

Development Committee – 17 March 2016

Minutes of the meeting of the Development Committee held on **17 March 2016** when there were present:-

Chairman: Cllr C G Seagers
Vice-Chairman: Cllr M R Carter

Cllr T G Cutmore
Cllr J Hayter
Cllr G J Ioannou
Cllr D Merrick

Cllr S P Smith
Cllr M J Steptoe
Cllr I H Ward

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs C I Black, Mrs H L A Glynn, Mrs C M Mason and J R F Mason.

SUBSTITUTE MEMBERS

Cllr J L Lawmon - for Cllr Mrs H L A Glynn
Cllr Mrs D Hoy - for Cllr Mrs C M Mason
Cllr M Hoy - for Cllr J R F Mason

NON-MEMBERS ATTENDING

Cllr Mrs B J Wilkins

OFFICERS PRESENT

C Lyons - Assistant Director, Planning Services
A Law - Assistant Director, Legal Services
K Rodgers - Team Leader (Area Team South)
E Thorogood - Assistant Planner
L Spicer - Senior Communications Officer
S Worthington - Committee Administrator

PUBLIC SPEAKERS

N Diamond - for item 6

64 MINUTES

The Minutes of the meeting held on 25 February 2016 were approved as a correct record and signed by the Chairman.

65 15/00781/OUT – LAND EAST OF RUGBY CLUB, AVIATION WAY, ROCHFORD

The Committee considered an outline application with all matters reserved apart from access to the site off Cherry Orchard Way to create a business park to comprise use classes B1 (business), B2 (general industrial) and

ancillary uses to include A1 (retail), A3 (restaurants/cafés), A4 (drinking establishments), C1 (hotel), D1 (non-residential institutions), D2 (assembly and leisure) and B8 (storage and distribution) and to provide hard and soft landscaping and to demolish the existing rugby club and associated works.

It was noted that a further appendix to the officer's report had been circulated to the Committee setting out revised details of section 106 infrastructure requirements sought in relation to the proposed development.

Resolved

That the application be approved, subject to the recommended heads of conditions and heads of terms of the proposed s106 legal agreement, as follows:-

Heads of Terms of Section 106 Legal Agreement

- 1 Early years and childcare – there is a requirement to provide 192 places for the future employees at this site. The method of delivery has been set out by Essex County Council. This will either be through on site delivery of a facility or a commuted sum to allow for provision off site. The delivery mechanism will be dependent on quantum of floor space and levels of occupancy and commercial viability.
- 2 Sustainable transport and infrastructure
 - (i) The provision of a bus service to serve the site. There have been discussions with Essex County Highways and the developer with regard to the potential to provide a contribution to an improved bus service to support sustainable transport within this area. The developer has agreed, subject to onward negotiations with the Highway Authority to provide a contribution to the delivery of this, dependent on quantum of floor space and levels of occupancy.
 - (ii) Provision of infrastructure for the future bus service. The developer has agreed to provide within the application site two bus stops, shelters and seating. The delivery will be dependent upon the quantum of floor space and levels of occupancy.
 - (iii) Provision of safe cycle and walkways to the site. The developer has agreed to contribute to deliver (by financial contribution) part of the Greenway Network (as set out in the London Southend Airport and Environs Joint Area Action Plan – Walking and Cycling 'Greenway Network' – Linking the Community – dated December 2015. This will include delivery of part of the Saxon Greenway and part of the Cherry Orchard Greenway Network.

