



Rochford District Council

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY
PLANNING SERVICES COMMITTEE 22nd November 2001**

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 – 318098.

PLANNING SERVICES COMMITTEE 22nd November 2001

DEFERRED ITEMS

- | | | |
|----|--|---------------------|
| D1 | 01/00163/FUL
Replacement of Fire Damaged Dwelling (Revised Scheme)
Pudsey Hall Cottage Pudsey Hall Lane Canewdon | Mark Mann
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REFERRED ITEMS

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| R2 | 01/00651/FUL
Install Tarmac Basketball Practice Area
King George V Field Eastwood Road Rayleigh | Lorna Maclean
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SCHEDULE ITEMS

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| 3 | 01/00158/FUL
Variation of Conditions 3 and 11 of Permission F/0311/92/ROC to Extend Hours of Operation and to Allow More Lorries To Be on Site.
Unit 12 Biffa Waste Services Rawreth Industrial Estate Rawreth Lane | Mark Mann
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| 4 | 01/00742/FUL
Erection Of A Detached Farm Workers Dwelling And Detached Agricultural Building Land Rear Of Timberwharfe Cottages Beeches Road Rawreth | Lee Walton
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| 5 | 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

Land Adjoining 87 Rectory Avenue Rochford | Mark Mann
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- 6 01/00587/COU Christopher Board PAGE 35
Change of Use of Unit 36 to Transport and Storage
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Ancillary Use)
36-37 Star Lane Industrial Estate Star Lane
- 7 01/00614/FUL Loma Maclean PAGE 41
Erect New Public Hall Building, Layout Parking
(Demolish Existing Hall)
Public Hall Bullwood Road Hockley
- 8 01/00777/FUL Christopher Board PAGE 47
Use Land as Highways Maintenance Depot. Erect
Office Building, Toilet, Mess and Gatehouse.
Perimeter Security Fencing 3.2m High (Approx)
Site D3 Purdeys Industrial Estate Purdeys Way
- 9 01/00728/FUL Kevin Steptoe PAGE 51
Erection of 3 Storey Block of 7 (no.) 2 Bed Flats, 2
(no.) 1 Bed Flats with 2 (no.) Office Units (Class B1)
on Ground Floor
3-5 London Hill Rayleigh Essex

**PLANNING SERVICES COMMITTEE - 22 November 2001 Item D1
Deferred Item**

TITLE : 01/00163/FUL
REPLACEMENT OF FIRE DAMAGED DWELLING (REVISED
SCHEME)
PUDSEY HALL COTTAGE PUDSEY HALL LANE
CANEWDON

APPLICANT : MR & MRS D FEWINGS

ZONING : METROPOLITAN GREEN BELT

PARISH: CANEWDON PARISH COUNCIL

WARD: CANEWDON

DEFERRED REPORT

- 1.1 This application was deferred at the last meeting of the Planning Services Committee, following concerns raised by Members about the impact of the revised location on the Green Belt; the history of the site and the concerns expressed by the Parish Council and the means of validating the affidavit.
- 1.2 As detailed in the report in the appeal in respect of the provision of a new dwelling on this site, the impact of the erection of a dwelling in this location on the Green Belt was considered by the Inspector. Although, that appeal was dismissed by the Inspector, he did consider that the provision of a bungalow, would not have any significant impact on the Green Belt. With this in mind and considering the various agricultural buildings close by it is considered that the proposal is acceptable in terms of its impact on the Green Belt. Members should note that the previous approval under F0615/91/ROC also involved the re-siting of the dwelling from its original position.
- 1.3 To date no further information has been received from the Parish concerning the history of the site. If any information is provided by the Parish prior to the meeting it will be reported in the addendum or verbally. Members should note however, that irrespective of whether or not the dwelling had first floor accommodation in 1991 the policy relates to the original floorspace. As mentioned in the report the affidavit states that there was first floor accommodation during the period that covered 1948, which is the key date specified in the legislation to identify the original floorspace.
- 1.4 The person who provided the sworn statement has been interviewed by Planning Officers and she has confirmed that her statement is correct and has also confirmed the presence of a substantial wooden staircase that led up to the upstairs room. Without any evidence to the contrary, for example a sworn statement from another person who would have similar knowledge about the dwelling, the statement must be given considerable weight. On balance the evidence in support of the application is greater than that against.

**PLANNING SERVICES COMMITTEE - 22 November 2001 Item D1
Deferred Item**

PLANNING APPLICATION DETAILS

- 1.5 This application relates to the erection of a replacement dwelling following the burning down of the original farm dwelling at Pudsey Hall Cottage in 1999 and its subsequent demolition. The original dwelling, although required to serve the functional needs of the agricultural enterprise that operates from the site, was not the subject of an occupancy condition. This replacement has already been the subject of three previous applications detailed below. In addition planning permission has been granted for the siting of a mobile home for use by an additional farm worker. Members may recall that an additional dwelling at this site was also the subject of a planning appeal which was dismissed.
- 1.6 Since the submission of the application the position of the proposed dwelling has been sited closer to the farm buildings and the original site of the dwelling. It is now in the position that was the subject of the above.

RELEVANT PLANNING HISTORY

- 1.7 **F/0615/91/ROC.** Application to replace existing dwelling with a detached bungalow and detached garage, with a habitable floor area of 120.5 sq metres. This application was approved but not implemented and has now expired. No occupancy condition was imposed.
- 1.8 **98/00550/OUT.** This related to the erection of an additional dwelling at the farm for a permanent agricultural workers dwelling. This was refused by this Authority on the grounds that the a second dwelling was not essential to the needs of the agricultural business and therefore contrary to Policy S9 of the Structure Plan, Policy GB3 and GB1 of the Local Plan and government advice contained in PPG7. Although the subsequent appeal in respect of this decision was dismissed, the Inspector did conclude that the appellants had the 'intention and ability' to develop the enterprise further and that this was more appropriate to the test for temporary agricultural dwellings. He considered that because the nature of the enterprise had recently changed and expanded and had not been in operation for 3 years or more, they were too recent and unproven an activity to justify a permanent dwelling.
- 1.9 **00/00061/FUL.** Application for a five bedroom, two-storey, replacement dwelling. Refused on the grounds that the proposal, at 154.25 sq metres, was around 68 sq metres more than the original dwelling and policy only allows a maximum of 35 sq metres. The applicant argued that the first floor accommodation was original, but insufficient evidence was provided to prove this.
- 1.10 **00/00497/FUL.** Resubmission of the above application. The floor area had been reduced to 120.5 sq metres on two floors. Notwithstanding the dormer windows proposed, it was considered that the scale and mass of the building was similar to the dwelling it replaces and it was therefore approved. No occupancy condition was imposed.
- 1.11 **01/00095/FUL.** Application for the siting of a mobile home for an agricultural worker following the dismissal of the appeal in connection with the application 98/00550/OUT. Granted permission, but awaiting confirmation of a number of issues relating to the siting and the existing caravan on site.

**PLANNING SERVICES COMMITTEE - 22 November 2001 Item D1
Deferred Item**

CONSULTATIONS AND REPRESENTATIONS

- 1.12 **Canewdon Parish Council.** Object to this application. The proposed siting is not well related to the existing farm buildings being located near the entrance to the site. In that location it would have a greater impact on the openness of the Green Belt and make it easier to sell off the property at a later date. If permission is granted it should be the subject of a Sec 106 to tie the dwelling to the agricultural unit.
- 1.13 *Note.* Following re-consultation after the submission of revised plans of the siting of the dwelling, further comments are expected from the Parish Council and these will be reported if available at the Meeting.
- 1.14 **Essex County Council Highways.** De-minimis.
- 1.15 **Essex County Council (Archaeological Advice).** Confirm no need for archaeological condition in this instance.
- 1.16 **Environmental Agency.** Make a number of advisory comments.
- 1.17 **Anglian Water.** No objections in principle.
- 1.18 **Neighbour Consultation.** Two letters have been received from the occupiers of nearby properties. One asks whether it is 'really on' for a dwelling to be built on a greenfield site on the opposite side of the road to the original site. The other letter 'fully objects' to the proposal on the grounds that the proposal should be sited on the same site.

MATERIAL PLANNING CONSIDERATIONS

- 1.19 The material consideration is Policy GB8 of the Local Plan, which relates to replacement dwellings in the Green Belt.
- 1.20 A fundamental criterion of GB8 is that the floorspace of the original floorspace of the dwelling, i.e, the size of the habitable dwelling as existing on the 1st July 1948 or as built after that date.
- 1.21 In the 1991 application, which was approved, the original floorspace was given as 85.9 sq. metres, but this does not appear to take into account any existing first floor accommodation. In the Council records, no mention is made of any first floor accommodation. The dwelling approved under this permission had a floor area of 120.5 sq. metres and this was to be located solely on the ground floor. The position of the replacement dwelling was shown as 10m to the south of the original dwelling.

PLANNING SERVICES COMMITTEE - 22 November 2001 Item D1
Deferred Item

- 1.22 The refusal in 2000 was, understandably, based on the original floorspace detailed in the 1991 application. This showed that the proposal would have been significantly above what was considered to be the original floorspace. At the time the applicant argued that the original dwelling had first floor accommodation, but had little in the way of evidence to support this apart from a photograph showing windows let into the gable walls at first floor level and other evidence which only really confirmed that prior to the fire, there was accommodation at first floor level and not that this was part of the original dwelling. The later application was approved as it reduced the floor area to an acceptable level of 35 sq. metres above the original floorspace, i.e. 85.9 sq. metres as defined by the 1991 application.
- 1.23 This current application arises out of the fact that the applicant has now provided further evidence in support of his claim that the first floor accommodation was part of the original dwelling. This is in the form of a sworn declaration by a previous occupier of the house, who lived there between 1936 and 1957. In the declaration she confirms that there was always a room in the roof served by a staircase leading from the ground floor. Although there were bedrooms on the ground floor, this room was furnished and was regularly used as an extra room for her father and as an extra bedroom for visitors. The declaration was supported by a sketch plan detailing the ground floor layout which clearly shows a staircase. The contents of the declaration was backed up by an interview which confirmed that there has been a room in the roof, that it was used for habitable purposes, that a proper permanent staircase existed and that the room was served by two windows let into the gable walls.
- 1.24 The original floorspace of the dwelling would therefore appear to have included first floor accommodation, if this were a Lawful Development application, advice in government circulars gives strong weight to such evidence in applying the balance of probability test. Taking this into account, the amount of floorspace would work out around at 117sq metres. This would mean that with the 35 sq. metres allowed under Policy GB8 a floor area of 152 sq. metres would be acceptable. The proposed building has a floor area of 150 sq. metres and it will therefore comply with Policy in this respect.
- 1.25 The mass and size of the development is similar in scale and size to the original bearing in mind the additional floorspace allowed under this policy and is similar to that approved under 00/00497/FUL which also had dormer windows. That permission is still valid and if this application is approved, two dwellings could be built in this location. To avoid this situation a legal agreement will be required quashing the earlier permission.
- 1.26 The siting, which originally showed it to be located away from the existing farm buildings and the site of the original dwelling, is roughly opposite the original site. Concern was raised about the suitability of this as a location for an agricultural workers dwelling in the past. However, at the subsequent appeal into that application, the Inspector concluded that a dwelling would not have a significant impact on the area and that if a need for a second dwelling was proved this would be a suitable location. Although on the eastern side of Pudsey Hall Lane, it is well located to the existing farm buildings.

**PLANNING SERVICES COMMITTEE - 22 November 2001 Item D1
Deferred Item**

CONCLUSION

- 1.27 With the additional evidence provided by the applicant concerning the original habitable accommodation of the property, and without evidence to the contrary, it is reasonable for the Authority to accept that the original dwelling did indeed have accommodation at first floor level.
- 1.28 On this basis the proposed dwelling does comply with the requirements of Policy GB8.

RECOMMENDATION

- 1.29 It is proposed that this Committee **RESOLVES** to **APPROVE** Planning Permission subject to the applicants entering into a **Section 106 Agreement** quashing the planning permission 00/00497/FUL and the following conditions:

- 1 SC4 Time Limits
- 2 SC14 Materials to be submitted
- 3 SC17 PD restriction
- 4 SC77 Car Parking Provision
- 5 SC59 Landscape Details

Relevant Development Plan Policies and Proposals:

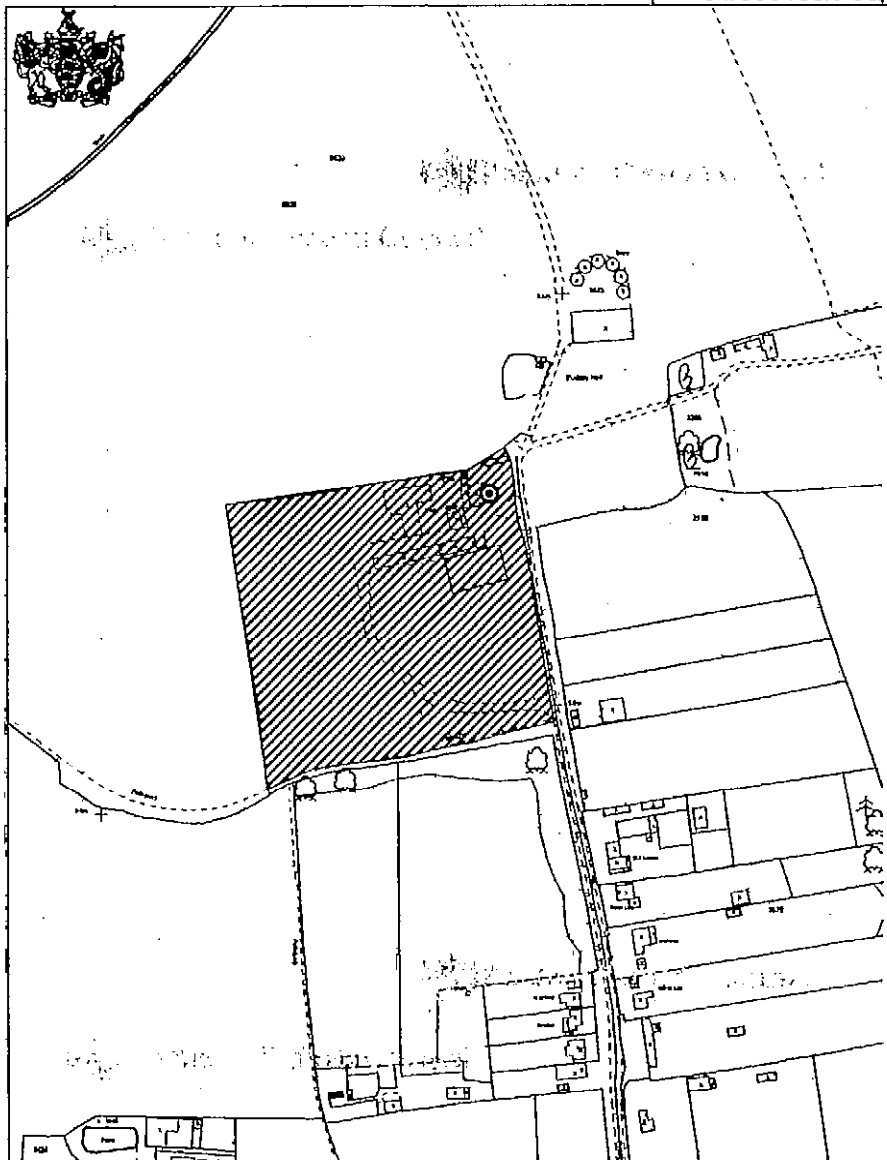
Policy GB1, GB8 and RC7 of the Rochford District Local Plan First Review


Shaun Scruton
Head of Planning Services

The local Ward Member for the above application is Cllr A Hosking

For further information please contact Mark Mann on (01702) 546366.

