



**Rochford District  
Council**

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**1996**

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**Rochford District  
Council**

# **ROCHFORD DISTRICT COUNCIL MINUTES**

**1996**

**December (Part 2)**

## ROCHFORD DISTRICT COUNCIL

### Minutes of the Council

At a Meeting held on 10th December 1996. Present: Councillors P A Beckers (Chairman), R S Allen, G.C. Angus, B.R. Ayling, D E. Barnes, C.I. Black, M C Brown, S Cumberland, D.F. Flack, D.M. Ford, G. Fox, Mrs J M Giles, Mrs. H.L.A Glynn, M.J. Handford, N. Harris, Mrs E M. Hart, Mrs. J. Helson, A Hosking, V.C. Howlett, Mrs M. Hunnable, Mrs. A.R. Hutchings, V D Hutchings, V.H. Leach, Mrs S.J Lemon, C.R. Morgan, Mrs P.M V. Pearse, R.A. Pearson, Mrs G.M. Plackett, T.A. Powell, P.J. Stanton, Mrs. W M Stevenson, D J. Sutton, S.R. Tellis, Mrs M S. Vince, R.E. Vingo, D A. Weir and Mrs. M.A. Weir.

#### 590 FORMER COUNCILLOR MRS. P. COOKE

Members stood for a minutes silence in memory of former Councillor Mrs. P Cooke, who had recently died. A Member then led Council tribute to the life and work of Mrs. Cooke.

#### 591 NEW MEMBERS

The Chairman welcomed Councillors R.S. Allen and D.M. Ford to their first Meeting of Full Council since election

#### 592. MINUTES

Resolved that the Minutes of the Meeting of 15th October 1996 be approved as a correct record and signed by the Chairman.

#### 593 PRESENTATION OF BRAVERY AWARDS

The Chairman presented the Society for the Protection of Life Bravery Awards to Mr E Haynes and Mr. P. Hughes for their role in a recent fire rescue incident.

#### 594. ALLOTMENT COMPETITION 1996 (Minute 315/96)

The Chairman announced that the Allotment Shield and first prize in this year's competition had been won by Mr R. Matthews, the second prize by Mr E Lushey and the third prize by Mr. L. Martin. He presented them with their prizes and Certificates of Merit. (DLA) (6056)

#### 595 PRESENTATION OF BEST KEPT PLAYING FIELD COMPETITION AWARDS

The Chairman received the Council's awards from Mr J Gibson MBE, Chairman of the Essex Playing Fields and Children's Play Association. The Council had received Certificates of Merit in respect of Fairview Playing Field, Rochford Recreation Ground, Canewdon Playing Field and Sweyne Park (for which the Council was also this year's recipient of the Ralph Dreschfield Cup for the best effort in the County).

#### 596 MEMBERS' INTERESTS

The interests recorded in the Minutes to be received and considered by Council were taken as read. Councillors D.E Barnes, P A. Beckers, C.I. Black, M.J. Handford, Mrs J. Helson and Mrs. P.M.V. Pearse each declared non pecuniary interests in the item on the Rayleigh Town Sports and Social Club (Minute 603) by virtue of their membership of Rayleigh Town Council.

#### 597. CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that he had undertaken a number of civic engagements, including:-

1430

- the switching on of Christmas lights at Hockley and Rochford
- tree planting for the Woodlands Trust
- the Clean and Tidy presentations at Rayleigh Civic Suite
- attendance at the recent County Council presentation on the Standards of Fire Cover Review 1996

With regard to the Standards of Fire Cover Review, Members concurred with the comments of the Vice Chairman that, in view of Review implications for Rochford Fire Station, it would be appropriate to convene a public meeting to discuss the same.

Resolved that arrangements be made at the convenience of the County Council's Chief Fire Officer for a public meeting to be held early in the new year at the Freight House, Rochford to consider the Standards of Fire Cover Review 1996 in relation to Rochford Fire Station (DE) (DLA)

598. **COMMITTEE MINUTES**

The Meeting of the Planning Services Committee held on 5th December 1996 had been adjourned and scheduled to resume on 12th December 1996. The Minutes of the Meeting would be submitted to the next Meeting of Full Council.

Resolved (1) that the Minutes of Committees be received and the recommendations to Full Council contained therein be adopted.

(2) that the Common Seal of the Council be affixed to any documents necessary to give effect to decisions taken or approved by Council in these Minutes.

COMMITTEE	DATE	MINUTE NOS.
Planning Services	31st October 1996	512-526
Community Services	12th November 1996	527-548

Minute 529 - Licence to the Rayleigh Bowls Club and Rayleigh Women's Bowls Club (Minute 420/96)

With regard to Minute 529 it was agreed that Councillors D F. Flack and V D. Hutchings, or their nominees, should represent the Labour Group and Hockley Residents Association respectively at the meeting with the Bowls Clubs.

Transportation & Environmental Services	21st November 1996	549-566
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At this point in the Meeting a Member wished to comment on the value of Officers ensuring that all Councillors are aware of any issues raised at Sub-Committee/Committee level which could be considered of common interest to all.

Members then considered recommendations made to the Council by Committees

Minute 551 - Minutes of the Transportation Sub-Committee. Hackney Carrage Stand at Rochford Market Square - Additional stand within Rochford Town Centre - Minute 14.

Resolved that pursuant to Standing Order 13 due to public demand, resolutions 2 and 3 under Minute 14 of the Transportation Sub-Committee Minutes be rescinded and a full report on the residential and environmental affects on residents and shopkeepers in this area be prepared for the next Meeting of the Transportation & Environmental Services Committee. (DE)

**Minute 570 - Minutes of Committees. Minute 532 of Community Services Committee - Housing Act 1996**

In dealing with Minute 532 Members agreed that it would be appropriate to also consider the report of the Director of Community Services on recent notification that commencement of Part VI of the Housing Act 1996 (Allocation of Housing) had been deferred to 1st April 1997. The Director's report included arrangements which had been made for the provision of an in-house training course on the central topics of the Housing Register, Allocations and Homelessness.

**Section 2 (Allocation of Housing Accommodation - Practical and Policy Implications)**

Resolved that the following be introduced from 20th January 1997-

(1) that the Council adopts the Housing Points Scheme as the method of meeting the requirements of Part VI Housing Act 1996 (with the addition of Points for lack of, or inability to cope with a garden and for the remoteness of a location).

(2) that time spent on the Register be used to determine priority only between applicants with the same number of points.

(3) that the Council continues to assist Elderly Relatives from outside the area in accordance with Council policy.

(4) that the Director of Social Services be asked to accept responsibility to recommend urgent rehousing under Section 167 and that this responsibility should not be delegated to any officer below the level of County Specialist Manager

(5) that households with incomes below £15,000 for a couple and more for families with children be considered low paid for the purposes of the points scheme. This sum to be amended annually in line with general and house price inflation,

(6) (i) that the Housing and Homelessness Sub-Committee review the implementation of Part VI of the Housing Act 1996 in May/June 1997.

(ii) That the Director of Community Services draws to Members' attention problems/anomalies that arise from the implementation of Part VI of the Housing Act 1996 at any time.

(7) that prosecution under Section 171 of the Housing Act 1996 be authorised by the Community Services Committee (D Com.S)

**Section 3 (Housing Act 1996 - Homelessness)**

Resolved (1) that the Director of Community Services be authorised to review decisions under the terms of Part VII of the Housing Act 1996 and to act thereon.

(2) that an in-house training session on the Housing Act 1996 be arranged for Officers on 5th February 1997 to be undertaken by Chapman Hendy Associates and places be reserved for 10 Members to be agreed at the Community Services Committee.

(3) that all Licensees of temporary accommodation be offered secure tenancies prior to the commencement of Part VI the Act.

(4) (i) that the action of the Director of Community Services in mothballing Hatfield House be confirmed.

(ii) that the Director of Community Services reports back on the future of Hatfield House to the meeting of Community Services on 4th March, 1997.

(5) that the Director of Community Services be authorised to seek Secretary of State approval under Section 207 to modify the provisions of Part VII of the Housing Act 1996 in respect of:

- a) Elderly people
- b) People with physical disabilities
- c) People with learning difficulties
- d) People suffering from mental illness
- e) Families with children below age 3
- f) Families with 4 children or more

(6) that the Director of Community Services prepares a report on the options for using Registered Social Landlords and private landlords to temporarily house the homeless. (D.Com S)

**Section 4 (Housing Act 1996 - Part VII - Section 179 - Provision of Housing Advice)**

Resolved that approval be given to the strategy for providing Housing Advice.

**Minute 539 of Community Services Committee - Use of Rochford Reservoir**

Resolved (1) that the following policy for small scale private events held at Council buildings and facilities be agreed.-

(i) The organiser to hold an insurance policy to cover Public Liability risks to the level as agreed by the Director of Finance

(ii) Any request which, in the opinion of the Council, may be contrary to decency or good manners or likely to lead to disorder will not be allowed

(iii) The organiser is responsible for ensuring during any function that no disorderly, dangerous or improper conduct, or conduct which may endanger Council property occurs

(iv) The organiser will be liable for any costs incurred by the Council.

(v) No area of the open space will be enclosed in any way to restrict access to the general public and no charges levied

(vi) No activity likely to cause nuisance or annoyance to neighbouring premises or other users of the public open space will be permitted.

(vii) No activity shall involve more than 100 people.

(viii) The organiser is required to obtain any statutory licences, consents or other permission that may be required

(2) that the request for permission for a Humanist Ceremony at the Rochford Reservoir be granted.

(3) that the Property Services Manager be authorised to process requests subject to the above policy. (133)(PSM)

**Minute 551 of Transportation & Environmental Services Committee -Minutes of the Transportation Sub-Committee - Hackney Stand at Rochford Market Square - Additional stand within Rochford Town Centre - Minute 14**

Resolved (1) that Officers prepare a report on the viability of Rochford District Council managing the Hackney Carriage Licence scheme.

(2) that the report be submitted to the Transportation Sub-Committee for consideration in the 1997/98 revenue budget.

**Minute 553 of Transportation & Environmental Services Committee -A130 By-Pass - Stage 2 (A132/A127) (Minute 454/96)**

In dealing with Minute 553 some Members felt that the Council should retain a preference for route SD and maintain an objection to any other route on environmental and safety grounds. Other Members felt that the issue had already been given detailed consideration by the Council and referred to the financial aspects involved. It was moved by Councillor D.F. Flack and seconded by Councillor C.R. Morgan that the Committee's recommendation be amended to read "That this Authority maintains its preference for route option SD". On a requisition pursuant to Standing Order 14 voting on the amendment was recorded as follows:-

For the amendment (12)

Councillors R.S. Allen, G.C. Angus, D.F. Flack, D.M. Ford, G. Fox, C.R. Morgan, Mrs. G.M. Plackett, Mrs. W.M. Stevenson, D.J. Sutton, Mrs. M.S. Vince, D.A. Weir and Mrs. M.A. Weir

Against the amendment (24)

Councillors D.R. Ayling, D.E. Barnes, P.A. Beckers, C.I. Black, M.C. Brown, S. Cumberland, Mrs. J.M. Giles, Mrs. H.L.A. Glynn, M.J. Handford, N. Harris, Mrs. E.M. Hart, Mrs. J. Helson, A. Hosking, V.C. Howlett, Mrs. M. Hunnabell, Mrs. A.R. Hutchings, V.D. Hutchings, V.H. Leach, Mrs. S.J. Lemon, Mrs. P.M.V. Pearse, R.A. Pearson, T.A. Powell, P.J. Stanton and R.E. Vingoe

Abstaining (1)

Councillor S.R. Tellis

The amendment was declared LOST and it was:-

**Resolved** that this Authority maintains its preference for route option SD but at the same time acknowledges reluctantly that the County Council would not now pursue this option and, in the circumstances, advise the County that subject to the satisfactory resolution of concerns such as those raised in the context of the presentation to the last Committee, no formal objection to the proposal would be made. (DE)

**Minute 571 of Finance & General Purposes Committee - Minutes of Sub-Committees and Panels.**

**Minute 3 - Audit Sub-Committee - 16th October 1996 - Contracts - Sheltered Homes Conversion Scheme**

**Resolved** (1) that the report of the Chief Executive be received.

(2) that a detailed report on the upgrading of Sheltered Housing as outlined by the Chief Executive is submitted to the next Meeting of this Sub-Committee.