- 3 Infrastructure improvements to Cherry Orchard Park Environment. The developer has agreed to provide a contribution towards the provision of a car park, provision of parking meters and installation of utilities (foul sewage and electricity) at Cherry Orchard Jubilee Country Park.
- 4 The developer has agreed to deliver a new access from the roundabout to the Cherry Orchard Jubilee Country Park, including a new spur road into the park or make a full contribution towards these works.
- 5 Sustainable urban drainage. The developer has agreed to deliver the following:-
 - (i) Provision and maintenance in perpetuity in accordance with the agreed maintenance plan, including who is responsible for the different elements of the surface water drainage system and the maintenance activities/frequencies.
 - (ii) Provision of an adopting body responsible for the maintenance of the surface water drainage system to be required to record yearly logs of maintenance and these are to be made available for inspection upon request by the Local Planning Authority.
- 6 The developer has agreed to provide 'strategic green space', as set out within the Master Plan and relevant planning conditions; this is to be maintained through an agreed maintenance plan in perpetuity.
- 7 In collaboration with Sport England, the developer and Westcliff Rugby Club the following clauses have been agreed:-
 - (i) The submission and approval by RDC (in consultation with Sport England) of a completed lease agreement and relocation agreement to deal with tenure, maintenance and management arrangements between Southend B.C. and Westcliff Rugby Club for the replacement rugby club site (pitches, club house, parking) to RDC that would be based on Southend-on-Sea B.C.'s proposed heads of terms as a minimum and Westcliff Rugby Club's proposed heads of terms as a maximum, but allow for an iteration that falls within the minimum and maximum. Where agreement between Southend B.C. and Westcliff Rugby Club cannot be reached a mechanism will be in place to appoint a RICS accredited expert. The completed lease agreement and relocation agreement will need to be submitted to and approved prior to commencement of development to the existing pitches or club house, save for that part of the site indicated for construction of the spine road, as detailed on drawing number A_8217 Revision B.

- (ii) The replacement rugby pitches, club house and parking, as approved under 15/00776/OUT and the subsequent Reserved Matters consents relating to this, shall be constructed and be available for use prior to the commencement of the development on any part of the existing rugby club site, including the existing rugby pitches, club house and parking, save for that part of the site indicated for construction of the spine road, as detailed in drawing number A_8218 Revision B.
 - (iv) Details of alternative playing pitch provision for Westcliff Rugby Club during the construction period, prior to the commencement of the development to construct the spine road, including location, facilities available and implementation proposal, shall be submitted to and approved by the Local Planning Authority. If an alternative option cannot be provided with best endeavours the developer agrees a fall back financial contribution to cover additional pitch provision.
- 8 The developer has agreed to the provision and implementation of a travel plan, including payment of a £3000 travel plan monitoring fee to Essex County Council as Highway Authority. The developer has agreed, subject to reasonable endeavours, to deliver a number of sustainable business start up or small business units within the application site.

Heads of Conditions

- (1) No development shall commence, save for construction of that section of the spine road as shown on Drawing Number 0688 A _2103 Rev C, until plans and particulars showing precise details of the layout, scale, design, external appearance, access (save for vehicular access to the site as shown on the approved plan Drawing Number 0688 A _2103 Rev C) and landscaping of the site, (herein after called the "Reserved Matters"), 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 for approval 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" shall be made to the Local Planning Authority before the expiration of five years from the date of this planning permission.
- (3) The development hereby approved shall be constructed in strict accordance with the following approved plans; Drawing References 0688 A_0100 Rev D and 0688 A _2103 Rev C.

- (4) Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.
- (5) No unbound material shall be used in the surface treatment of the vehicular access within 30 metres of the highway boundary.
- (6) There shall be no discharge of surface water onto the highway.
- (7) 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. 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
 - iv. wheel and underbody washing facilities
- (8) The public's rights and ease of passage over public footpaths and bridleways within the development site shall be maintained free and unobstructed at all times. Diversions shall require the appropriate order securing the diversion of the existing definitive right of way to a route agreed with the Local Planning Authority, the new route shall be constructed to the satisfaction of the Local Planning Authority.
- (9) Prior to commencement of development the new roundabout on Cherry Orchard Way at a location as shown in principle on Vectos General arrangement Drawing No. 141407/A/03 REV D or future revision and include provision for existing PROW in the vicinity of the site, shall be constructed to the satisfaction of the Local Planning Authority in consultation with the Highway Authority and be provided entirely at the developer's expense.
- (10) Prior to the first occupation of any business premises within the site or prior to first use of the new rugby pitches and or clubhouse, whichever is earlier, details of proposed signage to encourage traffic to turn left on leaving the business park onto Cherry Orchard Way to use the strategic highway network shall be submitted to and approved in writing by the Local Planning Authority and the agreed signage shall have been provided.

