

TITLE : 06/00079/FUL
SINGLE STOREY SIDE EXTENSION USING MATCHING MATERIALS, ERECT CANOPY TO FRONT OF BUILDING OVER PART OF CAR PARK, INTERNAL AND EXTERNAL ALTERATIONS AS PART OF MODERNISATION. AMEND CAR PARK LAYOUT INCLUDING CHANGES TO CUSTOMER AND DELIVERY ACCESSES. VARIATION OF CONDITIONS 8 AND 9 OF APPLICATION F/0354/93/ROC TO ALLOW STORE OPEING TIMES BETWEEN 0730HRS-2100HRS MONDAY TO FRIDAY AND 0730 HRS – 1900 HRS ON SATURDAY AND 0900 HRS - 1730 HRS ON SUNDAY. DELIVERY TIMES ARE REVISED FROM 24 HOURS MONDAY TO FRIDAY AND SATURDAY AND SUNDAY 0700 HRS TO 1700 HRS TO DURING STORE OPENING TIMES, NAMELY 0730 HRS- 2100 HRS MONDAY TO FRIDAY AND 0730 HRS-1900 HRS ON SATURDAY AND 0900 HRS – 1730 HRS ON SUNDAY. MAKRO RAWRETH INDUSTRIAL ESTATE RAWRETH LANE RAYLEIGH

APPLICANT : MAKRO SELF SERVICE

ZONING : EXISTING INDUSTRIAL

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 824 requiring notification of referrals to the Head of Planning & Transportation Services by 1.00 pm on Tuesday, 18 April 2006, 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.

4.1 **Rawreth Parish Council – ROUND ONE:** The response notes objection to:-

- the erection of the canopy over the car park as it is considered to be excessive and there is potential for misuse, if erected.
- traffic flow in Rawreth Lane, so recommends a judgment from Essex County Highways department before any judgment is made.

- 24 hour delivery times due to the detrimental impacts upon residential amenity.
- Highway improvements are not effective for customers due to the nature of the use.
- Requests that the whole sale trading scheme is enforced.

ROUND TWO - They acknowledge the change in delivery times but their comments remain the same as the first consultation response. They oppose the application.

NOTES

PLANNING APPLICATION DETAILS

4.2 This application seeks to extend the existing cash and carry warehouse, which falls into Class B8 of the Use Classes Order. This extension will be used in association with the authorised use. The proposal seeks to erect a single storey side extension using matching materials, erect canopy to front of building over part of car park, internal and external alterations as part of modernisation of the premises. It also seeks consent to amend the car park layout including changes to customer and delivery accesses.

4.3 Variation of Conditions 8 and 9 of Application F/0354/93/ROC to allow store opening times between 0730 hrs - 2100hrs Monday to Friday and 0730 hrs – 1900 hrs on Saturday and 0900 hrs – 1730 hrs on Sunday.

4.4 The delivery times originally applied for were to operate 24 Hours Monday to Friday and Saturday and Sunday 0700hrs to 1700hrs. This was revised during the application process to operate during store opening times, namely 0730 hrs – 2100 hrs Monday to Friday and 0730 hrs – 1900 hrs on Saturday and 0900 hrs – 1730 hrs on Sunday.

LOCATION

4.5 The site is located on the western edge of Rayleigh and is part of the built forms, which form the edge of the town abutting the Green Belt. The site is designated within the Local Plan as existing industrial land and abuts the boundary of the Metropolitan Green Belt. There is residential development immediately to the north and partly to the east, with agricultural fields to the west.

4.6 The warehouse is located towards the south of the site with its car park to

the north and the service area to its south. The accesses are currently separated, the customer entrance is located close to the north boundary and the customer exit is located approximately 70 metres to the south of this entrance.

4.7 The delivery vehicles currently use the western part of the customer car park for waiting, to prevent obstruction of waiting delivery vehicles in Rawreth Industrial Estate Road. The delivery vehicles, once the delivery area is ready, exit the site via the customer exit and then re-enter the site via the delivery access further to the south.

4.8 There is an enclosed area to the west of the store, currently used for open storage in association with the authorised use of the site. This area measures approximately 44 metres in length and 16 metres in width. A 2.5 metre high fence encloses this area. This area has been used for open storage, it is understood, for approximately 7 years. This area was previously used for staff car parking. The proposed store extension will replace this open display/sales area.

