

**TITLE :** 05/00523/FUL  
**USE OF LAND AS A TRADE ONLY NURSERY AND FOR THE  
SUPPLY OF SPECIMEN TREES AND SHRUBS, CLOSE  
EXISTING ACCESS AND FORM NEW ACCESS AND  
CONSTRUCT TWO POLY TUNNELS, STORAGE BAYS, CAR  
PARKING AREA FOR EXISTING STABLES AND RECYLING  
OF TIMBER WASTE PRODUCT ASSOCIATED WITH  
ARBORICULTURAL BUSINESS  
LAND REAR OF TIMBERWHARF COTTAGES BEECHES  
ROAD BATTLESBRIDGE**

**APPLICANT :** MR PETER DRAKE

**ZONING :** METROPOLITAN GREEN BELT

**PARISH:** RAWRETH

**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 811 requiring notification of referrals to the Head of Planning Services by 1.00 pm on Tuesday, 17 January 2006, with any applications being referred to this meeting of the Committee. The item was referred by Cllr C I Black and Cllr R A Oatham.

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

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**5.1 Rawreth Parish Council** - Consider that the proposal is a thoughtful use of the site and have no objections subject to:

- a) binding agreements made that no retail sales will be made
- b) provision to be made to prevent any leachate entering the dyke alongside the river/sea wall from the storage of waste stable and bark mulch
- c) binding agreements are made that no noisy processing of logs, mulch and no burning of timber wastes are made on the site.

#### NOTES

**5.2**

This application is to a site on the northern side of Beeches Road adjoining the settlement of Battlesbridge immediately to the west. The site is located approximately 140m east of the junction with Chelmsford Road. The site is located within the Green Belt, within the Upper Crouch Special Landscape Area and the Coastal Protection Belt, as defined in the Council's Local Plan First Review (1995).

- 5.3 The site is predominantly meadow grassland with the area adjoining the application site divided into paddocks of varying size and bounded by Beeches Road to the south and the southern bank of the River Crouch to the north. A pumping station and rear gardens to cottages adjoin the site to the west. On the site exists an "L" shaped building close to Beeches Road constructed as stables. Two field shelters also exist in the paddock areas. The site is bounded onto Beeches Road by a ditch and substantial hedge approximately 5-6m in height.
- 5.4 The proposal is to use the land as a trade only nursery for the supply of specimen trees and shrubs. The proposal would relate to the applicants' existing tree surgery business complementing existing services by providing replacement trees, particularly to the commercial market such as landscape contractors who require larger replacement specimen trees and shrubs. Waste products from the adjoining stables and tree surgery business would be used in the maintenance of both the adjoining horse riding facilities and nursery.
- 5.5 The application site is irregular in shape running along the frontage onto Beeches Road for a depth of approximately 25m in front of existing paddocks and stables and widening at the eastern end to the full depth of the paddocks and up to the sea wall to the River Crouch. This greater part of the site would provide a stock holding area for mature trees and shrubs with the remainder of the land retained as pasture and meadow. The applicants indicate that, depending upon demand, this area would provide an extension for the stock holding area.
- 5.6 The narrower part of the site would mainly be provided in compacted type 1 mix to provide circulation areas for vehicles with landscaped parts. Three storage bays up to a height of 2.5m would be provided to hold logs, bark mulch and waste from the adjoining stables and would be constructed of timber railway sleepers between steel supports and on a concrete base. Two poly tunnels of combined dimensions 12.8m wide and 34.132m in length and to a height of 3m would adjoin the front boundary of the site close to the existing ditch and hedge line. The poly tunnel nearest the hedge line would be covered in luminance THB AF polythene and the second tunnel farthest from the hedge line would be covered in 47% Shade Green Tape Net.
- 5.7 The proposal would also form a new access (described by the applicant as reopening a former access) onto Beeches Road to serve both the proposal and the existing stables with a laid out and landscaped parking area. The existing access to the stables at the western end of the site would be closed.
- 5.8 The applicant states that the existing business employs one full-time and three part-time employees. The proposal would provide an additional two full-time and one part-time jobs.

