
07/00297/OUT

LAND ADJACENT CHICHESTER HALL OLD LONDON ROAD, RAWRETH

TO CONSTRUCT A NINE-HOLE GOLF COURSE WITH PRACTICE AREA, ON SITE PARKING AND ANCILLARY BUILDING TO PROVIDE GREENKEEPER'S OFFICES, GREENKEEPER'S EQUIPMENT STORE AND TOILETS

APPLICANT: MR ALAN PAMMENT

ZONING: METROPOLITAN GREEN BELT

PARISH: RAWRETH PARISH COUNCIL

WARD: DOWNHALL AND RAWRETH

In accordance with the agreed procedure this item is reported to this meeting for consideration.

This application was included in Weekly List No. 1263 requiring notification of referrals to the Head of Planning and Transportation by 1.00 pm on Wednesday, 8 December 2014 with any applications being referred to this meeting of the Committee. The item was referred by Cllr C I Black.

The item that was referred is appended as it appeared in the Weekly List, together with a plan.

1 NOTES

- 1.1 This application site is formed from two adjoining agricultural fields on the north side of the A129 London Road 450m west of the junction made with the A1245 Chelmsford Road. The fields have an area together of 17 hectares (42 acres) and the site is broadly rectangular in shape with a public footpath No. 15 and hedge line running across the middle point from east to west separating the two fields.
- 1.2 The site has a frontage onto London Road but continues around the back of (bungalows) "White Heather and "Claremont" and behind Nos. 1 and 2 Raymonds. The site extends northwards behind "The Chichester Hotel and restaurant and would adjoin public footpath No. 12 to the north west corner of the site and public footpath 13 along the eastern boundary of the site north from public footpath 15.

1.3 The fields are sown with an arable winter cereal crop.

2 THE PROPOSAL

2.1 The proposal is an outline application to develop the site as a nine-hole golf course. At this outline stage the applicant seeks determination on the issues of access and layout. The matters of landscaping, appearance and scale are reserved.

2.2 The application was originally submitted in March 2007 and comprised the same detailed layout for the site as was previously granted planning permission on appeal on 1 December 1992. The proposal also included the provision of an ancillary out building to provide toilets, green keeper's office and maintenance equipment store. This building would have a hipped roofed design to an overall ridge height of 4.3m, a width of 8.5m and depth of 4.2m and was originally shown to the field corner to the west of the practice driving area.

2.3 The Council served notice upon the applicant that an Environmental Impact Assessment was required. The Secretary Of State issued a Screening Direction in November 2007 that the proposal would not have significant effects on the environment by virtue of factors such as nature, size or location and as such issued a direction that the proposal was not EIA development.

2.4 There then followed a long delay and an application was finally registered in July 2011 and the first round of consultations undertaken.

2.5 In response to the replies to consultations the applicant undertook to improve the application with additional information. Given the history, it was agreed to hold back on the determination of the application until that information was received. In January 2014 a second round of consultation was undertaken on the basis of better plans and a transport statement being submitted to address concerns raised by both the County Highway Authority and Rawreth Parish Council at the absence of information.

2.6 The County Planning Authority replied to that second round consultation and indicated that in its view the application should be considered a county matter and determined by Essex County Council. However, it was agreed by County and District officers that the application should await the completion of the outstanding consultation period and that all representations be collated and forwarded on to the County Minerals and Waste Planning Team. Some months have passed without the application being assembled and dispatched with necessary commentary. The County Minerals and Waste Planning team has most recently advised that it is now content that the District Council can continue to determine the application.

2.7 As now revised (2014) the site layout has omitted the previous inclusion into the site of the extended garden area to "Claremont" fronting London Road

previously included within the application site as approved on appeal in 1992 and again re-submitted in 2007.

- 2.8 As now revised the application has re-sited the ancillary building from the field corner to the west of the practice drive area to a new position south of the practice drive area alongside a car park for 36 car parking spaces.
- 2.9 The proposed access has been relocated from a point originally proposed 16m east of the western boundary onto the A129 London Road to a new position 90m east of the same point. The access has also been reduced in width from 18m as originally proposed to a reduced width of 7.5m now for consideration.
- 2.10 The application plans also show the re-forming of the land to create the golf course. The applicant confirms that the fill material would comprise inert engineering clays and soils coming from local development sites and smaller developments.
- 2.11 The contractor JKS, believed to be in partnership with the applicant, has submitted additional information to clarify the source of fill material to be used in the land remodelling and details of projects with which they have been involved that have successfully used excavated spoils to enhance their projects. (see appendix 1 for details)

3 PLANNING HISTORY

- 3.1 Application No. F/0630/91/ROC
- 3.2 Layout of 9-hole golf course with practice area and on site parking with access from London Road.
- 3.3 Permission Refused 13 March 1992 for the following reasons (summarised):-
 1. Intensification of existing access causing interference and conflict with passing traffic.
 2. Insufficient land within the applicant's control to secure required visibility splays.
 3. Proposal likely to harm wildlife habitat.

Appeal Allowed 1 December 1992.
- 3.4 Also of relevance is the following application and decision for the former Lords Golf Club now the Rayleigh Club, sited in Hullbridge Road.
- 3.5 Application No. 08/00887/FUL

- 3.6 Retrospective application to construct earth bund 1.5m high to part of driving range and construct 5m high pole and netting to raised bund top.
- 3.7 Permission refused 22 January 2009.
- 3.8 Appeal dismissed 4 August 2009.