01/000163/FUL



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**PLANNING SERVICES COMMITTEE - 2 November 2001 Item R2
Referred Item**

TITLE : 01/00651/FUL
INSTALL TARMAC BASKETBALL PRACTICE AREA
KING GEORGE V FIELD EASTWOOD ROAD RAYLEIGH

APPLICANT: RAYLEIGH TOWN COUNCIL

ZONING: EXISTING PUBLIC OPEN SPACE

PARISH: RAYLEIGH TOWN COUNCIL

WARD: RAYLEIGH CENTRAL

The Chairman to decide whether to admit the following item on grounds of urgency.

This application was included in Weekly List no. 597 requiring notification of referrals to the Head of Planning Services by 1.00pm on Tuesday 30th October 2001, with any applications being referred to this Meeting of the Committee. The item was referred by Cllr. Mrs J Helson.

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

- 2.1 Rayleigh Town Council has no objections to this application.

NOTES

- 2.2 The application is for a tarmaced basketball practice area on King George V field, Eastwood Road, which is existing public open space. The basketball practice area will measure 6.4 m by 8.5 m and be sited at the far south end of King George V field, to the north of the footpath off Eastwood Road which splits to the right and left as it enters the field.
- 2.3 The proposed basketball practice area is a considerable distance from the nearest buildings to the west and east. Furthermore 2m high metal railings surround the playing field and there are a number of well established trees on both sides of the field obscuring views of the practice area to a large extent.
- 2.4 It is considered that the proposal would have a limited effect on residential amenity as it would be some distance from the bulk of residential properties in Bull Lane that surround the field and from the King George's Close dwellings.
- 2.5 Essex County Council (Highways) has no objection to the application.
- 2.6 Essex County Council (Environmental Services) advise that no trees protected by County of Essex Tree Preservation Order 5/57 Ref. A4 and A6 stand within the application area or close enough to be affected by the proposal.

PLANNING SERVICES COMMITTEE - 2 November 2001 Item R2
Referred Item

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- 2.7 **Housing, Health & Community Care** advise that there is a potential for nuisance associated with this development by way of noise.
- 2.8 **Environment Agency** has no objection to the application.
- 2.9 **Crime Prevention Officer** comments that the proposed location of the basketball practice area is fairly visible as it is near to the main entrance thus reducing the likelihood of possible crime.
- 2.10 **Rayleigh Civic Society** raised the question of whether or not a fence would be erected around the practice area.
- 2.11 Neighbour responses have been received from one local resident and Audley Mills Surgery. There is a degree of support for the proposals but concern was raised over the location of King George V field (given that other sites may be available) and for the fact that one leisure facility should not favoured over another. The surgery raised concern over increased levels of noise, nuisance and vandalism that the practice area may lead to and that patients visiting the surgery would not welcome the additional disturbance.

APPROVE

- 1 SC4Time Limits Full - Standard
- 2 No development shall commence before details of the colour treatment to be applied to the tarmac finish of the basketball practice area hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Such details as may be agreed in writing by the Local Planning Authority, shall be those used in the development hereby permitted.

Relevant Development Plan Policies and Proposals:

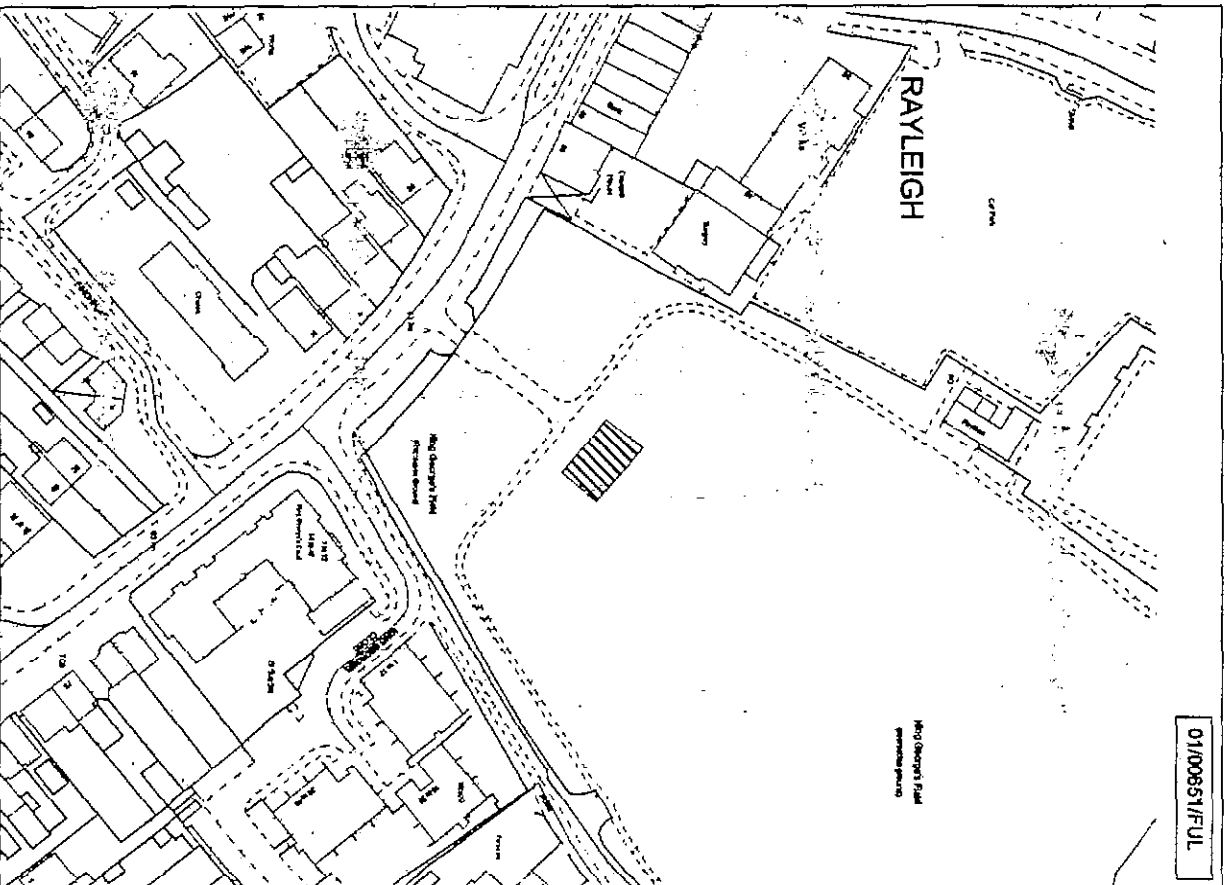
LT2, LT3, of the Rochford District Council Local Plan First Review


Shaun Scrutton
Head of Planning Services

The local Ward Members for the above application are Cllr Mrs L I V Phillips
Cllr Mrs J Helson

For further information please contact Lorna Maclean on (01702) 546386.

01/00851/FUL



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PLANNING SERVICES COMMITTEE - 22 November 2001 Item 3

TITLE : 01/00166/FUL
VARIATION OF CONDITIONS 3 AND 11 OF PERMISSION
F/0311/92/ROC TO EXTEND HOURS OF OPERATION AND
TO ALLOW MORE LORRIES TO BE ON SITE.
UNIT 12 BIFFA WASTE SERVICES RAWRETH INDUSTRIAL
ESTATE RAWRETH LANE RAYLEIGH ESSEX SS6 9RL

APPLICANT : MRS K CORDINGLEY

ZONING : INDUSTRIAL USE

PARISH: RAWRETH

WARD: GRANGE AND RAWRETH

PLANNING APPLICATION DETAILS

- 3.1 This application seeks to amend two of the conditions attached to planning permission F/0311/92/ROC in respect of the operating hours of the Biffa Transport Depot and the number of large vehicles allowed on site at any one time.
- 3.2 The current hours controls are restricted to 6.00am to 7.00pm Monday to Saturday with no working on Sundays or Bank Holidays. The variation in hours requested, following negotiations is not restricted to extending evening working Monday to Saturday until 11.00 p.m. for work within the workshop.
- 3.3 The change in respect of lorry movements is from a limit of 10 to 16 vehicles. The control was imposed partly due to amenity issues but also to ensure adequate space and manoeuvring area is available on site. It is considered 16 could operate spatially in a satisfactory manner from the site.

RELEVANT PLANNING HISTORY

- 3.4 F/0311/92/ROC. Application for the erection of a workshop, drivers mess etc to from a drivers mess. Planning permission granted subject to a number of conditions.

CONSULTATIONS AND REPRESENTATIONS

- 3.5 Rawreth Parish Council – objection. The extension of hours would increase the disturbance to local residents unnecessarily.
- 3.6 County Surveyor (Highways) - no objection.

PLANNING SERVICES COMMITTEE - 22 November 2001 Item 3

- 3.7 **Housing, Health and Community Care** - The proposed start time and the removal of the restriction to work on Sundays and Public holidays is likely to give rise to nuisance. The increase in the number of lorries allowed on site will further exacerbate the potential for noise nuisance. The increase in operational hours of the workshop until 23:00 hours is likely to give rise to a greater potential for nuisance. However, the proposed modifications/recommendations as detailed in the applicants acoustic consultant's report would if fully implemented overcome my concerns in terms of the potential impact on the amenities of the dwellings nearby. If Members approve the application then conditions should be attached to minimise any impact on nearby properties.
- 3.8 **Environment Agency** - no comments.
- 3.9 **County Planner (Development)** - no observations.
- 3.10 There have been four letters from neighbours concerned with the activities on site and the effect any increase on site will have on the peaceful enjoyment of their properties. The concerns expressed include:
- Additional noise levels during the early hours of the morning would be unacceptable.
 - Biffa start work on site from as early as 4am. Noise from the site is regularly heard between 5am and 5.30am
 - Dust and dirt pollution.
- 3.11 In addition, a petition of 15 names from 13 addresses was received by the planning department, objecting to the proposal.

MATERIAL PLANNING CONSIDERATIONS

- 3.12 This application relates to the Biffa Waste Transfer Station at Rawreth Industrial Estate, which backs onto the new residential estate. The application seeks the variation of conditions 3 and 11 attached to planning consent F/00311/92/ROC. The reasons given by the applicant for the application are: that the vehicles using the site are often delayed being caught up in rush hour traffic; that essential maintenance is disrupted because the workshop operations are disrupted and vehicles are left off the road longer; and, that the maximum number of lorries allowed on site by condition 11 is 10, whereas they have an operators license for up to 16.
- 3.13 Condition 3 currently states that the use shall be restricted to 6:00 am to 7:00 p.m. Mondays to Saturdays with no working on Sundays and Public Holidays. The original proposal sought permission to extend the hours of operation from the existing 6am start to 5am giving an extra hour in the morning. This would have enabled the operator to avoid rush hour traffic. However, concern was raised about this bearing in mind the close proximity of the new housing estate to the site and following discussions with the applicant this element has now been removed from the current application.

PLANNING SERVICES COMMITTEE - 22 November 2001 Item 3

- 3.14 The applicant also sought an extension of working hours from 7pm to 11pm to enable use of the workshops which would allow repair work/servicing of vehicles to take place inside the building with only limited movement of vehicles taking place at this time, i.e. to get in and out of the workshop. In support of their application the applicants have commissioned a noise assessment report. This concluded that extending the hours of operation of the workshop would have an adverse effect on neighbouring properties. However, it concluded that subject to the implementation of number of noise control measures, for example that all doors are provided with self closing mechanisms and that during hours of operation between 17:00 and 23:00 hours, that all doors remain closed; that repairs are undertaken to the doors to fill in any gaps; that a baffle board be provided at the top of the door frame to ensure that there are no gaps between the door and its frame etc.
- 3.15 Provided such a scheme is implemented, and this can be the subject of a planning condition, the proposal to extend the operating hours would be able to meet with the current standards relating to noise contained in PPG24 Planning and Noise. As such, it would also comply with Policy H24 which seeks to safeguard the existing amenities of residential areas.
- 3.16 The applicant also wishes to increase the number of vehicles on the site at any one time, which is controlled by condition 11, which limits the number to 10 lorries. The applicant wishes this to be increased to 16, which is the amount currently allowed under the Operating Licence. An increase in the number of vehicles operating from the site has the potential to increase noise levels leading to a loss of amenity to the neighbouring properties. However, the condition only limits the number of vehicles on site at any one time, not the number of vehicle movements to and from the site. A vehicle parked up on the site will not in itself generate much noise, but a vehicle coming to and from the site will. Whilst it is the latter that has the greatest impact on noise levels, it is the former that we have control over. Nevertheless, the number of vehicles operating from the site, i.e. coming and going, is influenced by the number allowed onto the site at any one time, unless vehicles are parked elsewhere, for example at the drivers home.