4.9 RELEVANT PLANNING HISTORY

06/00226/ADV - Illuminated building mounted signage and illuminated free standing entrance sign and illuminated sign to customer car park and service entrance. CURRENTLY PENDING CONSIDERATION

05/1032/FUL - Retain 14 no. storage containers and 2 no. compactor units to service yard area in variance to condition 3 of Planning Permission F/0354/93/ROC. APPROVED

98/00700/FUL - Use land adjacent to existing cash and carry warehouse as garden centre. Erect 4.8m high perimeter fence. REFUSED due to the impacts upon the visual amenity of Green Belt and loss of industrial land.

95/00123/ADV - Erect car parking directional signage and three illuminated fascia signs on front and side elevations. APPROVED

93/00354/FUL -Construction of a building together With associated out buildings and car parking for use as a cash and carry warehouse and/or other uses within Class B8. APPROVED WITH A 106 AGREEMENT

4.10 CONSULTATIONS AND REPRESENTATIONS

ROUND ONE

4.11 **County Surveyor (Highways):** - Advises that officers have assessed the traffic impact study submitted with the application and have no objections or comments.

Response suggests the following conditions be applied to any consent:-

-
- The proposed travel plan to be agreed with the Travel Plan Co-ordinator.
 - Prior to the beneficial occupation of the extension, the nearby public footpath (PROW 23) to be reconstructed as a shared cycleway/footpath with a minimum of 3 metres from its junction with Rawreth Industrial Estate Road and footpath in Stirling Close, to the east of the site. Details to be agreed with the Highways Authority prior to the commencement of the works.
 - The developer to pay for the cost of the TRO.
 - The accesses to the site to be clearly signed for customer access and delivery access in accordance with details agreed by the LPA.
 - Parking bays shall be minimum dimensions of 4.8 metres x 2.4 metres and the gap between rows of parking bays set at right angles to the access way shall be 6 metres.
- 4.12 **Urban Designer** - Commented on the design and size of the external canopy. Concerns regarding the lack of light, noisy and draughty. Suggests the materials of this be transparent so as to allow light to penetrate. Commented that the materials to be used for the car park should be broken up with planting and landscaping to prevent a large expanse of tarmac. The comments also related to the prominent location of the delivery vehicle holding area and the design of the front of the store.
- 4.13 **Engineers:** No objections.
- 4.14 **Woodlands Section:-**
- The proposed delivery access is likely to affect protected Oaks labelled as T1 and T2 on the site. Therefore it is recommended that T1 and T2 be removed and replanted with 10 trees in the existing verge once development is complete.
 - Recommends appropriate protective fencing with labelling for T3 – T6.
 - New planting shall be located on the verge between the current delivery access and customer egress from the site. Details of planting shall be identified prior to development and thereafter protected by fencing.
 - The planting shall be native species, container grown silver birch, alder and hornbeam in accordance with BS 4428 “Code of practice for landscape operations”.
 - All planting shall be protected by condition relating to the replacement of any damaged trees within a minimum of three years from the date of commencement of development.
- 4.15 **Essex Police** - No objection to the application but requests that the following conditions are attached to any consent:-
- No queuing of delivery vehicles on the highway.
 - Reconfigure car park directional signage on three lanes nearest to building to prevent cross traffic leaving the site and re-entering causing more traffic movements. Recommend a one way system in the car park.
 - The car park should be subject to the ACPO Safer Parking Awards to prevent anti-social behaviour.

- 4.16 **Environment Agency** - No objection.
- 4.17 Three letters received in response to the consultation letters. These highlight matters as follows:-
- The increased opening hours on Saturday and Sunday are considered unacceptable due to the noise and disturbance from cars, people using the car park. The hours give little respite for those living close to the site.
 - The potential unauthorised use of the car park by “boy racers”, motorbikes and radio car enthusiasts late at night due to 24 hour access for delivery vehicles.
 - Potential late night noise from refrigerated delivery trucks, staff and forklift trucks.

- 4.18 **ROUND TWO** – see Parish Council observations above.

