



**Rochford District
Council**

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY THE
DEVELOPMENT COMMITTEE - 30 June 2011**

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

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

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

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

Ward Members for Committee Items

BARLING AND SUTTON

Cllr M J Steptoe

LODGE

Cllr D Merrick

Cllr I H Ward

ROCHFORD

Cllr J P Cottis

Cllr K J Gordon

Cllr Mrs G A Lucas-Gill

WHEATLEY

Cllr A Priest

Cllr Mrs M J Webster

REFERRED ITEMS

- | | | |
|---------|--|---|
| Item R1 | 11/00162/FUL
Stationing of Site Manager's Caravan in Connection
with Use of the Site as a Touring Caravan Site for
The Caravan Club
Land At Flemings Farm Flemings Farm Road
Eastwood | Katie Rodgers

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SCHEDULE ITEMS

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| Item 2 | 11/00201/FUL
Construction of New Car Park
Land North Of The Pavilion Connaught Road
Rayleigh | Claire Robinson

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| Item 3 | 11/00250/FUL
Demolish Side Projection, Erect Two-Storey
Dwellinghouse to Form End of Terrace House and
Construction of Rear Dormer Window and Front
Porch Canopy in Existing and New Dwelling and
Form Parking and Amenity Areas and Create New
Vehicular and Pedestrian Access onto Burrows Way
1 Burrows Way Rayleigh | Claire Robinson

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| Item 4 | 11/00224/TIME
Application to Extend Time Limit of Planning
Permission 06/00943/FUL - Creation of Three
Training Pitches, One All Weather Floodlit Training
Pitch (8 x 12m Columns) A Flood Attenuation Pond
and Surface Car Park of 454 Spaces 34 x 8m
Columns
Land North Of Smithers Chase Sutton Road Rochford | Katie Rodgers

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REFERRED ITEM 1

**TITLE: 11/00162/FUL
STATIONING OF SITE MANAGER'S CARAVAN IN
CONNECTION WITH USE OF THE SITE AS A TOURING
CARAVAN SITE FOR THE CARAVAN CLUB
LAND AT FLEMINGS FARM FLEMINGS FARM ROAD
EASTWOOD**

APPLICANT: MR ROBERT AVERY

ZONING: METROPOLITAN GREEN BELT

PARISH: ROCHFORD PARISH COUNCIL

WARD: ROCHFORD

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

This application was included in Weekly List no. 1088 requiring notification of referrals to the Head of Planning and Transportation by 1.00 pm on Wednesday, 15 June 2011, with any applications being referred to this meeting of the Committee. The item was referred by Cllr K J Gordon.

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

NOTES

- 1.1 Planning permission is sought for the stationing of a site manager's caravan in connection with the use of the site as a touring caravan site for the caravan club.
- 1.2 The application site comprises one corner of a larger field. The site is an area of approximately 0.5 hectares with a vehicular access to the site off Flemmings Farm Road.
- 1.3 The site directly borders land and buildings at Nine Acres Farm to the east. The site is located some 72 metres from nearby residential properties in the built up residential area on Green Lane. To the north and west, the site opens out onto the larger open field of which the site is a part, bordered by further open, agricultural fields, some of which form part of Cherry Orchard Country Park.

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- 1.4 The site is used as a caravan site, a use that constitutes permitted development by virtue of Part 5, Class A of the General Permitted Development Order 1995, as amended, as the criteria referred to in paragraph A.2 of Schedule 1 to the 1960 (Caravan Sites) Act are met at the site; the site is approved by an exempted organisation, 'The Caravan Club'. As such, the site can operate for the use of up to 5 caravans without requiring planning permission from the Local Authority. Planning permission is, however, required for the siting of the proposed site manager's caravan, which is the subject of this application.
- 1.5 The site is within the Metropolitan Green Belt and within a Special Landscape Area (Hockley Woods), which is described as a largely unspoilt area, containing a complex of ancient woodlands and farmland on undulating ground between Hockley and Southend-on-Sea. The site is also located within part of the landscape area that forms the Cherry Orchard Country Park.

PLANNING HISTORY

- 1.6 This application (as was the earlier refused application 10/00199/FUL) is essentially seeking the renewal of an earlier planning permission granted in 2007, reference 07/00492/FUL, which approved the siting of a site manager's caravan subject to several planning conditions. The 2007 consent was itself essentially a renewal of an earlier consent from 2004 for the same development, reference 04/00312/FUL. The applicant has had to seek renewals of the consent for a site manager's caravan as each of the consents in 2004 and 2007 was made subject to a condition limiting each consent to 2 years.
- 1.7 The 2007 consent required the site manager's caravan to be removed from the site on or before 10 July 2009 and consequently there is currently no consent for the siting of a site manager's caravan at the site.
- 1.8 The current application is the re-submission of the recently considered earlier application 10/00199/FUL, which proposed much the same form of development. This earlier proposal was refused for the following reason:-

'1. The Rochford District Replacement Local Plan (2006) shows the site to be within the Metropolitan Green Belt. Within the Green Belt, as detailed in PPG 2, planning permission will not be given for inappropriate development within Green Belt unless very special circumstances exist to clearly outweigh the harm that would be caused to the Green Belt.'

The proposed development would reduce the openness of the Green Belt and would be harmful to the character and appearance of the Green Belt and would therefore amount to inappropriate development within the Green Belt for which no very special circumstances exist that would clearly outweigh the harm that would be caused to the Green Belt.'

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It is not considered appropriate to grant another temporary consent for the development proposed, given that no evidence has been submitted with the current application to explain whether any consideration has been made since the granting of the first temporary consent for a site managers caravan at the site in 2004 to alternative site management which might not amount to inappropriate development within the Green Belt'

In the current application, the applicant has submitted a supporting statement in an attempt to overcome the reason for refusal of the earlier scheme.

1.9 MATERIAL CONSIDERATIONS

The site is within the Metropolitan Green Belt within which, as detailed in PPG 2, planning permission should not be granted for inappropriate development unless very special circumstances exist to clearly outweigh the harm that would be caused to the Green Belt.

- 1.10 It is considered that the proposed siting of a site manager's caravan would reduce the openness of the Green Belt by introducing a structure onto the site, notwithstanding the applicant's view to the contrary. It is also considered that the siting of the caravan would give rise to a degree of harm to the character and appearance of the Green Belt. In summary, it is considered that the proposal would amount to inappropriate development within the Green Belt.
- 1.11 In the determination of the earlier proposal for this development, it was considered that there was insufficient evidence submitted with the application to demonstrate very special circumstances that clearly outweighed the harm to the Green Belt.
- 1.12 The consideration of the 2004 application acknowledged that the siting of a site manager's caravan on the site would amount to inappropriate development in the Green Belt, but considered that a temporary, personal and seasonal consent could be granted given that the applicant had submitted information that the seasonal presence on the site by the site manager was a genuine short term arrangement whilst an alternative longer term solution was sought.
- 1.13 In the determination of the 2007 application it was considered that, given the circumstances of the site, the personal circumstance of the applicant and given that the development plan assessment of the proposal had not changed since the 2004 determination there was no material planning reason to withhold consent.

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- 1.14 In the determination of the most recent application for renewal of the consent for the site manager's caravan in 2010, however, it was not considered appropriate to grant another temporary consent for the development proposed given that no evidence had been submitted with the application to explain whether any consideration has been made since the granting of the first temporary consent for a site manager's caravan at the site in 2004 to alternative site management arrangements that might not amount to inappropriate development within the Green Belt.
- 1.15 The applicant has submitted some information relating to the possibility of alternative site management arrangements with the current proposal, which state that:-
- Alternative site arrangements have been considered carefully, such as asking friends or relatives of the family to regularly visit the site to collect site fees, mow the grass, empty the bins, etc. However, none live that close by that they are able to keep an eye on the site on a day to day basis, which we feel is required to collect payments (especially for short one night stays) and to deter any unauthorised visits.
 - Whilst the fees generated by the site are a helpful supplement to my parents' pensions, they do not generate sufficient revenue to justify employing a third party (such as a local resident) to undertake all the work that Mr Hopcroft does on the site.
- 1.16 The caravan club site provides a leisure opportunity in the District that meets elements of policy objectives in Planning Policy Statement 7 and local tourism policy.
- 1.17 Whilst objections have been raised on the basis that a site manager is not required at the site, the applicant has explained that if Mr Hopcroft cannot continue to operate as the site manager then the caravan site operation at the site would have to be wound up.
- 1.18 The applicant has made some effort to explain the alternative site management arrangements that have been considered and given this and the above considerations it is considered that very special circumstances exist to overcome the harm that would arise from the proposed site manager's caravan. The reason for refusal of the previous application is therefore considered to have been overcome.
- 1.19 No other policy or other changes in material considerations have occurred since the consideration of the previous refused application such as to warrant reconsideration of any other matters.
- 1.20 It is, however, still considered necessary to grant a temporary consent given that the circumstances of the site may change such as to warrant the reconsideration as to whether any alternative site management arrangements that would not adversely impact on the Green Belt would exist.

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Representations

- 1.21 ROCHFORD PARISH COUNCIL: Object.
Members see no reason why the current temporary permission should change to a permanent permission.
- 1.22 ECC HIGHWAYS: De-minimis.
- 1.23 LONDON SOUTHEND AIRPORT: No safeguarding objection.
- 1.24 NEIGHBOURS: 4 responses received.
- 1.25 Occupants of 65 Green Lane:-
- Objection raised because this is a small site for the exclusive use of the Caravan Club and I am advised by Club Members there is no need for an on site manager.
 - Very few 5 van sites have an on site manager.
 - When there was an on site manager in previous years the pitch was cluttered with extra storage structures and flower and vegetable gardens were laid out, which detracted from the rural aspect of the site.
 - This site manager's caravan would be an additional and unnecessary intrusion on this Green Belt site.
- 1.26 Occupants of 64 Nobles Green Road:-
- The site manager's caravan is already on site from Easter until November, I presume without the Council's permission.
 - I am concerned that the application will increase the number of caravans currently permitted on site; the current maximum is 5, however this is regularly over capacity; it would seem that the owner does not adhere to rules regarding this site.
 - It is situated in an area of outstanding beauty and is used regularly by the local neighbourhood for peaceful country walks. I am concerned that the owner will attempt to populate the whole of the field he owns at Flemings Farm Road and not just the small part. The limited access and noise pollution would cause problems to the regular visitors to the area.
- 1.27 Cllr Walker, Eastwood Park Ward (Southend-on-Sea Borough Council):-
- Objection to the installation of a permanent structure on what is basically agricultural land, given the use is not for agricultural purposes was rescinded following review of the supporting information submitted by the applicant.
 - Having viewed the supporting documents I am quite happy with the conditions as imposed previously, consequently I withdraw my objection to this application.