CONCLUSION

- 3.17 With the proposed improvements to the workshop it is considered that the extension to the hours of use of the workshop will not give rise to any significant increase in noise levels and is therefore considered acceptable in terms of the advice given in PPG24 and Local Plan Policy H24.
- 3.18 The increase in the number of vehicles allowed on site at one time is considered to have limited impact, provided the hours of use restrictions for the depot are adhered to (notwithstanding the proposed extension to the operating hours of the workshop) and that to is considered acceptable in terms of Policy H24.

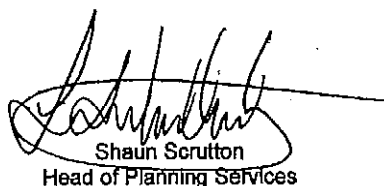
PLANNING SERVICES COMMITTEE - 22 November 2001 Item 3

RECOMMENDATION

- 3.19 It is proposed that this Committee **RESOLVES to GRANT PERMISSION TO VARY CONDITION 3 & 11 OF PLANNING PERMISSION F/0311/92/ROC, TO READ:**
- 3.20 Condition 3 The use hereby permitted shall be restricted to the following hours: 8:00 am to 7:00pm Monday to Saturday for the Depot (excluding the workshop); and 6:00am to 11:00pm Mondays to Saturday, for the work shop, with no working on Sundays or Public Holidays on any part of the site.
- 3.21 Condition 11. At no time shall the number of commercial vehicles exceeding three and a half tonnes (gross vehicle weight) parked, stored or attending this site exceed sixteen.
- 3.22 NSC Before the workshop is used outside the hours previously agreed under F/0311/92/ROC; the recommendations as detailed in the report produced by SLR Consulting dated August 2001 shall have been fully implemented to the satisfaction in writing of the Local Planning Authority.

Relevant Development Plan Policies and Proposals:

H24 of the Rochford District Local Plan First Review

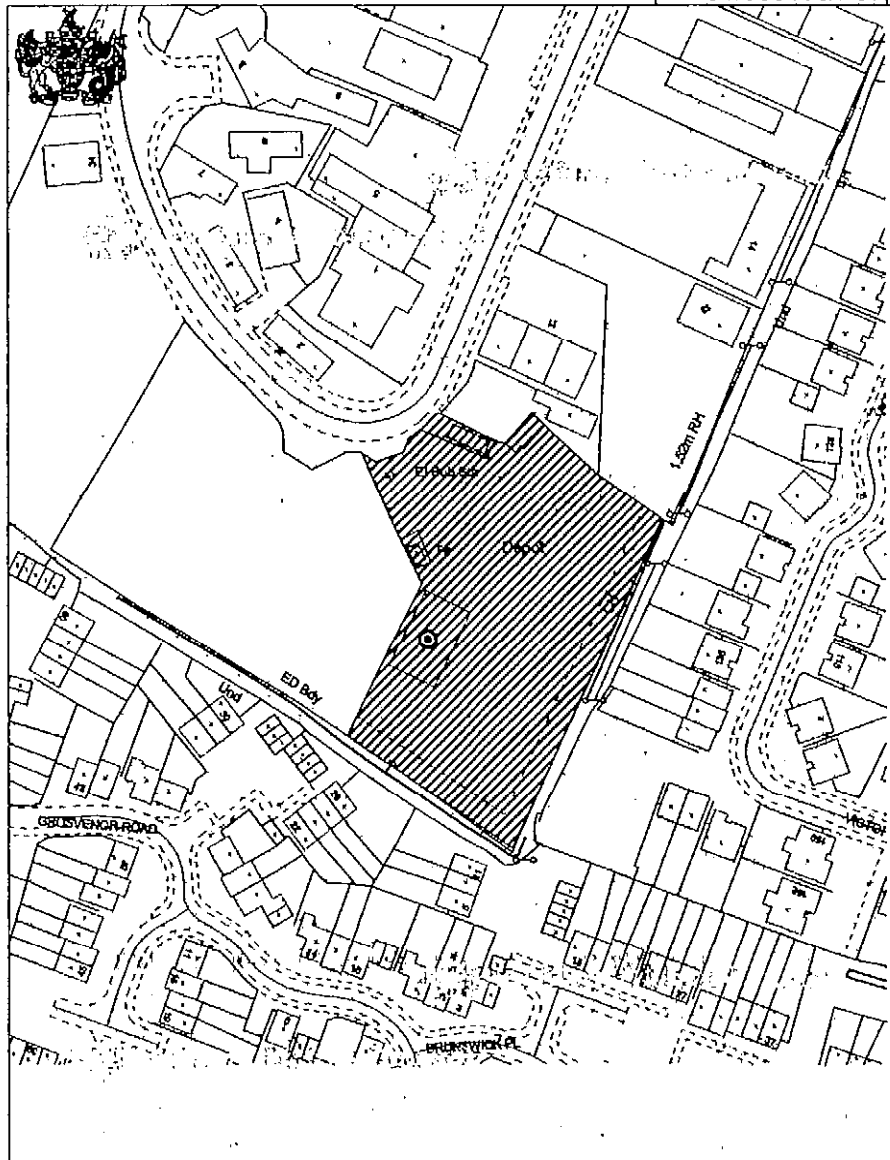


Shaun Scrutton
Head of Planning Services

The local Ward Member(s) for the above application is/are Cllr. P J Morgan, Cllr. G A Mockford, Cllr. R Adams

For further information please contact Mark Mann on (01702) 546366.

01/000156/FUL



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Map Produced: Friday December 28, 2000

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PLANNING SERVICES COMMITTEE - 22 November 2001 Item 4

TITLE : 01/00742/FUL
ERECTION OF A DETACHED FARM WORKERS DWELLING
AND DETACHED AGRICULTURAL BUILDING
LAND REAR OF TIMBERWHARFE COTTAGES BEECHES
ROAD, RAWRETH

APPLICANT : MR AND MRS D SMITH

ZONING : METROPOLITAN GREEN BELT, COASTAL PROTECTION
BELT, LANDSCAPE IMPROVEMENT AREA, SPECIAL
LANDSCAPE AREA

PARISH: RAWRETH PARISH COUNCIL

WARD: GRANGE AND RAWRETH

PLANNING APPLICATION DETAILS

- 4.1 This full application relates to the erection of a new dwelling sited to the east of the built up area of Battlesbridge with access on to Beeches Road. The dwelling would be sited approximately 10 metres to the north west of the existing 'L' shaped stables block permitted on appeal F/0354/96/ROC, with a proposed agricultural building some 15 metres to the east of this measuring approximately 15 x 4 metres.

RELEVANT PLANNING HISTORY

- 4.2 F/0580/92/ROC. Erect 4 timber chicken sheds and barn for storage purposes and gate sales. Refused.
- 4.3 CU/0582/92/ROC. Permission to site temporary mobile home. Refused.
- 4.4 F/0354/96/ROC. Erection of stables
- 4.5 LDC/0614/96/ROC. To establish lawfulness of the retention of existing animal shelters.
- 4.6 F/0615/96/ROC. Retain existing animal shelters for a period of six months. Refused.

CONSULTATIONS AND REPRESENTATIONS

- 4.7 **Rawreth Parish Council** – Objects. Financial viability? The site is part of the flood plain and designated a coastal protection zone, landscape improvement, and abuts the Battlesbridge Conservation Area. If a serious business plan the approval for a mobile home as temporary accommodation should be used to establish viability,

PLANNING SERVICES COMMITTEE - 22 November 2001 Item 4

- 4.8 **Environment Agency** – Objects. The proposed development is unacceptable in that the existing flood defence does not provide the standard of protection appropriate to safeguard the development proposed. An appropriate flood risk assessment should be made prior to submission of the application. No such assessment has been submitted.
- 4.9 **County Surveyor (Highways)** – advise conditions regarding visibility splays, access details and car parking space.
- 4.10 **Local Plans** – Contrary to PPG7 Annex I in so far as the agricultural enterprise has yet to commence. This prevents the LPA from satisfying itself that the applicant's intentions are 'genuine, are reasonably likely to materialise and are capable of being sustained for a reasonable length of time' (Para.14). The link between the size of an agricultural dwelling and the floorspace of the dwelling has not been made. PPG7 Annex I Para.11 makes clear the two are inextricably linked – the size of an agricultural dwelling should be 'commensurate with the established functional requirement of the holding'.
- 4.11 **Anglian Water** – No objections. Advisory comments.
- 4.12 **Retford Parish Council** – Objects. The site is part of the Metropolitan Green Belt, is vulnerable to flooding and comprises a part of the coastal protection belt.
- 4.13 **Rochford Hundreds Amenities Society** – Objects. The site lies in the flood plain and is designated part of the Metropolitan Green Belt.
- 4.14 **The London Green Belt Council** – Objects. The site lies within the flood plain, is designated a Coastal Protection Zone and is within the Metropolitan Green Belt. Would the proposal prove to be a viable agricultural unit?
- 4.15 **Neighbour notification letters** – Objections. Twelve letters have been received. These cover in some considerable detail mainly those issues raised separately, above.

MATERIAL PLANNING CONSIDERATIONS

- 4.16 The starting point for the material considerations are the relevant policies of the Local Plan. In this respect the most important is policy GB3, which relates to the erection of agricultural dwellings in the Green Belt. Other relevant policies are policy RC9, which relates to development in the Coastal Protection Belt, RC8, which relates to the Landscape Improvement Area, RC7, which relates to Special Landscape Area.
- 4.17 Other considerations include PPG7 (Countryside), PPG2 (Green Belts), PPG25 (Flooding), and the policies of the Structure Plan.
- 4.18 The site consists of 12.3 hectares. The land is all in grass and is used for the grazing of horses at the present time. There is a block of five stables and general storage and an equipment room, together with two field shelters sited on the land.

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- 4.19 The applicants bought the site in three plots. The first purchase was made in 1986, the second in 1999 and the third plot within the past year. Their objective is to establish a herd of high quality breeding alpacas. The off spring are to be sold as pedigree breeding animals, with the fibre sold to weavers. The applicants have 30 years experience tending horses, goats and poultry, which is highly relevant for the production of alpacas.
- 4.20 Ten animals are to be purchased in year 1, with a further 3 in year 2. The alpacas will be housed in field shelters with stabling provided during the worst weather. The barn is required for the shearing of the alpacas during inclement weather and for the storage of the valuable fleeces and fodder and equipment.

Agricultural Issues

- 4.21 Policy GB3 requires the following criteria to be satisfied in considering applications for new agricultural dwellings:
- The holding requires a full-time agricultural worker
 - It is essential for 24 hour attendance to be on hand
 - The enterprise taking place on site has been commercially viable in its own right, and shows signs of continuing viability in the longer term
 - The dwelling is justified taking in to account the proximity of the holding to an established residential settlement
 - When the above criteria is satisfied the LPA will normally only permit a temporary mobile dwelling until such time that the holding is considered to be commercially viable in the longer term.
- 4.22 The applicant claims that the above criteria have been duly satisfied. They conclude that the alpaca farm is 'a potentially viable agricultural enterprise and the unique circumstance of the applicants require the erection of an agricultural dwelling to ensure 24 hour supervision of the livestock'.
- 4.23 The ADAS report provided by the applicant states that:
- Alpacas production is a niche marketing enterprise
 - Returns are achievable: value for breeding; demand for fleece; development of alternative products
 - Other uses may be as guard animals for other livestock
 - A profit would be made by year 5 (£19,435). A reduction in alpacas breeding price will decrease profitability. Sole focus on alpacas exposes the business to price and market fluctuations. Consumer whim may also result in a fall in the demand for alpacas in the future.
- 4.24 The ADAS report identifies that the market for alpacas is in its infancy and it is difficult to predict the future value of the return on the animals. This also shows that the enterprise would not make a profit within the time-scale set out in Annex I of PPG7.
- 4.25 Policy GB3 relates to the guidance given in Annex I of PPG7. This also states that:
- An establishment must have an 'existing' functional need.
 - A 'full-time' worker is primarily employed

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- Prior to a permanent dwelling being acceptable the business must have been established for at least 3 years and was profitable for at least 1 year.
 - The agricultural dwelling should be a size commensurate with the established functional requirements
- 4.26 The Council's agricultural consultants report addresses the criteria set out by policy GB3 of the Rochford District Local Plan. This states that:
- The applicant has submitted an application for a permanent dwelling house despite the fact that there is no established business as required by PPG7 Annex 1.
 - PPG7 suggests that where a new agricultural business is to be established, temporary accommodation is appropriate, until the tests for a permanent dwelling can be considered. However, given that no alpacas have yet been bought a functional need has not arisen.
 - The applicant has shown a minimum of financial commitment.
 - Not until year 5 could the true profit be sufficient to start the funding of a dwelling. Profit would not reach a level where significant living expenses could be drawn until year 4. The applicant realises that income generation would be slow and are considering other enterprises – quail farming was mentioned.
 - Security of the animals alone is not normally considered a reason for justifying a dwelling.
 - There would not be an essential functional need for a person to be available on site at most times.
 - Existing housing in the area would be near enough for the general supervision of the animals, if not for full security although availability is not known
 - With no on-going business, the proposal does not meet the guidance in PPG7 for a permanent dwelling. The enterprise, if started, would be unlikely to meet the tests after 3 years.
 - The functional need would be mainly based on security.
 - The level of profit would be insufficient and, according to the figure produced by ADAS, it would not be a full-time enterprise.
- 4.27 It is apparent from the foregoing information that the applicants have not met the criteria set out in annex 1 to PPG7 and to Policy GB3 of the Rochford District Local Plan. It is questionable that a full-time worker would be required. There is not an essential need for 24 hour supervision. Comment about this is given by the Council's agricultural consultant as well as by the ADAS report in so far as this claims that one of the uses of alpacas 'may be as guard animals for other livestock.'
- 4.28 Proof of long term viability is not established. This results from the fact that no business is yet operating from the site. The fact that no business is yet established on the site also undermines the applicant's case.

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- 4.29 The 'unique circumstance' referred to by the applicant appears to involve the need for security and the family commitments of the applicant, which 'preclude the use of a mobile dwelling.' The need for security has already been addressed as part of this report. The needs of the family should not over-ride policies designed to accommodate genuine agricultural need alongside the strict policy approach taken within the Green Belt. The size of the dwelling should be dictated by the size of the holding. The applicant has recently further enlarged the holding. This may not necessarily reflect the area required to keep the alpacas on. Of course, an alternative dwelling may be found in the neighbouring residential area of Battlesbridge, which would satisfy the aspirations of the family unit.

