



Rochford District Council

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY  
PLANNING COMMITTEE 29<sup>th</sup> August 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 - 29<sup>th</sup> August 2002**

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### **BARLING AND SUTTON**

Cllr R S Allen

### **FOULNESS AND GREAT WAKERING**

Cllr T E Goodwin

Cllr C G Seagers

Cllr Mrs B J Wilkins

### **HAWKWELL NORTH**

Cllr M A Starke

Cllr M G B Starke

### **ROCHFORD**

Cllr R A Amner

Mrs L Barber

Cllr Mrs M S Vince

### **WHEATLEY**

Cllr J M Pullen

Cllr Mrs M J Webster

### **WHITHOUSE**

Cllr S P Smith

Cllr P F A Webster

## **PLANNING COMMITTEE 29<sup>th</sup> August 2002**

### **REFERRED ITEMS**

R1	02/00296/COU Change of Use of Agricultural Land to Football and Cricket Pitch Use Land at Pelhams Farm Hall Road Rochford	Christopher Board	PAGE 5
R2	02/00496/OUT Outline Application to Erect New Sports Pavillion With First Floor Offices (Demolish Existing Pavillion) King George V Playing Field Eastwood Road Rayleigh	Kevin Steptoe	PAGE 10
R3	02/00532/OUT Outline Application to Erect One Dwelling Land Rear of 65 Great Wheatley Road Rayleigh	Christopher Board	PAGE 14

### **SCHEDULE ITEMS**

4	02/00513/GD Demolition of Agricultural Building Nazewick Farm Foulness Island Southend--on-Sea	Christopher Board	PAGE 18
5	02/00553/FUL Erect Split Level 3-bed Detached Bungalow Land Adj 4 The Bailey, Rayleigh	Kevin Steptoe	PAGE 23
6	02/00437/FUL Erect Part Two Storey Part Three Storey Public House and Restaurant Building With Ancillary Residential Flat (Demolish Existing Building) 26A Eastwood Road Rayleigh	Kevin Steptoe	PAGE 32
7	01/00947/FUL Erect Composting Shed, Materials Store and Meter Housing Buildings Land Adj. Temple Lodge Sutton Road Rochford	Kevin Steptoe	PAGE 51
8	02/00551/FUL Change of Use of Existing Buildings to Business Centre Land to the North of Poynters Lane Great Wakering	Kevin Steptoe	PAGE 58

9                      02/00424/FUL                      Peter Whitehead                      PAGE 64  
Revised Housing Scheme Following the Approval of  
01/00543/FUL Comprising the Erection of 40 no. 2-4-  
bed Two and Three Storey Dwellings (Inc. 5 no.  
Affordable Units, Estate Road and Other Associated  
Works Together With the Creation of a Wildlife  
Receptor Site  
Land Adj. 87 Rectory Avenue Rochford

**TITLE :** 02/00296/COU  
CHANGE OF USE OF AGRICULTURAL LAND TO  
FOOTBALL AND CRICKET PITCH USE  
LAND AT PELHAMS FARM HALL ROAD ROCHFORD

**APPLICANT:** ASHINGDON BOYS FOOTBALL CLUB

**ZONING:** METROPOLITAN GREEN BELT, ROACH VALLEY  
CONSERVATION ZONE

**PARISH:** ROCHFORD PARISH COUNCIL

**WARD:** ROCHFORD

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This application was included in Weekly List no. 634 requiring notification of referrals to the Head of Planning Services by 1.00pm on Tuesday 30<sup>TH</sup> July 2002, with any applications being referred to this Meeting of the Committee. The item was referred by Cllr Mrs M S Vince.

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

- 1.1 **Rochford Parish Council** raise concern over development regarding an inadequate traffic infrastructure, likely implications for the pond near the site and footpath bisecting the site as well as questioning the need for football pitches in the location.

#### NOTES

- 1.2 This application is for the change of use of land at Pelhams Farm, Rochford to football and cricket pitch use. The land concerned is sited to the East of Cherry Orchard Way, bordering both the junction with Hall Road and the site of Cherry Orchard Brickworks.
- 1.3 Currently the site is an area of land sited within the Metropolitan Green Belt, having no specific or approved use other than open land. Within the Local Plan Proposals Map policy GB1 identifies proposals for small scale outdoor participatory sport to be appropriate for land use within the Green Belt. The consideration of such a development includes likely implications for the surrounding location, such implication will include detail of the intensity and type of use, combined with any construction of physical development required for the location.

- 1.4 The current application identifies no physical development for the site being required other than that associated with access, hardstanding & car park provision. It is anticipated that at a future date the provision of changing facilities will necessitate a moderate building, this will require planning permission, the detail of which must be sensitive to the rural location. On this matter the applicant has identified the possibility of re-use for redundant brickwork's buildings immediately adjacent to the site, this would mean no additional construction for the location.
- 1.5 Entrance into the site is available from Cherry Orchard Way or Hall Road. It is considered that the Cherry Orchard Way access is preferable, though the link to the site will require widening, this could be by inclusion of additional land in front of brickfield cottages or allowing traffic to pass via the redundant brickworks entrance.
- 1.6 Essex County Council Highways have recommended refusal of the application due to the location of the site being unsustainable in transport policy terms. The objection received identifies the site as outside areas suitable for such purposes, this is not the situation with the adopted local plan, which clearly states that such uses may be appropriate for the Green Belt. In addition the Highway authority recommend refusal due to the lack of public transport and the proposals reliance on car borne transport, they consider this to be contrary to central government policy.
- 1.7 In this location the application site is not significantly removed from public transport links, and is directly placed adjoining a major new access road for the district. The intention of said access road being to allow easier access by car to Rochford, Hockley and associated areas, including a large new business area to be constructed to the South of the application site.
- 1.8 The Parks and Woodlands officer has identified no environmental conflict with the proposal with neighbouring trees bordering the site being the subject of a potential future preservation order. A public footpath is shown to cross the site, the change of use having no implications for the right of way subject to public access being maintained.
- 1.9 Overall the scheme in the current form includes only the principle of the change of use. This is acceptable for the location proposed, though caution is raised with respect to future development of the site.
- 1.10 **Environment Agency** raise no objection to the proposal as submitted.
- 1.11 **Anglian Water** has no objections in principle to the proposals from the planning aspect.
- 1.12 **Rochford Hundred Amenities Society** have no objection to the proposal, though request that details are submitted for proposed changing rooms and associated facilities.

- 1.13 **Essex Police** advise that they fully support the application.
- 1.14 **Essex County Council (Highways)** recommends that permission be refused as the development is not within walking distance of the town or railway station nor is there a bus service. The lack of public transport will mean that virtually all journeys to and from the development will be car borne. As there is no alternative to the car the movements to and from the site will be significantly higher than the existing site use. ECC Highways consider the proposal is not sustainable due to the reliance on the use of private cars, which is contrary to the intentions of Government Policy.
- 1.15 If the Local Planning Authority were minded to approve the application, ECC Highways recommend conditions to be attached to any planning permission granted.
- 1.16 **Essex County Council (Environmental Services)** has no strategic planning comments on the application advising that it is considered a matter for the District Council to assess whether the proposal satisfies the requirements of Structure Plan policy C2.
- 1.17 **Buildings & Technical Support (Engineering)** advise that off street parking, access to the site and highway visibility must be considered.
- 1.18 **Woodlands & Environmental** advise that the eastern boundary and adjacent bank contains numerous striking and mature Oak pollards which are potentially some of the oldest in the district, these trees must not be damaged or removed by the development, a TPO may be served to protect the location. Within the Eastern boundary a small amount of foraging is evident, the developer is advised to make checks with the local protected species groups, though no evidence of habitation was found within the site.
- 1.19 **Housing, Health & Community Care** report that there is a potential for increased levels of noise and disturbance associated with this proposed development which could affect nearby residents and which it may not be possible to control under current legislation. Conditions are recommended should Members be minded to grant approval.
- 1.20 Objections have been received from 11 interested parties. Objections centre on the impact of development on the surrounding location, both in terms of traffic generation and noise from matches being played. The suitability of the land for the proposed use is questioned; in particular related to the MGB designation. Additionally the implications of development for the wildlife habitat of the location, in particular the local protected species populations.

**APPROVE**

- 1 SC4Time Limits Full - Standard
- 2 SC18PD Restricted - Outbuildings
- 3 SC28Use Classes Restriction

- 4 SC34 Floodlights - Prohibited
- 5 SC43 Amplification Prohibited
- 6 SC75 Parking and Turning Space
- 7 No development shall commence or works implemented until details have been submitted to and agreed in writing by the Local Planning Authority of works to the Lane between the access to Cherry Orchard Lane and the field to widen the road sufficiently to allow traffic to pass. Such agreed scheme to be implemented in full prior to the commencement of the development (or any works) hereby permitted.
- 8 There shall be no burning of waste materials on any part of the site containing the development hereby permitted.
- 9 Notwithstanding the details submitted no development shall commence prior to the submission of plans showing the layout and location of any football or cricket pitch on the site, plans shall be agreed in writing with the Local Planning Authority prior to implementation or commencement of any works on site.

**Relevant Development Plan Policies and Proposals:**

GB1, of the Rochford District Local Plan First Review

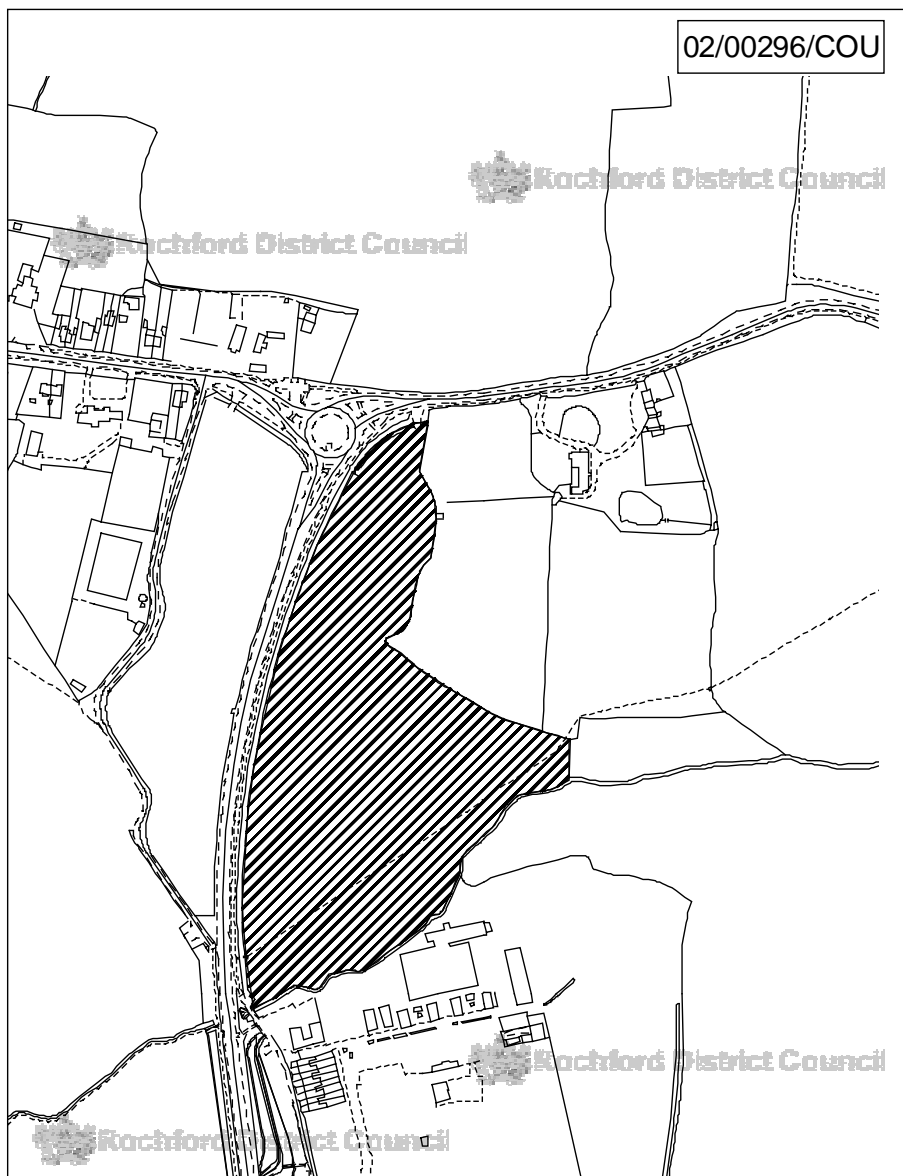


Shaun Scrutton  
Head of Planning Services

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





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**TITLE :** 02/00496/OUT  
OUTLINE APPLICATION TO ERECT NEW SPORTS  
PAVILLION WITH FIRST FLOOR OFFICES (DEMOLISH  
EXISTING PAVILLION)  
KING GEORGE V FIELD EASTWOOD ROAD RAYLEIGH

**APPLICANT:** RAYLEIGH TOWN COUNCIL

**ZONING:** EXISTING PUBLIC OPEN SPACE

**PARISH:** RAYLEIGH TOWN COUNCIL

**WARD:** WHEATLEY

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This application was included in Weekly List no. 635 requiring notification of referrals to the Head of Planning Services by 1.00pm on Tuesday 6<sup>th</sup> August 2002, 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** makes no comment as this is its own application.

**NOTES**

- 2.2 This application is in outline form with all matters reserved at this stage. The proposal is that the existing pavilion building be demolished and replaced with a new sports pavilion building which will have office space at first floor level.
- 2.3 As all matters are reserved, there are no firm details at this stage of the design and appearance of the building. An indicative plan has been provided however to show a possible new building footprint. This shows a building larger than the existing with a footprint north to south (along the car park edge) of 30m approx. (98'6") (existing 18.5m, 60'9") and east to west (depth) of 16m approx. (52'6") (existing 12.2m at the widest point, 40'). This means that the building (if implemented as such) would come closer to both the car parking area and playing field area than the existing. It would also extend further to either side than the existing building covering part of the patio area that is currently associated with the adjacent bowling green. The green itself is shown not to be affected.
- 2.4 **Essex County Council Highway Authority** has no objections.

- 2.5 The **Head of Housing, Health and Community Care** suggests a condition prohibiting the burning of waste on the site.
- 2.6 The **Property Maintenance & Highways Manager (Engineers)** has no objections.
- 2.7 In planning policy terms the site is in an area zoned as an existing public open space. The appropriate Local Plan policy (LT1) sets out which areas of land in the District are to be sought as additional provision. It is considered that these proposals do not compromise either the spirit of that policy or any practical application of it. The active open space elements (bowling green and playing field) are not encroached upon and one of the main purposes of the development is to provide improved facilities for the use of the open space. It is considered that the additional built footprint is not so significant that these benefits of the development are outweighed. In policy LT3 it is indicated that indoor and outdoor sports clubs and similar facilities are to be encouraged.
- 2.8 In relation to visual impact, although isolated from other buildings, the general area of the Websters Way car park and the King George Field has many examples of single storey, two, three and four storey development. There are no immediately neighbouring buildings and it is considered that a two storey development here will be acceptable in both visual and any amenity impact terms.
- 2.9 It is anticipated that the offices provided at first floor in the building will be for the use of the Town Council. Given the indicative footprint of the building, there is the possibility that some 480sqm of floorspace would be provided. At a standard of one parking space per 30sqm this would attract a requirement for some 16 spaces. None are to be provided however, as indeed none are available for the current pavilion use. The location is in the town centre and immediately adjacent to the car park. It is considered that the impact will not be unacceptable as a result.
- 2.10 It has been indicated that the uses of the building (the bowling club) have been consulted on the proposals directly by the Town Council and are in favour of the provision of new and modern facilities. No other regular use occurs in the building with there being only 'ad-hoc' hiring in association with the playing field and for certain events. The current foot link between the playing field and the car park is to be maintained in the development.
- 2.11 Some favourable weight must be given to the provision of new sports facilities. It is also anticipated that new public conveniences in the building will be made available for regular use. This is on the basis that anti-social behaviour and vandalism that the current building suffers from is likely to be reduced by a permanent on site presence in the proposed offices.

**APPROVE**

- 1 SC1 Reserved Matters - Standard
- 2 SC3 Time Limits Outline - Standard
- 3 SC9A Removal of Buildings Prior to Dev
- 4 SC14 Materials to be Used (Externally)
- 5 There shall be no burning of waste materials during construction, on any part of the site containing the development hereby permitted.

