

14/00815/FUL**HOCKLEY WOODS, MAIN ROAD, HOCKLEY****INSTALLATION OF A TIMBER CLAD CONTAINER FOR USE AS A CAFÉ**APPLICANT: **ROCHFORD DISTRICT COUNCIL**ZONING: **MGB**PARISH: **HOCKLEY**WARD: **HOCKLEY WEST****1 PLANNING APPLICATION DETAILS**

- 1.1 This application is to be heard by the Development Committee as the applicant is Rochford District Council.
- 1.2 The proposal is to install a timber clad metal container, custom fitted to accommodate a serving hatch style catering facility, at Hockley Woods. A septic tank would be provided for the disposal of foul waste. The container would replace the existing mobile unit with a permanent pitch.
- 1.3 The container would have an internal floor space of 14.7m². There would be two serving hatches at the front opening onto the picnic area and one hatch at the side opening onto the pathway to the play area. The access door would be at the rear of the container.
- 1.4 The proposed opening hours would be 9.00 am to 5.00 pm, Monday to Friday, Saturday and Sundays and Bank Holidays.

2 THE SITE

- 2.1 The Rochford Allocations Plan (Adopted 25 February 2014) forms part of the Development Plan for Rochford District. The Allocations Plan superseded the proposals map that accompanied the 2006 Replacement Local Plan. The site is allocated Metropolitan Green Belt in the Allocations Plan.
- 2.2 Hockley Woods is mixed woodland comprising primarily of Oaks, Ash, Scots Pine, Silver Birch, Hawthorn, Holly, Blackthorn and coppiced Hornbeam. It is subject to a tree protection order (TPO) - TPO/00100/08. The woodland is also a Site of Special Scientific Interest (SSSI) and within the Upper Roach Valley landscape area, however the site of the proposed container lies outside the designated boundary of these two areas.

- 2.3 The container would be sited on a grassed area adjacent to the car park and south of the path leading to the play area. This location is outside the SSSI designated woodland and approximately 40m from the nearest dwelling (4 Badgers Mount).

3 RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history.

4 CONSULTATIONS AND REPRESENTATIONS

- 4.1 Objections for the original siting of the café were received from the occupants of five dwellings at Numbers 2, 4 and 5 Badgers Mount, 2 Oak Cottages and Frogmoor. The Head of Environment Services recommended a condition regarding the installation of an extraction system. It was subsequently proposed to re-site the café in an alternative location and the following responses have been received from the two consultations:-

Hockley Parish Council - Second Consultation

- 4.2 No objection - Accepting the plans with RDC being sympathetic with the appearance of the café and a caveat to remove rubbish daily.

Head of Environmental Services – First and Second Consultation

- 4.3 The Head of Environmental Services reports that if Members are minded to approve the application, the following condition should be attached to any consent granted:-

- 1) A mechanical extraction system shall be provided to the kitchen area in accordance with Defra's 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (January 2005). All details shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed works shall be fully implemented prior to the commencement of any use hereby permitted and compliance with Defra's guidance shall continue while the premises are in use for the permitted purpose.

Informative: The condition aims to ensure that a premises has the appropriate specification of mechanical extraction as the nature of the cuisine(s) prepared at it change over time and that systems are maintained. The latest iteration of the Defra guidance shall apply at any given time. Noise control must also be considered.

Natural England – Second Consultation

- 4.4 No objection – no conditions requested.

This application is in close proximity to Hockley Woods Site of Special Scientific Interest (SSSI). Based on the most recent revised plan (dated

January 2015, latest version) showing the location of the proposed café and septic tank (cess pool); and on the basis that the Tree Root Protection zone will be honoured (with a hand dig method), Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(I) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Neighbours

4.5 First Consultation

Objections received from the occupants of five dwellings at Numbers 2, 4 and 5 Badgers Mount, 2 Oak Cottages and Frogmoor. Main points:-

- Could not be in a more inconvenient position.
- Close proximity to dwellings.
- Adverse impact from cooking smells.
- Risk from storage of gas cylinders and cooking oils.
- Would involve removing trees.
- Permanent building inappropriate.
- Encourage vermin.