4 MATERIAL CONSIDERATIONS

Principle of the Development and Green Belt Issues

- 4.1 The Allocations Plan (2014) forms part of the Development Plan for Rochford District. The Allocations Plan superseded the proposals map that accompanied the 2006 Replacement Local Plan. The site is allocated as Metropolitan Green Belt in the Allocations Plan.
- 4.2 Paragraph 89 to the National Planning Policy Framework states that the provision of appropriate facilities for outdoor sport and outdoor recreation are appropriate in the Green Belt as long as the development would preserve openness of the Green Belt and would not conflict with the purposes of including the land forming the site within the Green Belt. In this case the site helps perform the function of keeping the settlements of Rayleigh and Wickford apart.
- 4.3 It can be seen from the history of the site set out above that the same application on this same site, albeit in less detail, was allowed on appeal in December 1992. This decision weighs heavily in favour of the application as now falling to be considered.
- 4.4 A more recent decision for a smaller development at the site of the former Lords Golf and Country Club was, however, dismissed more recently in August 2009.
- 4.5 In the case of both appeals, the previous policy stance allowed only for essential facilities for outdoor participatory sport. The NPPF now allows for a less strict approach in that the development must be considered appropriate, rather than essential. In the case of the Lords' appeal, the inspector concluded that the extent of mound raising for the driving range at issue in that appeal was considered not to be essential as, with the provision of catch fencing, the driving range had operated from 2003 on a relatively flat surface without needing that mounding then proposed.
- 4.6 In the case of the current application a degree of remodelling of the land form is required to create a challenging course from the existing relatively flat agricultural land level.
- 4.7 Traditionally, golf courses have been created from the cutting, filling and re-contouring of the existing site to form fairways because of the high cost of importing material to a site. That situation is now reversed in that useful spoils

that might normally have been sent to landfill and taking up space unnecessarily can be utilised in this way and in a more sustainable manner. A number of successful similar developments are listed above under the details of the proposal.

- 4.8 The application details show the layout of the site to form nine fairways. A practice area would adjoin the car park and ancillary building to the south west corner of the site. The land level would be essentially retained about the site edges and increasing across the middle parts of the site generally between 4m in height and up to 9m in height to some parts above the existing ground level.
- 4.9 The existing small pond in the middle of the site would be retained.
- 4.10 Opportunities for recreation are generally supported as enhancing the quality of life for residents more widely. Policy CLT9 to the Council's adopted Core Strategy generally advocates the enhancement of existing recreational facilities such as the wide use of leisure facilities available in school premises. Policy GB2 to the Council's adopted Core strategy generally allows for outdoor recreation development, provided those developments have minimal impact upon the openness of the Green Belt.
- 4.11 The development would not affect sites of scientific interest, historic landscapes or ancient woodland. There would be an opportunity through the landscaping necessary to enhance wildlife habitat. This is limited as the site is currently under agricultural cropping.
- 4.12 The Council's Open Space Study (2009) identifies a general deficit in outdoor recreation facilities in the district, which the proposed golf course would help meet.
- 4.13 The site is allocated Grade 3 under the agricultural land classification, which enjoys good to moderate yields, but is subject to minor limitations to potential crop variety and cultivation techniques. The site is not the best or most versatile agricultural land such as grades 1 or 2.
- 4.14 The location of the site is between main settlements with the nearest being the village of Rawreth, but the site is a short distance from Rayleigh and Wickford areas. Three bus services exist along the London Road.
- 4.15 The layout shown would provide the alignment of the fairways parallel to public footpath 13 and away from public footpath 12. The ninth would, however, drive over public footpath 15 and would need revision.
- 4.16 Given that the matters of scale, landscaping and appearance are reserved and that the layout would need to be reconfigured to accommodate public footpath 15, a condition is required to the grant of permission to submit the layout and final mounding and landscaping for detailed consideration.

Drainage Issue

- 4.17 The site is on sloping land outside a flood plain. However, given the size of the site and that remodeling can affect surface water conditions, the Environment Agency has advised that a flood risk assessment would need to be considered. This matter is rather dependent upon the finally agreed land form that would be the subject of reserved matters. Also of significance would be the inclusion of any water bodies to increase the attractiveness of the course, as well as providing opportunities for irrigation source and wildlife habitat.
- 4.18 In this case and given that the site is in outline, the Environment Agency has not objected, but has informally advised that a condition requiring a flood risk assessment to be considered with the detailed reserved matters would be acceptable.

Residential Amenity Issues

- 4.19 The end use as a golf course would be unlikely to give rise to such noise and disturbance as to unreasonably affect residential amenity. Agricultural practices do give rise to some occasional nuisance from machinery, the application of chemicals to protect crops, and use of bird scarers. At nine holes and without a club house or social venue the golf course use would not be intense or be likely to extend into late evening after dark.
- 4.20 The majority of objection raised is, however, at the construction process and heavy traffic that will be necessary involving about forty lorry movements each day for a period of around two and a half years.
- 4.21 The construction period would be temporary. The reserved matters should, however, include a construction management plan that can be conditioned to provide reasonable operation of the site works in order to ensure acceptable conditions of amenity for those adjoining occupiers during the construction period.

Highways Issues

- 4.22 The proposed nine-hole course would require the provision of 18 No. car parking spaces. The proposed layout shows the provision of a parking area with 36 No. car parking spaces to a car park accessed from the single access point. These spaces shown are to the Council's minimum bay size, but as there is a relative surplus, a condition requiring the provision of not less than 18 No. car parking bays to the Council's preserved bay size would be appropriate.
- 4.23 The application as revised includes a transport statement. The conclusions of this statement describe the semi-rural location of the site with access onto the A129, which is subject to a 40mph speed restriction. The statement acknowledges the curve in alignment to the site frontage onto London Road.

The data analysis on which the statement relies was collected in September 2013 following completion of the school summer holidays.

- 4.24 Traffic accident data has been reviewed and which shows that most accidents occurring in the study area are at the roundabout junctions and not between. No reported accidents have occurred at the stretch of road to which the site fronts and of those two reported for the nearby junction both involved right turning vehicles with drivers failing to see powered two wheelers. Accident risk is not therefore deemed to be an issue at this site location.
- 4.25 The proposed golf course would give rise to 9 vehicles in the morning peak hour 0800 – 0900 hours and 10 vehicles in the evening peak hour 1700 – 1800 hours and which represents 1.89% of the network flow. The County Highway Authority accepts these findings.
- 4.26 The applicant has advised informally that the construction period would be for around two - two and a half years. A typical working day would see forty lorry movements arriving and leaving over a period between 0700 hours to 1630 hours and Saturday mornings. The applicant advises that greater movements than this create administrative difficulties for the management of the site, contracts, driver rotas and site and street cleaning. This frequency has also generally been found acceptable to nearby residents to other sites. These circumstances arise for the construction period and are reasonable. If a lesser number of movements was preferred, a longer period of construction would result.

