

Development Committee – 19 November 2015

Minutes of the meeting of the Development Committee held on **19 November 2015** when there were present:-

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

Cllr J Hayter

Cllr Mrs C M Mason

Cllr J R F Mason

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, T G Cutmore, Mrs H L A Glynn and G J Ioannou.

SUBSTITUTE MEMBERS

Cllr Mrs J R Lumley – for Cllr T G Cutmore

Cllr Mrs C A Weston – for Cllr Mrs H L A Glynn

Cllr Mrs J A Mockford – for Cllr G J Ioannou

NON-MEMBERS ATTENDING

Cllrs J C Burton, R A Oatham; Mrs M H Spencer; D J Sperring; Mrs B J Wilkins.

OFFICERS PRESENT

S Scrutton	- Director
A Law	- Assistant Director, Legal Services
C Lyons	- Assistant Director, Planning Services
M Stranks	- Team Leader (Area Team North)
S Worthington	- Committee Administrator

PUBLIC SPEAKERS

C Francis - Agenda item 7

D Davies - Agenda item 7

227 MINUTES

The Minutes of the meeting held on 17 September 2015 were approved as a correct record, subject to deletion of 'K Rodgers' under 'Officers Present' and signed by the Chairman.

The Minutes of the meeting held on 30 September 2015 were approved as a correct record and signed by the Chairman.

Cllr Mrs C M Mason moved a motion, seconded by Cllr J R F Mason that the words 'namely from 80% social rented and 20% intermediate affordable

housing to 70% social rented and 30% intermediate affordable housing' be inserted in the second line of minute 201/15 after ...'affordable housing tenure' into the Minutes of 13 October and this was approved on a show of hands. The Minutes of the meeting of 13 October 2015 were approved as a correct record, subject to this amendment, and signed by the Chairman.

228 DECLARATIONS OF INTEREST

Cllrs I H Ward, Mrs M H Spencer, D J Sperring and J C Burton declared a non-pecuniary interest in item 7 of the Agenda relating to application 15/00379/OUT – site of Bullwood Hall, Hockley by virtue of membership of Rayleigh Town Council.

Cllr J C Burton also declared a disclosable pecuniary interest in item 8 of the Agenda relating to application 15/00703/FUL – 11 Crown Hill, Rayleigh by virtue of being the applicant and left the Chamber before debate of that item.

229 15/00599/FUL – POND CHASE NURSERY, FOLLY LANE, HOCKLEY

It was noted that the above application had been withdrawn from the Agenda for this meeting.

230 15/00379/OUT – SITE OF BULLWOOD HALL, BULLWOOD HALL LANE, HOCKLEY

(Note: Cllr S P Smith declared a non-pecuniary interest in this item by virtue of his employment at Sweyne Park School and Cllrs D J Sperring and Mrs J R Lumley also declared a non-pecuniary interest by virtue of being governors of Edward Francis Primary School.)

The Committee considered an outline application to demolish existing prison complex buildings, convert Bullwood Hall into a terrace of three houses incorporating an extension, and provide a residential development of 60 no. dwellings and alterations to the access and access road.

It was noted that an additional letter had been received from a resident, which was read out to the Committee.

During debate of the application Members emphasised that they did not take issue with the concept of a residential development on this site; however, concern was expressed about access arrangements, given the narrow nature of Bullwood Hall Lane, particularly in its central section. Particular safety concerns were expressed in relation to pedestrian school children sharing the narrow central section of the access road with vehicles.

Members were concerned that the existing single track access road was too narrow to accommodate any vehicles entering and exiting the site and felt that condition 17 should be amended in light of this. They also considered that there would be merit in restricting the delivery hours of delivery vehicles to not

occur during school run times when traffic in Hockley Road was heavy, by way of an additional condition.

In response to concern raised by Members relating to the lack of financial contribution for primary and secondary places, the Chairman confirmed that he would raise this matter with the County Council outside the meeting.

Resolved

That the application be approved, subject to the completion of a legal agreement under Section 106 of the Act for the heads of terms set out below and to the heads of conditions set out further below, subject to any reasonable changes the Council's Director shall deem fit.

