



Rochford District Council

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY  
PLANNING SERVICES COMMITTEE 25th September 2003**

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

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

The above documents can be made available for inspection as Committee background papers at the office of Planning Services, Acacia House, East Street, Rochford.

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

## **PLANNING SERVICES COMMITTEE - 25 September 2003**

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### **DOWNHALL AND RAWRETH**

Cllr C I Black

Cllr R A Oatham

### **FOULNESS AND GREAT WAKERING**

Cllr T E Goodwin

Cllr C G Seagers

Cllr Mrs B J Wilkins

### **HAWKWELL WEST**

Cllr D G Stansby

Cllr J R F Mason

### **HULLBRIDGE**

Cllr Mrs R Brown

Cllr Mrs L A Butcher

Cllr C R Morgan

### **ROCHFORD**

Cllr Mrs S A Harper

Cllr Mrs M S Vince

Cllr D A Weir

## **PLANNING SERVICES COMMITTEE 25th September 2003**

### **REFERRED ITEMS**

R1	03/00496/REM Details Following Outline Approval (00/0005/OUT) Conditions 1 (Part) Soft Landscaping. Condition 6 Boundary Treatment, Condition 17 Buffer Strip. Rochford Business Park, Cherry Orchard Way, Rochford	Mr Leigh Palmer	PAGE 5
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### **SCHEDULE ITEMS**

2	03/00038/COU Use Of Land For Parking/Storage Of Touring Caravans The Dome, Lower Road, Hockley	Miss Deborah Seden	PAGE 10
3	03/00551/COU Change Of Use Of Premises From Class A1 (Shop) To Nail Bar (Manicurists) And Nail Product Retail Outlet 8 West Street, Rochford, Essex	Mr Lee Walton	PAGE 15
4	03/00468/FUL Erection Of 33No. Two and Three Storey Houses, Together With 48 No. Three Storey Flats, (inc. 27 Affordable Flats), Garaging And Road Layout. Reads Nursery, Rawreth Lane, Rayleigh	Mr Peter Whitehead	PAGE 19
5	03/00706/CM Extension of time period within which the development must be begun to 2nd August 2008 without compliance with Condition 1 (which requires development to begin by 2 August 2003) attached to planning permission CM/00009/91 Land West Of Brickworks Star Lane, Great Wakering	Mr Leigh Palmer	PAGE 33

6                      03/00301/COU                      Mr Peter Whitehead    PAGE 37

Change of Use of Existing Building (no. 16) From Mushroom  
Production to Class B1 (Light Industrial)  
Park Drive Nurseries, Windsor Gardens, Hawkwell

7                      03/00762/GDP&C                      Mr Leigh Palmer                      P & C  
Erection Of Three 6m High Poles For Security  
Cameras  
(Havengore Bridge And A5 Foulness Island)  
MOD Private And Confidential Bridge Road, Foulness

TITLE :                    **03/00496/REM  
DETAILS FOLLOWING OUTLINE APPROVAL (00/0005/OUT)  
CONDITIONS 1 (PART) SOFT LANDSCAPING. CONDITION 6  
BOUNDARY TREATMENT, CONDITION 17 BUFFER STRIP.  
ROCHFORD BUSINESS PARK CHERRY ORCHARD WAY  
ROCHFORD**

APPLICANT :            **LAINDON HOLDINGS LTD**

ZONING :                **BUSINESS AND STORAGE/DISTRIBUTION**

PARISH:                **ROCHFORD PARISH COUNCIL**

WARD:                  **ROCHFORD**

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

This application was included in Weekly List no. 691 requiring notification of referrals to the Head of Planning Services by 1.00pm on Tuesday 9<sup>th</sup> September 2003, with any applications being referred to this Meeting of the Committee. The item was referred by Cllr D A Weir.

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

- 1.1 **Rochford Parish Council:-** No comments
- 1.2 Members may recall in April 2003 planning permission (00/00005/OUT) was given for the redevelopment of the site for mixed commercial (Classes B1 + B8) Development and car Showrooms, maintenance and preparation units and petrol filling station.
- 1.3 The above permission was subject to a number of conditions, some of which required the prior approval of further details.
- 1.4 The proposed details under this application relate to a soft landscape buffer strip and security fence and front boundary treatment that are pursuant to conditions attached to the above permission.

#### **BUFFER STRIP**

- 1.5 The buffer strip is proposed to run along the full extent of the western boundary and part of the southern boundary of the site. This extent of the buffer strip reflects the extent and position of the existing residential dwellings that bound this part of the site.

- 1.6 The buffer strip proposes the creation of a 1m raised bund upon which it is proposed to plant a strip of native tree and shrub planting. The depth of this buffer strip is 15m from the existing site boundary (specific minimum requirement of the condition).
- 1.7 Along the western portion of the buffer strip it is proposed to create a new footpath topped with scalplings that link the existing bridle way to the north of the site to the existing footpath and highways of Western Approach and Lundy Close to the south.
- 1.8 On the application site side of the buffer strip it is proposed to erect a security fence.

#### **SECURITY FENCE**

- 1.9 The security fence is proposed to be a 3m high metal fence with barbed wire on top. It is proposed that this security fence will run for the full length of the northern, western and southern boundaries. Along the western boundary and part of the southern boundary of the site the proposed security fence is positioned on the application site side of the buffer strip as commented above.

#### **FRONT BOUNDARY TREATMENT**

- 1.10 Access to the site is from Cherry Orchard Way and for the length of this boundary it is proposed to erect a line of non - illuminated bollards ( 900mm high at centres of 1.3m )

#### **SITE HISTORY**

00/00005/OUT Mixed commercial ( Classes B1 & B8 ) development and car showrooms, maintenance and preparation units and petrol filling station GRANTED

- 1.11 09/04/03  
BUFFER STRIP:- This is a requirement of one of the conditions on the original outline application. The proposed depth of the buffer strip, 15m, is fully in accordance with the requirements of the conditions on the outline application and as such there is no objection to the principle of it.
- 1.12 The justification for the imposition of the buffer strip condition was to ensure that there was an adequate separation of uses between the industrial/employment land and the existing adjacent residential dwellings to the west and south of the site, with a view to safeguarding the amenities of the residents in the area.
- 1.13 The proposed soft landscape details are predominantly native in origin and are a mix of trees and shrubs with the long term aim of creating a linear piece of woodland, that would also go further than providing for a suitable buffer between the residential properties and the site. It would also provide a refuge for flora and fauna, as well as providing a 'woodland walk' connecting existing footpaths in the area. The proposed planting details is supported by the Council's specialist landscape/woodlands officer.

- 1.14 **SECURITY FENCE:-** As is common with other employment land within the district, there is a desire to ensure that the sites are secure and a common approach is for metal palisade fencing of various heights. As such the precedent has been set and it will be difficult to maintain a material objection to the principle of the proposed security fence. In addition, Members may recall the problems with the unlawful activities at this site and the applicants' intention to make the site secure. In the long term it is considered that any boundary treatment will be lost against the backdrop of much larger industrial/employment buildings.
- 1.15 It is considered that for the northern boundary of the site there should not be any material landscape impact nor should there be material harm to either long or short range views from the Green Belt given the presence of a belt of mature trees and shrubs ( off site, but adjacent to this boundary ) .
- 1.16 The impact of the security fence along the western and part of the southern boundary is mitigated by the proposed soft landscape buffer strip. The impact of the remainder of the southern boundary is mitigated by the existing built development located on the southern approach side of the southern boundary.
- 1.17 Southend Airport have been consulted on this application. Their only concern is the type of species used to avoid attracting birds causing plane bird strikes. The condition proposed deals with this.

**FRONT BOUNDARY TREATMENT:-** No objection to this element of the proposal.

- 1.18 **Essex Fire Authority:-** No comments on fire safety
- 1.19 **Southend-On-Sea Borough Council:-** No objection to the soft landscaping and buffer strip details. However, concern is raised about the 3m high security fence topped with barbed wire and questions whether this is required and would be unsightly to the nearby residential properties.
- 1.20 **English Nature:-** Reiterate their comments from the outline planning application stage which related to their knowledge of protected species at the site and a need for site surveys to be undertaken and that specific plants/shrubs/trees should be chosen in order to offer food for the native wildlife at the site.
- 1.21 **Essex Police:-** Recommend that a palisade fence be used and powder coating in green.
- 1.22 **Head Of Housing, Health And Community Care:-** No comments.
- 1.23 **Building/Technical Support:-** No objections/observations.

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Referred Item**

1.24 **Essex County Council Highways :-** Objected to the first round of consultations relating to access issues and the illumination of the bollards. Both of these issues have been addressed in the amended proposals and they do not have any objection to the proposal.

1.25 **Essex County Council Planning Services:-** The area has been fully worked of brick earth.

1.26 **Essex County Council Archaeological Services:-** Unlikely that any archaeological remains are present on the site.

1.27 **Woodlands And Environmental Specialist:-** No objections

1.28 The Occupiers of 3 local households:- Object to the proposal:- enough car showrooms in the area, there should be enough trees planted to obscure this eyesore of the site, will be a magnet for young children, inadequate soft landscaping, especially on the northern boundary where there is the reliance on off site deciduous vegetation which may have an adverse landscape impact, especially to long range views across the countryside. Recommends that a more suitable landscaping scheme should be provided.

1.29 **Southend Airport:-** Have been consulted and their verbal response is outlined above.

**APPROVE**

1 Notwithstanding the details shown on the plans hereby approved, the security fence shall be powder coated green in colour and shall not include any barbed wire on top for any length of the fence.

2 The tree and shrub planting shown on the plans accompanying the application are not approved and should form the content of a separate submission to be agreed in writing by the Local Planning Authority. No trees/shrubs shall be planted within the buffer zone unless previously agreed in writing by the Local Planning Authority.