- (11) No works shall commence to facilitate the development hereby approved (including any ground works), until sub conditions 2 to 4 below have been complied with in full. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

2. Submission of Remediation Scheme

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. Implementation of Approved Remediation Scheme

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. 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.

4. Reporting of Unexpected Contamination

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 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2 "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 3 "Implementation of Approved Remediation Scheme".

5. Validation Certificate

Prior to first use of the clubhouse hereby approved and the provision of any services, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 2 "Submission of Remediation Scheme" above.

This certificate is attached to the planning notification.

- (12) The road link from the site to the northern boundary adjoining Area 1 of the business park as identified on the JAAP Proposals Map and shown on Drawing Number 0688 A _2103 Rev C shall be completed such that it would directly adjoin the boundary with the adjoining site prior to the first occupation of any premises at the site.
- (13) All buildings within the site shall achieve a BREEAM rating of 'excellent' unless this could not be achieved for reasons of viability in which case details of the BREEAM rating that can be achieved including details to demonstrate the viability case to demonstrate why the 'excellent' rating cannot be achieved shall be submitted to and approved in writing by the Local Planning Authority. If an alternative BREEAM standard is approved for any building this shall be met.
- (14) Class B1 shall be the principal use on the site, as such the following uses shall not exceed the total gross (with the exception of A1 which would be net) internal floor space stated, unless otherwise agreed in writing by the Local Planning Authority;
 - (i) Class B2 shall not exceed 32,250 square metres.
 - (ii) A1 (retail) shall be limited to small scale convenience retail to a maximum total gross internal floor space of 1000 square metres.
 - (iii) C1/D1 should not exceed 4896 square metres gross.
 - (iv) Uses within Use Classes A3, A4, D1 and B8 at the site shall cumulatively not exceed 7078 square metres and individually each of these proposed uses (save for any C1 use) shall not exceed a total gross internal floor space of 1000 square metres.
- (15) The road through that part of the site as shown on drawing Number 0688 A _2103 Rev C shall be designed and constructed in accordance with the principles as set out in the Landscape Design Code dated October 2015 (including both road links to the north; to the brickworks site and relocated rugby pitch site) including the provision of street

trees, footpath, hedges 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.

- (16) The green spine, as set out in the Landscape Design Code October 2015, shall be designed in detail to accord with the principles as set out in this aforementioned document and be proposed in detail at a minimum width of 18 metres measured from the western edge of the existing hedgerow. The hard and soft landscaping as agreed for the green spine shall be delivered including completion of the footpath, tree, shrub and hedge planting and provision of seating and lighting (where applicable) to be delivered in a phased arrangement in conjunction with development within the phase adjacent or 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 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.

- (17) The green ribbon, as set out in the Landscape Design Code October 2015, shall be designed in detail to accord with the principles as set out in this aforementioned document and be proposed in detail at a width equal to that shown (average) on the indicative layout Drawing Number A_2000 Revision P along its length. The hard and soft landscaping as agreed for the green ribbon shall be delivered across the full width of the site east to west including completion of the footpath, tree, bridge crossing of the green spine, shrub and hedge planting and provision of seating and lighting (where applicable) to be delivered in a phased arrangement in conjunction with development within the phase adjacent or 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 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.