Planning History:

- 5.9 The existing stable block on the site was allowed on Appeal under application reference F/0354/96/ROC. Since that time various applications have been made to provide dwellings on agricultural grounds and provide agricultural related buildings. Each of these have been refused permission on various grounds, including Green Belt Issues.
- 5.10 A previous application by the same applicants to the current application sought to provide two greenhouses and included use of part of the existing stable building as an office. This application was withdrawn under application reference 04/00478/FUL. The supporting statement accompanying the current application does refer to the provision of toilet and wash station facilities within the stable referred to as the "existing structure " without needing to add to the footprint of the building.
- 5.11 Policy C2 to the Essex and Southend-on-Sea Replacement Structure Plan (2001) and Policy GB1 to the Council's District Local Plan First Review (1995) allow within established Green Belt Policy development required for agriculture. Such development which may be permitted should preserve the openness of the Green Belt, should not conflict with the purposes of including the land within the Green Belt and should be of a scale, design and character that the countryside is not harmed. Policy R1 to the Council's emerging replacement Local Plan repeats these requirements with, in addition, the further requirement that nature conservation Interests are protected.
- 5.12 The Council's specialist rural planning consultant confirms the potting and growing on of ornamental trees proposed on the site are recognised for Planning Purposes as Agricultural. The consultant further advises that the proposed business is a natural extension to the applicants' existing tree surgery enterprise. It is noted, however, that the tree surgery business alone, and which would also be based at the site, would not be agricultural but would, it is considered, be ancillary to the main use of the site for the growing-on of trees and shrubs. The only reservations made are the need for the site to be adequately drained to prevent water logging of trees contained within the stock holding areas.
- 5.13 The open areas will comprise rows of trees and shrubs growing in storage. The poly tunnels and waste storage bays would be sited close to the existing hedge fronting Beeches Road and the site edge alongside the existing paddocks would be landscaped. The effect of the use will contrast to the open grassed areas currently undeveloped. The provision of the hard surfaced area for vehicle circulation, the waste material holding bays and poly tunnels would, however, be limited in overall site area in proportion to the greater use of the site for tree storage and growing. The applicants state that the provision of the trees and shrubs on the site growing in the open areas, together with the landscaping also proposed, will improve the bio diversity on the site. Given the acceptability of the horticultural activity generally within the Green Belt it is considered that the proposal does not conflict with Green Belt Policy.

- 5.14 Policy RC7 to the Council's Adopted Local Plan First Review (1995) requires that within the Upper Crouch Special Landscape Area there is a general presumption against development unless its location siting, design materials and landscaping accord with the character of the area in which the development is proposed. Policy NR1 to the emerging Local Plan (2004) repeats this criteria and is not subject to change.
- 5.15 The proposal would clearly contrast in appearance with the grassland and use for grazing currently on the site and extending to the east along the southern bank of the River Crouch. The proposed poly tunnels are not uncharacteristic to rural areas where there is supporting horticultural activity. Green houses exist at Battlesbridge Garden Centre, a short distance from the site and also within the Green Belt, but in a location bounded by the surrounding settlement. The current proposal is on the edge of the settlement with greater impact and, whilst considered appropriate in Green Belt terms, would, however, detract from the relatively treeless and unspoilt nature of this part of the landscape, contrary to policies RC7 (1995) and NR1 (2004).
- 5.16 The site is within the Coastal Protection Belt, as embodied in Policy CC1 to the Essex and Southend-on-Sea Replacement Structure Plan (2001) and as defined in the Council's Adopted Local Plan First Review (1995), and to which Policy RC9 gives priority to the undeveloped nature of the coastline. Only development that requires a coastal location and that will not adversely affect the open and rural character of the coastline or its wildlife will be approved. Policy NR8 to the Council's Second Deposit Draft Replacement Local Plan (2004) states that applications will not be granted planning permission unless it can be shown that the development would not adversely affect the open and rural character of the coastline, its historic features, wildlife or geological features.
- 5.17 The site adjoins the coastline of the River Crouch, which has an undeveloped character. The proposal would change the character and appearance of the site from undeveloped grazing land to cultivation of trees and shrubs. Taken together with the provision of the poly tunnels and hard surfaced areas, the proposal would conflict with the Coastal Protection Belt and the policies detailed above.
- 5.18 Essex County Council Specialist Historic Building and Conservation Advice advise that the land is outside the Conservation Area and the village envelope. Do not think the cottages nearby will be materially affected. No reason why the proposal would be considered unacceptable on conservation grounds.
- 5.19 **Essex County Council Highways and Transportation:** Recommend permission be refused for the following reasons;
- 1) The proposed new access does not appear to provide sufficient visibility for the speed of vehicles within Beeches Road. The lack of visibility may well lead to interference and obstruction to other road users to the detriment of general highway safety.