**Relevant Development Plan Policies and Proposals**

None.



Shaun Scrutton  
Head of Planning Services

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



03/00496/REM



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TITLE :                   **03/00038/COU**  
                              **USE OF LAND FOR PARKING/STORAGE OF TOURING**  
                              **CARAVANS**  
                              **THE DOME LOWER ROAD HOCKLEY**

APPLICANT :           **MESSERS H M BAKER**

ZONING :               **METROPOLITAN GREEN BELT**

PARISH:               **HULLBRIDGE PARISH COUNCIL**

WARD:                  **HULLBRIDGE**

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### **PLANNING APPLICATION DETAILS**

- 2.1 The application seeks permission for the Change of Use of an area of land to the South of The Dome Caravan Park on Lower Road in Hullbridge.
- 2.2 The site is within the Metropolitan Green Belt. To the immediate North East is the established caravan park itself. To the West are the residential properties on Rosilian Drive whilst to the South and East is the open green belt and some sporadic residential properties.
- 2.3 The area that is the subject of the application is approximately 45m by 27m. The distance from the boundary of the application site to the properties on Rosilian Drive is 56m.

### **RELEVANT PLANNING HISTORY**

02/00461/LDC – Application for a Certificate of Lawful Use relating to the Parking/Storage of Touring Caravans – *granted*

ROC/807/73 – Application for the Storage of Caravans – *permitted*

### **CONSULTATIONS AND REPRESENTATIONS**

#### **2.4 Round One**

There have been four neighbour representations received with the main points being:

- Stationing of caravans is intrusive to the enjoyment of the neighbouring properties and land;
- The site is located in the Green Belt and as such PPG2 is a material consideration;
- Most important attribute of the Green Belt is its openness;

- The proposal contravenes the fundamental intention of Green Belt policy by loss of openness;
- It also contravenes one of the five purposes of the Green Belt, that is safeguarding the countryside from encroachment;
- The proposal comprises inappropriate development;
- Very special circumstances do not exist that justify the development;
- Proposal is a substantial encroachment into the countryside and causes noise and disturbance;
- The proposal is visually intrusive and entirely inappropriate;
- No objection but would assume that speed ramps and m.p.h. signs will be erected to stop speeding;
- Caravan site is residential;
- The access is dangerous;
- The proposal would demean the area;
- An increase in traffic would worsen problems on the site;
- The proposal would lower the value of the current dwellings.

- 2.5 **Hullbridge Parish Council** agreed that there was insufficient information to make any reasonable comment.
- 2.6 **County Surveyor (Highways)** raises no objection to the proposal
- 2.7 **County Planner (Structure Plan)** has no strategic comments to make towards the application.
- 2.8 **English Nature** believes that the proposals are not likely to affect a SSSI.
- 2.9 **Head of Housing, Health and Community Care** has no adverse comments in respect of this application.
- 2.10 **Round Two**  
**English Nature** believes that the proposals are not likely to affect a SSSI
- 2.11 **Head of Housing, Health and Community Care** has no adverse comments in respect of this application.

## **MATERIAL PLANNING CONSIDERATIONS**

- 2.12 The previous planning approval, ROC/806/73, and The Lawful Development Certificate granted in 2002, 02/00461/LDC cover an area of the application site 62m long. Therefore this area has lawful use for this purpose and cannot be objected to albeit such use is contrary to Green Belt policy. The remainder of the application site is the area to the east, south of the sewage plant that covers an area of approximately 21m by 40m. This area therefore requires consideration in terms of whether it constitutes appropriate development in the Green Belt.

- 2.13 PPG2 (Green Belts) makes clear what is considered to be appropriate development in the Green Belt. Both Policy C2 of the Structure Plan and GB1 of the Rochford District Local Plan echo this guidance and make clear the Council's approach to development in the Green Belt.
- 2.14 The key element of GB1 is that planning permission will not be given except in very special circumstances for the construction of new buildings or the change of use or extension of existing buildings for purposes other than agriculture, mineral extraction or forestry, small scale facilities for outdoor participatory sport and recreation or other similar uses that are open in character. This echoes both the guidance of PPG2 and Policy C2 of the Structure Plan.
- 2.15 The storage of caravans does not fall into any of the categories outlined in GB1 and as such is not appropriate development within the Green Belt. Further, the applicant has made no case that would constitute very special circumstances that would outweigh the harm caused to the open character of the Green Belt by the proposal.

## **CONCLUSION**

- 2.16 Whilst the majority of the application site has an established lawful use of the area that does not constitute inappropriate development within the Metropolitan Green Belt and should be resisted on this basis.

## **RECOMMENDATION**

- 2.17 It is proposed that this Committee **RESOLVES** to **REFUSE** the application for the following reason:

1 RFR9 Green Belt – Standard Reason

The Rochford District Local Plan First Review shows the site to be within the Metropolitan Green Belt and the proposal is considered to be contrary to Policy GB1 of the Local Plan and to Policy C2 of the Essex and Southend-on-Sea Replacement Structure Plan. Within the Green Belt, as defined in these policies, planning permission will not be given, except in very special circumstances, for the construction of new buildings or for the change of use or extension of existing buildings (other than reasonable extensions to existing buildings, as defined in Policies GB2 and GB7 of the Local Plan).

The Use of Land for Parking/Storage of Touring Caravans in the area hatched on the drawing dated 18th August 2003 does not fall into any of the above categories and it is the opinion of the LPA that no evidence has been presented to sufficiently outweigh the harm that the proposal would cause to the open character of the Green Belt.

**Relevant Development Plan Policies and Proposals:**

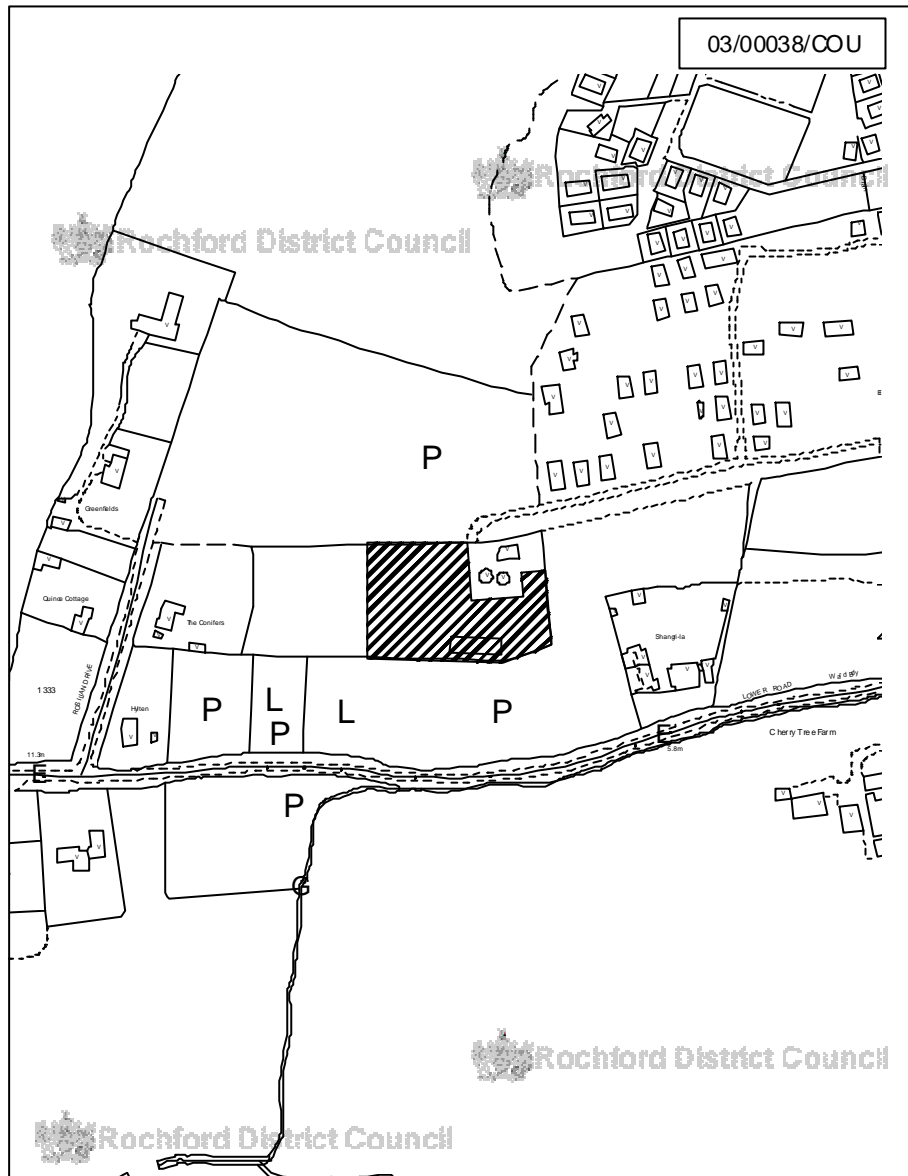
H11, H16, of the Rochford District Council Local Plan First Review

A handwritten signature in black ink, appearing to read 'Shaun Scrutton', is positioned to the left of a vertical line.

Shaun Scrutton  
Head of Planning Services

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



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**TITLE :** 03/00551/FUL  
CHANGE OF USE OF PREMISES FROM CLASS A1 (SHOP)  
TO NAIL BAR (MANICURISTS) AND NAIL PRODUCT RETAIL  
OUTLET  
8 WEST STREET, ROCHFORD

**APPLICANT :** SCOTT FAIRLEY

**ZONING :** PRIMARY SHOPPING AREA, CONSERVATION AREA

**PARISH:** ROCHFORD PARISH COUNCIL

**WARD:** ROCHFORD

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### **PLANNING APPLICATION DETAILS**

- 3.1 This application seeks change of use from Class A1 (retail shop) to nail bar (manicurists) and nail product retail outlet. The premises are situated at 8 West Street, within the Market Square.

