <p>5. Prior to the commencement of the permitted development, the applicant is advised to undertake a suitable and sufficient site investigation and any necessary risk assessment to ensure the land is free from significant levels of contamination. The Local Planning Authority should be given prior notification of any proposed remediation scheme.</p> <p>6. The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination. The applicant is responsible for the safe development and safe occupancy of the site.</p> <p>7. The applicants should be informed that planning permission does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required, as described in Part IV of the Circular 06/2005.</p> <p>8. The applicant should be made aware that any departure from the approved plan is likely to result in the development being unauthorised with the requirement for a further application to be submitted, which will be dealt with on a "without prejudice" basis. Early contact with the planning department where a change is contemplated is strongly advised although even minor changes are likely to require a new application.</p>
<p>Item R2 08/00677/FUL</p>	<p>Reference has been made to the submission of a petition objecting to the proposed development. In fact, a petition dated 24 July was handed to a Member and this was reported to and discussed at the West Area Committee meeting on 17 September 2008. For completeness, the petition received included 225 signatures from addresses including Eastern Road, Warren Close, Gladstone Gardens,</p>

	<p>Hollytree Gardens, Western Gardens, Kingswood Crescent, and Great Wheatley Road. Whilst the key focus of the petition was in relation to the principle of backland development, it also reflected an objection to the current application for two bungalows in the rear of 16-24 Kingswood Crescent.</p>
<p>Item R5 08/00785/FUL 28 Stambridge Road</p>	<p>6 Further letters have been received and which in the main make the following comments and objections in addition to those set out in the report:-</p> <ul style="list-style-type: none"> • Stambridge Road is characterised by houses – detached, semi and 1 and 2 storey. There are no flats. • The property should be retained as a house providing family accommodation. • Conversion would mean compliance with Building Regulations which would mean destroying part of the fabric of the building to install sound insulation between flats. • High windows overlooking. • Blocking light. • Concern at effect upon extremely busy road and traffic danger. • Volume of vehicles using the shared crossover with the adjoining site of 13 flats will be a hazard to pedestrians and in conflict with traffic at junction to Malting Villas. • Nice residential road will be spoiled with tall buildings. • Loss of quietness to back gardens arising from noise and disturbance as well as noise, light and traffic fume pollution from rear parking area proposed. • Rochford is becoming over-developed. • Will set precedent. • Flats not appropriate for the Stambridge Road/Mornington Avenue neighbourhood. • Adjoining house will suffer noise and disturbance via party wall with first floor flat lounge. • Side dormer out of character with street scene. • Additional area around the parking bays will be required in order that vehicles can manoeuvre. • Nothing to stop vehicles parking on the garden area. • Wooden fence will not be strong enough to prevent vehicle breaching boundary. • Proposed 8 foot fence will be oppressive. • The front garden hammerhead turning point will be too close to front door of flats and be a danger to those entering / exiting the property.