4.30 **Flood Plain**

The site is also in the flood plain and is subject to flooding. PPG25 (paragraph 60, appendix F) requires the applicant ascertain the flood risk through an assessment prior to submission of the application. This has not been undertaken.

CONCLUSION

- 4.31 Policies regarding development in the Green Belt are extremely restrictive. One of the few exceptions to the normal policies of restraint relates to agricultural development. Nevertheless, government policy and the Council's own policies have strict criteria that need to be satisfied before such development is considered acceptable.
- 4.32 In this instance the agricultural need for the proposed dwelling has not been met. The first consideration is that there is not an existing functional need on site. The applicant also includes a new agricultural building, which alone may be acceptable if it were requisite for an agricultural purpose, however, it is part of the composite application.
- 4.33 There is much speculation about the business proposal with no proven and established business to go with. It is therefore concluded that the proposed dwelling does not meet the requirements of policy GB3 and PPG7 Annex I. The requirements under PPG25 (flooding) have not been met.

RECOMMENDATION

- 4.34 It is proposed that this Committee **RESOLVES** that this application be **REFUSED** for the following Reason:
- 1 RFR5 Green Belt - Agriculture
 - 2 The proposed development is located within an area subject to tidal flooding and lacks any effective means of flood defence. PPG25 requires that the applicant undertakes a flood assessment prior to submitting a planning application, this has not been provided.

Relevant Development Plan Policies and Proposals:

GB3 of the Rochford District Local Plan First Review


Shaun Scrutton
Head of Planning Services

The local Ward Members for the above application are Cllr P J Morgan, Cllr G A Mockford, Cllr R F R Adams.

For further information please contact Lee Walton on (01702) 546366.

01/00742/FUL



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TITLE : 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
LAND ADJOINING 87 RECTORY AVENUE ROCHFORD
(KIRBYS YARD)

APPLICANT : KNIGHT DEVELOPMENTS LTD

ZONING : RESIDENTIAL, PROPOSED PUBLIC OPEN SPACE

PARISH: HAWKWELL PARISH COUNCIL

WARD: HAWKWELL EAST

PLANNING APPLICATION DETAILS

- 5.1 This application relates to a site on Rectory Avenue known as Kirby's Yard, which was the site of a scrapyard. Due to its former use, the site is contaminated and a report submitted with the application makes a number of recommendations on how the site can be made safe, primarily by removing the contamination sources and the placement of a capping layer. The proposed development is within the residential area of Ashington as defined by the Local Plan. The adjoining Receptor site is located within an area designated as future Public Open Space.
- 5.2 Following this remedial work it is proposed to erect a total of 36 houses comprising a mixture of 2, 3, 4 and 5 bed houses mainly in the form of terraced houses, but also with both some semi-detached and detached dwellings. Five of the proposed houses are to be 'affordable' units. That is units that are available in perpetuity to meet the needs of those who could otherwise not afford to purchase/rent their own homes on the open market. In this respect it is proposed to hand over the properties to a housing association, with this Council having some nomination rights. These units are grouped together, on the southern part of the site and have their own access directly onto Rectory Avenue, adjacent to No. 87 Rectory Avenue.
- 5.3 Access to the rest of the development will be in the form of a Type 7 Mews Road which will go from Rectory Avenue to Hogarth Way. Some properties will front onto Hogarth Way and will have driveways directly onto it.
- 5.4 Although contaminated, the site has a very high number of great crested newts on it. These are protected under the Wildlife Act and the developer, as an integral part of the application, proposes to create a receptor site on nearby land. Once this receptor site is established, the newts and other wildlife can be trapped and then transferred to the receptor site. Such action requires a license from DEFRA. Upon completion of the receptor site and the transfer of the Newts etc, it is proposed to hand over the receptor site to the Parish Council/District Council.

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- 5.5 The applicants were asked to amend the proposal. The original application related to 32 dwellings with no affordable housing provision. The application has now been amended and it is the amended application which is to be considered now.
- 5.6 The application site also includes the large receptor site which is of course not part of the residential development area.

CONSULTATIONS AND REPRESENTATIONS

- 5.7 **Hawkevell Parish Council.** Welcomes the amendments to the proposal and the inclusion of five affordable housing units and the pedestrian access at the end of Hogarth Way. The Council has no objections to the proposal but requests that a Sec. 106 Agreement is used to ensure that speed restriction platforms/chicanes are used and that the footpath access is provided.
- 5.8 **Essex County Highways.** No objections are raised to the proposal subject to a number of standard conditions being attached to any permission and subject to some minor modifications to the proposed junctions to take into account the special requirements of a mews road. For example the restriction in width to 5.8m for the first 8m.
- 5.9 **Environment Agency.** Make a number of advisory comments relating to the surface water drainage of the site to ensure that the proposal does not increase the risk of flooding in the area. Recommends that prior to the development that a scheme for the provision and implementation of surface water storage works be submitted.
- 5.10 **Anglian Water.** No objections in principle but recommend a number of standard conditions relating to drainage and make a number of advisory comments.
- 5.11 **Rochford Hundred Amenities Society.** Feel that there should be no more 4-5 bed houses, but more 3-3 bed houses to provide starter homes.
- 5.12 **Essex County Planning (Archaeological Advice).** No need for archaeological condition.
- 5.13 **Essex County Planning.** No observations.
- 5.14 **Essex County Learning Services.** The area already suffers from a shortfall in places with a total of 953 places in the three local schools compared to 958 on the roll. This figure includes the temporary classrooms at Holt Farm. The proposed new housing will produce eight children using a factor of 0.25 per dwelling (based on 32 houses). Using a national multiplier for basic need of £4,798 per pupil place, this would amount to £38,384. We would therefore seek a developer contribution for this amount under a Sec. 106 Agreement.
- 5.15 **The King Edmund School.** Believe the children from the proposed development can be accommodated by giving them priority over children from the Southend Borough.

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- 5.16 **Ashingdon School.** Would be happy to take on extra children provided their own funds are not used to build the extra classrooms that would be required. Suggests that a figure of £24, 000 is paid by the developers as a contribution towards primary school accommodation. If the development goes ahead without this contribution, it will only exacerbate what is already a very difficult situation in our local primary schools.
- 5.17 **St Teresa's School.** Confirms that the school would be unable to accommodate any additional pupils. And that the school is full.
- 5.18 **NHS Rochford Primary Care Group.** Against the backdrop of a national shortage of GP's and nurses it is considered that the proposal would undoubtedly put pressure upon existing primary care services.
- 5.19 **The Jones Family Practice.** There are a number of new developments already taking place in the Hockley area and we may have to consider whether to lose some of our patients in Ashingdon even without this latest application. We would therefore be unwilling to take on new patients from this estate at present or in the foreseeable future.
- 5.20 **Woodlands/Environmental Officer.** The ecological surveys provided for this site cover most of the relevant possible species that could be on the proposed development site and hence effected by the development. However there are a number of concerns, namely: The receptor site must be established before any translocation works/development of the site can take place; the construction/maintenance of the site must be agreed before hand; details of the method of trapping needs to be provided in more detail; and the long term management of the site and its monitoring must be agreed.
- 5.21 **English Nature.** Consider that if suitable precautions are undertaken (i.e. in accordance with EN's own guidelines) the proposal may be considered acceptable. This on the proviso that suitable enhancement, management and monitoring of the proposed receptor site are secured (including funding) as part of the planning process through the use of a Sec. 106 agreement.
- 5.22 **SEEARG.** Refer to the large number of crested newts in the area and also to the fact that the site provides a good habitat for reptiles. Suggests that the receptor site is enlarged and that work takes place to improve the aquatic environment's off the site, namely the balance pond.
- 5.23 **Head of Housing, Health & Community Care.** Advises that they have no objections in principle to the development. However, the previous use of the site as a scrapyard has resulted in soil contamination. Subject to conditions requiring that the remediation work is carried out in accordance with the recommendations as detailed in the applicants report entitled 'Contamination Site Investigation' and that appropriate validation sampling is carried out and that a certificate is submitted to the Authority confirming that the remediation works have been completed no objections are raised.

- 5.24 Neighbour Consultation. A total of 29 letters of objection have been received in connection with this application following consultations on the original and the revised plans. The vast majority of the objections centre on the use of Hogarth Way as an access to the site. Local residents consider the road to be too narrow to accommodate the additional traffic of the proposed development particularly in respect of the properties which have driveways directly onto the road and the fact that the proposed mews road links Hogarth Way and Rectory Avenue. Objectors are concerned that refuse wagons already have difficulty coming down this road and they consider that the proposal will make matters worse to the detriment of highway safety. They are also concerned that it will make matters worse and could stop access for emergency vehicles. Other concerns relate to: the drainage of the site and the need to ensure adequate surface water drainage provision following the loss of the existing drainage ditch; loss of wildlife habitat; loss of view; loss of protected trees, the fact that the amended plans no longer include the provision of a play area; the provision of affordable housing and the problems that such housing may give rise to; and the management of the proposed receptor site.

MATERIAL PLANNING CONSIDERATIONS

- 5.25 This application lies within the residential area of Ashington and therefore the principle of the development is considered acceptable. The main policy considerations are H11 (Design & Layout), H14 (Affordable Housing), PU4 (Land Drainage), RC4 (SINC sites), and LT1 (Public Open Space), as well as PPG3 (Housing) and PPG9 (Nature Conservation).
- 5.26 **Layout and Design.**
The plans as originally submitted showed a development of 32 houses and with a similar layout to the current plans. Following discussions with the applicants the scheme has been amended to include 5 affordable housing units as required by Policy H14 of the Local Plan. The provision of these units required the scheme to be reworked and a total of 36 houses are now proposed and this has resulted in the loss of the proposed play area. However, the loss of the play area is mitigated by the increase in the size of the buffer strip between the development and the pond area, alongside the hedgerow and ditch, which will be enhanced. The affordable housing will be provided by the developer and transferred to a housing association for a sum not exceeding one pound. The units will be let out by the housing association and the Council will have nomination rights in this respect. These matters are to be dealt with by way of a legal agreement. With the ever increasing prices of houses in the area, it is becoming more important in creating balanced communities for the provision of affordable housing to be an integral part of any housing development as more and more people are priced out of the housing market.

- 5.27 The design of the development takes on board many of the principles of the Essex Design Guide, most parking areas being located out of site to the rear of the dwellings with entrances through a carriage arch; with the terrace following the curve of the road; and with the buildings being located close to the highway, thus providing a continuous frontage and enabling an increase in the amenity area at the rear. In terms of the provision of amenity space and the Council's local Policy the layout meets the minimum specification. However, due to the terraced design of much of the development, the one metre separation has not always been achieved. Notwithstanding this point, this design is considered acceptable. In terms of PPG3 and the Essex Design Guide, The density of the development is under 16 dwellings per acre or 38 per hectare (excluding the receptor site), which is well within the requirements of PPG3 which seeks to encourage development between 30-50 dwellings per hectare in order to make the best use of the land. The design of the development in terms of its layout, particularly its access arrangements and its impact on the highway structure meets the requirements of the highway standards as detailed in the Essex Design Guide apart from some minor modifications which can best be dealt with by conditions. The existing width of Hogarth Way is suitable in terms of the additional dwellings it will serve if the development goes ahead. At the moment there is a footpath only alongside one side and it is proposed that a new 1.8m wide footpath is provided on the southern side to serve the new development. 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 loop or link road, for up to 200 dwellings. Notwithstanding the many letters of objection in this respect, the total number of dwellings served by Hogarth Way will amount to a maximum of 17 existing dwellings on Hogarth Way and a total of 26 new dwellings either having access onto mews road or directly onto Hogarth Way. This is significantly below the maximum design capacity of such a road and there are therefore no highway grounds to ask for revisions to the layout as requested by the objectors. The creation of a cul-de-sac with the provision of a turning head and the turning around of the houses fronting onto Hogarth Way would also be a less efficient way of utilising the site and having houses backing onto Hogarth Way is not desirable or warranted.
- 5.28 With respect to concerns about construction traffic this is considered reasonable and is covered in the Local Plan.
- 5.29 With respect to the mix of housing types and sizes, the development is considered acceptable. Out of a total of 36 units, 15 houses will be of 2-3 bed design, with a total of six being of two bed types. Policy H13, which strictly relates to developments of 50 units or more, requires between 10% and 20% of dwellings to be of 2 beds or less.
- 5.30 The proposed layout will not result in the loss of any protected trees. The plan indicates only one tree will be removed and this is not protected.

5.31 **Drainage.**

The developer has indicated that the development will connect into the main sewer for both foul and surface water. No objections have been received from either Anglian Water or from the Environment Agency. However, both suggest that conditions are attached to any permission in respect of the submission of details of the drainage systems, particularly in respect of the surface water and the need to ensure that it is properly attenuated and uses sustainable drainage techniques as recommended in PPG25.

5.32 **Wildlife.**

The site is home to a very large population of great crested newts, which are a protected species under the provisions of the Wildlife & Countryside Act 1981. In addition there are other known reptiles and amphibians of wildlife interest on the site. PPG9 advises that the presence of such animals within an application site is material to the consideration of an application. Three reports have been submitted by the applicant detailing the nature and extent of the wildlife interest, and the means to mitigate the impact of the proposal on those wildlife interests. A key element of the mitigation plan is the provision of a receptor site close by to the development and the balance pond. This area is currently intensively grazed by horses and is not a good habitat for newts. It is proposed to carry out work to this area to create a suitable habitat for the newts and the other amphibians and reptiles. Once established, by stopping the grazing and allowing the area to be overgrown and the provision of rubble/log piles and specially constructed hibernation sites, it is proposed to capture the newts and other animals and transfer them to the established receptor site. Once established this site will be transferred to this Council and the developer has agreed to pay a sum of money to cover the initial maintenance costs of the receptor site. It is expected that this area will be leased to the Parish Council who maintain the area immediately to the west of the receptor site as a nature reserve. The management of the area would be the subject to a conservation management plan which would need to be agreed in advance and monitoring of the newts population would be part of this plan to ensure the welfare of the newts and this is a requirement of DEFRA who will put this as a condition to any license granted for the capture of the newts. The developers consultants have also indicated that the areas outside the application site need to be properly managed to ensure the welfare of the newts and the management of the balance pond, which is currently overgrown with reeds and rushes, is crucial in this respect. Although not directly connected with this application, Officers intend to hold meetings with landowners, the Parish Council, Essex Wildlife Trust and English Nature to pursue the points raised in the consultants report, in order to ensure the welfare of the newts etc.

