

Development Committee – 9 December 2021

Minutes of the meeting of the Development Committee held on **9 December 2021**
when there were present:-

Chairman: Cllr Mrs L Shaw
Vice-Chairman: Cllr S P Smith
Cllr Mrs L A Butcher
Cllr D S Efde
Cllr I A Foster
Cllr P J Shaw
Cllr C M Stanley
Cllr A L Williams

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs A H Eves, J L Lawmon, D Merrick, L J Newport and Mrs C A Weston.

SUBSTITUTE MEMBERS

Cllr R P Constable – for Cllr Mrs C A Weston
Cllr Mrs C M Mason – for Cllr L J Newport

NON-MEMBERS ATTENDING

Cllrs Mrs C E Roe and S E Wootton

OFFICERS PRESENT

M Hotten - Assistant Director, Place & Environment
Y Dunn - Planning Manager
S Worthington - Principal Democratic & Corporate Services Officer
K Rodgers - Team Leader (Area Team South)
M Stranks - Team Leader (Area Team North)
A Evans - Senior Planner
K Fowler - Senior Planner
C Irwin - Solicitor
K Hines - Democratic Services Officer

PUBLIC SPEAKERS

K Dhillon - for item 7

210 MINUTES

The Minutes of the meeting held on 26 October 2021 were approved as a correct record and signed by the Chairman.

211 DECLARATIONS OF INTEREST

Cllr A L Williams declared a non-pecuniary interest in item 6 of the agenda relating to 18/01125/FUL – 68-72 West Street, Rochford by virtue of membership of Rochford Parish Council and of being acquainted with the architect. Cllr D S Efde declared a non-pecuniary interest in the same item by virtue of membership of Rochford Parish Council.

212 18/01125/FUL – 68-72 WEST STREET, ROCHFORD

The Committee considered an application to demolish an existing building and erect a part two and three storey building comprising retail/restaurant units at ground floor, together with self-contained flats above (29 flats) to include a cycle store and car parking area to the rear and vehicular access onto West Street.

Resolved

That planning permission be approved, subject to a unilateral undertaking to secure RAMS mitigation of £127.30 per dwelling totalling £3,691.70 prior to occupation of the building to which the payment would relate, to mitigate cumulative impact from increased recreational activity on international sites of ecological importance along the district's coastline and subject to the conditions set out below:-

Commencement

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Approved Plans

- (2) The development shall be undertaken in strict accordance with the details of the approved plans referenced:

1340-07 Rev – Site Location Plan, Elevation and Floor Plans comprising plan reference(s) 1340-06 Rev F (Proposed Rear Elevation), 1340-05 Rev K (Proposed Front Elevation), 1340-03 Rev T (Proposed Second Floor & Roof Plan), 1340-04 Rev Y (Proposed Street Scenes), 1340-02 Rev W (proposed Ground & First Floor Plan), 1340-01 Rev J (Existing and Proposed Block Plan and 1340-01 REV M (citing finished floor levels), the Surface Water Drainage Strategy Proposed Layout (Reference 6242-DR01 Rev 2) (which is the most recent plan in this respect), and in accordance with the details of the Flood Risk Assessment and Surface Water Drainage Strategy as revised 28 September 2021.

Submission of External Finishes

- (3) Prior to the construction of any buildings on the site, details of the specification and finish of all external materials to be incorporated into the development shall be submitted to the Local Planning Authority for its written approval. These details shall include details of all wall elevation treatment and finishes including brickwork, render, external cladding (including its colour, finish, and texture), samples of all roofing materials, and all fenestration including windows and frame casing, doors, fascias, bargeboards and soffits. All rainwater goods shall be of a powder coated metal finish. The development shall be implemented

in accordance with the details as may be approved and permanently maintained as such thereafter.

Submission of External Lighting Details

- (4) Prior to first installation, details of an external lighting scheme shall be submitted to the Local Planning Authority for its written approval. Such details shall include details of all external lighting and illumination within the development site, including details of the height and position of all lighting columns, together with details of luminosity. The lighting shall be installed in accordance with the details as may be approved.

Submission and Implementation of Landscaping Details

- (5) The frontage planting areas as indicated by plan reference 1340-01 Rev J (Existing and Proposed Block Plan) shall be subject of the submission of further details prior to the undertaking of any planting works. The details shall include the species of all planting to be undertaken, their height and numbers. This planting work as needs to be agreed shall be undertaken during the first planting season following first occupation of the development. 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 an agreed location, in the first available planting season following removal.

Details of Frontage Railings

- (6) Prior to the erection of the frontage railings as indicated by the submitted plans, details of their construction and material finish shall be submitted to the local planning authority for its written approval. These railings shall subsequently be installed in accordance with the agreed details.

Provision of Off Street Loading and Storage Areas

- (7) From the first day of the commencement of the development and for the duration of all construction works thereafter until the completion 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 demolition and construction traffic shall be provided clear of West Street and Union Lane.