Ecological Issues

- 4.27 The site is the subject of arable cropping and so is subject to rotational crops and intensive farming involving pesticides and other inputs such as chemical fertilisers. The margins of each field, however, feature sporadic hedging, including that alongside public footpath 15, which crosses the site. The land forming will need to retain the hedging features as part of the landscaping to be agreed. This can be achieved by a condition to the grant of permission. The landscaping of the site will also present an opportunity for the consideration of wildlife enhancing techniques such as the provision of nesting boxes and the planting of wild grassland to the rough areas. No objection is raised to the proposal by Natural England.

Design of Building

- 4.28 The proposed ancillary building would provide on site toilets and a green keeper's office and store. The proposed building would be of a modest hipped roofed design and fairly minimal in size and appropriate.

5 REPRESENTATIONS

- 5.1 First Round of consultations from 21.07.2011.

Rawreth Parish Council

- 5.2 Considers the information provided to be sketchy and incomplete. The plans are faint and of poor quality making them difficult to read or comment upon. Better information should be requested.
- 5.3 Concerned that previous application from 1992 not included in the consultation documents.
- 5.4 The site access is not clearly shown and we are concerned the information being cited is out of date.
- 5.5 As the Council has not seen sight of the written evidence the previous inspector stated that "traffic has decreased due to the opening of the A13," we consider that traffic has, however, increased since 1992 and that conclusion was made.
- 5.6 Concerned at de-restriction of Old London Road and increased traffic due to football pitches. Note that in 1992 the District Council objected to the site access. This objection should not be changed. In addition, the impact upon local roads of the proposed housing north of London Road should also be taken into account.
- 5.7 The Green Belt and agricultural land should be protected, as agreed by the previous inspector.
- 5.8 Concerned that the proposed ancillary out building is not shown and that there is no mains drainage on the site.
- 5.9 The proposal appears intended to be a pay and play course, which surely will mean an additional application for a club house building to be erected in the Green Belt without very special circumstances.
- 5.10 Note that the area is of significant archaeological interest and a recommendation for trial trenching. Question if this has been taken forward? Consider the application will have considerable impact on noise levels and disturbance to nearby residents. This point was made strongly by the inspector in refusing permission to extend the operating hours of Rayleigh Cricket Club.
- 5.11 The proposal would also significantly affect the business of the driving range nearby.

Essex County Council Highways

- 5.12 Advise that insufficient information is provided within the application to demonstrate to the satisfaction of the Highway Authority that the impact upon

the highway network caused by this proposal will not have unacceptable consequences in terms of highway safety and efficiency.

Essex County Council Specialist Historic Advice

- 5.13 Advise that the Essex Historic Environment Record (EHER) records that the proposed new nine-hole golf course and ancillary buildings borders two medieval moated enclosures of Chichester Hall (EHER 7521) and Withendens Farm (EHER 7523). Chichesters Hall is a part water-filled manorial moated enclosure, which dates to at least the 14th century, which is associated with the family of John 'de Chichestria' (dated 1348). The moat to the south of Withendens Farm, also bordering the proposals, was, like Chichester Hall, a water-filled manorial enclosure, but first mentioned in 1554 as 'Raymondes', and again in 1578 as 'Raymons' and 1600 as 'Raymonds alias Sandells'. In addition to this rich medieval landscape the area immediately adjacent to the proposals include finds of prehistoric pottery (EHER 7637) and Roman tile (EHER 7635). Furthermore, a Bronze age burial site (EHER 9042) and crop marks of a prehistoric ring ditch (EHER 16251) lie less than 500m to the west. All these sites and finds strongly suggest that significant archaeological activity is likely to be present across the proposed development area.
- 5.14 Therefore recommend an archaeological evaluation by trial trenching shall be undertaken by a recognised professional team of archaeologists prior to the submission of detailed layout proposals with a report submitted with the reserved matters application.

Natural England

- 5.15 Advises that from the application details there is no reasonable likelihood of protected and priority species being affected adversely or conserved or enhanced within the application site or on land adjacent to or near the application site.
- 5.16 The description and location of the development suggests that an assessment for bio-diversity interests needs to be considered. Advises the Local Planning Authority to ensure that the relevant species have been considered and confirmed as not being affected by this development before determining this application.

Environment Agency

Surface Water Drainage

- 5.17 Advises that the proposal lies within Flood Zone 1, the low risk zone. Whilst the site is outside the flood plain, operational development greater than one hectare can generate significant volumes of surface water. The impact and

risk posed by this will vary and notes that, given the nature of the application, the area is likely to remain permeable.

- 5.18 Re-profiling of the ground may have an impact upon the surface water regime of the site and therefore a flood risk assessment is needed.

Ecology

- 5.19 Advises that, as part of any landscaping proposals, thought is given to maximise potential ecological enhancement such as the planting of only native species and the use of low intensity/time of year mowing regimes. Green/brown roofing designs may provide habitat and improve energy efficiency as well as attenuation rain water flow.

Raised Earth Works

- 5.20 Advises that it is acceptable for material to be excavated on-site and used to re-profile land (provided there is no adverse effect on flood flows and off site risk). If material is imported onto the site an environmental permit may be necessary.

Rochford District Council Consultant Arboriculturalist

- 5.21 Advises that the only trees are to the field boundary/ditch line and are general hedging species. These should be retained with infill planting where applicable to include standard trees of native specimens such as oak, ash, field maple, rowan and hawthorn.

Rochford District Council Engineers

- 5.22 No objection. Advise that there are no public sewer facilities available for the proposed toilets within the ancillary building.