- 5.33 Appropriate conditions and a Section 106 agreement will ensure that the works required to mitigate the harm to the various wildlife interests are undertaken within the application and receptor site properly and that they are properly maintained.

5.34 Contamination,

The sites former use has left it contaminated by a number of heavy metals and hydrocarbon which could also pose a risk to surface waters including the ditch which runs along the western boundary. The presence of these materials pose a risk to both human health and to animal health. Therefore, it is important that remedial action is taken to ensure that these contaminants are removed and the site made safe as detailed in the applicants report.

- 5.35** Provided the recommendations detailed in the applicants consultants report are adhered to and the work is undertaken in accordance with best practice, the Head of Housing, Health & Community Care raises no objections to the proposal. It is proposed that conditions are attached to the permission in line with the Head of Housing, Health & Community Care comments to ensure that the decontamination of the site is undertaken in accordance with the reports recommendation and that the developer submits a signed certificate to that effect before development commences.

5.38 Public Open Space.

Policy LT1 identifies the receptor site to be in an area of proposed open space and states that the Council; will pursue the acquisition of this land. The developer has agreed to give this land to the Council. However, although this may fulfil the requirements of Policy LT10, care needs to be taken as unrestricted access to the receptor site as this could be detrimental to the sites value as a wildlife site. Access arrangements etc will be the subject of the management plan and will need to be carefully controlled.

5.37 Education and other public service provision.

Like any new residential development, the proposal will add to the increasing demands on the public service provision within the District. The County Education Authority, have asked that the Sec 106 agreement requires the developer to make a contribution of over £38,000 for local education provision. The local GP and the Primary Care Group also consider that the proposal will further add to an over-stretched service. Whilst this is understandable, there is no policy justification to refuse an application on the grounds that it will add to demands on the public services. The developer advises that the development cannot sustain further social provision over and above the community benefits already accruing in the form of decontamination of the site, the provision of a receptor site/public open space and a contribution to its maintenance costs and the provision of a 5 affordable units for £1.00! He acknowledges the concern about school places, but feels that it is the function of the County Council to provide for such places.

CONCLUSION

- 5.38** This site is included within the residential area of Ashingdon and therefore the principle of residential development of this site is accepted, notwithstanding the significant wildlife interest of the site.

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- 5.39 The site is contaminated and the risk to human health is considered to be medium to high. It therefore poses a risk to both human health and animal health and needs to be decontaminated. The development is a means to ensure that this decontamination takes place and the risk is removed.
- 5.40 The proposal complies with the policies adopted by this Council, particularly in respect of the provision of affordable housing and this is the first such provision in the District. The design and layout of the scheme meets current standards, particularly in respect of the proposed access onto Hogarth Way. Some minor modifications are required following comments from the Highway Authority, but these can be dealt with by a suitable condition.
- 5.41 The application will involve the translocation of great crested newts and other animals. Whilst this is not ideal, it is considered that the proposed measures will mitigate any impact and this is confirmed by the comments received from English Nature. In addition, maintaining the status quo may pose a greater threat to the newts as the balance pond, which is used by the newts as a breeding pond, could potentially be contaminated by surface water from the site and this could have major impact on the newt population.
- 5.42 It is therefore considered that the development will not only provide 36 new houses that meet the Council's design requirements, but it will remove a health risk, ensure the continued welfare of a protected animal and provide additional public open space.

RECOMMENDATION

- 5.43 It is proposed that this Committee **RESOLVES** that this application be **APPROVED** subject to the completion of a Legal Agreement dealing with the following heads of matters and any others that may be considered necessary:
- 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 access is provided at the end of Hogarth Way.
 - That no construction traffic uses Hogarth Way.

And the Following Heads of Conditions:-

- 1 SC1 Time Limits Full
- 2 SC14 Materials
- 3 SC50 Means of Enclosure
- 4 SC54A Trees to be Retained
- 5 SC59 Landscape
- 6 SC85A Forward Visibility
- 7 SC69 Vehicular Access Details

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- 8 SC75 Parking & Turning Space.
- 9 SC73 Surface of access ways
- 10 SC74 Surface finish driveways
- 11 SC91 Foul Water Drainage
- 12 SC90 Surface Water drainage
- 13 Remediation of the site shall be carried out in accordance with the Knight Environmental Ltd document reference 35.081C entitled Contamination Site Investigation: Rectory Avenue, Ashington, 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.
- 14 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. 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, 1998 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 agreed in writing with the Local Planning Authority.

Relevant Development Plan Policies and Proposals:

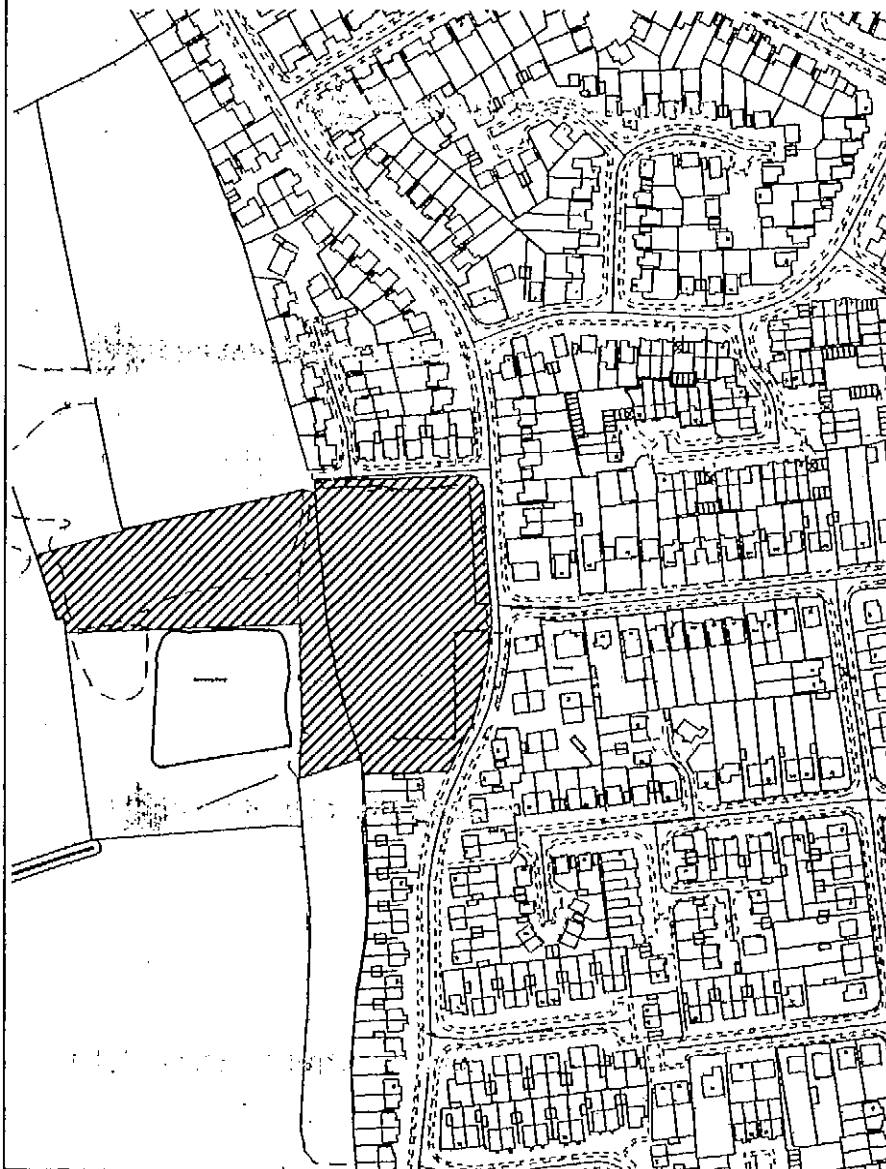
H11, H14, PU4, RC4, LT1 of the Rochford District Local Plan First Review


Shaun Scrutton
Head of Planning Services

The local Ward Member(s) for the above application are Cllr H L A Glynn. Cllr V H Leach. Cllr M G B Starke.

For further information please contact Mark Mann on (01702) 546366.

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PLANNING SERVICES COMMITTEE - 22 November 2001 Item 6

TITLE : 01/00687/COU
CHANGE OF USE OF UNIT 36 TO TRANSPORT AND
STORAGE AND RE-LOCATE WASTE TRANSFER STATION
TO UNIT 37 (AS ANCILLARY USE)
36 – 37 STAR LANE INDUSTRIAL ESTATE

APPLICANT : CHURN WASTE

ZONING : EXISTING INDUSTRIAL

PARISH: GREAT WAKERING PARISH COUNCIL

WARD: GREAT WAKERING WEST

PLANNING APPLICATION DETAILS

- 6.1 This application is for the change of use as outlined in the above description. In effect, the result would be to move the existing transport and storage use from Unit 37 to Unit 36 and the existing Waste Transfer Station from Unit 36 to Unit 37. The proposal would unify the current two separate permissions into one combined approval.

RELEVANT PLANNING HISTORY

- 6.2 Planning application number ROC/0538/87 was for the change of use of unit 36 to a Waste Transfer Station. That consent included no restrictions by way of Conditions limiting the operation of the site.
- 6.3 A more recent planning application number ROC/0538/87 was for the use of unit 37 as a transport and storage facility. There is currently outstanding enforcement action with respect to this site and compliance with conditions, including hard surfacing and dust suppression. Whilst not of direct relevance, it is recognised that a grant of permission under this application would supersede this action.

CONSULTATIONS AND REPRESENTATIONS

- 6.4 The application is currently the subject of an additional consultation to ensure residents of Great Wakering have the opportunity to comment fully on the proposals and this will expire on the 7th December 2001. Responses received following the 1st & 2nd rounds of consultation are as follows.
- 6.5 Responses to First Round of Consultation.
- Essex County Council (Highways) raise no objection to this proposal.
- 6.6

PLANNING SERVICES COMMITTEE - 22 November 2001 Item 6

- 6.7 **Essex County Council (Development Control Group)** comment that the submission of the application is supported as it seeks to unify the two sites whilst moving the waste transfer facility away from the nearest neighbour, thus revoking planning permission for the waste transfer element on Unit 36 to the benefit of the adjoining users. The specific location is one that would be considered satisfactory to a Waste Transfer Station under Policy W7E of the Adopted Waste Local Plan.
- 6.8 **Environment Agency** initially recommended a building – partial/complete, in addition to further information relating to the methods proposed for drainage, volume storage limits, traffic movements and hours of operation. The second response to consultation identifies the issue of a building on site further.
- 6.9 Extensive Neighbour responses have been received from 5 estate residents with a further response including 10 businesses on the estate that endorse the objection views. Items objected to in the application include: the possible increase in waste and the waste transfer licence, the number of vehicle movements connected with the site and the condition/maintenance of the associated roadway and the environmental implications that the Waste Transfer Station has in terms of the estate.
- 6.10 Under the banner of environmental implications, objections in the main have centred on mud on road coming from Churn Waste, dust creation from both the waste dumping, turning of vehicles and operating mechanical equipment. The issue of a building for the site has been mentioned as well as the outstanding enforcement action for the units concerned with this application.
- 6.11 **Response to Second Round of Consultation.**
- 6.12 **Housing, Health & Community Care** reports that complaints alleging dust and noise from this site have been received. There are no adverse comments subject to conditions being appended to any consent granted.
- 6.13 **Environment Agency** have revised their initial comments with respect to the requirement for a building on site and can confirm that it accepts the current proposal as the minimum requirement. It would be the agency's intention through a Waste Management Licence to require the operator to monitor the environmental effects of the site and for further construction works to be carried out should it be shown to be necessary.
- 6.14 Neighbour Responses have continued from residents of the estate, highlighting similar issues, with further requests for renewed and wider consultation.

MATERIAL PLANNING CONSIDERATIONS

- 6.15 With respect to this application it is necessary to consider whether the relocation of the uses on Units 36 & 37 is acceptable for the location intended and, furthermore, what environmental impact the development will have on the surrounding area.

PLANNING SERVICES COMMITTEE - 22 November 2001 Item 6

- 6.16 The sites 36 & 37 are located within the existing industrial estate of Star Lane.

Waste Transfer Facility

- 6.17 The operation of Unit 36 as a Waste Transfer Station is controlled by the Environment Agency through the issue of a Waste Management Licence (WML). The issue of a WML is dependent in the first instance on the existence of a valid planning consent and consent to use Unit 36 as a Waste Transfer facility was granted in 1987.
- 6.18 Whilst the planning consent controls the principle of using the site for this purpose, the volume of waste then processed on the site is controlled by the WML. The Environment Agency issues Licences on the basis of an environmental assessment of the impact the use would have on the area at different volume levels of operation. Mitigation measures might be specified to enable the volume of waste to be increased above certain levels.
- 6.19 The 1987 consent to use Unit 36 as a Waste Transfer Station placed no limitations on the part of the site that might be used for this purpose. The applicant is, at present, operating from a location on the northern boundary of the site adjacent to Unit 35. The arrangement now proposed would move the Waste Transfer facility to a location on the eastern side of Unit 37 and isolate it, as far as possible, from other businesses on the estate. This arrangement is considered to be much more acceptable.
- 6.20 The impact of the development on the surrounding units and the estate, as a whole if an approval was forthcoming will be significantly improved in comparison to the relationship that exists with the current waste facility. As part of the current application, improvements to the site will be achieved to benefit the overall estate and adjoining units. The full concreting of the yard will provide a hard surface for lorry movements; this will resolve the majority of the current problems that are generated by the mud/gravel surface of the yard.
- 6.21 The revised plan on this application provides for a bund wall to be constructed to a height of 6metres surrounding a screener, which is to be provided as part of the Waste Transfer facility. Whilst a screener is not always included as part of a Waste Transfer facility, it is considered to be an appropriate use for the site and the impact of the machine has been judged accordingly. The proposed 6m wall has been assessed as effective arrangement in terms of screening the impact of the machine on the neighbouring units.
- 6.22 Original consultation with the Environment Agency suggested a building might be required on site. Having reviewed this matter further, the environment agency has determined that no building is required for the proposed use, subject to the matters of operation being acceptable. On this account the Environment Agency will be involved with on going monitoring of the site as part of the WML. If volumes of waste are to increase, this situation may be reviewed at a later date.
- 6.23 The existing consent for Unit 36 did not indicate that a specific part of that site should be used for the Waste Transfer facility. This application offers the opportunity for tighter control over that aspect and a Condition is proposed to limit the area for the

PLANNING SERVICES COMMITTEE - 22 November 2001 Item 6

Waste Transfer operation within Unit 37. In addition, a Condition is proposed to require the provision of a full concrete hard surface suitable for HGV's.

