



**Rochford District
Council**

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY THE
DEVELOPMENT CONTROL COMMITTEE – 21 April 2009**

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

Each planning application included in this Schedule is filed with representations received and consultation replies as a single case file.

The above documents can be made available for inspection as Committee background papers at the office of Planning And Transportation, Acacia House, East Street, Rochford and can also be viewed on the Council's website at www.rochford.gov.uk.

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Administration Section on 01702 – 318191.**

Ward Members for Committee Items

DOWNHALL AND RAWRETH

Cllr C I Black

Cllr R A Oatham

ROCHFORD

Cllr Mrs G A Lucas-Gill

Cllr K J Gordon

Cllr J P Cottis

WHEATLEY

Cllr Mrs M J Webster

Cllr J M Pullen

DEVELOPMENT CONTROL COMMITTEE – 21 April 2009

DEFERRED ITEM

Item D1	09/00048/FUL	Mike Stranks	PAGE 4
	Construct Wall to Enclose Service Area Beneath Service Area Canopy Asda Priory Chase Rayleigh		

REFERRED ITEMS

Item R2	09/00054/FUL	Monica Palmer	PAGE 10
	Construct Detached Four Bedroomed House With Attached Single Storey Garage and Construct New Vehicular Crossing and Access. 18 Eastern Road Rayleigh		

Item R3	09/00077/OUT	Monica Palmer	PAGE 16
	Construct Single Storey Drive Through to Provide A3/A5 Use for the Sale of Food or Drink for Consumption On or Off the Premises. Land At South End Of Rochford Business Park Cherry Orchard Way		

SCHEDULE ITEM

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	Change of Use of Land from Agricultural to Cemetery The Lawn Cemetery Hall Road Rochford		

DEFERRED ITEM 1

TITLE : 09/00048/FUL
CONSTRUCT WALL TO ENCLOSE SERVICE AREA
BENEATH SERVICE AREA CANOPY
ASDA PRIORY CHASE RAYLEIGH

APPLICANT : ASDA ESTATES DEPT

ZONING : MIXED USE DEVELOPMENT (THE PARK SCHOOL SITE)
(HP2)

PARISH: RAYLEIGH TOWN COUNCIL

WARD: DOWNHALL AND RAWRETH

- 1.1 This application was deferred at the meeting of 26th March to allow the applicants an opportunity to submit a traffic management plan for delivery vehicles. A verbal report will be made on this matter at the meeting.

PLANNING APPLICATION DETAILS

The site

- 1.2 This application is to a site on the southern side of Rawreth Lane east of Priory Chase. The site is part of the service yard and unloading bay to an existing ASDA retail store.
- 1.3 The site is contained by Priory Chase to the west and Rayleigh Leisure Centre to the south. To the rear and east of the site is the Imperial Park industrial area. Opposite the site and fronting Priory Chase are detached, semi detached and terraced housing.
- 1.4 The service yard area is enclosed with a brick wall with gated vehicular access from Priory Chase.

DEFERRED ITEM 1

The proposal

- 1.5 The proposal is to construct a wall to enclose the existing loading bay area beneath the existing open canopy to the retail store. The remaining open service yard would remain unchanged. The proposed wall would follow the plan of the existing loading bay which varies in depth across its width but is all beneath the existing canopy to the loading bay area. The wall would be finished in white coloured cladding to match the external finish to the existing store building.
- 1.6 **The two main loading areas would each be served by roller shutter doors which deliveries would back up to. Similarly two small roller shutter doors** would be provided to serve the external compacting machines. The cladding wall would be extended to enclose the existing open canopy to the pedestrian access on the back of the building but beneath the existing canopy to this part of the building.
- 1.7 The applicants seek to make the loading bay area weatherproof.

PLANNING HISTORY

Application No. 01/00762/OUT

Outline application for a mixed use development comprising housing, neighbourhood centre, public open space, Primary school and Leisure Centre
Permission Granted 18th June 2003.

Application No. 04/00975/FUL

Variation of conditions attached to Outline Permission No. 01/00672/OUT to allow for separate reserved matters to be submitted and to allow flats above retail units in the neighbourhood centre.
Permission granted 17th February 2005

Application No. 05/00599/REM

Details of retail foodstore and part two storey part three storey building comprising 4 No. A1 (retail) units and 1 No. café / restaurant to ground floor, 3 No. D1 (Non residential Institutions) units at first floor and 8 No. Two bedroomed flats at first and second floor with access and car parking layout.
Permission refused 24th November 2005

For reasons that the proposal failed to comply with the requirements of condition 4 of the outline consent in providing for a range of uses valuable to the local community, that the results within the travel assessment were considered unacceptable in terms of traffic movements arising from the development and the capability of the highway network to absorb those movements and the size of the retail store would be likely to have an adverse effect upon Rayleigh Town Centre.