Neighbour Representations

- 5.23 15 letters have been received from the following addresses:-

London Road: "White Heather" (5 letters), "Goymers Lodge," "Ivydene," "Claremont" (3 letters), "Fairfield," "1 Raymonds"

Old London Road: "Somerdale"

Chelmsford Road Old: "Moat Farm"

Gore Road, Canewdon: "Ballards Gore Golf Club"

And which in the main make the following comments and objections:-

- There are simply too many golf clubs in the Southend area for the number of golfers. Existing golf clubs have to work very hard to retain and attract

members. Many are in serious financial difficulties, which are threatening both business and employment in the local area. I would respectfully suggest that this application is not for a golf course at all. I am aware of several golf courses that are under construction, which is a cover for providing a lucrative land fill opportunity over many years, with little to no intention to open as a golf course. The 600 new homes in Rochford and the airport development will create the need for landfill sites. I believe this alone to be the motive behind this application. Many existing golf courses would be able to accommodate and benefit from any necessary landfill without further disruption to the countryside.

- Poor layout.
- Too close to boundary.
- Loss of privacy.
- Seek screening and protective fencing to adjoining properties.
- Over-development of site.
- Access onto A129 very poor.
- Noise and disturbance.
- Not needed; golf range already in next field.
- No mains sewer
- Would not be in keeping with existing farmland and rural landscape.
- All recent pitches and roads are spoiling the countryside.
- It has been some months since anything was heard on this application. Whilst I appreciate the Council has to be fair to the applicant it also has a duty to those Council Tax payers whose properties are affected by this proposal. To leave us in limbo not knowing whether or not this is going ahead is completely unfair. We have a right to know whether or not we need fences, the chance to appeal, etc. As the farmer has recently planted a new crop I assume nothing is going ahead for some months yet, but I feel the Council should place some time limits on applications to either go ahead or withdraw; not leave everything hanging.
- Will you be able to guarantee my safety when using my garden from golf balls which could kill or maim?
- There is an adjacent business (Golf Driving Range) abutting the proposed development. Not only will this proposal damage this established business, but there is also the question of balls from the driving range hitting golfers. This driving range did not exist when the plans were originally drawn up in the 1990s.
- Ask that consideration be given to planning condition LT21 (noisy sports) - a golf lake at Rochford was turned down on these grounds because of vehicular activity noise, noise from people, etc. I feel the same applies here.
- Overall these plans are deeply flawed. They do not show the golf driving range, or the fact that the last residential property in the road has purchased a considerable amount of land at the side. I believe they were drawn up around 1990, and if Mr Pamment wants to proceed with this on a serious basis he should as a minimum be forced to submit plans showing the up to date position with existing structures, correct boundaries, etc. If

this was done I feel that the layout of the course would have to be considerably modified, which would fundamentally change the whole application.

- When these plans were drawn twenty years ago there wasn't a golf range adjacent to this site and you can see that number one golf hole would be on part of this, plus have balls being driven towards it from the range.
- Number nine hole would be in part of our back gardens and over our boundary and balls also driven towards us. There should be a ditch surrounding my property, which belongs to me (White Heather), which I am having re-dug when the corn is cut. Claremont has a much larger garden it goes to where the old telegraph poles used to be because the original owner (the grandfather of the present one) bought extra ground. It will be no problem for us to put up boundary markers. The site layout plan is wrong where boundaries are concerned; please look at the picture and you will see the correct ones.
- Point out that the plans shown on your website contain a fundamental error. They show the back boundaries of Claremont and White Heather as being level with each other, when this is not in fact the case. Claremont extends further back than White Heather by some considerable distance, which takes it into the green of hole 9. I attach the Land Registry plan for Claremont (edged in red), which clearly shows the difference between the two properties. If you compare this plan to the submitted application you can see they are making an application for land that they do not own, and will never own.
- The planning application is also misleading as it says Land Adjacent to Chichester Hall, Old London Road, when the main impact is in fact on London Road.
- Draw attention to the positioning of the access to this proposed development. Unfortunately the A129 is not the quiet road, as suggested in the planning application, but a busy and rather aggressively used road. We ourselves have been involved in several near misses when turning into Old London Road from the A129 due to other road users driving in excess of the speed limit and having to brake severely to avoid hitting us. The positioning of the golf course entrance on a blind bend will only add to the problems. We do not object to the golf course in principle, but would like due diligence to be taken when assessing the entrance.
- Access/egress onto the A129 - this is far too close to the bend in the road. Traffic comes round here at well over the speed limit and they will be pulling out without good sight lines. There is already a problem with traffic turning right from the A129 to get to the Chichester with frequent rear end shunts and near misses. Another turn only yards before the existing turn will be both confusing and dangerous.
- Increased traffic - this is a busy road and will not bear the increase in traffic.
- Environmental pollution from noise, cars, etc.
- Security of adjacent properties from the point of view of badly hit golf balls damaging property or even persons in their own gardens.

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- Toilets - there is no mains drainage in this area - what do they intend to do about the "waste"? Can the brook take discharge and will it be properly treated?
 - There is an existing golf range on the adjoining field, which already causes a nuisance as it is floodlit until late at night and you can hear the noise from it.
 - Football pitches have been given permission for the other side of the Chichester Hotel and when matches are played the shouting and screaming from it is awful.
 - You may think these reasons have nothing to do with it, but they do as I elected to live in a rural area away from other people and I am being steadily encroached upon and I have human rights to live as I want. Ethnic minorities and gypsies are not the only ones.
 - Now there is a proposed golf course to add to the noise and it will mean a complete lack of the privacy that I have enjoyed for many years in my garden and home with people using the golf course, as a lot of the proposed development is on my boundary.
 - Looking at the plans they are a farce.
 - I presume planning policy LT21 for noisy sports will be used on this application as it will generate a lot of vehicle movements and noise from people using the site and hitting the golf balls.
 - It is anticipated that RDC Policy LT21 will be fully explained and discussed at DC stage; on past records of applications for sporting facilities double standards have been applied.
 - Why is the car park along the front of the development and along side of my boundary, when it should be as unobtrusive as possible and along the hedge where the proposed Greenkeeper's offices are to be sited?
 - Hole nine is on part of my neighbour's garden and the boundary is incorrectly marked on the map. There is also a large filled in pond on this spot, which is fed by an underground spring that comes into my garden and Claremont. It would also be dangerous to have golf balls being tee'd off towards our gardens. Why would you walk across hole nine to get to hole one, which should be by the greenkeeper's office.
 - Why is there a big area for practice with the balls being driven towards the road? I certainly do not want to look out onto huge high nets and hear the constant whack of golf balls. It is not needed when the existing golf range is so near.
 - The entrance to these fields is very hazardous as a couple of hundred yards away is the Old London Road and there are lots of accidents there.
 - There have been numerous accidents from my gateway concerning motor vehicles and I know most of the local residents have had them too and the road has much higher usage than when this plan was first used in 1992 and although there is a speed limit on this road it is not heeded.
 - Within a fifteen mile radius of Rayleigh there are 29 golf clubs plus numerous other golf locations and the nearest one only a mile away from the proposed development so I cannot understand why another is needed.