Heads of Terms

- a) Footpath contribution - to create a public footpath from the development to the edge of the woodland (approximately 150 metres);
- b) Provision of Public Open Space (children's play area including six 'experiences,' i.e. natural play, logs, rocks, play equipment) and maintenance;
- c) Transfer of Whitbread Woods to Rochford District Council;
- d) Healthcare Contribution of £19,740;
- e) Affordable Housing (35% provision) review of tenure delegated;
- f) Childcare Contribution of £47,185 Index linked to April 2015 costs;
- g) Provision of refuse bins (60 units x £168 = £10,080);
- h) Prior to occupation of the proposed residential development, the developer shall provide and implement a residential Travel Plan including payment of a £3000 Travel Plan Monitoring fee to ECC. The plan is to be monitored annually, with all measures reviewed to ensure targets are met;
- i) Provision for maintenance and management of open areas of the site.

Heads of Conditions

Reserved Matters

1. With the exception of demolition and remediation, no development shall commence until plans and particulars showing precise details of the layout, scale, design, appearance, provision of affordable housing 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.

Timeframe for Reserved Matters

2. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Approved Plans

3. The development shall be implemented in accordance with the approved plans such as they relate to the outline permission hereby granted notwithstanding the consideration of the necessary reserved matters in condition 1 above:-

Site location plan as received on 8 June 2015

Illustrative layout plan Drawing No. Sk3b dated 13/05/15

General arrangement highway boundaries Drawing No. 002 Rev. A06

Measured Building Drawing No. ENC/250115-9R4 dated January 2015

Roof and section Drawing No. ENC/250115-9R4 dated January 2015

Elevations Drawing No. ENC/250115-9R4 dated January 2015

Bullwood Hall ground floor plan showing conversion of no number but received 8 June 2015.

Bullwood Hall first floor plan showing conversion of no number but received 8 June 2015.

Bullwood Hall ground second plan showing conversion of no number but received 8 June 2015.

Ecological Recommendations and Mitigation

4. The development hereby approved shall be implemented in accordance with the recommendations and ecological measures outlined within the Ecological Assessment by messrs. Ecology solutions dated June 2015 (Reference 6439.EcoAs.vf2). Further survey work and licensing procedures are to be submitted to and approved by the Local Planning Authority at the appropriate time prior to the commencement of any construction work that could have an adverse or illegal impact on the species of protected species population. All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority. The works shall be carried out prior to the occupation of any part of the development.

Ecological Buffer

5. The existing outer wooden fence shall be retained to provide a buffer between the development boundary and the extent of the adjoining ancient woodland. The buffer shall be retained as semi natural habitat.

Submission of Details for Biodiversity Enhancements

6. The reserved matters required by condition 1 above shall include details of the design and siting of features for the enhancement of biodiversity of the site, such as provision of bird nesting boxes and bat roosting opportunities.

Provision of Replacement/Replanting and Siting of Gates to “Whitbreads”

7. Prior to the commencement of the highway works hereby approved the applicants shall submit a scheme to the Local Planning Authority setting out details and methodology for the provision of replacement/replanting of the hedging to be re-sited to the curtilage of “Whitbreads” and siting of gates to “Whitbreads”. Those details as may be agreed shall be implemented prior to commencement of highway works adjoining “Whitbreads”.

Scheme for Mitigation Against Listed Buildings

8. Prior to the commencement of the development the applicants shall submit details to the Local Planning Authority to mitigate the effects upon Listed Buildings fronting the site access road from construction traffic associated with the development. Such details shall include the designation and management of large vehicle passing places so as to minimise the risk of such vehicles reversing and leading to building strike, installation of monitors to Listed Buildings to monitor building movement and limitation as to size/weight of vehicles passing in close proximity to Listed Buildings. The development shall be implemented in accordance with such details as may be agreed.

Construction Management

9. No development shall take place 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

Contamination

10. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. 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.

1. Site Characterisation

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;
- (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'*.

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 (referred to in PPS23 as a validation 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 in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, 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.

Arboricultural Requirements

11. No [works or] development shall take place until a full arboricultural survey and report in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The report shall include the following:-
 - a) a plan that shows the position, crown spread and root protection area in accordance with section 5.5 of BS5837:2012 of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on the plan.

