

<p>Item 5 190 London Road, Rayleigh 12/00363/FUL</p>	<p><b>Contents:</b></p> <ol style="list-style-type: none"><li><b>1. Additional Consultation Responses</b></li><li><b>2. Neighbour Representations</b></li><li><b>3. Letter from the Applicants in Response to Objections made by Arqiva</b></li><li><b>4. Revised Officer Recommendation</b></li></ol> <p><b>1. Additional Consultation Responses</b></p> <p><b>Essex County Council Urban Design/Public Realm</b></p> <p>Advise that the changes to the higher levels of affordable housing do not appear to be to the detriment of the design.</p> <p>Happy to suggest approval is recommended with regard to design.</p> <p>The approach into the site is now considered acceptable with trees on one side of the street providing a suitable greening of the street. We are happy with the shared space at the north of the loop, which now has an appropriate balance, meeting both landscape and parking requirements.</p> <p>With regard to linkages with surrounding are happy with the revisions, which include a new pedestrian link to the west (on the north side of the stream) and the potential for a new pedestrian link to the east in the vicinity of the stream.</p> <p>We are happy with the stream side space, previously dominated by parking that has now been re-designed with a much greater landscape emphasis.</p> <p>The revised provision of visitor car parking now appears acceptable.</p> <p>The external appearance of the houses and apartments has been improved and is now considered acceptable for the scheme.</p> <p>Understand the negotiated changes to meet the required standards has resulted in a loss of two units.</p> <p>Recommend that conditions are attached for subsequent approval of the landscape scheme and key external building materials (i.e. brick and roof tiles) with samples required as appropriate.</p> <p>Proposals for the following secondary frontage elevations should be re-submitted and approved showing additional and suitably designed windows/glazing to achieve an appropriate sense of activity, interest and self-policing with regard to adjoining areas of public/communal realm:-</p>
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<b>Plot</b>	<b>House Type</b>	<b>Elevation</b>
26	York	Side (NE)
32	York	Side (N)
14	Campbell B	Side (W)
91	Campbell B	Side (E)
97	Campbell B	Side (W)
34	Campbell C	Side (SE)
27	Egerton C	Side (E)
19	Montrose B	Side (E)
23	Ha 2BA	Side (N)
38&39	Apt1d	Rear & Side (N)
40&41	Apt1b	Side (W) & Rear
55&56	Apt1b	Side (N)
35	Egerton A	Front (bend)
15	Egerton C	Side (W)
1	Campbell A	Side ((E)
24	Ha3BE	Side (E)
63	Cavendish B	Side (N)
51&52	Apt1a	Side (NE)
47	Ha3BE	Side (NE)
46	Ha3BE	Side (SW)
62	Ha2BC	Side (W)
42&43	Apt1c	Side (N)

Details of all boundary walls, fences and gates adjoining/facing the public realm (streets and spaces), shall be submitted to and agreed by the Local Planning Authority prior to construction.

