



Rochford District Council

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY
PLANNING COMMITTEE 30th May 2002**

All planning applications are considered against the background of current Town and Country Planning legislation, rules, orders and circulars, and any development, structure and locals 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 Services, Acacia House, East Street, Rochford.

If you require a copy of this document in larger print, please contact the Planning Administration Section on 01702 – 318191.

PLANNING SERVICES COMMITTEE - 30th May 2002

BARLING AND SUTTON

Cllr R S Allen

FOULNESS AND GREAT WAKERING

Cllr T E Goodwin

Cllr C G Seagers

Cllr Mrs B J Wilkins

ROCHFORD

Cllr R A Amner

Mrs L Barber

Cllr Mrs M S Vince

WHEATLEY

Cllr J M Pullen

Cllr Mrs M J Webster

PLANNING COMMITTEE 30th May 2002

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TITLE : 02/00282/CPO
TEMPORARY INSTALLATION OF LANDFILL GAS FLARE
FOR 18 MONTH PERIOD
BARLING LANDFILL SITE, CHURCH ROAD, BARLING

APPLICANT : CORY ENVIRONMENTAL LTD

ZONING : METROPOLITAN GREEN BELT, ROACH VALLEY NATURE
CONSERVATION ZONE, LANDSCAPE IMPROVEMENT
AREA, COASTAL PROTECTION BELT

PARISH: BARLING MAGNA

WARD: BARLING AND SUTTON

PLANNING APPLICATION DETAILS

- 1.1 This is a County Matter application on which this Council is invited to make comments as a consultee. The installation is to consist of a portable structure mounted on a sledge base (which allows for portability). It will be 3.9m in height. Pipework which is in place on the site will be linked up to the flare unit to allow excess landfill gas to be burnt off.

RELEVANT PLANNING HISTORY

- 1.2 The permissions which relate to the extraction from the site and landfill, required systems to be put in place to ensure that landfill gas is dealt with safely. Passive systems were initially put in place and some Members will recall that an application for the installation of permanent plant, to burn landfill gas to create electricity, was made in 1999. Permission was granted for that early in 2000.
- 1.3 Following that an application was made for the installation of temporary plant, to allow an assessment of the level and amount of gas being produced. That application was made and granted at the beginning of last year. This application seeks now to extend the time during which the temporary plant can be in place for a further 18 months.

CONSULTATIONS AND REPRESENTATIONS

- 1.4 As this is a County Matter application, the County Council will be undertaking its own consultations. However, this Council has also undertaken consultation and the feedback to this is as follows:
- 1.5 The **Head of Housing, Health and Community Care** reports that the proposal may give rise to increased levels of noise and disturbance. It is noted however that there have been no complaints of noise in relation to the current installation and the applicants are recommended to continue to take all appropriate steps to ensure that noise does not affect residential properties.

- 1.6 The **Highways and Buildings Maintenance Manager (Engineers)** has no objections.

MATERIAL PLANNING CONSIDERATIONS

- 1.7 It is necessary to consider the location of the proposal in the Green Belt, its visual impact and the potential to create noise disturbance.

- 1.8 In relation to the Green Belt it has been accepted (in relation to the permissions for the permanent installation, and the first temporary installation) that the characteristics of the proposed development and its locational requirements are such that there are very special circumstances which justify the development in the Green Belt.

- 1.9 It is not considered that there will be any harmful visual consequences. The location is remote from the nearest points of public access and the flare is to be located close to existing bunding which is up to 5m in height. In the area there other landfill and extraction equipment is already positioned.

- 1.10 With regard to the noise consequences of the development, this was considered in relation to the previous temporary permission. At that time the County Council was requested to undertake further investigations to ensure that the noise impact of the development was acceptable. The development was permitted and, as indicated above, no negative (or any) feedback has been received from residents with regard to the noise impact of the operation of the installation. The concern of the Head of Housing, Health and Community Care is in relation to the possibility of disruptive noise at night time, when other noise levels are generally low. Given that this concern has not been demonstrated in practice it is considered that it is possible to continue the use of the installation without unacceptable noise related consequences.

CONCLUSION

- 1.11 The location of the proposal within the Green Belt is considered acceptable given the special locational and operation aspects of it. Visually and in relation to noise generation the development is considered acceptable.

RECOMMENDATION

- 1.12 It is proposed that this Committee **RESOLVES** to respond to the consultation on this application from the County Council by raising **NO OBJECTIONS** subject to the following conditions:
- 1 Prior to the continued use of the flare, details of the surrounding bunding shall be submitted to and agreed in writing by the LPA, those details to show bunding to a height of at least 5m where it is located between the flare and residential properties.
 - 2 Temporary permission shall be granted for a duration of 18 months.
 - 3 When no longer required the installation shall be removed from the site.

Relevant Development Plan Policies and Proposals:

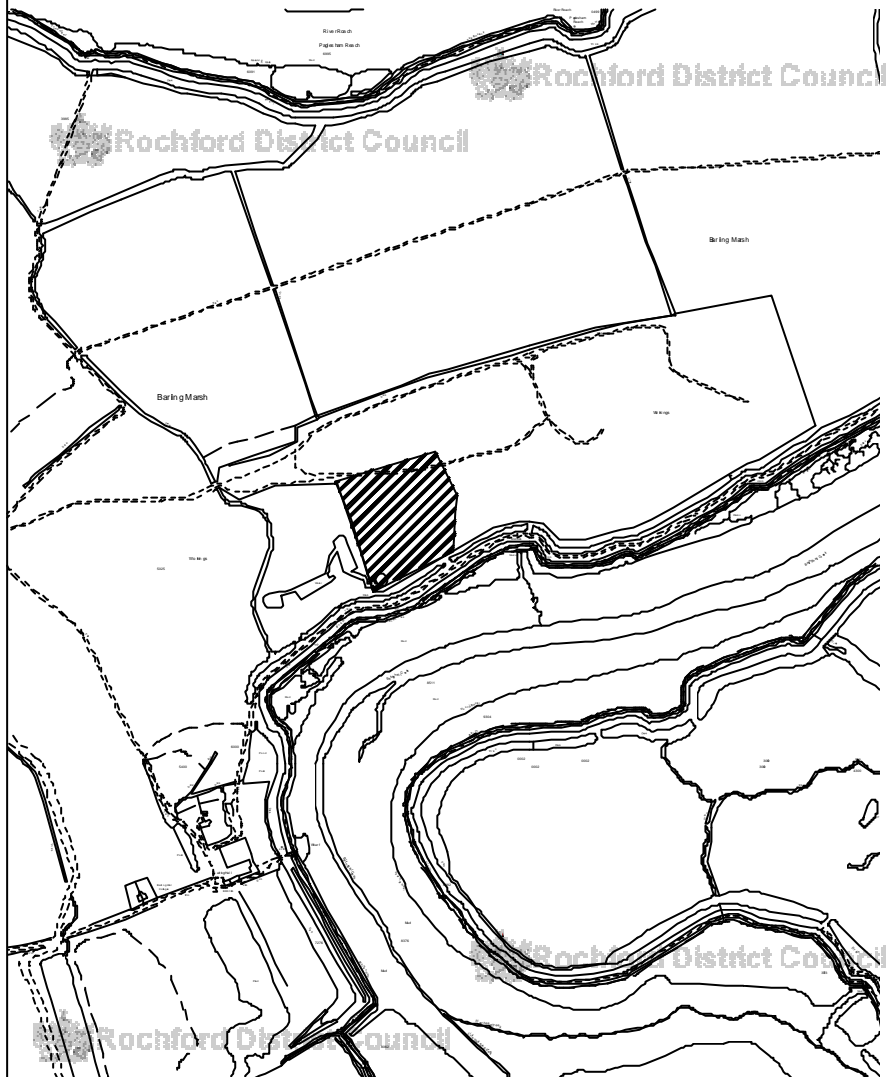
H24, GB1, EB5, RC5, RC8, RC9 of the Rochford District Local Plan First Review

C2 of the Essex and Southend on Sea Replacement Structure Plan

Shaun Scrutton
Head of Planning Services

For further information please contact Kevin Steptoe on (01702) 546366.