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1.28 Occupants of 81 Green Lane:-

- Concerns about the impact of the intensification of this inappropriate use and the lack of any practical benefit.
- The site is designated Green Belt and an area of Special Scientific Interest also being part of Roach Valley Nature Conservation Area and the Country Park. The presence of an additional caravan the whole summer period can only detract from the area's outstanding visual attributes.
- The need for a site manager is not apparent to those who directly overlook the site. Since 2003 there have been many occasions when the number of caravans exceeds 5. Also, the area for the caravans has been exceeded over the years. Thus the lack of any actual management control plus the extension of the site most clearly demonstrates that any attempt to justify the supposed need is fallacious, given that management of the site has always been non-existent.
- The Authority should again refuse permission and take enforcement action to stop the breach occurring.

1.29 APPROVE

- 1 The touring caravan hereby permitted, shall only be occupied by Mr Hopcroft. At such times as the touring caravan is no longer required for the occupation of Mr Hopcroft (or at the expiration of 2 years from the date of this permission, whichever is the earlier) it shall be completely removed from the site.
- 2 The touring caravan hereby permitted for the use of the site manager shall be on site for a limited period from 16 March - 29 October and shall be removed from site during the closed season, 1 November - 15 March, together with all associated materials, equipment, and vehicles.
- 3 The site manager's caravan hereby permitted shall be of a touring caravan type only, details of which shall be submitted to and agreed in writing with the Local Planning Authority within 1 month of the date of this consent. The touring caravan, as agreed, shall be maintained in the approved form thereafter. No other type shall be installed unless agreed with the Local Planning Authority

REASON FOR DECISION

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

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Relevant Development Plan Policies and Proposals

LT17, NR1, of the Rochford District Council Adopted Replacement Local Plan, as saved by Direction of the Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004 (5th June 2009).

Planning Policy Guidance 2: Green Belts

Planning Policy Statement 7: Sustainable Development in Rural Areas

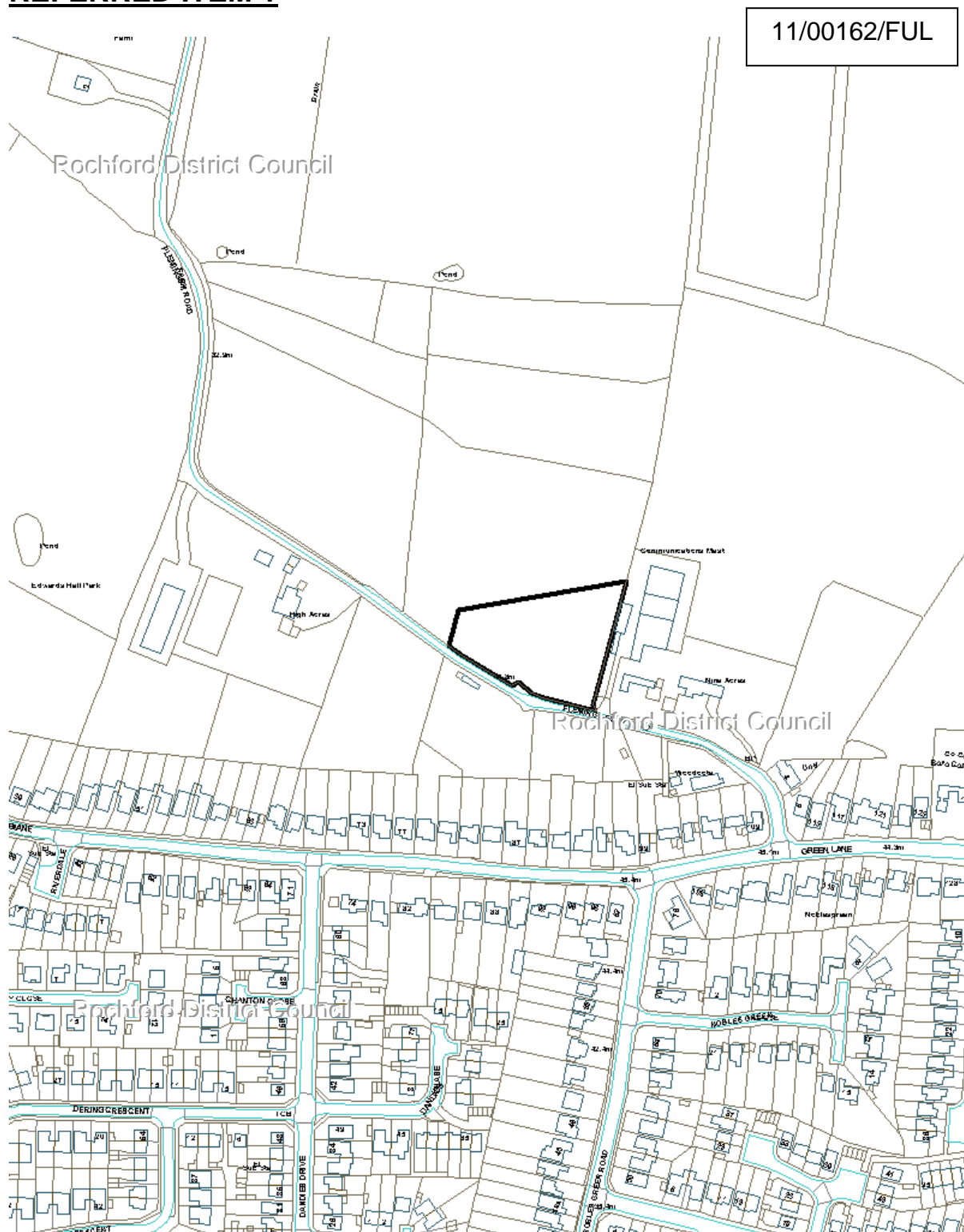
Planning Policy Statement 4: Planning for Sustainable Economic Growth



Shaun Scrutton
Head of Planning and Transportation

For further information please contact Katie Rodgers on (01702) 546366.

REFERRED ITEM 1



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SCHEDULE ITEM 2

**TITLE: 11/00201/FUL
CONSTRUCTION OF NEW CAR PARK
LAND NORTH OF THE PAVILION, CONNAUGHT ROAD,
RAYLEIGH**

APPLICANT: ROCHFORD DISTRICT COUNCIL

**ZONING: METROPOLITAN GREEN BELT & EXISTING PUBLIC OPEN
SPACE**

PARISH: RAYLEIGH TOWN COUNCIL

WARD: LODGE

PLANNING APPLICATION DETAILS

THE SITE

- 2.1 The application site is an area of woodland/open space to the western side of Connaught Road owned by Rochford District Council. The site is located within the Metropolitan Green Belt of Rayleigh and an existing public open space.
- 2.2 To the north of the site is a wooded area and to the south is a BMX track. To the west of the site is a playing field with pavilion and to the east is Connaught Road. The site is close to Rayleigh Sewage Works, which is located at the end of Connaught Road and is just north of a local wildlife site. There is a car park in close proximity to the site that is accessed from Grove Road and allows direct access to the playing fields. The closest residential properties to the site are those within Grove Court, Grove Road and the two properties within Connaught Road – St Teresa and Wychwood. There is also an Air Training Corps (ATC) hut within Connaught Road between these two residential properties.
- 2.3 Connaught Road is a private road accessed from Eastwood Road. Part of it is surfaced but the central section from Kent Way to Grove Road is unmade.

PROPOSAL

- 2.4 Planning permission is sought for the construction of a car park to serve as the western entranceway to Cherry Orchard Jubilee Country Park. This is a 200 acre park situated in the south west of the Rochford District containing woodland, open grassland and a lake.
- 2.5 A 5 bar access gate with galvanised finish would form the entrance to the car park from Connaught Road measuring 3.6m wide (3.95m including posts) and at a height of 1.3m. This would be sited 6m from the edge of Connaught Road into the site. There would also be a 5m wide height restriction barrier finished in green with a 2.2m clearance height (total height of barrier would be 2.3m high).

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- 2.6 This access road would lead through to a car park measuring 30m wide and 30m deep providing 27 parking spaces. The ground to the car park would be levelled off and compacted where necessary. It would use a PERFO ground reinforcement system that involves interlocking tiles laid on the ground that enable grass to grow through them, but that still provide the stability to walk and park. The access road would use a TERRA-GRID ground reinforcement system, but would also be filled with 10mm sized crushed rock compacted with a roller. There would be timber bollards measuring 0.9m in height surrounding the access road and car park and planting to the western boundary. No trees are proposed for removal via this application.

RELEVANT PLANNING HISTORY

- 2.7 There was previously a dwelling on part of this site known as 'Downhills'.

CONSULTATIONS AND REPRESENTATIONS

- 2.8 RAYLEIGH TOWN COUNCIL – The Town Council Members, by an overall majority, strongly object to this application due to the fact that access would be through an unadopted road and the Town Council feels it is unreasonable to expect residents to pay for the upkeep of the road, which would be subjected to extra traffic. The proposal also encourages more anti-social behaviour than already exists.
- 2.9 ECC HIGHWAYS - De minimis.
- 2.10 ESSEX POLICE – Do not object to this application, but would seek a condition that it achieves the ACPO Safer Parking Award 'Park Mark'. Essex Police Park Mark Accredited Assessor will work with the architect and client to achieve the award www.parkmark.co.uk.
- 2.11 NATURAL ENGLAND – Comment as follows:-
- The proposal does not appear to affect any statutorily protected sites or landscapes or have significant impacts on the conservation of soils, nor is the proposal EIA development.
 - The protected species survey has identified that reptiles may be affected by this application.
 - 'Standard Advice Species Sheet – Reptiles' provides advice to planners on deciding if there is a 'reasonable likelihood' of reptiles being present. It also provides advice on survey and mitigation requirements.
 - After assessing the proposal against this guidance Natural England confirms that permission may be granted, subject to appropriate conditions including a detailed mitigation and monitoring strategy for adders and/or common lizards, grass snakes and slow worms.
- 2.12 NEIGHBOURS – Two letters of objection (St Teresa and Wychwood, Connaught Road) and two of support (Blatches Cottage, Blatches Chase and Hillview, The Drive) have been received. Their comments can be summarised as follows:-

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2.13 Objections:-

- Use of Connaught road.
- Does not allow for two way traffic.
- It is a no through road.
- Traffic already uses the road as a cut through.
- Two residential properties are responsible for maintenance.
- Has no footpaths or adequate street lighting.
- Dangers of increased traffic using Connaught Road to pedestrians, cyclists, horse riders, dog walkers, children and livestock.
- Heavy lorries from the Anglican Water treatment works regularly use this road. Any increase of vehicular traffic would severely hamper their ability to enter or exit site, as this is a one lane road with no footpaths, this would increase the likelihood of pedestrian or vehicular accidents.
- Existing Grove Woods car park:
 - Anti-social behaviour problems already exist with this car park, e.g. aerosol cans being set off, wheel spinning, loud music, fireworks being let off, kids racing through on bikes, drug users, underage drinkers.
 - Police have given the name 'Operation Oatmeal' to the area.
 - If you open a new car park there will be nothing but more trouble.
 - Concern over no funding to lock Grove Wood car park so new car park will not be locked either.
 - There already exists a car park, access to which is available off Grove Road. Council has not maintained the vehicular access to this car park, nor does it appear to be willing to accept responsibility for its security.
 - Parents doing the school run choke Grove Road and Connaught Road, hampering residents' access to their properties. Surely it would be financially cheaper to improve the existing car park as this car park is rarely filled to capacity.
 - If the existing car park was extended it would cut off and incorporate the unmade track through from Connaught Road thus making the car park entrance closer and more accessible for the parents parking near the school. This would then have the effect of closing the rat run that is used by nuisance motorists, motorcyclists and certain criminal elements.
- We purchased this property because of the quiet, secluded location on a private road. The building of a car park and the access off Connaught Road would destroy that and ultimately devalue our home.
- Greater damage to the environment from building another car park.
- The destruction of the children's BMX track, which is widely used by the local children and make way for the proposed car park. Why? There are not enough facilities for the younger generation as it is.
- There does not seem to have been any public notices regarding this planning application, in either newspapers or on site notices. We do not believe that this proposal has been widely advertised. Therefore you will not have an accurate consensus of public opinion or objection to this proposal.