	<p>Eaves to all roofs shall be open with exposed rafter feet (rather than boxed) or have sloping soffits.</p> <p>Details of all facing materials and roofing materials to be used shall be submitted to and approved by the Local Planning Authority prior to construction.</p> <p><b>Essex and Suffolk Water</b></p> <p>Advise that our existing apparatus does not appear to be affected by the proposed development.</p> <p>There is an existing 100mm water supply that will require disconnection. We give consent to this development on the condition that water mains are laid on the site, and new water connections are made onto our company network for each new dwelling for revenue purposes.</p> <p><b>Sport England</b></p> <p>No comment to make.</p> <p><b>Essex Ecology Services Ltd.</b></p> <p>The application is a re-submission with the same accompanying ecological information, all of which remains satisfactory.</p> <p>The information includes a reptile survey that sets out a mitigation plan with a timescale that can no longer be met. Should consent be granted recommend a condition requiring an updated mitigation schedule to be submitted for approval and the mitigation completed before any work is carried out in the area of reptile habitat.</p> <p><b>Rochford District Council Consultant Arboriculturalist</b></p> <p>Advise there are trees on the site protected by Tree Preservation Order 11/11. Tree retention and protection measures to be adhered to as per the arboricultural report by DF Clark.</p> <p><b>2. Neighbour Representations</b></p> <p>Five letters have been received from the following addresses:-</p> <p>Arqiva Wireless House, Warwick Technology Park, Heathcote Lane, Warwick</p> <p>Weston Homes Parsonage Road, Takely, Essex.</p> <p>Aldermans Hill, Hockley: 29 (2 letters)</p>
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	<p>Hackamore Benfleet : 22</p> <p>And which in the main make the following comments and objections:-</p> <ul style="list-style-type: none"><li>○ We refer to the comments we made in relation to this previous application, which sought to protect the services that are hosted on our mast, which is situated within the development site. The reasons for refusal and the amendments made in the current application before you have no bearing on our interest, but we remain concerned to protect our site from interference.</li><li>○ You will recall that we cited a number of concerns that remain with the revised scheme, but suggested the imposition of conditions to address these. In the main, your report that recommended approval did not accept this approach. Whilst noting recommended condition 29, we can only conclude that our concerns would be largely unaddressed in any planning permission pursuant to the revised planning application.</li><li>○ In the circumstances, we refer you to the second bullet of paragraph 44 of the National Planning Policy Framework and stress that without adequate controls the development proposed does have the clear potential to interfere with the telecommunications services operated in the public interest on our site.</li><li>○ Having regard to paragraph 4.47 of your report into the previous application, we are therefore seeking to discuss with the developer alternative means of addressing our concerns, but until we have held such discussions and reached agreement, we hereby OBJECT to the development proposed on the basis that it has the potential to lead to the interference of important public telecommunications services that should be protected as a matter of national planning policy.</li><li>○ The proposal would result in the loss of community facilities in the form of the existing nursery school to be demolished and removed with no proposal for replacement. As such the proposal would conflict with Policy CLT 6 to the Rochford Core Strategy, which seeks to safeguard community facilities from development that will undermine their important role within the community.</li><li>○ The scheme is a large development on a site, which has a significant length of boundary to the Green Belt west of Rayleigh. That area has been identified in the adopted LDF Core Strategy for the provision of 550 dwellings north of London Road. Policy requires comprehensive planning and new infrastructure and services to accompany residential development inter alia <i>"...public transport infrastructure improvements ..including link between Rawreth Lane and London Road ...and ... link and</i></li></ul>
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	<p><i>enhancements to local pedestrian/cycling and bridleway network". The obvious location for the link is through the former E-on site using the existing junction with London Road that used to serve a massive office and car park. It is essential that the proposed spine road through the E-on site is 6.7m wide and extends up to the north eastern site boundary with no ransom strip being imposed.</i></p> <ul style="list-style-type: none"><li>○ The application, submitted after the application for the re-development of Timber Grove, proposes a pedestrian/cycle link to an inappropriate location with the Timber Grove scheme through a group of TPO'd trees. That route is poorly located running against a gable end wall where surveillance is likely to be poor.</li><li>○ The latest Timber Grove application shows a link that avoids the trees and can connect to the layout with modest adjustment. The application should therefore be revised accordingly.</li><li>○ Council records show the Mt. Carmel Messianic congregation were legitimately using the site having been granted D1 use. Object to D1 use being withdrawn. Whilst do not object to the development of the site for housing, this should not be at the expense of a community designated area. Policy CLT 6 was not mentioned in the previous officer report and this should be strongly adhered to and taken into consideration in the consideration of the new application.</li><li>○ There are errors to the previous application report. Page 4.3 paragraph 1.14 and should be corrected to say the nursery school has operated since 1991 (not 1994 as stated).</li><li>○ Previous Council officer had agreed verbally on a site visit made on 13 February 2006 that the original building could be used as a place of worship for weekly meetings and other church activities.</li><li>○ There should be a record of the original planning application for the first building for 36 place nursery made towards the end of 1990. This preceded the application for a 50 place nursery, which had the condition restricting the use to nursery attached.</li><li>○ There should also be a record of planning application no. 08/00655/FUL, which granted permission to construct a building for use as storage for play equipment and to play table tennis. These omissions from the planning history should be included to give Members a clearer picture of how the D1 use came about in two separate stages. It is the smaller building that has been used for church activities and not in breach of the consent, as claimed.</li></ul>
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- A shame that recorded files have been condensed. Have personal knowledge that the site was relied upon for community provision for development north of the site and fronting Grosvenor Road as I approached the developer over the plot that he was required to provide for D1 use and with a view to purchasing it and to transfer my nursery school in order to gain freehold possession. The developer, however, cited the existing facility in order to get the condition on his development removed. Feel it is very wrong of the Council to go against its own policy CLT 6 if it does not ensure there is a continuation of a suitable amount of land to remain within the designation of D1 community use within this overall planning application.