Provision of Parking and Cycle Spaces

- (8) The 21 car parking spaces as indicated being provided by plan reference 1340-01 Rev J shall be provided and delineated by clear paint or other appropriate markings prior to the first occupation of the

development. These parking spaces shall be retained over the lifetime of the development.

Details and Provision of Covered Cycle Shelters

- (9) All cycle spaces which must provide opportunity for all bikes to be secured shall be covered by shelters, the details of which shall be submitted to the local planning authority for its written approval. The shelters shall be provided in accordance with the agreed details and shall be retained in perpetuity over the lifetime of the residential use.

Tree Protection

- (10) Prior to the undertaking of any excavation works close to site boundaries (north and west boundaries) a method statement for the proposed hard surfacing and any excavation required adjacent to the boundary/neighbouring trees shall be submitted for the written approval of the local planning authority. The development shall subsequently be implemented in accordance with the approved details.

Sustainability

- (11) Prior to the occupation of any dwelling, details shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how at least 10 per cent of the energy source serving the development would be derived from a decentralised and renewable or low-carbon sources, unless it is demonstrated that this attainment is not achievable on site by way of clear evidence, in which case a report demonstrating the case and the amount (decentralised/low carbon/renewable energy) that would be provided shall be submitted to and agreed in writing by the Local Planning Authority.

Submission of Construction Method Statement

- (12) 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 (v) the control of dust, noise, and vibrations.

Submission of Archaeological Investigation

- (13) No development or preliminary ground works of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation (WSI) which has been submitted by the applicant and approved in writing by

the local planning authority. These works shall be implemented in accordance with the agreed details.

Limiting Construction Hours

- (14) No works during any part of the construction phase of the development, including all associated ground works, building operations deliveries and/or collections shall take place between the hours of 6 pm and 7 am (Monday to Friday) and between the hours of 1 pm and 7 am on Saturdays. No construction works, deliveries or collections shall take place on a Sunday or on any bank holidays.

Travel Information Packs

- (15) Prior to first occupation of the proposed development, the developer shall be responsible for the provision, implementation, and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the developer to each dwelling free of charge.

Electric Car Charging Points

- (16) Notwithstanding the details of the Existing and Proposed Block Plan reference 1340-01 Rev J, prior to the first occupation of the development hereby permitted details shall have been submitted indicating the number and provision of required electric car charging points to serve the development which shall have been approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details such as to be capable of use on first occupation of the development. This facility and as may be upgraded in future shall be retained over the lifetime of the residential use.

Surface Water Drainage Arrangements

- (17) The surface water drainage arrangements and provisions shall be undertaken fully and in strict accordance with the details set out within the revised surface water drainage strategy received on 28 September 2021 (Reference 6242_Breley_WestSt_Rochford) and the Surface Water Drainage Strategy Proposed Layout: plan reference 6242_DR01 Rev 2. All infrastructure shall be provided prior to the first occupation of the development. Confirmation shall also be provided of the ongoing management of all surface water and SuDS facilities and features prior to the occupation of the development.

Flood Risk and Finished Floor Levels

- (18) The finished floor level of the development at ground floor level shall be 6.15 as annotated on plan reference 13401-REV M (Existing and Proposed Block Plan).

Contamination

- (19) No development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.
- (20) No occupation of any part of the development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

- (21) No development shall take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to, and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.
- (22) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
- (23) No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.
- (24) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to ground water. The development shall be carried out in accordance with the approved details. (ADPE)

External Drying Area

- (25) Prior to the first occupation of the development hereby approved, the applicants shall submit details to the Local Planning Authority for the provision and maintenance of a communal external laundry drying area to be provided within the site for the use of residential occupiers of the development.

REASON: In the interests of providing external drying for future occupiers given the limited access to amenity space and in the interests of sustainability more generally so that future occupiers are not dependant on high energy drying options or solely dependent on drying laundry within the home.

(This decision was unanimously agreed.)

213 21/00605/FUL – SOUTH FAMBRIDGE HALL, FAMBRIDGE ROAD, SOUTH FAMBRIDGE

The Committee considered an application to construct a solar farm with ancillary development to include battery storage.

Resolved

That planning permission be approved, subject to the following conditions:-

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- (2) The development hereby permitted shall be carried out in complete accordance with the following approved plans: 1596-0201-00 ISSUE 08; 1596-0201-20 REV B ISSUE 01; 1596-0201-21 ISSUE 02; 1596-0201-28 ISSUE 04; 1596-0204-00 ISSUE 02; 1596-0205-01 ISSUE 02; 1596-207-00 ISSUE 01; 1596-0207-27 ISSUE 01; 1596-0207-40 ISSUE 02; 1596-0207-41 ISSUE 02; 1596-0208-10 ISSUE 01; 1596-0208-80 ISSUE 01; 15960-0207-81 ISSUE 01; 1596-0201-26 ISSUE 01; 1596-0200-60 ISSUE 01.
- (3) Prior to first use of the site, plans and particulars showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted, shall be submitted to and agreed in writing by the Local Planning Authority. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority, shall show the retention of existing trees, shrubs and hedgerows on the site and include details of:
 - schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;
 - existing trees to be retained;
 - areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
 - paved or otherwise hard surfaced areas;
 - car parking layouts and other vehicular access and circulation areas
 - screening of the proposed battery storage area

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.