**Relevant Development Plan Policies and Proposals:**

LT1, LT3 of the Rochford District Local Plan First Review

CS1, CS2, CS4, BE1, BE2, BE3, BE4, TCR3 of the Essex and Southend-on-Sea Replacement Structure Plan

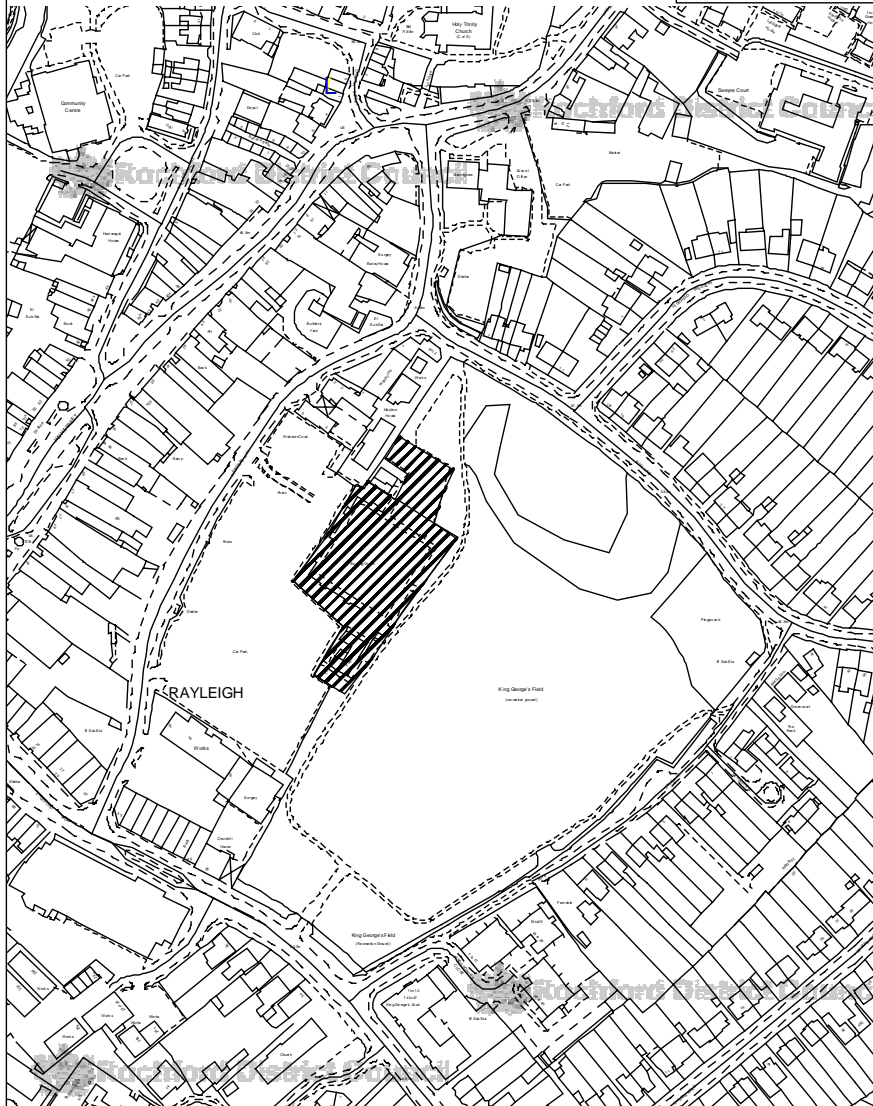


Shaun Scrutton  
Head of Planning Services

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

02/00496/OUT



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NTS



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**TITLE :** 02/00532/OUT  
OUTLINE APPLICATION TO ERECT ONE DWELLING  
LAND REAR OF 65 GREAT WHEATLEY ROAD RAYLEIGH

**APPLICANT:** MR L FREEMAN

**ZONING:** RESIDENTIAL

**PARISH:** RAYLEIGH TOWN COUNCIL

**WARD:** WHEATLEY

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This application was included in Weekly List no. 637 requiring notification of referrals to the Head of Planning Services by 1.00pm on Tuesday 20<sup>th</sup> August 2002, 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.

- 3.1 **Rayleigh Town Council** raise no objections or observations on this application.

NOTES

- 3.2 This application is in outline form and seeks to determine the principle of development for the erection of a dwelling on land to the rear of 65 Great Wheatley Road, Rayleigh.
- 3.3 The land proposed currently forms the rear most area of an established residential garden to number 65 Great Wheatley Road, the garden running parallel with West View Drive. The south boundary of the site borders a large established house with the rear elevation of 65 Great Wheatley Road 15 metres to the north.
- 3.4 Within the adopted Local Plan, the land proposed for development maintains a residential designation; thus the appropriate land use in policy terms is residential. The current application seeks a decision in terms of principles of development, no details are included as to the intended construction or layout. On this matter caution is expressed as to any resultant building design, with any proposal will need to respect the existing site levels and relationship to neighbouring properties: a modest building in terms of scale and design is likely to be required.
- 3.5 Access to and from the site is highlighted as a cause for concern from local residents: this is not a matter for consideration at outline stage, though the applicant will require a suitable access from West View Drive to gain Local Planning Authority support in any reserved matter/full application.

- 3.6 Overall, it is considered that the site is acceptable in principle for the provision of a new dwelling though design and scale will need to be carefully considered at reserved matter/full application stage.
- 3.7 **Buildings & Technical Support (Engineering)** advise that there is no public foul sewer immediately available. In addition they presume that access will be taken via West View Drive which is an unadopted road.
- 3.8 **Housing, Health & Community Care** has no adverse comments in respect of this application subject to the attachment of Standard Informative SI16.
- 3.9 **Essex County Council (Highways)** advise that this application is De-minimis in highway terms.
- 3.10 **Rayleigh Civic Society** make no comment on the basis that the application seeks purely to establish the principle of development.
- 3.11 **Environment Agency** provide advisory comments on the application.
- 3.12 **Anglian Water** make no comment on this application.
- 3.13 Neighbour Objections have been received from 6 local residents. Objections are raised predominantly on the basis of impact from the proposed scheme in terms of overlooking, dominance to adjoining properties, and the suitability of a smaller dwelling within a road/area of much larger properties. In addition the legal right to pass over West View Drive is questioned – given the private nature of the road, the residents are keen to resist any further intensification. The method of sewerage is also questioned as there is no foul provision and a new property may not be given permission to join onto the system of West View Drive.

**APPROVE**

- 1 SC1 Reserved Matters – Standard
- 2 SC3 Time Limits Outline – Standard
- 3 SC14 Materials to be Used (Externally)
- 4 SC75 Parking & Turning Space
- 5 SC83 Site Levels
- 6 SC84 Slab Levels Specified
- 7 SC90 Surface Water Drainage
- 8 SC91 Foul Water Drainage

**Relevant Development Plan Policies and Proposals:**

H11, TP15, of the Rochford District Local Plan First Review



Shaun Scrutton  
Head of Planning Services

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





TITLE :                    **02/00513/GD  
DEMOLITION OF AGRICULTURAL BUILDING  
NAZEWICK FARM, FOULNESS ISLAND, SOUTHEND ON  
SEA.**

APPLICANT :            **DEFENCE ESTATES EAST**

ZONING :                **RURAL LOCATION OUTSIDE GREEN BELT**

PARISH:                **FOULNESS PARISH COUNCIL**

WARD:                  **FOULNESS & GREAT WAKERING**

### **PLANNING APPLICATION DETAILS**

- 4.1 This application is for the demolition of an agricultural building at Nazewick Farm, Foulness. The site itself is surrounded by two established cottages (formally part of the farm) and a more modern barn sited to the south. The land is a remote location to the North of the Island.
- 4.2 The application is made to Rochford District Council under circular 18/1984 concerning development taking place to crown land. The government department is using the 18/84 procedure, as there is no other recognised route for demolition of buildings on Crown Land.

### **RELEVANT PLANNING HISTORY**

- 4.3 There is no relevant planning history related to this site.

### **CONSULTATIONS AND REPRESENTATIONS**

- 4.4 **Foulness Island Parish Council** strongly objects to the demolition of the agricultural building, advising that the buildings are eighteenth century and of some subsidence, being the only complex of buildings of this type remaining on the island. The Parish Council raises concern to the lack of maintenance of these and similar buildings by Defence Estates. Submitted with the Parish Council's response was detailed correspondence from a building specialist (Mr Crump) as to the barn's construction and potential age.
- 4.5 **Essex County Council (Historic Buildings & Conservation)** advise that the building is neither listed nor in a conservation area, therefore there are no conservation grounds for opposing demolition. It is noted from local correspondence received that a local resident considers the outbuilding may be of sufficient value to warrant listing, on this matter, details have been supplied direct to residents of the Department of Culture Media & Sport to investigate this matter.

- 4.6 **Essex County Council (Highways)** advises that the location of footpath 3 Foulness should be observed and no obstruction should occur.
- 4.7 **Essex County Council (Archaeology)** advises that the farm buildings that are proposed for demolition are of historic interest. The name 'Nazewick' was first documented in 1273. The farm itself is recorded on a map of Essex in 1777 (Chapman and Andre) and it is likely that the earliest surviving building appears on this map. The 1<sup>st</sup> edition OS map of 1873 shows the farmyard in its current form with an L-shaped arrangement of buildings to the north east of a walled enclosure and a farmhouse to the south west. Although the buildings have been re-roofed, they have not been significantly disturbed since they fell out of use in the latter half of the 20<sup>th</sup> century. It is therefore likely that features of historic interest will be destroyed if they are demolished.
- 4.8 Given that this is the last remaining farmyard of its type on Foulness Island, it would be preferable if the buildings were retained rather than demolished. However if this is not possible then a full building recording condition is recommended.
- 4.9 **English Nature** advises that redundant agricultural buildings can potentially provide a habitat for protected species. It is recommended that if protected species are suspected in the location, consideration should be given to an ecological survey.
- 4.10 Objections have been received from three interested parties; these include information regarding the loss of a building of local importance. The importance of this barn is expressed by the physical appearance of the building in the location with it potentially being used as a habitat for wildlife. An interested party has submitted detailed survey information regarding the age and form of construction of the unit, the information supplied places the building firmly in an 18<sup>th</sup> Century period. The detail of this information has been made available to Defence Estates and relevant ECC bodies.

## **MATERIAL PLANNING CONSIDERATIONS**

- 4.11 The application concerns the demolition of the barn structures. The barn is constructed to an 'L' shaped formation with brick plinth walls to the base and a timber framed weatherboard structure above, the roof uses corrugated metal sheeting. Inspection on site shows the barn to have been unused for some time with surrounding vegetation being overgrown.
- 4.12 The structure and condition of the barn is in a serious state of disrepair, though the base and walls are preferred visually to the more modern structures adjacent. Whilst not currently identified as dangerous, Defence Estates are clear that the location and cost of remedial works justify the demolition.

- 4.13 The structure is not listed nor within a conservation area. Essex County Council has viewed the development; it is recommended that a full record of the building should be made prior to any demolition taking place. Consultation received from residents and the Parish Council identifies that the building has a potential for being listed, this matter has been reviewed by Essex County Council on several occasions, in addition to Defence Estates independently looking at the matter. It is considered that the barn complex is not worthy of listing, though clearly it is of some prominent local interest.
- 4.14 To the front (South) of the barn the original wall defining the yard curtilage will be retained, (this varies in height in the region of 2 metres), forming a physical separation to the road/public footpath, thus being in accordance with concern raised by the highway authority as no obstruction of the public footpath will take place. This matter is raised within Mr Crump's correspondence; no demolition or works will take place to the wall enclosing the yard area.
- 4.15 The potential presence of wildlife using the barn as a habitat has been raised by local residents; this matter has been brought to the attention of Defence Estates, while not a matter that may preclude development outright, this will require investigation prior to any demolition taking place.

## CONCLUSION

- 4.16 The development is not accessible to the general public; the structure has suffered from low maintenance as a result of being surplus to requirements for some time. It is an unfortunate circumstance that is familiar in other locations of Foulness Island, where buildings that are of prominent local and visual interest have fallen out of use due in part to the progress in farming methods and alternative uses or ownership being restricted by the remote location. The proposed demolition of the barn will remove a potential health, safety and fire risk from the farm complex.

## RECOMMENDATION

- 4.17 It is proposed that this Committee **RESOLVES** that this application be **APPROVED** subject to the following conditions and recommendations.
- 1 No development 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 in writing by the Local Planning Authority.
  - 2 Prior to commencement of development, details shall be submitted to and agreed in writing by the Local Planning Authority of the implications of the barn demolition and resultant impact of the local wildlife habitat including a programme of the works and any remedial measures required for future species protection.

**Relevant Development Plan Policies and Proposals:**

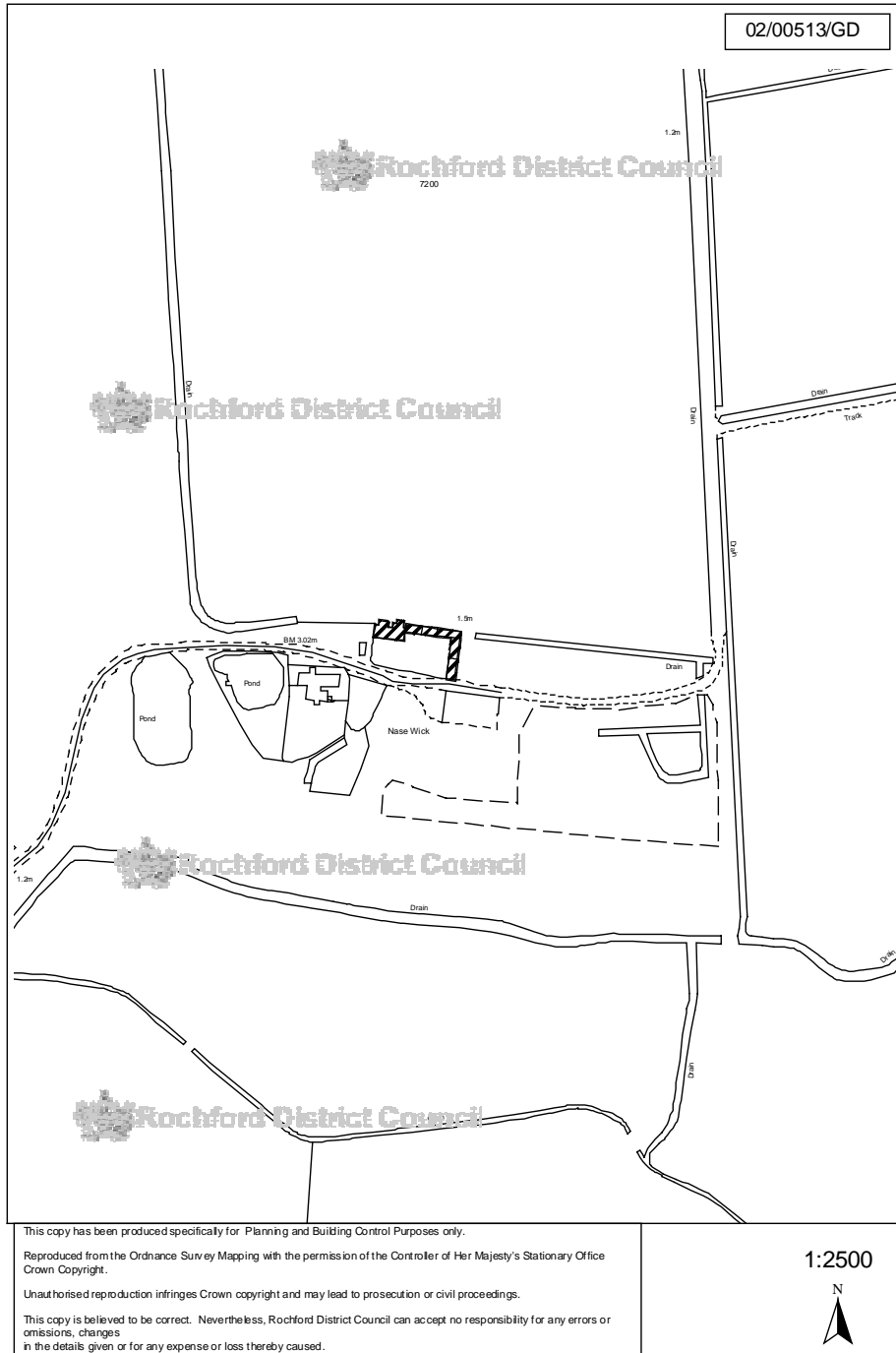
None.

A handwritten signature in black ink, reading 'Shaun Scrutton'.

Shaun Scrutton  
Head of Planning Services

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



**TITLE :** 02/00553/FUL  
ERECT SPLIT LEVEL 3-BED DETACHED BUNGALOW  
LAND ADJACENT 4 THE BAILEY, RAYLEIGH

**APPLICANT :** MR AND MRS DRISCOLL

**ZONING :** RESIDENTIAL

**PARISH:** RAYLEIGH TOWN COUNCIL AREA

**WARD:** WHEATLEY

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### **PLANNING APPLICATION DETAILS**

- 5.1 The proposed bungalow is to have a hipped roof to all sides. The bungalow is split level with a difference between the two levels of approx 0.6m. It would be located on the plot such that its front elevation is slightly behind that of the adjacent (newly built) property at no 4 (by about 0.5m) and have a depth of some 16m. This would result in its rear elevation being about 1.5m to the rear of the rear elevation of that adjacent house.
- 5.2 The north eastern portion of the dwelling is to be located at the higher level. The slope of the land (down towards the south west towards Crown Hill) means that the height of the proposed dwelling in relation to it will vary. In addition, the submitted drawings show the dwelling to be located such that it is cut into the level of the ground. For the north eastern portion the height to the eaves is between 2.6 and 3.3m. The roof here is hipped and the height of the location of the highest point is 5.6m. For the south westerly portion the height to the eaves varies between 2.7 and 3.5m and to the ridge between 5.1 and 5.4m. All measurements are approximate.
- 5.3 The width of the proposed dwelling is shown to be 7.3m, giving a clearance of minimum 1.3m to the boundary adjacent to the Mount Close properties and 1m to the boundary adjacent to 4 The Bailey. No garage is proposed. There is a stepped access from the rear of the dwelling down to its garden area.
- 5.4 There will be two rooflight windows to the dwelling which are to face in the north westerly direction (direction of Mount Close). Those windows and a door constitute the only openings in that direction.

### **RELEVANT PLANNING HISTORY**

- 5.5 Application 00/00453/FUL was for the development of a split level 3-bed bungalow. Refused on the basis of impact on amenity (of both the existing and new properties) and dominance.