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Support:

- The car park at the eastern end of the park, opened earlier this year, is lovely, edged with native hedging and cherry trees, provided with litter bins, etc. It was built very quickly with minimum disruption to the park. Since opening there have been no problems and it has been well and responsibly used.
- I have no reason to believe the car park at the other end of Cherry Orchard Country Park will be any different - cannot access plans, error message given - but this will be such an advantage for local residents who no doubt have users parking in their streets at the moment.
- Parking is a very great issue. We were lucky enough to have a car park placed at the Cherry Orchard Way end of the park and we are desperate for a car park at the western end, ie Grove playing fields/ Connaught, we really also need something in the middle at Flemmings Farm.
- If you do not allow this planning application motorists will have no alternative other than to park outside residents' houses in Grove Road and surrounding roads. As we have already seen, care is not always taken by people parking and often a vehicle is abandoned causing an obstruction. A car park would, of course, address this problem and possibly be able to accommodate all said vehicles.
- Please also take into account that Cherry Orchard and Grove Park are very likely to expand considerably on visitors over the coming time, as it develops, so it is prudent to act now. We therefore are in favour of this additional car park.

MATERIAL PLANNING CONSIDERATIONS

METROPOLITAN GREEN BELT

- 2.14 As the site is located within the Metropolitan Green Belt, the proposal needs to be assessed against Planning Policy Guidance Note 2: Green Belts (PPG2).
- 2.15 It states at paragraph 3.12 of PPG2 that development such as that proposed within the current application is inappropriate development unless it maintains openness and does not conflict with the purposes of including land in the Green Belt.
- 2.16 The proposed surfacing of the site with grass matting to facilitate use as a car park would require clearance of the grassed area of land. Such clearance would have some impact on the openness of the Green Belt as it would turn a currently vegetated area into an open space where vehicles would be parked. However, the surfacing method proposed would not result in any noticeable projection above the existing ground level and the grass matting surface would allow grass to grow through. Therefore, an open Green Belt appearance would not be entirely lost although the site would appear different to its current grassed state. The use of the surfaced area as a car park would certainly, however, have a negative impact on the openness of the Green Belt given that vehicles would be parked on a previously grassed area. This use would also have a negative impact on the Green Belt in visual amenity terms with rows of cars appearing as a somewhat alien feature in an area characterised by a natural wooded/vegetated landscape.

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- 2.17 The proposed fencing, gate and height barrier would also affect the openness of the site as these built structures would amount to new built structures on existing grassed land. However, the fencing proposed would be timber at a height of 0.9m and the gate would be a typical farm style gate, common to rural locations and in keeping with the sites Green Belt setting. The proposed height restriction barrier would, however, be a more intrusive feature, somewhat uncharacteristic of a rural location.
- 2.18 In addition to the impact on openness, it is also possible that the proposal conflicts with the purposes of including land in the Green Belt as it could potentially be considered to represent encroachment into the Green Belt from the Grove Road area.
- 2.19 Therefore, as the proposal is not considered to maintain openness and could be considered to conflict with the purposes of including land within the Green Belt it can be considered inappropriate development within the Green Belt. It is therefore necessary to consider whether there are any very special circumstances that would outweigh the harm caused to the Green Belt by this proposal.
- 2.20 It should be noted that the applicant provides justification for the proposal within a supporting statement highlighting that:-
- The Grove Road car park is a basic facility, not in a good state of repair, is of limited capacity (approximately 30 vehicles) and will require investment in the short term.
 - Car parking is needed not only to service the Country Park but also the existing play area, the BMX track, sports pitches and school/children's centre overspill.
 - ECC has set aside £30k to deal with parking stress and have asked RDC to project manage the required works. These will include re-surfacing part of the unmade section of Grove Road to provide access to the existing car park, the provision of lighting to the facility and the protection of the woodlands from ingress by vehicles.
 - It is not proposed to further improve Grove Road, thereby providing a deterrent to speeding vehicles. We are not aware of any significant nuisance being caused by youths in the area.
 - The proposed car park will not be the main facility for the Country Park, but merely one of four other facilities. In the longer term, the main facility will be constructed off Cherry Orchard Way.
 - Connaught Road is in good condition, having a metalled surface and is regularly used by the HGVs travelling to the sewage works.
- 2.21 Although not stated in Green Belt policy in relation to operational development other than new buildings or in relation to changes of use, it is considered reasonable to consider whether the proposed development would be genuinely required in connection with an outdoor recreational use and therefore whether this could represent a very special circumstance.
- 2.22 In this case the development is genuinely required to serve the existing Country Park, which provides an outdoor recreational opportunity.

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Within the supporting statement submitted with the application it is further explained that car parking is needed not only to service the Country Park but also the existing play area, the BMX track, sports pitches and school/children's centre overspill at this site. It has to be considered that there is an existing car park area close to the site to serve these facilities and therefore when considering the need for this facility in Green Belt terms attention has to be drawn to this existing facility. It is explained within the supporting statement that the car park at Grove Road is of limited capacity providing the space for approximately 30 vehicles. Therefore, although the site for a proposed new car park is in close proximity to this existing car park it is not considered that this relationship would be unacceptable here. Nor is it considered that the existing car park provides for all the necessary need and therefore that the proposed car park is unnecessary. When considering the various facilities that this existing car park serves it is concluded there is a need for further car parking provision within this area to serve existing facilities and more importantly, the Country Park.

- 2.23 An alternative site, which included a western extension of the existing Grove Road car park, was initially considered, however, although this site would be better in ecological terms, tree removal would be required as part of this proposal. It is also closer to existing dwellings and possible that this alternative site may have led to concerns being raised from the residents of Grove Road/ Grove Court.
- 2.24 There has been the recent provision of a car park at the eastern side of the Country Park accessible from Cherry Orchard Way. It is anticipated that the car park at Connaught Road would provide the Rayleigh entranceway to the Country Park. It is anticipated that the car park facility would provide easier use of the park by some and would allow others who may only choose to visit the park by car to take advantage of the recreational opportunities offered. Whilst the car park could be provided without the enclosing fencing and height barrier these are required to restrict the extent of parking within the Green Belt, to prevent encroachment of vehicles further into the wooded/grassed area and public open space and to control the type of vehicles that can use the visitor car park.
- 2.25 As all of the land that forms the country park lies within the Green Belt there is no alternative but to develop on Green Belt land to provide a western car park facility close to or within the country park.
- 2.26 Based on the assessment above it is considered that the development is required in connection with and proportionate in extent to the country park it would serve and that these circumstances amount to very special circumstances that would outweigh the harm that would arise to the Green Belt. The proposal is unique in that it relates to the only country park in the District and there is therefore no concern that the very special circumstances identified could be readily replicated to mean that approval of this car park would set a precedent for the development of other car parks within the Green Belt, which could cumulatively have a significant harmful impact on the openness and appearance of the Green Belt. Consequently the proposal is not considered to be objectionable in Green Belt terms.

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2.27 SAFEGUARDING OPEN SPACE

Although the proposal would involve building on land designated as existing public open space, the development would be of benefit to the community in terms of enabling easier access to the park by visitors, particularly from the west of the District who travel by car. It would not result in a significant loss of open space, given the overall extent of the country park or harmful effect on the quality of the remaining open spaces within the country park. In addition, the existing area is grassed/wooded and not, for example, part of the open playing field and therefore is not the most significant part of the public open space here. It is therefore considered that the benefits offered outweigh the loss of open space that would occur and that the proposal is not therefore contrary to PPG17.

2.28 ECOLOGY

The ecological report submitted with the application confirms that slow worms are present on the site. Therefore, if planning permission were to be approved, it would be necessary for appropriate measures to be undertaken to ensure that any slow worms were translocated prior to works commencing to construct the car park. Natural England has been consulted on the application and has advised that permission may be granted, subject to appropriate conditions including a detailed mitigation and monitoring strategy for adders and/or common lizards, grass snakes and slow worms. Recommendations have been made within paragraph 6 of the Reptile Presence or Likely Absence Survey dated October 2010 by Southern Ecological Solutions for translocation and a planning condition could be attached to an approval requiring these recommendations to be adhered to.

2.29 CONNAUGHT ROAD

Connaught Road is a private road and residents have objected to the current application due to issues relating to the use of Connaught Road. Connaught Road provides access from Kent Way to two residential properties (St Teresa and Wychwood), an ATC hut and the Rayleigh Sewage Works. The part of the road from Kent Way to Grove Road is unmade. The part of Connaught Road outside where the entrance to the car park would be located is concreted. Residents have raised concerns that Connaught Road is currently being used as a cut-through to Grove Road and that the new car park proposal would add to the traffic already using Connaught Road. There is already non-residential traffic on Connaught Road from Rayleigh Sewage Works and also from the ATC hut. Therefore it is not considered that the amount of additional traffic generated by the proposed car park would lead to an unacceptable level of traffic generation much greater than that experienced at present from the use of the road by the sewage works and by those trying to reach Grove Road car park from Connaught Road. Maintenance of the road is a private matter and it is not considered that any additional maintenance requirements that may be caused by the location of this car park would be a reason to refuse the application, especially when taking into account that this road is already in regular use by heavy lorries travelling to the Rayleigh Sewage Works.

2.30 Essex County Council's Highways department has not raised an objection to the proposal. Therefore although concerns have been raised about the suitability of this road on a number of issues such concerns have not been highlighted by ECC Highways department.

SCHEDULE ITEM 2

2.31 PARKING

This application proposes the provision of 27 parking spaces. The Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010 requires that for 'D2 – Other Uses' 1 space is provided per 20 square metres. The country park is a large public facility extending to 200 acres. Therefore the number of car parking spaces proposed within the current application would not meet the many necessary spaces required by this facility if it were to be assessed under this particular category. However, the proposed car park at Connaught Road is part of a much wider Council plan to provide increased parking provision for the country park throughout the District. Therefore other potential car parks, including some that are already in existence, would help to address the parking provision for the country park. The Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010 also requires spaces to be of a particular size (5.5m x 2.9m) with larger bay sizes required for disabled spaces. The 27 spaces, which include 3 disabled bays, could be provided on the site within the required measurements.