**Millennium Sub-Committee - 4th November 1996  
Minute 8 - Millennium Applications - Progress**

**Resolved** (1) that, with regard to application proposals in respect of an Environment Centre in Hockley Woods:-

(i) The Council accepts that there should be a provisional upper capital cost of £400,000.

(ii) The Council be prepared to incur costs of up to £20,000 to support any application bid.

(iii) Consideration be given to the co-opting of persons with experience of charitable fund raising on to the Sub-Committee.

(iv) Town/Parish Councils be approached with a view to any assistance they are able to offer this Council with regard to the proposals.

(v) Further contact be made with the Essex Wildlife Trust with a view to commencing outline discussions on working in partnership to achieve a Centre.

(2) that a proposal for lottery funding for a project of structures/sculptures based on the theme of time be submitted to the Arts Council of England. (DE) (TP179)

599 **AUDIT SUB-COMMITTEE - 28TH NOVEMBER 1996**

Council considered the appended Minutes of the Meeting of the Audit Sub-Committee held on 28th November 1996

**Minute 6 - Payment Point Agency - Great Wakering**

Note: Councillor R.S. Allen declared a pecuniary interest in this item and left the Meeting taking no part in the debate or voting thereon.

During consideration of Minute 6 the Director of Finance reported on the current situation with regard to approaches to the Parish Council, the Post Office and a local company concerning revised payment point location. Members recognised the value of ensuring that the payment point was as local as possible.

Resolved that the report of the Director of Finance be noted (DF)

**Minute 7 - Contracts - Sheltered Homes Conversion Schemes**

In considering this recommendation Members were unanimous in agreeing to dispense with the pro-rata rules for the proposed Panel.

Resolved (1) that an investigatory Panel of 5 Members be set up to examine all aspects surrounding the letting of Sheltered Housing Scheme Contracts and report back to the parent Committee, Panel membership to be as follows:-

Councillors D.E. Barnes, Mrs. E.M. Hart, Mrs. J. Helson, V.D. Hutchings and C.R. Morgan.

(2) that the procedure outlined in the report of the Director of Finance with regard to Capital Schemes for Construction Work be adopted requiring reports to Committee from the Client Officer at the following stages:-

(a) Design stage prior to formal consultation.

(b) Following formal consultation

(c) The tender selection stage

(d) Tender acceptance. (CE,DLA)

600. **NATIONAL NON-DOMESTIC RATINGS - APPLICATIONS FOR DISCRETIONARY RATE RELIEF - HEATH AND STAR SHOOTING CLUBS, LUBBARDS LODGE FARM, RAYLEIGH (Minute 573/96)**

Council considered the report of the Director of Finance outlining matters which should be taken into account by Members when determining applications for rate relief made by shooting and gun clubs.

During debate Members felt that, whilst the Council should be mindful of its existing rules, it would be appropriate to undertake a future review of policy to see if rules can be established which accord more closely with the views of District residents and that recognise areas where precaution is perhaps required.



**Resolved** (1) that 25% Discretionary Relief be granted to the Heath Shooting Club for the period 3rd April 1995 to 1st September 1996 and to the Star Shooting Club from 1st September 1996.

(2) that the Corporate Resources Sub-Committee undertake an immediate review of existing policy in respect of discretionary rate relief.

601 **SETTING THE COUNCIL TAX BASE 1997/98 (Minute 26/96)**

Pursuant to Standing Order 26.2, the Chairman admitted consideration of the report of the Director of Finance on setting the Council Tax base 1997/98 as a matter of urgency.

**Resolved** (1) that the report of the Director of Finance for the calculation of the Council's Tax Base for the year 1997/98 be approved.

(2) that, pursuant to the Director of Finance's report and in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, the amount calculated by the Rochford District Council as its Council Tax Base for the year 1997/98 shall be in the following parts:-

ASHINGDON	1,091.42
BARLING MAGNA	618.57
CANEWDON	549.29
FOULNESS ISLAND	64.09
GREAT WAKERING	1,906.50
HAWKWELL	4,344.25
HOCKLEY	3,617.57
HULLBRIDGE	2,349.65
PAGLESHAM	104.96
RAWRETH	342.32
RAYLEIGH	11,180.13
ROCHFORD	2,587.30
STAMBRIDGE	239.61
SUTTON	54.68
	<hr/>
	29,104.34

602. **EXCLUSION OF THE PUBLIC**

**Resolved** that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the Meeting for the following items of business on the grounds that they involve the likely disclosure of Exempt Information as defined in Paragraphs 7 and 9 respectively of Part 1 of Schedule 12A of the Act

603 **RAYLEIGH SPORTS AND SOCIAL CLUB (Minute 511/96)**

Council considered the confidential report of the Director of Law & Administration detailing the latest position regarding closure of the Rayleigh Sports and Social Club and proposals for the way forward.

**Resolved** (1) that the Director of Law & Administration enters into discussions with Rayleigh Town Council on their proposals for the use of the former Rayleigh Sports and Social Club for community purposes and reports the outcome to the next Meeting of the Finance and General Purposes Committee.

(2) that the Council offsets rent outstanding on the premises against the tenants' improvements and authorises the Director of Finance to write off accounts for rent outstanding.

(3) that the Council endorses the action of the Officers in securing the premises and authorises a provision of £3,500 in respect of the current financial year to be financed from the general contingency provision. (DLA, DF)

CONTRACT NO. 1650 - INTERNAL CLEANING OF THE COUNCIL OFFICES,  
ROCHFORD C.A.B. AND TOILETS IN ROCHFORD DAY CENTRE

Note: Councillor C I Black declared a pecuniary interest in this matter by virtue of his spouse's employment and left the Meeting taking no part in the debate and voting thereon

Further to Minute 582 of the last Meeting of the Finance and General Purposes Committee, the Director of Corporate Resources reported in confidence on the references available in respect of the lowest and second lowest tenderers for Contract No. 1650. Members noted that the second lowest tenderer was more suited to the type of work involved.

Resolved that the tender submitted by Mayfield Cleaning Contractors in the sum of £27,664.00 per annum be accepted, subject to contract (CON. 1650) (DLA)

mmsdec10

APR B

1443

ROCHFORD DISTRICT COUNCIL

COUNCIL - 10TH DECEMBER 1996

Minutes of the Audit Sub-Committee

At a Meeting held on 28th November 1996. Present: Councillors N Harris (Chairman), C I Black, D F Flack, Mrs J Hall, Mrs E M Hart, Mrs J Helson and C R Morgan

Apologies: Councillors E L Francis, A. Hosking, A L. Stevart and R E Vingoe

Substitutes: Councillors B R Ayling, D E Barnes, V C Howlett and Mrs A R Hutchings.

Visiting: Councillors Mrs. S.J Lemon, M J Handford, V D Hutchings and Mrs. P M V Pearse

4 MINUTES

The Minutes of the meeting of 16th October 1996 were agreed as a correct record

In answer to a Member's question, the Director of Law and Administration confirmed that the terms of reference of this Sub-Committee related to the full audit of practices, procedures and mechanisms for delivery of all Council internal and external services including the actions of departments and individuals. However, this did not extend to disciplinary enquiries which are the purview of the Corporate Resources Sub-Committee

The Directors of Finance and Environment provided clarification in respect of the sums involved in adjusting the Capital Programme for The Lavers contract and advised that the final fees due to the Consultant Architect were still the subject of negotiation

5 EXCLUSION OF THE PUBLIC

Resolved that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the Meeting for the following items of business on the grounds that they involve the likely disclosure of Exempt Information as defined in Paragraphs 8 and 12 respectively of Part 1 of Schedule 12A of the Act

6 PAYMENT POINT AGENCY - GREAT WAKERING

The Director of Finance reported in confidence on irregularities in the operation of this Agency and the steps taken to prevent loss to the Council. The Agency had now been withdrawn from the operator and all sums due to the Council have been accounted for.

RECOMMENDED That the report of the Director of Finance be noted. (DF)

7 CONTRACTS - SHELTERED HOMES CONVERSION SCHEMES

Following decisions taken at its previous meeting, the Sub-Committee received a confidential Audit Report from the Director of Corporate Services together with an overview from the Director of Finance in the absence of the Chief Executive.

The Chairman outlined his proposals for dealing with the matter and in particular the detail of the Audit Report

The Director of Finance then explained how his overview had been prepared and agreed by the parties concerned and the Director of Corporate Services laid around additional documentation arising out of queries received from Members since the last meeting.

In answer to Members questions, the Director of Corporate Services explained his view as to what constituted a formal record and why this additional material had not been included with the other Appendices to the Audit Report.

The Sub-Committee then turned to the Audit Report itself and considered this document paragraph by paragraph. It was noted that changes in the contract specification and phasing of the scheme following tenant consultation had resulted in the commencement of a considerably more expensive conversion than originally budgeted for. The report identified confusion between officers as to client responsibilities resulting in a breakdown of reporting procedures which had led to a breach of Financial Standing Orders.

The Directors of Finance, Corporate Services, Environment and Law and Administration answered questions from Members as they arose from detailed consideration of the report.

The Director of Finance then presented his overview of what had occurred and his proposals for putting in place a revised procedure to remedy the shortcomings in management of the contract process highlighted in the Audit Report

Members noted the Directors' recommendations but felt that a number of issues required further clarification. One Member requested a copy of the contract document, others required details of other related contracts and the opportunity to question those officers referred to in the Audit Report directly with regard to the sequence of events leading to the present situation

Due to the lateness of the hour and the need for such additional information, it was agreed to adjourn the meeting to 7 30p m on 4th December 1996.

NOTE: During consideration of the foregoing item it was

Resolved that Standing Order 1.8 be suspended.

addendumdec10

ROCHFORD DISTRICT COUNCIL

COUNCIL - 10TH DECEMBER 1996

MINUTES OF THE AUDIT SUB-COMMITTEE

At a Meeting held on 4th December 1996. Present: Councillors N. Harris (Chairman), D.F. Flack, Mrs J Hall, Mrs. E M Hart and Mrs J. Helson

Apologies. Councillors E L. Francis, A Hosking, C.R. Morgan, A L. Stevart and R.E. Vingoe.

Substitutes: Councillors B R. Ayling, D E. Barnes, V C Howlett and Mrs A R Hutchings.

Visiting: Councillors Mrs S J Lemon, M.J. Handford, V D. Hutchings, Mrs P M V Pearse and D.A Weir.