DEFERRED ITEM 1

Application No. 05/01049/REM

Details of retail foodstore and part two storey part three storey building comprising 5 No. A1 (Retail) units and 1 No. A3 café, 3 No. D1 (non residential institutions) 1 No. D1 Nursery at ground, first and second floor with access and car parking layout floor

Permission refused 25th May 2006 for reasons that the results within the travel assessment were considered unacceptable in terms of traffic movements arising from the development and the capability of the highway network to absorb those movements, the size of the retail store would be likely to have an adverse effect upon Rayleigh Town Centre and the noise and disturbance associated with the retail store would be detrimental to residential amenity of nearby residents in Priory Chase.

Appeal allowed 25th January 2007

Application No. 06/00508/FUL

Variation of condition 2 of outline permission 01/00762/OUT to extend the time allowance for the submission of reserved matters applications by three years. Permission granted 20th June 2006.

Application No. 07/00588/FUL

Alterations to Approved ASDA Store Building Comprising Covered Walkway to Car Parking Area, Provision of Smoking Shelter to Staff Parking Area, Provision of External Cash Machine Pod and Removal of one Car Parking Space, Provision of Draft Lobby to Store Entrance, Raise Height of Service Yard Wall From 1.8m to 3m, Revised Layout of Service Yard, Revised Location of Trees to Car Park, Extension of Entrance Canopy, Revised Elevations of Store to Show Location of Cash Office Transfer Unit, Provision of 2 No. First Floor Windows to Staff Restaurant and Training Room, Reduced Size of Curtain Walling Panels, Provision of Additional Fire Exit to North Elevation and Revised Position of Roof Plant.

Permission granted 23rd August 2007

Application No. 08/00541/FUL

Erection of a three storey mixed use building comprising a mix of commercial uses (use classes D1: non residential institutions, Class A1: shops, Class A2: financial and professional services, class A3: food and drink, class A4: drinking establishments, Class A5: hot food takeaways) and 11no. two bedroomed and 8 no. one bedroomed flats and associated car parking.

Application withdrawn.

Application No. 08/00789/FUL

Erect Part Single Storey Part Two Storey Mixed Use Building Comprising 6 Commercial Units within Use Class A1: Shops, Class A2: Financial and Professional, Class A3 :Food and Drink, Class A5: Hot Food Takeaways, Class D1: Non Residential Institutions and Class B1: Business and Associated Car Parking

Permission granted 20th November 2008.

DEFERRED ITEM 1

- 1.8 The site that now includes a retail store and car park with permission extant as allowed on appeal under application 05/1049/REM for an alternative mixed use building that is compliant with the outline permission or the alternative building as approved on 20th November 2008

MATERIAL CONSIDERATIONS

- 1.9 The enclosure if finished in matching materials to the existing store would enclose this open service area which although largely shielded by the site boundary wall, does currently give some views of the loading area and the goods stored to the residential area across the street. The suitability of the choice of materials can be controlled by a condition to any approval that might be given. The proposal would fully enclose this area from public view and would, with the appropriate finishes compliment the appearance of the building as well as assist in reducing noise from the transfer of goods from delivery vehicles.
- 1.10 The proposed walling would compliment the contemporary style of the building design and by further concealing the loading platforms would enhance the appearance of the street scene and existing views from Priory Chase.

CONSULTATIONS AND REPRESENTATIONS

- 1.11 **Head of Environmental Services:** No adverse comments to make.

RECOMMENDATION

- 1.12 It is proposed that this Committee **RESOLVES** to **APPROVE** the application subject to the following conditions:

- 1 SC4B - Time Limits Full standard
- 2 SC15 - Materials to match (Externally)

REASON FOR DECISION

The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area, to the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers neighbouring streets.

DEFERRED ITEM 1

Relevant Development Plan Policies and Proposals

Rochford District Replacement Local Plan (Adopted 16th June 2006)
HP2

Supplementary Planning Document 5 – Vehicle Parking Standards
(January 2007)



Shaun Scrutton

Head of Planning and Transportation

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

DEFERRED ITEM 1

09/00048/FUL



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REFERRED ITEM 2

TITLE : 09/00054/FUL
**CONSTRUCT DETACHED FOUR BEDROOMED HOUSE
WITH ATTACHED SINGLE STOREY GARAGE AND
CONSTRUCT NEW VEHICULAR CROSSING AND ACCESS
18 EASTERN ROAD RAYLEIGH**

APPLICANT : MR PETER K JONES

ZONING : RESIDENTIAL

PARISH: RAYLEIGH TOWN COUNCIL

WARD: WHEATLEY

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

This application was included in Weekly List no 975 requiring notification of referrals to the Head of Planning Services by 1.00pm on 31 March 2009, with any applications being referred to this Meeting of the Committee. The item was referred by Cllr Mrs M J Webster.

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

2.1 **Rayleigh Town Council:** No objections.