MATERIAL PLANNING CONSIDERATIONS

- 4.19 This application seeks to extend the existing store. This will operate in the same way as the existing store in as much as customers will be members to the store and controlled by a vetting system, as stated in the 106 Agreement of the original application. The original consent controlled many elements on the site by way of planning conditions and a 106 Agreement. If this Authority is minded to grant consent it is considered reasonable for a new 106 to be drafted with similar, updated clauses to control the activity on the site.

- 4.20 This application has several elements, which will be dealt with under separate headings.

Side Extension

- 4.21 The first element is the side extension proposed to the west of the existing store, close to the Green Belt boundary. This will provide the new entrance to the store. The widest part of the extension will be 25 metres in depth. This narrows to 15 metres in width to the rear of the store. The extension will cover the entire depth of the existing store and will measure approximately 9 metres to the ridge, which is identical to the existing ridge height of the store.
- 4.22 This proposal provides an additional 22 percent increase in enclosed warehousing floor area (the open garden display area) and employment of a further 20 staff. The extension to an existing warehouse is in line with policies EB1 and EB2 in the Local Plan that encourage maintenance of and the provision of additional employment and economic activity in the district.
- 4.23 The extension is located approximately 30 metres from the western boundary of the site, within the existing boundary of the designated existing

industrial land. Industrial units to the south of the site are located, more prominently, further west than this extension.

- 4.24 There are distant views afforded from Rawreth Lane towards to the application site and specifically to the location of the extension. However, a clear view is partially obscured from the north by the existing residential development to the north of the site.
- 4.25 The existing warehouse development can be viewed from Rawreth Lane to the north and the A1245 to the west. It is not considered that this extension will cause additional significant demonstrable harm to the visual amenity of the Green Belt as it will be seen against the outline of the existing building.
- 4.26 The western boundary of the site also benefits from high banks, with the existing and proposed warehouse on lower ground, so minimising the visual impact. There is also space within the existing banks to implement sufficient landscaping to soften the edge of the built form which could enhance the site and its appearance.

Transport Assessment

- 4.27 The Transport Assessment accompanying the application also assesses the existing and predicted increase in traffic movements on the Rawreth Industrial Estate Road and the wider transport network. The report concludes that the traffic generated from this proposal is considered to have no discernable impact upon the existing highway network either during peak traffic periods on weekdays or weekend traffic. Officers at Essex County Highways Department have also assessed the report and have no objections to the findings.
- 4.28 The proposed increase in staff at the site is stated as 20. The store is well placed close to existing public transport network, on foot and by cycle. The proposal also includes cycle stands to allow for staff cycles to be safely stored on the site. This Authority has also negotiated that the applicants pay £12000 in addition to a land donation for the upgrade of an existing Public Right of Way immediately to the south of the site to allow a combined cycleway/footpath to be widened, resurfaced and maintained by the County Highways Department. This can be dealt with within a legal agreement to accompany any planning consent.

Car park canopy

- 4.29 This part of the development is located close to the north elevation of the existing warehouse. This extends approximately 38 metres from the building and stretches the entire width of the existing store, which is approximately 112 metres in width. The canopy will be approximately 5 metres in height as measured from its highest point above ground level.
- 4.30 The County Planning officer's response notes that the canopy is visually unattractive. The response also highlights the potential flaws in the design

of the canopy with regards to it being dark, noisy and draughty. It suggests using transparent materials for a pedestrian walkway, thus minimising the visual impacts.

- 4.31 Officers consider that the proposed canopy is in keeping with the materials used for the existing warehouse. This use entails customers buying bulk goods and loading sometimes high volume of goods into vehicles. Therefore it is considered that for this development, within an existing industrial estate, this design is acceptable.
- 4.32 This canopy is made up of 6 angled roofs in a concertina formation. This will cover two blocks of car park and the entrance to the existing store. The concertina design as seen from the west boundary will act to break up the visual appearance and bulk of the canopy.
- 4.33 Due to the design and location of the canopy it is not considered that this part of the development would cause significant demonstrable harm to the visual amenity of the Green Belt.