- There is no water or electricity on this site plus no mains drainage and I hope they are not proposing another treatment plant to go into the brook for the toilets as there are quite enough of them already going into it.
- I do not see why I should be subjected to the noise and pollution of vehicles using this site, plus it would be horrendous when being built and it is too near the road for safety.
- Is this going to be members only? If so, they will want a club house and they won't be able to use the Chichester Hotel as it is not part of this complex, or is it going to be pay as you go? What hours will it be open? Will there be a restriction or will it be dawn to dusk and will the practice area be floodlit?
- The golfers I know do not like a nine-hole; they prefer an eighteen-hole and only use one for practice when it is affiliated to the larger one.
- This site is too small for the proposed development, has not been thought out at all, with no thought to local residents and I suspect if planning were given for a golf course it would not then be Green Belt and then building consent be sought.
- Has anyone given a thought to the wildlife using these fields or are we to see more badgers and foxes run over as there will be less habitat for them?
- There is too much Green Belt going under the knife in this area and these so called leisure activities can only be got at by private vehicle. You ought to see how much traffic the football pitches on a Sunday generate, let alone a golf course, which would be seven days a week; so please keep some of Rawreth agricultural.
- Will need in future more arable land for bio-fuels, as well as food.
- Wildlife will be lost like the loss of the sky larks when the football fields were approved.

5.24 Second Round of consultations from 12.02.14

Essex County Council Highways

5.25 Advise that from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to the following heads of conditions:-

1. Prior to commencement of the development, the developer shall prepare and implement a construction traffic management plan for the earth works phase of the development, to include details of construction vehicle access, vehicle routing, number of daily vehicle movements, areas for loading, unloading and storage of materials, manoeuvring of all vehicles, including construction traffic and contractor vehicle parking.
2. Prior to commencement of the development the vehicular access shall be constructed at right angles to the existing carriageway. The width of the access at its junction with the highway shall not be less than 6

metres, and shall be provided with 2 No. appropriate kerbed radii and dropped kerb crossing facilities on both sides of the access. Details to be agreed with the Highway Authority.*1

3. Prior to commencement of the development the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres in both directions.
4. Prior to commencement of the proposed development details of a wheel cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority.
5. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority
6. No unbound material shall be used in the surface treatment of the vehicular access within 15 metres of the highway boundary.
7. The public's rights and ease of passage over public footpaths 13, 14 and 15, Rawreth shall be maintained free and unobstructed at all times
8. The on-site parking provision shall be in accordance with the current standards. . Each parking space shall have minimum dimensions of 2.9 metres by 5.5 metres.
9. Prior to occupation of the development a vehicular turning facility to be provided, of a design to be approved in writing by the Local Planning Authority.
10. Prior to the commencement of the development the details of the amount, location and design of powered two wheeler parking facilities shall be submitted to and approved in writing by the Local Planning Authority.
11. Prior to the commencement of the development the details of the number, location and design of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority.
12. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Natural England

- 5.26 Raises no objection with regard to statutory nature conservation sites and advises that the proposal is unlikely to affect any statutorily protected sites or landscapes.
- 5.27 Refer to standing advice on protected species.
- 5.28 Advises that the site is within the Essex Biodiversity offsetting pilot area and that the applicant could consider the opportunity for bio-diversity off setting to provide a consistent approach to delivering necessary compensation.
- 5.29 Advises that the proposal may provide opportunities for biodiversity and landscape enhancement.

Essex County Council Specialist Historic Advice

- 5.30 The Essex Historic Environment Record (EHER) records that the proposed new nine-hole golf course and ancillary buildings borders two medieval moated enclosures of Chichester Hall (EHER 7521) and Withendens Farm (EHER 7523). Chichesters Hall is a part water-filled manorial moated enclosure, which dates to at least the 14th century, which is associated with the family of John `de Chichestria' (dated 1348). The moat to the south of Withendens Farm, also bordering the proposals, was, like Chichester Hall, a water filled manorial enclosure, but first mentioned in 1554 as `Raymondes', and again in 1578 as `Raymons' and 1600 as `Raymonds alias Sandells'. In addition to this rich medieval landscape the area immediately adjacent to the proposals include finds of prehistoric pottery (EHER 7637) and Roman tile (EHER 7635). Furthermore, a Bronze age burial site (EHER 9042) and crop marks of a prehistoric ring ditch (EHER 16251) lie less than 500m to the west. All these sites and finds strongly suggest that significant archaeological activity is likely to be present across the proposed development area.
- 5.31 The following recommendations are in line with the National Planning Policy Framework.
- 5.32 Recommendation: A programme of trial trenching followed by open area excavation:-
1. No development or preliminary ground works can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation, which has been submitted by the applicant, and approved by the Local Planning Authority. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the Local Planning Authority following the completion of this work and prior to any reserved matter applications.