- 
- 5.6 Application 00/00240/FUL. Split 3-bed detached bungalow which was to be placed further to the north east. Refused on the basis of amenity and dominance.
  - 5.7 Application 99/00758. Detached 2-bed bungalow with detached single garage. An appeal was lodged on the basis of non-determination and it was subsequently resolved that the Authority would have refused the application on the basis of amenity and the impact of the proposals on the integrity of the Mount. The appeal was dismissed on the same grounds.
  - 5.8 Application ROC/751/77 outline application for two dwellings. Refused on the basis of impact on character, amenity and the loss of trees and hedges.
  - 5.9 Application ROC/374/79 outline application for one detached house and two garages. Refused on the basis of the same matters as the application above and an appeal was dismissed.
  - 5.10 Application ROC/395/85 outline application for a house with detached garage. This was refused due to the impact on amenity and the loss of trees and hedges.
  - 5.11 Application ROC/247/86 outline application for a bungalow. This was refused due to the impact on character, appearance and amenity and on the basis of the loss of foraging for protected animal species. This was the subject of an appeal, which was dismissed, although it was noted that the foraging issue was not considered to be a determining factor.

## **CONSULTATIONS AND REPRESENTATIONS**

- 5.12 Essex County Council **Highway Authority** advises that the proposals are de-minimis in highway terms.
- 5.13 Essex County Council **Historic Buildings and Conservation Area** advisor does not consider that the proposals will have a significant affect on the character or appearance of the conservation area. Recommends that details of materials to be used are agreed.
- 5.14 Essex County Council **Archaeological Officer** considers that the development would be unlikely to disturb any area of known deposits.
- 5.15 The **Environment Agency** makes comments in relation to culverting, consulting the water company and measures to ensure no pollution to ground waters. No objection is raised.
- 5.16 **Anglian Water** has no comments.
- 5.17 **Rayleigh Town Council** supports the neighbours comments (set out below) and requests that an archaeological dig be made given the proximity of the Mount.



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- 5.18 **English Heritage** has no objections in terms of the setting of the scheduled ancient monument (the Mount).
- 5.19 **English Nature** comments that the proposals are unlikely to affect any site of special scientific interest but are adjacent to the Mount where protected animals are known to be present. It notes the protection that these animals receive and comments that, if animals are suspected of being present on a site then additional ecological information should be provided before a decision on the matter is reached.
- 5.20 The **National Trust** comments that the site is within the curtilage of the scheduled ancient monument and will add further modern development in that area, detracting from its setting. It is close to the slope where protected animals are present and the development will no doubt reduce foraging area for these animals. (Note – the location of the site and proposed development has been checked against the records held here in relation to the extent of the ancient monument and it has been determined that the site is **NOT** within its curtilage).
- 5.21 Rayleigh Civic Society notes that the most recent application on this site was refused and it still supports the reasons given for that decision.
- 5.22 The **Head of Housing, Health and Community Care** has no adverse comments.
- 5.23 The **Property Maintenance & Highways Manager (Engineers)** has no objections but indicates that drainage may be a problem due to the topography of the site. The application of an appropriate condition is suggested.
- 5.24 Comments have been received from the occupiers of **8 neighbouring properties**. The issues raised comprise, in the main, the following:
- inappropriate and incompatible form of development in relation to the existing properties on the Bailey;
  - over development;
  - dominate the outlook of and overlook the properties to Mount Close;
  - reduction in light and increase in noise;
  - removal of trees and shrubs;
  - impact on wildlife;
  - additional traffic on the Bailey exacerbating problems there and on Crown Hill;
  - no information given about the treatment of the grounds;
  - disruption during construction;
  - good relationship with the properties on the Bailey.

## MATERIAL PLANNING CONSIDERATIONS

- 5.25 In this case the material considerations which fall to be considered are broadly the same as those which related to the previous recent applications. They are set out in this report as:

- principle;
- any impact on amenity;
- impact on the character of the area and on the Mount;
- any impact on protected and other animal species;
- impact on trees and shrubs on the site.

**Principle**

- 5.26 The development proposals are located in an area of land which is zoned in the Local Plan as residential and where such development is acceptable in principle. Policies in the Local Plan indicate the support of this Authority for the intensification of development given that this reduces the pressure for development in areas where it is not acceptable in principle.
- 5.27 Since the consideration of the earlier proposals for this site the government has indicated, by the decisions that it has made on planning issues, that the advice in PPG3, Housing, is seen as of considerable importance. In particular it is of the view that densities of development should increase and that planning authorities should strive for the efficient use of land. Notwithstanding this, of course, the detailed impacts of any development proposal are to be considered and they are set out below. It is also clear that, despite the requirement for the efficient use of land, weight should be attached to ensuring that residents, existing and new, have an adequate level of amenity.

**Amenity**

- 5.28 This proposal sees the location of the bungalow moved some 1.5m approx further to the south west on the site from the previous applications. This sees it positioned such that it covers 4m approx of the rear garden boundary of the existing dwelling at 7 Mount Close and is positioned very broadly in line with the newly build dwelling at 4 The Bailey. Some of the Mount Close properties have had the addition of dormers at first floor rear to allow the creation of accommodation here. These dwellings do have limited rear garden depths.
- 5.29 On the side of the proposed dwelling facing the Mount Close direction there are to be two rooflight windows and a side door. The positioning of the proposed dwelling is now such that these openings will not be located adjacent to any of the gardens to the Mount Close properties but will be adjacent to the long rear garden of 34 Crown Hill. Whilst there is to be a separation of minimum 1.3m (and measurements on site show that this can be achieved) it is considered that, as before, much of the existing shrub growth adjacent to the side boundaries of the plot would have to be removed. This is considered to be especially so, given that access will have to be created to the rear door.

- 5.30 The roof light windows are to bathroom and en suite areas and can be required to be obscure glazed. Despite the closest separation distance of 17m from the first floor dormer windows to no 7 Mount Close it is considered that the angle of the window (rooflight) and the requirement for obscure glazing are sufficient to offset any unacceptable impact on the occupiers of the new dwelling. This is notwithstanding the fact that the windows could, of course, at times be opened. In reverse, given that the windows are rooflights it is not considered that there will be unacceptable impact .
- 5.31 The side door is to a utility area and could also be required to be obscure glazed. This door is located at the lower level of the dwelling but, despite this, due to the floor height of the property there is likely to be some opportunity, when the door is open, for occupants to look out across the top of the adjacent existing fencing. However, this location is adjacent to the long rear garden to no 34 Crown Hill, some 55m from the rear elevation of that dwelling and far removed from the most sensitive part of the garden.
- 5.32 The existing treatment to this far end of the garden is substantial shrub/tree growth. It is considered that, what opportunity for overlooking there is, is firstly cancelled out by the existing plant growth (which also reduces any possibility of overlooking toward 7 and 9 Mount Close) and secondly is not over any sensitive part of the garden. The opportunity for the reverse to occur is very limited. No 9 Mount Close has no dormer at first floor and the location of the door is some 18m from the first floor dormers of no 7.
- 5.33 The frontage of the new dwelling is to have two windows to bedrooms. Given that the property is to be cut into the ground here and planting beyond the frontage of the dwelling could be retained, there appears almost negligible opportunity to look out of these windows and overlook the gardens of the dwellings at 5 or 7 Mount Close.
- 5.34 In reverse, the angle of the new dwelling to no 7 and 5 (90 degrees) does much to reduce the possibility of views from the existing to these front windows of the new. Intervening planting (substantial silver birch within the garden of no 7) and the distance of the views (min 16m) also reduces these to an acceptable level. This is despite, of course, the fact the screening impact of planting is reduced in the winter months.
- 5.35 To the side adjacent to 4 The Bailey, the harmful impact will be felt by the occupants of the new dwelling. There is to be a side bedroom and kitchen windows facing this side. Due to the cutting in of the dwelling into the site the dwelling is likely to be located below the level of the newly constructed dwelling at no 4. There is clear potential for views to be had by the occupants of no 4, over the intervening fencing and down into the rooms of the new dwelling.

- 5.36 This situation is exacerbated to the rear of the new dwelling. Here there is to be a large area of glazing to the rear of the lounge dining area. The adjacent dwelling at 4 The Bailey has a raised conservatory and patio area to the rear, extending a further 2.5m approx beyond the dwelling. This is located some 2.5m approx above the level of the land on the application site. When permission for this was granted, it was to be adjacent the land at the far end of the existing property at no 32 Crown Hill, and therefore not the most sensitive part of the garden. If the development proceeds however, it will now be adjacent to the immediate rear of the new dwelling and allow overlooking of the entirety of its rear garden area (which is minimal at some 70sqm approx). Whilst views into the new dwelling are probably limited, this inability to create any private space would have a serious impact on the amenity of any new residents.
- 5.37 A similar impact also occurs in reverse. Due to the fall in the land, this end of the dwelling is shown to be 1.5m above the level of the site. Views will be possible from the lounge of the new dwelling, and the raised external stair, over much of the garden area of no 4, over the reduced garden area to no 32 (and now directly and at less of an angle than the views from 4 The Bailey) and will start to intrude also with respect to the garden area of no 34. The distance to the newly formed boundary with no 32 Crown Hill is only 7m and considerable under the guideline figure of 15m set out in the Essex Design Guide.
- 5.38 With regard to previous submissions, the dominating impact of the new dwelling, with regard to the Mount Close properties has been considered to be an issue. The differences to be taken into account here between this application and the most recently refused are that the dwelling is proposed to be cut into the level of the site and it has been moved further to the south west.
- 5.39 Now, rather than covering 6m of the width of the rear garden of no 7 Mount Close, it coverage is reduced to 4m. Previously, the lowest height of the eaves adjacent to the property was shown to be 2.3m above the current level of the site. Now it is to be 2m. Previously the ridge height was to peak within the length of the new building which covered the extent of that existing garden area at 7 Mount Close. Now, the peak of the ridge height is marginally lower and occurs at the end of the length of garden covered. Overall, it is considered that there has been sufficient reduction in the impact of the proposed dwelling that an argument based on the dominating impact of the development is unlikely to be sustainable.

### **Character of the area and The Mount**

- 5.40 The proposed dwelling is different in character from the others in the vicinity. Those on The Bailey are two storey whilst those on Mount Close have been built as single storey although a majority now have the addition of dormers at first floor. It is not considered that the area is so strongly characterised by a particular form of development that the introduction of a bungalow would be unduly harmful. Neither, despite, the limited private garden area, is it considered that the proposals will appear unduly cramped in appearance. This is largely due to the substantial area of land that will be available to the frontage of the dwelling.

- 5.41 As proposed, the dwelling is a considerable distance from the outer bailey of the Mount (min 30m). Despite the comments of the National Trust, the property is not located within the area of the scheduled ancient monument and none of the site falls within that area. It is not considered that the proposals have any harmful impact on the setting or the integrity of the Mount.

**Protected Animals**

- 5.42 There is a known protected animal habitat in close proximity to the application site. Comments made by expert advisors in relation to the earlier applications were that, even though foraging may be affected, this impact could be reduced by the use of particular types of fencing, and was not considered to be so detrimental that the development should be refused on that basis. Given that the proposed development location is now further from the protected animal location, it is likewise considered that resisting the proposals on that basis would not be appropriate.

**Trees**

- 5.43 Only the far north eastern part of the site is within an area covered by a group TPO. The dwelling is located well away from this part of the site and therefore there are no implications for any protected trees. It is acknowledged that shrubs and trees on the side boundaries of the site would require pruning or removal to allow the development and that there will be pressure to remove any that remain if development is allowed to proceed. It is also accepted that a fruit tree on site would be required to be removed.
- 5.44 These trees and shrubs, whilst visually pleasant, are not so significant to be worthy of protection and it is not considered that their loss provides a cogent reason on which to resist these proposals.

**CONCLUSION**

- 5.45 Changes that have been made to these proposals, when compared with earlier schemes for the site, go some way toward reducing their impact. It is considered that reasons for refusal based on dominance are overcome. There remains the difficulty of producing an acceptable level of amenity for the occupiers of the property, if it were to be built. There also remains the amenity impact that occupants of the new property would have by virtue of overlooking, but this is not considered to impact now in the north westerly (Mount Close) direction.
- 5.46 It is considered that the impact of the proposals on the character of the area, the Mount, on site protected trees and any protected animal species is acceptable.

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**RECOMMENDATION**

- 5.47 It is proposed that this Committee **RESOLVES** that this application be **REFUSED** on the basis of the following reason(s)

- 1 The Local Planning Authority is of the view that an unacceptable degree of amenity will be afforded to the residents of the new dwelling, as proposed, as a result of the extent of overlooking of its rear garden area, and of its side windows adjacent to No 4 The Bailey, from the side access way to that existing property (4 The Bailey) and from its rear raised seating/ patio/ conservatory area. This impact is accentuated by reason that almost none of the limited rear garden area will be unaffected by this potential overlooking.

It is also the case that the height of the rear of the proposed dwelling, and the implementation of a rear stairway access to the garden, will allow the potential for considerable overlooking by the occupants of the new property to the existing rear garden area of 4 The Bailey, 32 and 34 Crown Hill. In relation to 32 Crown Hill this is accentuated by reason of the direct overlooking relationship within a limited distance of 7m from the boundary to be newly formed to that property.

In both cases that impact is detrimental to the privacy and amenity of both the existing occupiers and the potential new occupiers and contrary to the policies of the Rochford District Local Plan first review and the Essex Design Guide for Residential Areas.

**Relevant Development Plan Policies and Proposals:**

H1, H2, H11, H19, H20, TP15, UC12, UC13, PU3 of the Rochford District Local Plan First Review

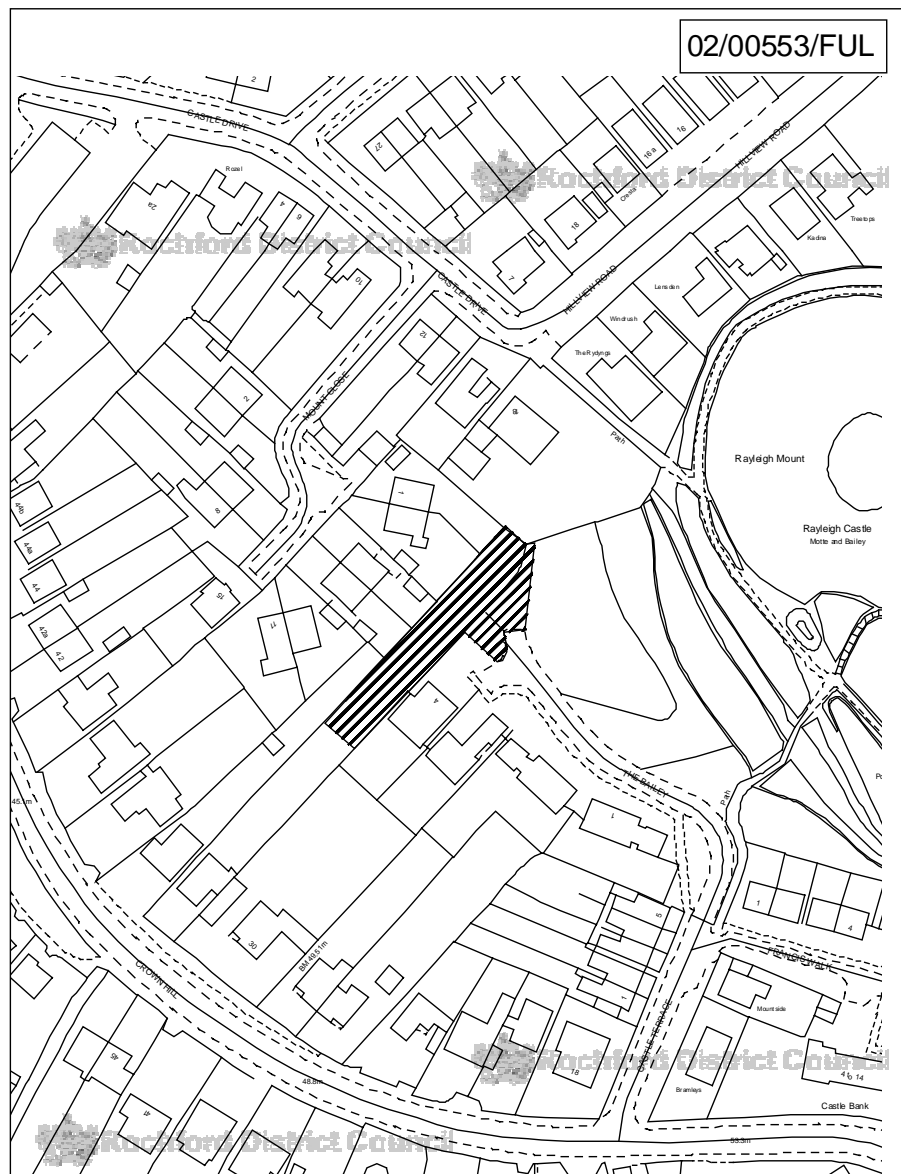
CS1, HC5, BE1, H2, H3, H4 of the Essex and Southend-on-Sea Structure Plan



Shaun Scrutton  
Head of Planning Services

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



02/00553/FUL

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**TITLE :** 02/00437/FUL  
ERECT PART TWO STOREY PART THREE STOREY PUBLIC  
HOUSE AND RESTAURANT BUILDING WITH ANCILLARY  
RESIDENTIAL FLAT (DEMOLISH EXISTING BUILDING)  
26A EASTWOOD ROAD, RAYLEIGH

**APPLICANT :** QUILTERS LEISURE LTD

**ZONING :** SECONDARY SHOPPING ZONE

**PARISH:** RAYLEIGH TOWN COUNCIL AREA

**WARD:** WHITEHOUSE

**SITE FRONTAGE:** 11.5m

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#### **PLANNING APPLICATION DETAILS**

- 6.1 Members will recall that these proposals were originally reported, under the Councils fast-track procedure, to the June meeting of this committee. The matter is reported again now for a decision to be taken.
- 6.2 The proposal is for the development of a public house and restaurant on the site of 26 Eastwood Road. The property that is currently there is to be demolished to permit the development. In its place would be a part two, part three storey building.
- 6.3 The site has a frontage to Eastwood Road of approx 11.5m. The depth of the site is an average of 45m approx. The footprint of the new building would cover almost the entire area of the site. To the frontage, there is to be the provision of a delivery bay (for delivery vehicles to pull into off Eastwood Road) and a raised terraced, up to 1m (approx) above the adjacent footway level. This is an amendment from the originally submitted proposals which did not contain this delivery bay feature. As a result of the introduction of this element, the depth of the building has decreased by some 3-4m.
- 6.4 At ground floor there is to be a bar area, storage and service areas. The public floorspace will amount to some 220sqm (down from some 280sqm of the original scheme). First floor will contain a bar and restaurant area, staff and public toilets and kitchens. The public floorspace here will be some 170sqm (again reduced from some 200sqm initially). The second floor (which is only proposed over the rear part of the building) will not comprise any public space. It will constitute what is described as a 'flat space' for use by a manager or other staff. The flat is to be one bed.