NOTES

- 2.2 This application relates to the construction of a detached four bedroomed house with attached single storey garage and construction of a new vehicular crossing and access.
- 2.3 The proposal seeks to position the dwelling to the front of the site, fronting Eastern Road, in line with other properties in the road; the front of the property being set back between approximately 5m. and 7m. from the edge of the road. The site is situated within the defined residential area in the Replacement Local Plan and as such residential redevelopment is acceptable in principle. The area contains mostly detached dwellings of mixed designs.
- 2.4 The proposed dwelling will utilise the side/rear garden of no.18 Eastern Road and will have a plot width (frontage) of 21m. and a depth of between 22.5m. and 28.8m.

REFERRED ITEM 2

- 2.5 The proposed width of the dwelling is 7.6m., depth is 12.5m. and height to ridge is 8.75m. (as measured from plans). It will have a rear garden area of 101sq.m. The attached garage is set back 6m. from the boundary of the site. The dwelling will be constructed using rendered block work with a tiled roof.
- 2.6 The design of the roof form is slightly more bulky than the immediate neighbouring properties; notwithstanding this, it is considered that the proposed design and appearance is not out of keeping with the character of the wider area.
- 2.7 The retained garden of no.18 and the proposed amenity area, frontage and parking of the proposed dwelling comply with the Council's adopted standards. The County Highways Surveyor has no objections to the proposal.
- 2.8 There are two rear first floor bedroom windows; these will increase the level of overlooking towards the rear of 2 Kingswood Crescent but in a residential area this is not an uncommon arrangement. Conditions will be attached to obscure-glaze the two flank bathroom windows and to prevent any other windows being added to flank walls. Conditions will also be attached to restrict any roof extensions and also ground floor extensions due to minimal size of rear garden area.
- 2.9 This road is defined by mixed development and it is considered that the proposed dwelling, given its design, scale and location in relation to the adjacent properties, should not result in a material loss of amenity to the occupiers of those properties and would not look out of place in the street scene.
- 2.10 **County Highways Officer:** No objections subject to conditions re visibility splays, parking of operatives' vehicles and driveway construction.
- 2.11 **Woodlands:** No ecological or arboricultural concerns.
- 2.12 Neighbours: 21 letters have been received commenting in the main on:

Objections (19 letters)

- o environmental concerns re effect on wildlife;
- o overlooking of neighbouring gardens;
- o loss of sunlight;
- o loss of green space;
- o building works will cause disruption;
- o increase in traffic would make road dangerous;
- o lack of privacy;
- o higher ridge height than surrounding properties;
- o property not in line with pavement;
- o would result in smaller garden to no.18;

REFERRED ITEM 2

- site too small for a 4-bed. dwelling;
 - possible enclosure of garden to existing property will have effect on outlook.
- 2.13 Two letters have been received from the owner of the site and the applicant stating that:
- the proposal will be no higher than no.10 Eastern Road, it is a quality house and will incur no additional offstreet parking.
 - A letter was delivered to all houses in the area to encourage objections to the proposal.

APPROVE

- 1 SC4B Time Limits Full - Standard
- 2 SC14 Materials to be Used (Externally)
- 3 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) the window(s) marked OBS on the approved drawing(s) 1608.4, 1608.5 date stamped 13th February 2009, shall be glazed in obscure glass and shall be of a design not capable of being opened below a height of 1.7m above first floor finished floor level. Thereafter, the said windows shall be retained and maintained in the approved form.
- 4 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) no window, door or other means of opening shall be inserted above first floor finished floor level on the flank elevations of the dwelling hereby permitted, in addition to those shown on the approved drawings 1608.4, 1608.5 date stamped 13th February 2009.
- 5 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class B and/or Class C, of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) no dormers, rooflights or any other opening shall be inserted, or otherwise erected, within the roof area (including roof void) of the dwelling hereby permitted.
- 6 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) no extensions shall be erected on any elevations of the dwelling hereby permitted.
- 7 A visibility splay of 2.4m. x site maximum, as measured from the carriageway edge, shall be provided either side of the new access, with no obstruction over 600mm above the level of the adjacent carriageway.

REFERRED ITEM 2

- 8 The vehicular access hereby permitted shall not be used by vehicular traffic before sight splays measuring 1.5m x 1.5m, providing unobstructed visibility of pedestrians using the adjoining footway, have been provided at both sides of the access at its junction with the adjoining highway. Once provided, the said visibility splays shall be retained thereafter and maintained in their approved form free of obstruction above a height of 600mm above the finished surface of the approved vehicular access.
- 9 Prior to the commencement of works on site the applicant shall indicate in writing to the Local Planning Authority an area within the curtilage of the site for the parking of operatives' vehicles and the reception and storage of building materials clear of the highway.
- 10 Prior to the beneficial use of the development commencing the driveway shall be constructed and completed in bound materials as approved by the Local Planning Authority.
- 11 Notwithstanding the details shown on the plans hereby approved the boundary fence facing onto Eastern Road entitled 'new 1.8m. close board fence' between points A to B shall be enclosed by railings to a height no higher than 1.2m. (supplemented by a hedgerow on the plot side of the railings), details of which shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented at the site prior to commencement of the new dwelling hereby permitted and retained as such thereafter.
- 12 No development shall commence before full details of the scheme of hedge planting referred to in Condition 11, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the hedge planting shall be carried out in accordance with the approved details in the first planting season following the commencement of the dwelling. If within a period of five years from the date of the planting of any plant or replacement plant, is removed, uprooted or destroyed, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another plant 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).