2. No development or preliminary ground works can commence on those areas containing archaeological deposits until the satisfactory completion of field work, as detailed in the mitigation strategy, and which has been signed off by the Local Planning Authority through its historic environment advisers.
3. The applicant will submit to the Local Planning Authority a post-excavation assessment (to be submitted within six months of the completion of field work, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

5.33 Further Recommendation:

A recognised professional team of archaeologists should undertake the archaeological work. The District Council should inform the applicant of the archaeological recommendation and its financial implications. An archaeological brief can be produced from this office detailing the requirements of the work.

Essex County Council Minerals and Waste Planning

- 5.34 The Mineral Planning Authority has no comments to make against this application.
- 5.35 Further Comments March 2014
- 5.36 Further to our telephone conversation this morning concerning the above and whether or not the proposal is in fact a county matter, I am writing to confirm that there is no definite answer/scale for when a project represents a county matter, although it is suggested by the Government that projects requiring the importation of more than 100,000 tonnes of material are more likely to constitute waste disposal operations. This figure (advised by the Government) is, however, only a guide and it is important to assess the application as a whole, not just in the context of the amount of material to be imported.
- 5.37 There are a number of elements to the proposal (greenkeeper's office and equipment store), including the requirement to import material to achieve contours as defined on drawings 202B (dated January 2013), 101 (dated January 2013) and 102 (dated January 2013). I am unable to ascertain what the amount of material would be as this is not provided within the transport statement nor design and access statement. However, it is clear that these contours could not be achieved with just on site cut and fill. There is also no discussion within the application regarding whether the material proposed to be imported would be waste or not. Furthermore, there is no identification of the amount of material to be imported, what type of material would be imported and from what sources would it be imported.

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- 5.38 Attached is Essex County Council's County Matter Guide, which sets out 'county matter' development. As detailed in the attached document, the Waste Planning Authority (WPA) considers that often the importation of inert materials would not normally be undertaken if the material proposed to be used was not classed as a waste at source (given the financial cost of acquiring the material otherwise). In respect of this, and that such projects would not normally be classed as a recovery operation, such development is often classified as land-raising and an activity for which permission would normally be required by the WPA.
- 5.39 The question is nevertheless if the substantial element of this application is that of the ancillary building works, greenkeeper's office and equipment store or that of a project seeking to dispose of waste (land-raising). As discussed at paragraph 5.8 of the attached it would be the District Council (Rochford District Council) who would determine the proposal should the substantial element outweigh the importation of material. If this did not occur then it would be the WPA who would determine the application if considered a waste disposal activity (*sui generis* use).
- 5.40 In consideration of paragraph 5.16 of the attached I am in this instance, in light of the application details, of the mind that this proposal does represent a county matter given the scale of operations proposed in the drawings and the information of the application.
- 5.41 Therefore, I respectfully ask that you contact the applicant and notify them that the application is in fact a county matter and should have been submitted to ECC for determination. Following this you would either need to forward the application and all particulars to the WPA or should you find the application invalid (an example maybe the planning fee) to invalidate the application.
- 5.42 The WPA is of course open to pre-application talks with the applicant should they wish to submit to the WPA.
- 5.43 Further comments October 2014
- 5.44 I was visiting the JKS site on Thursday last week and the operator mentioned to myself that he required a decision on the above application as soon as possible, I notified the operator that the Waste Planning Authority had not yet received the application details to date, however, once received it would be determined in accordance with ECC protocol and procedures and of course the Development Plan.
- 5.45 However, I also informed the operator that I have previously commented (see email below) that Rochford Distinct Council (RDC) can rightfully determine the application. I feel that considering the application has been with RDC since 2007 and it holds/has all the relevant consultation response, etc. that you are best suited to determine the application in this matter. As you will be aware a

decision cannot be challenged in law if it is not issued by the WPA in this instance.

- 5.46 Again this is an officer's opinion, which is not binding to the County Council if found incorrect at a later date.

Environment Agency

- 5.47 Advises that none of the new documentation falls within the Agency's remit. Advises that no FRA has been submitted.

Rochford District Council Consultant Arboriculturalist

- 5.48 The tree resource around the site is limited to low value trees within an intermittent hedgerow. From the submitted plans it is assumed that the majority of these trees will be retained. To reiterate previous comments, it is recommended that infill planting in the boundary hedgerows is undertaken of native species.

- 5.49 There is no further comment nor objection to the proposal.

Neighbours

- 5.50 3 letters have been received from the following addresses:-

London Road: "White Heather" (2 letters), "Claremont" No. 1.

- 5.51 And which in the main make the following comments and objections:-

- Insufficient drainage.
- Loss of privacy.
- Noise and disturbance.
- Poor design and layout.
- Too close to boundaries.
- Traffic generation.
- A nine-hole golf course is not needed in this area as there are plenty of existing ones. It will generate too much traffic and the proposed access would be on a bend with poor visibility and although there is a 40 mile an hour limit it is not adhered to and the traffic consultation was nowhere near the proposed entrance.
- The design is very poorly laid out with a car park very near my boundary at the side with practice nets by it which both would generate a lot of noise.
- The number nine hole would be near the back of my garden, which would be tee'd off towards it. This would be very dangerous as I do not want stray balls hitting myself, my pets or property.
- It would also cause me to have loss of privacy and loss of view, plus the noise and disturbance of usage.