- (18) An area of public realm in the central area of the site as set out in the Landscape Design Code October 2015 shall be designed in detail to accord with the principles as set out in this aforementioned document and be proposed in detail with an area equal to that as shown on the indicative layout Drawing Number A_2000 Revision P. The public realm shall be delivered including completion of the footpaths, paved areas, tree, grass and other planting and provision of seating and lighting (where applicable) prior to the first occupation of the centrally positioned building within the area as set out as the central hub in the aforementioned Design Code or as otherwise agreed in writing by the Local Planning Authority.
- (19) All Reserved Matters applications shall accord with the principles of design as set out in the Landscape Design Code and Design Code October 2015 and in addition shall ensure that elevations of buildings that would face green spaces containing footpaths are fenestrated. Details of how the requirements of these have been taken into account in the design of the Reserved Matters applications submitted with each Reserved Matters application.
- (20) The replacement rugby pitches shall be constructed in accordance with the proposals in the TGMS Feasibility Study (TGMS feasibility study for the construction of winter sports pitches for Westcliff RFC on land off Aviation Way, Southend-on-Sea - 26 June 2015 [Rev 2 02/02/2016]) and any subsequently approved (by submission to and approval in writing by the Local Planning Authority) construction specification and implementation programme.
- (21) Prior to the erection of any lighting at the site details of proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. Details should demonstrate accordance with design principles and considerations as per guidelines from the Bat Conservation Trust as set out at 6.1.2 of the Ecological Appraisal and Protected Species Surveys October 2015 report accompanying the planning application and achieve compliance with CAP 168.
- (22) Prior to the commencement of development within each phase (equating to a Reserved Matters application site area) a surface water drainage scheme for the phase, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme as agreed shall be

implemented concurrently with the development within the phase to which it relates to ensure that each premises is served by a properly functioning surface water drainage system prior to first use and that the scheme is completed in its entirety prior to the first use of the last premises to be constructed within the phase to which the scheme relates. The scheme shall:-

- Limit the discharge from the site to 24.2l/s and provide details of the device(s) that shall be installed to achieve this.
 - Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change. Provide calculations to demonstrate that the proposed surface water management scheme has been adequately sized to accommodate the critical duration 1 in 100 year rainfall event, including allowances for climate change.
 - Provide the necessary number of treatment stages associated with each element of the development.
 - Provide plans and drawings showing the locations and dimensions of all aspects of the proposed surface water management scheme. The submitted plans should demonstrate that the proposed drainage layout will perform as intended based on the topography of the site and the location of the proposed surface water management features. In addition, full design details, including cross sections of any proposed infiltration or attenuation features, will be required.
 - Incorporate the SUDS "Management Train" and ensure all features are designed in accordance with CIRIA (C697) The SUDS Manual so ecological, water quality and aesthetic benefits can be achieved in addition to the flood risk management benefits. In addition, the maintenance requirements for the SUDS element of the proposed surface water drainage system should be formulated as per the recommendations within the CIRIA SUDS Manual (C697).
 - Provide a Sustainable Urban Drainage System Management Plan which shall detail the proposed management and maintenance regime for the surface water drainage scheme for the lifetime of the proposed development.
 - Confirm that the receiving water course (River Roach tributary) is in a condition to accept and pass on the flows from the discharge proposed.
- (23) The development hereby permitted shall not be commenced until such time as a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has

been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

- (24) No development or preliminary ground works can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in a mitigation strategy, and which has been signed off by the Local Planning Authority through its historic environment advisors.

The applicant will submit to the Local Planning Authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

- (25) No ground work or development shall take place within any phase (with a phase equivalent to a Reserved Matters application submission) until a tree protection plan and method statement in accordance with BS5837:2012 has been submitted to and approved in writing by Rochford District Council for that phase taking account of trees within the phase or whose roots protection area lies in any part within that phase. Tree protection measures, as agreed shall be implemented prior to commencement of ground works within the relevant phase and the agreed method statement shall be complied with throughout the construction period.
- (26) A green planted buffer of a width of at least 18 metres measured from the curtilage boundary shall be provided to the eastern, northern and southern boundaries of Cherry Orchard Farmhouse. Details of the proposed tree planting shall be submitted to and agreed in writing by the Local Planning Authority prior to planting which shall be undertaken in accordance with the agreed details within the first planning season following commencement of development on the site of the existing rugby club and pitches as shown on Drawing A_8217 Revision B.

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.

- (27) A Dust Management Plan shall be submitted to and agreed in writing with the Local Planning Authority before the commencement of works and shall be implemented in full for the duration of the construction works.