4.6 Second Consultation

4.7 Three objections have been received from the occupants of Nos. 3, 4 and 5 Badgers Mount. Main points:-

- Hockley Woods are designated as Green Belt land. According to the Government document, the National Planning Policy Framework, Local Planning Authorities are advised that they should not approve plans to build any permanent buildings on Green Belt land.
- No need for a café with pub nearby.
- Being a mini café there will be problems with waste removal, rubbish, attraction of rats, etc.; the woods is a great place for kids and adults to enjoy.
- The establishment of a permanent building of this type will spoil the purpose of these woods.

- Would involve digging up a trench in Hockley Woods to run power cables to the container. It would also involve digging a septic tank into the woods to take the waste products from the container.
- Locating an unsuitable and unsightly building in the woods is unacceptable, just to allow Rochford District Council to cash in on the scheme.

5 MATERIAL PLANNING CONSIDERATIONS

- 5.1 The Local Planning Authority must determine the proposal in accordance with the adopted Development Plan, which includes saved policies in the Rochford District Core Strategy (2012) and the Development Management Document (2014), taking account also of any other relevant planning policy and other material planning considerations.
- 5.2 The Council aims to encourage the promotion of green tourism, which would benefit the local population and promote the District's green open spaces. Policy DM14 allows for the provision of facilities within the Green Belt that support such aspirations provided that proposals would not have an undue negative impact on Green Belt openness, important areas of nature conservation, the visual amenity of the surrounding area, the amenity of local residents and any other material considerations.

Design and Layout

- 5.3 It is proposed to clad the container to be used as the café with timber cladding to soften the appearance, making it more acceptable in appearance and appropriate to its wooded setting. Precise details of its external appearance can be satisfied by planning condition.
- 5.4 The café would be modest in appearance and it is not considered that a structure, of such a scale, in this location next to a play area and car park would have an adverse impact on the openness of the Green Belt.

Trees and Nature

- 5.5 The submitted tree report states that the café is to be raised on sleepers and no digging would be required for foundations. For the installation of the septic tank a hand dig method will be used to excavate the site. Any roots will be covered and filled within the same day. If structural roots are found then an application will be submitted to fell small trees within close proximity.
- 5.6 As a responsible authority any tree works that are to be undertaken, including pruning, felling, root pruning, would be undertaken to the appropriate British Standards BS 3998:10 and BS 5837:12.
- 5.7 The site is outside the designated Site Of Special Scientific Interest. Natural England has no objection to the siting of a café in this location.

Neighbouring Amenity

- 5.8 There have been three objections to the development from residents of dwellings in Badgers Mount. It was originally proposed to site the café in a location 20m to the north on the other side of the footpath and much closer to the dwellings on Badgers Mount, but following concern from residents it is proposed to locate it within the southern end of the site. This location is approximately 40m from the nearest dwelling and it is considered that a café in this location would not have a significant impact on residential amenity through noise, smells, disturbance and other nuisances.

6 CONCLUSION

- 6.1 It is considered that the proposed facility would have no significant adverse impact on the openness of the Green Belt, the character of the natural environment, neighbouring amenity or other considerations. Furthermore, such a facility would be of benefit to Hockley Woods' visitors and reflect the Council's Green Tourism aspirations.

7 RECOMMENDATION

- 7.1 It is proposed that the Committee **RESOLVES**

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) No development shall commence before details of all external facing (including windows and doors) and roofing materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Such materials as may be agreed in writing by the Local Planning Authority shall be those used in the development hereby permitted.
- (3) A mechanical extraction system shall be provided to the kitchen area in accordance with Defra's 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (January 2005). All details shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed works shall be fully implemented prior to the commencement of any use hereby permitted and compliance with Defra's guidance shall continue while the premises are in use for the permitted purpose.



