

## **ITEM 6 – APPLICATION NO. 23/00742/FUL – 43 BROOK ROAD, RAYLEIGH.**

### **1. Information from Previous Addendum**

The following additional information was presented on the addendum to the December 2023 development committee and is re-presented here.

Additional letter - (Lisa Tate & Lee Tate, received 20th November)

The applicant unable to attend committee has submitted a letter of comments, clarifying details of the proposed extension and site activities of the business. The letter also provides comments to the neighbour consultation responses received.

‘The extension aims to enclose the area around the external extraction unit to safeguard the neighbours from noise.

Currently, the extraction system is located externally on the back wall of the workshop (and it will not be moved from its current location). We plan to encapsulate it in the new building to help reduce noise. Additionally, encapsulating it will minimize dust when changing the extractor bags. The planned building will also serve as storage for materials to keep the outside workshop area tidy. Importantly, there is no plan to expand the machinery side of the workshop into the new building.

The new extension will be of a more substantial construction, approved by building control, and will be virtually on the same rear line as the existing one. The height will not affect the rear properties, as the ground level of our property is much lower than the neighbouring gardens (as stated in Ms. Elise Davis's Officer's Report on 24/10/2023).

We need to do this to keep our business viable and continue to stay in the area rather than moving to another location outside the Rochford District.’

Summary of Comments in response to neighbour representation.

Noise and hours of operation:

- The hours of business of Tate Joinery are from 7am – 5pm Monday – Friday.

- No overtime has been carried out since pre Covid lockdown which would have been until 6pm Monday-Friday and possibly 8am – 1pm on a Saturday.
- Consideration for residents is one of the main reasons for the planning to build the extension to include external extraction system to reduce the noise.
- Restrictions on conditions on hours of operation between 9-5 is not financially viable for the business in order to meet demands of Customers and required to get loads delivered to London by 8am.

Dust, smell, and fumes effecting residents:

- The skip is now covered with a heavy-duty, hard-wearing PVC, fireproof, waterproof, and fitted with reflective strips cover which help prevent smells and dust.
- The skip is not used to dispose of hazardous flammable waste which is removed by a specialist Hazardous Waste collection service. Only a small quantity of empty paint tins and board/timber off cuts are disposed of in the skip.
- LEV (Local Exhaust Ventilation) checks are carried out regularly and reports have been forwarded to the Senior Environmental Health Technical Office at Rochford Council.
- No plans to carry out solvent spraying as already have an established spray booth, and no machinery is being moved from within the existing workshop.
- Solvent booth is located toward the front of the building some 84m from No. 37 Woodlands Avenue.
- Landlord had a detailed Asbestos survey carried out on the property and the proposed extension does not encroach on the main roof of the workshop so any roofing material will not be touched or disturbed.

Concerns of fire hazard:

- We are currently awaiting Data from the Local Fire Authority, Under Freedom of Information Act/Environmental Information Regulations, as we are unaware of any fire issues since 2006 when we became a Tenant of 43 Brook Road.
- The site has regular checks from Essex Fire Services who are happy with how the business operate.

Loss of view, unsightly:

- The proposed extension would have featheredge boarding painted black on the external walls with no opening to the elevations except for a set of timber folding doors to the east flank wall.
- The pitched roof would be finished with Cladco 32/1000 box profile sheeting in a light white/light grey colour.

Overbearing, Overshadowing:

- Refers to case officer report.

Complaints:

- Tate Joinery have been operating from 43 Brook Road since 2006. First complaint about noise and the fume from our skip follows the removal of all the trees in back garden to rear adjoining occupier. The established trees had been lining the back fence of the garden behind the premises for years and dampened any sound from the Brook Road industrial estate and the noise from the busy A127.
- Photographs of this have been provided showing established trees prior to their removal at 36 Woodlands Avenue December 2020.
- Rochford Councils Senior Environmental Health Technical Office visited in November 2022.
- Letter from Senior Environmental Health Technical Officer in June 2023 from another complaint alleging a nuisance from noise at our premises from the ventilation/extraction machinery. Following receipt of the letter, we enclosed, and sound proofed our compressor, added a large red light on the factory wall to make clear to all staff the compressor is on, and put in for planning in August 2023 to enclose the extraction system to reduce the noise even further. We have also made it clear to our staff not to put the equipment on until it is necessary to do so.