- (4) No development or preliminary ground works of any kind shall take place until the completion of a programme of archaeological investigation. Prior to the implementation of this programme, details of it in accordance with a written scheme of investigation, shall be submitted to and agreed in writing by the local planning authority. The programme of archaeological investigation shall be carried out in accordance with those details as may be agreed.
- (5) No development shall commence 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 the 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 or provided 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 for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of “No-Dig” construction.
 - k) 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.
 - l) 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
 - m) 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.
 - n) details of tree protection measures for the hard landscaping phase in accordance with section 5.6 of BS5837:2012.
 - o) the timing of the various phases of the works or development in the context of the tree protection measures.
- (6) No development shall commence (including any ground works or site clearance) until a Biodiversity Net Gain and Monitoring Management Plan for the development has been submitted to and approved in writing by the local planning authority and thereafter shall be implemented and maintained. The content of the method statement shall include the:
- a) purpose and objectives for the proposed works including both onsite and offsite mitigation and compensation works including those submitted within the Preliminary Ecology Appraisal produced by ADAS dated August 2019:
 - Ten bird boxes placed on mature trees
 - Creation of a wildflower meadow
 - An increase of tall ruderal marginal vegetation
 - Six log piles placed evenly across the site
 - Eight bat boxes on mature trees

- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans clearly showing the onsite and offsite management for each site;
- d) timetable for implementation (a work schedule);
- e) persons responsible for implementing and funding the works;
- f) aftercare and long-term maintenance for a period of 30 years;
- g) details of improvements to the biodiversity value of the pond along the western flank boundary.

Thereafter, a report shall be submitted every third year to the local planning authority to demonstrate the management of the site and how management is meeting the objectives or where appropriate changes in management has been advised.

- (7) Prior to development commencing evidence shall be submitted to and approved in writing by the local planning authority that demonstrates evidence of a European Protected Species Mitigation Licence being obtained or any other such mitigation. The agreed mitigation shall be implemented on the site within a time frame also agreed with the local planning authority prior to works commencing.
- (8) Prior to first use of the site, details of any external lighting proposed shall be submitted to and agreed in writing by the local planning authority. Thereafter, the lighting shall be maintained in accordance with those details agreed.
- (9) Where development would be within 20m of the badger sett, the badger sett must be closed by an ecologist prior to preliminary ground works.
- (10) Prior to de-commissioning the approved development, details of the method and impact upon on-site and off-site considerations should be submitted to and agreed in writing by the local planning authority.
- (11) The Construction Traffic Management Plan shall be implemented and adhered to throughout the construction period.
- (12) Heavy construction vehicles and loads shall use Southend Road and shall not use Hall Road, Greensward Lane or Rectory Road.

- (13) Prior to first occupation of the development, the proposed access for the battery facility shall be provided as shown in principle in the site plan 1596-0201-20. The access shall be provided with a suitable vehicle crossing of the highway verge.
- (14) Prior to first occupation of the development, the proposed vehicle access shall be provided with a clear to ground visibility splay with dimensions at its centre line of 2.4 metres by 120 metres in each direction, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
- (15) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- (16) Prior to preliminary ground works, a flood response plan for the construction phase of development shall be submitted to and agreed in writing by the local planning authority. The construction phase shall be carried out in complete accordance with those details agreed.
- (17) No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
 - Limiting discharge to green field rates for all storm events up to and including the 1 in 100 year plus 20% allowance for climate change storm event.
 - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 20% climate change event.
 - Demonstrate that SUDS features are able to accommodate a 1 in 10-year storm event within 24 hours of a 1 in 30 year event plus climate change.
 - Final modelling and calculations for all areas of the drainage system.
 - The appropriate level of treatment for all run off leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
 - Detailed engineering drawings of each component of the drainage scheme.

- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels and location and sizing of any drainage features, including for the battery storage area.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

- (18) No works shall take place until a scheme to minimise the risk of off site flooding caused by surface water run off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.
- (19) Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed in writing by the local planning authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

- (20) The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon request by the local planning authority. (ADPE)

(This decision was unanimously agreed.)

214 21/01224/OBL – MICHELIN FARM, ARTERIAL ROAD, RAYLEIGH

The Committee considered an application to modify a Section 106 Agreement relating to planning consent reference 18/01022/OUT dated 14 July 2020 to remove a requirement to pay a financial contribution relating to early years and childcare provision.

Resolved

That the Council enters into a Deed of Variation to modify the s106 Agreement dated 14 July 2020 to remove the requirement for the financial contribution relating to early years and childcare. (ADPE)

(This decision was unanimously agreed.)

The meeting closed at 8.33 pm.

Chairman

Date

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