Shaun Scrutton

Head of Planning and Transportation

Relevant Development Plan Policies and Proposals

Rochford District Core Strategy (2011) Policies CP1, GB2

Development Management Plan 2014

Allocations Plan 2014

National Planning Policy Framework

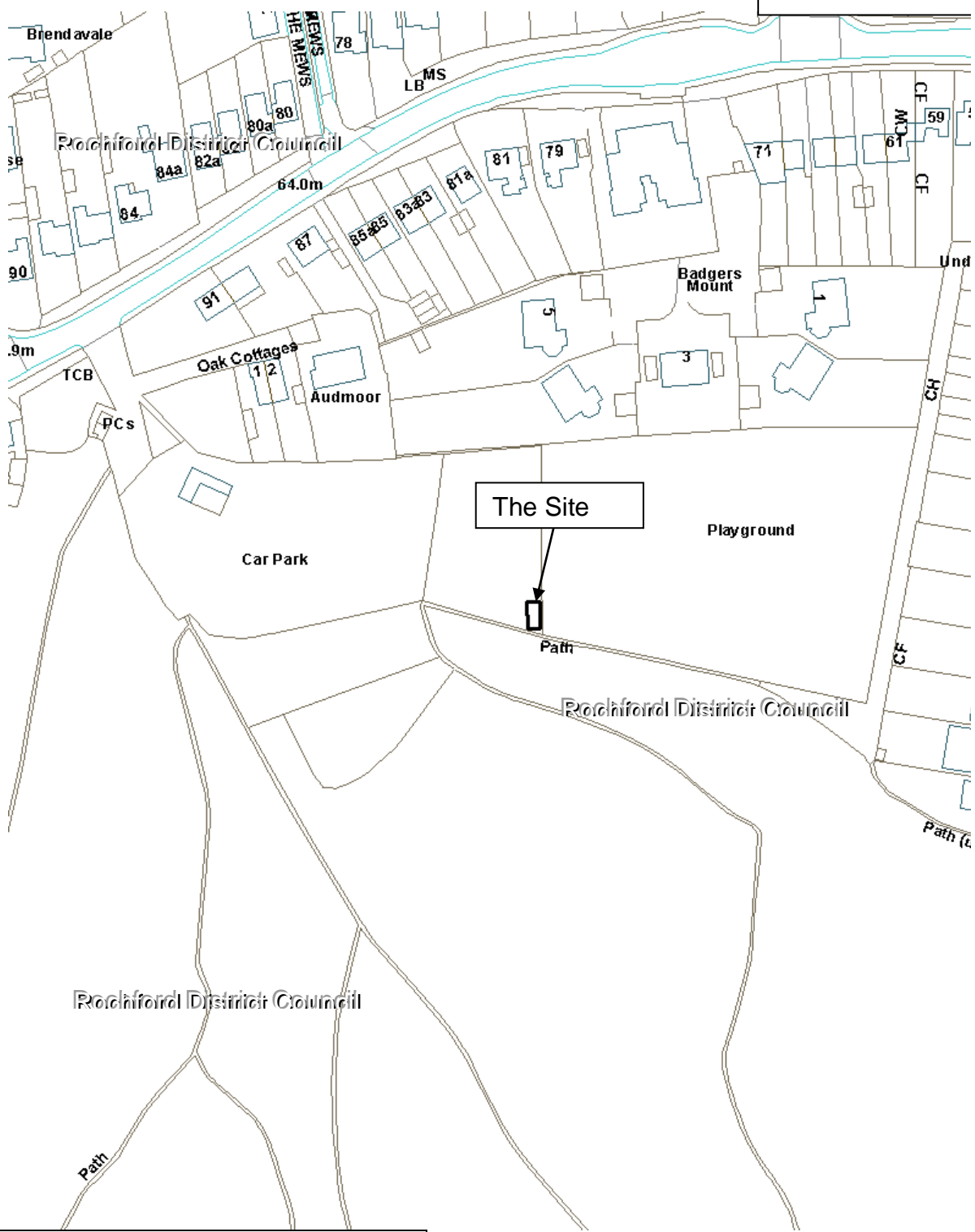
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