Transport and Storage

- 6.24 This is a somewhat less controversial element of the proposal, although Unit 37 is currently the subject of enforcement action by the Authority.
- 6.25 The consent granted in 1999 enabled Unit 37 to be used as a transport and storage facility and Conditions required, in particular, the provision of an area of hardstanding to avoid disturbance to other users of the estate by dust and mud. The required hardstanding has not yet been provided, although the applicant has been operating from the site.
- 6.26 The proposal to move the transport and storage facility to Unit 36 would immediately solve the problem of a hardstanding for this use, since Unit 36 is already hard surfaced. It is not considered there would be any adverse environmental effects on the estate from the transfer of this use from Unit 37 to Unit 36. As indicated earlier in the report, a Condition is proposed to require Unit 37 to be hard surfaced to a suitable standard for HGV's.

Vehicle Movements

- 6.27 The County Highways Department has no objection to the proposed change of use, but concerns have been expressed by objectors about the implications of HGV's queuing on the internal estate and causing congestion and access problems.
- 6.28 In order to deal with these concerns, it is proposed to add a Condition requiring space to be provided within the application site for 3 HGV's to park, turn and manoeuvre clear of the estate road. It is considered that such an arrangement should help to minimise disturbance for the other users on the estate.

CONCLUSION

- 6.29 The proposals represent significant improvements for the estate which will be of benefit to the occupiers of the neighbouring units with the capacity for further control and restriction from the Local Authority under planning conditions set out below.

RECOMMENDATION

- 6.30 It is proposed that this Committee **RESOLVES** to grant **DELEGATED AUTHORITY** for approval of this application to the Head of Planning Services pending receipt of full consultation responses subject to the inclusion of the following Conditions:
- 1 SC4 Time Limits Full
 - 2 The area shown hatched in blue on the approved plan shall be used for no purpose other than that of Waste Transfer Station and at no other time shall waste material be present on any other part of the site connected with the Waste Transfer Station.
 - 3 SC90 Surface Water Drainage

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- 4 SC91 Foul Water Drainage
- 5 Storage of waste within the approved hatched area shown on the approved plan shall at be limited at all times to a maximum height limit of 4 metres.
- 6 Details to be submitted to and agreed by the Local Planning Authority of the Western site boundary area to be infilled with retaining wall and screening net as per the existing boundary treatment of the site.
- 7 Space shall be provided within the site to enable the parking, turning & manoeuvring of 3 Heavy Goods Vehicles visiting the site at one time for Waste Transfer Purposes clear of the estate road and maintained in an unimpeded form.
- 8 There shall be no burning of waste materials on any part of the site containing the development hereby permitted.
- 9 A scheme of measures for the control and suppression of dust emissions shall be submitted to and approved in writing by the Local Planning Authority. Such agreed works shall be implemented in the approved form prior to the commencement of any use hereby permitted and shall be maintained in the approved form while the premises are in use for the permitted purpose.
- 10 The site shall only be used for the storage of inert, non-putrescible and non-hazardous materials. No liquids, sludges, slurries or oils shall be deposited on site, either alone or in admixture with other materials.
- 11 The scheme of noise control detailed in the report from Chiltern Acoustics Ltd, number 10166/A, Addendum 2, dated 10th October 2001, shall be fully implemented prior to the commencement of any use hereby permitted and shall be maintained in the approved form while the premises are in use for the permitted purpose.
- 12 Details to be submitted to and agreed by the Local Planning Authority of the area shown hatched green on the approved drawing to be laid to a full concrete hard surface suitable for the turning and manoeuvring of H.G.V's and thereafter retained and maintained in the approved form.

Relevant Development Plan Policies and Proposals:

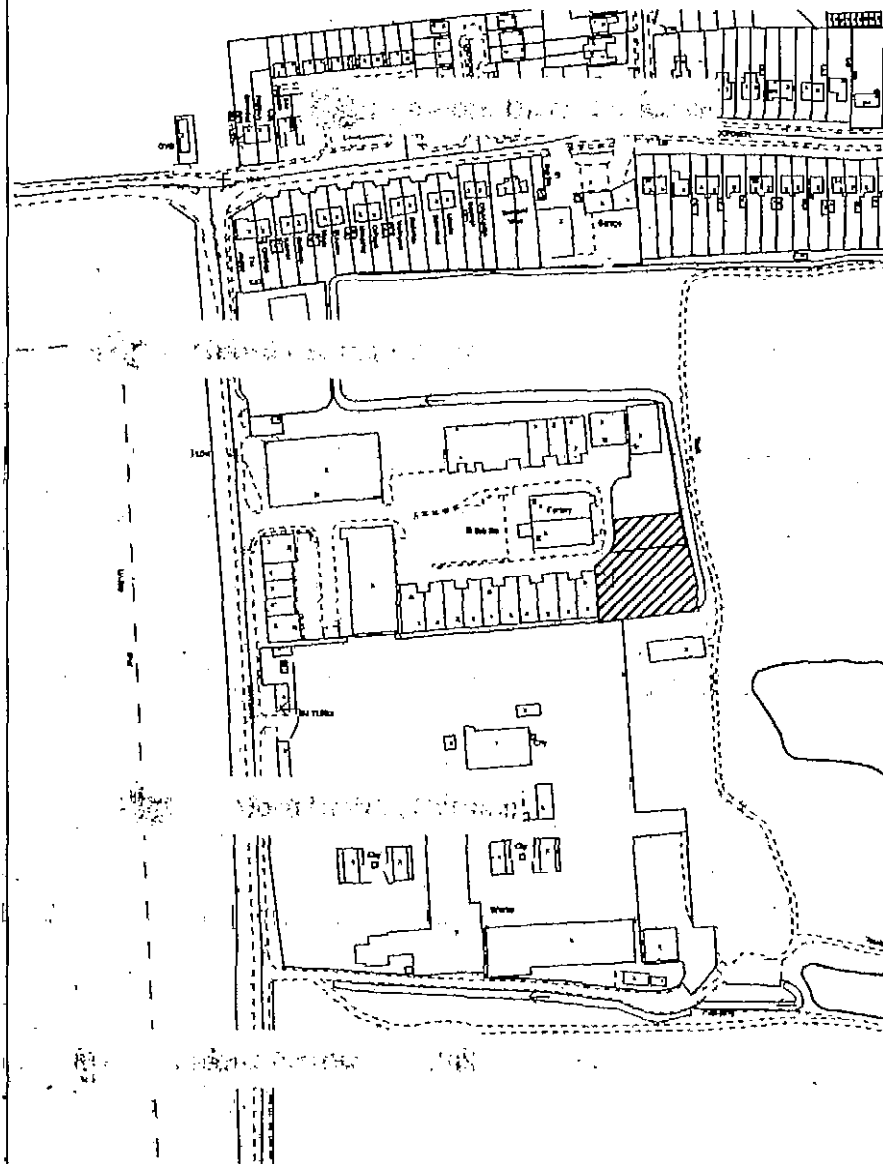
EB2, EB4, EB5, EB6 of the Rochford District Local Plan First Review


Shaun Scrutton
Head of Planning Services

The local Ward Member for the above application is Cllr G Fox

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

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PLANNING SERVICES COMMITTEE - 22 November 2001 Item 7

TITLE : 01/00614/FUL
ERECT NEW PUBLIC HALL BUILDING, LAYOUT PARKING
AND CHILDRENS PLAY AREA (DEMOLISH EXISTING HALL)
PUBLIC HALL
BULLWOOD ROAD
HOCKLEY

APPLICANT : HOCKLEY PUBLIC HALL CHARITY

ZONING : RESIDENTIAL

PARISH: HOCKLEY PARISH COUNCIL

WARD: HOCKLEY WEST

PLANNING APPLICATION DETAILS

- 7.1 This application is for the erection of a new Public Hall with layout parking and children's play area following the demolition of the existing Public Hall.

RELEVANT PLANNING HISTORY

- 7.2 An application for planning permission for a ground floor, front, side and rear extension was applied for and approved (99/0062/FUL). This application included a new access to side and rear and car parking for 7 cars.

CONSULTATIONS AND REPRESENTATIONS

- 7.3 **Hockley Parish Council**- have no comments on the grounds that the badminton court is for indicative size purposes only and that the building footprint is no larger than the existing hall and there will be no increase in use. It is also requested that the street scene is maintained and the increased parking is provided.
- 7.4 **Anglian Water** - has no objections to raise in principle.
- 7.5 **Environment Agency** - has advisory comments on this application.
- 7.6 **County surveyor (Highways)** - de - minimis
- 7.7 **Housing, Health & Community Care** -has no adverse comments in respect of this application subject to the Standard Informative SI16 (Control of Nuisances) being attached to any consent granted.
- 7.8 **Buildings & Technical Support (Engineering)** - has no observations to make on this proposal

PLANNING SERVICES COMMITTEE - 22 November 2001 Item 7

- 7.9 **Local Plans** - Note the site is within a residential area. Policy PU4 relates to community buildings. There is no policy in the Local Plan specifically for Public Halls. Policy 24 covers maintenance and enhancement of amenities within residential areas.
- 7.10 **Head of Legal Services** -advise that the residents of Main Road do not enjoy have no legal rights to the right of way over the "access strip" within the application site (this of course would be a private matter rather than a planning matter.
- 7.11 **English Nature** - requested an ecological survey to be carried out to determine the presence of bats in the hall, if protected species are suspected or present on the site.
- 7.12 **Woodlands and Environmental Consultant** - advises that the construction of the new access would affect the preserved Silver Birch tree sited to the north of the public hall and suggests a number of methods of protecting it during the construction period.
- 7.13 The Woodlands officer found no evidence of other protected species using the site.

Adjacent Residents

- 7.14 A total of 30 letters of objection have been received that object to the proposal. The main concerns relate to a possible increase of the use of the hall and the increased vehicle congestion and car parking problems as well as increased noise levels that this could lead to. Other concerns relate to the impact the hall may have on wildlife living in the area, the design of the proposed hall, the pre-existence of other community and sporting facilities in the area and a loss of the public access way adjacent to the existing hall.

MATERIAL PLANNING CONSIDERATIONS

- 7.15 Policy H24 is the most relevant Local Plan policy, which seeks to safeguard amenities and maintain and enhance amenities within defined residential settlements. In addition, policy PU4 on community buildings and the use of existing buildings for community purposes is also relevant.
- 7.16 The key issues being :-

Visual Impact
Usage of hall
Access and parking
Public Access
Wildlife issues

Visual impact

- 7.17 The site is on the north side of Bullwood Road, Hockley, and to the rear of a number of properties on Main Road, Hockley. The hall is in a residential area surrounded by houses. It is a one-storey building and the proposal is to replace it with a building of similar design but enlarged from some 198 m² to 242 m² floorspace. This enlarged size is very similar to that already granted permission under reference 99/00062/FUL i.e. 240 m². The proposed building will be approximately 11.5 m wide and 28 m long compared to the current hall that is 21 m long and 13 m wide.

Car parking

- 7.18 The existing public hall does not have any off street car parking facilities. The proposal will make provision for 9 off street car parking spaces, five of which will be to the front of the building with the other four will be to the side of the building. The current car parking provision for use Class D2 is 1 space for 22 m². The approximate area of the new building is 240.8 m² therefore ideally provision should be made for 11 car parking spaces. However, there is no off street parking at the site at present and previous planning permission for an extension to the hall was approved with only 7 off street car parking spaces (application 99/00062/FUL site area 239.72m²).

Usage of building

- 7.19 There is no expected increase in usage of the replacement building. The current building is used Monday – Friday 8.30 a.m. – 10.30 p.m. The hall was previously hired out at the weekend from 9:00 – 5:30 and the letting officer for the hall is currently looking into potential users for the hall at the weekend. The hall also has occasional casual hirings about once a month.

Public Access

- 7.20 There is a former right of way to the north of the Public Hall that is owned by Rochford District Council. The land is on a long lease to the Public Hall. This "access way" until recently has been overgrown with vegetation and has thus not been actively used by anyone in recent years. Legal Services have confirmed that the access was conveyed to the Council without any exceptions and reservations in favour of adjoining owners, therefore local residents do not have a legal right to use this right of way.

Wildlife issues

- 7.21 Bats

A bat survey carried out by Essex Ecology Services Ltd, (EECOS) found evidence of a bat roost in the Public Hall. The population size and species of bat involved cannot be confirmed at this stage but it is most likely to be one of the Pipistrelle species. The survey proposed for June 2002 will confirm the species size. An estimate of the population size will also be given following the June survey.

PLANNING SERVICES COMMITTEE - 22 November 2001 Item 7

- 7.22 The proposed redevelopment would remove the existing roost site but usually bats have more than one roost site therefore it would not be unacceptable if they were unable to use the public hall roost site for one season. The demolition of the existing hall, which does not require planning permission is the key here, being the Roost. The Bats protection afforded by the licence requirements (by either English Heritage or DEFRA) will secure appropriate mitigation in the form of timing, replacement Roost etc. This investigation will cover matters such. The bats use the building as a summer roost therefore demolition will have to take place when they are not present in the building from September to May. If construction work is not completed by May the building should be in a condition that is unusable by the bats by April in order to dissuading them from moving back in. The new building should have features within its structure that will enable the bats to continue using it as a roost site. Additionally, the access point should be kept as close as possible to the original one.

Other Protected Species

- 7.23 No evidence of other protected species was found on site by either of neither the Councils Woodlands and Environmental officers nor a private consultant.