7. The Sub-Committee re-convened the Meeting in private session adjourned from 28th November 1996

The Chairman confirmed with Members that they had received all the additional papers circulated by the Director of Finance and Director of Law & Administration and a briefing note from Councillor B R. Ayling following his perusal of Contract 95/1909. The Chairman then advised that the Officers referred to in the Audit Report were available to answer questions from Members but, before inviting them to attend, the Director of Finance would advise Members on matters of procedure

The Director of Finance referred to questions by Members earlier in the Meeting which had raised queries on issues beyond the scope of the current Audit Report. It appeared that to address and resolve such issues a wider investigation was called for. The Director therefore recommended the setting up of a small investigatory Panel of Members with a brief to look at all aspects of contracts for Sheltered Housing Schemes over a number of years. He suggested that in the circumstances a Panel of five Members was appropriate and that the Council should consider dispensing with the pro-rata rule to allow a representation of two Liberal Democrats and one from each of the other three Groups. Members had already gone through the Audit Report and Director's Overview and had received the Director's recommendations on procedural changes to avoid a repeat of the omission to report changes to a contract. Given that a wider investigation was proposed, it might now not be necessary for this Sub-Committee to proceed with further interviews

One Member felt that having gone this far, it was appropriate to hear from the Officers concerned and possibly conclude the matter as a result, particularly as the Sub-Committee had not raised any issue of probity, discipline or competency. Other Members felt that further investigation over a wider area was necessary and this was best left to a smaller Panel of Members better suited to the examination of files and conducting of interviews. The Sub-Committee had received sufficient information with regard to the irregularities that had occurred in this case to recommend procedural changes but for the benefit of all concerned a wider investigation was appropriate to clear the air

On a show of hands it was agreed to recommend the setting up of an investigatory Panel of five members.

The Sub-Committee then considered a revised reporting procedure and agreed the recommendations contained in the report of the Director of Finance.

The Sub-Committee noted the suggestion of a Member that consideration should be given to a review of the practice with regard to the suspension of Standing Order 44 to

allow "roll-over" contracts and the need for formal procedures to deal with the rotation of contractors on the selected tender list.

**RECOMMENDED** (1) That an investigatory Panel of five Members be set up to examine all aspects surrounding the letting of Sheltered Housing Scheme Contracts to report back to the Parent Committee

(2) That the procedure outlined in the report of the Director of Finance with regard to Capital Schemes for Construction Work be adopted requiring reports to Committee from the client Officer at the following stages -

- (a) Design stage prior to formal consultation.
- (b) Following formal consultation
- (c) The tender selection stage.
- (d) Tender acceptance.

(CEX,DLA)

mnsdec4

Chairman: P. B. Smith date. 10-2-97

ROCHFORD DISTRICT COUNCIL

Minutes of the Planning Services Committee

At a Resumed Meeting held on 12th December 1996 Present Councillors  
Mrs. J.M. Giles (Chairman), D.E. Barnes, C.I. Black, D.M. Ford, E.L. Francis,  
Mrs. H.L.A. Glynn, M.J. Handford, Mrs. J. Helson, V.C. Howlett, Mrs. S.J. Lemon,  
C.R. Morgan, Mrs. P.M.V. Pearse, Mrs. G.M. Plackett, T.A. Powell, P.J. Stanton,  
Mrs. W.M. Stevenson, Mrs. M.S. Vince, R.E. Vingoe, D.A. Weir and Mrs. M.A. Weir

Apologies Councillors P.A. Beckers, M.C. Brown, Mrs. J. Hall, A. Hosking,  
Mrs. M. Hunnabell, Mrs. A.R. Hutchings, V.D. Hutchings and R.A. Pearson

605 SCHEDULE OF DEVELOPMENT APPLICATIONS AND RECOMMENDATIONS

Consideration was given to the Schedule of Development Applications and Recommendations deferred from the Meeting of 5th December 1996

Resolved that decisions be made in accordance with the recommendations in the appended schedule subject to -

Para. 11 - F/0565/96/ROC - Adjacent 2 Hamilton Gardens, Hockley

Application refused for the following reasons

- 1 The Local Planning Authority considers the proposal to be an over-development of the site by reason of the cramped nature of the development which would be out of keeping with the street scene
- 2 The development, if permitted, would create an undesirable precedent for further similar development in the general locality and elsewhere in the District making it difficult for the Authority to resist such buildings to the detriment of the appearance of the area

Para. 12 - CU/0510/96/ROC - Lubards Lodge Farm, Hullbridge Road, Rayleigh

Application refused for the following reason

The Rochford District Local Plan First Review shows the site to be within the Metropolitan Green Belt and the proposal is considered to be contrary to Policy GB1 of the Local Plan and to Policy S9 of the Essex Structure Plan. Within the Green Belt as defined in these policies, planning permission will not be given, except in very special circumstances, for the construction of new buildings or for the change of use or extension of existing buildings (other than reasonable extensions to existing dwellings as defined in Policies GB2 and GB7 and re-use of redundant farm buildings as defined in Policy GB5). The Local Planning Authority consider the proposed use inappropriate in the Green Belt.

In considering this application a Member asked that a letter be sent to the applicants to enquire about the future plans for the use of the site.

Resolved that a letter be sent to the applicants (DE)

Para. 14 - F/0619/95/ROC - Fishing Lakes, Goldsmith Drive/McCalmont Drive, Rayleigh

In agreeing the recommendations Officers drew Members attention to a corrected Ordnance survey-based plan of the overall site

Para. 15 - F/0325/96/ROC - Site of Laburnhams and Norfolk Lodge, Rawreth Lane, Rawreth

Application description amended to read -

"Erect 7 x Four bed detached dwellings, 8 x Two bed terraced dwellings, 2 x Two semi-detached dwellings, formation of vehicular access, layout and construct estate roads".

Consideration of this application was deferred for further negotiations with the applicants and Ward Councillors regarding the 2 Bedroomed units and also amendments to ensure compliance in the normal way with appropriate technical standards

Para. 16 - F/0326/96/ROC - Between The Laburnhams and Trynden Haze, Rawreth Lane, Rawreth

Amend description to read.-

"Erect 74 x Four bed detached dwellings, formation of vehicular access, layout and construct estate road".

Members agreed the recommendation subject to the amendment to ensure compliance in the normal way with appropriate technical standards

NOTE: During discussion of the foregoing item it was

Resolved that Standing Order 18 be suspended until 10.30 p m.

606 THE TOWN & COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995 - PROPOSED NEW DEVELOPMENT RIGHT TO EXTEND THE GARDEN OF A DWELLING HOUSE

The Committee had before them the report of the Director of Environment on a consultation paper from the Department of the Environment on proposed new Permitted Development Rights to extend the garden of a dwelling house without the need to apply for planning permission on which this Council was invited to comment

The Committee considered that if this were introduced as part of the General Permitted Development Order it would cause a number of problems especially the impact on the urban/rural boundary since new buildings and other structures would have the effect of lowering the distinction and reducing the value of the Green Belt assessed against the principles in PPG2, it would be visually harmful, reduce the openness of the Green Belt, increase coalescence between settlements and it would increase the likelihood of Green Belt controls being weakened and it would no doubt make it very difficult to resist further ad-hoc residential development

RECOMMENDED That this Council urge the Department of the Environment in the strongest possible terms to drop the proposed change to the General Permitted Development Order and not to pursue introducing Permitted Development Rights for garden extensions (DE)

NOTE: The Chief Executive exercised his authority under Standing Order 18 to enable the response to be made by the deadline

1449

chairman: J. M. Giles - date: 25/11/97



**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY**

**PLANNING SERVICES COMMITTEE 5TH DECEMBER 1996**

All planning applications are considered against the background of current Town and Country Planning legislation, rules, orders and circulars, and any development, structure and local plans issued or made thereunder. In addition, account is taken of any guidance notes, advice and relevant policies issued by statutory authorities.

Each planning application included in this Schedule and any attached list of applications which have been determined under powers delegated to the Director of Environment is filed with all papers including representations received and consultation replies as a single case file.

All building regulation applications are considered against the background of the relevant building regulations and approved documents, the Building Act, 1984, together with all relevant British Standards.

The above documents can be made available for inspection as Committee background papers at the office of the Director of Environment, Acacia House, East Street, Rochford.

*JE*

PLANNING SERVICES COMMITTEE 5TH DECEMBER 1996

DEFERRED ITEMS

- D.1 F/0338/96/ROC ALEX BUSHELL  
ERECT SEVEN 2-BED AND EIGHTEEN 3-BED DWELLINGS &  
GARAGES, FORMATION OF VEHICULAR ACCESS, LAYOUT AND  
CONSTRUCT ESTATE ROAD AND PRIVATE DRIVES  
LAND EAST OF CAVERSHAM PARK AVENUE RAYLEIGH
- D 2 F/0445/96/ROC JOANNE CLARK  
EXTEND OPENING HOURS ON 2 SUNDAYS IN EVERY 4 WEEK  
PERIOD FROM 10 00PM TO 11 00PM WITHOUT COMPLIANCE  
WITH COND. 7 OF APP CU/0451/92/ROC (FOR MUSIC  
EVENTS FOR CHRISTIAN YOUTH GROUPS) (REVISED  
SUBMISSION FOLLOWING F/0284/96/ROC)  
7-9 BROOK ROAD RAYLEIGH

REFERRED ITEM

- R 3  
F/0495/96/ROC LYNNE GOWERS  
CONSTRUCT PONTOON PIER  
SHUTTLEWOODS BOATYARD WATERSIDE ROAD PAGLESHAM

SCHEDULE ITEMS

4. F/0515/96/ROC JOANNE CLARK  
ERECT SIDE EXTENSION (PART TWO STOREY AND PART  
SINGLE STOREY) AND NEW VEHICULAR ACCESS (REVISED  
SUBMISSION FOLLOWING APPLICATION F/0362/96/ROC)  
1 SILVER DALE RAYLEIGH
- 5 CU/0314/96/ROC JOHN WHITTAM  
CHANGE USE OF REDUNDANT FARM BUILDINGS TO STORAGE  
TEMPLE FARM SUTTON ROAD ROCHFORD
6. F/0537/96/ROC JOANNE CLARK  
ERECT 4-BED DETACHED HOUSE WITH ATTACHED GARAGE TO  
FRONT (RESUBMISSION FOLLOWING APPLICATION  
F/0243/96/ROC)  
ADJ FINCHES LODGE HOCKLEY ROAD RAYLEIGH

Jo-

- 7 OL/0413/96/ROC JOHN WHITTAM  
OUTLINE APPLICATION TO ERECT 3 DETACHED HOUSES  
ADJ DULCE DOMUN NORE ROAD RAYLEIGH
8. OL/0527/96/ROC JOHN WHITTAM  
OUTLINE APPLICATION TO ERECT FOUR DETACHED 3-BED  
BUNGALOWS AND GARAGING WITH PRIVATE DRIVE ACCESS  
(REVISED SUBMISSION FOLLOWING APPLICATION  
OL/0095/96/ROC)  
R/O 61-69 LOUIS DRIVE RAYLEIGH
9. F/0512/96/ROC MARTYN WILLIAMS  
DEMOLISH EXISTING TOWER (PREVIOUSLY USED AS  
DWELLING). ERECT BUNGALOW, CONSTRUCT VEHICULAR  
PARKING AND TURNING AREA  
STEWARDS YARD WAKERING ROAD GREAT WAKERING
- 10 CU/0554/96/ROC JOANNE CLARK  
CHANGE OF USE OF BETTING OFFICE TO CLASS A3 PIZZA  
TAKE-AWAY AND DELIVERY SERVICE (OPENING HOURS 08.00  
TO 21 00)  
169 HIGH STREET RAYLEIGH
11. F/0565/96/ROC ALEX BUSHELL  
ERECT 2 BED DETACHED BUNGALOW WITH INTEGRAL GARAGE,  
FORMATION OF VEHICULAR ACCESS AND DRIVEWAY  
ADJ 2 HAMILTON GARDENS HOCKLEY
- 12 CU/0510/96/ROC ALEX BUSHELL  
STORAGE AND DISTRIBUTION OF FIRE EXTINGUISHING  
EQUIPMENT (INCLUDING THE FILLING OF FIRE  
EXTINGUISHERS)  
LUBARDS LODGE FARM HULLBRIDGE ROAD RAYLEIGH
- 13 CU/0511/96/ROC ALEX BUSHELL  
MANUFACTURE OF CARDBOARD BOXES  
LUBARDS LODGE FARM HULLBRIDGE ROAD RAYLEIGH
14. F/0619/95/ROC STEVEN GOUGH  
STATIONING OF MOBILE HOME FOR OCCUPATION BY FISH  
FARM MANAGER, ERECT STORAGE SHED  
FISHING LAKES GOLDSMITH DRIVE/ MCCALMONT DRIVE  
RAYLEIGH