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- The area concerned floods a lot and there are two filled in ponds on it with numerous underground springs, which will not go away whatever you do and it should be left as farmland.
 - There is no mention of opening hours on the plans or lighting - why?
 - If this is given the go ahead the plans should be radically altered so that the entrance is on the lane beside the existing golf range and then the car park, etc. could be there.
 - The plan does not mention how the toilets will function; will it be cesspool or treatment works that go into the brook, which I hope is not the case.
 - If this goes ahead I will expect compensation for loss of the semi-rural environment that I enjoy and my garden to be fully fenced and screened so that people using the facility do not encroach on my garden.
 - With reference to my previous objection, I see on the plans there is no mention of the pipe that runs along the hedge and where the proposed entrance would be - what would happen to it?
 - I remain totally opposed to this development. It comes directly up against the rear boundary of my property and I am concerned about balls coming into my garden, damage to property, injury to myself and my pets. Despite the traffic consultation I find it highly unlikely anyone will actually walk from Rayleigh carrying golf clubs. All access will be by car, resulting in heavier traffic flow. The proposed new developments in the area also have to be considered in the light of the traffic they will also generate.
 - The land is poorly drained and one land drain discharges over the pavement, which has caused complaints. Further drainage will be needed and this will cause greater strain on the existing brook, which already floods into Old London Road, as well as discharge across the pavement causing greater flooding in the road.
 - I have a basic right to enjoy the peace and quiet of my property. I will lose views over open farmland, as well as having the danger of having my privacy invaded by golfers looking for lost balls on a regular basis.
 - If this is given the go ahead I insist it is with the proviso that secure fences of a height to deter infringement on my property are erected the entire length of my boundary. It is to be made clear to the developer that at no time is any workman or development traffic permitted on my land. Any infringement will result in legal action.
 - This is agricultural land. Although golf courses are a permitted Green Belt development it is yet another slice of land taken out of agricultural production and this should not be encouraged.
 - This development is not needed; there are more than enough golf courses within a five mile radius. It will also impact on the business of the driving range, which is directly adjacent.
 - There is no mains drainage in this area. How is the proposed toilet/coffee shop area going to deal with this?
 - Allowing this will open the door for further development on the land, such as a club house, which will be difficult to refuse once the precedent is set.

6 RECOMMENDATION

6.1 It is proposed that the Committee **RESOLVES**

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

- (1) No development shall commence before plans and particulars showing precise details of the layout, land re-forming and re-modelling, including sections and final topographic details, provision of drainage ponds, landscaping, including trees and hedgerows to be retained and measures to enhance the bio-diversity and ecology of the site hereby permitted (hereinafter called the "Reserved Matters") have been submitted to and agreed in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.
- (2) Application for approval of all "Reserved Matters" referred to in Condition 1 above, shall be made to the Local Planning Authority before the expiration of three years from the date of this planning permission. The development hereby permitted shall be begun before the expiration of three years from the date of this permission or two years from the date of the final approval of "Reserved Matters", whichever is the later.
- (3) The existing hedgerows to the site boundaries and across the site adjoining public footpath 15 on the approved drawings shall hereafter be retained and not pruned, removed or otherwise reduced in height, without the prior written agreement of the Local Planning Authority. Prior to the commencement of the development the applicant shall submit details to the Local Planning Authority of measures to secure the protection of these hedgerows for the duration of the construction period. The development shall be implemented in accordance with such details as may be agreed by the Local Planning Authority.
- (4) No development or preliminary ground works can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation, which has been submitted by the applicant, and approved by the Local Planning Authority. A mitigation strategy detailing the excavation/ preservation strategy shall be submitted to the Local Planning Authority following the completion of this work and prior to any reserved matter applications.
- (5) No development or preliminary ground works can commence on those areas containing archaeological deposits until the satisfactory completion of field work, as detailed in the mitigation strategy, and which has been signed off by the Local Planning Authority through its historic environment advisers.

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- (6) The applicant will submit to the Local Planning Authority a post-excavation assessment (to be submitted within six months of the completion of field works, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.
 - (7) The reserved matters to be submitted in accordance with condition 1 above shall be accompanied by a flood risk assessment to assess the existing and future drainage characteristics following the development and final land forming. The assessment shall establish the existing run-off rate and the future run-off rate following the development hereby approved. The assessment shall set out measures to manage and reduce final run-off rate compatible to the existing situation prior to the development. Such measures shall include the provision of balance ponds and swales that shall be incorporated into the layout to be submitted as part of the revised layout to be considered under condition 1 above.
 - (8) Prior to commencement of the development, the developer shall prepare and submit a construction traffic management plan for the earth works phase of the development, to include details of construction vehicle access, vehicle routing, number of daily vehicle movements, areas for loading, unloading and storage of materials, manoeuvring of all vehicles, including construction traffic and contractor vehicle parking and the hours of site operation. The development shall be implemented in accordance with such details as may be agreed by the Local Planning Authority.
 - (9) Prior to the commencement of the development details shall be submitted to the Local Planning Authority for the design of the vehicular access to serve the development and which shall be constructed at right angles to the existing carriageway. The width of the access at its junction with the highway shall not be less than 6 metres and shall be provided with 2 No. appropriate kerbed radii and dropped kerb crossing facilities on both sides of the access. Details shall be submitted to and agreed in writing with the County Highway Authority.
 - (10) Prior to commencement of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
 - (11) Prior to commencement of the proposed development details of a wheel cleaning facility within the site and adjacent to the egress onto

the highway shall be submitted to and approved in writing by the Local Planning Authority. The wheel cleaning facility shall be provided at the commencement of the development and maintained during the period of construction.

- (12) Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- (13) No unbound material shall be used in the surface treatment of the vehicular access within 15 metres of the highway boundary.
- (14) The public's rights and ease of passage over public footpaths 13, 14 and 15, Rawreth shall be maintained free and unobstructed at all times.
- (15) The reserved matters to be submitted in accordance with the requirements of condition 2 above shall show a revised car park design to provide for not less than 18 car parking spaces. Each parking space shall have minimum dimensions of 2.9 metres by 5.5 metres.
- (16) Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
- (17) Prior to the commencement of the development the details of the amount, location and design of powered two wheeler parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be secure and shall be provided prior to occupation of the development and retained for that purpose at all times.
- (18) Prior to the commencement of the development the details of the number, location and design of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be secure, convenient and covered and provided prior to occupation and retained at all times.
- (19) Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Appendix 1

All of the materials used will be inert (meaning non-hazardous and not in any way contaminated) and due to the cost of road haulage will be locally derived.