2.32 ANTI-SOCIAL BEHAVIOUR

Concerns have been raised by local residents regarding the potential for anti-social behaviour to occur at the new car park. These concerns are based on claims made about anti-social behaviour occurring from the existing car park in Grove Road. Although anti-social behaviour may occur at the proposed car park the site is located further away from residential properties than the Grove Road car park with an approximate distance of 105m between the boundary of Wychwood and the boundary of the proposed car park. In addition to this, the police have not raised an objection to the application. Based on the distance involved and the lack of objection from the police it is not considered that it would be justified to refuse the application on the basis of the potential for anti-social behaviour.

CONCLUSION

- 2.33 It is considered that the proposed car park would be inappropriate development within the Green Belt but that very special circumstances have been demonstrated to outweigh the harm this development would have on the Green Belt. Material planning considerations have been assessed but it is not considered that they represent a reason for refusal of this application.

RECOMMENDATION

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

1. SC4B – Time Limits
2. The soft landscaping shown on drawing no. 02 date stamped 12 May 2011 shall be implemented in its entirety during the first planting season (October to March inclusive) following commencement of the development, or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority.

SCHEDULE ITEM 2

Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

3. No development hereby approved shall commence until the reptiles shown to exist on the site are translocated in accordance with the recommendations at paragraph 6 of the Reptile Presence or Likely Absence Survey dated October 2010 by Southern Ecological Solutions.
4. The surface area of the car park and access shall be implemented only in accordance with the details shown on drawing no. 02 date stamped 12 May 2011 unless otherwise agreed in writing by the Local Planning Authority.

REASON FOR DECISION

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

Relevant Development Plan Policies and Proposals

Planning Policy Guidance Note 2 - Green Belts
Planning Policy Guidance Note 17
Planning Policy Statement 9

The Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010

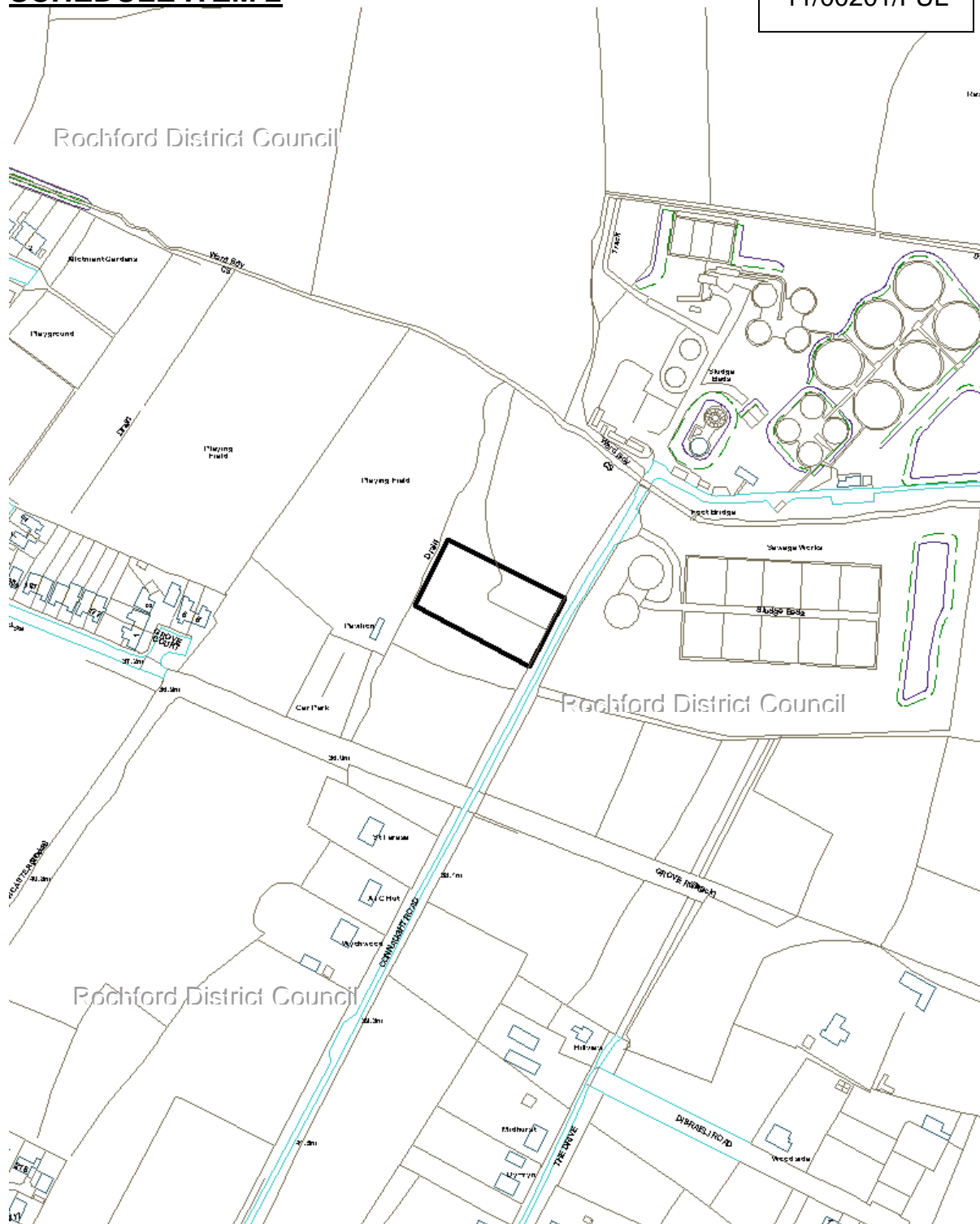


Shaun Scrutton
Head of Planning and Transportation

For further information please contact Claire Robinson on (01702) 318096.

SCHEDULE ITEM 2

11/00201/FUL



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NTS



SCHEDULE ITEM 3

**TITLE: 11/00250/FUL
DEMOLISH SIDE PROJECTION, ERECT TWO-STOREY
DWELLINGHOUSE TO FORM END OF TERRACE HOUSE
AND CONSTRUCTION OF REAR DORMER WINDOW AND
FRONT PORCH CANOPY IN EXISTING AND NEW
DWELLING AND FORM PARKING AND AMENITY AREAS
AND CREATE NEW VEHICULAR AND PEDESTRIAN
ACCESS ONTO BURROWS WAY
1 BURROWS WAY RAYLEIGH**

APPLICANT: MR S STADDON

ZONING: RESIDENTIAL

PARISH: RAYLEIGH TOWN COUNCIL

WARD: WHEATLEY

PLANNING APPLICATION DETAILS

THE SITE

- 3.1 The application site consists of a semi-detached house with side and rear garden area within the residential area of Rayleigh just outside the town centre boundary. The semi-detached pair are set back from the road by approximately 17m and located on a hill. To the north of the site is a pedestrian walkway that leads from Burrows Way into Rayleigh High Street. There is a pair of garages along this walkway and a dropped kerb at both ends so it is possible that historically this was a vehicular (not just pedestrian) access leading directly to the High Street, however, vehicular access has been restricted from Spring Gardens through the use of bollards and metal railings. There is also a pair of semi-detached houses (no.17 and 19 Spring Gardens) to the north and to the south is the attached property (no. 3) and then a detached bungalow (no. 5). To the east of the site is a pair of garages and then a detached chalet (no. 2 High Road) and to the west is Burrows Way.

PROPOSAL

- 3.2 Planning permission is sought at 1 Burrows Way, Rayleigh to demolish an existing side projection and erect a two-storey dwellinghouse to form an end of terrace house. This proposal would also include the construction of rear dormers and a front porch canopy to both the existing property and the new dwelling, with the formation of parking and amenity areas and also the creation of a new vehicular and pedestrian access onto Burrows Way for both properties.

SCHEDULE ITEM 3

- 3.3 The proposed new dwelling would form an end of terrace property measuring 4.8m wide, 8.4m deep (excluding the bay window/porch) and 9.7m high. It would have a bay window at the front with a first floor window above and then a roof light and on the side elevation it would have two new windows, one at first and the other at second floor level. On the rear elevation there would be a set of patio doors at ground floor level, a window at first floor and then a pitched roofed dormer within the roof area measuring 1.7m wide, 2.4m high and 3.5m deep (at its greatest depth). The existing property would also be altered to include a roof light on the front elevation and on the rear elevation a set of patio doors at ground floor level and a pitched roofed dormer to the same measurements as that shown within the proposed new dwelling. In addition to this, on the front elevation there is proposed a porch canopy linking the two bay windows with a sloping roof measuring 7.15m wide, 0.75m deep and 4.35m high. The construction of two sheds within the rear garden areas of the proposed and existing dwellings is also proposed measuring 1.9m wide, 2.45m deep and 2.4m high with a pitched roof.

RELEVANT PLANNING HISTORY

- 3.4 There is no history on the Council's planning records for this address. The semi-detached pair predates the Town and Country Planning Act 1947.

CONSULTATIONS AND REPRESENTATIONS

- 3.5 RAYLEIGH TOWN COUNCIL – No objection.
- 3.6 ECC HIGHWAYS - No objection, subject to the following conditions being attached to any permission granted:-
1. 2 parking spaces for residential use only shall be provided for each property with each space having minimum dimensions of 2.9 metres x 5.5 metres. Therefore the tandem parking, as indicated, will need a length of 11m per property.
 2. Prior to occupation of the development the vehicular hardstandings shall be provided with an appropriate dropped kerb vehicular crossing of the footway
 3. Prior to commencement of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be clear to ground and retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.
 4. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
 5. The gradient of the proposed vehicular access/garage drive/hardstanding shall not be steeper than 4% (1in 25) for the first 6 metres from the highway boundary and not steeper than 8% (1in 12.5) thereafter.
 6. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

SCHEDULE ITEM 3

7. Prior to the commencement of works on site the applicant shall indicate in writing to the Local Planning Authority an area within the curtilage of the site for the reception and storage of building materials clear of the highway.
8. Prior to occupation of the proposed development, the developer shall be responsible for the provision and implementation of a travel information and marketing scheme for sustainable transport approved by Essex County Council.

MATERIAL PLANNING CONSIDERATIONS

- 3.7 Policy HP6 of The Rochford District Replacement Local Plan 2006 requires consideration of the design and layout of proposals for new housing schemes. It also refers to Supplementary Planning Document 2 (SPD2) when considering housing design. These documents will be considered when assessing the proposal below.

STREET SCENE AND DESIGN

- 3.8 The application site has a frontage of 8.6m increasing to 10.5m at the front elevation of the properties. SPD2 requires that proposals for infill development have minimum site frontages or be of such frontage and form compatible with the area within which they are to be sited to guard against over-development of infill sites. The advice on frontages relates to semi-detached pairs of properties and no information is provided for terraced housing. However, the guidance also states that higher densities of infill development may be permitted in areas that are easily accessible by a choice of means of transportation and within easy access of local facilities and services. The site borders Rayleigh town centre and therefore is in walking distance of local facilities and a local bus route. Rayleigh train station is also in walking distance of the site. Therefore a higher density of development in this particular location is considered to be acceptable.
- 3.9 Within the street scene there is a mixture of property types and styles from various time periods. The properties at no. 1 and 3 Burrows Way are quite possibly the oldest in the street. There is no particularly distinct character when considering the frontage widths along this street due to this variety although the widths proposed would be the narrowest in the immediate street scene. No.1 and 3 Burrows Way are traditionally narrow properties with elongated frontages therefore it is considered that the proposal would not be out of character with the style of these existing properties, which are unique within the immediate street scene and compatible with the form of the area.
- 3.10 The design of the proposed new property would mimic the existing two properties in width, depth, roof style, height and fenestration detailing. As the addition of a further property would require relocation of the front door of no.1 Burrows Way from the side to the front elevation this has led to the creation of a bay window/porch arrangement between the new property and no. 1 Burrows Way on the front elevation. Although this would not mimic the current style at no. 3 it is considered to be of an acceptable design that would not be detrimental to the resulting terrace or the street scene.