02/00282/CPO



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TITLE : **02/00353/CPO**
INSTALLATION OF HOPPER, CONTAINER AND STORAGE
AREA TO ALLOW BAGGING OF AGGREGATES
BARLING LANDFILL SITE, CHURCH ROAD, BARLING

APPLICANT : **TARMAC SOUTHERN LTD**

ZONING : **METROPOLITAN GREEN BELT, ROACH VALLEY NATURE**
CONSERVATION ZONE, LANDSCAPE IMPROVEMENT
AREA, COASTAL PROTECTION BELT

PARISH: **BARLING MAGNA**

WARD: **BARLING AND SUTTON**

PLANNING APPLICATION DETAILS

- 2.1 This application is a County Matter, which is to be determined by the County Council. The role of this Council is as a consultee and to give its view in relation to the proposals which can be taken into account by the County Council in coming to its decision
- 2.2 The proposed development is to comprise three separate elements. There is to be a bagging hopper and loading ramp. The hopper is a structure which is to have a footprint of approx 9sqm and a height of 3.8m. This structure is a funnel which allows the deposit of the aggregates into the top and their funnelling into bags at the bottom. The loading ramp allows vehicles to deposit the aggregate into the top of the funnel structure. It will be 1.2m high at its highest.
- 2.3 The second element is a storage area where the bagged aggregate will be accumulated prior to its dispatch from the site. This is an open area without further treatment. Lastly there is to be a storage container for security purposes. This will house spare mechanical parts, tools and empty bags. The container will be 7m in length and 2.6m in height.
- 2.4 The development is to be located within, but close to the entrance of the landfill site. The vehicular movements generated by the facility (full details below) are to use the haul road to and from the site.

RELEVANT PLANNING HISTORY

- 2.5 Permission was granted in 1990 for the mineral extraction from the site and the use of the site for landfill. Subsequently there have been applications made with regard to the opening hours of the site and to the installation of landfill gas burning facilities. There is no history of applications related to the type of use now proposed.

CONSULTATIONS AND REPRESENTATIONS

- 2.6 This is a County Matter application and therefore the County Council will have undertaken its own consultations on the proposals. Consultations have also been carried out on the proposals by this Council and the following responses have been received:
- 2.7 The **Buildings and Highways Maintenance Manager (Engineers)** has no objections.
- 2.8 **English Nature** notes that the application site is close to the Foulness SSSI, SPA and Ramsar Site. The development is not directly connected with or necessary for the management of the protected site however, English Nature considers that the carrying out of the development is not likely to have a significant effect on the features of interest for the protected site
- 2.9 Attention is drawn to the general duty of the Authority to further the conservation and enhancement of the protected site and to consider the potential for wildlife gain. English Nature is satisfied that the special features of interest of the SSSI will not be harmed by the proposed development.
- 2.10 The **Head of Housing, Health and Community Care** has no adverse comments.
- 2.11 **Barling Parish Council** indicates that it has no comments to make except to ask that there should be no retail from the site

MATERIAL PLANNING CONSIDERATIONS

- 2.12 The relevant issues to be considered are the acceptability of the proposals in principle given the Green Belt location of the site, the visual impact and the potential for noise and disturbance as a result of the operation of the plant and transport to and from it.

Green Belt

- 2.13 There is a presumption against development in the Green Belt unless it falls within certain specified types of development or there are very special reasons as to why the normal presumption against development should not apply.
- 2.14 In national advice provided by the government in PPG2, Green Belts, minerals development falls into the category of development which is not considered to be inappropriate. This is because the minerals can only be worked where they arise. In this case, the development is not directly related to the working of the minerals, but is an ancillary operation to produce the minerals in a form which can then be sold away from the site.

- 2.15 There is an argument that the aggregate could be transported from the site and the bagging take place at a facility away from it, such as a local industrial estate or haulage yard. Any benefit that this would have, in terms of preserving the openness of the Green Belt, has to be balanced with the implications for noise and disturbance at the chosen remote bagging location and the additional transport to and from it.
- 2.16 Given that the proposed use is closely allied to the minerals activity on the site, that it would be appropriate to keep the handling activity of the aggregate material on the site and that transporting off the site for bagging is likely to create disturbance elsewhere, it is considered that there are special circumstances in this case which justify the chosen location. In addition, as referred to below, there is not considered to be unacceptable visual implications as a result of the proposals.

Visual Impact

- 2.17 There is a range of equipment on the site associated with the mineral extraction activity being undertaken. Permissions have also been granted for landfill gas flares (for electricity generation). This latest proposal will result in more installations but, given their modest size and height both on their own and in relation to the existing equipment, and the distance from which public views can be had, it is not considered that the proposals will result in a harmful visual impact.

Noise and Disruption

- 2.18 The operation of the minerals site at present is regulated in terms of the number of vehicle movements permitted to and from it. The bagging operation will not generate significant numbers of movements and any that are, the applicant states, will be accommodated within the limits currently permitted for the site.
- 2.19 The applicant comments that, within the realms of the extent of the activity on the site, the operation of this proposal is unlikely to lead to additional perceptible noise. The hours of use limits for the current operation on the site are referred to and clearly it is open to the County Council to apply these time limits to this proposal also.
- 2.20 Whilst there is some possibility for noise to be generated by the proposal in addition to that of the mineral extraction this can very much depend on the management and operation of the installation. Given the location at distance from the nearest residential uses and the current operation of the site it is considered that the operation is unlikely to generate significant addition noise that will be perceptible and or unacceptable.

CONCLUSION

- 2.21 Whilst the proposals require additional installations at the landfill site, it is considered that, with the implementation of appropriate conditions, there will be no harmful visual, noise or other disruptive impacts. The characteristics of the development are such that a location within the Green Belt is considered justified.

RECOMMENDATION

2.22 It is proposed that this Committee **RESOLVES** to respond to the consultation on this application from the County Council raising **NO OBJECTION** subject to the following conditions:-

- 1 Implementation of the development within the normal 5 year deadline.
- 2 That the installation is removed from the site at the same time that the mineral extraction and landfill operation ceases.
- 3 That all access to and from the site for operational vehicles shall be via the dedicated 'haul road'.
- 4 That the total number of operational vehicular movements to and from the site shall be contained within the number allowed for the mineral extraction and landfill operation.
- 5 That the operation of the development proposal shall be restricted to the times that are permitted for mineral extraction.