98

15 F/0325/96/ROC STEVEN GOUGH  
ERECT NINE 4-BED DETACHED DWELLINGS, FORMATION OF  
VEHICULAR ACCESS, LAYOUT AND CONSTRUCT ESTATE ROAD  
SITE OF LABURNUMS & NORFOLK LODGE RAWRETH LANE  
RAWRETH

16 F/0326/96/ROC STEVEN GOUGH  
ERECT SEVENTY SIX 4-BED DETACHED DWELLINGS & TEN 2-  
BED SEMI-DETACHED & TERRACED DWELLINGS, FORMATION  
OF VEHICULAR ACCESS, LAYOUT AND CONSTRUCT ESTATE  
ROAD  
BET THE LABURNHAMS & TRYNDEN HAZE RAWRETH LANE  
RAWRETH

*SG.*

F/0565/96/ROC PARISH OF HOCKLEYADJ 2 HAMILTON GARDENS HOCKLEY

ERECT 2 BED DETACHED BUNGALOW WITH INTEGRAL GARAGE, FORMATION OF VEHICULAR ACCESS AND DRIVEWAY

Applicant: MRS M TAPPENDEN

Zoning: Residential

Frontage: 9.2m Depth: 25m

Planning Application Details

- 11.1 The application seeks planning permission for a detached bungalow on an infill plot within Hamilton Gardens. The site abuts the rear gardens of two houses fronting Greensward Lane and is adjacent to No 2 Hamilton Gardens. The application site was formally part of the residential curtilage of no 2 Hamilton Gardens, but was subsequently separated and sold on as a building plot. To the rear of the application site is Hockley Evangelical Church which is a single storey building with a steep pitched roof.

Relevant History

- 11.2 Members may recall application ref. F/0272/96/ROC that was refused by the Planning Services Committee on the 5 September 1996. The Director of Environment recommended that the application be approved subject to conditions, however, the Committee refused permission following a site visit by Members of the Committee, on grounds that the proposed bungalow would constitute an overdevelopment of the site, out of keeping with the street scene and would create a precedent for similar development in the locality.
- 11.3 The application the subject of this report and the previous refusal of permission only differ inasmuch as the dwelling has been reduced in depth by 300mm and the external facing brick work is now shown to be brick work and render. The material planning considerations below accordingly remain essentially the same as those set out in the report accompanying application ref. F/0272/96/ROC.

Consultations and Representations

- 11.4 The consultation period for this application does not expire until Friday 6 December 1996 and any further letters of representation or consultation responses received will be reported verbally at the Committee.
- 11.5 One letter of representation has been received from a **LOCAL RESIDENT** who reiterates the objections to the previous application which are as follows:
- the proposed bungalow is excessively close to objectors rear garden,
  - the design is out of character with surroundings,
  - request consideration is given to 'substantial' fencing should the application be permitted.
- 11.6 Reference was also made to the street tree that was retained as part of negotiations on the previous application and retained in the current application.

JB.

- 11.7 **HOCKLEY PARISH COUNCIL** remain to be convinced that this application is significantly different to the previous and continue to object on grounds that the proposed bungalow would appear incongruous in the street scene and would give rise to a loss of amenity to the occupants of 15 and 17 Greensward Lane.
- 11.8 The **COUNTY SURVEYOR** raises no objections on grounds of highway safety subject to the imposition of conditions relating to off-street car parking, pedestrian visibility splays and the surfacing of the private drive.
- 11.9 The **ENVIRONMENT AGENCY** raise no objection.
- 11.10 **ANGLIAN WATER** make no comment

Summary of Planning Considerations

11.11 The principle planning considerations material to this application are as follows:

- Local Plan Policy,
- existing mature trees,
- visual amenity,
- residential amenity, and
- highway safety.

**LOCAL PLAN POLICY**

11.12 The site is an infill plot within an established residential area and is zoned as such in the Local Plan. Accordingly, subject to Policy H11, *Housing Design and Layout*, and the detailed technical policy considerations contained in Appendix One of the Local Plan First Review the proposed bungalow is considered to be acceptable in principle. The proposal complies with the supplementary guidance (i.e. garden sizes, parking standards, metre separation) in all respects.

**EXISTING MATURE TREES**

11.13 The application site has a number of mature tree within its boundaries comprising a heavily pollarded Horse Chestnut, two conifers and a number of garden ornaments. In consultation with the Council's Woodlands and Environment Specialist, it is considered that none of the trees are worthy of Tree Preservation Orders.

11.14 Of more significant importance in terms of local amenity, is the avenue of Cherry trees running the full length of Hamilton Gardens. All the trees fall within the highway boundary and are accordingly the responsibility of the County Highways Authority. Implementation of the application proposal will not require the removal of any of these trees.

**VISUAL AMENITY**

11.15 The character of the surrounding residential area is a mix of houses and bungalows. In the immediate vicinity of the application site, the north side of Hamilton Gardens comprises two storey houses, the south side bungalows and along Greensward Lane there are predominantly two storey houses. Accordingly a further bungalow within this location can not be considered as out of character to a sufficient degree to justify a refusal of planning permission. As the street trees will be retained a continuous canopy will be maintained along the application site frontage thereby further reducing the visual impact.

*ga*

RESIDENTIAL AMENITY

- 11 16 The proposal is for a bungalow within a tightly constrained site and accordingly conditions removing permitted development rights for extensions within the roof space and at ground floor level are considered reasonable. The existing dilapidated close boarded fence will require replacement and as such will be a conditional requirement if permission is granted. Accordingly, there are adequate safeguards available to ensure that no loss of privacy results. The physical effect of the bungalow are not considered to be materially overbearing to the occupants of the adjacent houses

HIGHWAY SAFETY

- 11 17 The County Surveyor raises no objections in principle and all recommended conditions are reasonably capable of compliance.

Recommendation

- 11 18 The Director of Environment be instructed to determine the application on the expiry of the consultation period and subject to the following condition heads:

- 01 TIME LIMITS-FULL-STD SC4
- 02 MATERIALS TO BE USED SC14
- 03 PD RESTRICTED EXTENSIONS SC17
- 04 PD RESTRICTED OUTBUILDING SC18
- 05 ENCLOSURE/SCREEN-DETAILS SC51
- 06 TREE PLANTING DETAILS SC57
- 07 PEDESTRIAN VISIBILITY SC66
- 08 GARAGE & HARDSTAND SC81
- 09 DRIVEWAYS-SURFACE FINISH SC74

*JB*

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WEST ED

B44

HACKLEY EAST WARD

F/0565/96/R0C

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CU/0510/96/ROC RAYLEIGH TOWN COUNCIL AREALUBARDS LODGE FARM HULLBRIDGE ROAD RAYLEIGHSTORAGE AND DISTRIBUTION OF FIRE EXTINGUISHING EQUIPMENT  
(INCLUDING THE FILLING OF FIRE EXTINGUISHERS)

Applicant: MESSRS A & D PINKERTON

Zoning: Metropolitan Green Belt, Landscape Improvement Area

Planning Application Details

- 12.1 The application site comprises part of a single storey building which lies within a large group of former agricultural buildings at Lubbards Lodge Farm. Some of these buildings remain in uses connected with agriculture but the majority are in non-agricultural use including a large area of stabling and other uses connected with horse riding, sound recording studios, an animal feed stuffs store and shop, design studios, an indoor rifle and pistol range, a label printing use and a storage and distribution use. A small proportion of the buildings on the site remain vacant.
- 12.2 The application building currently has an implemented planning permission for an indoor rifle and pistol range granted planning permission as ref. CU/0269/94/ROC and discussed in more depth below. The use, the subject of this application, proposes the subdivision of part of the rifle range building and the applicants state in supporting documentation that whilst the shooting range is used, it occupies a smaller area than that approved, and the floorspace proposed for the storage and distribution of fire extinguishers is currently vacant.
- 12.3 Members should also be aware of concurrent application reference F/0511/96/ROC for the manufacture of cardboard boxes that involves a further subdivision of the shooting range buildings that is the subject of a separate report on this Schedule.
- 12.4 The use proposed essentially involves the storage and distribution of fire extinguishers, however it is also proposed that there be a small element of hand filling of fire extinguishers. The floorspace of the subdivided section of the building is 72m<sup>2</sup> (48m<sup>2</sup> industrial and 24m<sup>2</sup> office). The applicants envisage that the use will generate a total of four to six vehicle movements per day and provide employment for three individuals.

Relevant History

- 12.5 Members may recall that the Lubbards Lodge Farm site has a complex and involved planning history including a major Enforcement Inquiry. However, in recent years a series of planning permissions have been granted relating to the non-agricultural use of several of the existing buildings including stabling and equestrian uses, together with sound recording studios and the storage and sale of animal feed, and horse tack.
- 12.6 More recently, application reference CU/0604/94/ROC for the storage and distribution of general groceries that was refused contrary to Officer recommendation at Planning Services Committee on 19 January 1995 and subsequently granted planning permission following an appeal to the Department of the Environment. This relates to part of the building the subject of this application and the permission has now been implemented.

*JH*

12 7 Members may recall that a vacant building (Unit M1) has the benefit of an extant planning permission ref: CU/0536/95/ROC for label printing that was approved on 23 November 1995 by the Planning Services Committee. Permission ref CU/0536/95/ROC has yet to be implemented and has recently been extended to include part of the adjacent redundant building, granted planning permission as ref CU/0432/96/ROC at Planning Services Committee on 3 October 1996.

12 8 The building the subject of this application has an implemented planning permission for an indoor rifle and pistol range (ref: CU/269/94/ROC) that was approved on the 2 February 1995 subject to a Section 106 Legal Agreement requiring the retention of a bund wall on the boundary of the application site. Part of this building was granted planning permission on 10 January 1996 as ref: CU/0588/95/ROC for use for repair/maintenance of small precision mechanisms. Planning permission ref F/0476/96/ROC for the variation of hours of operation and personal conditions imposed on the indoor rifle and pistol range permission was approved at Planning Services Committee on 31 October 1996.

#### Consultations and Representations

12 9 **RAYLEIGH TOWN COUNCIL** raise no objections provided the use does not have a retailing element.

12 10 The **COUNTY SURVEYOR** raises no objections in terms of highway safety but suggests that the parking provision be identified for this use only.

12 11 The **NATIONAL RIVERS AUTHORITY** and **ANGLIAN WATER** raise no objections.

12.12 The Council's **CHIEF ENVIRONMENTAL HEALTH OFFICER** has no objections in principle subject to the imposition of conditions relating to extract ventilation systems, externally sited plant/machinery, hours of operation, work on the open areas of the site and the burning of waste materials, all of which are set out below.

12.13 The **HEALTH AND SAFETY EXECUTIVE** states that the proposed use is not subject to the requirements of The Planning (Hazardous Substances) Act 1990 and consequently makes no observations.