SCHEDULE ITEM 3

As there is no distinct property style within the immediate street scene and because this semi-detached pair is unique in the street scene here, it is not considered that the addition of a further similarly styled property would be out of character. There is a row of terraced properties in close proximity to the site (no.18 – 24 Spring Gardens) so this resulting house type would also not appear out of place within the street scene here.

- 3.11 SPD2 requires that a minimum separation of one metre is achieved in all cases between the side boundaries of the hereditament and habitable rooms of the dwelling house. The plans show a minimum distance of 1.084m between the side elevation and the boundary increasing to a distance of 2.04m, therefore this required separation distance is achieved here. The pedestrian walkway immediately to the north of the site separates the proposed new property from other properties within the street; in such situations where a terracing effect at the boundary is not likely to occur the 1m separation is normally relaxed.
- 3.12 The Essex Design Guide states that dormers should be minor incidents in the roof plane and SPD2 goes on to state that substantial roof verges should be maintained at the sides and below any projecting dormer. The proposed dormers at this site comply with these criteria.

OVERLOOKING AND PRIVACY

- 3.13 Windows are proposed within the first and second floor side elevation of the new property to serve a bathroom and bedroom. Due to the positioning of the pair of semi-detached bungalows at no.17 and 19 Spring Gardens, closer to the highway than no. 1 and 3 Burrows Way, side windows would look directly onto the private amenity space of these properties. The pedestrian walkway provides some distance separation, however, it is still considered that some unacceptable overlooking could occur. It is considered that a planning condition requiring these windows to be of an obscure glazed style and fixed shut below a height of 1.7m should be attached to any approval to prevent any unacceptable overlooking. It would also be necessary to attach a condition preventing the insertion of further windows in this side elevation.
- 3.14 The dormer windows in both the existing and proposed property would look towards the rear garden area and elevation of no. 2 High Road. However, there is a distance of approximately 40m between the rear elevation of no. 2 High Road and the proposed development and because the windows would serve bedrooms, which are not considered to be a main habitable room of the dwelling, it is not considered that these windows would create any unacceptable overlooking. No. 2 High Road is located on a higher land level than no.1 Burrows Way and therefore has greater potential to overlook this property than the proposal does of no. 2 High Road. It also has to be considered when assessing the impact on no. 2 High Road that the existing property could potentially add a dormer to its roof area without requiring planning permission under Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) that would not require the windows to be obscure glazed and fixed shut below a height of 1.7m.

SCHEDULE ITEM 3

GARDEN AND PARKING

- 3.15 SPD2 requires that three-bed terraced dwellings have private gardens with a minimum depth of 2½ x the width of the house (except where the provision exceeds 100 m²) to a minimum private garden area of 50 m². The proposal identifies a private amenity space of 100 square metres for the existing dwelling and 148 square metres for the proposed dwelling, which would meet the standard. The plans show the landscaping proposed to the front and rear of the site, which is considered to be acceptable. An area for the siting of bins is shown and this is considered to be an acceptable location.
- 3.16 The Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010 requires that properties with two or more bedrooms provide two off street parking spaces. These parking spaces must be to a measurement of 5.5m x 2.9m in order to be considered usable spaces. The areas allocated for parking measure 11m and 11.2m in length by 3m in width therefore these would provide the necessary space to park two vehicles off street in accordance with this guidance. In addition, the two proposed sheds would provide the required space for the storage of a bicycle. Essex County Council Highways department has suggested a number of planning conditions be attached to an approval. The suggested condition no.1 is not necessary as the site plan shows that the required spaces can be provided at the correct size. A condition similar to that stated at no. 2 could be attached to an approval. Condition 3 suggests that provision of 1.5m x 1.5m pedestrian visibility splays be provided. This can be achieved within the site boundary at no.1 Burrows Way but not fully at the new property within the site boundary on the northern side of the vehicular accesses. However, the area required to remain free of obstruction and not within the site, is within the public footpath where it is unlikely that any substantial structures or planting would take place. Therefore it is considered that the visibility splays shown are sufficient and a condition could be attached requiring these areas to remain free of obstruction. Conditions 4, 5, 6 and 7 it is considered should be attached to an approval although condition 7 should only control the storage of materials, not the reception of them, as the site does not currently have vehicular access to allow for the reception of materials.
- 3.17 There is a lamp post, road sign and telegraph pole within the highway where the new vehicular crossovers would be located. These are outside the site boundary, but would require relocation as part of this proposal and an informative could be added to any approval reflecting this.

OTHER MATERIAL PLANNING CONSIDERATIONS

- 3.18 It is not considered that this proposal would have a detrimental impact upon the pedestrian walkway or to users of it. The new property would be, at its closest, 1.084m from the walkway, which is in close proximity to it.

SCHEDULE ITEM 3

- 3.19 However, the side elevation of the new property would only extend to a depth of 8.4m along the approximately 90m walkway and it is not considered to create a relationship much different to that found within residential estates where houses lie alongside pedestrian walkways with 2m high fences along the footpath's boundary and without garden areas to the side.
- 3.20 Two sheds are proposed as part of this application. It is likely that these sheds would be permitted development under Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). However, regardless of this, it is not considered that the sheds would be detrimental to the occupiers of any neighbouring properties and the design of these sheds is considered to be acceptable.

CONCLUSION

- 3.21 The proposal is considered to be an appropriate addition to the area in accordance with policy HP6 of the Rochford District Replacement Local Plan 2006 and having regard to other material planning considerations.

RECOMMENDATION

- 3.22 It is proposed that the Committee **RESOLVES to APPROVE** the application, subject to the following conditions:-
- 1 SC4B – Time Limits
 - 2 SC14 – Materials To Be Used (Externally)
 - 3 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) the window(s) marked OBS on the approved drawing(s) no. PDB/10/218/05, 06 and 07 date stamped 27 April 2011 shall be glazed in obscure glass and shall be of a design not capable of being opened below a height of 1.7m above first floor finished floor level. Thereafter, the said windows shall be retained and maintained in the approved form.
 - 4 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) no window, door or other means of opening shall be inserted above first and second floor finished floor level on the side elevation of the new dwelling hereby permitted, in addition to those shown on the approved drawings no. PDB/10/218/05, 06 and 07 date stamped 27 April 2011.
 - 5 Prior to the occupation of the development the hardstandings shown on the approved drawing no. PDB/10/218/04 date stamped 27 April 2011 must be laid out and constructed in their entirety in strict accordance with the approved plan and made available for use.

SCHEDULE ITEM 3

Thereafter, the said hardstandings shall be retained and maintained in the approved form and used solely for the parking of vehicles and for no other purpose that would impede vehicle parking.

- 6 Prior to the occupation of the development the vehicular hardstandings shall be provided with an appropriate dropped kerb vehicular crossing of the footway, as shown on drawing no. PDB/10/218/04 date stamped 27 April 2011.
- 7 Prior to occupation of the development the proportion of the 1.5m x 1.5m pedestrian visibility splays that can be achieved within the limits of the site shall be provided. Such visibility splays shall be clear to ground and retained free of any obstruction in perpetuity.
- 8 No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary.
- 9 Any new hard surfacing forward of the front elevation of the dwelling house shall be constructed either of a porous material or provision be made to direct surface run-off water from the hard surface to a permeable or porous area or surface within the site or to a drain within the site.
- 10 The gradient of the proposed vehicular access/hardstanding shall not be steeper than 4% (a maximum increase of 1m within 25m) for the first 6 metres from the highway boundary and not steeper than 8% (a maximum increase of 1m within 12.5m) thereafter.
- 11 Prior to the commencement of works on site the applicant shall indicate in writing to the Local Planning Authority an area within the curtilage of the site for the storage of building materials clear of the highway.

REASON FOR DECISION

The proposal is considered not to cause undue demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area or residential amenity such as to justify refusing the application; nor to surrounding occupiers in Burrows Way, Spring Gardens, the High Road and the High Street.

Relevant Development Plan Policies and Proposals

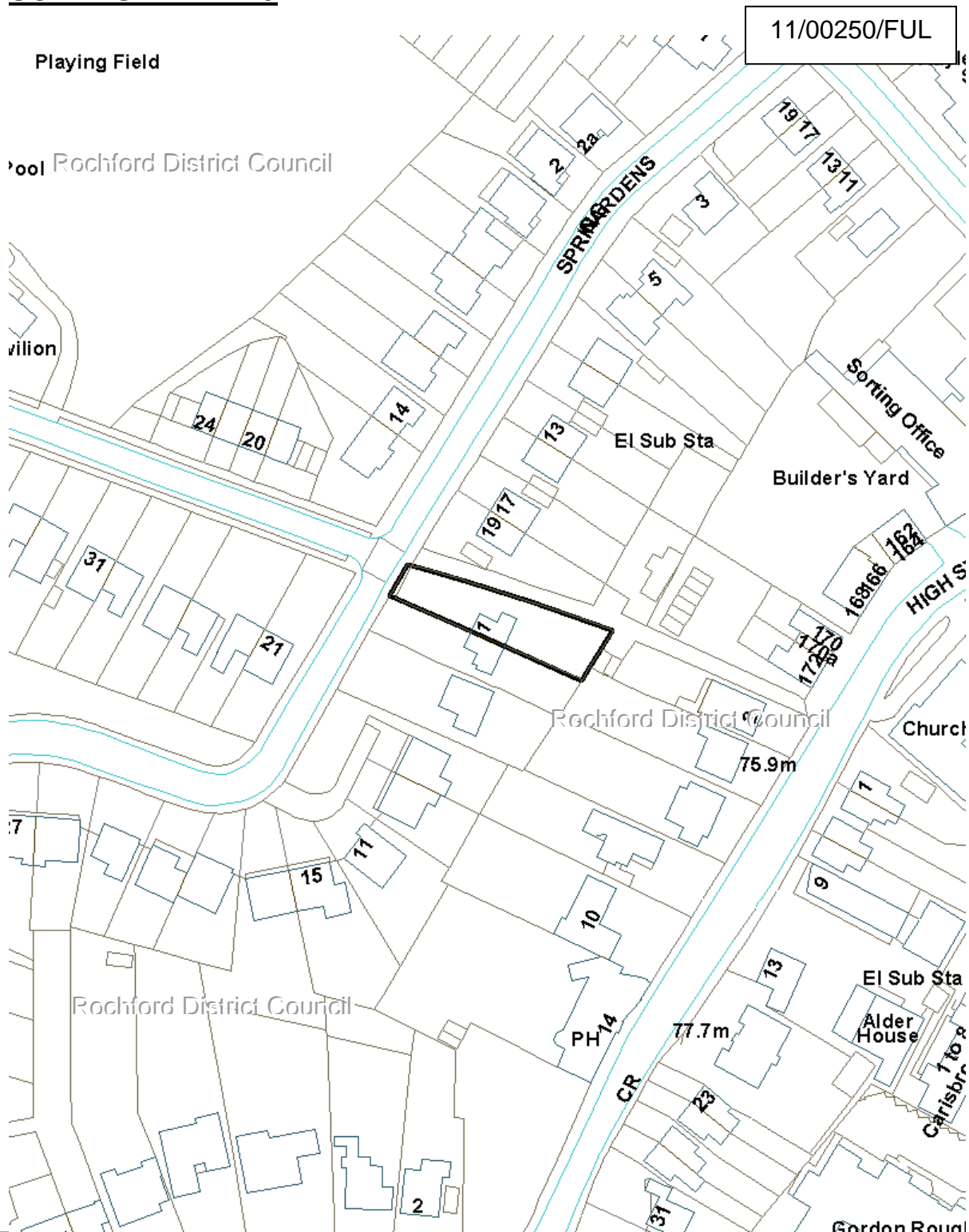
Policy HP6 and HP10 of the Rochford District Replacement Local Plan 2006
Supplementary Planning Document 2
Essex Design Guide 2005
Parking Standards: Design and Good Practice Supplementary Planning Document
adopted December 2010

A handwritten signature in black ink, appearing to read 'Shaun Scrutton', with a stylized flourish at the end.