### **RELEVANT PLANNING HISTORY**

**96/00598/FUL** Replacement Shop Front. Refused.

**96/00599/CON** Demolish Existing Shop Front. Permitted.

**97/00065/FUL** Replacement Shop Front. Permitted.

**03/00193/COU** Change of Use from Class A1 (shop) to Class A2 (Financial and Professional Services) Refused 25/03/03

### **CONSULTATIONS AND REPRESENTATIONS**

- 3.2 **Rochford Parish Council** - Concerned about the loss of an A1 retail unit, and the proliferation of the same trade.
- 3.3 **County Planner (Historic Conservation)** – No objections.
- 3.4 **County Surveyor (Highways)** – No objection.

**MATERIAL PLANNING CONSIDERATIONS**

- 3.5 The site of the current application was subject of a refusal on 25<sup>th</sup> March 2003 following consideration for change of use to A2 (Financial services). At that time the unit was operating as a retail outlet. In addition, a planning permission for change of use had only recently been permitted for the adjoining unit adjacent to the Spar supermarket, which would have brought that unit into full use.
- 3.6 Since the last decision at the end of March the situation has markedly changed. The potential re-use of the adjoining retail unit (no.6) adjacent to the Spar supermarket, following that store's refit, appears to leave this unit with no certain future, and following a long period of vacancy since the closure of the butchers business during 2002; these are material considerations. With the current application officers have now to consider the vacant unit as well as the continued vacancy of the adjoining unit adjacent to the Spar in what is a prominent area of the Market Square. There are also vacant units in West Street, South Street and North Street.
- 3.7 Policy SAT2 is applicable to consideration of this application. Policy refers to:
- The need for non A1 uses not to have undue dominance
  - Non-retail should reinforce the retail function of the town centre.
- 3.8 Supporting text to policy requires not more than 15 metres of non-retail frontage will occur as a continuous run, and seeks to retain at least 75% of frontages for Class A1 use. The 75% figure should be used as a guide and not prescriptively. This currently stands at about 62% (at the time of writing this report a proposal at no.7 West Street is to be considered as a Weekly List item ref: 03/0689/COU).
- 3.9 The proposed use will not have an undue dominance given that more than 15 metres of non retail frontage will continue to exist, and the use will reinforce the retail function. The proposed use includes a retail element that will be conditioned to be located at the front of the unit. Members will be aware of the need to support the commercial viability of Rochford's shopping area, and over the years the type and form of retail requirements have undergone major change. The type of proposal considered here brings customers to Rochford who can take the opportunity to support existing retail outlets. With this application there is a retail element. Customers will be able to buy products to take away and there is an opportunity for others to purchase goods. There is, in addition to the considerations given above, a subtle difference between this proposal and a financial services type operation.
- 3.10 The proposed change of use will have the potential to improve the appearance of the unit and encourage re-use of the adjacent site, which is vacant. It is considered that this would enhance the character and appearance of the conservation area (Policy UC1). The proposal would add vitality to the shopping frontage on West Street by bringing a vacant shop back in to use.



**CONCLUSION**

- 3.11 Recognising the earlier refusal in March 2003 for a change of use from Class A1 to A2 officers are of the opinion that, given the length of time, both before and after that date, of vacancy and the on-going vacancy of the adjoining unit, notwithstanding the further erosion of the 75% guidance offered in the Local Plan, the application should be supported.

**RECOMMENDATION**

- 3.12 It is proposed that this Committee **RESOLVES** to **APPROVE** the application subject to the following conditions:-
- 1 SC4 - Time Limits - Standard
  - 2 The retail sales area shown in the approved drawing dated 24 July 2003, hatched and marked 'A' shall be retained at the front of the unit.

**Relevant Development Plan Policies and Proposals:**

SAT2, UC1 of the Rochford District Local Plan First Review



Shaun Scrutton  
Head of Planning Services

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



**TITLE :** 03/00468/FUL  
ERECTION OF 33 NO. TWO AND THREE STOREY HOUSES,  
TOGETHER WITH 48 NO. THREE STOREY FLATS (INC. 27  
NO. AFFORDABLE FLATS), GARAGING AND ROAD  
LAYOUT  
LAND AT READS NURSERY RAWRETH LANE RAYLEIGH

**APPLICANT :** BELLWINCH HOMES LTD.

**ZONING :** NURSERY/AREA OF SPECIAL RESTRAINT

**PARISH:** RAYLEIGH TOWN COUNCIL

**WARD:** DOWNHALL & RAWRETH

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#### **PLANNING APPLICATION DETAILS**

- 4.1 Planning permission was granted for the erection of 118 no. houses and flats on the former Reads Nursery site in Rawreth Lane earlier this year, ref. 02/00710/FUL.
- 4.2 The then applicants and developers (Countryside Residential) subsequently sold roughly half of the site to Bellwinch Homes, the current applicants. Countryside are currently building 56 no. houses and flats on the part of the site they still own, under the terms of the existing planning permission.
- 4.3 The current Bellwinch Homes application seeks permission to build a total of 81 no. units on the land, against the 62 units previously approved on this part of the overall site under permission ref. 02/00710/FUL. The application, therefore, seeks to increase the overall number of units on the whole Reads Nursery site by 19. The increase in units is made possible largely by increasing the proportion of flats on the site and, by implication, reducing the number of houses. In the scheme as submitted, 48 no. of the 81 units were 2-bed flats, the remaining 33 no. units being a mixture of 3-bed and 4-bed houses. The flattened part of the scheme has subsequently been revised to comprise 6 no. 1-bed and 42 no. 2-bed units.
- 4.4 The Countryside scheme proposed a total of 24 no. units (all flats, within 3 no. three storey blocks). Because of the increase in unit numbers now proposed on the site, Bellwinch propose the provision of 27 no. affordable flats, as part of the overall flattened element of their scheme.

- 4.5 Whilst there are obvious differences in the actual layout of development on the site, the scheme has, nevertheless, been modelled upon the approved Countryside scheme. Moreover, as far as possible, Bellwinch have sought to use house types similar to those employed by Countryside. This will be particularly apparent to the Downhall Park Way frontage where one development will abut the other in the same street scene. The similarity between the schemes has also been carried through in the basic road layout.

## **RELEVANT PLANNING HISTORY**

**0499/96/ROC** - Demolish dwellings, kennels and nursery, erect 102 dwellings and garages, estate road, etc. This application was REFUSED for the following reason: *'Sufficient housing land has already been identified for development in Rochford District up to 2001, through the Residential Land Availability and Local Plan process, in accordance with the Essex Country Structure Plan Housing Allocation. The development of this site at the present time for housing purposes for which it is not allocated is not required to contribute to Rochford District's residential land supply for the above period. In accordance with current Planning Policy Guidance, the development proposed is considered to be unacceptable and potentially prejudicial to the forthcoming review of the Rochford District Local Plan.'*

**01/00876/FUL** - Erection of 118 no. dwellings inc. 24 no. affordable units and associated works and doctor's surgery, together with 4m high fence/wall to boundary with Imperial Park Industrial Estate - REFUSED for the following broad reasons:

- Change of use to residential without adequate provision of phasing of necessary education and health care facilities
- Unacceptable access indicated to doctor's surgery
- Proximity of doctor's surgery to earthwork of protected species
- Some gardens below standard (too small)
- Some parking areas prone to auto crime
- Proximity and exposure of some dwellings to noise pollution from the Industrial Estate.

**02/00710/FUL** - Erection of 118 no. dwellings inc. 24 no. affordable units and associated works, together with 4m high fence/wall to boundary with Imperial Park Industrial Estate - APPROVED. The approved scheme, although very similar to 01/00876/FUL, was amended as necessary to overcome the previous reasons for refusal. The main differences involved:

- Amending the housing layout and design details
- Increasing the financial contribution towards education provision and towards the erection of the doctor's surgery
- Deleting the doctor's surgery site from the application. (There is therefore no permission for the doctor's surgery, but the land for such has been transferred by the developers for such future use)

## **CONSULTATIONS AND REPRESENTATIONS**

- 4.6 The application has been subject to two rounds of consultation, firstly upon submission and secondly upon receipt of revised plans.

### First Round

- 4.7 **Rayleigh Town Council** - object for the following reasons:

- The three storey houses and flats create an overdevelopment of the site
- There appears to be a lack of public amenity space in respect of the flats
- Minimum parking standards have not been maintained

The Town Council also requests that the size of gardens be checked to ensure they meet standards, asks about the type of fencing to abut Swayne Park allotments and notes that advice should be sought from the Crime Prevention Officer and Fire Officer.

- 4.8 **Essex County Council (Highways)** respond with the following broad points:

- Highways are content that the increase in unit numbers on the site as a whole from 118 no. to 137 no. does not give rise to a need for a further Traffic Assessment (to update the one provided by Countryside), but considers that if a further increase in numbers is proposed, an updated Traffic Assessment will be required;
- Request a financial contribution of £10,305 to improve bus stops/shelters, raised kerbs and provide a Puffin/Pegasus crossing
- Recommend a number of standard planning conditions

- 4.9 **Essex County Council (Learning Services)** - no additional educational contribution is sought

- 4.10 **Essex County Council (Urban Design)** - considers that the following aspects of the scheme are unsatisfactory:

- There is a need to orientate houses so that they provide frontage and surveillance of the existing play space to the rear of the site
- The lack of outdoor amenity space for the flats is a major concern. There are no communal gardens or space for drying washing. For this reason it is suggested that the functional density of the site has been exceeded. If one block of flats was removed sufficient amenity space could be provided.
- A landscape plan should be provided showing areas where landscaping is to be provided to deter car parking on-street.
- The houses are more detailed than the flats. It would be more aesthetically pleasing if more houses had a rendered finish.
- The architecture of the flats is very unsatisfactory. The elevations are standardised, and lacking quality and character. A more satisfactory design would need more variation of elevational treatments, roof pitches of steeper angles, better related to the Essex vernacular and a more individual appearance.