- b) details of each surveyed tree in a separate schedule in accordance with section 4 of BS5837:2012
- c) a schedule of tree works for all the retained trees specifying pruning and other remedial or preventative work. All tree works shall be carried out in accordance with BS3998:2010.
- d) details and positions of the ground protection in accordance with section 2 of BS5837:2012.
- e) details and positions of Tree Protection Barriers identified separately where required for different phases of construction work [e.g. demolition, construction, hard landscaping] in accordance with section 6.2 of BS5837:2012. The Tree Protection Barriers shall be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
- f) details and positions of the Construction Exclusion Zones in accordance with section 6.2 of BS5837:2012.
- g) details and positions of the underground service runs in accordance with sections 4.2 and 7.7 of BS5837:2012.
- h) details of any changes in levels or the position of any proposed excavations, including those on neighbouring or nearby ground in accordance with paragraph. 5.4.2 of BS5837:2012.
- i) details of any special engineering required to accommodate the protection of retained trees [e.g. in connection with foundations, bridging, water features, surfacing] in accordance with section 7.5 of BS5837:2012.
- j) details of the methodology to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of retained trees.
- k) details of the methodology to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of “No-Dig” construction.
- l) details of the methodology to be employed for the access and use of heavy, large, difficult to manoeuvre plant [including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc] on site.
- m) details of the methodology to be employed for site logistics and storage, including an allowance for slopes, water courses and

enclosures, with particular regard to ground compaction and phototoxicity

- n) details of the method to be employed for the stationing, use and removal of site cabins within any root protection areas in accordance with section 6.2 of BS5837:2012.
- o) details of tree protection measures for the hard landscaping phase in accordance with section 5.6 of BS5837:2012.
- p) the timing of the various phases of the works or development in the context of the tree protection measures.

Submission of Surface Water Drainage Scheme

12. With the exception of demolition and remediation, prior to the commencement of the construction of the development approved by this planning permission, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, should be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-

- Infiltration testing in line with BRE 365 and contamination testing of made ground on site. If infiltration is found unviable, run off rates for all storms up to the 1 in 100 inclusive of climate change should be limited to equivalent green field rates.
- Storage that contains the 1 in 100 year event inclusive of climate change and urban creep.
- An appropriate level of treatment for all run off leaving the site in line with table 3.3 of the CIRIA SuDS Manual.
- Appropriate re-profiling of the site to minimise ponding on site.
- Seasonal ground water testing.
- Details of the future adoption and maintenance of the proposed surface water scheme for the lifetime of the proposed development.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Archaeology

13. Archaeological evaluation by trial trenching shall be undertaken by the applicant or successor in title prior to the submission of any detailed layout proposals. A report of the trial findings shall be submitted to the Local Planning Authority with the reserved matters application. This work shall be undertaken to the standards required by the Local

Planning Authority and specified in an archaeological brief issued by the Local Planning Authority acting through its historic environment advisers (Essex County Council Historic Environment Advisers).

14. An archaeological mitigation strategy detailing the excavation strategy shall be agreed with the Local Planning Authority through its historic environment advisers and submitted with the reserved matters applications.
15. No development or preliminary ground works can commence until the satisfactory completion of field work, as detailed in the mitigation strategy, and signed off by the Local Planning Authority through its historic environment advisers.
16. The applicant will submit to the Local Planning Authority a post-excavation assessment (to be submitted within six months of the completion of field work, 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 a registered museum, and submission of a publication report (to be completed within two years of the completion of field work, unless otherwise agreed in advance with the Planning Authority, through its historic environment advisers).

Highways – New Junction

17. Prior to commencement of the development the proposed junction improvements, as shown in principle on Waterman Drawing CIVSA90002 RevA06, shall be provided entirely at the developer's expense. The junction, at its centre line, shall be provided with a visibility splay with dimensions of 2.4m metres by 81 metres to the west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splay shall be provided before the junction is first used by vehicular traffic and retained free of obstruction above 600mm at all times.

Highways – Lane Improvements

18. Prior to commencement of the development, except for demolition and remediation, the proposed Bullwood Hall Lane improvements including localised widening, as shown in principle on Waterman Drawing CIVSA90002 RevA06, shall be provided entirely at the developer's expense and include the provision of a shared cycle/footway along the eastern side of the carriageway and shall be a minimum of 3 metres wide, commencing to the south of Maryon House and provide a dedicated link to the proposed development.