Relevant Development Plan Policies and Proposals:

H24, GB1, EB5, RC5, RC8, RC9 of the Rochford District Local Plan First Review

C2 of the Essex and Southend on Sea Replacement Structure Plan

Shaun Scrutton
Head of Planning Services

For further information please contact Kevin Steptoe on (01702) 546366.

02/00353/CPO



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TITLE : **02/00391/CPO**
TEMPORARY PERMISSION FOR THE USE OF LAND FOR
THE STORAGE OF FRIDGE FREEZERS
LAND AT FORMER CIVIC AMENITY SITE, COMMON ROAD,
GREAT WAKERING

APPLICANT : **ESSEX COUNTY COUNCIL**

ZONING : **METROPOLITAN GREEN BELT, SPECIAL LANDSCAPE**
AREA, ROACH VALLEY NATURE CONSERVATION ZONE,
COASTAL PROTECTION BELT

PARISH: **BARLING MAGNA**

WARD: **BARLING AND SUTTON**

SITE AREA: **0.3Ha**

PLANNING APPLICATION DETAILS

- 3.1 This application is to be determined by the County Council given that it relates to land in its control and is for a function which it exercises. The role of this Council is as a consultee and to give its view in relation to the proposals which can be taken into account by the County Council in coming to its decision
- 3.2 It is proposed to use the land identified for the storage of fridges and freezers subsequent to their collection by the waste disposal authorities and prior to their disposal. This site has been identified for the goods collected from the SE Essex area. The storage is to constitute stacking no more than 2.5m high. It is anticipated that the site will be available between 8am and 5pm Monday to Saturday with up to 40 vehicles to and from the site in any week (20 up to 7.5t in weight and 20 above that weight).

RELEVANT PLANNING HISTORY

- 3.3 The land has been used historically for the extraction of brickearth. Permission was granted in 1967 for the tipping of refuse and the restoration of the site. In 1992 there was a further permission for the retention of waste at the site and its subsequent restoration.
- 3.4 In 1994 a Lawful Development Certificate was granted for the continued use of the current application site area as a Civic Amenity Site. In 1997 there was permission granted for the use of part of the site for the sale of soil improver (produced from green waste).

CONSULTATIONS AND REPRESENTATIONS

- 3.5 This is an application which will be determined by the County Council and it will be undertaking its own consultations. This Authority has also undertaken consultations and the response that has been received to that is set out below. The consultation period is yet to expire at the time of writing and any further response will be set out in the committee addendum paper.
- 3.6 **Barling Magna Parish Council** objects and asks that the site is returned to the former plans for open space and public amenity. In addition it is requested that, if the use is to continue, the area is securely fenced to prevent children getting access to the area with potential harmful consequences.

MATERIAL PLANNING CONSIDERATIONS

- 3.7 The issues to be considered in this case revolve around the location of the site in the Green Belt and whether there is any special justification for the use in that location. It is also relevant to consider the other policy designations in the Local Plan.
- 3.8 Members will be aware of the normal presumption against inappropriate development in the Green Belt. In national advice, set out in PPG2, Green Belts, it is set out that the making of material changes in the use of land are inappropriate unless they maintain openness. In this case the storage of fridge freezers will not maintain openness and must be considered inappropriate.
- 3.9 It is necessary to consider then whether there are any very special circumstances which justify the development. The applicants draw attention to the need for storage of these goods given changes in the regulations which govern their disposal. Evidently there are currently no facilities in the UK for disposal, and storage is required (as waste disposal authorities are required to continue to collect them) until a legitimate means of disposal is sourced.
- 3.10 Whilst this is acknowledged to be the situation, it does not give any special justification to the particular location chosen in this case. Storage could take place at any location within the SE Essex area and there are many locations which would be both outside of the Green Belt and much closer to the main centres of population, cutting down on transport to and from the site.
- 3.11 Arguments could be advanced that the site is at a former landfill site and specifically, part of that site that was used as a Civic Amenity Site. Whilst that is the case, conditions attached to the permissions which regulated the landfill use specifically required that restoration to public amenity space took place. Given those conditions were applied to secure acceptable after use, a retrograde use cannot be subsequently justified on the basis of the former use which was to be mitigated by the conditions.

- 3.12 The site is located within a special landscape area where, in terms of Local Plan policy development should accord with the character of the area in which it is to be located. It cannot be claimed, in this case, that the open storage use accords with the character of the area. That character is mainly determined by the openness of the land associated with the lower reaches of the Roach and the associated creeks. Whilst the site is within the Roach Valley Nature Conservation Zone, given the previous use of the site, it is unlikely that the use now proposed has any harmful nature conservation implications.
- 3.13 Also to be considered is the designation of the site as part of the Coastal Protection Belt. Policy RC9 of the plan indicates that, in such areas the LPA will give priority to the protection of rural and undeveloped areas and development will not be permitted unless it can be shown that a coastal location is required and it will not adversely affect the open and rural character of the coast. The proposals do not meet these requirements.
- 3.14 The site is located in an area at risk of flooding. However, given the non residential use and the low value of the goods at the site, it is not considered that flood risk assessment (in terms of the requirements of PPG25, Flood Risk) is required or that the use ought to be prevented on the basis of risk to life or property.
- 3.15 Consideration needs to be given however to the potential for pollution, given that it is deemed that these goods contain elements that are harmful to the environment. Discussions with the Environment Agency indicate that a waste management licence will be required and the potential for pollution will be a part of the consideration of a licence. It is not clear, at this stage, whether there is potential for escapes to occur from these goods, were the site to become flooded.

CONCLUSION

- 3.16 The site is located in the Green Belt and an area of Special Landscape. With regard to the Green Belt it constitutes inappropriate development without apparent very special justifying circumstances. The proposals do not comply with the planning policies in relation to the use of land in the Special Landscape Areas.

RECOMMENDATION

- 3.17 The consultation period for this application is yet to expire. Subject to the completion of the necessary period it is proposed that this Committee **RESOLVES** to delegate authority to the Head of Planning Services to **OBJECT** to this planning application on the basis of the following reasons:-

- 1 The site is located in the Metropolitan Green Belt where there is a presumption against inappropriate development and development which reduces the openness of the Green Belt. These proposals constitute a form of inappropriate development for which there are no very special circumstances either advanced or apparent to this Council which justify the retention of the use in this location. Suitable locations would constitute locations outside of the Green Belt and in closer proximity to the centres of population served to both reduce the harmful visual impact and to reduce transport requirements and costs.
- 2 The site is located in a Special Landscape area where the policy of the adopted Rochford District Local Plan is to ensure that the location, design, siting, materials and landscaping accord with the character of the area in which the development is located. It is considered that the development proposals do not meet these requirements in terms of the harmful visual impact of the development and their incompatibility with the character of the surrounding area.
- 3 The site is within the Coastal Protection Belt where it is the policy of the Authority to only permit development which requires a coastal location and where the open and rural character of the area would be preserved. The proposed use does not require a coastal location and has harmful visual implications for the character of the area reducing openness and its current rural character.