#### Summary of Planning Considerations

12 14 The planning considerations material to the determination of this application are as follows:

- extant planning permission and subdivision,
- Local Plan Policy,
- visual and neighbour amenity, and
- highway safety

#### **EXTANT PLANNING PERMISSION AND SUBDIVISION**

12.15 The planning permission ref: CU/0269/94/ROC, detailed in the *Relevant Planning History* above, in the same building for the shooting range included provision for three separate shooting ranges. The applicant submits that two of the ranges are not used and have become redundant. This proposal will utilise part of one of those ranges. Subject to satisfactory parking provision discussed below and the restriction on the use, further subdivision of this building is considered to be acceptable.

*gk*

## LOCAL PLAN POLICY

- 12.16 The application site lies within the Metropolitan Green Belt wherein there is a general presumption against inappropriate development. The re-use of buildings inside a Green Belt is not considered to be inappropriate development providing a number of criteria are met. Policy GB5 of the Rochford District Local Plan First Review outlines the criteria against which proposals for change of use of redundant farm buildings will be assessed.
- 12.17 It is considered that the subdivision of this building, notwithstanding the previously permitted use, will comply with the provisions of Policy GB5, subject to the imposition of the conditions set out below.

## VISUAL AND NEIGHBOUR AMENITY

- 12.18 The application premises is one of a large number of existing buildings within an old agricultural complex, accordingly the re-use of this building in the manor proposed will not detract from general visual amenity of the open countryside setting.
- 12.19 The proposed use falls within Class B1 of the Town and Country Planning (Use Classes) Order 1987 which comprises business uses which can be carried out in a residential area without detriment to the amenity of that area by reason of noise vibration, smell, fumes, smoke, soot, ash, dust or grit. Given that the adjacent uses are varied and include other uses that fall within Class B1 and having regard to the recommended use class restriction and hours of operation conditions below, loss of neighbour amenity is not a material concern. Any nuisance that does occur will be capable of control by the Local Planning Authority and/or Environmental Health.

## HIGHWAY SAFETY

- 12.20 The Lubbards Lodge Farm complex is served by a purpose built access road, that includes the building the subject of this application, and is of a sufficient width to allow vehicles to pass without conflict and furthermore loading space is available outside the application building. Accordingly no objections are raised in terms of highway safety.
- 12.21 The piecemeal introduction of new uses into the vacant buildings within the Lubbards Lodge complex have brought with them a requirement for off-street parking provision. The Local planning Authority have been satisfied up to now that adequate parking and loading space is available as annotated on each successive plan. This application however, is materially different from previous applications in that it proposes the subdivision of a building that already has the grant of planning permission for a use. It is accordingly considered to be an appropriate juncture to require a plan that sets out precisely which parking spaces relate to which use within the site as a whole. The Director has taken the step of 'directing' for this information under the provisions of Article 4A of the Town and Country Planning (Applications) Regulations 1988. No decision will be issued until such time as this information is made available and the Director is satisfied that the parking and load space will not conflict with provisions for other uses.

## Recommendation

- 12.22 The Director of Environment recommends that this application be instructed to determine subject to satisfactory provision for the parking and loading of vehicles that does not conflict with other uses already permitted and to the conditions listed below:

01 TIME LIMITS-FULL-STD SC4

02 PD RESTRICTED USES SC25

*JG*

03 NON STANDARD CONDITION

No part of the premises shall be used for the sale(s) of any item(s), including any sales which may otherwise be considered ancillary to the primary permitted use of the building for the storage, distribution and filling of fire extinguishers.

04 PARKING & TURNING SPACE SC76

05 EXTRACT VENTILATION SC92

06 EXTERNAL STORAGE - LIMIT SC36

07 HOURS OF USE RESTRICTED SC36A

The use hereby permitted shall not take place, no plant/machinery shall be operated and no deliveries shall be taken at or dispatched from the site outside the hours of 07 30 to 18 30 Monday to Friday, 07 30 to 13.00 on Saturdays, nor at any time on Sundays, Bank or Public Holidays.

08 NON STANDARD CONDITION

Under no circumstances shall work (whether ancillary to the use hereby permitted or otherwise) be carried out on the open areas of the site at any time.

09 NON STANDARD CONDITION

Under no circumstances shall the burning of waste materials be carried out on any part of the site edged red on approved drawing no. 1347.6 at any time

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*g.b.*



CU/0511/96/ROC RAYLEIGH TOWN COUNCIL AREALUBARDS LODGE FARM HULLBRIDGE ROAD RAYLEIGH

## MANUFACTURE OF CARDBOARD BOXES

Applicant. MESSRS A &amp; D PINKERTON

Zoning. Metropolitan Green Belt, Landscape Improvement Area

Planning Application Details

- 13 1 The application site comprises part of a single storey building which lies within a large group of former agricultural buildings at Lubbards Lodge Farm. Some of these buildings remain in uses connected with agriculture but the majority are in non-agricultural use including a large area of stabling and other uses connected with horse riding, sound recording studios, an animal feed stuffs store and shop, design studios, an indoor rifle and pistol range, a label printing use and a storage and distribution use. A small proportion of the buildings on the site remain vacant.
- 13 2 The application building currently has an implemented planning permission for an indoor rifle and pistol range granted planning permission as ref. CU/0269/94/ROC and discussed in more depth below. The use, the subject of this application, proposes the subdivision of part of the rifle range building and the applicants state in supporting documentation that whilst the shooting range is used, it occupies a smaller area than that approved, and the floorspace proposed for the manufacture of cardboard boxes is currently vacant.
- 13.3 Members should also be aware of concurrent application reference F/0510/96/ROC for the storage and distribution of fire extinguishers that involves a further subdivision of the shooting range buildings that is the subject of a separate report on this Schedule.
- 13.4 The use proposed involves the manufacture of cardboard boxes for light duty general purposes. The floorspace of the subdivided section of the building is 108m<sup>2</sup> in area. The applicants envisage that the use will generate a total of six to eight vehicle movements per day and provide employment for three individuals.

Relevant History

- 13 5 Members may recall that the Lubbards Lodge Farm site has a complex and involved planning history including a major Enforcement Inquiry. However, in recent years a series of planning permissions have been granted relating to the non-agricultural use of several of the existing buildings including stabling and equestrian uses, together with sound recording studios and the storage and sale of animal feed, and horse tack.
- 13 6 More recently, application reference CU/0604/94/ROC for the storage and distribution of general groceries that was refused contrary to Officer recommendation at Planning Services Committee on 19 January 1995 and subsequently granted planning permission following an appeal to the Department of the Environment. This relates to part of the building the subject of this application and the permission has now been implemented.
- 13 7 Members may recall that a vacant building (Unit M1) has the benefit of an extant planning permission ref CU/0536/95/ROC for label printing that was approved on 23 November 1995 by the Planning Services Committee. Permission ref CU/0536/95/ROC has yet to be implemented and has recently been extended to include part of the adjacent redundant building, granted planning permission as ref. CU/0432/96/ROC at Planning Services Committee on 3 October 1996.

JR

13 8 The building the subject of this application has an implemented planning permission for an indoor rifle and pistol range (ref CU/269/94/ROC) that was approved on the 2 February 1995 subject to a Section 106 Legal Agreement requiring the retention of a bund wall on the boundary of the application site. Part of a this building was granted planning permission on 10 January 1996 as ref. CU/0588/95/ROC for use for repair/maintenance of small precision mechanisms Planning permission ref F/0476/96/ROC for the variation of hours of operation and personal conditions imposed on the indoor rifle and pistol range permission was approved at Planning Services Committee on 31 October 1996

Consultations and Representations

13 9 **RAYLEIGH TOWN COUNCIL** raise no objections provided the use does not have a retailing element

13.10The **COUNTY SURVEYOR** raises no objections in terms of highway safety but suggests that the parking provision be identified for this use only

13.11The **NATIONAL RIVERS AUTHORITY** and **ANGLIAN WATER** raise no objections.

13.12The Council's **CHIEF ENVIRONMENTAL HEALTH OFFICER** has no objections in principle subject to the imposition of conditions relating to extract ventilation systems, externally sited plant/machinery, hours of operation, work on the open areas of the site and the burning of waste materials, all of which are set out below.

Summary of Planning Considerations

13 13The planning considerations material to the determination of this application are as follows:

- extant planning permission and subdivision,
- Local Plan Policy;
- visual and neighbour amenity; and
- highway safety

**EXTANT PLANNING PERMISSION AND SUBDIVISION**

13.14The planning permission ref. CU/0269/94/ROC, detailed in the *Relevant Planning History* above, in the same building for the shooting range included provision for three separate shooting ranges. The applicant submits that two of the ranges are not used and have become redundant This proposal will utilise part of two of those ranges. Subject to satisfactory parking provision discussed below and the restriction on the use, further subdivision of this building is considered to be acceptable

**LOCAL PLAN POLICY**

13.15The application site lies within the Metropolitan Green Belt wherein there is a general presumption against inappropriate development. The re-use of buildings inside a Green Belt is not considered to be inappropriate development providing a number of criteria are met Policy GB5 of the Rochford District Local Plan First Review outlines the criteria against which proposals for change of use of redundant farm buildings will be assessed

13 16It is considered that the subdivision of this building, notwithstanding the previously permitted use, will comply with the provisions of Policy GB5, subject to the imposition of the conditions set out below.

*JR*

## VISUAL AND NEIGHBOUR AMENITY

- 13.17 The application premises is one of a large number of existing buildings within an old agricultural complex, accordingly the re-use of this building in the manner proposed will not detract from general visual amenity of the open countryside setting.
- 13.18 The proposed use falls within Class B1 of the Town and Country Planning (Use Classes) Order 1987 which comprises business uses which can be carried out in a residential area without detriment to the amenity of that area by reason of noise vibration, smell, fumes, smoke, soot, ash, dust or grit. Given that the adjacent uses are varied and include other uses that fall within Class B1 and having regard to the recommended use class restriction and hours of operation conditions below, loss of neighbour amenity is not a material concern. Any nuisance that does occur will be capable of control by the Local Planning Authority and/or Environmental Health.

## HIGHWAY SAFETY

- 13.19 The Lubbards Lodge Farm complex is served by a purpose built access road, that includes the building the subject of this application, and is of a sufficient width to allow vehicles to pass without conflict and furthermore loading space is available outside the application building. Accordingly no objections are raised in terms of highway safety.
- 13.20 The piecemeal introduction of new uses into the vacant buildings within the Lubbards Lodge complex have brought with them a requirement for off-street parking provision. The Local Planning Authority have been satisfied up to now that adequate parking and loading space is available as annotated on each successive plan. This application however, is materially different from previous applications in that it proposes the subdivision of a building that already has the grant of planning permission for a use. It is accordingly considered to be an appropriate juncture to require a plan that sets out precisely which parking spaces relate to which use within the site as a whole. The Director has taken the step of 'directing' for this information under the provisions of Article 4A of the Town and Country Planning (Applications) Regulations 1988. No decision will be issued until such time as this information is made available and the Director is satisfied that the parking and load space will not conflict with provisions for other uses.

## Recommendation

- 13.21 The Director of Environment recommends that this application be instructed to determine subject to satisfactory provision for the parking and loading of vehicles that does not conflict with other uses already permitted and to the conditions listed below:

01 TIME LIMITS-FULL-STD SC4

02 PD RESTRICTED USES SC25

03 NON STANDARD CONDITION

No part of the premises shall be used for the sale(s) of any item(s), including any sales which may otherwise be considered ancillary to the primary permitted use of the building for the storage, distribution and filling of fire extinguishers

04 PARKING & TURNING SPACE SC76

05 EXTRACT VENTILATION SC92

06 EXTERNAL STORAGE - LIMIT SC36

*JB.*



07 HOURS OF USE RESTRICTED SC36A

The use hereby permitted shall not take place, no plant/machinery shall be operated and no deliveries shall be taken at or dispatched from the site outside the hours of 07.30 to 18.30 Monday to Friday, 07.30 to 13.00 on Saturdays, nor at any time on Sundays, Bank or Public Holidays.