REFERRED ITEM 2

REASON FOR DECISION

The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area or residential amenity such as to justify refusing the application; nor to surrounding occupiers in Eastern Road and Kingswood Crescent.

Relevant Development Plan Policies and Proposals

HP6, of the Rochford District Council Adopted Replacement Local Plan



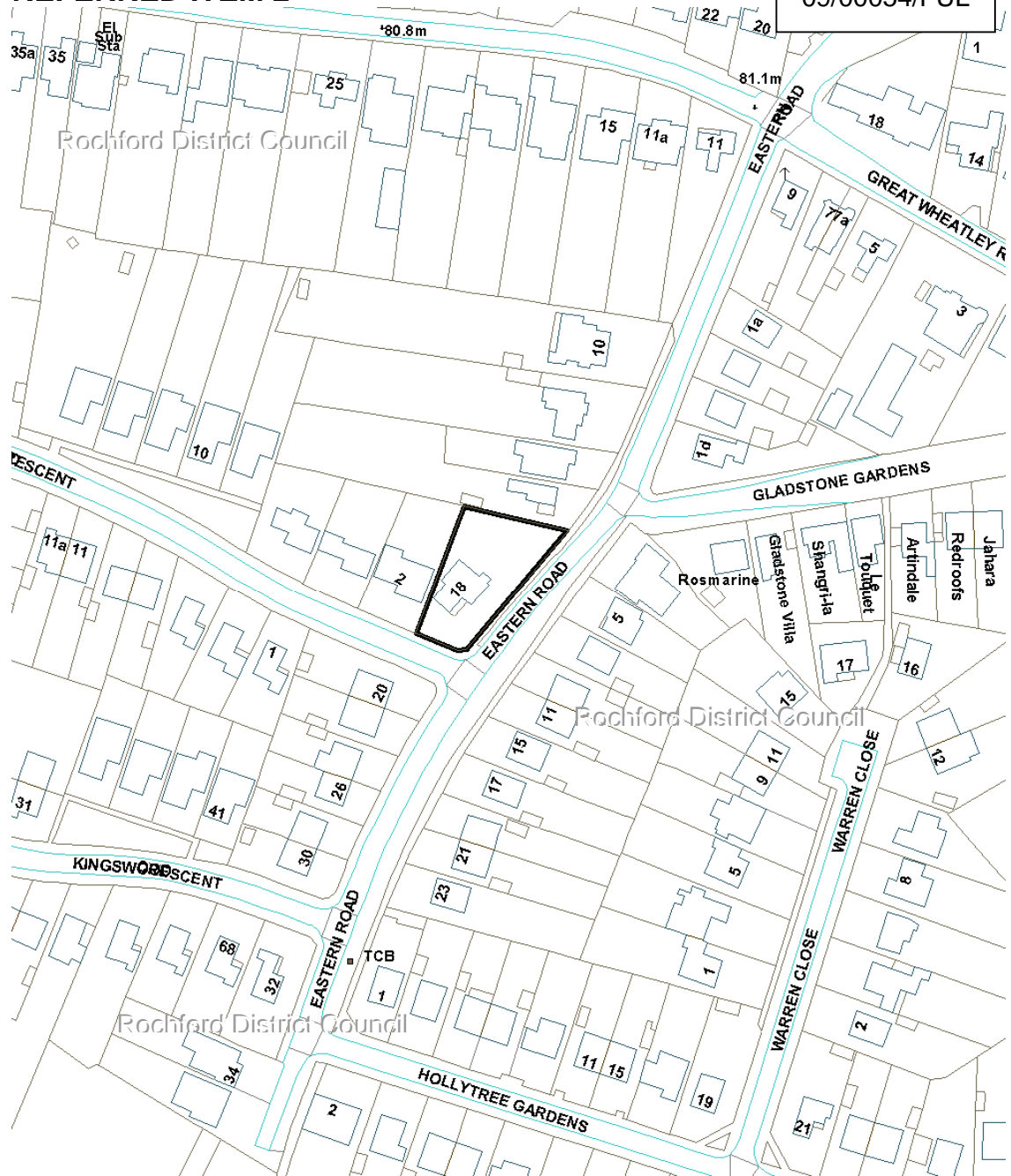
Shaun Scrutton

Head of Planning and Transportation

For further information please contact Monica Palmer on (01702) 546366.