History:

- Following our research on the Industrial Estate relating to the claim that the houses were built before the factories, we would like to point out that there has always been furniture manufacturing on the Brook Road Industrial Estate pre-October 1954. As far as we understand the houses and our part of the Industrial Estate may well have all been developed together.

## **2. Additional Planning Conditions**

The following additional planning conditions are recommended: -

4. No mechanical extraction or ventilation equipment or any windows or doors shall be installed on the external walls or roof of the extension hereby approved save for the doors as shown on the approved plans referenced in condition 3.

REASON: In the interests of protecting residential amenity of occupants of nearby residential dwellings.

5. The floorspace within the extension hereby approved shall be used solely for the purpose of storage and for no other purpose including other use (e.g., as a workshop for the processing/painting of timber) in connection with the authorised use of the site in perpetuity.

REASON: In the interests of protecting residential amenity of occupants of nearby residential dwellings particularly given that the additional floorspace would be closer to the boundary with nearby residential dwellings.

## **ITEM 7 – APPLICATION NO. 23/00829/FUL – PLOT 8, AIRPORT BUSINESS PARK SOUTHEND, CHERRY ORCHARD WAY, ROCHFORD**

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- 1. Response from Strategic and Economic Regeneration Team**
- 2. Amendment to paragraph 3.54 (Ecology and Biodiversity)**
- 3. Unilateral Undertaking for travel plan monitoring fee**
- 4. Insertion of tables**
- 5. Amendment to condition 24**
- 6. Pre-commencement conditions**
- 7. Agent suggested amendments to conditions**
- 8. Officer comments**

### **1. Response from Strategic and Economic Regeneration Team**

Their concluding comments are as follows:

- In light of evidence on market conditions and forecast demand which would support the need to provide for flexible business accommodation which could include B8 uses, the team consider that on the individual merits of this scheme, a departure from policy could be justified. However, it is necessary to consider the types of use that an open permission on B8 would enable which are not in keeping with the strategic vision for the JAAP area, and we would therefore recommend the following.
- The team would support an approach going forward which considers the merits of each individual proposal on this site against Policy DM32, considering quantity/quality of jobs (alongside other economic benefits), something which could include B8-led uses of varying proportions, provided a condition can be developed which restricts the types of uses outlined above. This should focus on the following:
  - i. A condition to prevent the use of the unit for self-storage purposes. This would rule out uses of particularly low employment density, which are not in keeping with adopted policy or the strategic ambitions of the JAAP.
  - ii. Restricting the trade counter/showroom/retail element of any B2/B8 proposal to ensure uses on the site do not skew to retail or quasi-retail operations. A condition preventing the unit from becoming a location from which sales to the general public are made would be a reasonable measure which ensures uses on the site remain focused on core employment uses, rather than drifting towards becoming a retail park or trading estate.
- Provided these principles are taken into account, we would support this application.

## **2. Amendment to paragraph 3.54 (Ecology and Biodiversity)**

Whilst this paragraph refers to the need for a condition relating to a Landscape Management Plan, upon further review such a condition is not considered to meet the necessary tests as the site has very limited habitat potential from the landscaping proposed. The site does however border one of the biodiversity corridors where such potential is far greater, further emphasising the lack of necessity for this condition here.

## **3. Unilateral Undertaking for travel plan monitoring fee**

Contact has been made with the agent to seek to agree the potential production of the Unilateral Undertaking (UU) for the £6,383 travel plan monitoring fee sought by ECC Highways and referred to within the officer's

recommendation. The agent has agreed to the UU subject to further discussions about the monitoring fee pricing. These discussions can be had between the applicant and ECC Highways if permission were to be granted.