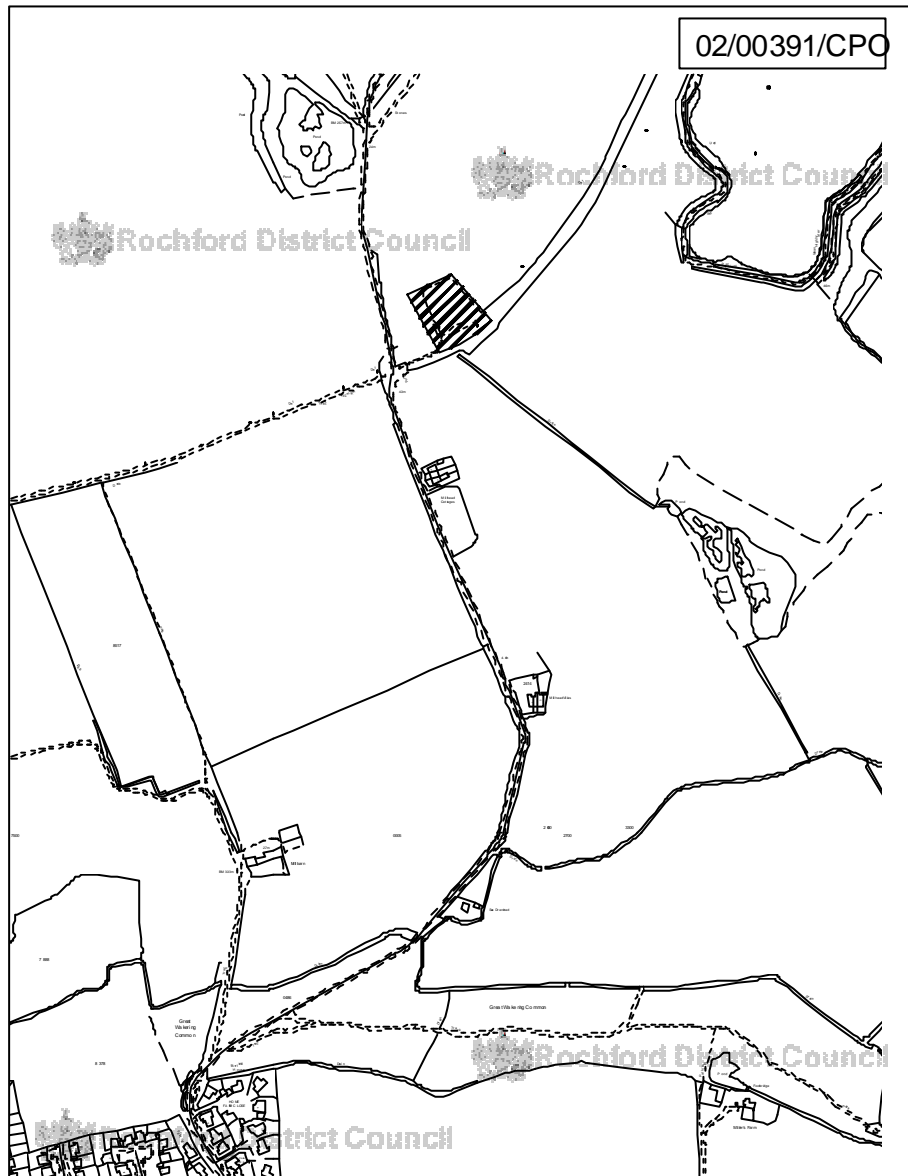
Relevant Development Plan Policies and Proposals:

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

CS2, C2, WM3 of the Essex and Southend on Sea Replacement Structure Plan

Shaun Scrutton
Head of Planning Services

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PLANNING SERVICES COMMITTEE - 30th May 2002 Item 4

TITLE : 02/00304/FUL
VEHICLE DISMANTLING AND RECYCLING WORKS
COMPRISING OPEN STORAGE AREAS, COVERED
VEHICLE PARKING, OFFICE AND WORKSHOP ACCESS
ROADS AND PARKING.
LAND NORTH OF PURDEYS INDUSTRIAL ESTATE,
BRICKFIELD WAY, ROCHFORD.

APPLICANT : NEVENDON SOUTH EAST CARS

ZONING : INDUSTRIAL/OPEN STORAGE

PARISH: ROCHFORD PARISH COUNCIL

WARD: ROCHFORD

PLANNING APPLICATION DETAILS

- 4.1 This application is brought to member's attention following the fastrack procedure. The application form identifies 25 jobs created in addition to the relocation of a further 10 – 15 positions from alternative sites within the district.
- 4.2 The application is at an early stage of consultation and is reported to Members to inform of the developers intentions for the site and to provide initial guidance as to the likely implications for the development.

RELEVANT PLANNING HISTORY

- 4.3 Previous application number 01/00763/FUL was retrospective for the erection of a palisade fence to the perimeter of the site, this application was requested following an enforcement complaint with respect to the location of a new fence.
- 4.4 Subsequently the application has been refused due to obstruction of a designated public bridleway; this matter is now subject of enforcement discussion in co-operation with Essex County Council Highways.

CONSULTATIONS AND REPRESENTATIONS

- 4.5 Consultations received thus far include the following:-
- 4.6 **Housing Health & Community Care** have no adverse comments subject to conditions being attached to any consent granted given the site is located within 250 metres of a previous land fill site.
- 4.7 **Buildings & Technical Support (Engineering)** no observations or objections raised.

- 4.8 **Rochford Parish Council** No objection raised.
- 4.9 **Rochford Hundred Amenities Society** No comment made.
- 4.10 **Essex Police** have no objection to development though recommend that the issue of Secured by Design be viewed and conditioned to any approval.
- 4.11 **Anglian Water** have no objections to the proposal subject to conditions being attached to any consent given.
- 4.12 **Civil Aviation Authority** advise that further research is required to establish the implications for this development and request additional time to collect and collate responses. Commenting that if any action is taken to proceed before the completion of assessments it should be clearly understood that such action is taken against the advice of the national aviation safety regulator.
- 4.13 **Environment Agency** have provided initial informal comment and advised that Waste Management discussions are underway. Formal consultation correspondence is awaited.
- 4.14 A neighbouring commercial operator (Metal Merchants) object to the application primarily on the basis of commercial competition but also contamination of land.

MATERIAL PLANNING CONSIDERATIONS

- 4.15 The proposed development is within a location recognised and designated for industrial use, being zoned for open storage. The site is bordered by an existing scrapyards to the South (Kirbys); land to the East is utilised for a variety of industrial/storage uses including a Waste Transfer Station and coach/transport depot. The area to the West of the site is undeveloped and lies outside the approved industrial designated area.
- 4.16 **SCREENING OPINION**
Following the nature of the proposed development, the application has been assessed against Environmental Impact Assessment Regulations (EIA) 1999. It is found that the application is of schedule 2 designation given the proposed use/size of development and proximity to controlled water (River Roach).
- 4.17 Schedule 3 of the above act identifies limitations and degrees of impact of development for consideration. Following schedule 3, it is considered that no EIA is required, by virtue of the intensity and location. The proposal is in keeping with the surrounding land use and designation of open storage (industrial).
- 4.18 **LAND USE**
As identified above, the proposed use is appropriate in policy terms for the location identified. The impact in comparison to the adjoining development will be acceptable. Issues to be explored are the resultant relationship with the boundary to the Roach (North of site) and potential pollution/contamination.