### **3. Letter from the Applicants in Response to Objections made by Arqiva**

Advise that Arqiva operates the telecommunications mast in the northern part, which they occupy with the benefit of a lease. The lease contains a number of clauses that safeguard Arqiva's interest. Paragraphs 42-46 of the NPPF provide advice as to the consideration of proposals for new or enlarged equipment. Paragraph 44 is not in our view relevant to the current circumstances. In considering applications for new masts, paragraph 46 advises:-

“Local Planning Authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system or determine health safeguards if the proposal meets International commission guidelines for public exposure.”

The applicants suggest the issue is whether the proposals provide for an appropriate level of amenity for future residents and whether the scheme, in terms of the siting of residential accommodation, meets the relevant guidelines. Arqiva was consulted at an earlier stage in the formulation of the scheme. The applicants understand that Arqiva has undertaken an on-site assessment of the proposals. In relation to operational matters, the proposals adhere to the terms of the lease with Arqiva and provide access and parking arrangements. Arqiva's interests are protected through the terms of the lease.

### **4. Revised Recommendation**

Is **APPROVAL**, subject to the legal agreement and conditions as set out in the report and to the additional condition below:-

34) Notwithstanding the application details, the applicant shall submit to the Local Planning Authority prior to the commencement of the

	<p>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 accord with such details as may be agreed.</p>
<p>Item 6  239-241  Eastwood  Road,  Rayleigh  12/00309/FUL</p>	<p><b>Contents</b></p> <p><b>1. Revised Plans Received</b></p> <p><b>2. Additional Information re: Specification of Air Conditioning Units, Condenser Units and Acoustic Fencing</b></p> <p><b>3. Revised Recommendation</b></p> <p><b>1. Revised Plans Received.</b></p> <p>Following publication of the officer recommendation, the applicant submitted revised plans, which remove the ATM from the proposal.</p> <p>The published officer report recommended refusal of the application on the basis of the proposed ATM and as this element has now been removed from the proposal, the officer recommendation has been revised to a recommendation for approval, subject to planning conditions as detailed at point 3 below.</p> <p><b>2. Additional Information re: Specification of Air Conditioning Units, Condenser Units and Acoustic Fencing</b></p> <p>Following publication of the officer recommendation, the applicant submitted specification details of the proposed equipment (air conditioning units and refrigeration condenser units) to be installed.</p> <p>The applicant also submitted details of sound absorbent panels, which they intend to use to clad the rear wall of the building onto which the equipment would be installed.</p> <p>The Council's Environmental Protection team has reviewed the additional information and recommend the following conditions be imposed on any consent to ensure that the equipment installed, together with the noise mitigation measures (which are likely to include sound absorbent cladding to the rear wall of the building and acoustic fencing), would not exceed a level of 30dB (LAeq, 1hour) at any point within 1 metre of the rear windows to properties directly adjacent to the site. It is their view that this planning condition would adequately control noise and ensure that the scheme meets the above level that was acknowledged as being required by the applicants in their submission.</p>