- 6.5 Although the building is to be three storey for only part of its length, the ridge height is to remain the same throughout at average 9.3m (the site slopes down to the frontage leading to greater height here). The eaves line is to be at an average of 5.6m. As described, there is a open raised terrace to the front of some 40sqm (reduced from the original 50sqm approx). No car parking (for either staff or visitors) is to be provided at the site.

### RELEVANT PLANNING HISTORY

- 6.6 Permission was granted in 1998 (ref OL/0645/97/ROC) in outline form for the construction of a two storey building which was to be used for medical and health care uses at ground floor and residential above. An illustrative layout showed the building to have a width and depth of 10m x 20m and 15 parking spaces were proposed.

### CONSULTATIONS AND REPRESENTATIONS

- 6.7 There have been two rounds of consultation in relation to these proposals. The first set of comments reported below relate to the initial submission (without frontage delivery bay, and resulting larger building) This round also accommodates the previously reported revised submission received immediately after the initial registration of the application. Under the second round are set out any comments received in relation to the revised proposals which resulted in a reduction in the size of the building due to the provision of a frontage delivery bay.
- 6.8 Essex County Council **Highway Authority** has no objection subject to the reinstatement of the existing dropped kerb in Eastwood Road to the site frontage to full kerb height. However, when it became apparent that the owners of the adjacent service roadway to the rear of the Somerfield store would not allow it to be used for deliveries to the site, the Highway Authority objected to the proposals on the basis of inadequate facilities for delivery vehicles. It was considered that delivery vehicles could not stop on the Eastwood Road frontage to the site without major disruption to traffic and detrimental impact to general highway safety. The Authority indicated that it would re-consider if adequate delivery vehicle parking were to be provided within the site.
- 6.9 The **Environment Agency** makes advisory comments in relation to the storage of oils or chemicals and that all foul sewage or trade effluent should be discharged to the foul sewer.
- 6.10 **Anglian Water** has no objections subject to conditions requiring the details of surface and foul water disposal and means to prevent food solids entering the drainage system.

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- 6.11 The **Police Architectural Liaison Officer** (ALO) comments that he has no objection to the development as a building but indicates that local police officers may have issues in relation to additional licensed premises in the town and the potential for public disorder. The ALO strongly recommends that any development should not contribute to a potential rise in crime or anti social behaviour. He recommends the Secured by Design award and suggests that this be met if planning consent is granted. The use of CCTV is also referred to.
- 6.12 The ALO refers to s17 of the Crime and Disorder Act which requires the local authority to have regard to the effect of the carrying out of its functions on crime and disorder and to take steps to reduce any negative impact.
- 6.13 The ALO acknowledges the competing considerations which have to be taken into account but refers to the major dilemma for the police service in that it has too many demands and insufficient resources to meet these, especially when they can be affected by the built environment and its management which the local authority can control.
- 6.14 He notes that licensed premises are subject to higher incidence of crime and that they should not have a negative impact on the local community.
- 6.15 The **Essex Police Crime Reduction Officer** comments that an additional licensed premises in Rayleigh is likely to have implications for crime and disorder. He is also concerned that, with the presence of large car parks nearby and the target market of this proposal being younger clients, it will contribute to an increase in drink – driving related offences. Any later hours licence is likely to cause additional problems due to any conflict with customers from the existing night-club operation in the town. He considers that it is important that the Crime Reduction partnership is aware of the implications of this proposal. The police service would support any refusal by the Council.
- 6.16 The **Head of Housing, Health and Community Care** comments that there are pre-existing noise sensitive establishments in close proximity to the proposed development. As a result the following conditions are suggested if an approval is forthcoming:
- scheme of measures to control dust during construction;
  - details of sound insulation to be submitted and agreed;
  - details of ventilation and extraction equipment and any openings to the building to be submitted and agreed;
  - no amplified speech or music broadcast on open areas of the site;
  - no burning of waste;
- 6.17 The **Highways and Buildings Maintenance Manager (Engineers)** has no objections but notes the presence of a public sewer adjacent to the western boundary of the site.
- 6.18 **Rayleigh Town Council** has no formal objection but makes observations in relation to the nature of the proposed use and the effect this may have on nearby residential properties for the elderly.

- 6.19 Rayleigh Civic Society indicates a concern in relation to the lack of car parking and the availability of nearby facilities. It is noted that the demolition of the existing wall adjacent to the site would be required and that articulated trucks and food home delivery vans use the Somerfield access. The development would tidy the area but would represent over-development leading to traffic congestion. It is noted that, at the top end of the High Street, there have been significant problems with the late opening of takeaways.
- 6.20 In relation to the initial revision to the application the Society indicates that it has no additional comments except to query why a cross is part of the roof design. The question is raised whether there is any connection between the christian religion and the pub.
- 6.21 In terms of consultation to neighbouring residential or commercial occupiers, 55 letters were dispatched a site notice has been displayed and details of the proposals have been included in the local press. A total of 21 responses have been received (one on behalf of the tenants of Britton Court) in objection to the proposals on the basis, in the main, of the issues set out below.
- (1) there are sufficient pubs, bars, cafes in the town;
  - (2) additional vehicles generated will exacerbate current problems of parking, and associated late night noise, in King George's Close and elsewhere, eg the church car park, particularly as no parking provision is to be made on site;
  - (3) this use, associated with the other restaurant/ bar uses nearby will lead to a concentration of revellers;
  - (4) additional noise and criminal activity to the detriment of residential amenity, particularly given the hours proposed;
  - (5) deliveries will lead to additional road hazard in an already busy area;
  - (6) design and scale of the building is out of scale and keeping with the area;
  - (7) may infringe private rights with regard to the use of the Somerfield access road;
  - (8) trees on site have been felled;
  - (9) will attract skateboarders with consequent potential for accidents as they cross Eastwood Road;
  - (10) premises should revert to retail use;
  - (11) current problems in area with noise from existing commercial premises;
  - (12) the lack of loading and unloading space will lead to problems during construction and potential parking in the car parks of the commercial units to the rear. The adjacent supermarket operator indicates that it controls the access and will not allow it to be used to service the pub, thus requiring access from Eastwood Road. This will be contrary to local plan policies requiring on site servicing and seeking improvements to traffic flow in Eastwood Rd;
  - (13) lack of on site car parking contrary to local plan policy;
  - (14) potential criminal activity in commercial area;
  - (15) detrimental to businesses in area;
  - (16) no arrangements for the disposal of waste;
  - (17) noise control measures will need to be enforced;
  - (18) over-development.

- 6.22 In addition to the responses received in objection, the applicants have commissioned a market research company to undertake research to determine the attitudes and opinions in relation to the proposals. This took the form of on-street interviews with members of the public and asked a number of questions in relation to the proposals.
- 6.23 Some of the key questions and responses were:
- do you like the appearance of the building proposed: Yes 95%, No 2.5%, Don't Know 2.5%
  - if Quilters were to open would you be likely to visit: Yes 70.5%, No 14%, Don't Know 15.5%;
  - Do you think the proposal would improve facilities in the town: Yes 84%, No 5.5%, Don't Know 10.5%.
- 6.24 In addition, the applicant stresses what is seen as the enormous benefits associated with the proposals replacing a redundant building and representing substantial investment into Rayleigh.
- 6.25 In relation to the **second round** of consultation the following responses have been received:
- 6.26 From neighbouring occupiers, two have responded to indicate that the revised proposals do not address their concerns and that all objections previously stated still stand. In addition, one of these indicates that the frontage delivery bay is considered to be dangerous and cause obstruction.
- 6.27 When this matter was first reported to Members it was requested that full copies of the letters received be made available. Separately copied are all letters from neighbouring occupiers, the initial supporting statement from the applicant and the subsequent market research. This includes all letters received up to and including **16 August 2002**. Any received after that date will be summarised in the normal way in the addendum paper.

## MATERIAL PLANNING CONSIDERATIONS

- 6.28 At the stage of initial consideration of this matter Members were of the view that the issues raised by those who had responded to consultation should be carefully considered. This has resulted in a lengthy report in which, it is considered, all issues are addressed. To assist Members, it will be noticed that, in the consultation section above, the comments raised by those who responded to consultation have been numbered. That number is repeated in the commentary below to identify where each issue has been addressed.
- 6.29 The main issues were identified in the previous report and it seems that these still adequately cover those raised by the proposals. They were

- the principle of the use proposed;
- the design and appearance of the building;
- the potential for loss of amenity by virtue of noise, lack of on site car parking or for any other reason;
- the potential for criminal or anti-social activity.

### **Principle**

- 6.30 The application site is located in a secondary shopping frontage as identified in the Local Plan. The appropriate policy (SAT3) indicates that, in such areas, any non-retail uses must reinforce the retail function, be appropriate for a shopping area and normally be restricted to Class A2 or A3 uses. The proposed use falls into class A3.
- 6.31 The other sub clauses of the policy require that, where a non retail use is permitted there is to be a suitable window display and that conditions may be applied restricting the use of the premises.
- 6.32 Whilst not part of the policy, the supporting text in the plan indicates that it is considered that non retail uses including restaurants and wine bars may be permitted in these areas, if it is considered that they will reinforce the retail function. However it is also indicated that the Council will endeavour to retain at least half of secondary frontages in retail use and avoid an over concentration of non retail uses.
- 6.33 In Rayleigh town centre it is the case that the percentage of retail uses in the secondary areas has fallen below 50%. Although an over concentration of non retail uses is not described, in the string of properties between the site and the Evangelical Church there are a vet, two further A3 restaurant uses and a building equipment hire shop.
- 6.34 It is also significant that the site has not contributed towards retail use for some significant period. It is currently vacant, previously used as part physiotherapist practice (vacated around 1995) and part residential (vacant since May 2001). As noted above, permission was granted in 1998 for a redevelopment with a similar mix of uses.
- 6.35 The Structure Plan indicates that development and investment should be directed towards existing centres. When considering those centres (which include Rayleigh) the planning authority is to support proposals which will strengthen and maintain its role. One way of doing this (it is indicated in policy TCR3) is to improve the quality and range of facilities, including leisure and entertainment.
- 6.36 The governments guidance for town centres and retailing is set out in PPG6. In that guidance it is set out that the planning system should provide a positive framework to encourage investment in, amongst other things, leisure uses. The planning authority is encouraged to diversify uses in the town centre. It is noted however that leisure uses may disturb nearby residents and the amenity of them should be fully considered. It is specifically noted that pubs are best located in central areas.

- 6.37 The applicant makes the point that the proposals represent a significant investment into the economy of the town and represent an improvement to the state of the site which is currently semi-derelict. These are valid points and need to be weighed in the balance in coming to a decision on this matter.
- 6.38 Despite the fact that the proposals will not accord fully with the Local Plan policy (in respect of display window at ground floor) and that a row of three, non retail uses would be created, it is considered that weight has to be given to the later advice in government guidance, the Structure Plan and the planning history for the site (whereby the Authority has been content for the site to be retained in non-retail use. Given these factors and the ability that the proposals have to support the retail function (and as demonstrated by the applicants market research) and therefore comply with much of the requirements of the Local Plan policy, it is not considered that they can be resisted on the basis of any issue of principle.
- 6.39 Of the issues raised by respondents, (1) and (10) are relevant to the issue of the principle of the use. Comments have been made that there are sufficient pubs in the town already. Clearly the planning system cannot regulate uses in terms of competition between businesses. If the market (and the applicants in this case) consider that the investment required for the proposal will provide a return then the issue of a perceived need (or lack of it) is not a sustainable basis on which a planning authority can refuse an application.
- 6.40 If the respondent is concerned with regard to the impact that an additional use may have on other issues (such as amenity etc) then that is an issue that can be addressed: see commentary below.
- 6.41 The comment was made (10) that the premises should revert to retail use. There does not appear to be any sound basis for this comment or the benefit that the respondent sees from it is not explained. What is clear, is that the site has not functioned with a retail purpose for many years and the authority has been willing, in the recent past, to grant a permission which, if implemented, would see it remaining outside retail use.

### **Building Design**

- 6.42 The context of the building is established by the existing Somerfields building (to the west of the site) and the residential scale buildings (now occupied by commercial uses) to the east. The buildings to the east mostly comprise single storey premises, some with rooms in the roofspace. The proposed building will be higher than those adjacent buildings, probably by up to 3m at the closest adjacent point.
- 6.43 To the other side of the Somerfields access road is the Somerfields building. This has a greater scale again and appears as a large, single and high building, despite the alteration in the frontage line part way along the building. The closest part of the Somerfields building is probably some 1-2m above the height of the ridge line to the front of the proposed building. The height of the Somerfield building then steps up again.

- 6.44 In terms of depth, it is clear that this proposal is for the entirety of the site. The design is such that to the flank adjacent to the vets building, apart from the frontage, a vertical building of only 3m in height is proposed. Above this, the roof is to slope away, but there will be modest dormers and rooflights inserted. This design concept is an attempt to reduce to a minimum the dominance impact on the occupiers of the vets building. That issue is addressed in the amenity section below.
- 6.45 Appearance wise, the architectural context for the building is provided by the Somerfields building, the residential style buildings adjacent, the commercial/residential uses across the road and, looking further afield, the King Georges Court. The appearance does not mimic any of these but presents hanging gable features, a rounded first floor element at the front and large areas of glazing to both front and side.
- 6.46 In terms of appearance from the public areas, it is not considered that the scale of the building is excessive. It is pitched between the scale of the Somerfields building and that of the smaller buildings to the east of the site. Whilst development of the depth of the site is proposed, this will appear as a frontage to the Somerfield access road and it is not considered over dominant (in terms of public views) or lacking in detail such that it presents a bland façade.
- 6.47 The frontage to Eastwood Road is now compromised by the introduction of the vehicle delivery bay. Whilst discussions are currently ongoing, the highway authority prefers the absence of any frontage gates (as proposed by the applicant) to allow vehicles to rapidly exit the Eastwood Road highway. In terms of visual appearance the gates, along with the raised terrace and the railings to that give a rather more dominant, enclosed and “fortress” like appearance to the frontage. This is in contrast to the other commercial users to this stretch of Eastwood Road which have open frontages at the level of (and sloping up from) the roadway.
- 6.48 The requirement for the delivery bay to the frontage now makes deliveries to the building difficult. Moving them through the building from the frontage does not seem practical. Whilst that is a difficulty for any operator we now have a significant servicing facility in direct view from a prominent public location. Some existing users do have servicing from the frontage of their properties, but this aspect tends not to be an intensive use and indeed in most cases the use of the frontage is multi-purpose including parking and sitting out areas. If the requirements of the highway authority are met (and no frontage gates are provided) the visual impact of this proposal will be exacerbated.

- 6.49 The issue raised at (6) by objectors related to the scale and bulk of the building. At (13) the comment is in relation again to the scale of development. To a degree this matter is a subjective assessment. It has been set out above that it is considered that the scale of the building is acceptable (in terms of the public views) because of the acceptable visual inter-relationships with the adjoining buildings and because of the detailed design treatment. Whilst the whole of the site is to be developed, this is an edge of centre site where the scale of development is generally such that maximum use is made of land available. The building is not considered to be over dominant in public views by virtue of height and it is not felt that any particular harm can be identified (on the public realm) by virtue of the proposals in terms of the scale of the building.

### **Impact on Amenity**

- 6.50 Initially it was indicated that it was proposed to operate the premises between 11am and 11pm on Sunday to Thursday and 11am to 1am the following morning on Fridays and Saturdays. At the initial reporting of this application Members requested that details of the type of licensing to be applied for at the site be clarified.
- 6.51 The applicants indicate that the proposed use is infact to be operated primarily on the basis of conventional licensing hours (11am to 11pm Mon to Sat and until 10.30pm on Sundays). There would be a few special occasions each year (eg public holiday weekends, new year) where the applicant would want to extend the hours, probably to 1am.
- 6.52 The applicant is likely also to apply for a licence which would allow diners a reasonable time to finish their drinks after 11pm. However, it is indicated that meals are unlikely to be served after 9pm such that a license of this type will have little immediate impact.
- 6.53 Members asked that details of the existing eating/ drinking establishments in the area be considered. They are as follows:

#### **30 Eastwood Road (Pinchos Wine Bar)**

Planning permission 306/92 allows opening between 10am and 11pm each day. Notice at the door of the premises advises that there is no admittance after 10pm.  
Nightly live music is advertised.

#### **32 Eastwood Road (Saffron)**

Planning permission 620/86 allows opening 6pm to 12 midnight Monday to Saturday with no opening on Sunday. No take away use was allowed but, when an application was made to lift this restriction, this was also refused on the basis of insufficient car parking and noise/ disturbance issues. This refusal was overturned at appeal.



#### **41 Eastwood Road (Lees Chinese Restaurant)**

Planning permission 467/94 allows opening between 8am and 12 midnight Mon to Sat and 9am to 12 midnight Sunday.