DEVELOPMENT DETAILS

- 4.19 The proposed use contains a large proportion of open storage area, to be drained and intercepted in accordance with Environment Agency requirements, this will be used for open storage of vehicles awaiting sale, stripping and insurance clearance. Provision is also made for loading bay/turning area and scrap storage area all constructed with interceptors.
- 4.20 Proposed buildings include a large unit/workshop and combined office/reception building for visitors to the site. The workshop will be utilised for removal of parts and fluid extraction; this is the key element in the site when comparisons are drawn with existing scrap yards. All fluids are to be extracted from the vehicles prior to awaiting further parts removal or crushing. (All fluids includes petrol/oil/contaminated water/acid/brake fluids etc..) This is conducted in a controlled environment then disposed of following adopted methods under the waste management licence. Therefore vehicles leaving this area have been decontaminated.
- 4.21 Two further units are proposed, one for covered vehicle storage adjacent to the office/workshop area, and a second to the North of the site for delivery/collection lorries. The latter deals with vehicles to and from the development and waste products being exported from the site.
- 4.22 The proposed buildings are appropriate to the location, with resultant development being similar to that of the adjoining industrial location, the materials and finished construction will provide a professional appearance for the scrapyards.

CONCLUSION

- 4.23 It is accepted that the principle of the development is appropriate. The proposal will have no significant detrimental impact on the amenity of the location and provide a scrap yard facility intended to be in compliance with environmental concerns and future legislation. Further consideration needs to be given to the requirements of the Environment Agency and Civil Aviation Authority whose comments and recommendations are outstanding and on this basis no decision can be formulated at this stage.
- 4.24 The application will be brought back to Members for determination in the normal way. In the mean time, Members are invited to identify any further issues which first need to be explored.

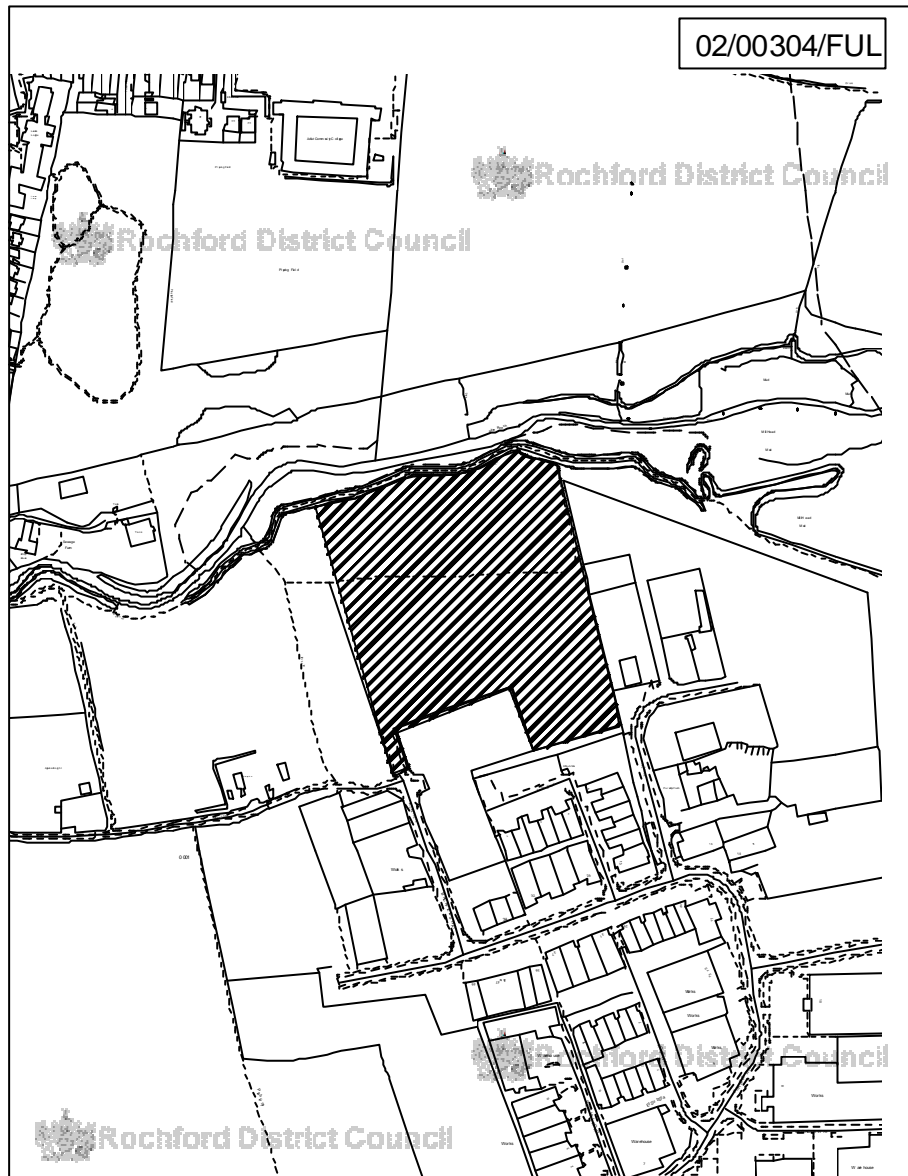
PLANNING SERVICES COMMITTEE - 30th May 2002 Item 4

Relevant Development Plan Policies and Proposals:

EB2, EB4, EB5 of the Rochford District Local Plan First Review

Shaun Scrutton
Head of Planning Services

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TITLE : **02/00064/FUL**
VARIATION OF COND 3 OF ROC/813/86 TO ALLOW USE OF
138B AS PUBLIC HOUSE IN ASSOC'N WITH 138. TWO
STOREY REAR EXTENSION, BEER GARDEN (WITHIN
ENCLOSED WALL) SIDE BALCONY FEATURE, NEW UNIT
AND ENCLOSED LANDSCAPED FRONTAGE. DEMOLITION
OF EXISTING GARAGES.
138 HIGH STREET, RAYLEIGH, ESSEX

APPLICANT : **J D WETHERSPOON PLC**

ZONING : **SECONDARY SHOPPING AREA**

PARISH: **RAYLEIGH TOWN COUNCIL**

WARD: **WHEATLEY**

PLANNING APPLICATION DETAILS

- 5.1 Application number 02/00064/FUL forms the basis of a twin track submission, (second application reference 02/00063/FUL) that includes identical proposals having been subject to the same revisions.
- 5.2 The site is a large detached building in the secondary shopping area of Rayleigh High Street. Opposite the site there are shops occupying the ground floor of a large imposing building constructed circa 1970's with office development above; Essex Police are situated within the far north east of the development.
- 5.3 Neighbouring development includes the Social Services building which is of a height and square/bulk design to a similar ridge height of the existing Oriental Inn. To the north west Love Lane School encloses the site with a variation of substantial established buildings.
- 5.4 This application was previously presented to members at the March 2002 Committee by virtue of the fastrack procedure; subsequently a Members site visit was conducted to enable Members to view the relevant issues on site.
- 5.5 Following detailed negotiation and revision, the application is returned to Members for determination.