08 NON STANDARD CONDITION

Under no circumstances shall work (whether ancillary to the use hereby permitted or otherwise) be carried out on the open area of the site at any time.

09 NON STANDARD CONDITION

Under no circumstances shall the burning of waste materials be carried out on any part of the site edged red on approved drawing No. 1347.6 at any time.

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gq.



F/0619/95/ROC - PARISH OF RAWRETHFISHING LAKES GOLDSMITH DRIVE/ MCCALMONT DRIVE RAYLEIGH

STATIONING OF MOBILE HOME FOR OCCUPATION BY FISH FARM MANAGER,  
ERECT STORAGE SHED

Applicant: MR R PAYNE

Zoning: Metropolitan Green Belt, Landscape Improvement Area

Planning Application Details

- 14.1 Hockley Angling Club is located on McCalmont Drive which forms part of the network of unadopted private roads on a plotland area to the west of Hullbridge Road.
- 14.2 The site Application site measures 0.1 Hectares, (0.25 acres) in area and is comprised within a site containing three fishing lakes, (the eastern most of which is enclosed by an earth embankment) seven fish farming ponds, a small storage shed and a carpark. The site is presently used for recreational fishing by Members of the Hockley Angling Club and by individuals purchasing day tickets. The overall site area of Hockley Angling Club is 2.2ha (5.4a) with an overall water area of 0.9ha (2.2a) excluding the seven fish farming ponds (as taken from the application plans).
- 14.3 This application proposes the stationing of a mobile home for the occupation of a fish farm manager in connection with the proposed diversification of the site into trout farming. The intended occupant of the proposed mobile home is Mr R Payne (and family) who is the applicant and proprietor of the Hockley Angling Club
- 14.4 The use of existing land (including lakes and/or ponds) at this site for any proposed purposes of agriculture, (including fish farming) does not constitute 'Development' and is therefore not subject any form of planning control. In addition certain developments associated with fish farming and prescribed by the Town & Country Planning (General Permitted Development) Order 1995 are able to be carried out without the grant of Planning Permission by this Authority. Therefore, the details of the applicant's proposed trout farming activities reported below, are not the subject of this application, however, they are submitted in support of the proposed mobile home

Relevant Planning History

- 14.5 The applicant states that recreational fishing by the Hockley Angling Club has been taking place on this site since 1988. However, Local Planning Authority records commence in February 1991 and are summarised as follows:
- CU/0151/96/ROC - Change Of Use Of Land To Fishing Club Purposes And Construction Of Fishing Lake And Ancillary Car Park, Planning Permission Granted on 8th May 1991.
  - CU/0167/91/ROC - Construction Of Fishing Lake Extension And Ancillary Car Park, Planning Permission Granted 8th May 1991.
  - F/0577/92/ROC - Construction of Fishing Lake, Planning Permission granted 11th November 1992.
  - OL/0609/93/ROC - Erect Detached Bungalow (Outline Application), Refused on 1st March 1994.

JP

- OL/0496/94/ROC - Outline Application To Erect One No 3 Bed Bungalow, application withdrawn 26th January 1995.
- F/0671/94/ROC - Construct Seven Fish Farming Ponds and Portable Shed For Storage Of Fish Food, planning permission granted on 8th February 1995.

Consultations and Representations

- 14.6 [re-consultations have been carried out in response to additional information submitted by the applicant's planning agent, the views reported below are those received in response to the originally submitted application, except where revised comments have been received and incorporated below]
- 14.7 Letters of representation have been received, from **LOCAL RESIDENTS** and from **Members of Hockley Angling Club**, (two of which are not attributable to any particular address) commenting in the main as follows.
- 14.8 4 letters of objection have been received from local residents of this plotland area together with a further letter signed by 7 local residents reiterating the following:-
- no security justification for applicant to live on site
  - concerns about future expansions of commercial activities
  - no decrease in current levels of recreational fishing
  - highway dangers resulting from increases in vehicular traffic
  - access by narrow unmade privately maintainable roads
  - refusal of planning applications nearby on highways grounds
  - difficulties regarding repairs to private roads
- 14.9 [one resident refers to the earth mounding around one of the fishing lakes, however, this issue does not form part of this application and is covered by item number 4 under Part 1 of the Agenda].
- 14.10 Nine letters support from members of the Hockley Angling Club together with 1 letter from a local resident make the following points:-
- 14.11 [the letters of support are mainly from members of the HAC]
- the Angling Club have repaired the private roads when required
  - a resident manager would assist aged access to facilities for aged/ disabled members access and the supervision of children
  - increased security, re - problems caused by vandals & Poachers
  - the site is well managed
- 14.12 **RAWRETH PARISH COUNCIL:** The Parish Council understand that no further development will be considered until such time as the matters referred to in item number 4 under Part 1 of the Agenda have been resolved. The Director of Environment has advised the Parish Council that the Local Planning Authority's consideration of this application is a matter separate from any consideration of alleged breaches of planning control.
- 14.13 In previous correspondence the Parish Council have objected to this application in the strongest possible terms in the main on the following grounds.
- insufficient agricultural evidence to support a mobile home
  - no fish farming activities currently on site
  - erection of additional building
  - disturbance to residents from levels of vehicular traffic
  - previous landscaping requirements not implemented

14 14COUNTY SURVEYOR: no objection

14.15ENVIRONMENT AGENCY: no objection

14 16ANGLIAN WATER: no comments

14 17CHIEF ENVIRONMENTAL HEALTH OFFICER: no adverse comments

#### Summary of Planning Considerations

14 18The main issues material to Members consideration of this application of this application are summarised as follows:

- Planning Policy
- Agricultural Justification
- Visual Amenity
- Highway Safety

#### PLANNING POLICY

14 19Policy GB3 of the Rochford District Local Plan make provision for the erection of permanent dwellings or the siting of Mobile Homes within the Green Belt where such residential accommodation is essential for the purposes of Agriculture. The stringent criteria which is required to be satisfied in such cases is set out in the Policy and derives from Annex E of Planning Policy Guidance Note 7. "The Countryside and the Rural Economy". The tests required to be satisfied in this instance are:

'Functional test' - i.e. does the precise nature of the agricultural activity proposed necessitate an individual being permanently resident on the site?

'Financial test' - i.e. is the agricultural activity proposed capable of sustaining viable business?

14 20Hence, whether this application is acceptable in Planning Policy terms is dependent on the strength or otherwise of the applicant's agricultural justification (referred to below)

#### AGRICULTURAL JUSTIFICATION

14.21The trout farming operation is proposed to take place in the seven small fish farming ponds, (permitted under ref F/0671/94/ROC) together with hatcheries within the existing storage shed and at least one of the existing fishing lakes. Free swimming trout reared on site will be available for sport fishing by 'rod & line'. The recreational coarse fishing activities of the Hockley Angling Club, are intended to continue in the two remaining lakes.

14 22In this instance the applicant's agricultural justification comprises an ADAS report relating to the functional justification and a report by Dr A T A Lovell (Financial and Management Consultant) relating to the financial justification for a mobile home on this site. Both aspects are supplemented by the applicants own supporting statements.

## Functional Justification

- 14.23 ADAS have stated that, "*there is a functional requirement for one person to be resident on site once the fish farming activities have been established, as outlined during my site visit. with regard to the breakdown in these functional requirements the need in the main arises from the fish farming activities which are now proposed on site. Once these have been established they will significantly increase the instances where on-site cover is essential to the operation. typically this will involve the overseeing of automatic equipment, failure of which could lead to large losses in the fish stock*".
- 14.24 The principal duties of a fish farm manager resident at this site would relate to the proposed trout farming operation and comprise the following tasks:
- constant monitoring of water quality and automatic equipment
  - supervision of the fish stocks for security purposes
- 14.25 The applicant's submissions state that trout are more susceptible to changes in water quality than course fish and if heavy losses are sustained to fish stocks, the viability of the business will be effected. Whilst the applicant currently lives in Hockley and could make regular visits to the site, the supporting agricultural case states that the period of time taken to detect problems, is crucial to the well being of the fish stock, (particularly in hot weather).
- 14.26 In addition to the maintenance of the trout stocks, the applicant's supporting case also refers to the presence of a fish farm manager on the site for security purposes. Trout are stated to be valuable and particularly susceptible to poaching. Instances have been reported locally, where large scale poaching has taken place. Whilst, security systems may be installed, the applicant's submissions state that the only guaranteed way of securing the trout stocks is for a manager to be resident on site.
- 14.27 In support of the above, the applicants have also submitted information relating to recent instances of power failure in the area, which would result in the failure of automatic equipment and adversely effect the trout stock. In addition, the applicant's discussions with contractors suggest that if the applicant were to attempt to farm trout and remain resident in Hockley, a purpose designed automatic sensing system would be required to be installed, which would prove to be prohibitive both in terms of cost and complexity.
- 14.28 Further discussions between Planning Officers ADAS have revealed that particular weight is attributed to the applicant's background in the management of a course fishing club. The recreational fishing use and the proposed trout farm are to operate simultaneously, hence both will utilise the experience and expertise of the applicant Mr R Payne.

## Financial Test

- 14.29 The applicant's submissions state that on the basis of the projected levels of trout rearing for direct supply to markets together with income derived from trout caught by 'Rod & Line', the proposed agricultural activities are capable of sustaining a viable business. ADAS have stated that viability will depend on successful exploitation of niche markets.
- 14.30 The applicants own market research has identified an existing demand for trout by fish merchants at Billingsgate Market in London and local restaurants in the Southend Area. Figures published by ADAS, confirm that the consumption of trout in the UK between 1982 and 1992 has increased by 200%.

*JP*

14.31 During the course of this application, endeavours have been made by Officers to examine other sites which combine recreational fishing with trout farming. These investigations included one site in the Green Belt at Stambridge, where the Secretary of State for the Environment indicated in an appeal decision, that the principle of residential accommodation was acceptable in association with trout farming and recreational fishing, (ref - ROC/241/89). On the basis of this decision, this Authority subsequently granted planning permission for a dwelling and a hatchery building, (ref - F/0352/91/ROC).

14.32 However, direct comparisons are difficult, given differences in scale and the precise nature of operations on different sites. Hence, the outcome of Officers investigations in this instance was not conclusive and in any event the success or failure of enterprises on other sites, would not necessarily signify a particular outcome on this site. It could have added weight to the applicants contention that such a venture is feasible. However, the current application must be determined on its merits.

#### VISUAL AMENITY

14.33 With the exception of the additional storage shed proposed as part of this application, the introduction of trout farming will utilise existing lake and ponds and will not alter the external appearance of site.

14.34 The proposed mobile home is situated in a central location within the site against a backdrop of mature trees therefore its direct visual impact is limited

#### HIGHWAY SAFETY

14.35 The COUNTY SURVEYOR raises no objection in principle to the proposal subject to the dwelling being required in connection with and essential to the operation of the site.