- 4.11 **Essex County Council (Archaeology)** - report that during survey work on the adjacent Park School site, an Anglo-Saxon cemetery was discovered. No evidence of a settlement was discovered, which suggests that this may have been located within Reads Nursery. In view of this, a condition is recommended requiring the implementation of a programme of archaeological work including trial trenching and possible excavation.
- 4.12 **Environment Agency** - the previous application demonstrated that flood storage would be provided on the site; no such information is provided with the current application. The Agency requires that flood storage be provided in accordance with the previously agreed details. Further advisory comments are made.
- 4.13 **English Nature** - reiterates comments made in respect of the previous applications in that the site may support populations of protected species.
- 4.14 **Head of Housing, Health & Community Care** reports that the location of the proposed development gives rise to significant potential for noise nuisance arising from the adjacent industrial estate, which has plots with planning permission for B2 General Industrial use along most of the Eastern boundary. Conditions are recommended on any consent in respect of noise attenuation, dust suppression, burning of waste, together with standard informatives in respect of contaminated land and control of nuisances. The Head of Housing, Health and Community Care supports the inclusion of a Section 106 agreement to provide affordable housing on this site as part of any planning permission which may be issued.
- 4.15 **Police Crime Reduction Officer** - no objection
- 4.16 **Rayleigh Civic Society** - note that the 3m high fence atop a 1m wall is proposed to the industrial estate boundary, and trust that the dwellings built adjacent to this fence will be at a distance such that there is no loss of amenity due to the fence's height.
- 4.17 A total of 8 (eight) letters have been received from local residents objecting to the scheme. The broad grounds for objection are as follows:
- A total of 81 properties on the site is excessive
  - The number of flats is excessive
  - Bellwinch should be made to construct 3 & 4-bed houses, which is what Countryside were permitted to build
  - Three storey development is inappropriate in this area
  - Effect on resources in the area - shortage of doctors' surgeries, primary schools, increased traffic on roads
  - The number of affordable units is out of keeping with existing developments
  - Increased risk of on-street parking in Downhall Park Way

#### Second Round

- 4.18 **Rayleigh Town Council** - repeats its earlier objections

- 4.19 **Essex County Council (Highways)** refers to its earlier comments
- 4.20 **English Nature** - refers to its earlier comments
- 4.21 **Police Crime Reduction Officer** - notes that side gates to houses should be fitted with locks.
- 4.22 A total of 4 (four) letters have been received from local residents in response to the re-notification in respect of the revised plans. The letters echo the objections made in response to the first notification.

### **MATERIAL PLANNING CONSIDERATIONS**

- 4.23 The proposal follows the approval of a scheme for the residential development of the site. This clearly constitutes a material consideration of substantial weight. In terms of the Local Plan, Policies H2, H8, H11, H13, H14, H15 and H16 are considered most relevant. The Government guidance of PPG3 (Housing) and PPG13 (Transport) is also pertinent.
- 4.24 In terms of key issues, the following are considered most pertinent to the current application:-
1. Local Plan allocation
  2. Design and Layout
  3. Impact of Industrial Estate upon the amenities of residents
  4. Highways
  5. Protected Species
  6. Drainage
  7. Infrastructure
  8. Archaeology
- 4.25 **Local Plan Allocation**  
In the existing Rochford District Local Plan First Review (1995) the site is partly zoned as an Area of Special Restraint and partly annotated as a Nursery. An application made to residentially develop the site in 1996 was refused on grounds of prematurity. However, a number of factors have changed since that time; the Structure Plan identifies the number of new homes the District needs to accommodate and the Council's own Urban Capacity Study identifies the site as one that can contribute towards this figure. These issues were discussed in detail at the time of the previous application, and permission was granted. The First Deposit Replacement Local Plan allocates the site for residential purposes.
- 4.26 **Layout and Design**  
The application proposes the erection of 48 no. 1-bed and 2-bed flats, the remaining 33 no. units being a mixture of 3-bed and 4-bed houses. By comparison, the Countryside scheme (02/00710/FUL) approved the erection of 24 no. flats and 38 no. houses on the area of land to which the current application relates, and 36 no. flats and 82 no. houses on the site as a whole.

- 4.27 PPG3 encourages the creation of mixed communities with estates of mixed house types, sizes and tenures, rather than the segregation of large and small houses, flats etc.
- 4.28 In this regard, it should be noted that the approved Countryside scheme was extremely mixed, including a fair percentage of flats, in addition to houses ranging from 2-bed terraced units to 4-bed detached units.
- 4.29 The current application seeks to increase the flatted element of the scheme. All of the proposed flats are situated towards the middle and west (Imperial Park boundary) of the site. None front onto Downhall Park Way, or would be dominant in that streetscene.
- 4.30 Given the make-up of the approved scheme, and against the background of Government advice encouraging the provision of mixed schemes, it is difficult to conclude that the inclusion of additional flats towards the centre of the site causes demonstrable harm. It is difficult to conclude that it materially alters the overall character of the scheme or renders the proposals out of character with the area.
- 4.31 It is also noted that the number of affordable units has risen from 24 no. units in the Countryside scheme to 27 no. units in the current scheme, in recognition of the increased number of units on the site as a whole. In general layout and design terms, the scheme has been modelled on the approved Countryside scheme. A comparison of the two schemes shows that the road layout is basically the same, including two landscaped squares. In the main, the house types have been chosen to follow those proposed by Countryside. For example, to the Downhall Park Way frontage, the approved Countryside scheme includes 3 no. three storey townhouses (a pair of semi-detached houses and a detached house), together with 4 no. two storey detached houses. The current scheme proposes 2 no. pairs of semi-detached three storey townhouses and 4 no. two storey detached houses in the same basic layout.
- 4.32 Certainly in terms of its height, mass, spacing and general 'look', the housing proposed to the existing public Downhall Park Way frontage is considered comparable with the approved scheme.
- 4.33 The housing element of the scheme is considered to comply with the Council's normal requirements in terms of car parking provision, garden sizes and spatial separation.
- 4.34 The fundamental difference between the Countryside scheme and current scheme relates to the flatted element of the scheme, which is situated away from the Downhall Park Way frontage and towards the middle/west of the site.
- 4.35 The proposed scheme seeks a different design and configuration of flats and, as discussed above, increases the overall number of flats by providing 2 no. additional blocks of flats on part of the site that accommodated terraced housing in the approved Countryside scheme.



- 4.36 It is noted that Essex County Council's Urban Design Advisor is critical of the flatted part of the scheme considering their design lacking quality and character. He suggests the need for more variation of elevational treatments, roof pitches of steeper angles, better related to the Essex vernacular.
- 4.37 The design of the flats is unquestionably simple - though so is that of the flats approved as part of the Countryside scheme. The current applicants explain that their own designs are unadorned and simple in order to blend in with the unfussy designs of the Countryside scheme. Whilst this may be so, discussions are currently taking place with the current architects with regard to the detailing of the flats, which it is considered could be improved. However, with a good palette of materials and perhaps some slight changes to the elevational treatment of the flats, it is considered that the flats would be wholly acceptable. With regard to his request that the roof pitch have steeper angles, and the overall design be better related to the Essex vernacular, it is noted that the Countryside scheme illustrates flats having the same roof pitch. Moreover, the design of the approved flats cannot be said to be of the Essex vernacular, however no such criticisms were made of that scheme. Overall, it is concluded that the Urban Designer's broad conclusions are somewhat harsh and even in their present form it is highly questionable whether the flats' design is such that refusal could be substantiated.
- 4.38 The Urban Designer is also critical of the amount of open space around the flats, for communal gardens or space for washing lines.
- 4.39 The proposed flats illustrate what is considered to be reasonable open space in order to provide landscaped areas and soften the setting of the buildings. They do not provide garden areas per se. This is common to many flatted schemes; including, indeed, those already permitted on the Read Nursery site. It is considered that flat dwellers have different expectations and requirements and that the provision of amenity space, whilst desirable, is not necessarily a pre-requisite to the approval of a scheme. Certainly the requirement to provide space for washing lines, which are unlikely to be used on a communal basis in this day and age, is difficult to justify. Moreover, it is noted that a children's playground and substantial open area (Sweyne Park) lies within a minute's walk of the flats. As noted above, it is considered that sufficient space has been provided to provide the flats with an attractive landscaped setting, and that this amount of space is considered sufficient in these circumstances.

**Impact of the Industrial Estate**

- 4.40 The site abuts Imperial Park Industrial Estate to the west. In recognition of this, the Countryside permission includes the provision of a 2.5m-3m high acoustic fence along the boundary between the two sites to provide sound attenuation. Moreover, the position of windows to the flats and houses closest to the boundary was designed to minimise noise impact.