REFERRED ITEM 2

09/00054/FUL



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REFERRED ITEM 3

TITLE : 09/00077/OUT
**CONSTRUCT SINGLE STOREY DRIVE THROUGH TO
PROVIDE A3/A5 USE FOR THE SALE OF FOOD OR DRINK
FOR CONSUMPTION ON OR OFF THE PREMISES
LAND AT SOUTH END OF ROCHFORD BUSINESS PARK
CHERRY ORCHARD WAY ROCHFORD**

APPLICANT : MR JONATHAN BROOK

ZONING : EMPLOYMENT LAND

PARISH: ROCHFORD PARISH COUNCIL

WARD: ROCHFORD

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

This application was included in Weekly List no 976 requiring notification of referrals to the Head of Planning Services by 1.00pm on 7 April 2009, with any applications being referred to this Meeting of the Committee. The item was referred by Cllr Mrs G A Lucas-Gill.

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

-
- 3.1 **Rochford Parish Council:** Concerns development may attract litter and vermin.

NOTES

- 3.2 This application relates to the construction of a single storey A3/A5 fast food take-away restaurant with drive through. It is a resubmission of planning refusal 08/00463/OUT.
- 3.3 The application is identical in its design, size and layout to that previously refused. The only difference in the current application is the clarifying text contained within the Design & Access Statement.
- 3.4 In support of this application the applicants have outlined the main issues to be considered in the current scheme as follows:

REFERRED ITEM 3

1. The reduced land-take of a smaller dealership will result in 0.2 ha of residual land between the proposed car dealership for plot 1 and the proposed vehicle valeting centre behind it. The land is surrounded by commercial uses on all sides and is served by the newly constructed access road.
 2. The restaurant will provide a useful on-site facility for the employees on the overall site, reducing the need for them to travel further afield.
 3. Will create significant additional employment in its own right.
 4. Will complement the existing uses on the site and reinforce natural policing.
 5. The businesses trading from the site are mostly retail and the applicant will be highly motivated to keep the building in pristine condition.
 6. The size of the proposal is 300sq.m. and is considered proportionate to the size of the site and readily served by existing site infrastructure.
 7. There are plans to build a further car dealership on Plot 1, which will screen views of the restaurant from Cherry Orchard Way.
 8. At 6.5m. high it will have a scale appropriate to its setting and is set lower than the neighbouring office buildings being effectively screened by them.
 9. As further phases of the site are developed, the level of activity will reach the critical mass required by the local bus company to sustain a viable bus service to the site. Section 106 Agreement has already secured financial contributions from the applicant towards the provision of such a service. At present the bus company do not consider this service to be viable.
 10. Additional car journeys to the restaurant will be offset by people employed on the site and customers visiting the dealerships and filling station will choose to eat at the restaurant, or buy a take-away meal there. This will help to avoid congestion on the surrounding road network and improve the carbon footprint of the overall development.
- 3.5 No information has been submitted with the application to confirm whether the car-related businesses on site do not have internal canteens/welfare facilities. Notwithstanding this, a commercial shop within the petrol filling station provides a snack bar where snacks, fresh fruit, hot and cold food and hot and cold drinks can be purchased. This provides a basic takeaway facility for the users of the business park.

REFERRED ITEM 3

- 3.6 The applicants claim that when the level of activity reaches a critical mass, the local bus company will supply a bus service to the site. This, added to some of the employees on the site using the facility, may result in a reduction of vehicle movements. This is questionable and certainly to date the site to be in an unsustainable location, reliant on private motor vehicles.
- 3.7 The application is in outline form with the access and scale to be determined now and with the landscaping of the site, appearance of the building and layout reserved for subsequent approval.
- 3.8 The application relates to the existing permission for a motor park development comprising car dealerships, petrol filling station and valeting centre with associated access, parking, vehicle display and landscaping which was approved originally under 05/536/REM on 20th October 2005.
- 3.9 The reduction in the size of a large car dealership on the site (07/00851/FUL approval) has resulted in 0.2 hectares of residual land and the proposal is to locate a fast-food restaurant on this land.
- 3.10 The location of the restaurant is approx. 13m. west of the roundabout on Cherry Orchard Way serving the site. It will sit between plot 1 and the vehicle valeting centre adjacent to and south of the proposal site is Britannia Business Park. The north boundary of the proposal is defined by the newly constructed access road. The nearest residential building in Lundy Close is approximately 50 metres from the proposed restaurant.
- 3.11 Notwithstanding the fact that details of siting, design, external appearance and landscaping are not included in this application, an indicative layout is shown on the application drawing to demonstrate the workability of a 300sq.m. drive-through restaurant, with appropriate parking and landscaping, within the available site area. The proposed unit would be single storey and is likely to have a flat roof, behind a perimeter mansard, with a screened service area and parking for approximately 30 customer vehicles.
- 3.12 Also, whilst site layout is not included in the application, the illustrative site layout shows the restaurant facing east, towards Cherry Orchard Way, with customer parking around 3 sides and a one-way drive-through loop at the rear. The applicant states that virtually the whole site is screened from the south west by the new valeting centre and the existing office building at the north west corner of Britannia Business Park and the restaurant building itself will provide further visual and acoustic screening of the main areas of customer parking and activity.
- 3.13 It is considered that the location and potential design of the new building would not be out of character with its location or the wider surrounding area.