Car Park Layout

- 4.34 The existing car park is currently arranged with the aisles running from north to south, with minimal landscaping at the end of each aisle. The proposed car park layout seeks to rearrange the aisles to run from east to west. There is no landscaping proposed to be implemented as part of the re-design of the car park. The urban designer suggests implementation of some landscaping to break up the expanse of tarmac. This issue can be controlled by a condition attached to any planning consent.
- 4.35 The customer and delivery accesses are also to be re-orientated. The current situation allows customers to enter the site via the north access and exit via the access point, located approximately 30 metres to the south. The response from the Essex Police notes that traffic exiting the site may cross the traffic entering the site. This is not considered to cause significant demonstrable harm to motorist safety within the site especially due to the relatively slow speeds of the vehicles within the site. The response from Essex Police also requires the car park to be subject to ACPO Safer Parking Awards to prevent anti-social behaviour. This is considered to be an unreasonable condition to attach to this consent, particularly as the applicants are not proposing a new car park but are re-orientating an existing car park.
- 4.36 The proposed layout will result in customer cars entering and exiting via the existing entrance, intensifying the existing use of the customer access close to the residential properties. There is good screening to the rear of the residential properties and so will go some way to protect the residential amenity of occupiers of the properties. Therefore, this arrangement is not considered to cause significant demonstrable harm to residential amenity.
- 4.37 Delivery vehicles will enter the site via the existing customer exit and wait in

the new delivery vehicle holding area to the west of the proposed extension. The delivery vehicles currently enter the site via the customer entrance and wait in the holding area to the west of the main car park until the delivery is required in the service area. Therefore, the proposed vehicle holding lanes to the west of the extension not only separate the delivery vehicles from the customer vehicles but also result in reducing any current noise and disturbance experienced by adjacent residents.

- 4.38 The car park reconfiguration involved in this proposal provides 517 parking spaces for staff and customers. This is below the maximum parking standards suggested in Local Plan Supplementary Planning Guidance Note 2 regarding cash and carry activities. However, accompanying this application is a travel assessment, highlighting the specific level of activity at the site.
- 4.39 Paragraph 3.3.3 of the Dennis Wilson Partnership Transport Statement predicts the parking generation at the site, as existing and with the extension to the store. The “worst case scenario” as predicted shows a maximum overall prediction of 339 cars on a Saturday. This is below the 517 car parking spaces proposed on the site and so provides significant flexibility for additional parking if and when required. Further justification for flexibility in parking facilities is justified by the upgrade to an existing public footpath as discussed above.

Store Opening Times

- 4.40 The original consent allowed store opening times Monday to Friday from 0900 to 2200, Saturdays between 0900 and 1900 and Sundays between 0930 and 1730. The hours that the store currently operate, as advertised on their website is Monday to Friday 0730 to 2100, Saturday 0930 to 1900 and Sunday between 0930 and 1730. Therefore, this proposal seeks to regularise opening hours from that originally allowed by the earlier opening Monday – Saturday from 0730 to 0900 and an additional thirty minutes on Sunday to allow opening at 0900 rather than 0930.
- 4.41 Three letters of objection were received objecting to the increased hours of activity at the site past the usual hours of other establishments on Sundays. However, due to the minimal increase to the existing store times this Authority considers this to be a reasonable proposal with very little additional activity on top of the existing situation to surrounding occupiers.

Delivery Hours

- 4.42 The delivery hours as permitted by the original consent were concurrent to the store opening hours, except for an addition two hours prior to opening times on weekdays. The original proposal was to allow deliveries to operate from the site 24 hours per day. However, the applicant was advised to revise these hours during the application process. The proposed delivery hours will also run concurrently with the proposed store opening times. This is considered to be an appropriate arrangement on the

site, not considered to result in significant demonstrable harm to residential amenity. The letters of objection received from neighbours related to the original consultation letters, stating the proposed delivery operation 24 hours a day during the week. This has since been revised to overcome their initial concerns.