- 4.41 Although the current scheme as submitted was broadly similar in terms of the relative siting of flats and houses close to the industrial estate, from a noise perspective, serious deficiencies were observed. Revised plans were subsequently received changing certain house/flat types and window positions to reduce noise impact to acceptable levels. The Council's Environmental Health Officer has considered the revised details, and has recommended a number of conditions to be imposed. These are similar to those imposed on the recent Countryside permission.
- 4.42 **Highways and Parking**  
The application proposes the erection of a total of 81 units. As stated above, this represents an increase of 19 units on the Reads Nursery site as a whole - a total of 137 units now being proposed on the site against the 118 units approved under ref. 02/00710/FUL.
- 4.43 A Traffic Assessment accompanied application ref. 02/00710/FUL. This assessed the capability of Downhall Park Way and Rawreth Lane to deal with the additional traffic movements arising from the development. This is a sensitive issue and many of the representations refer to concerns relating to increased congestion. The Highway Authority has had due regard to this increase in numbers, and has reviewed the conclusions of the previous Traffic Assessment. It raises no objection to the scheme in principle, but notes that should house numbers on the site increase still further a revised Traffic Assessment will be required.
- 4.44 In view of the increased number of units, the Highway Authority has requested an enhanced financial contribution to provide highway improvements in the area. The authority is seeking £10,305 to improve bus stops/shelters, raised kerbs and provide a Puffin/Pegasus crossing. The applicants have advised that they are willing to provide this sum.
- 4.45 In terms of car parking, provision has been made at a standard of 2 no. spaces (garages and hardstandings to serve the houses and a mixture of 1.5 no. spaces to serve the 2-bed open market flats and 1 no. space to serve the 1-bed and 2-bed affordable flats. It is considered that the overall provision is reasonable, reflecting the requirements of the Council's current standards.
- 4.46 **Protected Species**  
The issue of protected species was carefully considered in respect of the previous application. There is no evidence that protected species are present within the current application site. As before, a condition is recommended with regard to such species living close to the site.

**4.47 Drainage**

The surface water drainage of the site was considered in detail in respect of the previous scheme, given Environment Agency concerns related to flooding problems currently experienced in the Rawreth Lane area. The agreed scheme includes the provision of flood water storage within the site in the form of a swale. The applicants have stated their intention that surface water drainage will be provided in accordance with the agreed scheme, in collaboration with Countryside. A letter confirming Countryside's agreement for this shared arrangement is expected. A verbal update will be provided at the meeting.

**4.48 Infrastructure**

Pressure upon infrastructure has been a matter repeatedly raised in representations throughout consideration of residential development on the Reads Nursery site, and for good reason. It is evident that existing schools and doctors' surgeries would find it difficult to cope with the additional people arising from development of the site.

4.49 To assist with improvements to local school(s), Countryside provided a financial contribution in respect of the previous application. It is noted that ECC Learning Services does not request that a further contribution be made in respect of the current application, although it gives rise to an additional 19 no. units on the site as a whole.

4.50 With regard to surgeries, Members will recall that the application provided land for a doctor's surgery plus a financial contribution towards the construction of such, as part of the previous application.

4.51 The capability of the highway network to deal with additional traffic movements has also been raised in representations. As discussed above, the Highway Authority is content from its reading of the existing Traffic Assessment that the current scheme, including an additional 19 no. units, can satisfactorily be accommodated by the existing highway network. The Highway Authority is, however, of the view that improvements to infrastructure are necessary in terms of bus shelter and pedestrian crossing provision, and have requested a contribution towards such, which the applicants have agreed to pay.

4.52 Overall then, no infrastructure problems are likely to arise as a direct result of the current proposals.

**4.53 Archaeology**

Since approval of the Countryside scheme, an archaeological survey of the adjacent Park School site has been undertaken. Quite by surprise, this has unearthed an Anglo-Saxon cemetery. It is understood that such cemeteries were generally provided adjacent to settlements. Given that no evidence of a village was unearthed on the Park School site, it is possible that this may be located within the Reads Nursery site. The County Archaeologist recommends a condition requiring a programme of archaeological work including trial trenching and possible excavation.

**CONCLUSION**

- 4.54 The application follows the recent approval of 118 no. flats and houses on the site, comprising a mix of two and three storey units.
- 4.55 The current application has a total of 81 no. flats and houses on roughly half the site - resulting in an increase of 19 no. units on the site as a whole. This said, the layout and design of houses employed in the scheme generally follows the existing approval, and it is fair to say that the most significant change relates to the design and number of flats. The flats are located to the south west of the site, and will not be readily apparent in the Downhall Park Way streetscene. As discussed in detail above, the layout and design of the scheme is considered acceptable. The application proposes an increase in numbers on the site, but this is not considered to have any serious negative implications; the scheme makes what is considered to be the efficient use of the site consistent with government guidance.
- 4.56 Overall, the proposal is concluded to be consistent with the relevant Local Plan policies, notably Policy H11 and Appendix 1 of the Plan.
- 4.57 As with the previous Countryside scheme, a Section 106 Agreement is required - in this case, to ensure provision of the affordable housing element of the scheme, together with a contribution towards highways improvements. The package of conditions also recommended follows those imposed on the previous approval.

**RECOMMENDATION**

- 4.58 It is proposed that this Committee **RESOLVES** to **APPROVE** the application, subject to the following conditions and to a Section 106 Agreement covering the following matters:
- To secure the provision of the 27 no. affordable flats, and their maintenance as such in perpetuity
  - To secure the provision of £10,305 to help fund highway improvements
  - To restrict the hours/days during which the construction of the development may take place;
  - To secure the provision of wheel-washing facilities on-site to serve construction vehicles; and,
  - To secure the maintenance of public landscaped areas
  - To ensure the future maintenance of the acoustic barrier (erected by Countryside)
- 1 SC4 Time Limits
  - 2 SC14 Materials to be Used
  - 3 SC22A PD Restricted - Windows
  - 4 SC23 PD Restricted - Obscure Glazing
  - 5 SC50A Means of Enclosure Full
  - 6 SC59 Landscape Design

- 7 The proposed bellmouth junctions with the county road, inclusive of cleared land necessary to provide the sight splays, must be formed and constructed prior to the commencement of any other development.
- 8 The carriageways of the proposed estate roads shall be laid out and constructed up to and including at least road base level, prior to the commencement of the erection of any residential development intended to take access therefrom. Furthermore, the carriageways and footways shall be constructed up to and including base course surfacing in order to ensure that prior to occupation each dwelling has a properly consolidated and surfaced carriageway and footway between the dwellings and an existing highway which shall thereafter be maintained in good repair until the final surface is laid. Until such time as the final surfacing is completed, footway base course shall be provided and maintained in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths commensurate with the frontage of each dwelling shall be fully completed with final surfacing within twelve months from the occupation of the dwelling.
- 9 Details of the proposed finished surfaces of the independent footpaths shall be submitted to and approved in writing by the Local Planning Authority, and thereafter constructed in accordance with such approved details. All statutory undertakers' equipment and services shall be laid prior to the commencement of any works within the access way and thereafter the footpaths shall be constructed up to and including base course surfacing. The final finished surfaces of the footpaths, as approved by the Local Planning Authority, shall be laid within three months or within any such extended period that may be agreed by the Local Planning Authority.
- 10 A 1.5 metre x 1.5 metre pedestrian visibility sight splay, relative to the back of the footway/overhang margin, shall be provided on both sides of all vehicular accesses prior to their operational use. There shall be no obstruction above a height of 600mm (from the finished surface of the access) within the area of the pedestrian visibility sight splays and which shall be retained thereafter in this form.
- 11 The first six metres of any private accessway as measured from the proposed highway boundary, shall be treated with a bound surface dressing as approved in writing by the Local Planning Authority and thereafter retained in that form.
- 12 SC73 Accessways - Surface Finish
- 13 SC74 Driveways - Surface Finish
- 14 SC76 Parking & Turning Space
- 15 SC81 Garage & Hardstandings
- 16 SC83 Site Levels
- 17 SC84 Slab Levels Specified
- 18 SC90 Surface Water Drainage
- 19 SC91 Foul Water Drainage
- 20 The internal road system shall in all respects comply with the guidance set out in the Essex Design Guide for Residential and Mixed Use Areas (1997);

- 21 Prior to the commencement of the erection of units 32-63 inc. indicated on the Planning Layout, drawing no. 1274/01A, a full scheme of measures to provide noise attenuation to the aforementioned houses and flats, including the noise standards to which the attenuation measures relate, shall be submitted to and be approved in writing by the local planning authority. Such noise attenuation measures as are approved shall thereafter be provided as part of the construction of these units. Thereafter and prior to the occupation of any of these units, a noise monitoring survey (the details of which shall previously have been submitted to and agreed in writing by the local planning authority) shall be carried out by a suitable qualified person to confirm compliance with the agreed noise standards. The results of the survey shall be submitted to the local planning authority. Should the results of the survey demonstrate that the agreed noise standards are exceeded in respect of any of these units, a further scheme of noise attenuation measures shall be submitted to and be approved in writing by the local planning authority, and thereafter be provided in accordance with the approved details. None of these units shall be occupied until a noise monitoring survey has been submitted to the local planning authority demonstrating compliance with the agreed noise standards, and the local planning authority has issued written confirmation to this effect. Such noise attenuation measures as are agreed pursuant to this condition shall thereafter be retained (and replaced on a like for like basis as necessary) throughout the life of the development.
- 22 This permission shall not be commenced until such time as the acoustic barrier (Buffalo Fence and retaining wall) granted permission under ref. 02/00710/FUL has been constructed in accordance with details provided pursuant to Condition 23 imposed on that permission.
- 23 Prior to the commencement of the development hereby approved, details of the proposed cycle stores to be provided shall be submitted to and approved in writing by the local planning authority. The cycle stores shall be provided prior to the occupation of any of the flats they serve, and shall thereafter be permanently retained and maintained free of any impediment to its use for the parking of bicycles.
- 24 A scheme of measures for the control and suppression of dust emissions generated during the construction of the proposed development shall be submitted to and agreed in writing by the Local Planning Authority. Such agreed works shall be implemented in the approved form prior to the commencement of the proposed development and shall be maintained in the approved form for the duration of the construction of the proposed development.
- 25 There shall be no burning of waste materials during the construction of the development hereby permitted on any part of the site.