#### CONCLUSIONS

14.36 The applicant has yet to embark on the trout farming activities referred to above, hence information submitted in support of the 'functional' and 'financial' tests relates to the applicant's future intentions

14.37 Advice from the Department of Environment states that Local Planning Authority's should "*establish that stated intentions to engage in agriculture are genuine*" and that "*such intentions are reasonably likely to materialise within a reasonable period of time*". In situations where supporting evidence is inconclusive, (i.e. where viability is projected rather than established) the above advice suggests that a temporary planning permission, (normally for 2 or 3 years) will enable such prospects to be clarified

14.38 On balance, the applicant's submissions in relation to the establishing of a trout farming enterprise on this site, are considered sufficient to justify the grant of planning permission for a Mobile Home for a temporary period of three years. At the end of the three year period, the circumstances of the site will be reassessed by this Authority and any form for continued residential presence will rely solely on the success or otherwise of the agricultural operation distinct from recreational fishing for either coarse or game fish

#### Recommendation

14.39 That the Director of Environment be instructed to approve this application subject to the following conditions.

01 TEMPORARY USES SC48 3 YEARS

02 AGRICULTURAL OCCUPANCY SC44

*J.B.*

03 NON STANDARD CONDITION

No part of the development hereby permitted shall commence before plans and particulars showing precise details of the dimensions and external appearance of the mobile home to be stationed on site, have been submitted to and approved in writing by the Local Planning Authority. Any scheme of details as may subsequently be approved in writing by the Local Planning Authority shall be implemented in their entirety before any part of the mobile home is first occupied. Thereafter the mobile home shall be retained and maintained in the approved form.

04 NON STANDARD CONDITION

No part of the development hereby permitted shall commence before plans and particulars showing precise details of the siting, design and external appearance of the storage shed to be erected on site, have been submitted to and approved in writing by the Local Planning Authority. Before it is first used the storage shed shall be completed in its entirety in accordance with the approved details and thereafter retained in the approved form.

05 MEANS OF ENCLOSURE FULL SC50

06 LANDSCAPE DESIGN DETAILS SC59

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*JB*





F/0325/96/ROC PARISH OF RAWRETHSITE OF LABURNHAMS & NORFOLK LODGE RAWRETH LANE RAWRETH

ERECT NINE 4-BED DETACHED DWELLINGS, FORMATION OF VEHICULAR ACCESS, LAYOUT AND CONSTRUCT ESTATE ROAD

Applicant McLEAN HOMES NORTH LONDON LTD

Zoning: Site for Residential Development

Frontage: 150m Density: 9.7 per acre

Planning Application Details

- 15.1 The development proposed by this and the following application (application ref - F/0326/96/ROC) dovetail together to form a single comprehensive residential development by McLean Homes, comprising 91 detached and terraced dwellings. This report considers the development proposed as a single entity and relates to both applications. However, the Consultations & Representations, together with the Recommendation in respect of this application are set out below, those relating to the following item (application ref - F/0326/96/ROC) are reported separately.
- 15.2 The residential development of the site, is submitted for Members consideration in the form of two separate applications for planning permission. The application site area of the following item, (ref - F/0326/96/ROC) corresponds to the area of the original Outline Planning Permission (ref - OL/0205/95/ROC) The application site area of this application, relates to two additional properties (Laburnhams & Norfolk Lodge) subsequently acquired by the applicants
- 15.3 The development proposed is located in the north western corner of the settlement of Rayleigh, to the north of the land occupied by MAKRO. The site presents a substantial road frontage of approximately 150m onto Rawreth Lane and is bounded to the west by the Metropolitan Green Belt and to the east, by the private garden of Trynden Haze fronting Rawreth Lane, together with the grounds of Park School. The site boundaries are marked by mature trees, the majority of which are the subject of Tree Preservation Orders.

Relevant Planning History

- 15.4 Outline Planning permission was refused on 29th May 1991 on the grounds of prematurity, however, at this time the site was designated as a Site of Special Restraint. A subsequent appeal was dismissed by the Secretary of State for the Environment on 28th February 1992.
- 15.5 Outline Planning Permission was granted on 15th May 1996 (ref - OL/0205/95/ROC) for the erection of 124 dwellings. Whilst this permission only approved the principle of development, a Section 106 Agreement requires the construction of 'off-site' highway improvements on Rawreth Lane (including a ghosted right turn lane to facilitate vehicular access into the development).

Consultations and Representations (relating to F/0325/96/ROC)

- 15.6 [re-consultations will be undertaken in response to the revised drawings received from the applicants, the representations reported below are those in response to the scheme as originally submitted, any revised comments will be reported to Members at the Planning Services Committee meeting if available]

JB-

15.7 5 letters of representation have been received from **LOCAL RESIDENTS** relating to both this application and the following item (application reference F/0326/96/ROC) commenting as follows:

- Roads unsuitable for additional traffic
- Additional land at Laburnhams and Norfolk Lodge included
- Access preferred closer to the north west corner of the site
- Access preferred from the access road to Rawreth Industrial Estate via a roundabout or traffic signal onto Rawreth Lane
- Existing residents experience problems gaining access onto Rawreth Lane
- Increase in pollution
- Reductions in the number of dwellings requested particularly where new properties back on to existing gardens
- Overdevelopment of the land available
- Loss of character on Rawreth Lane
- fence along western boundary is visually unacceptable
- Intensive landscaping to be encouraged together with the protection of existing trees
- Right hand turn lane to be protected by bollards

15.8 **RAWRETH PARISH COUNCIL.** No objections to the layout although concerns expressed regarding screening along the Western Boundary. Support was also expressed for an extension to the 30mph limit along Rawreth Lane

15.9 **RAYLEIGH CIVIC SOCIETY.** express concern if any development is to back onto Rawreth Lane.

15.10 **COUNTY SURVEYOR:** no objections subject to a number of technical revisions to the internal road layout and the applicant complying with the terms of the previous Section 106 Agreement

15.11 **COUNTY PLANNER (Environmental Services Branch):** objects to the originally submitted scheme on the grounds of unacceptable design and layout, (since commenting County Planning Officers have been involved with Officers of this Authority in negotiations with the applicant and revised comments are anticipated prior to Members consideration of this proposal)

15.12 **ENVIRONMENT AGENCY:** recommends a condition relating to surface water drainage measures.

15.13 **ANGLIAN WATER.** raise no objections and recommend conditions relating to foul and surface water drainage.

15.14 **CHIEF ENVIRONMENTAL HEALTH OFFICER:** no adverse comments subject to the imposition of standard informatives relating to construction nuisances etc

#### Planning Considerations

15.15 The main planning issues material to Members consideration of this application are summarised as follows:

- Planning Policy
- Previous Outline Planning Permission
- Design & Layout
- Highway Safety
- Drainage

## PLANNING POLICY [Rochford District Local Plan 1st Review]

- 15.16 The total development proposed relates to a substantial part of the former Site of Special Restraint, which since the adoption of the 1st Review of the Rochford District Local Plan in April 1995, is land now designated for residential development.
- 15.17 This site forms part of the strategic residential land supply in the District, referred to in Policy H1. and is specifically designated for residential development under the provisions of Policy H3. Hence, there are no planning policy objections to the principle of residential development on this site.
- 15.18 Policy H2. requires that "residential development be carried out at a net residential density appropriate to the character of individual sites and their surroundings and the efficient use of land". The site is located in an "edge of Green Belt" situation and neighbouring densities on Rawreth Lane vary between approximately 8 to 14 to the acre. However, the resulting density on this site of 9.7 per Acre is not considered in-appropriate to this location and is acceptable under the provisions of Policy H2.
- 15.19 Appendix 1. of the Local Plan sets out supplementary planning guidance embodying the Council's normal standards for residential layout. The following are of particular relevance to the development proposed by this and the following item on the schedule.
- Minimum garden sizes of 50m<sup>2</sup> for up to 2-bed dwellings and 100m<sup>2</sup> for 3-bed dwellings and above.
  - 1m isolation between dwellings and plot boundaries.
  - 2 parking spaces for up to 3-bed dwellings and 3 parking spaces for 4-bed dwellings and above
- 15.20 On the whole, the most recently revised layout satisfies the above standards. However, there are a small number of instances where minimum garden sizes and 1m separation are not achieved. These instances have been drawn to the attention of the applicant, (along with the matters referred to below) and further revisions to the scheme are anticipated.

### PREVIOUS OUTLINE PLANNING PERMISSION

- 15.21 As stated above Outline Planning Permission Ref - OL/0205/95/ROC approved the principle of the erection of 124 dwellings on this site. Notwithstanding the Policy presumption in favour of residential development embodied in the above planning policies, the principle of residential development on this site has been established by the previous Outline planning permission.
- 15.22 Outline planning permission OL/0205/95/ROC only included 'Means of Access' as a matter for formal consideration. Members will note that the total number of dwellings permitted by the outline permission is significantly higher than the current scheme, this is due to the fact that previously a greater number of smaller units were envisaged.

### DESIGN & LAYOUT

- 15.23 As stated above this site was formerly a 'Site of Special Restraint' and is one of the recent tranche of major residential allocations in west Rayleigh to be the subject of a current detailed application. The site is unfettered by any previous detailed approval, consequently, Officers have been keen to ensure that the standard of residential layout achieved on this site is influenced more by contemporary principles of urban design, than by the standards achieved by residential developments dating from the 1970's and 80's.

*JB.*

15.24 Members may be aware of the emerging County-wide design guidance in the form of the Draft Essex Design Guide. Whilst this document embodies a number of contemporary principles of urban design, a central theme of the document, is the incorporation of traffic calming into the design of the layout itself, so to avoid 'add on' measures at a later stage, (i.e. vehicle speeds are calmed 'naturally' by the character of the road layout).

15.25 The draft guidance seeks to achieve maximum vehicle speeds of 20mph within a residential layout, achieved by a combination of measures 'designed in' to the scheme at 40 - 60m intervals in the carriageway, (e.g. acute fluctuations in carriageway alignment, changes in surface materials and the incorporation of features within the highway to impede vehicle speeds)

15.26 In order for a 20mph speed limit to be imposed, the measures are required to achieve vehicle speeds of 20mph or below at the 85th percentile

15.27 It is inevitable that a more visually interesting street scape is likely to flow from the opportunities created by a greater degree of articulation in the carriageway alignment

15.28 Over a period of approximately 12 months, (prior to and since the submission of this and the following application), Officers of this Authority, together with Officers from Essex County Council, have engaged in detailed negotiations with the applicants McLean Homes, aimed at achieving the principles referred in the Draft Design Guidance

15.29 The originally submitted scheme, characterised by rigid uniformity, produced by rows of detached dwellings set at right angles to each other and the roadway, has as a result of negotiations, been recently superseded by a layout which incorporates a number of elements in line with Officers advice and the above Draft Design Guidance

15.30 The key features of the scheme now proposed are.

- tighter bends and a greater degree of articulation within the internal estate road, which incorporates features such as a division in the carriageway to create a central green, containing semi mature trees, around which dwellings are informally grouped.
- a 'visual gateway' created by the symmetry of grouped dwellings at the entrance to the site off Rawreth Lane.
- an open aspect to the site frontage created by dwellings accessed from within the site fronting onto Rawreth Lane.
- a greater sense of enclosure of and movement between spaces within the scheme
- focal points at the end of vistas and private enclaves are 'landmarked' by key buildings
- 3 new standard house types have been designed for this site, in order to achieve the standard of layout required.
- A satisfactory disposition of dwellings relative to TPO trees.

15.31 In response to the most recent revision, Officers from the Essex Design Guide team, have suggested a number of minor changes in respect of traffic calming (see below) and minor revisions to siting, to improve the disposition of dwellings in relation to the western boundary of the site. These matters have been drawn to the applicant's attention and further amendments are anticipated

15.32 Subject to the suggested changes, the scheme is considered to be acceptable in design & layout terms

## HIGHWAY SAFETY

- 15 33 Officers of this Authority have discussed the proposed highway layout with representatives of the Essex County Highways Department in the context of the emerging Draft Essex Design Guide. The County Surveyor has agreed that this site along with several other major residential sites in west Rayleigh, may be considered on the basis of 20mph maximum vehicle speeds achieved in the manner referred to above.
- 15 34 On the whole the revised layout is satisfactory in highway safety terms (including reference to the Draft Design Guide). However, a number of minor changes have been suggested by the County Surveyor to ensure complete compliance with the new standards. These additional points have been conveyed to the applicants and further revisions are anticipated.
- 15 35 Subject to the recommended changes, the layout is acceptable in highway safety terms.