Conclusions

- 4.43 The principle of this application is considered to be reasonable. It will also sustain and encourage additional employment within the district. The proposal is also considered to be a reasonable design considering the location within the existing industrial estate.
- 4.44 APPROVE, subject to the conditions as outlined below and a separate 106 agreement which carries forward the requirements of the original agreement and the upgraded cycle/footway as offered by the applicant.
- 1 SC4 Time Limits Full – Standard
 - 2 SC14 Materials to be Used (Externally)
 - 3 SC28 Use Classes Restriction
 - 4 The use of the site hereby permitted, shall not;
 - o Be open to customers
 - o receive or dispatch goods or stock
 - o allow the parking of goods/delivery vehicles

 - o operate any plant machinery outside the building hereby approved outside the hours of

0730hrs-2100hrs Monday to Friday
0730hrs-1900hrs on Saturday and
0900hrs-1730hrs on Sunday.
 - 5 No floodlights or other means of artificially illuminating any part of the site shall be installed and/or operated, whether or not in association with the development hereby permitted, without prior formal consent from this Authority.
 - 6 Notwithstanding the details on the approved drawings, no development shall commence before precise details (including surface finish and additional landscaping) of the provision for the parking of vehicles within the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include the dimensions of the parking bays to be a minimum of 4.8 metres x 2.4 metres and the minimum distance between rows laid at right angles to the access way be 6 metres. There shall be no beneficial use of the development hereby permitted before any scheme of details as may be agreed in writing by the Local Planning Authority, has been implemented in its entirety and made available for use. Thereafter, such provision shall be retained and maintained in the approved

-
- form and used for no other purpose, which would impede the parking of vehicles.
- 7 A Travel Plan shall be in place prior to the beneficial occupation of the extension. The proposed Travel Plan to be submitted to the Travel Plan Co-ordinator, telephone number 01245 437120.
 - 8 The car park canopy hereby approved shall be used for the parking of vehicles and shall not be used at any time for the storage, deposit or display of goods, articles, products or other materials, together with any plant, machinery or equipment, whether or not requisite for the permitted use of the site.
 - 9 No development shall commence before all existing trees subject to Tree Preservation Order labelled as T3-T6 on the approved drawing L (90)01 Rev A, have been protected by the appropriate fencing in accordance with the details below and BS 5837 (2005) T3 - The protective fencing shall be constructed with a scaffold frame and wire mesh. The fencing radius is to be set a minimum of 5.28 metres. T4 - The fencing shall be constructed of "Herras" type mesh with block support. The fencing radius is to be set a minimum of 6.78 metres T5 - The fencing shall be constructed of "Herras" type mesh with block support. The fencing radius is to be set a minimum of 6 metres. T6 - The fencing shall be constructed of "Herras" type mesh with block support. The fencing radius is to be set a minimum of 5.28 metres. The above fencing shall be erected for the duration of the development hereby permitted. Such protective fencing shall be removed only when the full extent of the development (including all underground services and works) have been completed. Under no circumstances shall any equipment or materials (including displaced soil) be stored or buildings or structures erected (including site offices), nor shall any changes be made to the existing ground level within the area marked by the fencing.
 - 10 No development shall commence before full details of a scheme of tree planting to take place within the site, which shall include the removal of T1 and T2 as labelled on the approved plan L (90)01 Rev A, the protective 'Herras' type fencing enclosing Area 'A' and planting of 10 trees (which shall include such species as Silver Birch, Alder and Hornbeam) in the area hatched area marked 'A' on the approved drawing, which shall be undertaken as part of the development hereby permitted (including times of planting), have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the protective fencing, as agreed in writing, enclosing Area 'A' shall be erected prior to the commencement of the development and all tree planting shall be carried out in accordance with the approved details and at the approved times. If within a period of five years from the date of the planting of any tree, that tree or any tree planted as a replacement for it, is removed, uprooted or destroyed, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted, shall be planted at the same place, in the first available planting

season following removal (October to March inclusive).

- 11 The existing hedgerow as shown between the points X-Y-Z on the approved drawing L (90)01 Rev A, shall hereafter be retained and not pruned, removed or otherwise reduced in height, without the prior written agreement of the Local Planning Authority.
- 12 Details of any proposed system of ventilation, externally sited refrigeration plant shall be submitted to and approved in writing by the Local Planning Authority prior to installation. All such installation shall be carried out in accordance with the approved details and retained and maintained in their approved form.