#### **49 Eastwood Road (Curry Link Takeaway)**

Planning permission 681/92 allows opening between 8am and 12 midnight Mon to Sat and 9am to 11.30pm Sunday. Signage at the door advises that opening times are in fact 5.30pm to 12 midnight Sun to Thurs and 5.30pm to 12.30am Fri and Sat.

#### **10 Eastwood Road (Amusements)**

This proposal was initially refused by the Authority but subsequently allowed on appeal. The Inspector attached a condition which restricted opening to 9am to 7pm on any day. These hours of opening were offered by the applicant.

- 6.54 There are a number of differing aspects that can be considered in relation to any impact on amenity. With regard to the question of noise and activity it is clear that the development will add to that which already exists in the area. The judgement to be made is whether this either on its own, or in combination with other existing uses, will have an unacceptable impact.
- 6.55 To put this consideration in context, the details of the other existing restaurant and leisure premises in the area have been set out above. It is acknowledged by most that Eastwood Road is busy with a continual stream of traffic, late into the evening. The premises is located in a central area. When dealing with an appeal in relation to the use of the premises at 10 Eastwood Road (referred to above, and at which noise and disturbance was an issue) a planning inspector noted that there is a relatively noisy environment in the area, with the supermarket and loading area, together with various restaurant and bar uses. The appeal was allowed. This was in relation to a use however which was offered by the applicants, to cease at 7pm.
- 6.56 The applicant confirms that there will be amplified music played at the premises but seeks to stress that this is not a 'nightclub' operation and the volume of music would at no time approach that associated with a nightclub. They also indicate that they have no objection to the strictest conditions to regulate noise from the building and fully accept the conditions suggested by the Environmental Health Officer.

- 6.57 The closest residential uses are at 28, 22e and 49a Eastwood Road and 14 Finchfield. 28 Eastwood Road is immediately adjacent to the site and is a building in use as a vets with a residential flat at first floor. The residential flat is occupied by a person employed in the business (currently a locum vet) and, whilst the occupation of the unit may change with some regularity, the operators of the vet stress that there are very few times when an employee is not in residence. An inspection of the use has been carried out and the first floor carries all the hallmarks of permanent and ongoing residential occupation. The unit has a kitchen, lounge, bath/toilet and one bedroom. The bedroom is located such that the windows directly overlook the frontage of the application site (the delivery bay area).
- 6.58 22e Eastwood Road is an unconventional residential premises located within the grouping of commercial premises to the rear of the Somerfields building. The residential use is at first floor and above with garaging at the ground and a rooftop garden. It is some 30m approx from the application site with no intervening buildings or structures.
- 6.59 49a Eastwood Road is a eastern most of the maisonette dwellings above the shop units to the north side of Eastwood Road. Residential accommodation is at first and second floor and it is some 33m approx from the site. It is the opposite side of the Eastwood Road from the site.
- 6.60 14 Finchfield is a conventional dwelling located on the road that extends to the rear (south) of the site. Whilst the closest point of the dwelling from the site is some 28m, there is intervening fencing and other structures between it and the site.
- 6.61 The closest elderly persons units at King Georges Court are some 70m from the site. The closest elderly persons bungalow on Finchfield is 60m distant and Britton Court is 45m away.
- 6.62 A visit to the site at the more sensitive hours in relation to noise creation (10.30pm on a Friday night) showed that Eastwood Road is noticeably quieter than during the day in terms of traffic use. The area to the rear of Somerfields and the access road area was considerably quieter than day time conditions. The three eating establishments (Lees, Curry Link and Saffron) appear to create little external noise and activity and the amusement use is, of course, closed. The wine bar use was, at the time of the visit, creating some considerable 'on street' noise. Patrons were seated at tables on the frontage or stood drinking and amplified music was clearly audible on the street. The operation advertises 'nightly live music'.
- 6.63 The applicants currently operate a similar pub/ restaurant at a premises in Billericay. This building is located approx 20 to 25m from the closest residential uses, the majority of which were constructed after the pub commenced operations. There is an associated car park advertised as having 120 spaces. At a visit during noise sensitive hours (Friday 10.50pm) amplified music was clearly audible outside the premises (although not over significant distances) and patrons were coming and going from the site on foot, in their own cars or by taxi. The car park appeared full to capacity and had numerous signs displayed urging users to respect the amenity of the neighbouring occupiers.

- 6.64 Contact with Environmental Health Officers at Basildon Council indicates that the Billericay premises is well run and popular. It has a public entertainments license and events are permitted outside (under appropriate further licensing consents). The operation of the site has not generated any particular noise problem, that which has occurred being mainly from the departure of the vehicles.
- 6.65 The applicants also carry out a similar operation at a site in Colchester. This site has not been visited but contact has been made with Environmental Health staff there. This indicates that the pub operation is located within 75m of the nearest residential units and it has an external terrace which faces those properties.
- 6.66 Evidently the use has resulted in 'considerable noise problems' and a Noise Abatement Notice has been served in the past. Officers indicate that the management at the premises have been very co-operative in attempting to resolve these problems and a significant amount of work has taken place which largely appears to have resolved issues. That was until unfortunately the recent warm weather where the opening of windows and doors at the premises has resulted in renewed noise complaints to that council.
- 6.67 The situation at Rayleigh is that there is a residential use, albeit not conventional, immediately adjacent to the site (28 Eastwood Road). The bedroom of that use has its only window directly looking onto the delivery bay area, terrace and frontage doors of the proposed use. The window would be 6m approx from a glazed frontage area to the building at ground floor where patrons would stand or sit. It would only be some 9m from the first floor windows. The lounge area to the rear of this unit would have a window some 6m from the glazed area over the public stairway within the proposed building.
- 6.68 22e Eastwood Road would be some 45m from a further ground floor entrance to the premises and closer to ground floor glazed areas. It is considered that the occupiers of these premises will be most significantly affected by the operation proposed, both by virtue of the noise coming from within the building and from the activity generated around the site. No 28 is directly affected due to its proximity, whilst 22e is affected as a result in the significant change in the currently relatively quiet situation that exists. Whilst no 49a is also some 35m from the nearest entrance it is considered that the occupiers would suffer comparatively less due to the intervening presence of Eastwood Road. King Georges Court and the elderly persons bungalows at Finchfield are considered to be at distances such that there will not be a significant impact.
- 6.69 14 Finchfield and Britton Court are located to the rear of the premises. This part of the building has no openings and, within the buildings the closest uses to that side are those that do not provide for intensive public use (serving and storage areas, toilets). Finchfield and Britton Court do not provide routes along which patrons could pass when leaving the premises. As a result it is not considered there will be any unacceptable noise/activity impact to these occupiers.

- 6.70 It is also appropriate to consider visual amenity. It has already been set out above in what way it is considered visual amenity from public viewpoints is affected. Here, the views of the closest occupiers are considered. From 49a Eastwood Road and the other maisonettes the views will be the same as those from public locations. Due to the location of the building on the site views from King Georges Court will be over the top of the other existing buildings. From 22e Eastwood Road there will be views of the flank and end elevations of the building. The end presents a blank façade approx 8.4m to the eaves and 9.8m to the highest ridge. This is seen at a distance of some 30m and at an angle of 45 degrees approx from the windows of that residential unit. It is not considered this is an unacceptable impact. Views from Britton Court, 14 and the bungalows on Finchfield are interrupted by intervening buildings and fencing.
- 6.71 Turning to 28 Eastwood Road, the residential use at first floor has a lounge area to the rear of the building. In terms of the impact on light, the policy approach of the Authority is that, if a neighbouring property breeches a line drawn at 45 degrees from the closest habitable window *one floor below* that of the building being proposed, then the impact is likely to be unacceptable. In this case the habitable room at no 28 is at first floor so, to apply a similar rule, it would be necessary to consider the impact at second floor.
- 6.72 Whilst the proposed building does have a second floor, this is within an unchanged roof shape (when viewing from no 28) to the area where it only has a ground and first floor. In this case the building clearly breeches such a line if it were to be drawn and within that area has a roof scape of some 6.5m in height. It contains a substantial, if blank, dormer and a further much smaller dormer. It is considered that the proposed building does have an impact broadly similar to that which the policy sets out to avoid.
- 6.73 If one were to consider dominance, for which there is no express policy measure, the proposed building extends to some 22m further in depth than the rear of the vets and residential use building at no 28. Any views from the lounge area of that unit and the rear garden area would be quite clearly dominated by the expanse of wall and roof that the proposed building will present.
- 6.74 Last, in terms of amenity impacts, it is not considered that the lack of car parking, or the likelihood that it may take place in other unsuitable locations is an argument which should weigh against these proposals. The enforcement of parking restrictions is a matter for other bodies. On the occasion of the evening site visit referred to the other restaurant and leisure uses were in some clearly busy use. Three vehicles were noted to be parked in the King Georges Close access road (which is not restricted at this time). Some vehicles were noted to the Church frontage. There was no apparent highway problems due to parking and there was ample space available in both Websters Way and Castle Road car parks.

- 6.75 Whilst unauthorised parking may currently take place on private land, the Council has no powers to take action to prevent this. That must rest with the landowner. It is not considered that a sustainable argument could be made that there would be additional harmful impact on amenity by virtue of vehicles parking in authorised roadside spaces, if this development were to be permitted. This is particularly the case as ample alternatives are available and because the Authority has very recently granted permission for the development of a public house at 138 High Street, also with no parking provision.
- 6.76 A range of the comments set out above from those who responded to consultation relate to amenity issues, in particular nos (2), (3), (4), (11) and (17). No (2) relates to the vehicle parking issue addressed directly above. No (3) is concerned at the impact of a concentration of users of the restaurant/leisure uses in the area. Whilst the proposals may have some impact in a cumulative nature, it is considered that the scale and type of these proposals is such that the individual impact is indeed, in some respects harmful. It has been set out above where that impact is likely to be most keenly felt. The respondent at (4) is concerned with noise impact (criminal activity is referred to below) and again, a full consideration as to where this is likely to lead to unacceptable impact is referred to above.
- 6.77 At (11) there is reference to existing problems in the area. Whilst there may be some cumulative impact, it is considered that the impact of this proposal in isolation is sufficient in this case to reach a well based decision. The respondent at (17) is concerned that any noise regulation measures are properly enforced. This is not a matter with which any party is likely to disagree.

### **Criminal Activity**

- 6.78 There is the potential for this to occur with any use which generates a large and concentrated public presence. The primary concern of the police service has usually been to ensure the rapid dispersal of patrons from the building at closing times. The concern is that concentrations of people on the street can lead to anti social behaviour and criminal damage. Elsewhere in the town the police have had a concern in relation to late night food establishments which have the effect of retaining crowds. In particular, at 26 High Street, two appeals have been dismissed which related to appeals to allow the opening of a 'take-away' food establishment until 45mins after the closure of the adjacent night club.
- 6.79 In this case the use is to close at conventional pub hours with customers dispersing over the ensuing 30 to 45 mins. As set out in the amenity section above, there are two restaurants and one takeaway that operate for varying times after the time that serving would cease at the pub, indeed up to 1.5 hours later.
- 6.80 In Circular 5/94, Planning out Crime, it is made clear that crime prevention issues are capable of being a material consideration in the determination of planning applications. The Rochford District Crime and Disorder Reduction Strategy, produced in April 2002, indicates that concerns about anti-social behaviour and vandalism remain in the community and is an issue to be addressed by the relevant agencies.

- 6.81 Whilst this is an opposite situation to that which exists at 26 High Street (where a permission for the extension to the hours of a takeaway was refused). Here, the proposal will result in the encouragement to the area of significant additional numbers of people, to whom the existing restaurant/ take aways will be available when the pub use closes at night. It would seem that it is quite likely that the same result will occur.
- 6.82 Of those who have commented on the proposals, it seems that the comments made at (3), (4), (11) and (14) above are most relevant to this issue. They do indeed raise the issue of the potential for disruption and criminal activity as a result of the additional persons drawn to the area. This is clearly a factor that needs to be weighed in the balance in coming to a decision.

### **Other Issues**

#### **Delivery access**

- 6.83 Members will be aware from the above details that a delivery bay is to be provided to the frontage of the site with Eastwood Road. Initially it was proposed that deliveries could be made from the Somerfield access road. It transpires however that this roadway is private and the current owners are not willing to allow it to be used for access. Whilst private access and other rights are not direct issues for the Authority, they need to be considered where the consequences of them have a direct impact on the public. The effect here is that, if deliveries were to be made from the Eastwood Road frontage, without the delivery bay, there would be clear implications for traffic congestion and highway safety.
- 6.84 The applicants information is that there would be two drinks deliveries per week (the main on a Tuesday and taking approx 30 mins). It is likely that there would also be one or two food deliveries per week. The applicant has indicated that deliveries can be made at times which are outside of the busiest hours for traffic levels on the road and indeed, at the Colchester operation, have entered into an agreement with the Council to ensure this.
- 6.85 The revision to the scheme to introduce the delivery bay would appear to have resolved problems of on road traffic disruption. Whilst a vehicle will need to stop and then reverse into the delivery bay, disruption will only be for a short period and minimal. It is considered that this issue is satisfactorily resolved (with some minor further amendment to the alignment and size of the delivery bay) but has raised issues in relation to the appearance of the development (referred to in the building design section above).
- 6.86 Of those who responded, comments (5), (7) and (12) above are relevant. These relate directly to the issue of on site servicing and the disruption that may be caused without it. These comments were made prior to the availability of the delivery bay and it would appear that the matter has been satisfactorily addressed.

### Trees

- 6.87 At point (8) above the respondent refers to the loss of trees on the site. Inspection shows that two trees to the rear of the site have indeed been removed. Assessment of the quality of these trees is not possible due to their removal but they were not subject to TPO and there was therefore no control over their removal. The applicant, or indeed any owner of the site would be entitled to cause their removal.

### Skateboarders

- 6.88 At point (9) there is a concern that skateboarders will be attracted to the site, with associated risk as they cross the Eastwood Road highway. Whilst the use is to have a ramp access this is required, of course, to ensure the availability of access for disabled persons. It is considered that the identifiable risk in this respect is minimal and not any basis on which the Authority should seek to resist the proposals.

### Businesses

- 6.89 At point (15) there is a concern that the proposed use is 'detrimental to business'. This statement is not qualified but it appears that there is a generalised concern that the use will lead to a less pleasant operating environment for the businesses to the rear of the site. It is not considered that this is the case. Those businesses are primarily operational during the daytime hours when the operation of a public house is unlikely to have any significant detrimental impact in terms of noise or activity.

### Waste Disposal

- 6.90 At point (16) there is a concern that waste disposal has not been sufficiently identified. The drawings clearly indicate the location of a bin store within the building and, with the provision of the delivery bay, there is a clear ability for refuse disposal vehicles to stop clear of the highway and collect the refuse without undue disruption.

## **CONCLUSION**

- 6.91 It is considered that there are no fundamental objections in terms of the principle of the type of use proposed for the site. It would result in a boost to the economy of the town and an increase in the range of leisure opportunities available to the public (as demonstrated by the applicants market research). The weight to be attached to this needs to be balanced however against the particular impacts of the use and design proposed.
- 6.92 It is considered that the need for frontage deliveries leads to an unfortunate visual impact situation where the main views of the site take in the delivery area and the remainder of the raised terrace area. The proposed railings only add to the unsatisfactory visual impact.

- 6.93 Amenity of the closest residential occupiers will be compromised by the proximity of the use, and by the activity generated by the use. The scale of the building will be dominant in views from the adjacent residential use and the rear garden area.
- 6.94 The potential for anti-social activity, disruption and criminal activity to occur in the vicinity of the use, particularly as a result of the other adjacent uses which tend to cause users to stay in the area, is a factor which weighs against the proposals. This has been shown to be significant factor which has led to the refusal (and dismissal at appeal) of other late night leisure related uses in the town.
- 6.95 It is considered that delivery issues have been addressed by the provision of the delivery bay and that vehicle parking issues are not so significant that they should weigh against the proposals.
- 6.96 Overall it is considered that the individual harmful impacts of the proposals are of sufficient significance that they outweigh the positive aspects of the proposals and accordingly refusal of this proposal is recommended.

## RECOMMENDATION

- 6.97 It is proposed that this Committee **RESOLVES** that permission be **REFUSED** for this proposal for the following reason(s):-
- 1 The development proposed constitutes a use which will encourage the congregation of significant numbers of people at the site into the late evening. The closest residential property is located immediately adjacent to the proposed use, at the first floor of 28 Eastwood Road. The arrangement of that residential use is such the bedroom is immediately adjacent to the delivery bay, terrace and front entrance of the proposed use. Other residential uses are in close proximity at 22e Eastwood Road and the maisonettes on the north side of Eastwood Road. It is the view of the LPA that the proposed use, by virtue of the activity generated in terms of people calling at and leaving the site, will be unacceptable and detrimental to the amenity of the occupiers of the closest residential uses.
  - 2 The requirement for the provision of a frontage delivery bay to Eastwood Road leads to the situation where this element is a dominant feature in the frontage views of the proposed building. This feature, and the raised and enclosed terrace area, gives, in the view of the LPA, a bleak appearance to the front of the building to the detriment of the views of the area and the street scene.



- 3 The proposed use will encourage the congregation of significant numbers of people at the site into the late evening. At and beyond the closing time of the proposed use there remain open in the immediate vicinity restaurant and take-away premises which, in the view of the LPA, will act to cause the users of the proposed premises to remain in the vicinity of it. Elsewhere in the town the Police Service has expressed a concern that the lack of rapid dispersal of significant numbers of customers from late evening leisure uses has led to criminal acts and anti-social behaviour. This view has been upheld on appeal. Whilst the proposed use does not act to retain customers in the area, it has the effect of drawing large numbers of people to it and therefore having the same impact.