**4. Insertion of tables**

Paragraph 3.18 (page 7.14) refers to tables 1 and 2 that were omitted from the officer’s recommendation. These formed part of the formal response from the Strategic Planning and Economic Regeneration Team and are shown below:

**Table 1: Gross Employment Floorspace Requirements in Rochford 2020-2040 (sq. m)**

Type of Space/Use Class	Scenario 1: Labour Demand	Scenario 2: Growth Scenario	Scenario 3: Past Trends	Scenario 4 : Labour Supply
Office E(g)(i)/(ii)	11,120	20,260	5,510	20,320
Light Industrial E(g)(iii)	26,570	26,750	-13,890	49,970
General Industrial B2	-6,580	-6,580	9,040	-14,280
Distribution B8	11,040	48,930	20,550	19,200
<b>Total</b>	<b>42,330</b>	<b>89,360</b>	<b>24,220</b>	<b>75,200</b>

**Table 2: Demand – Supply of Different Employment Uses (sq. m)**

	Scenario 1: Labour Demand	Scenario 2: Growth Scenario	Scenario 3: Past Trends	Scenario 4 : Labour Supply
<b>Office</b>				
Employment Requirements	11,120	20,260	5,510	20,320
Employment Supply	13,240			
<b>Surplus (+)/Shortfall (-)</b>	<b>2,120</b>	<b>-7,020</b>	<b>7,730</b>	<b>-7,080</b>
<b>Light Industrial</b>				
Employment Requirements	26,750	26,750	-13,890	49,970
Employment Supply	15,960			
<b>Surplus (+)/Shortfall (-)</b>	<b>-10,790</b>	<b>-10,790</b>	<b>29,850</b>	<b>-34,010</b>

<b>Industrial</b>				
Employment Requirements	-6,580	-6,580	9,040	-14,280
Employment Supply	39,490			
<b>Surplus (+)/Shortfall (-)</b>	<b>46,070</b>	<b>46,070</b>	<b>30,450</b>	<b>53,770</b>

**5. Amendment to condition 24**

As the travel plan has been submitted here, condition 24 should be amended as follows:

*24. Prior to first occupation of the development hereby approved, the workplace travel plan by Pulsar dated September 2023 shall be implemented. For a period of five years following the first occupation of the development the use of the premises shall be the subject of the agreed workplace travel plan.*

*REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy T3, T5 and T6 of the Core Strategy 2011 and paragraph 117 of the NPPF.*

**6. Pre-commencement conditions**

The agent has confirmed acceptance of the pre-commencement conditions 12 and 13 (sustainable drainage) and 16 and 17 (archaeology).

**7. Agent suggested amendment to conditions**

**Condition 23 (use restriction)**

The agent suggests it is re-worded to read the same as condition 18 on plot 13. For consistency, this condition will be amended in this manner. So it will now read as follows:

*23. The development hereby approved at no time from first implementation or at any other time thereafter shall be used to provide self-storage facilities under the B8 use which are prohibited and excluded as part of this planning permission.*

*REASON: To ensure that the B8 use where it arises and takes place serves the economic purposes of the district and the objectives of the council in supporting job creation in accordance with the councils relevant Core Strategy policies and Development Plan policy DM32 and the Joint Area Action Plan*

*(JAAP) policy E3*

**Condition 11 (further details and approval relating to tree planting)**

The agent considers that this condition lacks clarity and that the details submitted are already adequate and therefore the agent considers that it is not needed to submit improved details for agreement. Officers consider that this condition is 'precise' and that the condition is justified to ensure that the application site, which forms part of a wider business park site, provides a good level of soft landscaping. Landscaping is a pivotal part of a scheme to ensure good place making.