- (28) A survey for breeding birds shall be carried out at the site in the appropriate season in 2016 and the results submitted to and agreed in writing by the Local Planning Authority. Skylark nesting plots shall be created (and confirmation provided of their provision) on adjoining farmland in accordance with the details that shall have been previously submitted to and agreed in writing by the Local Planning Authority prior to commencement of ground works at the site unless the LPA confirm that this provision is no longer required as a result of the survey work undertaken.
- (29) Submission and approval of a car parking management strategy (or scheme) for Westcliff RFC prior to commencement of development to existing pitches or club house, save for that part of the site indicated for construction of the spine road, as detailed on drawing Number A_8217 Revision B and for the approved strategy to be implemented. The strategy should include proposals for addressing the club's parking requirements when the relocated rugby club facilities are completed, a monitoring and review mechanism and proposals for a forum of key stakeholders to oversee the implementation and monitoring of the strategy.
- (30) 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 change of use.

INFORMATIVES

No A1, A3, A4, D1 or D2 development or a hotel (C1) with over 90 beds shall be sited in the consultation zone of the adjoining Major Hazard Site, as shown on the map of such attached to the Health and Safety Executive's consultation response on the application 15/00781/OUT.

66 15/00144/OUT – 27-29 ELDON WAY, HOCKLEY

The Committee considered an outline application to demolish warehouse units 27, 28 and 29 and construct a three storey building incorporating 5 no. retail units and up to 20 flat (8 no. two-bedroomed and 12 no. one-bedroomed) and associated parking, all matters to be reserved (re-submission following the refusal of application reference 13/00351/OUT.)

Resolved

That the application be approved, subject to the following s106 agreement and heads of conditions:-

Heads of Terms of Section 106 Legal Agreement

- 1 Contribution of £14,875 towards new and improved pedestrian links, as identified in the Hockley Area Action Plan.
- 2 Contribution of £38,250 towards public realm enhancement in the Eldon Way Opportunity Site, as identified in the Hockley Area Action Plan.
- 3 Affordable housing – 35% comprising a split of 70% social rent and 30% intermediate rent.

Heads of Conditions

General

- (1) Time Limit – Reserved Matters
- (2) No development shall commence before details of Reserved Matters have been submitted to and approved by the Local Planning Authority.

Layout and Design

- (3) Materials to be agreed.

Highways and Parking

- (4) Existing redundant accesses to be suitably and permanently closed incorporating reinstatement of the highway footway/kerb way.
- (5) Parking spaces should measure 2.9m x 5.5m.
- (6) Location and details of the powered two wheeler parking bays and cycle parking facilities to be agreed with the Local Planning Authority.
- (7) Construction Method Statement to be agreed.
- (8) Travel plan to be monitored by the Local Planning Authority.

Retail

- (9) The retail units proposed to be restricted to A1, A2 and A3 uses only.

Ecology and Arboricultural

- (10) Tree protection required during construction.

Noise Pollution

- (11) Prior to commencement, an acoustic report should be submitted to and agreed in writing by the Local Planning Authority, subject to consultation with the Environmental Protection Unit to ensure it meets acceptable standards.

Technical Housing Standards and Renewable Energy

- (12) Technical Housing Standards to be adhered to for each unit.

Reason: The application is granted approval for up to 20 flats, subject to the Technical Housing Standards being met. Where the Technical Housing Standards cannot be met for any one unit, a reduction in total units would be required in order to ensure the standards are met.

- (13) Water efficiency measures to be agreed.
- (14) Energy Performance measures to be agreed.
- (15) Details of 10% renewable energy to be agreed.

Flooding

- (16) Detailed surface water drainage scheme to be agreed.
- (17) Scheme to minimise off site flooding caused by surface water run off during construction works to be agreed.
- (18) Maintenance plan for surface water drainage scheme to be submitted and agreed by the Local Planning Authority. (ADPS)

The meeting closed at 8.25 pm.

Chairman

Date

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