The above impacts are contrary to Local and Structure Plan policies which seek to retain acceptable residential amenity and to ensure good quality design. They are also contrary to government guidance in PPG1, General Policy and Principles, PPG6, Town Centres and Retail Development and PPG24, Planning and Noise and to the aims of the District Council set out in its Crime and Disorder Reduction Strategy.

**Relevant Development Plan Policies and Proposals:**

H24, TP15, SAT3 of the Rochford District Local Plan First Review

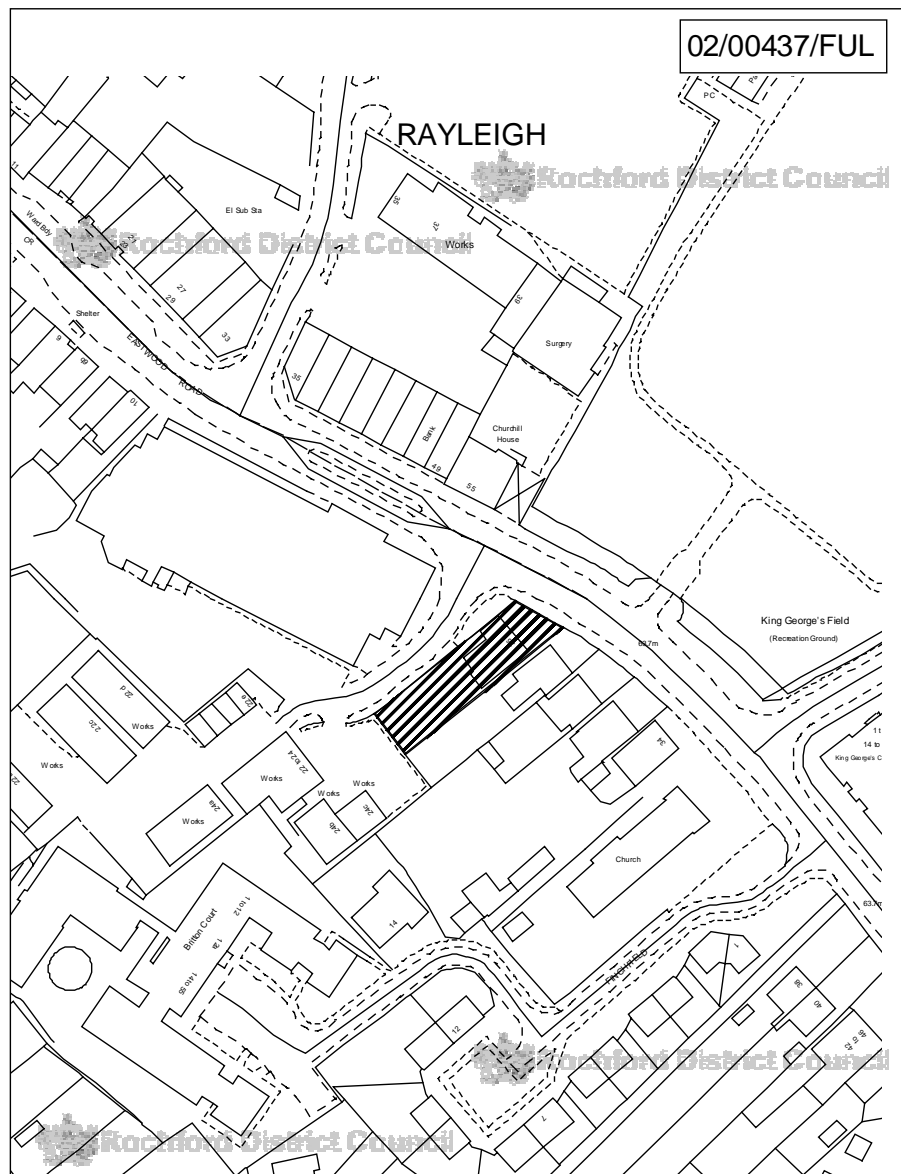
CS1, CS2, BE1, BE6, TCR2, TCR3 of the Essex and Southend on Sea Replacement Structure Plan



Shaun Scrutton  
Head of Planning Services

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



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NTS



TITLE : 01/00947/FUL  
ERECT COMPOSTING SHED, MATERIALS STORE AND  
METER HOUSING BUILDINGS.  
NEW READS NURSERY SITE, LAND ADJACENT TEMPLE  
LODGE, SUTTON ROAD, ROCHFORD

APPLICANT : READS NURSERY (RAYLEIGH) LTD

ZONING : METROPOLITAN GREEN BELT

PARISH: SUTTON PARISH COUNCIL AREA

WARD: BARLING AND SUTTON

BUILDING FOOTPRINT: 1008sqm  
(approx)

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## PLANNING APPLICATION DETAILS

- 7.1 Proposed is the erection of a building to be used for storage purposes and the mixing of compost in association with the nursery use on the site. The building itself is proposed to have a footprint (for the main area) of some 48m (157'6") in length and a depth of 21m (69') approx. The height of the roof will be 6.3m (20'8") to the eaves and 8.7m (28'6") to the ridge. During the processing of the application the height of the building has been reduced by some 2m in relation to the eaves and some 2.8m in relation to the ridge.
- 7.2 The meter housing buildings are ancillary, they are to house water and electricity meters. They will have dimensions of 1.2m width, 3.5m length and 2.2m height each. They are adjacent to each other, join onto the larger building and each is to have a flat roof.

## RELEVANT PLANNING HISTORY

- 7.3 Permission was granted in 1997 and 2001 for the nursery use (glasshouses and associated development) on the land which includes the site of the current application, and the land to the south.

## CONSULTATIONS AND REPRESENTATIONS

- 7.4 The **Highway Authority** raises no objections to the proposal.

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- 7.5 The **County Planner** commented on the proposals raising the question as to whether the development proposals were to be ancillary to the nursery on the site. It was noted that, if not, the application may constitute a County Matter. The County Planner requested details in relation to the method of proposed composting and vehicular movements to the site. There were no comments in relation to the location of the site in a Brickearth Consultation area.
- 7.6 The **County Archaeological Officer** initially suggested that a pre-determination investigation would be required. On discussion and after the receipt of further information the Officer indicates that there was a misunderstanding in relation to the nature and extent of the works and no archaeological investigation is in fact required.
- 7.7 The **Environment Agency** initially requested more information in relation to the waste types and the composting method. There was a concern that there may be an unacceptable impact, from the proposed composting, on the adjoining closest dwelling. The appropriate legislation was referred to. In relation to drainage it was considered that this had not been addressed, in regard to the wastes that may be produced from composting. Advice was also given in relation to the storage of fuels, oils and chemicals.
- 7.8 On receipt of subsequent additional information and clarification, the Agency is able to indicate that it has no objections as no waste materials are to be used in the composting process. Additional advice is given in relation to the drainage of vehicle loading and storage areas.
- 7.9 **Anglian Water** has no objections in principle however it raises the issue of the proximity of the proposed building to a sewer which will need to be resolved at the building regulations stage. (Note: the water company records do not in-fact show the location of any sewers within the normal safeguarded distance of 3m.
- 7.10 The Property Maintenance & Highways Manager (**Engineers**) has no objections.
- 7.11 The **Head of Housing, Health and Community Care** reports that there is a potential for increased levels of noise, odour and disturbance and suggests that, if permission is granted, conditions should be applied which relate to:
- no use of animal or bird manure;
  - vehicular movements during 6am to 9pm Mon to Sat only;
  - no use of machinery outside 7am to 6pm Mon to Sat;
  - no burning of waste;
  - details of openings and the use of extraction equipment.
- 7.12 **Sutton Parish Council** is concerned that the building is too wide, long and high and will harm the visual openness of the Green Belt. (Note: These comments made in relation to the proposal before the reduction in height). It is also concerned in relation to the noise from machinery in the building.

- 7.13 **Southend on Sea Borough Council** has no objection to the meter housing buildings. In relation to the main building there is a concern about its scale and height, which is considered to be excessive (Note: these comments made in relation to the proposal before the reduction in height).
- 7.14 **Rochford Hundred Amenity Society** has no objection provided the premises remain a nursery and do not become a garden centre.
- 7.15 Two local residents have responded to consultation on the planning application and the issues that they have raised are, in the main, as follows:
- concern that the development of the nursery generally will exacerbate poor road conditions in Sutton Road, the levels of traffic and the possibility of accidents;
  - this development should have been included in the original proposals for the site;
  - that this will lead to further proposals for additions to the buildings on the site.
- 7.16 **Re-consultation** has taken place as a result of the reduction in the height of the building. The following responses have been received.
- 7.17 The **Highway Authority** raises no objections to the proposal.
- 7.18 **Rochford Hundred Amenity Society** has no objection provided all is associated with agricultural use.
- 7.19 **Sutton Parish Council** makes no comment on the revised application.
- 7.20 One of the two residents who responded previously welcomes the reduction in the height of the building, but otherwise repeats the earlier comments.

## MATERIAL PLANNING CONSIDERATIONS

### 7.21 Environmental Health Impact

- 7.22 There was initially a concern expressed that the composting element of these proposals involved the use of waste materials and possibly animal waste which would then be allowed to decompose into other products to be used in the nursery business. See the comments of the Environment Agency and the County Planner above.

- 7.23 The applicant explains however that the composting process involved here is the mixing of materials to provide a good quality medium for plant growth. The materials involved are all inert and without any excessive odour production possibilities. They are peat, sand and fertiliser. All are delivered in a form which is immediately useable, that is there is no decomposition process taking place at the site. Given that the materials used are not ones which give rise to any extensive unpleasant odour, it is not considered that the proposals should be restricted on this basis.

- 7.24 The applicant explains that a ready produced mix could be purchased and delivered to the site. They do not favour this however as it reduces their control over the quality. Self production allows variation to be made in the elements of fertiliser (potash, nitrogen etc) added, depending on the plants to be grown and the time of year. In addition, supply of ready mixed goods is likely to increase the amount of vehicle deliveries to the site.
- 7.25 In terms of noise nuisance, there are to be two compost mixing machines within the building and the use of two vehicles to deliver the materials used in the process. These vehicles, and a range of other equipment to be used at the nursery site, are to be stored in the building. The mixing machines are electrically operated and of a small scale (can only mix up to five bales of peat at any one time). The finished product is turned from a mixing vat onto a conveyor for bagging. It is not considered that this will create any identifiable noise nuisance outside the building. The use of two vehicles would not appear to cause any significant additional noise or activity at the site over and above that generated by the nursery use. The applicant has indicated a willingness to accept the time limit conditions suggested by Environmental Health Officers and included in the recommendation below.
- 7.26 The closest residential building, which is not within the control of the applicant, is 45m approx distant from the building. No openings are proposed in the side of the building which faces towards this property. There is an intervening building (which is a dwelling and garage in the control of the applicant) between the proposed agricultural building and the next closest dwelling.
- 7.27 Given the distance from the closest dwelling outside the control of the applicant, the orientation of the building and its use, it is considered that the development proposed will not have any undue impact in Environmental Health terms.

### **Visual Impact**

- 7.28 The building is a significant one in terms of its size. It is located in a generally open area, although the dwellings to the north do have large plots and significant associated tree cover. The main location from which views will be had will be from the Sutton Road area when approaching the site from the south. These views are restricted to the length of the road north of the Temple Gate Cottages. In terms of the principle of the use, it meets the requirements of policy GB1 of the Local Plan in that it is agricultural in nature.
- 7.29 Members will be aware that permission has been given for the nursery use of the site (to the south) and that greenhouses are to be constructed. These buildings are to have a footprint that matches that of the building now proposed (both individually, and certainly in total). They will have a height to the ridge of some 5m.
- 7.30 This building is to have a height of 8.7m and will therefore be some 3.7m above the height of the glasshouses. In terms of views however it is clear that the building will not have an individual impact but will be seen within a range of the other permitted buildings on the site.

- 7.31 Whilst being open in character the applicant have already implemented some tree planting to the site frontage which, in the longer term, will have a softening impact on both the glasshouse development and that now proposed.
- 7.32 Some Members may recall that the issue of agricultural buildings was considered in relation to the proposal at Blounts Farm, Hockley. In that case a building with a significantly larger footprint (46m x 88m) was proposed, but with a ridge height lower than the building now in question (at 7m). The application was refused and an appeal against that decision dismissed. The Inspector considered the visual impact and how this related to the advice from the government in PPG2 (Green Belts) paras 3.4B and 3.15 and PPG7 (The Countryside etc) para 2.17. These set out considerations such as the possibility of using previously developed land, design and siting issues and the need to protect the best quality agricultural land.
- 7.33 As well as these issues it is necessary to take into account how the applicant wishes to utilise the building and whether that is a reasonable method of operation given the implications it has for the size of the building. As indicated above, two vehicles are to be kept in the building. These are to be 'tipper' type vehicles which enable the delivery of the materials for the compost production. The need to raise the back of the vehicles establishes the height of building required. Compost production and some plant potting is to take place in the building. In addition, the mixed compost and a range of agricultural equipment is to be kept in the building.
- 7.34 Land in the area at Sutton Road is generally grade 1 (and hence of the best quality). There is no opportunity of using previously developed land, and for the use now proposed to be on the same site as the remainder of the nursery. The building now proposed is significantly smaller than that refused in the above example (Blounts Farm) being approx one quarter of the size. Given the context of the other buildings on the nursery site and that views of the site are limited to those from the southerly direction it is considered that, despite the other material issues referred to above, the visual impact is not an unacceptable one.

## CONCLUSION

- 7.35 The development and use proposed are not considered to have unacceptable implications with respect to its impact on residential amenity, in terms of the visual appearance of the building or in any other respect.

## RECOMMENDATION

- 7.36 It is proposed that this Committee **RESOLVES** to **APPROVE** this application subject to the following conditions:
- 1 SC4 Time Limits Full
  - 2 SC14 Materials
  - 3 Prohibition on use of animal or avian (bird) manure

- 
- 4 No vehicle movements outside of 6am to 9pm (Mon to Sat) and not on Sundays or Public Hols.
  - 5 No use of machinery outside of 7am to 6pm (Mon to Sat) and not on Sundays or Public Hols.
  - 6 Prohibition on burning of waste
  - 7 Details of any extraction, ventilation or heating equipment to be used, or openings in the building to be created to be provided to the LPA and agreed prior to installation/creation.
  - 8 SC59 Landscape Design

**Relevant Development Policies and Proposals:**

GB1, GB11, RC1 of the Rochford District Local Plan First Review

CS1, CS2, C2, NR8 of the Essex and Southend-on-Sea Replacement Structure Plan.

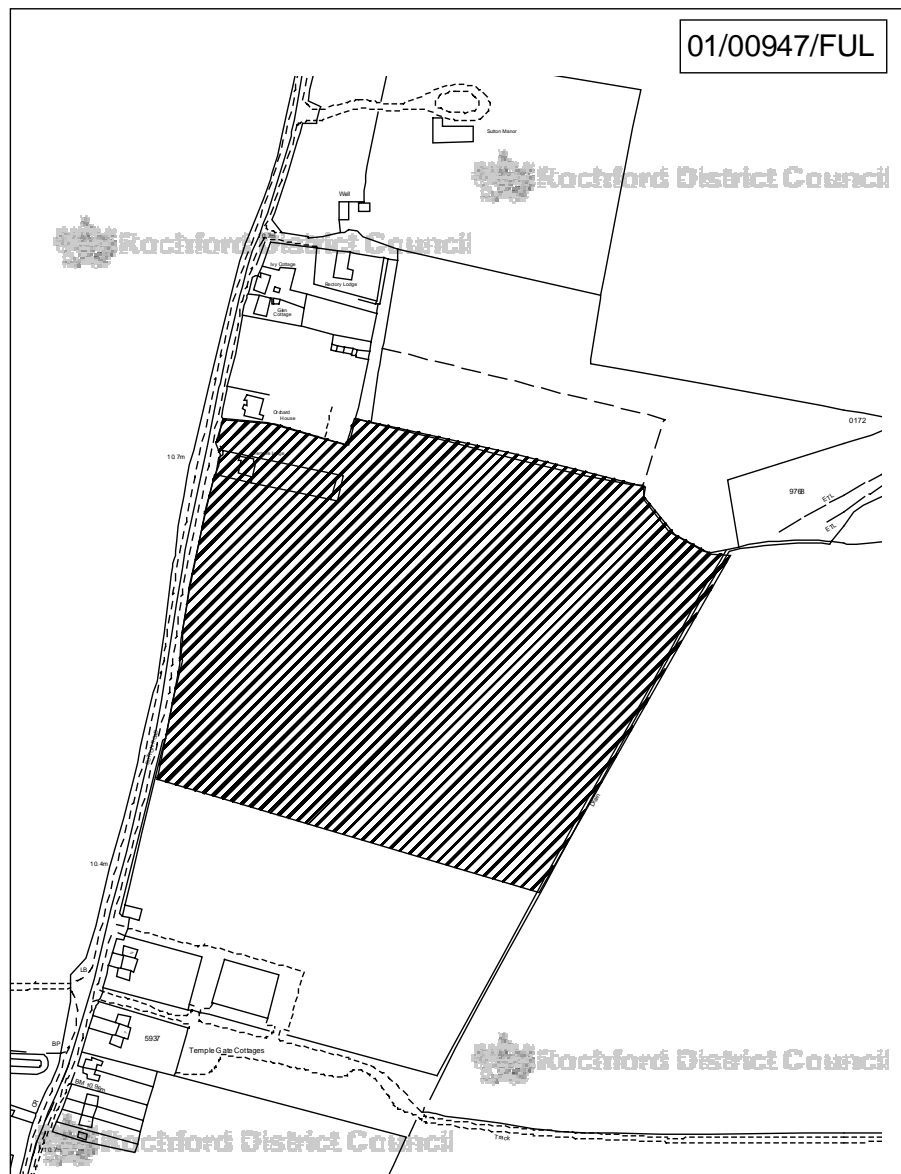


Shaun Scrutton  
Head of Planning Services

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NTS



**TITLE :** 02/00551/FUL  
CHANGE OF USE OF EXISTING BUILDINGS AND ADDITION  
OF NORTHERN EXTENSION TO CREATE BUSINESS  
CENTRE  
THE YARD, CROUCHMANS LANE, POYNTERS LANE,  
GREAT WAKERING.