Shaun Scrutton
Head of Planning and Transportation

For further information please contact Claire Robinson on (01702) 318096.

SCHEDULE ITEM 3



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NTS



SCHEDULE ITEM 4

**TITLE: 11/00224/TIME
APPLICATION TO EXTEND TIME LIMIT OF PLANNING
PERMISSION 06/00943/FUL – CREATION OF THREE
TRAINING PITCHES, ONE ALL WEATHER FLOODLIT
TRAINING PITCH (8 X 12 METRE COLUMNS) A FLOOD
ATTENUATION POND AND SURFACE CAR PARK OF 454
SPACES, 34 X 8 METRE COLUMNS.
LAND NORTH OF SMITHERS CHASE SUTTON ROAD
ROCHFORD**

**APPLICANT: SOUTHEND UNITED FOOTBALL CLUB C/O ROOTS HALL
LTD**

ZONING: METROPOLITAN GREEN BELT

PARISH: SUTTON

WARD: BARLING & SUTTON

PLANNING APPLICATION DETAILS

- 4.1 Planning permission is sought to extend the time allowed for commencement of the development approved under planning consent 06/00943/FUL for the creation of 3 training pitches, one all weather floodlit training pitch, a flood attenuation pond and a surface car park of 454 spaces.
- 4.2 The original consent for this development was issued by the Secretary of State in line with the Planning Inspector's recommendation for approval following call-in of the application. The decision was dated 30 June 2008, which expires on 30 June 2011.
- 4.3 The original application was considered alongside an application made to Southend-on-Sea Borough Council on land adjoining the site for development to which the proposed training pitches, car park and flood attenuation pond were related (reference 06/01300/FUL). The development that was the subject of the Southend application incorporated:-
- a 22,000 seater football stadium including a 114 bedroom hotel, conference floor space, players' hostel, food and drink concessions, bar and other ancillary facilities
 - 67 flats with basement parking spaces
 - A1 retail units totalling 16,400 square metres of floorspace at least 20% of which restricted to a range of comparison goods
 - an A3 restaurant comprising 279 square metres of floor space
 - a D2 health club totalling 3205 square metres of floor space

SCHEDULE ITEM 4

- parking and cycle spaces and associated landscaping
- formation of a vehicular access onto Eastern Avenue and to the Fossetts Farm link road.

- 4.4 The Southend application was also recommended for approval by the Planning Inspector and subsequently approved by the Secretary of State in a decision dated 30 June 2008, which will also lapse on 30 June 2011.
- 4.5 An application to extend the time allowed for implementation of the Southend application has recently been submitted to Southend-on-Sea Borough Council although this application is currently invalid.
- 4.6 The application site for the development proposed in Rochford district and to which this application for an extension of time relates, comprises an area of open agricultural land, which is located south of the settlement of Rochford directly bordering the adjoining Southend borough and close to the built up northern extent of Southend.
- 4.7 The site is immediately bordered by Sutton Road to its western boundary, opposite which is an industrial area within the Southend Borough. Part of the southern boundary of the site directly borders the land, which is open at present but which forms the application site for the Southend football stadium development. The remainder of the southern boundary of the application site borders land containing the residential properties of Smithers Farm Cottages and Smithers Farm, effectively sandwiched between the two application sites. To the east and north the site borders open agricultural fields and residential properties in Temple Gate Cottages to the north-west corner of the site.
- 4.8 The plans for consideration in this application to extend the time of permission 06/00943/FUL are the same as those that were considered in the determination of this original application.
- 4.9 The proposed car park would be sited in the very western part of the site close to the boundary with Sutton Road, due south of the residential properties to the north in Temple Gate Cottages. The proposed flood attenuation pond would be sited close to the rear of the car park between the car park and the proposed training pitches, which would be laid out side by side, extending from the centre of the site over to the far eastern boundary. The flood lit all weather pitch would be located closest to the western boundary.
- 4.10 The layout plan shows that landscaping would be provided within the site along almost the full perimeter of the site, with the landscape buffer wider to the north-west and southern site boundaries where the site extends closest to nearby residential properties.
- 4.11 The existing road, Smither's Chase, runs along the southern boundary of the site providing access to the residential properties to the south of the site; Smither's Farm Cottages and Smither's Farm would remain.

SCHEDULE ITEM 4

- 4.12 Access to the proposed car park would be across Smither's Chase via a section of new road, which would be created as part of the development proposed and associated with the football stadium proposal.
- 4.13 The original 2006 application was also accompanied by an Environmental Statement, which is also relevant to the determination of the extension of time application.

RELEVANT PLANNING HISTORY

- 4.14 Since the approval of the football stadium development in Southend Borough and the associated training pitches, car park and pond in the Rochford District an application to amend the development approved in the Southend Borough was submitted to Southend-on-Sea Borough Council. This application, reference 09/01203/FULM, however, remains invalid.
- 4.15 No changes to the approved plans have been granted since the original consents issued on 30 June 2008 to either that part of the development falling within Rochford District or that part falling within Southend Borough.
- 4.16 The applicant, however, applied for amendments to the Section 106 legal agreement to which the 2006 Southend permission was subject, which included provision to enable the approved football stadium to be constructed in stages or only partially completed.
- 4.17 The s106 has not yet been formally amended but the proposed amendments were accepted by Southend-on-Sea Borough Council in February 2011 where authority was delegated to the Corporate Director of Enterprise, Tourism and the Environment, Head of Planning and Transport or the Group Manager of Development Control and Building Control to vary the S106 Agreement dated 25 October 2007 (as varied on 21 April 2008).
- 4.18 The variations agreed include the following:-
- Prior to commencement of the development, the applicant to submit plans to illustrate how the three sided stadium will be finished and details of noise protection measures to be submitted to and agreed in writing by the Council and for the approved noise protection measures to be completed prior to commencement of the works to the new stadium or retail park at Fossetts Farm.
 - Applicant to covenant to use reasonable endeavours to complete the west stand within 60 months of commencement of the north, south and east stands.

CONSULTATIONS AND REPRESENTATIONS

- 4.19 SUTTON PARISH COUNCIL: Object.

SCHEDULE ITEM 4

- The Parish Council is opposed to the application, specifically with regard to the proposed surface car park of 454 spaces and the 34 x 8 metre lighting columns.
- 3 years is plenty of time for any viable business to make a start and the applicant has not put forward any reasonable purpose for an extension of time.
- The stadium has been greatly reduced in size with a reduction of seating (three sides only).
- The original reasons for the planning permission needed for the proposed car park on Sutton Green Belt were based on a 21,000 seat stadium.
- Those reasons (as allowed) cannot now be viable and, in addition, there are plenty of car parking spaces on the Temple Farm Industrial Estate and on Fossetts Farm itself to accommodate the reduced car parking requirement.

4.20 ENVIRONMENT AGENCY:

- We understand that the applicant is seeking to extend the time limit of planning permission 06/00943/FUL. According to our records we had an outstanding objection on this planning application when planning permission was granted relating to flood risk and outstanding queries related to the foul and surface drainage scheme (our reference AE/2006/100236).
- Notwithstanding the above, it appears that this current time extension application relates to only part of the scheme approved under 06/00943/FUL. Although no details have been submitted with this application to determine the site area for this application, given the nature of the proposals it is unlikely it will involve additional hardstanding of more than 1 hectare. If this is the case then we have no objection, but would encourage the LPA to ensure that an adequate surface water drainage scheme is approved prior to the commencement of development. If the area is greater than 1 hectare a surface water scheme should be submitted to us for further comment prior to the application being determined.

4.21 NATURAL ENGLAND:

- Our statutory purpose is to ensure that the natural environment is conserved, enhanced and managed for the benefit of future and present generations thereby contributing to sustainable development.
- This proposal does not appear to affect any statutorily protected sites or landscapes or have significant impacts on the conservation of soil, nor is the proposal EIA development. We have adopted national standing advice for protected species.
- As standing advice, it is a material consideration in the determination of the proposed development in this application in the same way as any individual response received from Natural England following consultation and should therefore be fully considered before a formal decision on the planning application is made.
- The protected species survey has identified that species protected by domestic legislation may be affected by this application.

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Please refer to our standing advice on badgers, barn owls and breeding birds, water voles or white clawed crayfish to assess the impact on these species and to decide if there is a 'reasonable likelihood' of protected species being present and whether survey and mitigation requirements have been met.

- o Please also ensure that any surveys held against this application are less than 3 years old.

4.22 SPORT ENGLAND: No Objection.

4.23 ESSEX COUNTY COUNCIL (MINERALS AND WASTE): No Objection.

4.24 ESSEX COUNTY COUNCIL (ARCHAEOLOGY): No objection, subject to condition:-

- o The Essex Historic Environment Record shows that the proposed development lies in a highly sensitive area of multi period archaeological deposits. Recent archaeological work within Southend Borough has identified highly important and sensitive archaeological deposits surviving immediately adjacent to the development area. Details of the archaeological deposits present were given in the archaeology and cultural heritage section within the Environmental Statement (section 14) of the previous application. The text clearly indicated the high potential of important archaeological deposits across the development area.
- o As the development was granted consent with conditions in 2006, the two archaeological conditions (nos. 15 and 16) on the previous application (06/00943/FUL) should remain part of the requirement for this extension of time limit on Land North of Smither's Chase, Sutton Road Rochford.
- o Due to the intrusive nature of the proposed development and the significant potential for surviving deposits the following recommendation is made in line with Planning Policy Statement 5 (PPS5) Planning for the Historic Environment:-
 - o No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been submitted by the applicant, and approved by the Planning Authority.