REFERRED ITEM 3

- 3.14 The original consent related to the use of the land for employment uses (B1, B2, B8) with no more than half of the site to be used for the car related business. It is considered that whilst a restaurant on site may reduce the need for mobile catering vehicles to service the industrial area it would not fall within the normal B1, B2, B8 uses that are considered suitable and appropriate for this allocated employment area. It is noted that a restaurant would be an employment generator but not one providing the nature of jobs normally associated with business park/industrial areas.
- 3.15 It is also considered that a restaurant in this location has not been supported by any sequential test and therefore in the absence of this information it is considered that the proposal may adversely affect the vitality and vibrancy of Rochford Town Centre.
- 3.16 If the area of the application site is surplus to requirements then a 300sq.m. (3,230 sq.ft.) building could provide floor space for "starter" business units.
- 3.17 It is considered therefore that the application should be refused for the same reasons as 08/00463/OUT.
- 3.18 **Essex County Highways Officer:** No objections.
- 3.19 **Environmental Services:** If approved, condition should be attached re mechanical extraction system.
- 3.20 **Economic Dev. Officer:** Jobs are being lost as a result of recession and should be safeguarded, even if 'low value' jobs.
- 3.21 **London Southend Airport:** No safeguarding objections.
- 3.22 Neighbours: 1 letter has been received commenting in the main on:
 - o unsuitability for remote industrial location;
 - o may attract undesirable groups of youths;
 - o possible pollution by way of rubbish and lighting;
 - o already drive-through food outlet on south side of airport site.

REFUSE

- 1 A change of use to allow for the provision of take away food and drink, as proposed, would not be compatible with the industrial use of Rochford Business Park, contrary to its designated allocation as employment land as set out in Policy EB1. It may also lead to pressure to allow further applications at alternative sites with the potential for loss of existing employment units.

REFERRED ITEM 3

- 2 The current application is not supported by any information on the availability of alternative sites, the quantitative and qualitative need for the amount of floorspace proposed and the effects upon the vitality of existing town centres in particular the evening economy. As such the proposal would prove contrary to Policy SAT1 to the Council's adopted Local Plan (2006). If allowed the proposal would encourage the use away from central and accessible locations in conflict with the principles of sustainability contrary to the aims of PPG2 and PPS6 and the aims of Policies CS1 and CS3 of the Rochford District Replacement Local Plan (2006).
- 3 The proposal given its unsustainable location, remote from the town centre and from public transport, would result in journeys undertaken by employees and customers being solely reliant on private motor vehicles contrary to policy aims to reduce car borne journeys. The application would be contrary to TP1 of the Rochford District Replacement Local Plan.

Relevant Development Plan Policies and Proposals:

EB1, EB2, EB5, EB6, SAT1, TP1, of the Rochford District Council Adopted Replacement Local Plan