Relevant Development Plan Policies and Proposals

EB1, EB2, H24, of the Rochford District Council Local Plan First Review

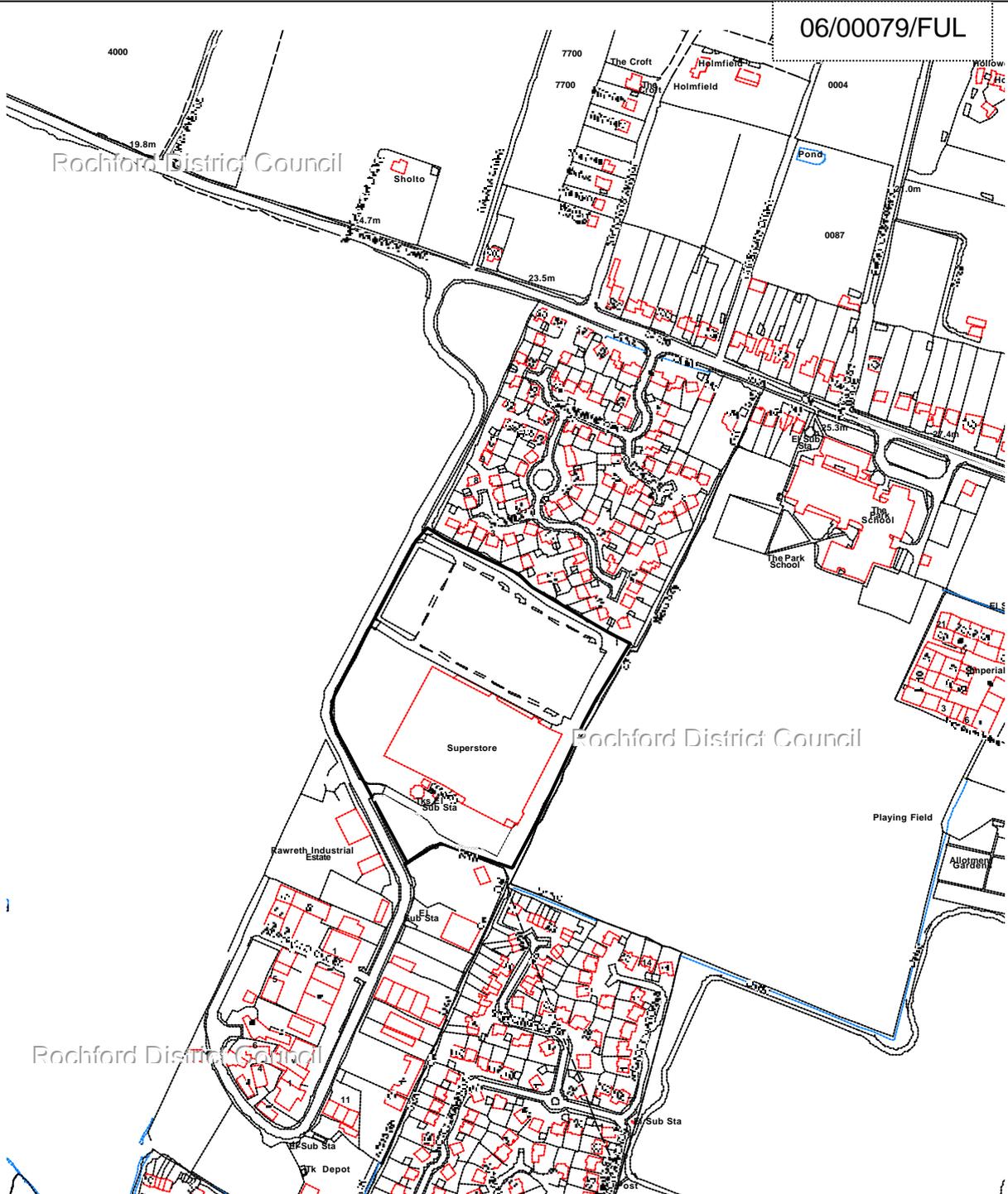
EB1, EB2, HP18, of the Rochford District Replacement Local Plan



Shaun Scrutton
Head of Planning Services

For further information please contact Catherine Blow on (01702) 546366.

The local Ward Member(s) for the above application are Cllr CI Black and Cllr RA Oatham.



06/00079/FUL

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. This copy is believed to be correct.

Nevertheless Rochford District Council can accept no responsibility for any errors or omissions, changes in the details given or for any expense or loss thereby caused.

Rochford District Council, licence No.LA079138

NTS