4.25 ESSEX COUNTY COUNCIL (PUBLIC RIGHTS OF WAY):

- o The land in question is bordered by footpath 16: Sutton.
- o Will the area in question be divided by the footpath with fencing?
- o Will there be any obstruction/disruption to the footpath whilst works take place?
- o Where will the entrance to the car park be in relation to the footpath?

NEIGHBOURS: Objections received from the occupants of 8 properties:-

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- 4.26 1 Temple Gate Cottages
- We object to the use of land adjoining our property as car parking for the proposed football stadium and the further use of adjoining fields as floodlight football training pitches.
 - We were VERY disappointed that the Rochford Councillors felt it necessary to approve the original application and hope that with the passing of time they will look again and realise that to release this land to Southend United is a totally inappropriate use for Green Belt farm land.
 - Our main concern is of light pollution, not only from the 8No. training pitch floodlighting columns, but mainly the 'forest' of 35 x 8m lighting columns in the proposed car park - this is totally unacceptable in a rural location. At the very least low level lighting could and should be used in the car park.
 - Our current views of open countryside will be lost.
 - The tranquil nature we now enjoy will be ruined by continuous shouting from the practice pitches and traffic/supporter noise from the car park resulting in the devaluation of our property.
 - We would like to know what buffer is proposed between our property and the proposed car park. At the very least a considerable earth embankment, well planted with trees and shrubs will be required to lessen the impact from this proposed development.
- 4.27 7 Temple Gate Cottages
- Object as the applicant has had every opportunity to proceed but appears not to have sufficient funds; this, together with alterations of the original consent in Southend Borough, makes me wonder if the development will ever go ahead and, if it does, how it will bear any resemblance to the original plans approved by the Government Inspector.
 - If the stadium is to be made smaller, could the training pitches and car parking not be incorporated within that footprint.
 - The proposed development has had a significant effect on property value.
- 4.28 10 Temple Gate Cottages
- Parking and traffic congestion is already a problem on Sutton Road and Temple Farm Industrial Estate with or without the proposed parking site intended on Green Belt land.
 - No one adheres to the speed and road enforcements that are currently in place and there have been 3 serious accidents within 18 months, in one of which a lady died and in another a van ended up on my driveway as a result of a collision and missed my own car by inches and was worryingly close to my front door. Concern about potential accidents that could affect pedestrians particularly at the bus stops on Sutton Road.
 - It was claimed in the original application that land around Smither's Farm is surrounded by lots of dead woodland and trees - this is not true; it is a wild area home to loads of fauna and flora; there are active badger sets in the area of Smither's Farm. We see the badgers fairly regularly - these protected animals would be forced to lose their homes.
 - Light pollution is already significant since the new road and B&Q have been built; this can only get worse with floodlight pitches and lighting for car parks.

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- I cannot understand why the proposed parking on Rochford Green Belt land would need to be built as the stadium plans have been reduced in capacity since the original application - it would be precious Green Belt lost to an unneeded concrete eye sore.
- I fail to see why we need another retail park in the Southend area as the High Street appears to be struggling and I therefore fail to see any good from the new stadium.

4.29 5 Temple Gate Cottages

- My objections raised to the original plans still stand.
- Little or nothing has been done to improve the traffic situation, albeit that a 40mph limit has been applied to Sutton Road. This, however, is not enforced and there are still accidents, some fatal.
- When the 'grand plan' was envisaged, the applicant must have been aware of the total cost of the plans and made arrangements to fund it in total, yet some 4.5 years later the funds are still not available and the people who live nearby have to live with the 'will it – will it not happen' scenario and are left in limbo unable to sell their properties.
- When the stadium is used for concerts and other non-football events there would still be a need to use the car park resulting in very late movements of vehicles and the resultant noise to properties.
- The training area at the present site is used for open days and fêtes, etc, which utilises public address systems, amplified music, fast food smells and other attendant problems. Could this happen at the new training grounds?
- There is no provision for toilets on the new site. Due to the lack of toilets outside the stadium complex people may relieve themselves in the darker parts of the car park and also the area would be littered from fast food outlets in the grounds.
- The plans did show that the complete site would not be fenced in so that people could gain access to the car park across the fields behind our properties, thus reducing our security.
- If strict conditions are imposed with regard to lighting, noise and hours of operation in the interests of the local population can businesses appeal and get them rescinded?
- The site is within the Green Belt and contrary to policy.
- The placing of the all weather floodlit pitch at the highest point of the site would mean that it would be visible from all the surrounding area and with 12-metre columns and 4-metre high mesh fences it will dominate an agricultural landscape.
- The lighting columns, when lit, will cause light to be pointed towards our property from both within the training grounds and car parks. The lights when on at the present training grounds do impinge on our lives but at least they are to one side and not directly behind us.
- The amount of surface water resulting from the training pitches and car park will not be inconsiderable and could give rise to your properties becoming subject to flooding. The present ditches are already full and hold standing water in places.
- The placing of yet another flood attenuation pond near to our property and accessible to the general public does give rise to health and safety concerns.

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- The local population will not benefit from the training grounds as the existing ones are not open to the public.
- How is access to the training grounds to be obtained as the proposed car park is only to be open on match days and the plans show access is through the car park.
- Where are plant, machinery and sports equipment required for the training grounds to be stored, as no provision is made on the plans.
- The placing of the 454 space car park close to residential properties is unacceptable due to the increase in pollution from exhausts and noise from engines.
- Sutton Road is a busy rural lane, unlit, and will not lend itself to a large increase in traffic; despite its recent improvements 2 lorries/coaches cannot pass each other on the section outside Temple Gate cottages or on the bends by the church without stopping. Lorries have to mount the pavement, which will be even more dangerous with increased numbers of pedestrians on match days.
- There are errors in the information provided with regard to the projected increase in traffic flow as a result of the proposed development.
- The stresses of the proposed development have had a considerable adverse effect on our health.
- Who would enforce any conditions imposed? We would have to suffer abuse and intimidation by supporters if we complained.
- The proposed raising of land gives rise to concerns about drainage and flooding to properties and the visibility of the proposed development.
- Concern about noise and the impact on the quality of life of occupants of neighbouring properties.

4.30 120 Wentworth Road, Southend

- The original planning permission was subject to a time constraint; surely if an extension is approved this would breach this condition.

4.31 9 Temple Gate Cottages

- The original application claimed that the area of Smither's Farm was surrounded by many dead trees, yet when I look out of my window I see a sea of greenery.
- The blight caused to the properties of Temple Gate Cottages due to the continued uncertainty of whether this project will ever get off the ground makes it virtually impossible for any of the residents of Temple Gate Cottage to sell.
- The light given off by Fossett's Farm already causes a visual nuisance - the light from the floodlight pitches will contribute to the problem although I believe that in the original application light pollution was considered not to be a problem - I would strongly disagree.
- If the plans for the stadium have been amended to reduced capacity are the additional 454 parking spaces really required - I think not. It is in our better interest to preserve our Green Belt and area that separates Southend from Rochford.
- The impact on local wildlife will be irreversible - there are active badger sets on the proposed land that would be forever lost.

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- 4.32 Butlers Gate, Shopland Road, Rochford
- We share the concern of the Parish Council and consider that the application should be considered fully and determined by the Development Committee and not delegated to a planning officer.

MATERIAL PLANNING CONSIDERATIONS

- 4.33 The development proposed in the current application is identical to that already approved under planning consent 06/00943/FUL. That application was recommended for refusal by officers due to concerns relating to:-
- Phasing of the development with the stadium and the lack of interconnectivity between the stadium and training pitches, which was considered likely to make the training pitches less desirable to use, put pressure on the use of the overspill car park and also increase pressure for further development closer to the training pitches, which would further erode the openness of this part of the Green Belt.
 - The adequacy of the information submitted with regard to sustainable urban drainage.
 - The car park and lighting columns, which were considered to be inappropriate development within the Green Belt for which no very special circumstances existed.
- 4.34 The application was, however, considered acceptable by the Committee and the Inspector and Secretary of State on call in.
- 4.35 The acceptability of the proposed development has already, therefore, been considered and deemed acceptable.
- 4.36 Consideration must be given to whether it is acceptable to allow the extension of time for the proposed development, taking account of any policy or other changes to material planning considerations that have occurred since the approval of the 2006 application. Without changes to the material planning considerations there would be no reason to refuse consent for the current proposal.
- 4.37 The application site remains designated within the Green Belt on the adopted Local Plan (2006).
- 4.38 In the determination of the original application in 2007/2008 the relevant policies included Policy C2 of the Essex and Southend-on-Sea Replacement Structure Plan (2001) and Policies R1 and NR12 of the Rochford District Replacement Local Plan (2006) – these are no longer extant policies.
- 4.39 In addition, revisions have been made to Planning Policy Guidance 13: Transport, and to Planning Policy Statement 25: Development and Flood Risk.

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GREEN BELT

- 4.40 One of the main issues identified by the Inspector and the Secretary of State in the determination of the 2006 application was the acceptability of the proposed development in relation to its location within the Green Belt.
- 4.41 In making their determination, consideration was given to the fact that the Green Belt status of the land in the Rochford District was established and unchallenged alongside the view that the proposed training pitches and the balancing pond were considered to be appropriate development within the Green Belt.
- 4.42 The provision of the car park was not in itself considered to have an adverse effect on the openness of the Green Belt, given that vehicles would be parked on the land only intermittently, for relatively limited periods and only on a relatively few days a year. On this basis the view was taken that the proposed development was appropriate development in terms of Green Belt policy.
- 4.43 The acceptability of the proposed development in Green Belt terms remains the same because whilst Policy R1 of the Local Plan (2006) concerning general development within the Green Belt against which the original proposal was assessed has been rescinded, the relevant Green Belt policy now contained within PPG2: Green Belts mimics that of the rescinded policy. There has been no change in Green Belt policy to warrant a different conclusion on the acceptability of the development within the Green Belt being reached.

FLOOD RISK

- 4.44 The application site remains designated within flood zone 1 where the lowest flood risk exists. The development proposed is also identical to that which was proposed and considered acceptable in flood risk terms in the determination of the original planning consent. Although changes to Planning Policy Statement 25: Development and Flood Risk have occurred since the determination of the original application, these changes would not affect the acceptability of the development in flood risk terms.
- 4.45 The Environment Agency does not raise an objection to the proposal, but requests that if the proposal would involve additional hardstanding of more than 1 hectare a surface water drainage scheme should be submitted to the Environment Agency for further comment prior to the application being determined.
- 4.46 Calculation of the hard surface to be provided in the creation of the proposed all weather pitch and roadways within the site to the southern boundary and within the car park area exceeds 1 hectare.
- 4.47 A flood risk assessment, which included consideration of surface water drainage was submitted for consideration in the original 2006 application. A copy of this has been forwarded to the Environment Agency for comment; any comments received will be provided on the addendum.

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However, given that the consideration of flood risk including surface water drainage matters was deemed acceptable in the determination of the original application, it is considered that this matter is unlikely to be objectionable in the consideration of the current application to extend the time allowed for implementation of the original consent. A planning condition would be imposed to require a detailed Sustainable Urban Drainage System (SUDS) to be submitted, agreed and implemented at the site.