**APPLICANT :** MR D ALFORD

**ZONING :** METROPOLITAN GREEN BELT/ LANDSCAPE  
IMPROVEMENT AREA (periphery of)

**PARISH:** GREAT WAKERING PARISH COUNCIL AREA

**WARD:** FOULNESS AND GREAT WAKERING

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#### **PLANNING APPLICATION DETAILS**

- 8.1 This application is reported to this committee meeting under the fast-track procedures. It is stated that 20 new jobs are likely to be created as a result of the development.
- 8.2 The development involves the conversion of a range of existing buildings. At present these are undergoing refurbishment with repairs being made to the walls and roofs. The buildings are arranged in a courtyard fashion completely enclosing a central hard surfaced area, which is shown to be used for car parking. Access is achieved by means of a gate to the east side of the range of buildings. Once renovated, the buildings would be sub-divided into a number of different units and let to occupiers. Approximately 600sqm of internal floorspace would be converted (including the addition below) as a result.
- 8.3 A small addition is proposed to be made to the existing buildings (currently under construction). This will have the dimensions of 3.1 by 5.7m, plans are awaited to determine its height but it is anticipated that it will be no higher than the current buildings on the site.
- 8.4 As indicated car parking is shown to the central area of the buildings and 14 spaces are currently shown. Discussions with the planning agent indicate that some further land to the east and north of the buildings could also be used for parking.

## RELEVANT PLANNING HISTORY

- 8.5 Application F/0281/91 for the conversion of the buildings to two dwellings was refused on the basis of the location in the Green Belt and due to substandard access.

## CONSULTATIONS AND REPRESENTATIONS

- 8.6 The **Environment Agency** comments that the proposed use of a Septic tank should only be considered when other options have been discounted. Such an assessment should include a report supporting the conclusion that it is the only means of providing foul drainage. No such report is currently available. It also comments in respect of the provisions to be followed in the event of culverting, to ensure that surface water drainage functions satisfactorily and measures to ensure that pollution to ground waters is avoided.
- 8.7 **Anglian Water** has no comments
- 8.8 One neighbouring occupier has responded to consultation raising, in the main, the following issues:
- noted that the buildings which were in a state of disrepair are being restored;
  - no details of what would be manufactured or the proportion that would relate to offices or shops or opening hours;
  - impact on amenity by virtue of noise, pollution, traffic, manufacturing processes and litter;
  - insufficient parking for workers and/or visitors leading to overflow on adjacent land;
  - exacerbates current problems of the narrow width of the access and poor visibility/flooding on Poynters Lane;
  - no guarantee that retail uses will be ancillary;
- 8.9 Any further comments received will be included in the addendum paper in the normal way.

## MATERIAL PLANNING CONSIDERATIONS

- 8.10 The site is located in the Metropolitan Green Belt and constitutes the reuse of existing buildings with a small element of new build. The issues which fall to be considered are those which relate to the re-use of buildings in the Green Belt.

### Principle of Use and Amenity Impact

- 8.11 Government policy is set out in PPG2, Green Belts and PPG7, The Countryside etc. In PPG2 it is noted that the reuse of buildings should not prejudice the openness of the Green Belt and that the alternative is a building left prone to vandalism and dereliction.
- 8.12 There are a number of tests to establish whether the development is not inappropriate and these concern:

- whether the proposals have any material greater impact on openness;
- that strict control is exercised over any extensions and uses around the building;
- whether the buildings are permanent and in keeping with their surroundings.

8.13 In PPG7, the government sets out that there are no reasons for preventing the conversion of rural buildings for business re-use subject to a number of similar tests.

8.14 In the Structure Plan, it is set out that the re-use of buildings will be permitted if they:

- are of a permanent and substantial construction and capable of conversion without complete reconstruction;
- do not damage the amenity of the countryside or introduce additional activity likely to materially and adversely affect the character of the area or place unacceptable pressure on the surrounding road network;
- the economic activity is not on a scale that any town or village centre is prejudiced.

8.15 Local Plan policy was formulated prior to all of the above guidance and it must be accepted that, in those circumstances, the weight that can be attached to it must be reduced when compared to the national and strategic guidance.

8.16 The issues raised in the relevant Local Plan policy relate to:

- the need for any extensions or significant additions;
- visual and residential amenity;
- access and traffic generation;
- parking and the impact of this on amenity;
- type of use and sales of goods;

8.17 Subsequent to this, and as part of the review of the Plan, a new policy approach to this type of proposal is being developed. This approach is that the principle of conversion is accepted (in line with the national and strategic guidance). The detail of the proposal, with regard to visual impact, the requirement for any reconstruction works, the need for extensions, the impact on openness and traffic generation then fall to be considered.

8.18 In this case the buildings are of a permanent nature and capable of conversion without any significant rebuilding. Although an extension is being made, this is minimal and not significant in terms of the overall scale of the buildings. It would not appear that this would contravene the Local Plan policy (by virtue of which small scale extensions can be permitted) or the national guidance (as the impact on the Green Belt is unlikely to be materially greater).

8.19 The type of uses proposed is currently unclear. The applicants have referred to professional services (architects and building surveyors) and craft uses such as a potter and ceramics. This is an issue which needs further clarification as is the precise type and extent of the uses proposed and, by virtue of that, the impact that is likely to be had by virtue of noise, activity, traffic etc. If a number of professional uses of the type described were involved then these would appear to have minimal impact in terms of noise, but the general level of activity would remain to be resolved.

- 8.20 There is an existing residential use immediately to the south west of the buildings being converted. This is located some 25m from the proposed access however and is well enclosed by buildings and planting. There are two further dwellings to the south east of the buildings. These have a generally open aspect between them and the site, the closest point of which is approx some 18m distant from the nearest of the dwellings.
- 8.21 Where sales of goods are involved, this has the potential to increase the activity at the site and the traffic to and from it. As above, it is the type of uses involved which are likely to determine whether this is an issue to be resolved in this case.

**Access**

- 8.22 Access to the site is via an unmade track which is limited in width. The junction of this track with Poynters Lane is in a position where the national speed limit applies and visibility does not appear excessive. Response to the proposals from the Highway Authority is yet to be received, but is clearly a matter to be taken into account in considering the proposals.

**Landscape**

- 8.23 Given that the location is on the periphery of a landscape improvement area the impact that the proposals have on the appearance of the area is a material issue which is accorded greater weight. The general renovation works to the buildings which are to be carried out (currently underway) can only be beneficial to their appearance. Inspection of the site shows that these are being carried out in a sympathetic and appropriate way. It is unlikely that there will be potential for tree planting and landscaping given the limited area of land controlled by the applicant. There is some potential however if land to the north of the buildings is not used for vehicle parking. It is considered that the improvement to the appearance of the buildings however satisfies the requirements of the appropriate Local Plan policy.

**Flood Risk**

- 8.24 The site is located such that a small part of it is within an area identified as being at risk of tidal flooding. In this case no new building is proposed in the flood risk area (the small additional building being outside the flood risk area). Government guidance (in PPG25) sets out the approach to be taken to planning proposals in areas at risk of flooding and, generally, this is an issue which the applicant needs to address in a flood risk assessment.

## CONCLUSION

- 8.25 The principle of the proposed re use of these buildings accords with the most recent guidance and advice on this matter as set out in the Structure Plan and national guidance. As with all schemes of this nature the precise afteruse proposed and therefore the impact in terms of noise, activity and traffic generation, needs to be assessed. The sufficiency of access arrangements and parking provision are also common issues with proposals of this nature. In this case, given the location, attention to flood risk issues is also required.
- 8.26 These would appear to be the issues raised by these proposals. The matter will be referred back to Members in the appropriate way, for a decision, once the above issues, and any further ones identified as a result of this report, have been addressed.

### **Relevant Development Plan Policies and Proposals:-**

GB1, GB5, GB10, EB1, EB5, RC8 of the Rochford District Local Plan First Review

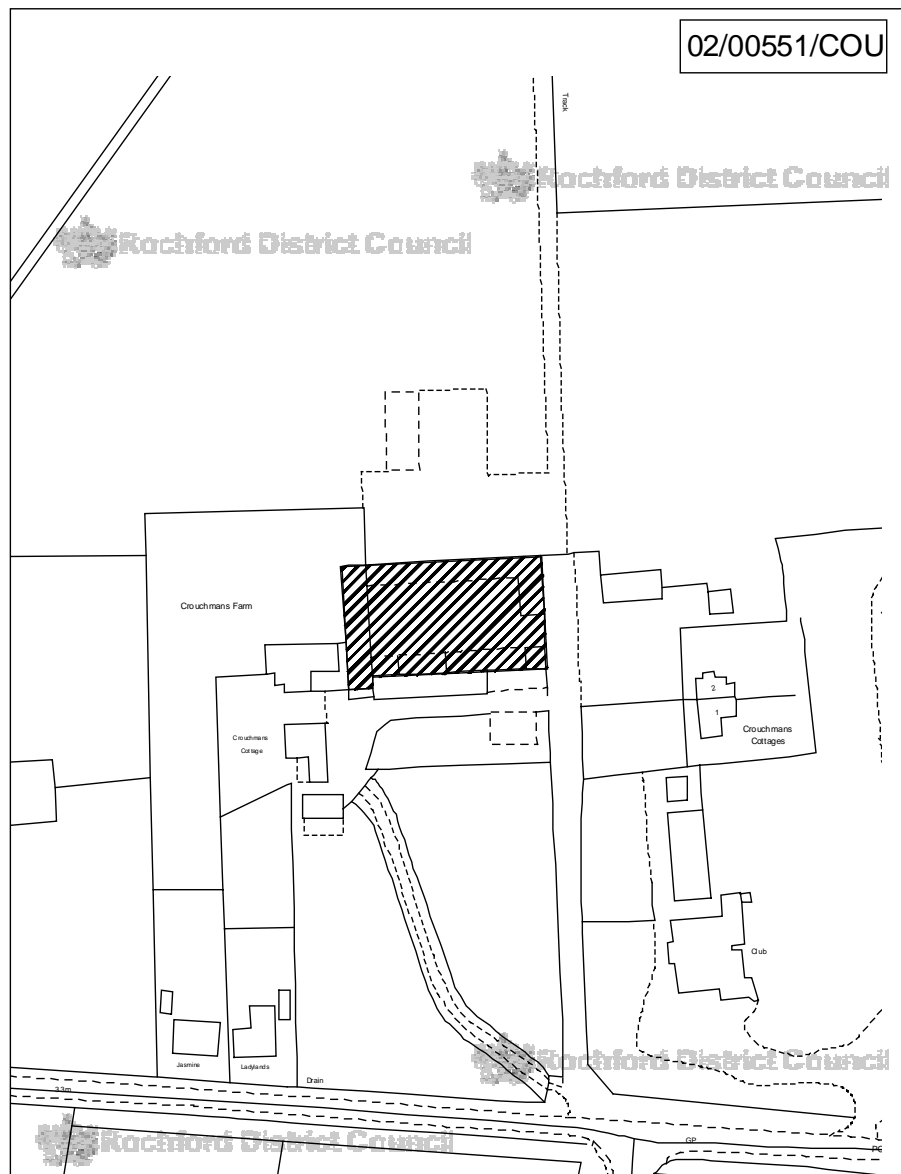
CS1, CS2, CS3, C2, BIW3, BIW6, RE2, T12 of the Essex and Southend-on-Sea Replacement Structure Plan.



Shaun Scrutton  
Head of Planning Services

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**TITLE :** 02/00424/FUL  
ERECTION OF 40(NO.) 2-4 BED TWO AND THREE STOREY DWELLINGS (INC. 5 NO. AFFORDABLE UNITS) ESTATE ROAD AND OTHER ASSOCIATED WORKS TOGETHER WITH THE CREATION OF A WILDLIFE RECEPTOR SITE LAND ADJOINING 87 RECTORY AVENUE ROCHFORD ESSEX SS4 3AW

**APPLICANT :** REDROW HOMES (SOUTH EAST) LTD

**ZONING :** RESIDENTIAL, PROPOSED PUBLIC OPEN SPACE

**PARISH:** HAWKWELL PARISH COUNCIL

**WARD:** HAWKWELL NORTH

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#### **PLANNING APPLICATION DETAILS**

- 9.1 Planning permission was recently granted for the erection of 36 (no.) 2-5 bed dwellings, including five affordable units, on the land, together with the creation of a wildlife receptor site, ref. 01/00543/FUL.
- 9.2 Since the approval of this scheme, the site has been sold to another housing developer. The current application, submitted by the new owners of the site, has been modelled on the approved scheme in terms of the highway layout, the general layout of the houses and the location of the affordable units. As before, the application proposes the creation of a receptor site for protected species found on the development site, and the transfer of this land to the Parish/District Council.
- 9.3 The application is accompanied by a report detailing measures to decontaminate the land, which was formerly a scrapyard, together with an ecological assessment. These documents accompanied the former application, and compliance with the conclusions of these reports was a requirement of planning conditions attached to that permission.
- 9.4 The main differences between the approved scheme and the current scheme may be summarised as follows:
- The approved scheme was for 36 units, whereas the current application is for 40 units; and,
  - The dwellings in the approved scheme were all two storey, whereas 12no. three storey dwellings are proposed in the current scheme.
- 9.5 A full discussion of the similarities and differences between the schemes, together with a full assessment of the current proposal against relevant policies of the development plan is found in the report, below.



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**RELEVANT PLANNING HISTORY**

- 9.6 The bulk of this site was a scrapyard. However, it has been an unused brownfield in the Residential area of Hawkwell for many years.
- 9.7 01/00543/FUL - Erection of 36(no.) 2-5 bed dwellings, including 5 affordable units and associated works and the creation of a wildlife receptor site, approved upon completion of a Section 106 Agreement 15 April 2002.

**CONSULTATIONS AND REPRESENTATIONS**

- 9.8 Two rounds of consultation have taken place. The first consultation took place on 21<sup>st</sup> May, upon receipt of the application. The second consultation took place on 6<sup>th</sup> August, upon receipt of revised/additional plans.

First Round

- 9.9 **Hawkwell Parish Council** - strongly object to the approval of a 3 storey building
- 9.10 **Essex County Council (Highways)** - recommend a number of conditions to be applied on any permission granted.
- 9.11 **Essex County Council (Planning)** - have no strategic comments to make.
- 9.12 **Essex County Council (Learning Services)** - the current application is for 40 dwellings and this is likely to produce 11 children of primary school age, which takes into account that some are social/affordable units. Using the Department for education and Skills cost multiplier, for the 2002/03 financial year of £5,635 per primary school place, we will be seeking a developer contribution of £61, 985. We will not be seeking a contribution for secondary school facilities in the area based on 40 dwellings, but I reserve the right to come back to you at a later stage should density increase.
- 9.13 **Head of Housing Health and Community Care** - advises that surface water should drain to the existing surface water sewer rather than be allowed to drain to the balancing pond, makes comments upon removal of spoil arising from trial pits, requires further investigation in respect of one trial pit (which came across a concrete obstruction) and notes the applicant's obligations in terms of certifying that the decontamination and remediation of the site have taken place.
- 9.14 **Anglian Water** - request that conditions be imposed requiring that details of surface water and foul drainage for the site be approved by the Local Planning Authority, and preventing any building being sited within 3 metres of a public sewer crossing the site.
- 9.15 **Environment Agency** - make advisory comments, suggesting that the development incorporates principles of sustainable construction and design, and water saving/efficient devices. The Agency also refers to the use of sustainable drainage schemes.

- 9.16 **English Nature** - the additional dwellings will be contained within the design footprint of the previous application, and the boundaries of the development as currently proposed will remain unchanged. Therefore we do not anticipate that the proposed development will compromise the establishment of the wildlife receptor site.
- 9.17 **Essex Wildlife Trust** - does not have any specific comments to make in respect of the housing, but will shortly be making comments on the proposed management plan for the receptor site. Initial impressions of this document and its aims are very favourable and should ensure the long term future for the displaced protected species.
- 9.18 **Rochford Hundred Amenity Society** - will support any comments from Hawkwell Parish Council.
- 9.19 **A letter has been received from Mark Francois MP** which objects to the proposal and states, 'there are several issues which concern me, not least the intensification on the site but also the introduction of proposed three storey properties, which are somewhat out of keeping with other properties in the area and which also raise potential issues of privacy for neighbouring residents including those in Hogarth Way.'
- 9.20 **A total of 10 letters of objection** have been received, which object to the current proposal, broadly on the following grounds:
- Loss of privacy caused by the forward siting of properties, and the introduction of three storey properties
  - Hogarth Way should not be used to absorb further increases in communal traffic. This side street is narrow and barely copes with the existing level of vehicles, a situation exacerbated by existing parking on-street. Any increase in the level of traffic using Hogarth Way and further on-street parking will create substantial problems for residents' vehicles, service vehicles, etc.
  - Access onto Hogarth Way was approved in respect of the previous scheme for 36 houses, but the additional houses now planned will worsen the road safety issues. Despite the fact that Hogarth Way meets the statutory criteria on road width, common sense should prevail and the road entering Hogarth Way from this new development should be blocked.
  - Bats have been seen in the area, and their presence in the shubbery and trees on the application site should be investigated.
  - The affordable housing should be spread throughout the site. The segregation of the affordable housing, and the provision of a separate access onto Rectory Road to serve these units stigmatises the residents of these properties.
  - Three storey development is not in keeping with the existing development, and will harm the character of the neighbourhood.
  - Three storey development will be overbearing
  - Approving plans for three storey development will set a precedent in Rochford in general
  - The proposal is not in keeping with the 'executive feel' of the existing development in Hogarth Way, which solely comprises detached properties
  - The impact upon wildlife will be damaging

- Noise and disturbance during the construction phase
- Rectory Avenue is used as a 'rat run' and the highway authority should put speed humps in the road to deter speeding motorists
- Density of housing not compatible with surrounding areas
- Devaluation of existing properties

9.21 **A petition has been received with 56 signatories** (signed by the residents of Rectory Avenue between Avon Close and Lascelles Gardens) which states that the affordable housing units 'should not be grouped together, stigmatising and segregating the affordable housing residents by ensuring that they are contained in a small section of the site. These units should be spread throughout the site. The proposal to provide the affordable housing dwellings with their own access further stigmatises and segregates those living in these properties, ensuring that they have no need to enter other areas of the site. There should be no separate access.'