Highways – Delivery Times

19. Delivery vehicles shall not access or exit the site between the hours of 0800 - 0930 and 1430 - 1530.

Highways – Discharge of Surface Water

20. With the exception of demolition and remediation, prior to 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.

Highways – Surfacing Materials

21. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Existing PROW

22. The public's rights and ease of passage over public footpath No. 3 (Hockley) running into No. 49 (Rayleigh) shall be maintained free and unobstructed at all times. Any alteration shall require an order securing the diversion of the existing definitive right of way to a route to be agreed with the Local Planning Authority has been confirmed and the new route has been constructed to the satisfaction of the Local Planning Authority.

Highways – Estate Roads

23. With the exception of demolition and remediation, 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.

Car Parking Spaces to Preferred Standard

24. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Garage Spaces to Preferred Standard

25. All single garages should have a minimum internal measurement of 7m x 3m. All double garages should have a minimum internal measurement of 7m x 5.5m. All tandem garages should have minimum internal measurements of 12m x 3m.

Sustainable Transport Travel Information Pack

26. The developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for every household for sustainable transport, to include six one day travel vouchers for bus travel approved by Essex County Council.

Submission of Play Equipment Details

27. The reserved matters in condition 1 above shall include precise details of the play equipment to be provided at the play space to serve the development. The development shall be implemented in accordance with such details as may be agreed.

Elevations Bullwood Hall

28. With the exception of demolition and remediation, notwithstanding the requirements of condition 1 above, details shall be submitted to the Local Planning Authority prior to the commencement of the development of the external appearance and elevations for the conversion of Bullwood hall hereby approved.

Design of Dwellings to be in Accordance with National Standards

29. All the dwellings hereby approved shall be designed to comply with the “Technical Housing Standards – nationally described space standard” by Communities and Local Government dated March 2015 including minimum ceiling heights of 2.3m.

Lifetime Homes – Wheel Chair Accessibility

30. With the exception of demolition and remediation, prior to the commencement of the development hereby approved details shall be submitted to the Local Planning Authority to demonstrate how not less than 3% (2 dwellings) to the development hereby approved shall meet the optional requirement under part M of the Building Regulations (2010) to achieve full wheelchair accessibility standards. The development shall be implemented in accord with such details as may be agreed.

Water Efficiency in Design of Dwellings

31. With the exception of demolition and remediation, prior to the commencement of the development hereby approved details shall be submitted to the Local Planning Authority to demonstrate how compliance with part G water efficiency of the Building Regulations (2010) as amended will be achieved for the dwellings hereby approved. The development shall be implemented in accord with such details as may be agreed.

Energy Efficiency in Design of Dwellings

32. With the exception of demolition and remediation, prior to the commencement of the development hereby approved details shall be submitted to the Local Planning Authority to demonstrate how compliance with code level 4 of the Code For Sustainable Homes will be achieved in respect of energy performance for each dwelling. The development shall be implemented in accordance with such details as may be agreed. (ADPS)

231 15/00703/FUL – 11 CROWN HILL, RAYLEIGH

The Committee considered an application to construct brick piers, front wall extension and railings to front and to construct new paving and landscaping to front garden area.

Resolved

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

- (1) SC4B – Time Limit standard 3 years
- (2) The development shall be implemented in accordance with the following plans hereby approved. Drawing Nos. CH/NAK/001 and CH/NAK/002 and shall notwithstanding the submitted wall design retain the stepped feature characteristic of the existing wall

REASON: In the interests of clarity and to define the scope of the development hereby approved.

- (3) The hard surface areas shall be implemented and provided in Kota Black Limestone Paving Setts or such other surfacing material as shall be submitted to and agreed in writing by the Local Planning Authority.

REASON: In the interest of the character and appearance of the Rayleigh Conservation Area.

- (4) The repair and construction of the front boundary wall shall be implemented using a Red London Brick to match that to the existing wall and the wall shall be pointed in Lime Mortar. The construction of the wall repairs shall be in Flemish bond or such other bonding pattern as may be agreed.

REASON: In the interest of the character and appearance of the Rayleigh Conservation Area.

- (5) The metal railings shall be of a hand painted finish.

Development Committee – 19 November 2015

REASON: In order to maintain a traditional detail and texture to the proposed means of enclosure in the interest of the character and appearance of the Rayleigh Conservation Area.

- (6) The surface water drain shall be constructed as shown in planning drawing CH/NAK/001/ 515 to prevent discharge of surface water onto the Highway.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1. (ADPS)

The meeting closed at 9.03 pm.

Chairman

Date

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