**Relevant Development Plan Policies and Proposals:**

H2, H8, H11, H13, H14, H15 and H16 of the Rochford District Local Plan First Review



Shaun Scrutton  
Head of Planning Services

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





**TITLE :** 03/00706/CM -  
A) EXTENSION OF TIME PERIOD WITHIN WHICH THE  
DEVELOPMENT MUST BE BEGUN TO 2<sup>ND</sup> AUGUST 2008  
WITHOUT COMPLIANCE WITH CONDITION 1 (WHICH  
REQUIRES DEVELOPMENT TO BEGIN BY 2 AUGUST  
2003 ATTACHED TO PLANNING PERMISSION ROC/9/91)

**CONSULTATION FROM SOUTHEND-ON-SEA BOROUGH  
COUNCIL -**  
B) VARY CONDITION 01 (10 YEAR TIME LIMIT EXPIRING  
2<sup>ND</sup> AUGUST 2003) ON PLANNING PERMISSION  
SOS/1421/90, TO ALLOW THE WINNING, WORKING AND  
STOCKPILING OF BRICKEARTH AND ANCILLARY  
MATTERS TO COMMENCE WITHIN A FURTHER 10  
YEARS

**LAND WEST OF BRICKWORKS STAR LANE GREAT  
WAKERING**

**APPLICANT :** VOADEN SANDBROOK LTD

**ZONING :** METROPOLITAN GREEN BELT

**PARISH:** GREAT WAKERING PARISH COUNCIL

**WARD:** FOULNESS AND GREAT WAKERING

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#### **PLANNING APPLICATION DETAILS**

- 5.1 This report relates to two consultation items, neither of which are determined by this Authority, but they both relate to essentially the same proposal. Item A is a County Matter for determination by Essex County Council, item B is a consultation from Southend-on-Sea Borough Council who will determine this item.
- 5.2 Both of the above relate to the same location and have been submitted as two separate consultations given the planning history of the site and that the administrative areas over the site are split.
- 5.3 The majority of the site lies within Southend-on-Sea Borough, whilst a thin strip and the main access lies within Rochford District: The proposals relate to mineral extraction applications and are therefore to be administered by the respective minerals authorities.

- 5.4 In essence both of the consultations relate to applications that seek to extend the operational potential ( time wise ) of the site. They aim to do this by increasing the time by which the development has to commence and for application A, they propose to commence development by 2008, and for application B, they propose to increase the time period for commencing development for a further 10 years (2013).
- 5.5 Both of these submissions relate to previous consents and relate only to the time limit conditions attached to those permissions; the details relating to the method of extraction and remedial restoration measures remain the same as previously considered, as do the other conditions attached to the previous applications. For information:- The previous applications proposed that the top soil stripping and storage would take 5 working days, the brick earth extraction 30 working days and reinstatement 30 working days. It is proposed that these events will take place sequentially, in a phased way around the site following extraction. The reinstatement will reduce the ground level slightly about 1m over the whole site and the land will be restored to sufficient quality to allow the land to be returned to farming land.
- 5.6 An environmental impact assessment has been requested by the determining authorities but has not yet been received.

### **CONSULTATIONS AND REPRESENTATIONS**

- 5.7 **Building/Technical Support** No objections.

### **MATERIAL PLANNING CONSIDERATIONS**

- 5.8 The principle of the development has been previously accepted. There is no objection to the increase in the commencement time period.
- 5.9 It is accepted that minerals extraction by definition is an intrusive form of development. It usually results in an increase in traffic movements, industrial processes within areas that are often rural in character, can have quite damaging implications to the site's flora and fauna and the general countryside characteristics.
- 5.10 These harmful implications have to be balanced against the need for sustainable minerals extraction in areas and at times when it is needed as well as the desire to maintain and support a significant number of local jobs, that if lost, would have implications for the local economy.

### **CONCLUSION**

- 5.11 That the proposals are considered to be acceptable in principle.

**RECOMMENDATION**

- 5.12 It is proposed that this Committee **RESOLVES** That Essex County Council and Southend on Sea Borough Council be informed that Rochford District Council raises **NO OBJECTIONS** to the proposals, subject to the understanding that the other planning conditions attached to both applications remain in force and valid.

**Relevant Development Plan Policies and Proposals**

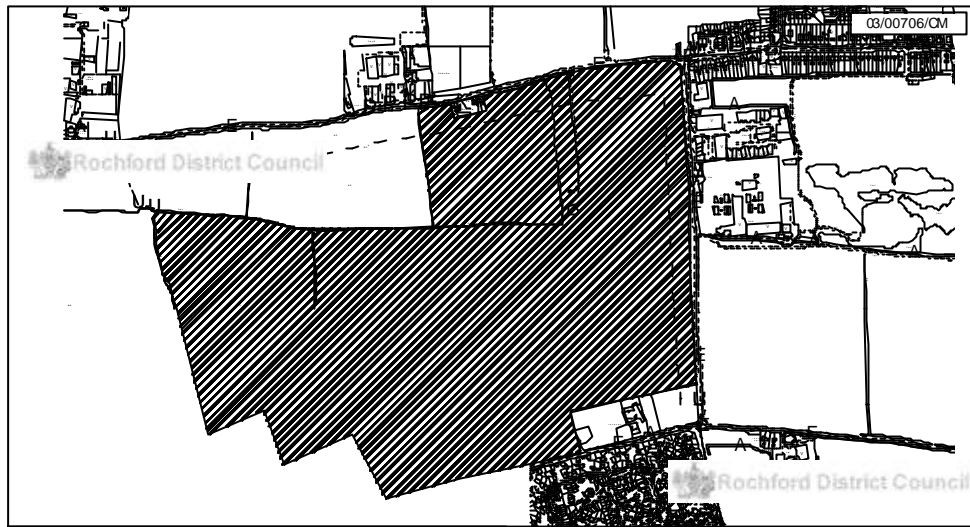
None.



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Head of Planning Services

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**TITLE : 03/00301/C0U  
CHANGE OF USE OF EXISTING BUILDING (NO.16) FROM  
MUSHROOM PRODUCTION TO CLASS B1 (LIGHT  
INDUSTRIAL)  
PARK DRIVE NURSERIES WINDSOR GARDENS  
HAWKWELL**

**APPLICANT : MAGEES NURSERIES LTD**

**ZONING : METROPOLITAN GREEN BELT**

**PARISH: HAWKWELL PARISH COUNCIL**

**WARD: HAWKWELL WEST**

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#### **PLANNING APPLICATION DETAILS**

- 6.1 The application proposes the change of use of an existing agricultural building currently used for mushroom production to light industrial (Class B1).
- 6.2 The building (known on the site as building No.16) is single storey and has a footprint measuring some 64m x 44m. Internally, the building is currently subdivided into 12 no. mushroom growing rooms, which are reached via a service access running through the middle of the building. In addition, each room has a door in the outside wall. No alterations to the building are proposed as part of the current application. The internal layout of the building lends itself to the provision of 12 no. B1 starter units. Amalgamation of the existing 12 no. units, though, would give rise to occupation by fewer firms.
- 6.3 The building is one of a number on the nursery site. A group of buildings to the east of the application site are used for the production of mushroom compost, and the growing of mushrooms. A further building to the north of the application building is being used by a number of different firms for industrial purposes without the benefit of planning permission. These uses are currently the subject of an enforcement investigation.

- 6.4 The application is accompanied by an agricultural appraisal, which considers the mushroom growing business and explains why the continued use of Building No.16 for mushroom growing is not viable and why, therefore, the re-use of the building should be sought. In brief, the UK mushroom business has been in decline for many years, due to increased imports from countries such as the Netherlands, Ireland, Poland and Belgium. Many small growers have gone out of business. The applicants have survived, albeit with reduced profits, because they have had a long-term contract with a major supermarket operator. Moreover, the main threat to the UK market has been in white button mushrooms, whereas the applicants have diversified into more specialist production of chestnut and other mushrooms. The Surveyor considers that Building No.16 is an outdated building in terms of its scale and construction. He considers that mushroom production should be concentrated in the more modern buildings on the site, and concentrate on the growing of chestnut mushrooms etc. The re-use of Building No.16 for industrial use is recommended in the Surveyor's Report because it is served by all services, and the construction and layout lends itself to such use.
- 6.5 All vehicular access to the nursery site is gained via Rectory Road, and thence up Windsor Gardens. The existing access to the site cannot be described as ideal; much of the road being single track. Information on traffic movements associated with the existing uses on the site has been provided by the applicant. This is discussed in detail in the main body of the report.

#### **RELEVANT PLANNING HISTORY**

- 6.6 The site has operated as a mushroom farm since the early 1960s. The planning history reveals a number of applications for buildings associated with this use. No previous planning applications have been made that are considered relevant to the consideration of the current application.

#### **CONSULTATIONS AND REPRESENTATIONS**

- 6.7 **Hawkwell Parish Council** - object to this application as it is in the Green Belt and there is no overriding need for this. In addition, vehicle movements to Windsor Gardens would prove problematic with the increase in traffic this change would engender.