9.22 **28 pro forma letters**, many of which are signed by signatories of the petition, have also been received which echo the views expressed in the above petition.

#### Second Round

9.23 The following responses have been received pursuant to the second round of consultation/notification in respect of the receipt of revised/additional plans:

9.24 **Rochford Hundred Amenity Society** - we are not impressed by three storey unit, but will support any comments from Hawkwell Parish Council

9.25 **English Nature** - repeats its previous response

9.26 **Essex County Council (Learning Services)** - repeats its previous response

9.27 **Anglian Water** - repeats its previous response

9.28 **Two further letters have been received from local residents** that echo the objections raised in the letters outlined above.

#### **MATERIAL PLANNING CONSIDERATIONS**

9.29 The site to be developed for housing lies within an area allocated for residential development in the Rochford District Local Plan and, indeed, permission has recently been granted for a residential scheme comprising 36 units on the site. (The site to which the proposed receptor site relates is largely allocated as Proposed Public Open Space/Metropolitan Green Belt within the Local Plan. A small area of the receptor site, however, comprising a ditch and an area of scrub/hedge does fall within the Residential allocation in the Local Plan.)

- 9.30 The main policy considerations are H11 (Design and Layout), PU4 (Land Drainage), RC4 (SINC sites) and LT1 (Public Open Space). In terms of planning policy guidance, PPG3 (Housing) and PPG9 (Nature Conservation) are particularly relevant.
- 9.31 In addition to the above policies and guidance, in considering the current application, due regard must be given to the recent planning permission, particularly given that the current scheme has been modelled on the approved scheme in many key regards.

### **The Principle of Residential Development**

- 9.32 The principle of the residential development of the site comprising 36 dwellings has been established by the recent grant of permission. The current scheme is modelled on the approved scheme in terms of highway layout, general layout of houses and the location of affordable housing. These aspects are covered in more detail below but the principle of these key issues has already been agreed and it would be unsustainable to resist them this time around.

### **Layout and Design**

- 9.33 In terms of the general layout of the houses, the scheme is closely modelled on the approved scheme.
- 9.34 The application proposes a total of 40 houses (as opposed to 36 in the previous scheme). The density of the development is approximately 17 dwellings per acre or 42 dwellings per hectare (compared to 16 dwellings per acre and 38 per hectare in the approved scheme). This is well within the requirements of PPG3, which seeks to encourage development at between 30-50 dwellings per hectare in order to make the best use of land.
- 9.35 The majority of the proposed dwellings are terraced (again, as per the approved scheme), either in traditional terraced form or being linked via carriageway arches. There are also a number of semi-detached and detached dwellings.
- 9.36 Parking is provided in garages and spaces to the rear, either reached via carriageway arches or canopies. This seeks to avoid the car dominated frontages that are an undesirable feature of many estates, and accords with the up-to-date advice provided in the Essex Design Guide.
- 9.37 Whilst the scheme largely proposes two storey development, twelve of the forty units are three storey. These would have hipped pyramidal roofs, and would have an overall height of 10.5m. (In comparison, two storey properties in Hogarth Way measure approximately 9m in height, and the two storey houses proposed on the development site measure approximately 8m in height.)
- 9.38 Many of the submitted representations from residents and, indeed, the Parish Council, raise concern with regard to the introduction of three storey development.

- 9.39 The Essex Design Guide, which this Authority has adopted as supplementary planning guidance, encourages a variety of house types and scales in order to enliven a streetscape. It seeks to move away, in particular, from the uniformity and mundane appearance of much post-war housing development. With regard to three storey development it advises, 'houses, or parts of houses, that rise to three storeys are useful ingredients in the townscape. They can enclose space, terminate a view or add variety.'
- 9.40 In this particular case, the three storey houses have been sited such that they form strong visual closures at the junctions of Lascelles Gardens/Rectory Avenue and Hogarth Way. Moreover, by virtue of their additional height, the buildings would constitute landmark features in the street scene, and add interest and punctuation to the proposed two storey terraced development. Whilst there are some bungalows on the east side of Rectory Avenue, it is not considered that these would 'read' with the three storey development opposite, and this relationship is considered acceptable.
- 9.41 In conclusion, far from being weak design features or features out of keeping with the character of the area, it is considered that these features should be viewed positively.
- 9.42 In considering this aspect of the planning application, Members will note that permission for three storey development was granted on appeal further up Rectory Avenue at Ashingdon Heights. Three storey development was also recently permitted on the Trafalgar Green (Wilcon Homes) scheme off Golden Cross Road.
- 9.43 With regard to the pair of three storey properties proposed in Hogarth Way, it is also noted that these would be set back some 7m from the site boundary. This allows the retention of some existing trees to the site frontage and, indeed, scope to plant further landscaping. Moreover, it is noted that the site falls slightly, being set below the carriageway of Hogarth Way. From a survey of the site already carried out, the agent has advised that the slab level of the new houses will be set some 0.6m or more below that of the existing properties in the road. To ensure that this would be the case, a planning condition is recommended to require the Council's approval of the slab levels.
- 9.44 It is considered that the above points would reduce the impact of the development as viewed from Hogarth Way. It is certainly not considered that the development would lead to Hogarth Way having a cramped appearance or feel.
- 9.45 With regard to the spatial separation of properties and garden sizes, again the scheme closely follows the approved scheme, and is considered acceptable.

### Highway Issues

- 9.46 The application proposes the construction of a Type 7 Mews Road through the site from Rectory Avenue to Hogarth Way. This aspect of the scheme is identical to the approved scheme. A separate access onto Rectory Avenue is proposed to serve the five affordable dwellings. Again, this element was approved in the earlier scheme.

- 9.47 The consultation response from Essex County Councils Highway raises no objection to the proposed highway works, subject to standard conditions.
- 9.48 Whilst the concerns expressed in residents' letters regarding the use of Hogarth Way are noted, (as they were noted in respect of the previous application) the capacity of the road is sufficient to accommodate traffic from both Hogarth Way and the proposed Mews Road. The width of the carriageway at 4.8m with a footpath either side is capable of serving as an access for up to 100 dwellings in the case of a cul-de-sac or in the case of a link or loop road up to 200 dwellings.
- 9.49 There are currently 17 dwellings in Hogarth Way. Of the 40 dwellings now proposed, 29 would access directly onto Hogarth Way or could access/exit the site via the mews road and Hogarth Way. (This is an increase of 3 dwellings over that of the recent permission).
- 9.50 It is clear that Hogarth Way is technically capable of accommodating far more traffic than the combined traffic movements associated with the existing development in Hogarth Way and that currently proposed. Moreover, the difference in the number of vehicles accessing or likely to access Hogarth Way in the current scheme compared to the approved scheme is very modest indeed.
- 9.51 Given the above, the proposed highway arrangements are considered wholly acceptable. Indeed, it is not considered that any objection to the highway arrangements could be substantiated.

**Affordable Housing**

- 9.52 The house types, location and means of access of the affordable housing are identical to those approved under the recent permission.
- 9.53 Clearly the concern is raised by residents regarding the separation of this part of the scheme from the open market housing. Whilst an argument might be sustained that affordable housing should be scattered throughout a scheme in the case of a major scheme with a large number of affordable dwellings, it is not considered that it would be possible to construct an argument that the grouping of the five affordable dwellings proposed in this case would be unacceptable.

**Protected Species**

- 9.54 The presence of protected species on the site was noted in respect of the previous application, and an ecological assessment and mitigation strategy were provided. These comprised a survey indicating species present on the site, together with an action plan demonstrating methods to trap and move the protected species onto the adjoining receptor site. The same ecological assessment accompanies the current application. It is noted that English Nature and the Essex Wildlife Trust raise no objection to the proposals and, indeed, consider the work carried out to date very positively.

- 9.55 The presence of bats in the general area was noted in the management plan relating to the receptor site and has, indeed, been noted in the residents' representations. The applicants have been asked to explore whether bats could be present on the application site. At the time of drafting this report, no conclusion has been received in writing. However, the applicant has reported orally that the findings are that, given that bats roost in holes in trees, etc., and given that there are few substantial trees on the site, it is unlikely that bats are present.

### **Education Contribution**

- 9.56 A contribution towards local primary education was requested by Essex County Council Learning Services in respect of the previous application. The then applicant took the view that, in the light of the affordable housing and receptor site/public open space being provided, together with the cost of decontaminating the site, the development could not sustain a contribution in this regard. The County Council has requested a contribution in respect of the current scheme, and a similar response has been received from the applicant.
- 9.57 It is important to note that there has been no change in policy since the time of the previous application and that the costs already committed to the other 3 aspects are substantial.
- 9.58 The current application proposes an additional four units. However, it is not considered that this modest change could be used to substantiate a requirement that an education contribution now be made.

### **Contamination**

- 9.59 A report demonstrating methods for the decontamination and remediation of the site accompanied the previous application, and was accepted in principle by the Council's Environmental Health Officers. The same report accompanies the current application. Environmental Health have not raised any objections in respect of the current application.

### **CONCLUSION**

- 9.60 The application follows the recent approval of a scheme for 36 dwellings on the site, ref. 01/00543/FUL.
- 9.61 The current application has been closely modelled on that scheme, and, as discussed above, is similar/identical to it in a number of key respects:
- The type of housing is largely terraced and the general layout of houses follows the approval
  - A through road is proposed linking Rectory Avenue with Hogarth Way, the location and alignment of this road are as before
  - The application proposes five affordable dwellings. These are identical to those previously approved in terms of their design, siting and means of access

- The application is accompanied by the same ecological assessment and decontamination/remediation report as before.

- 9.62 The current scheme differs from the approved scheme insofar as it includes a proportion of three storey dwellings. The provision of three storey housing is supported 'in principle' in the Essex Design Guide and, in this case, it is considered that these units have been carefully placed so as to produce variety and focal points in the street scene.
- 9.63 The scheme also differs insofar as the number of dwellings has increased from 36 to 40.
- 9.64 In the light of the above, the scheme is considered to be comparable to the approved scheme, and a recommendation of approval is made.

### RECOMMENDATION

- 9.65 It is proposed that this Committee **RESOLVES** that this application be **APPROVED** subject to the completion of a Legal Agreement dealing, as with the previous approval, with the following heads of matters:
- That a receptor site including that part of the residential allocation is provided in an acceptable form prior to the development commencing and that a management plan for the site is prepared.
  - That a commuted sum is paid to this Authority for the maintenance of the receptor site
  - That five affordable houses are provided and they remain so in perpetuity
  - That a footpath is provided at the end of Hogarth Way
  - That no construction traffic uses Hogarth Way, except in association with the construction of the receptor site and the construction of the footpath to the south side of Hogarth way.

- 1 SC1 Time Limits Full
- 2 SC14 Materials
- 3 SC22A PD Restricted - windows
- 4 SC23 PD Restricted - Obscure Glazing
- 5 SC50 Means of Enclosure
- 6 SC54A Trees to be Retained
- 7 SC59 Landscape
- 8 SC60 Tree & Shrub Protection
- 9 SC65A Forward Visibility
- 10 SC69 Visibility Splays
- 11 SC75 Parking & Turning Space
- 12 SC73 Surface of Access Ways
- 13 SC74 Surface finish driveways
- 14 SC91 Foul Water Drainage
- 15 SC90 Surface Water Drainage



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- 16 SC84 Slab Levels Specified
- 17 Remediation of the site shall be carried out in accordance with the Knight Environmental Ltd document reference 35.061C entitled Contamination Site Investigation: Rectory Avenue, Ashingdon, dated March 2001 and drawing number 00/502/1/D. Validation sampling shall be carried out and shall have regard to the Department of the Environment, Industrial Profile, Waste Recycling, treatment and disposal sites, metal recycling sites ISBN 1 85112 229X. Any amendments to these requirements relevant to the risks associated with the contamination shall be submitted to the Local Planning Authority for prior approval in writing.
- 18 Prior to the erection of any dwelling hereby permitted, or the provision of any services, the developer shall submit to the Local Planning Authority a signed certificate which confirms that the remediation works have been completed in accordance with the documents and plans referred to in the above condition.
- 19 No development shall commence before all reasonable steps have been taken to implement the proposed mitigation measures for all the protected species on the site in accordance with the principles, methodology and timing as set out in the reports prepared by Ecological Sustainability Limited and in accordance with the guidelines produced by English Nature and the document The Herpetofauna Workers Guide published by the JNCC, 1988, and in accordance with any other details as may be agreed in writing by the Local Planning Authority in consultation with English Nature. No translocation of species shall commence until written details of a management plan, including monitoring for the receptor site, has been submitted to and agreed in writing with the Local Planning Authority.
- 20 SC17 PD Restricted - Extensions
- 21 Prior to the occupation of any of the dwellings hereby permitted, a 1.8m wide footway (surfacing details which shall have been submitted to and approved in writing by the Local Planning Authority) shall be provided along the whole length of the site fronting Hogarth Way.
- 22 SC71 Estate Road Junction
- 23 SC72 Estate Roads

**Relevant Development Plan Policies and Proposals:**

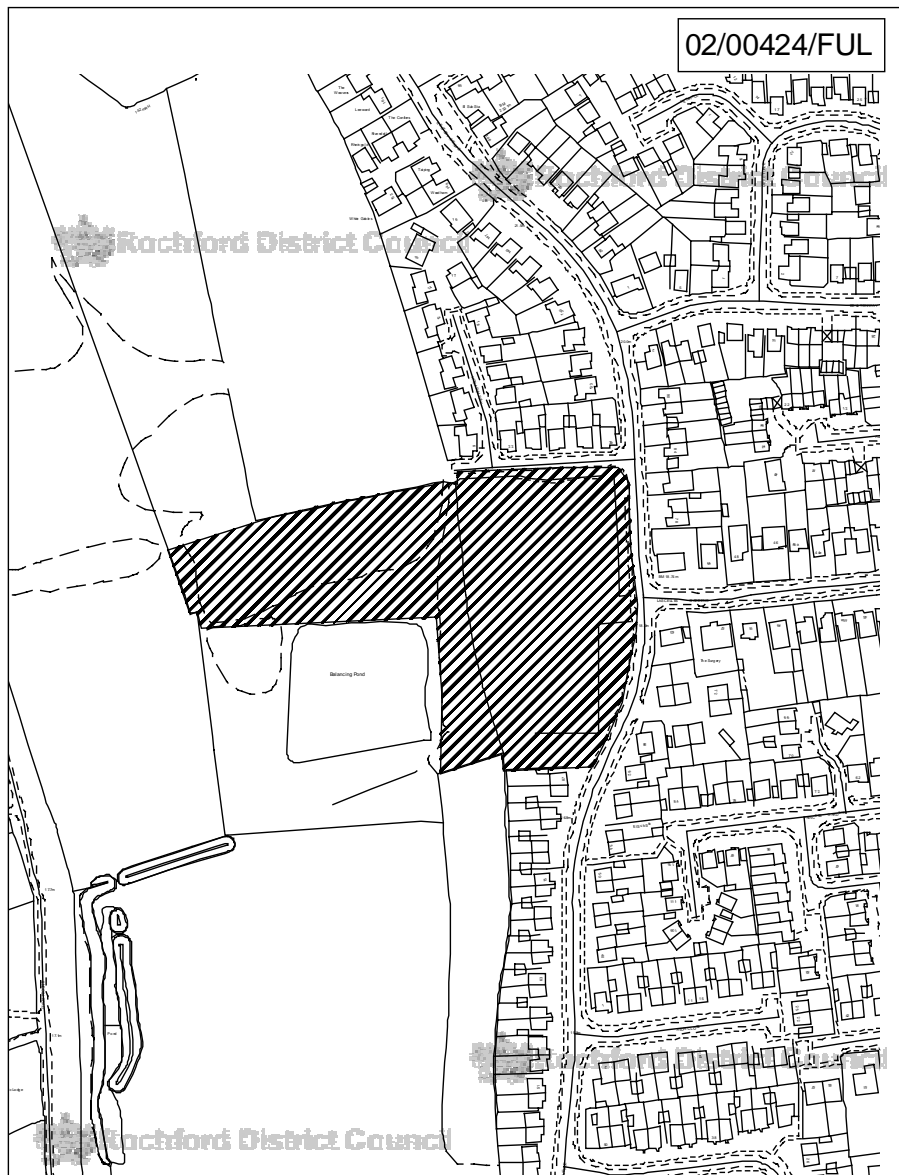
H11, H14, PU4, RC4, LT1, of the Rochford District Local Plan First Review



Shaun Scrutton  
Head of Planning Services

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For further information please contact Peter Whitehead on (01702) 546366.



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