Tree Preservation Order

- 7.24 There is a protected Betula spp. to the front of the Public Hall that would be affected by the proposal, however, it is possible for the tree to remain after the development. The tree can either be removed and replanted following all construction or a no dig construction with permeable surface beneath the potential canopy of the tree can take place. This approval is consistent as that taken on the last application when its felling was accepted.

CONCLUSION

- 7.25 The scale of this application is only marginally larger (2.08m²) than the previously approved application for an extension to the hall and includes a number of off street car parking spaces that would reduce congestion on Bullwood Road. The use of the existing building as a Public Hall is well established.

PLANNING SERVICES COMMITTEE - 22 November 2001 Item 7

RECOMMENDATION

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

- 1 SC4 Time Limits Full – standard
- 2 SC9A Removal of building
- 3 SC14 Materials to be used
- 4 In the event that the preserved Silver Birch tree is removed a replacement tree shall be planted in the first planting season (October to March inclusive) within the site in accordance with details that shall have previously been submitted to and agreed in writing by the Local Planning Authority. Should the replacement tree be removed, uprooted, destroyed or be caused to die, or become seriously damaged or defective, within five years of planting, it shall be replaced by the developer(s) or their successors in title, with a species of the same type and in the same location as that removed, in the first available planting season following removal.

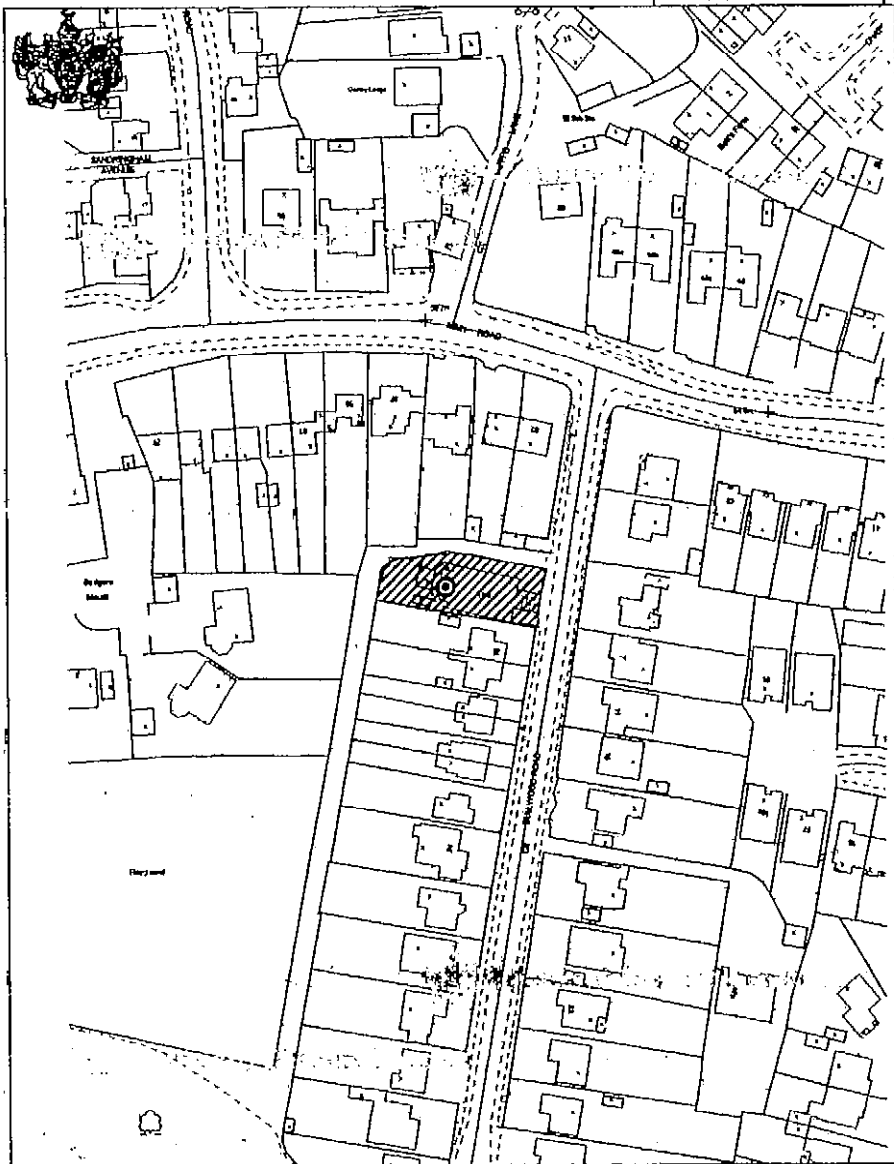
Relevant Development Plan Policies and Proposals:

H24, PU4 of the Rochford District Local Plan First Review


Shaun Scrutton
Head of Planning Services

The local Ward Member(s) for the above application is/are Cllr L. Hungate
For further information please contact Lorna Maclean on (01702) 546366.

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PLANNING SERVICES COMMITTEE - 22 November 2001 Item 8

TITLE : 01/00777/FUL
USE LAND AS HIGHWAYS MAINTENANCE DEPOT. ERECT
OFFICE BUILDING, TOILET, MESS AND GATEHOUSE.
PERIMETER SECURITY FENCING 3.2m HIGH.
SITE D3 PURDEYS INDUSTRIAL ESTATE

APPLICANT : IMAGE CIVIL ENGINEERING

ZONING : INDUSTRIAL

PARISH: ROCHFORD PARISH COUNCIL

WARD: ROCHFORD EASTWOOD

PLANNING APPLICATION DETAILS

- 8.1 Site D3 is a plot to the North Boundary of Purdeys Industrial Estate; access is intended to be gained from Millhead way. This is a fast track item, brought to committee for members' attention by virtue of the opportunity for job creation within the district.
- 8.2 The applicant has confirmed that the proposal will involve the creation of approximately 50 jobs within the district by virtue of a relocation of their existing offices. It is further confirmed that the applicant has secured the highways maintenance contract for Southend Borough which is expected to run for a minimum term of 5 years, in addition to current contracts covering the majority of South East Essex.

RELEVANT PLANNING HISTORY

- 8.3 Application number ROC/0084/95 for a factory, store with associated offices and carparking was permitted, this was similar in scale to that of the more recent approval given for application number 00/00512.
- 8.4 00/00512 was for the erection of a warehouse unit with ancillary office, car park and yard area. This application was for a larger site area (in comparison to the current proposal) in a similar location, with the approved warehouse unit to cover the majority of the available site. In development terms, the current application involves a small physical building in comparison to that previously approved.

CONSULTATIONS AND REPRESENTATIONS

- 8.5 At this stage in the application process, full consultation responses have not been received; additional responses will be included within the addendum for member's attention, responses received so far are as follows:
- 8.6 **Essex County Council (Highways)** recommends approval subject to conditions.

PLANNING SERVICES COMMITTEE - 22 November 2001 Item 8

- 8.7 **Civil Aviation Authority** has no safeguarding objections to this proposal subject to conditions.
- 8.8 **Housing, Health & Community Care** have no adverse comments on this application subject to conditions being attached to any consent granted.
- 8.9 **Essex Police (Crime Reduction Officer)** does not see a reason to object to such a compound, though recommends actions for site security. A copy of this response shall be passed to the applicant.

MATERIAL PLANNING CONSIDERATIONS

- 8.10 With respect to this application it is necessary to consider whether the proposed use is an acceptable form of development for the location intended. Whether the visual implications of the development are acceptable, whether the parking & access requirements are met and what impact the development will have on a public footpath bordering the site.
- 8.11 The site is located within an area on the Purdeys Industrial Estate zoned for industrial use and accordingly falls within policy EB2 of the Local Plan where it is specified that general industrial, business, storage & distribution uses will be acceptable. It is considered that, in principle the proposed use is compatible with the objectives set out in the Local Plan.
- 8.12 With regard to visual implications, in particular the public footpath near to the site, this proposal shows a much lower density of development. A full 3.2metre security fence is proposed to the perimeter, this aspect must be paid particular attention when considering the appearance from the footpath, a scheme of screening and landscaping may be suitable in this location.
- 8.13 The buildings within the site will be relatively low scale, with the main use of the site as open storage for materials and equipment. Access to the site is proposed from the existing turning head to the North end of Millhead Way, whilst the low scale of development within the site means there should be adequate turning, manoeuvring and parking space available.

CONCLUSION

- 8.14 The principle of the use is considered to be acceptable in this location. The proposal meets requirements in relation to parking and access and the impact of the security fence especially on the northern site boundary is being considered in relation to existing landscape cover. Members comments on these or any other aspects are invited at this early stage. The application will be brought forward in due course in the normal way.

PLANNING SERVICES COMMITTEE - 22 November 2001 Item 8

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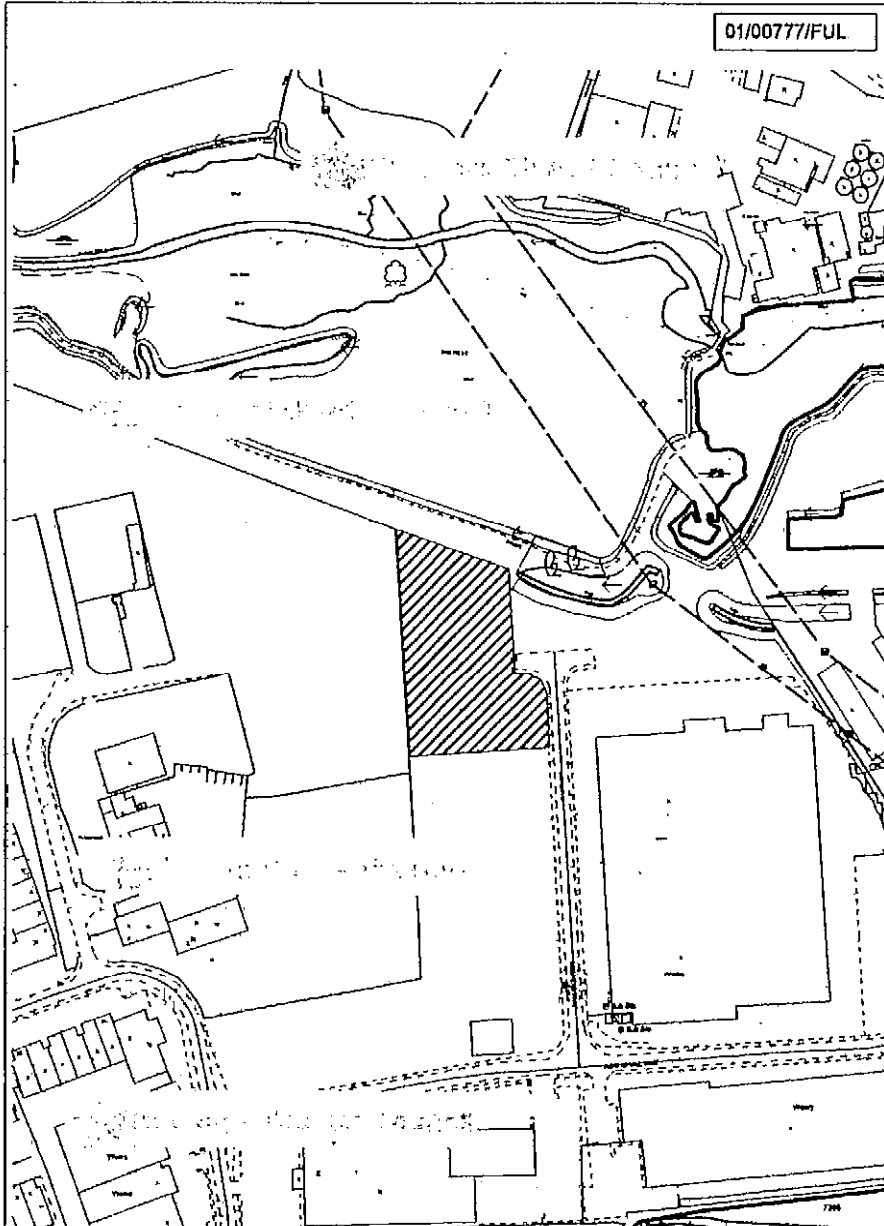
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TITLE : 01/00728/FUL
ERECT 2/3 STOREY BLOCK OF SEVEN 2-BED FLATS, TWO
1-BED FLATS (TOTAL NINE) AND TWO CLASS B1 OFFICE
UNITS AT GROUND FLOOR.

3 - 5 LONDON HILL, RAYLEIGH

APPLICANT : ASPECTS DEVELOPMENTS LTD

ZONING : AREA PRIMARILY FOR CLASS B1 BUSINESS USE

PARISH: RAYLEIGH TOWN COUNCIL AREA

WARD: WHEATLEY

SITE AREA: 665sqm

PLANNING APPLICATION DETAILS

- 9.1 The location of the proposed development is an area of currently vacant land (formerly used as a car parking area) toward the top end of London Hill close to its junction with Church Street.
- 9.2 The proposed building will wrap around the curved frontage of the site being both two and three storey in height. The lower part of the building will be toward the Church Street end of the site. The other end of the building will incorporate the higher element with the second storey to be provided by rooms within the roofspace with dormer windows.
- 9.3 At the ground floor two office units are to be provided. These would have a floorspace of approximately 120sqm. The first and second floors will be residential with a total of 9 units. The building design is such that the floorspace at first and second floors is larger than that at ground level, with the additional space supported on piers over parking at the ground floor.
- 9.4 The building will be a height of 4.7m approx to the eaves and to the ridge 6.9m for the two storey part and 9m where there are rooms within the roofspace. The drawings show the building to comprise a mix of brick, rendering and weather-boarding for external finishes. A roof garden is to be provided to the area to the top of the two storey part of the building.

PLANNING SERVICES COMMITTEE - 22 November 2001 Item 9

RELEVANT PLANNING HISTORY

- 9.5 An application (ref ROC/133/79) was submitted in 1979 for a 2/3 storey office building and permission was granted on 24 July 1981. The proposal at that time was broadly similar to that now presented with a two storey element closest to the Church Street end of the site and the three storey element (provided by rooms in the roofspace) at the end of the site adjacent to the Conservative Club. The highest part of the building was to be approx 9m in height.
- 9.6 In 1999 an application was submitted for a Lawful Development Certificate to establish whether the permission referred to remained extant. A Certificate was issued on 14 May 1999 which confirmed that the permission did indeed remain extant by virtue of a technical start and could continue to be implemented at any time.