## DRAINAGE

- 15 36 The Council's Engineer is currently in discussion with the applicant and the Environment Agency, concerning flow calculations relating to surface water from the site. Whilst the drainage Authority has recommended a condition relating to surface water drainage, it is considered expedient in this instance to resolve this matter before planning permission is granted.

## CONCLUSIONS

- 15 37 The most recently revised layout plan has embodied the advice given by Officers of this Authority and takes on board a significant degree of the Draft Essex Design Guide. Subject to the minor revisions referred to above, this scheme is considered to be acceptable in planning terms.

## Recommendation

- 15 38 That subject to the receipt of satisfactory amended drawings incorporating the amendments referred to above, the Director of Environment be instructed to negotiate an addendum to the existing Section 106 Agreement, (to tie the 'off-site' highways improvements to Rawreth Lane to this and the following application) Following the completion of the addendum to the satisfaction of the Solicitor and subject to the expiry of the re-consultation period, the Director of Environment be instructed to determine this application, subject to the imposition of Conditions under the following headings:

- 01 TIME LIMITS
- 02 ALTERNATIVE DEVELOPMENT
- 03 ESTATE ROAD JUNCTION
- 04 ESTATE ROAD CARRIAGEWAYS
- 05 VISIBILITY SPLAYS
- 06 SURFACE WATER DRAINAGE
- 07 FOUL WATER DRAINAGE
- 08 CONSTRUCTION MATERIALS
- 09 SURFACING MATERIALS
- 10 PARKING & TURNING AREAS

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11 LANDSCAPING

12 HEDGEROW/TREE RETENTION

13 TPO PROTECTION DURING CONSTRUCTION

14 MEANS OF ENCLOSURE

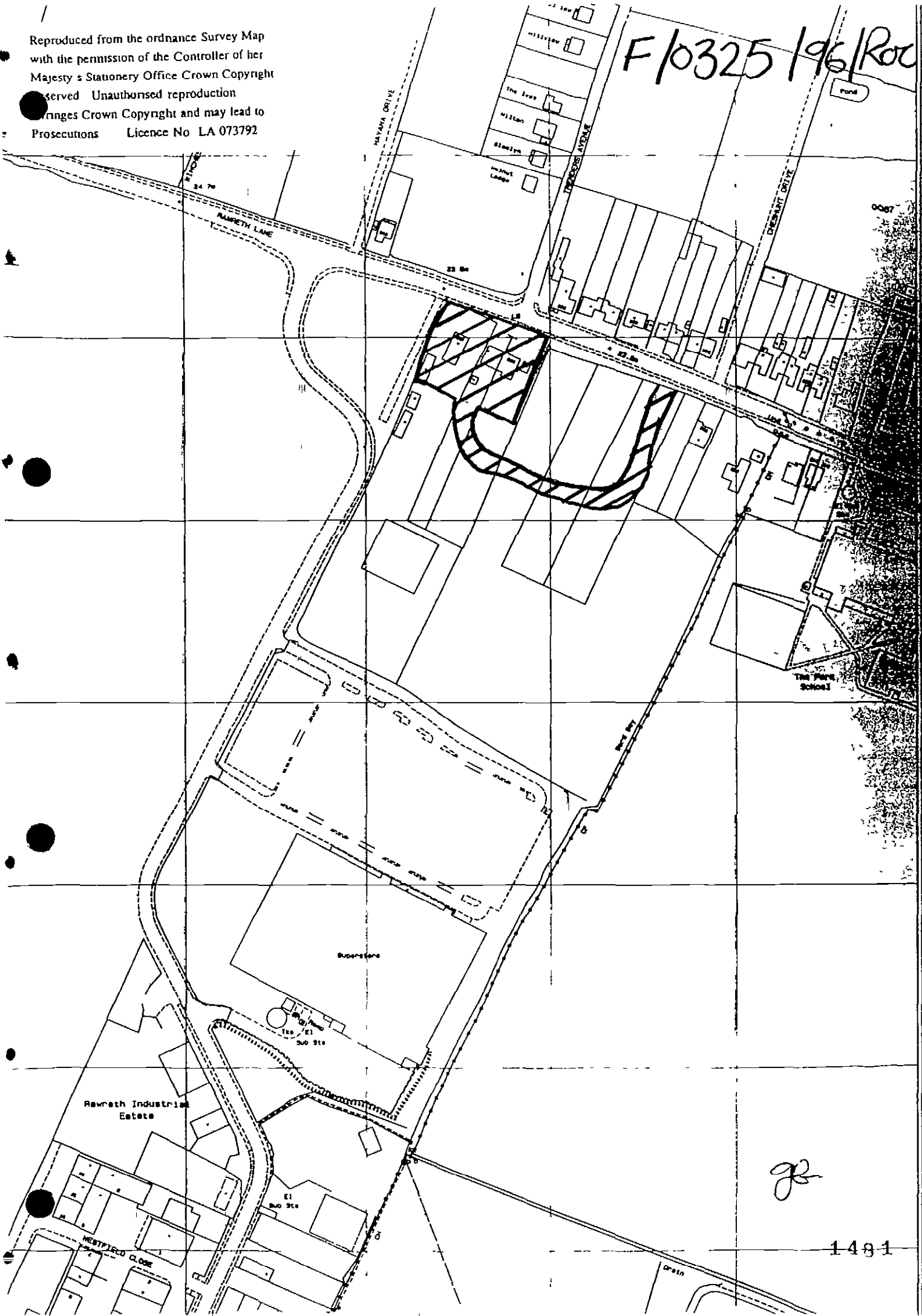
15 WHEEL CLEANING DURING CONSTRUCTION

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F/0325/96/Roc



*JR*



F/0326/96/ROC PARISH OF RAWRETHBET THE LABURNHAMS & TRYNDEN HAZE RAWRETH LANE RAWRETH

ERECT SEVENTY SIX 4-BED DETACHED DWELLINGS & TEN 2-BED SEMI-DETACHED & TERRACED DWELLINGS, FORMATION OF VEHICULAR ACCESS, LAYOUT AND CONSTRUCT ESTATE ROAD

Applicant: McLEAN HOMES NORTH LONDON LTD

Zoning: Site for Residential development

Frontage. 150m Density: 9.7 per acre

Planning Application Details

16 1 [see previous item]

Relevant Planning History

16 2 [see previous item]

Consultations and Representations (relating to F/0325/96/ROC)

16 3 [re-consultations will be undertaken in response to amended the revised drawings received from the applicants, the comments reported below are those submitted in response to the scheme as originally submitted, any revised comments will be reported to Members at the Planning Services Committee meeting if available]

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- 16.11 **CHIEF ENVIRONMENTAL HEALTH OFFICER:** no adverse comments subject to the imposition of standard informatives relating to construction nuisances etc.

Planning Considerations

16.12 [see previous item]

Recommendation

16.13 That subject to the receipt of satisfactory amended drawings incorporating the amendments referred to above, the Director of Environment be instructed to negotiate an addendum to the existing Section 106 Agreement, (to tie the 'off-site' highways improvements to Rawreth Lane to this and the following application). Following the completion of the addendum to the satisfaction of the Solicitor and subject to the expiry of the re-consultation period, the Director of Environment be instructed to determine this application, subject to the imposition of Conditions under the following headings:

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- 11 LANDSCAPING
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- 13 TPO PROTECTION DURING CONSTRUCTION

14 MEANS OF ENCLOSURE

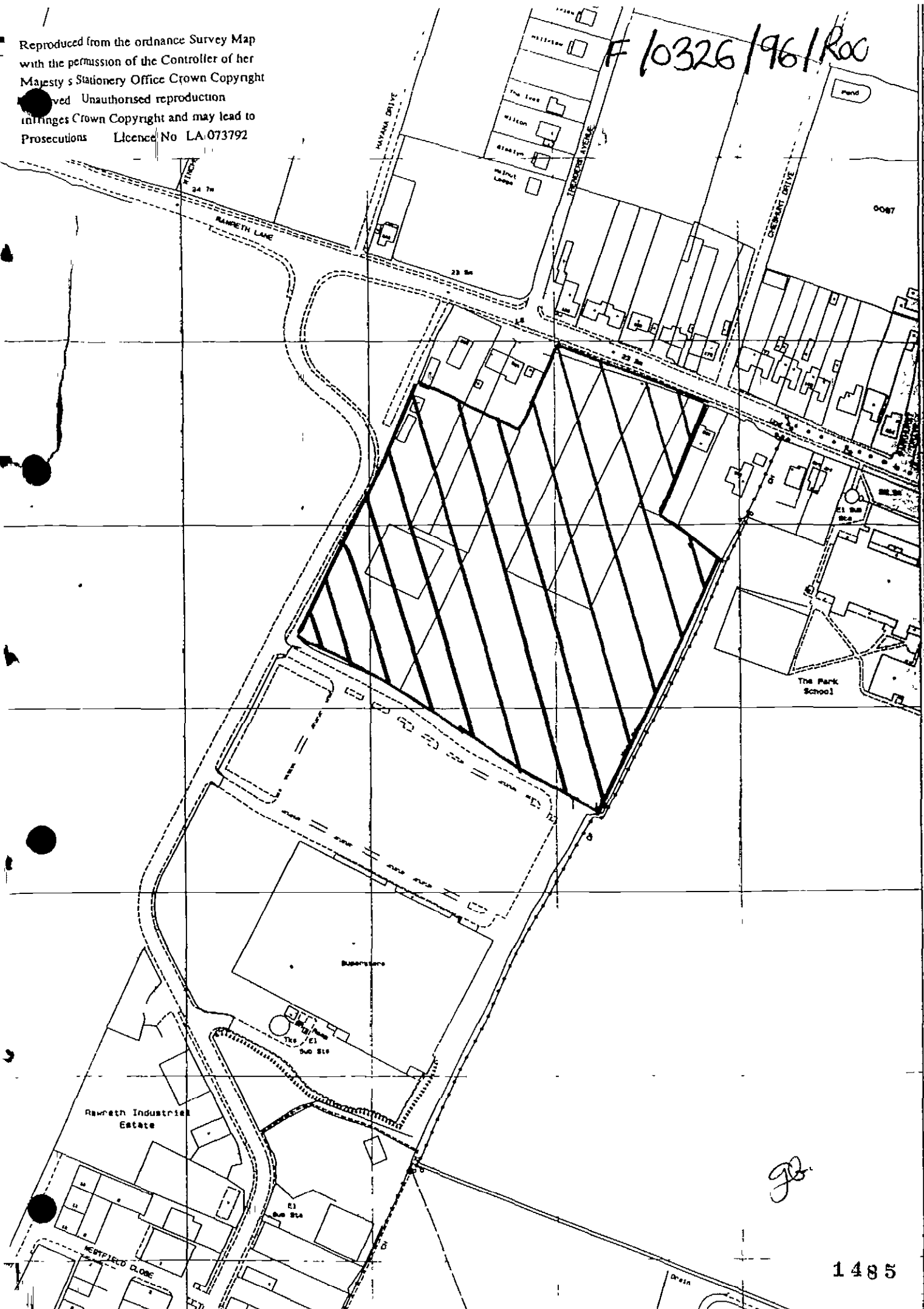
15 WHEEL CLEANING DURING CONSTRUCTION

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*JB.*

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F 10326/96/R00



*JB*

Chairman: J. M. Gelas

Date: 22/1/97