	<ol style="list-style-type: none"> <li>1. <i>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 L.P.A. before the machinery is installed or the opening formed. The equipment shall be installed or the openings formed as approved and shall be maintained in the approved form while the premises are in use for the permitted purpose.</i></li> <li>2. <i>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 L.P.A. The agreed measures shall be implemented as approved 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.</i></li> <li>3. <i>The external equipment installed, together with the noise management measures, as agreed in condition 2 above, shall not exceed a level of 30dB (LAeq, 1hour) at any point within 1 metre of the rear windows to properties directly adjacent to the site.</i></li> <li>4. <i>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 LPA. Where the level exceeds that required by condition 3 above, details of additional or alternative noise mitigation measures and/or alternative equipment shall be submitted to and agreed in writing with the LPA. 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 in accordance again with the requirements of condition 4.</i></li> </ol> <p><b>3. Revised Recommendation</b></p> <p>The recommendation is for <b>APPROVAL</b>, subject to the following planning conditions:-</p> <ol style="list-style-type: none"> <li>1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</li> <li>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.</li> <li>3. Prior to the commencement of use of the building as a convenience</li> </ol>
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	<p>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 LPA 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.</p> <p>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 LPA. 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.</p> <p>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, 1hour) at any point within 1 metre of the rear windows to properties directly adjacent to the site.</p> <p>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 LPA. 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 with the LPA. 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 LPA in accordance again with the requirements of condition 6.</p>
<p>Item 7  32 High Street,  Great  Woking  12/00095/COU</p>	<p><b>The following additional information was published on the addendum for the June 2012 Committee in relation to this item and is repeated again here for completeness.</b></p> <p><b>Contents:</b></p> <p><b>1. Officer Comment on the Petition</b></p> <p><b>2. Additional Consultation Response</b></p> <p><b>3. Conclusion</b></p>

	<p><b>1. Officer Comment on the Petition</b></p> <p>Members are advised that the petition received was headed with the following wording - Petition Against Hot Food Outlet at 32 High Street Great Wakering. This wording may have misled those who signed the petition into believing the proposal was for a Class A5 hot food takeaway and not for the proposed Class A3 restaurant/café use.</p> <p><b>2. Additional Consultation Response</b></p> <p>The Council has been informed of the existence of a potential purchaser of the property who states that they have made an offer on the property subject to the exchange of contracts. The intended use is an office for an accountant and this would not require a planning consent. The upstairs flat would be rented out.</p> <p>The solicitor acting for the potential purchaser would like to add it is understood that the application is being considered partly on the basis that the property has been empty for some time and that no other use can be found for it, unless a change of use is granted. The solicitor states that for the avoidance of doubt the client is ready to proceed with the purchase of the property, subject to contract, for the continuation of its present use.</p> <p><b>3. Conclusion</b></p> <p>The officer recommendation remains a <b>RECOMMENDATION FOR APPROVAL</b> as reported.</p>
<p>Item 10 (1)  Unwins Wine Merchants 249 Ferry Road, Hulbridge.</p>	<p><b>1. Neighbour Representations</b></p> <p>One letter has been received form the following address:-</p> <p>Rear of 172 Ferry Road</p> <p>And which in the main makes the following comments in support of the application:-</p> <ul style="list-style-type: none"> <li>○ A dog grooming service in Hullbridge would be welcome to a large percentage of Hullbridge residents. There are lots of dogs in the village, many of whom belong to "older" people who would welcome the service within walking distance.</li> <li>○ How can we worry about loss of retail when we have so many fast food places here and a shop near the fish and chip shop (formerly a charity shop) still sitting empty.</li> </ul>