- 6.8 **Essex County Council (Highways)** - originally concluded the proposal to be *de minimis* in highway terms, the effect upon Windsor Gardens being minimal. On the evidence then available, it was concluded that there would be no material increase in the amount of traffic accessing the site. Subsequently, however, following representations by local residents, including photographs [it is thought that the photos referred to illustrate articulated lorries blocking Windsor Gardens and seemingly having manoeuvring problems leaving the site] the authority reviewed its recommendation. It concluded that in the light of difficult manoeuvrings currently undertaken by large vehicles and for the potential for these to increase as a result of the proposals, refusal should be recommended for highway safety reasons. The reasons cited state that the proposals would increase vehicle movements through a substandard access onto Rectory Road, and that large vehicles cannot enter or leave the site without needing to enter the oncoming traffic lane. The corollary of this is that vehicles may have to reverse onto Rectory Road [in order to allow other vehicles to pass], a manoeuvre detrimental to highway safety. The recommendation also refers to vehicle/pedestrian conflicts accessing the site generally.
- 6.9 **Head of Housing, Health & Community Care** - raises no objection, subject to conditions covering hours of operation and installation of plant, and informative SI16 (control of nuisances).
- 6.10 **London Southend Airport** - no safeguarding objections
- 6.11 A large number of letters have been received from neighbours in respect of the application. Some letters written to the highway authority, District/County Councillors have also been copied to the planning office. A total of 42 of these letters were addressed specifically to the planning office. The grounds for objecting to the proposals are broadly as follows:
- An industrial estate is inappropriate in this location
  - The road is too narrow for the traffic
  - Danger to children, other pedestrians and horse riders from traffic
  - The proposal will increase traffic movements
  - Noise and disturbance caused by traffic
  - Precedent
  - Pollution
  - Noise pollution from proposed use of building
  - Health risks from proposed use of building
  - Industrialisation will destroy character of area
  - There are enough empty industrial units elsewhere
  - Devaluation
  - There is no legal right of way for vehicles over the public footpath (No.13) through to the nursery entrance
  - The road condition of Windsor Gardens will worsen

## MATERIAL PLANNING CONSIDERATIONS

- 6.12 Within the Local Plan, the site lies within the Metropolitan Green Belt. The re-use of buildings is accepted in principle by both Policy GB1 of the existing Local Plan and Policy C2 of the Replacement Structure Plan. The detailed Local Plan policy covering the re-use of rural buildings (GB5) is out-of-step with the relevant Government guidance of PPG2 and cannot, therefore, be accorded much weight. Policy R9 of the emerging Replacement Local Plan and Policy RE2 of the up-to-date Replacement Structure Plan (2001) should therefore be the focus of consideration in respect of this application. The key issues set out in these policies are broadly as follows:
1. Buildings should be of a bulk, form and general design in keeping with their surroundings
  2. Buildings should be of permanent and substantial construction and capable of conversion without major or complete reconstruction or extension
  3. The proposed use should not damage the amenity of the countryside or introduce additional activity likely to adversely change the character of the local area or place unacceptable pressures on the rural road network (in terms of traffic levels, road safety and amenity)
  4. Conversion should not result in economic activity on such a scale as to prejudice town and village vitality
- Policy RE2 goes on to say that to promote rural enterprise and economic activity preference will be given to business after-use, as opposed to residential or other uses.
- 6.13 These policy issues will be discussed below under the broad headings of:
1. Issues relating to the Building
  2. Issues relating to the Proposed Use
  3. Traffic Issues: Amenity and Highway Safety
- 6.14 **Issues Relating to the Building**
- The existing building, like so many agricultural buildings of 20<sup>th</sup> century origin, is of simple utilitarian appearance. It is constructed from blockwork, rendered, and has an asbestos sheeted roof. Internally, the building is subdivided into 12 no. rooms reached via a central passageway.
- 6.15 No alterations are proposed as part of the current application. It is reasonable to conclude that light industrial occupiers might wish to provide windows to the outside walls (presently absent) and also to enlarge doorways to the outside walls. Other than these minor works, and subject to considerable internal refurbishment, it is concluded that the building is suitable for its proposed re-use. Certainly the building is of substantial and permanent construction, and there is nothing to indicate that major re-building or alteration need be undertaken to enable the re-use to take place.



**6.16 The Proposed Use**

In planning terms, industrial uses are divided into light and general industrial uses - the former falling into Class B1 (the same Use Class as Offices and Research & Development). The 'test' to distinguish whether an industrial use is light or general industrial relates to the characteristics of the use. The usual test is whether the use could be accommodated within a residential area without adversely affecting amenities by reason of noise, smell, vibration, soot, dust, etc. In this way, it can be seen that a company using modest light machinery might be considered light industrial, whereas a company undertaking car repairs, etc., would be considered general industrial.

- 6.17 In this case, the proposed use is solely light industrial. Given that such uses are themselves innocuous in terms of impact on amenities - and also mindful that the building itself is some way (50m min) from the nearest residential dwelling, the actual use of the building is considered acceptable. Planning permission would be required in order to use any part of the building for general industrial purposes.

**6.18 Access and Highway Safety Issues**

Vehicular access to the site is gained via Windsor Gardens, a short cul-de-sac off Rectory Road. Windsor Gardens serves approximately 20 no. dwellings in the road (the majority in a side road also known as Windsor Gardens), as well as the nursery site. A public footpath, recently upgraded to a bridleway, also runs along Windsor Gardens. As noted above, much of Windsor Gardens is single track, and vehicles are therefore prevented from passing one another. This results in vehicle conflict, with vehicles having to reverse up/down the road to allow another advancing vehicle to pass. Pedestrians and horse riders are also affected by vehicle conflicts, and movements generally. Clearly by today's standards this situation is far from satisfactory.

- 6.19 Notwithstanding the shortcomings of the access, the current use of the building attracts considerable vehicle movements. Therefore, in order to properly consider the impact of the proposal, attention must focus upon a comparison of the vehicle movements associated with the existing use, and those likely to be associated with the proposed B1 use, both in terms of the total number of movements and the size of vehicles

- 6.20 In short, would the proposed B1 use materially worsen the existing access situation, or give rise to an improvement?

- 6.21 The application is accompanied by some information to help answer this crucial question.

- 6.22 In particular, the agricultural appraisal includes some details of traffic movements associated with the existing mushroom farm, together with a projection of vehicle numbers associated with the existing mushroom farm after the cessation of the use of Building No.16. Unfortunately, however, the date the existing figures were logged is not provided. Given the importance of weighing this matter up and forming some robust conclusions, further information quantifying vehicle movements associated with the existing mushroom use was therefore requested from the applicant. However, of note, the Surveyor does conclude that the cessation of the current use of Building No.16 would effectively halve vehicle movements associated with the mushroom business.
- 6.23 Figures were subsequently provided by the applicant giving more detailed traffic movements associated with the site from between November 2002 - April 2003. These set out specific numbers of vehicles arriving and departing the site and, therefore, the total number of vehicle movements up and down Windsor Gardens. These are broken down into lorries, vans and cars associated with the mushroom business. An estimate of vehicle movements associated with the existing industrial uses on site is also provided. As an example, the figures provided for November 2002 are as follows:
- Deliveries by lorry - 178
  - Deliveries by van - 56
  - Deliveries by car - 18
  - Customers & sales - 86
  - Customers & sales - 226
  - Staff cars - 1410
  - Staff minibus - 60
  - Tractor & trailer - 25
- Total movements associated with Mushroom Farm = 2029**  
**Estimated movements associated with industrial uses = 400**
- 6.24 It will be noted from the above that the Highways Authority objects to the proposal. In forming the view that the proposal should be refused for highway safety reasons, the Highway Authority has had regard to both the Surveyor's Report and the follow-up information, and also to the representations of local residents. The latter have pointed out some of the shortcomings of the existing access, and the conflicts and problems that take place, particularly when articulated lorries and other HGVs access the site.
- 6.25 Clearly, the Highway Authority is the professional authority dealing with highway matters, and its view must be given due respect. In this case, however, any conclusion drawn based on a comparison of traffic figures (numbers and types of vehicle) is a matter of judgement.
- 6.26 Having had an opportunity to consider the same information, but also to ask the applicant to clarify certain points and investigate certain matters, the key issue is whether the current proposal would materially worsen the existing highway situation. Accordingly, it is questioned whether an objection on highway grounds - and a recommendation of refusal - is therefore reasonable, and sustainable. The following discussion explains this view:

- 6.27 Firstly, any study of highway movements associated with the site as it currently exists must seek to break down gross vehicle movements into:
1. those associated with the existing mushroom business; and,
  2. those associated with the existing industrial uses.
- 6.28 The existing industrial uses are currently the subject of an enforcement investigation. The acceptability or otherwise of the current application does not turn upon consideration of these uses. However, in order to better understand the traffic generated by the mushroom use, the traffic generated by the existing industrial uses must be understood in terms of vehicle numbers/type, so that it can be subtracted from the gross traffic figure associated with the site.
- 6.29 The figures provided by the applicant estimate that a total of 400 vehicle movements per month are generated by the four unauthorised industrial uses. Based on the Case Officer's investigation of the type of uses and the staff numbers they employ, it is considered that they are unlikely to individually account for more than a handful of vehicle movements in and out of the site per day.
- 6.30 In terms of heavy vehicle movements, a study of these uses is also helpful. The uses themselves comprise a company specialising in steel fabrication, a company (one man) making fishing equipment, a company packing fitted kitchen components and a company cutting polystyrene for packing purposes. From discussions with the applicant and employees of the businesses concerned, it is understood that none of these businesses is typified by large numbers of lorry movements. Indeed, it is understood that each of the businesses attract one or two lorry movements per day. Given the nature and scale of the uses, there is no reason to doubt that these figures are reasonably accurate.
- 6.31 Moreover, the applicant states that 90-95% of all lorry movements (including the articulated lorries that have caused particular problems in Windsor Gardens) associated with the site relate to the mushroom business. He estimates that such movements would halve if the use of Building No.16 ceased.
- 6.32 Given that particular problems with regard to lorries blocking Windsor Gardens, pulling down power-lines, etc., were raised by residents in their letters, the above points are highly pertinent. More so because it is evident from the Highway Authority's consultation response that the representations of residents, including photographs of articulated lorries leaving Windsor Gardens, were given weight in reaching the conclusion that an objection should be made.
- 6.33 However, having ascertained that the bulk of existing lorry movements are associated with the mushroom business and that lorry movements (as well as car movements) would likely halve if the use of Building No.16 ceased, further questions remain.