**Condition 8 (further details of electric vehicle charging point provision)**

The agent suggests that this condition be amended to require compliance with the Electric Vehicle (EV) charging points shown on the plans and be operational prior to occupation and maintained in perpetuity. However, it is important that the 10 EV charging points, including the necessary infrastructure to ensure they are capable of being provided, is installed on site. This condition is considered reasonable and would ensure this occurs.

**Condition 10 (Implementation of landscaping)**

The agent considers that the details submitted are already adequate and therefore that it is not needed to submit improved details for agreement. For the reasoning outlined in relation to condition 11, officers consider this condition should still be imposed as worded on the recommendation.

**8. Officer comments**

The recommendation remains one of approval subject to the conditions outlined in the recommendation and amended/added within the addendum and subject to the applicants entering into a Unilateral Undertaking under section 106 of the Act for the monitoring of a workplace travel plan (plus the relevant fee) to be paid before occupation to cover the 5 year period.

**ITEM 8 – APPLICATION NO. 23/00715/FUL – PLOT 13,  
AIRPORT BUSINESS PARK SOUTHEND, CHERRY  
ORCHARD WAY, ROCHFORD**



**Contents:**

- 1. Response from Strategic Planning and Economic Regeneration Team**
- 2. ECC Highway response**
- 3. Unilateral Undertaking for travel plan monitoring fee**
- 4. Addition of seating and tables condition**
- 5. Pre-commencement conditions**
- 6. Agent suggested amendments to conditions**
- 7. Officer comments**

**1. Response from Strategic Planning and Economic Regeneration Team**

Their concluding comments are as follows:

- In light of evidence on market conditions and forecast demand which would support the need to provide for flexible business accommodation which could include B8 uses, the team consider that on the individual merits of this scheme, a departure from policy could be justified. We would also request that consideration is given to also widening this permission to E(g) uses.
- In permitting flexible spaces which allow such innovative reworkings of space to take place, however, it is necessary to consider the types of use that an open permission on B8 would enable which are not in keeping with the strategic vision for the JAAP area, and we would recommend the following.
- With this in mind the team would support an approach going forward which considers the merits of each individual proposal on this site against Policy DM32, considering quantity/quality of jobs (alongside other economic benefits), something which could include B8-led uses of varying proportions, provided a condition can be developed which restricts the types of uses outlined above. This should focus on the following:
  - a. Ensuring a proposal will, as a minimum, equal or exceed the benchmark HCA employment density for B8 uses of 14 FTEs/1,000 sq. m. This would effectively rule out very low employment density uses such as self-storage. In this particular application, the forecast employment is expected to be in line with or exceed this.
  - b. Restricting the use of the unit for self-storage purposes.
  - c. Restricting the trade counter/showroom/retail element of any B2/B8 proposal to a minor ancillary role of no more than 5% of gross internal floorspace, ensuring uses on the site do not skew to retail or quasi-retail operations.

d. Restricting the subdivision of the unit into a series of smaller trade counters in future.

- Provided these principles are taken into account, we would support this application.

## **2. ECC Highway response**

Their comments as follows:

- Business Park applications with 50+ employee will need Travel Plans (one has been prepared by Pulsar as well as a Transport Statement) and associated monitoring fees to ECC will be required – these align historically with the overarching site wide framework Travel Plan form the original outline permission for the ABP.
- This will be the same for apps 715 (New Plot 13, Airport Business Park Southend, Cherry Orchard Way, Rochford, Essex Erection of a commercial unit operating under class b2 / class b8, with ancillary office space, together with parking, landscaping and other associated works) and also 23/00829/FUL
- The proposal would be conditioned accordingly;

Prior to first occupation of the proposed development, the workplace travel plan shall be actively implemented for a minimum period of 5 years. It shall be accompanied by a monitoring fee of £6,383 (plus the relevant sustainable travel indexation) to be paid before occupation to cover the 5 year period.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- The other conditions for the 715 would be the same as the application 829 (CEMP, parking, loading, cycle, junction vis splay 2.4 x43m)

## **3. Unilateral Undertaking for travel plan monitoring fee**

Contact has been made with the agent to seek to agree the potential production of the Unilateral Undertaking (UU) for the £6,383 travel plan monitoring fee sought by ECC Highways and referred to within the officer's

recommendation. The agent has agreed to the UU subject to further discussions about the monitoring fee pricing. These discussions can be had between the applicant and ECC Highways if permission were to be granted.