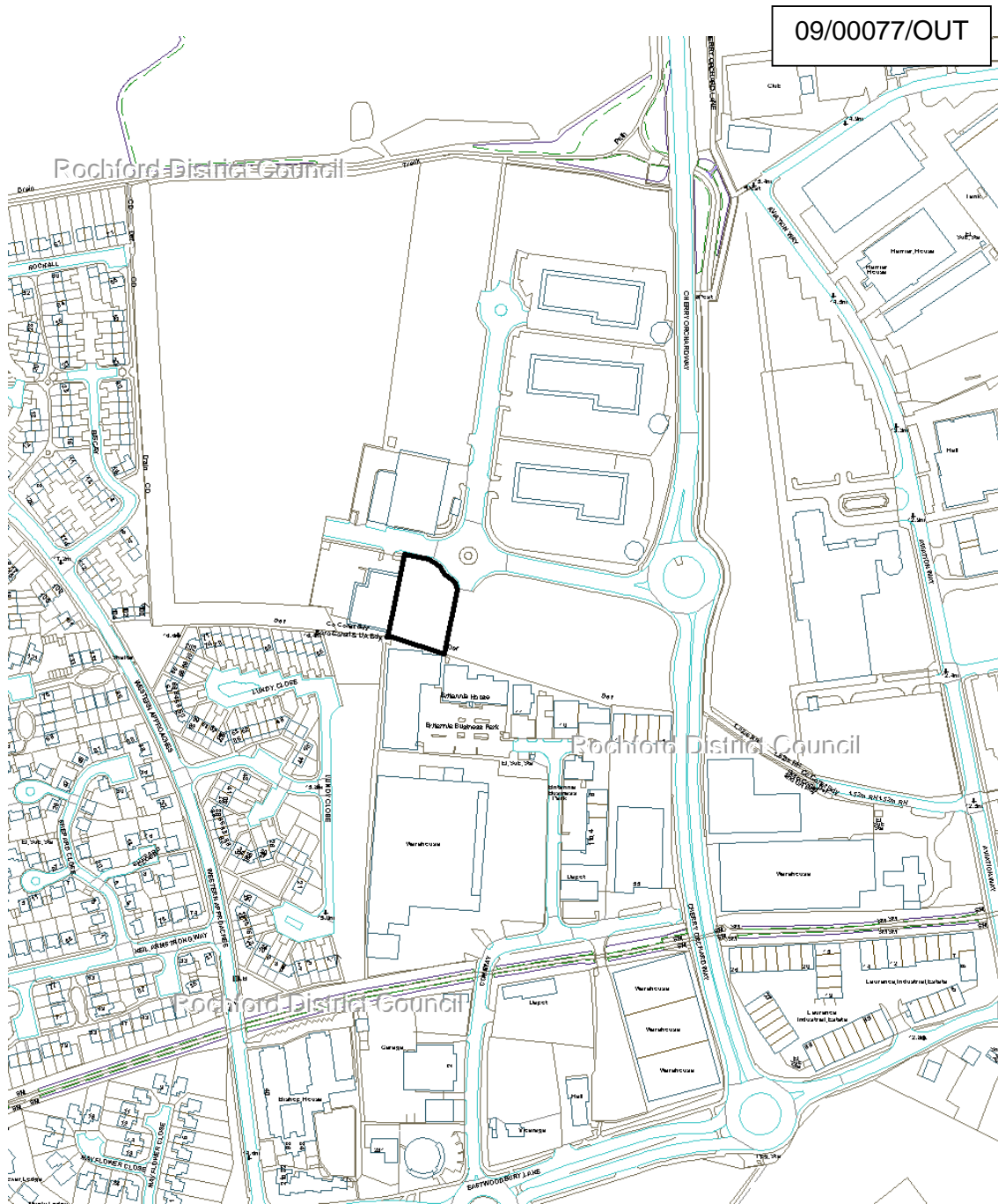


Shaun Scrutton

Head of Planning and Transportation

For further information please contact Monica Palmer on (01702) 546366.

REFERRED ITEM 3



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SCHEDULE ITEM 4

TITLE : 09/00057/COU
CHANGE OF USE OF LAND FROM AGRICULTURAL TO CEMETERY
THE LAWN CEMETERY HALL ROAD ROCHFORD

APPLICANT : ROCHFORD DISTRICT COUNCIL

ZONING : METROPOLITAN GREEN BELT

PARISH: ROCHFORD PARISH COUNCIL

WARD: ROCHFORD

PLANNING APPLICATION DETAILS

- 4.1 Planning permission is sought for the change of use of land from agricultural to cemetery at the Lawn Cemetery, Hall Road, Rochford as an extension to the existing cemetery facility. Rochford District Council is the owner of the site and the applicant.
- 4.2 This application site is consistent with land allocated for cemetery use within the Rochford District Replacement Local Plan and falls to be considered against Policy R11 which has identified a need for increased cemetery capacity to cope with the growing demand.
- 4.3 The site is adjacent to and north of the existing cemetery and is separated by a belt of existing woodland planting.
- 4.4 The land surrounding the proposed site remains in arable production. The boundary of the site is marked by a wooden stake and wire fence which protects a planted native hedge with young standard trees.
- 4.5 As the site is located within the Metropolitan Green Belt it falls to be considered against policy R1 of the Replacement Local Plan which states that cemeteries are appropriate uses in the Green Belt as they are essentially of an open nature.
- 4.6 The application is supported by independent reports covering ecology, tree impacts and soil/environmental impacts and has been supplemented by consultation responses from Natural England and the Environment Agency. The main points of these reports are summarised below:

SCHEDULE ITEM 4

- The arboricultural report supplied by D. F. Clark should form the tree related planning conditions for the development;
 - Should drainage be required it should be at least 10m. from the edge of the burial site;
 - Grass snakes and a badger sett have been present on the site;
 - A presence/absence survey should be conducted for Great Crested Newts which may be present in the ditches on the perimeter of the site;
 - The area identified as “diverse vegetation structure” on the eastern part of the site should be kept as an un-mown (or mown annually) conservation area in the new cemetery;
 - Any culverting of a watercourse requires prior written approval of the Environment Agency.
 - Enhancement as outlined in the ecological report is incorporated into any permission;
 - The applicants should be informed that planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular 06/2005;
 - Advise that specific areas are identified for habitat improvement for reptiles (grass snake in particular), and protected from development;
 - Reiterate advice in paragraph 8.8 of the ecology report with respect to badgers and licences;
- 4.7 The Council’s ecologist supports the above ecological position and has commented that all the ecological issues have been addressed.
- 4.8 Subject to complying with the broad ecological issues as identified above it is considered that this proposal is acceptable, is compliant with national advice and Local Plan policy and as such there are no objections to be raised.
- 4.9 The chapel building, whilst shown on the drawings, does not form any part of this application.
- 4.10 To enable the 10m. conservation strip, the area identified on the drawings as “area for interment of ashes” is to be re-sited to be within the “area for woodland burials”.