CONSULTATIONS AND REPRESENTATIONS

- 9.7 The **County Surveyor** has no objections subject to the imposition of conditions regarding visibility, access widths and layouts.
- 9.8 The **County Historic Buildings and Conservation Area Advisor** comments that, had the principle of a development of this scale not been established already for this site then refusal would have been recommended. However, this scheme is better than the earlier permission and approval is recommended as the outcome. Minor amendments are suggested (which have already been incorporated in the scheme).
- 9.9 The **County Archaeological Officer** recommends that a condition is attached to any permission to require the implementation of a programme of archaeological work in accordance with an agreed scheme.
- 9.10 The **Environment Agency** raises no objections but provides advice in relation to methods of water disposal and the prevention of groundwater pollution.
- 9.11 **Anglian Water** has no objections but suggests conditions to require the details of foul and surface water drainage provision.
- 9.12 The **Head of Housing, Health and Community Care** advises that the proposals do give rise to the potential for noise disturbance and occupants may be subject to disturbance due to the town centre location. Conditions are suggested in relation to the details of lift equipment.
- 9.13 The **Highways and Buildings Maintenance Manager (Engineers)** has no objections.
- 9.14 The **Woodlands and Environmental Specialist** raised no objection in relation to the removal of the ornamental conifers and the appropriate consents were given.
- 9.15 **Rayleigh Town Council** objects to the application as the scale and mass is considered to be over dominant in the Conservation Area and does not conform to the Local Plan.

PLANNING SERVICES COMMITTEE - 22 November 2001 Item 9

- 9.16 Rayleigh Civic Society comments that the proposal for mixed office and residential use follows the approach of the Webster Court site and reflects the poor demand for office space in the town. Will result in overlooking to the properties on High Street which would be reduced with two storey development. Car parking appears adequate and details of material should be selected carefully to reflect the Conservation Area location.
- 9.17 Six local residents have responded to consultation and have raised, in the main, the following issues:
- the building will be over dominant and bulky and should be lower in height;
 - will have a harmful impact on the conservation area;
 - will result in loss of privacy, light and block views;
 - there is inadequate parking, development will add to existing parking problems and traffic hazards;
 - there is no demand for the office accommodation.
- 9.18 One respondent has provided alternative drawings and has queried some minor aspects of the design proposed.

MATERIAL PLANNING CONSIDERATIONS

- 9.19 It is necessary to consider the impact of the development on the character and appearance of the conservation area, residential amenity implications and access and traffic issues. At the same time it is important to keep in mind the extant permission which exists and the Local Plan designation for the site.

Extant Permission

- 9.20 As set out in the history section above a planning application for a form of development almost identical to that now proposed was submitted to the Council in 1979. After full consideration a permission for the development was issued in 1981. That development would have consisted entirely of office space but in terms of the height and scale of the building was the same as that now proposed.
- 9.21 At the Conservative Club end of the site the building was to be three storeys with rooms provided within the roofspace and lit by means of rooflight windows. The building was to be approx 9m to the top of the ridge, as per the building now proposed. At the Church Street end of the site the proposals were scaled down to a two storey building, again as the application now before the Authority. Eight parking spaces were to be provided.
- 9.22 Following that permission it is clear that the buildings originally on the site were demolished and some foundation works were carried out to enable the new build. As a result it was concluded that commencement of development had occurred within the five year deadline and that therefore the permission remains extant, and implementable at any time. A Lawful Development Certificate to that effect was issued in 1999.

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- 9.23 Because of the extant nature of the existing scheme there has to be some measure of comparison between the proposals now being put forward and those which can already be built on the site. In terms of the height and scale of the proposals it is considered that the building now proposed is broadly the same as that previously permitted.

Local Plan Designation

- 9.24 The site is designated in the Local Plan as an area primarily for Class B1 business use. The previous approval clearly met this requirement with the provision of office space throughout the building. The proposed use of the site has changed now in that, instead of entirely office use, residential uses are to be introduced at first and second floor.
- 9.25 Consideration of the appropriate policy in the Local Plan however indicates that this mixed use is not unacceptable. The appropriate policy is SAT17 in which it is indicated that schemes which incorporate a residential element at first and second floors will be encouraged.
- 9.26 Indeed, Members may recall the recent consideration of development proposals at Websters Court. Like this situation, a previous permission remained extant on that site which would have allowed the development of a three storey building wholly for office use. The recent application however involved office use only at ground floor with flatted development above. That site is also subject to policy SAT17 and, after consideration of all the relevant issues, permission was granted for the development.

Character and Appearance

- 9.27 The site is located within the Conservation Area. At present the site in its current form contributes little to the character of the area. It consists of an area treated with a gravel surface which was last used for car parking. Until recently the site was enclosed by standard leylandii planting which restricted almost all views of the site. Development on the site will plug a visual gap in the area and provide a more interesting appearance to the site than currently is the case.
- 9.28 The building is to have three gable projections with the remainder of the roof hipped. It is to curve around the London Hill and Church Street frontage of the site at most points being close to the back edge of the footway. Where the building is adjacent to the existing buildings on Church Street (nos 1, 3 and 5) it is to be the same height to the ridge at 6.9m (although the eaves will be higher).
- 9.29 Around the corner on the main London Hill frontage the building will be higher to the ridge than the adjacent Conservative Club building (at 9m as opposed to 7.6m approx). The properties opposite include two residential properties at 4 and 6 London Hill (which have a height of approx 8m), the Jobcentre (which, despite its single storey appearance has a height of 7m approx at the frontage and raises to 8.5m approx to the rear) and the British Legion buildings (these are the lowest in the area at approx 5m). The other residential use in the area is at 16 London Hill (approx 8m). Round the corner in High Street the property at no 6 is almost 10m to the ridge.

- 9.30 Given the varied height of the building and the extant permission, it is not considered that the proposals now being put forward will have a harmful impact on the character and appearance of the area by virtue of the size and scale of the building. As can be seen there is a mixture of building heights in the area many of which are comparable to that now proposed and some are higher. The varied design of the proposed building, with gable and hip features, and the differing use of materials are considered to be elements which will assist in the assimilation of the proposals and enhance their contribution to the character of the area.

Amenity

- 9.31 The proposals are located in a mixed commercial and residential area. The Conservative Club building is located to the immediate west of the site and the buildings to the east are former residential converted to office uses. There are residential uses to the north side of London Hill but the relationship between these and the site building is akin to any conventional relationship where buildings face each other across a road. There will be no overlooking of the private amenity areas of these dwellings.
- 9.32 To the south is a residential property at 4 High Street. The garden area from this dwelling stretches to the west such that it extends to Bellingham Lane. Within the curtilage of this dwelling is a two storey outbuilding which will have the impact of cutting off many of the views possible from the application site to the garden area of the existing dwelling.
- 9.33 There will be some additional overlooking of the garden to the dwelling at 4 High Street from the proposed new building. There will however, be only minimal overlooking to the closest part of the rear amenity area to the rear of the house. Also the degree of overlooking will be no greater than that which would have been caused by the building given permission in 1981 and which can still be constructed. Overlooking will be reduced by the existing planting within the garden of no 4 and, in addition, the developers propose the implementation of new planting to the rear of the site which will assist in reducing any impact on amenity.
- 9.34 There are not considered to be any other amenity impacts. In terms of the amenity space to be provided for the residents, nine flats would normally require the provision of 225sqm. In this case approx 110sqm is being provided. Again, whilst this may not meet the full requirements of the guidelines, it contrasts favourably with another recent approvals for flat use at the Webster Court site. On that occasion there was effectively nil amenity space provision.

Traffic and Parking

- 9.35 11 parking spaces are proposed for the development. Parking standards would require the provision of 1 space per dwelling unit (as this is in an area of good public transport provision) and 4 spaces for the commercial uses. This would suggest a total of 13 spaces. Despite a deficiency of two spaces in relation to the standards there is no objection raised from the Highway Authority. A number of conditions are suggested by highways, the requirements of which can be accommodated within the layout.

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- 9.36 The previous permission would have required the provision of up to 25 spaces on the basis of the current standards. Despite that, a permission was granted which included only 10 spaces. Comparing the current proposals with the previous it is the case that fewer spaces are now required and the ratio of any shortfall now is less than the development previously allowed.
- 9.37 Vehicular movements in the vicinity of the site can be subject to some congestion but it is not considered acceptable to resist development proposals on the basis of traffic levels. That is a much wider issue which is addressed by policy approaches outside, but allied to the development control system. Whilst the last use of the site was as a car park, this was on a leasehold basis only and the agreement which allowed this in the past has now ceased.

CONCLUSION

- 9.38 The fact that a permission has been granted previously, and for a very similar form of development in terms of scale and height to that now proposed, very much sets the scene for the consideration of these proposals. That previous permission remains extant and can be implemented at any time.
- 9.39 As indicated, the building now proposed is considered to be very similar, in its scale, to the extant permission and is not considered to have unacceptable visual or character impact. There will be an impact on residential amenity but not to an unacceptable degree, or in excess of that of the permitted development. In terms of parking provision, the scale of provision now is greater than that of the earlier permission which in fact by current standards would have required more spaces.

RECOMMENDATION

- 9.40 It is proposed that this Committee **RESOLVES** that this development proposal be **APPROVED** subject to the following conditions:
- 1 SC4 Time Limits standard
 - 2 SC14 Materials of construction
 - 3 SC23 PD Restricted, obscure glazing
 - 4 SC59 Landscape design, details
 - 5 SC66 Pedestrian visibility splays
 - 6 SC70 Vehicular access details
 - 7 Requirement for materials of construction of accessway to be submitted and agreed and the spaces to assigned to particular users.
 - 8 SC90 Surface water drainage
 - 9 SC91 Foul water drainage
 - 10 Details of proposed lift to be submitted and agreed
 - 11 Prohibition on the burning of waste
 - 12 SC96 Archaeological investigation

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- 13 SC76 Parking and turning space
- 14 SC84 Slab levels

Relevant Development Plan Policies and Proposals:

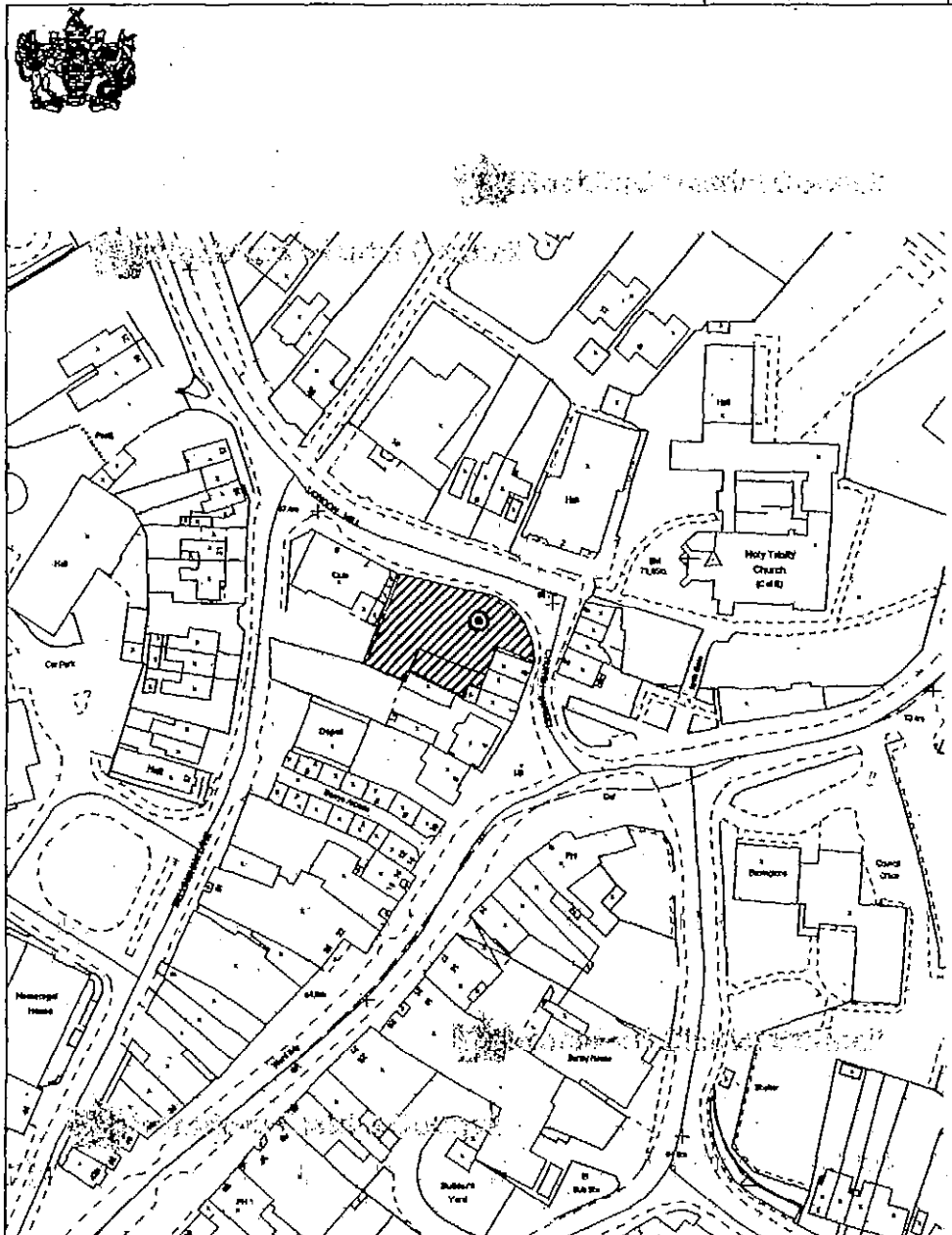
H2, H11, H16, EB1, EB2, EB4, TP15, UC1, UC3, UC14, SAT15, SAT17 of the Rochford District Local Plan First Review

CS1, CS2, CS3, CS4, HC2, HC6, BE1, BE2, H2, H3, BIW3, TCR3, T6, T12 of the Essex and Southend on Sea Replacement Structure Plan



Shaun Scrutton
Head of Planning Services

The local Ward Member(s) for the above application is/are
Cllr. C.C. Langlands Cllr. Mrs. M. J. Webster.
For further information please contact Kevin Steptoe on (01702) 546366.



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