**4. Addition of seating and tables condition**

The below condition is considered to meet the relevant tests to be imposed by condition to ensure good quality place making, it has been recommended in relation to plot 8:

*19. Prior to the first occupation of the development a seating and tables area shall be provided in accordance with details which shall have been submitted to the Local Planning for its written approval. The works shall thereafter be undertaken in accordance with the agreed details.*

*REASON: To ensure adequate control over design quality and public realm and to ensure a satisfactory appearance in the interests of visual amenity in compliance with policy DM1 of Rochford District Council's Local Development Framework Development Management Plan (adopted December 2014).*

**5. Pre-commencement conditions**

The agent has confirmed acceptance of the pre-commencement conditions 11 and 12 (archaeology).

**6. Agent suggested amendments to conditions**

**Condition 16 (pipework clearance)**

The agent queries the justification for this condition. This recommended condition was from ECC Lead Local Flood Authority and is to ensure that the drainage system implemented at the site will adequately function and dispose of surface water from the site. This is considered to represent a reasonable condition here.

**Condition 9 (further details and approval relating to tree planting)**

The agent considers that this condition lacks clarity and that the details submitted are already adequate and therefore the agent considers that it is not needed to submit improved details for agreement. Officers consider that this condition is 'precise' and that the condition is justified to ensure

that the application site, which forms part of a wider business park site, provides a good level of soft landscaping. Landscaping is a pivotal part of a scheme to ensure good place making.

**Condition 7 (further details of electric vehicle charging point provision)**

The agent suggests that this condition be amended to require compliance with the Electric Vehicle (EV) charging points shown on the plans and be operational prior to occupation and maintained in perpetuity. However, it is important that the 14 EV charging points, including the necessary infrastructure to ensure they are capable of being provided, is installed on site. This condition is considered reasonable and would ensure this occurs.

**Condition 10 (Implementation of landscaping)**

The agent considers that the details submitted are already adequate and therefore that it is not needed to submit improved details for agreement. For the reasoning outlined in relation to condition 9, officers consider this condition should still be imposed as worded on the recommendation.

**7. Officer comments**

The recommendation remains one of approval subject to the conditions outlined in the recommendation and amended/added within the addendum and subject to the applicants entering into a Unilateral Undertaking under section 106 of the Act for the monitoring of a workplace travel plan (plus the relevant fee) to be paid before occupation to cover the 5 year period.

**ITEM 9 – APPLICATION NO. 23/00342/FUL – PAVILLION,  
ROCHFORD RECREATION GROUND, STAMBRIDGE ROAD,  
ROCHFORD.**

- 1. Clarification of Site Allocation**
- 2. Revised Plans**
- 3. Amendment to Condition 2**
- 4. Amendment to Condition 5**
- 5. Amendment to Condition 9**
- 6. Additional Condition**

- 7. Policy T6**
- 8. Planning History**

### **1. Clarification of Site Allocation**

The application site is allocated in the adopted Allocations Plan as existing open space. Policy OSL1 of the adopted Allocations Plan relating to existing open space is therefore a relevant material consideration. This policy seeks to protect existing open spaces from competing uses.

### **2. Revised Plans**

Two revised plans have been received following publication of the committee report which show the position of the proposed tarmac surfaced footpath to be consistent with the position of this as shown on the submitted tree protection plan.

The revised plans re-position the proposed footpath some 6 metres further south than the position shown on the site and location plans originally submitted.