RELEVANT PLANNING HISTORY

- 5.6 Unit 138B was granted permission in 1986 for an A3 use under application number 813/86/ROC with a condition restricting the use of the building to a restaurant only.

- 5.7 In 1991 unit 138 was allowed A3 use at planning appeal under application reference CU/0523/90/ROC and is unrestricted in the type of A3 use permissible. The Inspector's report was clear in identifying the need for retail uses and diversification within the secondary shopping location but stated that the shop unit had previously been vacant for over a year, noting at the time a general down-turn in retail business. Therefore making a clear case in support of an additional A3 use attracting pedestrians to the location.
- 5.8 The surrounding location is in a similar situation to that of 1990 with 2 long-term vacant units in addition to the application site. A further unit is also pending a closing down sale.

CONSULTATIONS AND REPRESENTATIONS

RESPONSES RECEIVED FOLLOWING FIRST CONSULTATION:

- 5.9 **Rayleigh Town Council** do not wish to raise any objections or observations on this application.
- 5.10 **Housing, Health & Community Care** reports that there are a number of existing noise-sensitive establishments in very close proximity to the proposal in addition to dwellings and offices directly above. If Members are minded to approve the application then conditions are recommended.
- 5.11 **Essex County Council (Highways)** recommends a condition that all development to be kept clear of the highway at all times.
- 5.12 **Essex County Council (Archaeology)** advises that the Essex Heritage Conservation Record shows that the development is in an area of archaeological interest. Nineteenth century map evidence suggests that the site of the proposed extension is unlikely to have been disturbed by recent buildings. It is therefore likely that fresh evidence of medieval and post medieval occupation including refuse pits and the remains of backyard activities may be revealed in this area. A full archaeological condition is recommended.
- 5.13 **Rayleigh Civic Society** comment that the alfresco style drinking area would be inappropriate in the High Street given the proximity of Love Lane School and The Salvation Army, in addition to alcohol being consumed on the forecourt of these premises leading to unacceptable behaviour in the immediate vicinity. The development to the rear of the site at first floor would be visually intrusive to the occupiers of the flats. Concern is raised with respect to the lack of car parking. Question the need for an additional outlet in the High Street selling alcohol.
- 5.14 **Anglian Water** no comment to make.
- 5.15 **Environment Agency** has no objection to the proposal as submitted.

- 5.16 **Access Committee for the Disabled** comments that there appears to be steps at the entrance with double doors which are difficult for wheelchair users, low fencing on the pavement would be hazardous to blind/partially sighted people, there is no provision for low bar area, the disabled toilet opens directly onto the bar area with no 'modesty' area, and the disabled toilet does not appear wide enough to allow wheelchair access to side of toilet.
- 5.17 **Rayleigh & District Chamber of Trade** consider the scale of development to be excessive and out of context with the surrounding buildings, thus creating a precedent for future development. Concern is raised about the lack of parking on site; with nearby roads having waiting restrictions, if agreed there may be a conflict with the two private car parks of the Library and Salvation Army in addition to further conflict with respect to delivery areas. The beer garden is considered to be inappropriate given the location whilst the balcony is seen as a visual intrusion.
- 5.18 One letter of support has been received from a local business advising that this is type of development that Rayleigh needs to revitalise this end of the Town Centre Development.
- 5.19 Seven objections have been received to the development, including one resident above the site, the neighbouring occupiers of the Library/Social Services and Love Lane School. The resident above the site objects to the new development, commenting that they have lived above the site for 28 years, suffering enough problems from the previous chinese restaurant, including noisy patrons and vehicle movements beyond midnight. The neighbour considers this proposal to be worse than the previous restaurant, especially with regard to the rear drinking area and the impact upon private access to the flats.
- 5.20 Rayleigh Library and Social Services have submitted part combined responses. Objection is raised to the access for delivery being taken from the Library /Social Services access road and congesting of this area affecting the operation of their business. The use of Library and Social Services car park by visitors to the pub is a concern and the possible overnight parking of abandoned cars that may occur. Noise and litter from the inebriated customers will be a problem combined with the impact on vulnerable, frail and nervous users who access the office.
- 5.21 Rayleigh Primary School is opposed to development until matters relating to the current inadequate chain link fence are resolved and replaced with a brick wall. Currently problems are experienced with people visiting the children from this location, the Library has refused to replace the fence (which is outside the application site) and the school feels that this proposal may only exasperate the issues.
- 5.22 One neighbour has objected to the use of 'James Pilkington' as the pub name, this has been brought to the attention of the applicant.

RESPONSES RECEIVED FOLLOWING REVISED PLAN CONSULTATION:

- 5.23 **Housing, Health & Community Care** reiterate previous suggested conditions.
- 5.24 **Essex County Council (Highways)** recommends conditions for deliveries outside of peak hours to be applied to all vehicles not using the service road in addition to informatives regarding working of site.
- 5.25 **Essex County Council (Archaeology)** reiterates previous suggested condition.
- 5.26 **Environment Agency** have no objection to the development, provide advisory comments.
- 5.27 **Anglian Water** no comment to make.
- 5.28 **Rayleigh Civic Society** note that the roof has been reduced and the pitch changed in addition to fixed fencing being added to the front elevation. There is still concern about this because it will enable outside drinking to take place. Whilst this would be acceptable in the centre of the High street, this particular location is questioned due to its close proximity to Love Lane school.
- 5.29 **Essex Police (Crime Reduction Officer)** advises that the revision to the front elevation/pavement to include a panelled style fence is an improvement over the previous chain link proposal. Concern is raised with respect to the location of toilets at first floor level, commenting that in crime terms this is not ideal, to combat this and benefit other aspects of the proposal various crime prevention measures are suggested, to include 'dedicated' CCTV cameras as appropriate.
- 5.30 One additional objection has been received outlining the parking problems and associated noise/behaviour implications of development.
- 5.31 A reiteration of previous objections has been received from Social Services adjoining the site, detail outlined above.

MATERIAL PLANNING CONSIDERATIONS

- 5.32 Within the March 2002 report to Members, officers outlined that the principle of the use for the location of a public house is established on part of the site and considered acceptable on the remainder in view of the site's planning history and other key considerations. The detail of this is reproduced with additional information.

EXISTING LAWFULL USES

- 5.33 The relevant planning history shows that unit 138B received a permission for an A3 use of one shop unit, application reference 813/86/ROC. Under this application the permission was restricted to restaurant use only.

- 5.34 Subsequently a few years later a planning appeal for the second A3 unit resulted in an open A3 permission that is not solely restricted to restaurant use. Under the appeal the Inspector clarified the situation that an A3 use is appropriate for such a Town Centre location. PPG6 is clear in objectives and uses for Town Centre locations; encouragement must be given to retail, job creation and other key uses. The secondary shopping area of Rayleigh (the land designation for this site) is such a location that diversification and a variety of uses should be encouraged, public houses being one such appropriate use.
- 5.35 Thus Members should be clear that the use as a public house could commence at any time without any further permission of the Local Planning Authority at 138 High street. The remaining consideration is in respect to the variation of condition to allow a public house use (as opposed to restaurant) at 138B and consideration of the rear extension.
- 5.36 In these circumstances, the principle of a public house use is established on part of the site. Given the Inspector on the subsequent appeal choose not to restrict the type of A3 user, officers consider it would be unsustainable to resist the principles of the public house in the remaining unit.