The most likely sources of engineering clays, also known as inert spoil, excavated material and construction and demolition arisings are from new developments, which can be in the form of housing, schools, roads, leisure, etc. Locally the contractor is currently involved in moving earth from developers such as Bellway, Barratt & Argent, who have new housing sites at:-

- Brays Lane, Ashingdon
- Christmas Tree Farm Hawkwell
- Former EON Site London Road Rayleigh
- Former Dairy Crest Southchurch Road
- Kiln Road Thundersley
- Rhoda Road Benfleet

Other sites of non-housing:-

- Greenways School extension, Thorpe Bay
- Southend High School for Boys, extension

The contractor is also currently tendering for the new developments at Hall Road Rochford, A127 Improvement Works and Priory Crescent, to name only a few larger projects, however there are many smaller ones which are handled on a weekly basis.

Successful case studies:-

- Garons Park original Golf Course.

We were involved in the original construction of the golf course and the vast majority of the course contour and mounding were made up of imported spoil.

- Former Gravel Pit at Creeksea Ferry Road, Canewdon.

We were commissioned by H Cottis & Sons Farmers to restore their land following decades of gravel extraction to its former arable use, including contouring and top soiling.

This was carried out by depositing sub soil from local projects and was then topped off with top soil which came from the B & Q site in Fossetts Way and these fields are now back in service producing crops.

- Garon Park Cricket Pitch

We were instructed to change the levels of the perimeter of the pitch, which was due to health and safety requirements and as such we stripped off the existing top soil, set aside and then filled the area with spoil to create new contours and then reinstated the top soil, seeded and it was back in play the following season.

- Garon Park Golf Course

We have subsequently been involved with remodelling of the driving range and filling and contouring of disused lakes around the course, which have all been carried out with the importation of excavated spoil.

End of appendix



Shaun Scrutton

Head of Planning and Transportation

Relevant Development Plan Policies and Proposals

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) - CP 1, GB 2, CLT 9, T 8.

Rochford District Replacement Local Plan (2006) as saved by Direction of the Secretary of State for Communities and Local Government and dated 5 June 2009 in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004.- LT 13

Rochford District Council Local Development Framework Development Management Submission Document (April 2013) - DM 16,DM 30,DM 31.

Parking Standards: Design and Good Practice Supplementary Planning Document
adopted December 2010 - D2

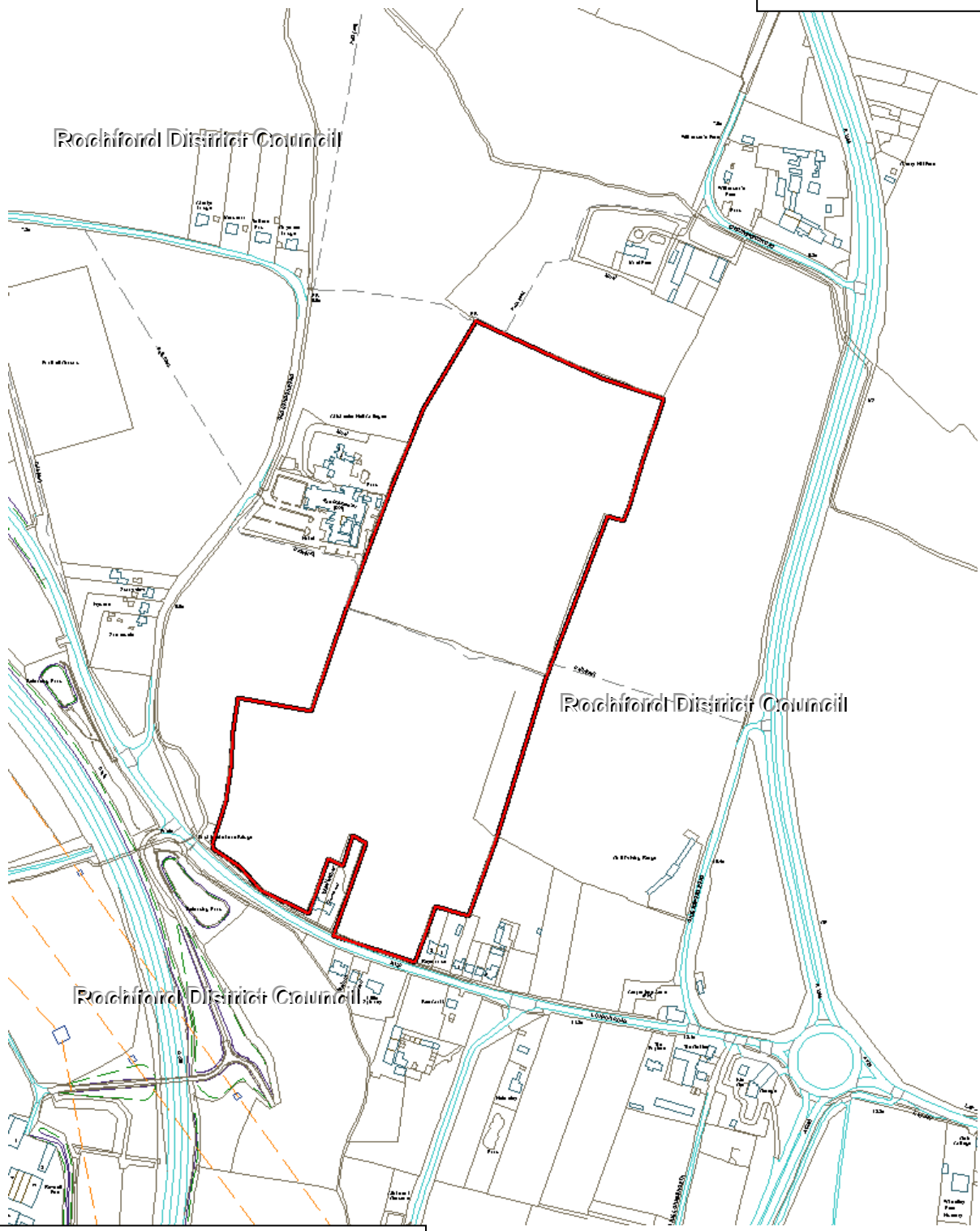
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