Applications can be amended following submission, and the planning practice guidance advises that it is for the Local Planning Authority to decide whether further publicity and consultation is required in the interests of fairness. In deciding what further steps may be required local planning authorities should consider whether, without re-consultation, any of those who were entitled to be consulted on the application would be deprived of the opportunity to make any representations that they may have wanted to make on the application as amended.

The re-positioning of the proposed footpath on the location plan alters the red-lined application site boundary, however this does not affect the originally submitted ownership certificate as the re-positioned red-lined application site would remain within the wider site that had originally been edged blue and under the same ownership.

It has not been considered necessary to re-consult statutory consultees or undertake further publicity on the revised plans as the re-positioning of the footpath would only materially alter the proposal in respect of impact on trees, and the Council's arboricultural officer has provided a consultation in relation to the tree plan which shows the footpath in the position which the site and location plans have been revised to reflect. The footpath in the revised

position some 6 metres south of its originally shown position would be further from the boundary with nearby residential properties.

**3. Amendment to Condition 2**

It is recommended that condition no. 2 is amended to reference the revised plans received and would read as follows: -

The development hereby approved shall be carried out in total accordance with the approved plans numbered 04C (Site Plan), 01C (Location Plan) and 03B (Proposed Floor Plan and Elevations).

REASON: For the avoidance of doubt and to specify the plans to which the permission relates.

**4. Amendment to Condition 5**

A slight revision to the wording of condition 5 is recommended such that it would read: -

Use of the extended building (as a whole) hereby permitted shall only take place between the hours of 09.00 and 23.00 Monday to Sunday.

REASON: To satisfactorily protect the residential amenities of nearby occupiers with respect to noise and disturbance.

**5. Amendment to Condition 9**

It is recommended that condition 9 be revised in order that it is precise and avoid any uncertainty relating to which EPOA cycle parking standard would expect to be delivered. The adopted EPOA parking standard states different minimum cycle parking requirements for general D2 Uses (10 spaces plus 1 space per 10 vehicle parking spaces) and other sports facilities (no. of spaces on individual merit); in this context it is considered that the provision of 10 cycle spaces is reasonable. It is recommended that the condition read as follows: -

Prior to first beneficial use of the extended building hereby approved, details of cycle parking for 10 bicycles shall be submitted to and agreed in writing by the Local Planning Authority. The approved facility shall be secure, convenient, and covered. The cycle parking as agreed shall be provided prior to first beneficial use of the extended building and retained in perpetuity.

REASON: To ensure appropriate cycle parking is provided in the interest of promoting suitable forms of travel and to comply with Policy T6 of the Core Strategy.

## **6. Additional Condition**

The site is a former landfill site, and the submitted contamination report recommends that ground gas investigations are undertaken to establish whether any significantly elevated gas concentrations are present. Consequently, the following addition condition is recommended in order that gas protection measures can be incorporated into the design if found to be necessary.

Prior to commencement of the development, ground gas investigation of the site (as recommended in the submitted Phase 1 Contamination Risk Assessment prepared by Ground and Environmental Services Limited dated May 2023) shall be undertaken and a report containing the results of the investigations and which details any gas protection measures found to be necessary prepared by a suitably qualified person, shall have been submitted to and approved in writing by the Local Planning Authority. Any protection measures agreed shall be carried out in the construction of the extension hereby approved.

REASON: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment. This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.

## **7. Policy T6**

Policy T6 of the adopted Core Strategy should also be listed as a relevant policy for consideration. This policy relates to cycling and walking and amongst other things identifies that the Council will require developers to provide facilities for cyclists at all new developments.

## **8. Planning History**

98/00226/FUL – Single Storey Side Extension – REFUSED. Reason for refusal related to increased potential for noise and disturbance to nearby residential dwellings and impact on residential amenity.

87/00488/DP3 – Change of Use of Reception Room, Toilets and Kitchen to Club Room and Lounge and Bar – APPROVED. Subject to planning conditions, the heads of which are as follows: -

1. Time limit
2. Deliveries
3. Limit of use in connection with football club
4. Bar not to be open after 11pm