DEVELOPMENT DETAILS

- 5.37 The application proposes to utilise the two units formally occupied by the Oriental Inn at ground floor providing a new frontage with full height windows opening for summer use to a new patio area fronting the pavement and High Street. To the rear of the property the proposal will include the demolition of existing garage units and the construction of a single storey unit connecting the front to the large rear extension.
- 5.38 The rear extension contains a first floor element to the rear. This will include staff and public toilet facilities, office space and access to the bar ventilation equipment area. A beer garden/courtyard area is proposed to the side elevation with the Library, together with bin store, building and delivery access.
- 5.39 Development to the rear will be substantial in size, occupying a construction footprint that extends to the rear and side site boundaries within the Library car park. The original proposal submitted contained a ridge height similar to that of the existing building fronting the main High Street. The revised plans (detailed below) have reduced the overall height of the main building section to 9 metres (29ft 6in.) as opposed to the original 10m (33ft) proposed. Coupled with the existing dominant buildings in the location, the rear addition is seen as appropriate to the developed street frontage and units rear of.

REVISED PLANS

- 5.40 Revised Plans have been submitted to address matters raised by officers and members following the site visit. The main visual alteration includes a reduction to the central buildings overall ridge height. This has been reduced by 1 metre (3ft 3in), with further changes to the rear roof pitches; thus the overall effect promotes a more visually stimulating and less dominant building.

- 5.41 The balcony to the side elevation has been revised to form a balustrade element with no projection beyond the building line; this no longer presents any problems with turning/visiting vehicles.
- 5.42 Access to the existing flats on the first floor front the High Street is from an existing stair well to the side elevation. Whilst not within the application site, the applicant has agreed to construct a gated doorway to prevent unwarranted activity beneath the stairwell in addition to repairing the existing structure (this can be controlled by condition).
- 5.43 To the front of the building an external drinking area is proposed adjacent to the footpath. This will be the only outside public drinking area to Rayleigh High Street and is permissible due to the site ownership extending beyond the existing front building line to the footpath boundary. In this location the boundary treatment has been revised from post and chain fencing to post and panel. The intended panels are of open construction and of a design that cannot be sat on or drinks placed upon. They are to be constructed from metal. This revision is at the request of Essex Police.

ACCESS AND PARKING

- 5.44 A sensitive area concerned with the development is access to and from the site for both public and commercial (delivery). The applicant has identified a right of access to service the site, side and rear from the adjoining access road, though turning facilities to the North are limited (see below) therefore in addition to the side access road servicing is proposed to take place from the street/road frontage.
- 5.45 **Public Access** is proposed from the main entrance fronting High Street with two double doors to the front elevation. No provision is made for public access to the side of the unit/courtyard area other than emergency exits from the building. No step into the building is proposed thereby benefiting disabled users, though the disabled access committee raise concern regarding the double door format that can prove hard to use.
- 5.46 **Private Access** for delivery/maintenance and staff is available to the front/rear and side elevations of the development. A servicing and delivery assessment has been submitted by the applicant's Highway Consultants to demonstrate the alternatives available for commercial delivery. Following investigations into objections received the applicants are clear that they enjoy a right of passage to the side access adjoining the Library. The land in this location is owned by Essex County Council who have expressed their right to resist loading activities in this already overused carpark area.
- 5.47 The traffic assessment submitted identifies four preferred locations for delivery to the site;
- Delivery vehicles park off street at side of premises
 - Directly in front of the site loading may take place outside peak travel times, (08:00 – 10:00 and 16:00 – 18:00)
 - Within the bus stop loading may take place outside of peak travel times,

- Opposite the site there is parking for 3 cars (vans), to a maximum of 20 minutes, in addition to a loading bay 10.5m length with no restrictions.

- 5.48 In addition to the above combination of 'preferred' loading areas, the side access road could accommodate vehicles up to 8m in length (restricted by the ability to '3 point turn' in the northern corner). Use of this area beyond the applicants, as of right use, is a private matter between the owners and users of the service road.
- 5.49 No provision is made for parking/delivery within the application site. Given the town centre location, following current guidance and PPG advice re: Transport and Town Centres, no requirement is made for parking, though additional space for delivery would be an ideal situation in access/parking terms. The proposed situation is replicated within other units of Rayleigh High Street.
- 5.50 From submitted documentation it is clear that deliveries are anticipated at 12 – 15 vehicles per week (based on similar locations) with an average vehicle length of 10 metres or less. Essex County Council (Highways) have advised that no objections can be made to deliveries at the above locations outside of peak travel times.

OTHER MATTERS

- 5.51 Provision of internal/external CCTV and Security/Amenity lighting has been included within the proposal and expanded to satisfy Essex Police requirements with respect to specific areas of the building i.e. toilet entrance/exit and side/rear elevations.
- 5.52 Members will be aware from the site visit that a third unit (former bakers) remains vacant. This is not available for development, though it has been identified that the lease may be available at a later date pending appropriate market rents.

CONCLUSION

- 5.53 The applications previously presented to members identified the likely favourable recommendation to be returned by officers. The detailed site history establishes the principle of use; thus remaining issues of scale, building design, activity and relationship are for determination.

RECOMMENDATION

- 5.54 It is proposed that this Committee **RESOLVES** that the application be **APPROVED** subject to the following conditions.
- 1 SC4 Time limits Full – standard
 - 2 SC14 Materials to be Used – externally

- 3 No deliveries shall be taken at, or dispatched from the High Street frontage of the site outside the hours of 10:00 to 15:30 Monday to Friday, 10:00 to 12:00 Saturdays, nor at any time on Sundays or Bank Holidays. Where deliveries are made to the service road no deliveries shall be taken at, or dispatched from the site outside the hours of 08:00 to 18:00 Monday to Friday, 08:00 to 12:00 on Saturdays nor at any time on Sundays or Bank Holidays.
- 4 No development or preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.
- 5 A scheme of measures for the control and suppression of dust emissions generated during the construction of the proposed development shall be submitted to and agreed in writing by the Local Planning Authority. Such agreed works shall be implemented in the approved form prior to the commencement of the proposed development and shall be maintained in the approved form for the duration of the construction of the proposed development.
- 6 Details of the proposed sound insulation scheme for the development, including predictions of the noise level at the boundary of the application site, in accordance with Planning Policy Guidance PPG24, Planning and Noise, shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed works shall be fully implemented prior to the commencement of any use hereby permitted and shall be maintained in the approved form while the premises are in use for the permitted purpose.
- 7 Prior to the commencement of any development, details of any external equipment or openings in the external walls or roofs of the buildings proposed at any time in connection with the permitted use, shall be submitted to and agreed in writing with the Local Planning Authority before the machinery is installed or the opening formed as approved and shall be maintained in the approved form while the premises are in use for the permitted purpose.
- 8 A mechanical extraction system shall be provided to the kitchen area in accordance with details submitted to and agreed in writing with the Local Planning Authority. Such agreed works shall be fully implemented and shall be maintained in the approved form while the premises are in use for the permitted purpose.
- 9 Prior to installation, details of all fume extraction and ventilation equipment shall be submitted to and agreed in writing by the Local Planning Authority. The equipment shall be installed in the approved form while the premises are in use for the permitted purpose.
- 10 No amplified speech or music shall be broadcast on open areas of the site.
- 11 There shall be no burning of waste materials, during construction, on any part of the site containing the development hereby permitted.
- 12 Prior to completion and occupation of the premises for the approved use, details shall be submitted and approved by the Local Planning Authority for a scheme of enclosure and protection to the under stairwell of the side (north east) elevation.