RELEVANT PLANNING HISTORY

76/905 – Use site for cemetery and erect building for stores and wcs – PER
93/506/FUL - Extend existing access road within site - PER
98/47/COU - COU of land in association with extensions to existing cemetery
- PER

SCHEDULE ITEM 4

CONSULTATIONS AND REPRESENTATIONS

- 4.11 **Rochford Parish Council:** No comments.
- 4.12 **Woodlands Section:** All ecological considerations met in full. The arboricultural report supplied by D. F. Clark should form the tree related planning conditions for the development.
- 4.14 **Environmental Services:** No adverse comments.
- 4.15 **Essex County Council Highways and Transportation:** No objections.
- 4.16 **Environment Agency:**
- No objection to the application;
 - Should drainage be required it should be at least 10m. from the edge of the burial site;
 - Grass snakes and a badger sett have been present on the site;
 - A presence/absence survey should be conducted for Great Crested Newts which may be present in the ditches on the perimeter of the site;
 - The area identified as “diverse vegetation structure” on the eastern part of the site should be kept as an un-mown (or mown annually) conservation area in the new cemetery;
 - Report states that there are no wildlife sites of value nearby and neglects to mention Potash Wood;
 - Any culverting of a watercourse requires prior written approval of the Env. Agency.
- 4.17 **Natural England:**
- No objection to proposed development provided enhancement as outlined in the report is incorporated into any permission;
 - The applicants should be informed that planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular 06/2005;
 - Advise that specific areas are identified for habitat improvement for reptiles (grass snake in particular), and protected from development;
 - Reiterate advice in paragraph

RECOMMENDATION

- 4.18 It is proposed that this committee **RESOLVES** to **APPROVE** the application subject to the following conditions:

SCHEDULE ITEM 4

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Notwithstanding the details shown on the plans hereby approved the area shown as "interment of ashes" shall be relocated to "area for woodland burials" in the north-west section of the site.
- 3 Notwithstanding the details shown on the plans hereby approved the chapel does not form any part of this application.
- 4 The north, eastern and south-eastern area shown to be 10m. from the boundary of the site shall be retained undeveloped for any cemetery burial and be enhanced for its ecological value, the details of which shall be submitted and approved in writing by the Local Planning Authority prior to any use commencing.
- 5 No drainage shall be installed on the site unless previously agreed in writing by the Local Planning Authority.
- 6 Prior to any development commencing which may affect habitat suitable for great crested newts, a presence/absence survey should be undertaken including appropriate mitigation.
- 7 The development hereby approved shall only be implemented strictly in accordance with the advice and comments on best practice within the D F Clark's Arboricultural Report date stamped 2nd February 2009.

REASON FOR DECISION

The proposal is considered not to cause demonstrable harm to any development plan interests, other material planning considerations, including the character and appearance of the area such as to justify refusing the application.

Relevant Development Plan Policies and Proposals

R1, R11 of the Rochford District Council Adopted Replacement Local Plan



Shaun Scrutton

Head of Planning and Transportation

For further information please contact Monica Palmer on (01702) 546366.

CODE OF CONDUCT FOR PLANNING MATTERS

GENERAL PRINCIPLES

Members and officers must:-

- **at all times act within the law and in accordance with the code of conduct.**
- **support and make decisions in accordance with the Council's planning policies/Central Government guidance and material planning considerations.**
- **declare any personal or prejudicial interest.**
- **not become involved with a planning matter, where they have a prejudicial interest.**
- **not disclose to a third party, or use to personal advantage, any confidential information.**
- **not accept gifts and hospitality received from applicants, agents or objectors outside of the strict rules laid down in the respective Member and Officer Codes of Conduct.**

In Committee, Members must:-

- **base their decisions on material planning considerations.**
- **not speak or vote, if they have a prejudicial interest in a planning matter and withdraw from the meeting.**
- **through the Chairman give details of their Planning reasons for departing from the Officer recommendation on an application which will be recorded in the Minutes.**
- **give officers the opportunity to report verbally on any application.**

Members must:-

- **not depart from their overriding duty to the interests of the District's community as a whole.**
- **not become associated, in the public's mind, with those who have a vested interest in planning matters.**
- **not agree to be lobbied, unless they give the same opportunity to all other parties.**
- **not depart from the Council's guidelines on procedures at site visits.**
- **not put pressure on officers to achieve a particular recommendation.**
- **be circumspect in expressing support, or opposing a Planning proposal, until they have all the relevant planning information.**

Officers must:-

- **give objective, professional and non-political advice, on all planning matters.**
- **put in writing to the committee any changes to printed recommendations appearing in the agenda.**