- 5.20 2) The access, as shown on the plan, will not allow large vehicles to enter the site without using the whole width of Beeches Road and/or the access width. This may well lead to conflict and interference with other road users to the detriment of general highway safety.
- 5.21 If the Local Planning Authority are minded to grant permission, the Highway Authority recommend a number of conditions:-
- Visibility splays
  - New access to be provided with 10.5m radius kerbs with access width of 5.5m
  - First 8m of site entrance to be provided in permanent material
  - Any gates to be positioned 12.5m from the carriageway edge and opening inwards
  - Space within the site for the parking and turning of all vehicles regularly visiting the site
  - The existing access to be suitably and permanently closed
- 5.22 **The Environment Agency:** No Objections, but suggest a number of informatives to any approval that might be given.
- 5.23 **Woodlands and Environmental Specialist:** Questions the effects of the proposal on the site and adjacent ecology. Requests full surveys of the site for protected flora and fauna.
- 5.24 **Head of Housing, Health and Community Care:** No adverse comments.
- 5.25 Three letters have been received in response to the public consultation and which make the following comments and objections:-
- Machines for the recycling of timber waste will cause unwanted noise.
  - The poly tunnels would be too large and unsightly.
  - Beeches Road is a traffic accident hotspot. Extremely dangerous for customers to pull out of the site.
  - Major change of use of land in the Green Belt
  - As the business has been carried out for twelve years from another site it does not need to be moved to this site.
  - Confusion in the aims of the business, as stated in the accompanying report.
  - Difficult to appreciate any potential employment from this development as tree husbandry is a slow process and the proposal is only small in scale.
  - No horses have been kept on the site since the applicants took the site over.
  - Plan shows access path to office in the stables.
  - Existing access would be improved by moving it further down Beeches Road.
  - Existing shed shown on the plan does not exist.
  - Provision of toilet and the office area requires showing on the submitted plans.
  - Unbelievable that a small ménage with all weather surface or small scale nursery could possibly use the by-products of a successful twelve year business and that a public retail aspect must be considered as part of this application.

- Many of the trees will be grown on the surface which is totally waterlogged during winter months.
- No need for the facility as existing suppliers exist.
- Doubtful that the enterprise could run on a trade only basis without retail to the public.
- Previous commitments to provide screening have not been done to an adequate level.
- Storage bins and poly tunnels will run directly over the pipeline to the sewage works.
- No mention in the application of why it is necessary to provide additional parking for the stables.
- Appeal for the stables was allowed on the basis that no further structures, fences or buildings were to be put on the land.
- Previous applications for chicken sheds and an alpaca farm have been refused.

**REFUSE**

- 1 The site is located within the Upper Crouch Special Landscape Area, as defined in the Rochford District Local Plan First Review - Adopted April 1995. Policy RC7 to the Council's Adopted Local Plan First Review (1995) and Policy NR1 to the Council's Second Deposit Draft Replacement Local Plan (2004) require that within the Upper Crouch Special Landscape Area there is a general presumption against development unless its location siting, design materials and landscaping accord with the character of the area in which the development is proposed. The current proposal would detract from the relatively treeless and unspoilt coastal marsh nature of this part of the Upper Crouch Special Landscape area contrary to policies RC7 and NR1.
- 2 The site is within the Coastal Protection Belt, as embodied in Policy CC1 to the Essex and Southend-on-Sea Replacement Structure Plan (2001) and as defined in the Council's Adopted Local Plan First Review (1995) and to which Policy RC9 gives priority to the undeveloped nature of the coastline. Only development that requires a coastal location and that will not adversely affect the open and rural character of the coastline or its wildlife will be approved. Policy NR8 to the Council's Second Deposit Draft Replacement Local Plan (2004) states that applications will not be granted planning permission unless it can be shown that the development would not adversely affect the open and rural character of the coastline, its historic features, wildlife or geological features.
- 3 The site adjoins the coastline of the River Crouch, which has an undeveloped character. The proposal would change the character and appearance of the site from undeveloped grazing land to cultivation of trees and shrubs. Taken together with the provision of the poly tunnels and hard surfaced areas, the proposal would detract from the open and rural character of the coastline contrary to the above policies.

- 4 The proposed new access does not appear to provide sufficient visibility for the speed of vehicles within Beeches Road. The lack of visibility may well lead to interference and obstruction to other road users to the detriment of general highway safety. The access, as shown on the plan, will not allow large vehicles to enter the site without using the whole width of Beeches Road and/or the access width. This may well lead to conflict and interference with other road users to the detriment of general highway safety.

**Relevant Development Plan Policies and Proposals**

GB1, RC7, RC9, of the Rochford District Council Local Plan First Review

R1, NR1, NR8, of the Second Deposit Draft Rochford District Replacement Local Plan

C2, CC1, of the Essex Structure Plan Adopted 2<sup>nd</sup> Alteration



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For further information please contact Mike Stranks on (01702) 546366.



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