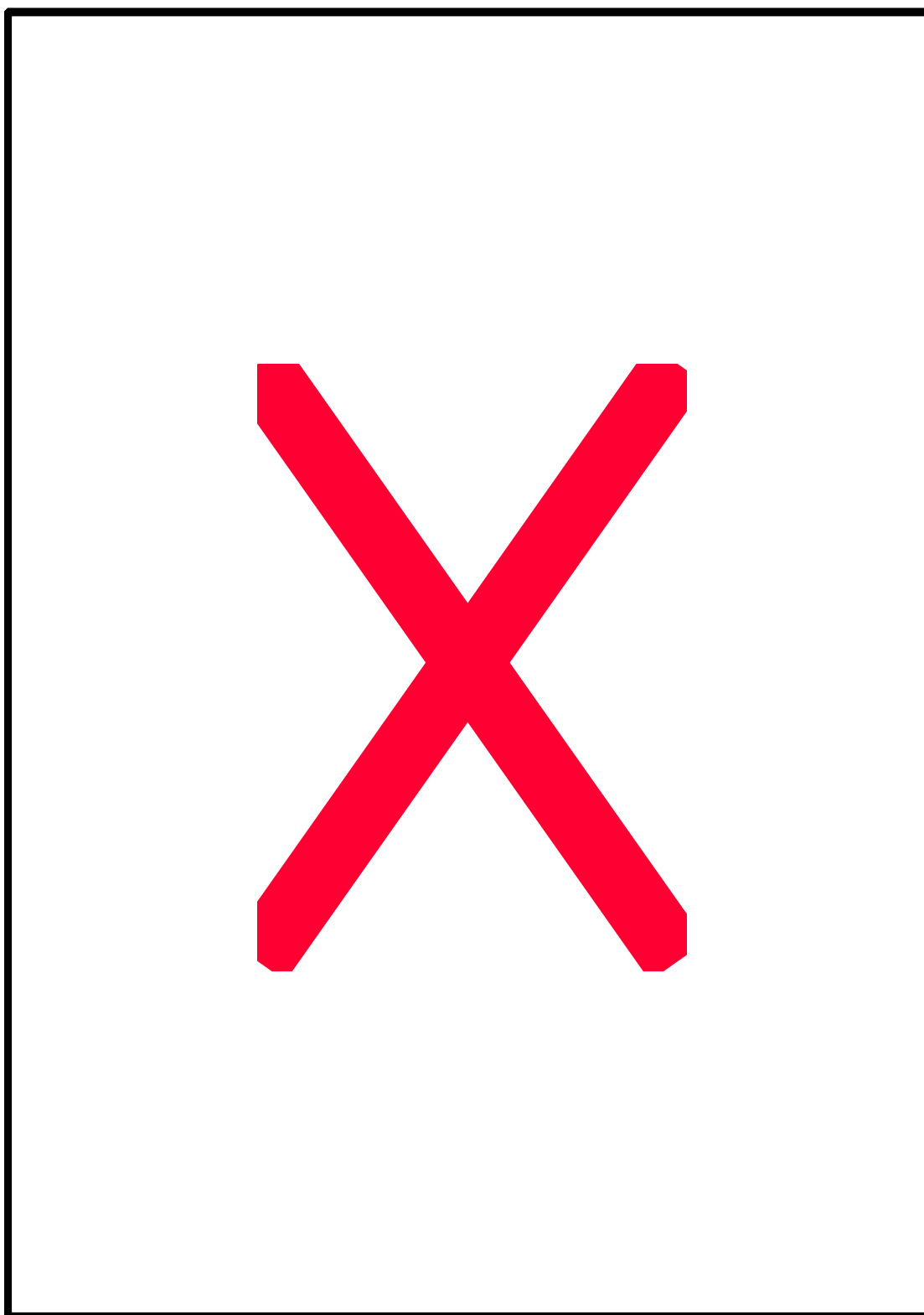
- 13 The balustrade annotated 'A' on approved drawing shall be fixed to the side elevation of the building so that it does not extend more than 150mm beyond this face; at no time shall any form of balcony or additional floorspace be created in this location.

Relevant Development Plan Policies and Proposals:

SAT3, SAT6, SAT15, TP15, SAT16 of the Rochford District Local Plan First Review

Shaun Scrutton
Head of Planning Services

For further information please contact Christopher Board on (01702) 546366.



TITLE : **02/00063/FUL**
VARIATION OF COND 3 OF ROC/813/86 TO ALLOW USE OF
138B AS PUBLIC HOUSE IN ASSOC'N WITH 138. TWO
STOREY REAR EXTENSION, BEER GARDEN (WITHIN
ENCLOSED WALL) SIDE BALCONY FEATURE, NEW UNIT
AND ENCLOSED LANDSCAPED FRONTAGE. DEMOLITION
OF EXISTING GARAGES.
138 HIGH STREET, RAYLEIGH, ESSEX

APPLICANT : **J D WETHERSPOON PLC**

ZONING : **SECONDARY SHOPPING AREA**

PARISH: **RAYLEIGH TOWN COUNCIL**

WARD: **WHEATLEY**

PLANNING APPLICATION DETAILS

- 6.1 Application number 02/00063/FUL forms the basis of a twin track submission, (other application reference 02/00064/FUL) that includes identical proposals having been subject to the same revisions.
- 6.2 Full details of the proposed development including design and relationship and parking/access issues are enclosed within the report on the preceding item 02/00064/FUL. That report applies equally to this duplicate applications.
- 6.3 The application was previously presented to members at the March 2002 Committee by virtue of the fastrack procedure; subsequently a site visit was conducted to enable Members to view the relevant issues on site.
- 6.4 Following detailed negotiation and revision, the application is returned to Members for determination.

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- 12 Prior to completion and occupation of the premises for the approved use, details shall be submitted and approved by the Local Planning Authority for a scheme of enclosure and protection to the under stairwell of the side (north east) elevation.

- 13 The balustrade annotated 'A' on approved drawing shall be fixed to the side elevation of the building so that it does not extend more than 150mm beyond this face; at no time shall any form of balcony or additional floorspace be created in this location.

Relevant Development Plan Policies and Proposals:

SAT3, SAT6, SAT15, SAT16, TP15 of the Rochford District Local Plan First Review

Shaun Scrutton
Head of Planning Services

For further information please contact Christopher Board on (01702) 546366.