- 6.34 Fundamentally, would the proposed use of Building No.16 for light industrial purposes likely attract more or less lorries or cars than the existing use made of the building? As discussed above, any conclusion drawn can only be a matter of judgement. In terms of actual figures, much would obviously depend upon the characteristics of the businesses actually occupying the building; the nature of the uses and the number of part-time/full-time employees involved. However, such consideration can be assisted by a review of vehicle movements related with other B1 industrial estates. To this end, the applicant has commissioned an independent traffic study of two such estates, which also includes a more detailed comparison of vehicle movements associated with the existing and proposed uses of the site.
- 6.35 The traffic counts took place at the Seedbed Centre in Shoeburyness and the Lawrence Industrial Estate, Eastwoodbury Lane, Southend. Both estates provide more than the 12 no. units that would be created by the subdivision and B1 use of Building No.16. The traffic count shows that HGV movements were not a notable feature of either estate and agrees with the applicants' contention that the proposed use would therefore likely lead to a reduction in HGV movements associated with the site. In fact, car and van movements made up the bulk of movements associated with the two estates covered. Overall, it concludes that total movements would likely be on a par with those associated with the existing use of Building No.16. However, the bulk of these movements would be cars and vans; the percentage of total movements by HGVs would be significantly lower than associated with the existing use.
- 6.36 It is apparent that there is a material difference in vehicle movements associated with the existing use and proposed use, not in number but in type. As discussed above, whilst Windsor Gardens is not designed to cope with heavy traffic movements of any type, its use is a matter of fact, and insofar as it relates to the mushroom business, is lawful. This being so, it would be unreasonable to refuse the current application if, in reality, it would materially improve highway safety, and improve the amenities of residents.
- 6.37 It is apparent from many of the representations received from residents that the most serious problems associated with the use of the road stem from HGVs. The Highway Authority's objection also refers particularly to large vehicles.
- 6.38 Given that all the submitted evidence indicates that the proposal will actually give rise to a reduction in large vehicles accessing the site, it is considered that the proposal would result in a material improvement over the existing situation.
- 6.39 Therefore, although mindful of the Highway Authority's view (which was in fact provided before receipt of the independent traffic report), it is considered that the proposal is acceptable in highway terms.
- 6.40 This assessment relates to the B1 use of the building, and since storage & distribution uses could result in far greater traffic movements, a condition is recommended to limit the use to B1.

**CONCLUSION**

- 6.41 Green Belt policy allows for the re-use of existing buildings, subject to criteria relating to the building, and the impact of the use upon the character of the area, the amenities of residents and upon the highway network. A great number of permissions have been issued for such re-uses. Of particular note, Lubbards Lodge Farm, a large former mushroom farm situated on Hullbridge Road, Rayleigh, has a number of permissions allowing industrial uses, music studios, leisure uses, a nursery school, etc.
- 6.42 As discussed above, in the current case, the re-use of the building for light industrial purposes is considered acceptable. The nature of the use would not demonstrably affect residents living in Windsor Gardens. Moreover, given that the existing use is unrestricted by an hours condition, the opportunity to limit the operating hours of the B1 uses offered by the current application is considered to be a 'planning gain', reducing the number of vehicle movements up and down Windsor Gardens at anti-social hours, and thereby improving the amenities of the residents of the road. A condition is recommended limiting the hours of use/delivery to: 0700 - 1800 hours Monday to Friday; 0700 - 1300 hours on Saturdays and prohibiting working/deliveries on Sundays and Bank Holidays.
- 6.43 Whilst Windsor Gardens is clearly a road ill-suited to commercial traffic, the building is currently used for mushroom production, a use which generates considerable vehicle movements, including an appreciable number by articulated lorries and other HGVs.
- 6.44 From the representations received, it is evident that many residents of Windsor Gardens and the general area, are concerned that the proposed use would generate more lorry movements, and vehicle movements generally, than the existing mushroom use.
- 6.45 This is not borne out by the submitted evidence, including a traffic assessment. Having thoroughly considered this matter, officers conclude that the proposed use would result in a significant reduction in the number of articulated lorries and other HGVs associated with the site, although overall traffic movements would be on a par with those characterising the existing use. Nevertheless, given that movements in and out of Windsor Gardens by large vehicles constitute a significant highway safety problem, the reduction in such movements must be considered in a positive light. In conclusion, the officer's view is that the proposal is likely to materially improve highway safety on Windsor Gardens, and at the junction with Rectory Road. The proposal will also improve the amenities of residents, again because of a reduction in the noise and disturbance caused by such vehicles.
- 6.46 Although the Highway Authority has objected to the proposed scheme, this objection was received before receipt of an independent traffic report, as well as other information provided by the applicant. Therefore, whilst mindful of the Highway Authority's view, as well as those of the great many residents who have objected to these proposals, approval is recommended.

**RECOMMENDATION**

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

- 1 SC4 Time Limits - Full Std
- 2 SC24 PD Restricted Industrial
- 3 SC28 Use Class Restriction [restricted to B1, Light Industrial]
- 4 SC36A Hours of Use Restricted
- 5 SC75 Parking & Turning Space
- 6 SC92 Extract Ventilation

**Relevant Development Plan Policies and Proposals**

GB1, GB5 of Rochford District Local Plan First Review

R9 of the emerging Replacement Local Plan

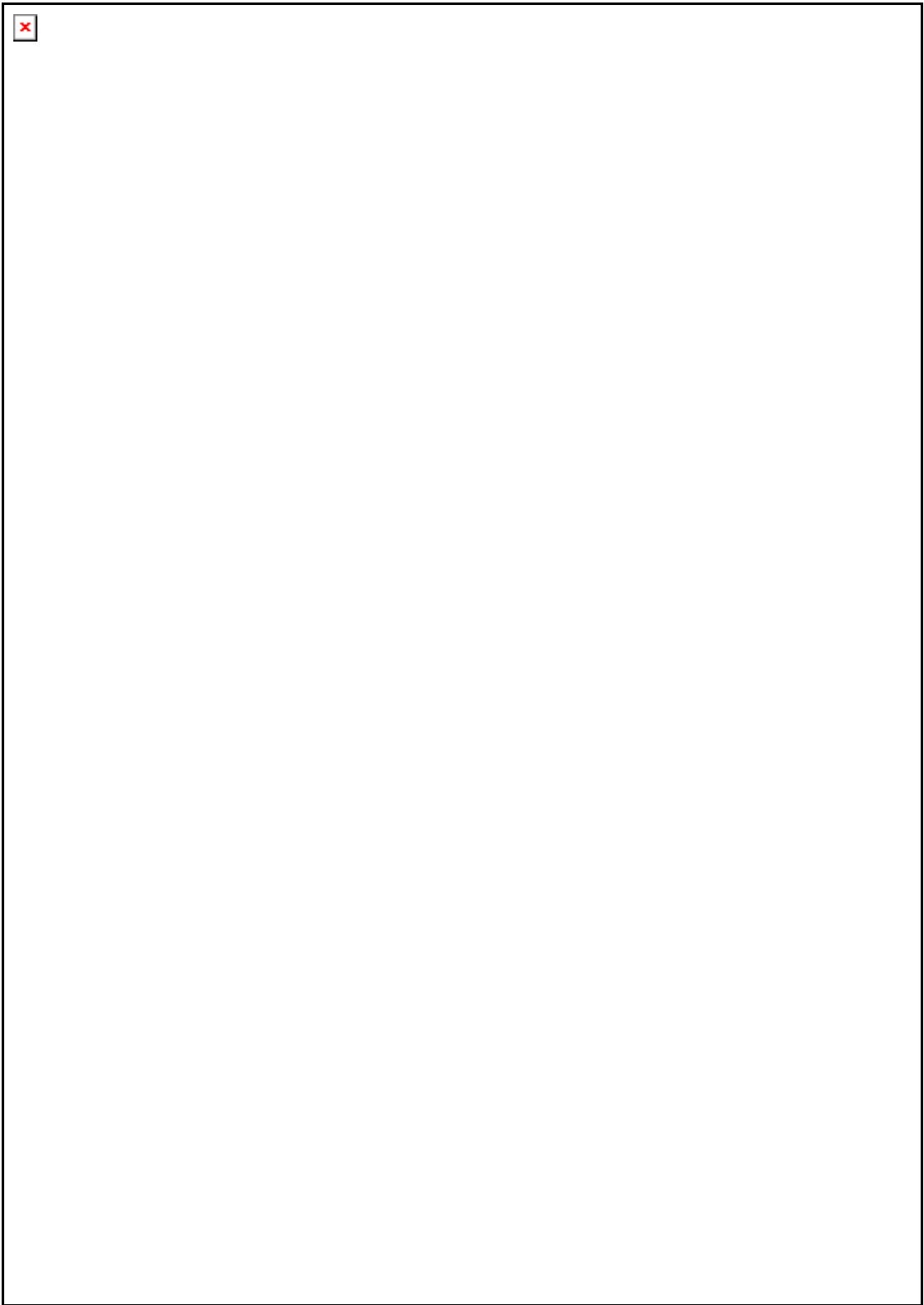
C2, RE2, of the Essex and Southend-on-Sea Replacement Structure Plan



Shaun Scrutton  
Head of Planning Services

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



# CODE OF CONDUCT FOR PLANNING MATTERS

## GENERAL PRINCIPLES

Members and Officers must:-

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

In Committee, Members must:-

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

Members must:-

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

Officers must:-

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