BIODIVERSITY

- 4.48 In the determination of the original application, the Inspector and Secretary of State raised no concerns with relation to biodiversity following consideration of the submitted information in the Ecology section of the submitted Environmental Statement, which included assessments undertaken with regard to habitats, birds, reptiles, bats and badgers. The survey information from the original application is now, however, over 4 years old and unfortunately, in the current application no up-to-date ecological survey information from the site has been submitted.
- 4.49 Natural England does not raise an objection to the current application, but refers the Local Planning Authority to its adopted Standing Advice and advises that protected species surveys should not be more than 3 years old. As no up-to-date protected species surveys are provided with the current application it is considered necessary to impose an additional planning condition to require the submission of protected species surveys to include any required mitigation to the Local Planning Authority for agreement. Once agreed, any required mitigation would have to be undertaken.

RESIDENTIAL AMENITY

- 4.50 Concern has been raised from the occupants of most of the residential properties that are sited in close proximity to the site with regard to impact on amenity with particular reference to concerns about noise, light pollution and traffic.
- 4.51 Given that the application was approved, the original application was not considered to be objectionable such as to warrant refusal of the application with regard to impact on residential amenity. Although a number of residents remain very concerned about the potential impacts it is considered that circumstances and policy have not changed such as to warrant a different conclusion on the acceptability of the proposal today than when the original application was considered and determined in 2008.
- 4.52 The planning condition imposed on the earlier consent would also be imposed on the new consent, some of which are intended to limit the impact on the occupiers of surrounding residential properties.

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DESIGN

- 4.53 In the determination of the original application, the Inspector and Secretary of State considered that the proposed development of training pitches, car park and flood attenuation pond raised few design issues and that landscaping proposals could be adequately addressed in agreement with the Local Planning Authority. A condition was imposed on the original consent to require a detailed landscaping scheme to be agreed and implemented and it is considered that the same condition could adequately deal with matters of design and landscaping again.

CAR PARK PROVISION AND CAPACITY

- 4.54 The application to extend the time allowed for the implementation of the stadium development which is currently invalid will be determined by Southend-on-Sea Borough Council. The acceptability of the scheme will be re-considered taking account of any changes in planning policy and to any other material considerations.
- 4.55 If the application to extend the time allowed for implementation of the original consent for the stadium development was refused the applicant would be unable to implement the car park element of the development within the Rochford District due to a planning condition that would require the car park to be implemented only alongside the construction of the stadium.
- 4.56 The applicant would, however, be able to implement the training pitches and flood attenuation pond, even if the application to extend the time for the implementation of the stadium development was refused.
- 4.57 The use of the car park was controlled by planning condition on the original consent, restricting its use to use solely for the parking of cars, coaches or buses with parking of these only to take place on match days.
- 4.58 It was this limited use of the car park that brought the Inspector and Secretary of State to the conclusion that it would not adversely affect the openness of the Green Belt.
- 4.59 Whilst the agreed amendment to the s106 agreement might mean the stadium will only ever be three-quarters built, it is not considered necessary to require a phased construction of the car park in the Rochford District. This is because the objection to the car park in Green Belt terms was with regard to its frequency of use by parked cars with the consequent loss of openness and not the provision of the area for parking of cars per se. If the stadium development was phased and potentially only ever three-quarters built, this is likely to reduce the number of parked cars in the overflow car park in the Rochford District. It is not considered necessary to prevent the laying out of the full car parking area, given that in the view of the Inspector and Secretary of State this per se would not adversely affect openness.

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- 4.60 Since the determination of the original application in 2008 the Council has adopted a new parking standard that requires parking bays to meet the preferred bay size of 5.5m by 2.9m. It is not, however, considered necessary to require the spaces within the proposed car park to be laid out to meet these larger bay sizes for a number of reasons; the bay sizes were not controlled in the original application and the car park would not be in continuous, short stay use where a considerable amount of manoeuvring would take place in and out of spaces, but with use limited to first team match days only where parking is anticipated to be for the duration of the match with cars arriving and exiting the car park only at the beginning and end of matches.

PUBLIC RIGHTS OF WAY

- 4.61 In the determination of the original application, the Inspector and Secretary of State considered that the proposal was acceptable with regard to impact on the public footpaths that abut the site.
- 4.62 The proposal is for exactly the same form of development as was considered acceptable in 2008 and there have been no changes to warrant a different view being taken with regard to this issue.

HIGHWAYS

- 4.63 Highway related concerns have been raised by nearby residents including a concern about the unsuitability of Sutton Road to accommodate the increase in traffic, particularly large coaches that would result from the proposal given the narrow width of this road.
- 4.64 The original application was however considered acceptable with regard to highway issues and it is considered that there has been no change in planning policy or other material considerations such as to justify a different view being taken on this issue in the determination of the current proposal.

CONCLUSION

- 4.65 The proposed development was considered and deemed acceptable in a decision issued by the Secretary of State in 2008; there have not been any planning policy or other changes to material planning considerations since the consideration of the 2006 application such as to warrant a different view on the acceptability of the proposal at present.
- 4.66 There is considered to be no reason to refuse planning permission for the application to allow an extension of the time for the implementation of the development deemed acceptable in 2008.

4.67 RECOMMENDATION

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

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- 1 SC4B – Time Limits Full – Standard
- 2 The car park hereby approved shall be used for the parking of cars, coaches or buses only on first team match days where matches are held in the new stadium and shall not be used for any other purpose unless previously agreed in writing by the Local Planning Authority.
- 3 Before the development hereby permitted is commenced, details of a barrier to control and limit the movement from Smithers Chase to the proposed car parking area shall be submitted to and agreed in writing by the Local Planning Authority. Any controlled means of access to the car park shall be kept closed on all days that are not match days unless with the consent in writing from the Local Planning Authority.
- 4 Before the development hereby permitted is commenced, a scheme of soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The scheme, as agreed, shall show the retention of the existing trees, shrubs and hedgerows that exist at the site and shall include details of a schedule of species, size, density and spacing of all trees/shrubs and hedgerows to be planted and in addition those areas to be turfed/grassed. The western, eastern and northern boundary of the site shall be formed by a native hedge and shall be planted in accordance with the approved details in the first planting season prior to the construction of the development hereby approved; the remainder of the soft landscaping shall be implemented in full in the first planting season following the completion of the development or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type and size and in the same location as those removed, in the first available planting season following removal.
- 5 The all weather training pitch hereby approved shall be illuminated on no more than 3 days in any one week, which shall exclude Sundays and it shall not be illuminated after 2200 hours or before 0800 hours on any occasion.
- 6 Notwithstanding the provisions of Article 3, Schedule 2, Part 4, Class A and B of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) the car park and training facilities shall not be used for the siting of moveable structures, works, plant or machinery and shall not be used for fêtes, boots sales, BBQ's or any festival, function or fund raising event, whether or not incidental to the approved use, including any such use for any temporary period without the consent in writing from the Local Planning Authority.

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- 7 Notwithstanding the application hereby approved, details of the lighting to the car parking area shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented at the site prior to the beneficial use of the facility and shall be retained as such thereafter.
- 8 Prior to commencement of the development full details of the proposed pedestrian access between the stadium complex (parking and changing facilities) and proposed training ground, for that part of the development lying within Rochford District, shall be submitted to and approved in writing by the Local Planning Authority. The measures approved shall be implemented prior to beneficial use of the facilities.
- 9 The car park hereby approved shall only be implemented concurrently with the construction of the stadium development or in accordance with a timetable agreed with the Local Planning Authority.
- 10 The new link to the road network onto the Sutton Road/Temple Farm roundabout shall be completed before any work is commenced on the car park hereby approved.
- 11 Prior to the commencement of the development, a scheme detailing how surface water storage shall be provided on-site through the use of sustainable drainage techniques (SUDS), which will include a balancing pond and swale as discussed within the submitted flood risk assessment, shall be submitted and agreed in writing with the Local Planning Authority. Permeable paving and other SUDS techniques (e.g. filter drains) should also be considered on-site to manage/reduce overland flow at the source. Implementation of the development shall be in accordance with such agreed measures, which shall be implemented prior to the first use of the stadium and be retained as such thereafter.
- 12 Storage shall be provided on-site to accommodate the 1 in 100 year storm, plus an allowance of 30% to the peak rainfall intensity for climate change, as discussed within the submitted flood risk assessment.
- 13 Surface water shall be discharged from the site into a drainage ditch at the north of the site at a rate no greater than the calculated greenfield rate of 3.33 l/s/ha, as discussed within the submitted flood risk assessment.
- 14 Prior to the commencement of development, details of who shall be responsible for the management and maintenance of site drainage should be agreed in writing with the Local Planning Authority.

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- 15 No development or preliminary groundworks of any kind shall take place in Area 3 of site shown on Figure 1, - Wessex Archaeology Plan Y:\TENDERS\T10770\Drawing Office\Report Figs\Setout\06_12_15, within the car park and balancing pond area, until the applicant has secured the implementation of a programme of archaeological work and recording in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the Planning Authority.
- 16 No development or preliminary groundworks of any kind shall take place in Area 3 of site shown on Figure 1, - Wessex Archaeology Plan Y:\TENDERS\T10770\Drawing Office\Report Figs\Setout\06_12_15, within the replacement training pitches area, until the applicant has confirmed the site levels in approval with the Council or secured the implementation of a programme of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.
- 17 Prior to commencement of the development a scheme for improvement of the public footpath to the north of the proposed training pitches between Sutton Road and the easternmost boundary of the site and for the 'Historic Green Lane' between this footpath and Clements Way shall be submitted to and approved in writing by the Local Planning Authority and such works to this footpath as involve land under the control of the applicant of the Highway Authority shall be completed prior to the occupation of the development in accordance with the approved scheme.
- 18 Prior to commencement of the development, details of a wheel cleaning facility and of its siting shall be submitted to and approved in writing by the Local Planning Authority. The facility shall be used to clean the wheels of vehicles associated with construction on the site in order to ensure that no mud or debris is deposited on the public highway and it is to be retained in the approved position until the Local Planning Authority agrees to its removal.
- 19 No development shall commence until an up-to-date phase 1 ecological survey of the site has been undertaken, to include details of any mitigation required, submitted to and agreed in writing by the Local Planning Authority. Once agreed, any mitigation required and agreed shall be implemented in accordance with a timetable to be agreed in writing by the Local Planning Authority.

REASON FOR DECISION

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

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Relevant Development Plan Policies and Proposals

Policies TP5, LT1, LT8, LT21, LT22, PN5 and PN7 of the Rochford District Replacement Local Plan (2006) as saved by Direction of the Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004 (5 June 2009).

Parking Standards Design and Good Practice Supplementary Planning Document 2010.

Planning Policy Statement 1 (PPS1): Delivering Sustainable Development
Planning Policy Guidance 2 (PPG2): Green Belt
Planning Policy Statement 9 (PPS9): Biodiversity and Geological Conservation
Planning Policy Guidance 13 (PPG13): Transport
Planning Policy Guidance 16 (PPG16): Archaeology and Planning
Planning Policy Guidance 17 (PPG17): Planning for Open Spaces, Sport and Recreation
Planning Policy Statement 25 (PPS25): Development and Flood Risk

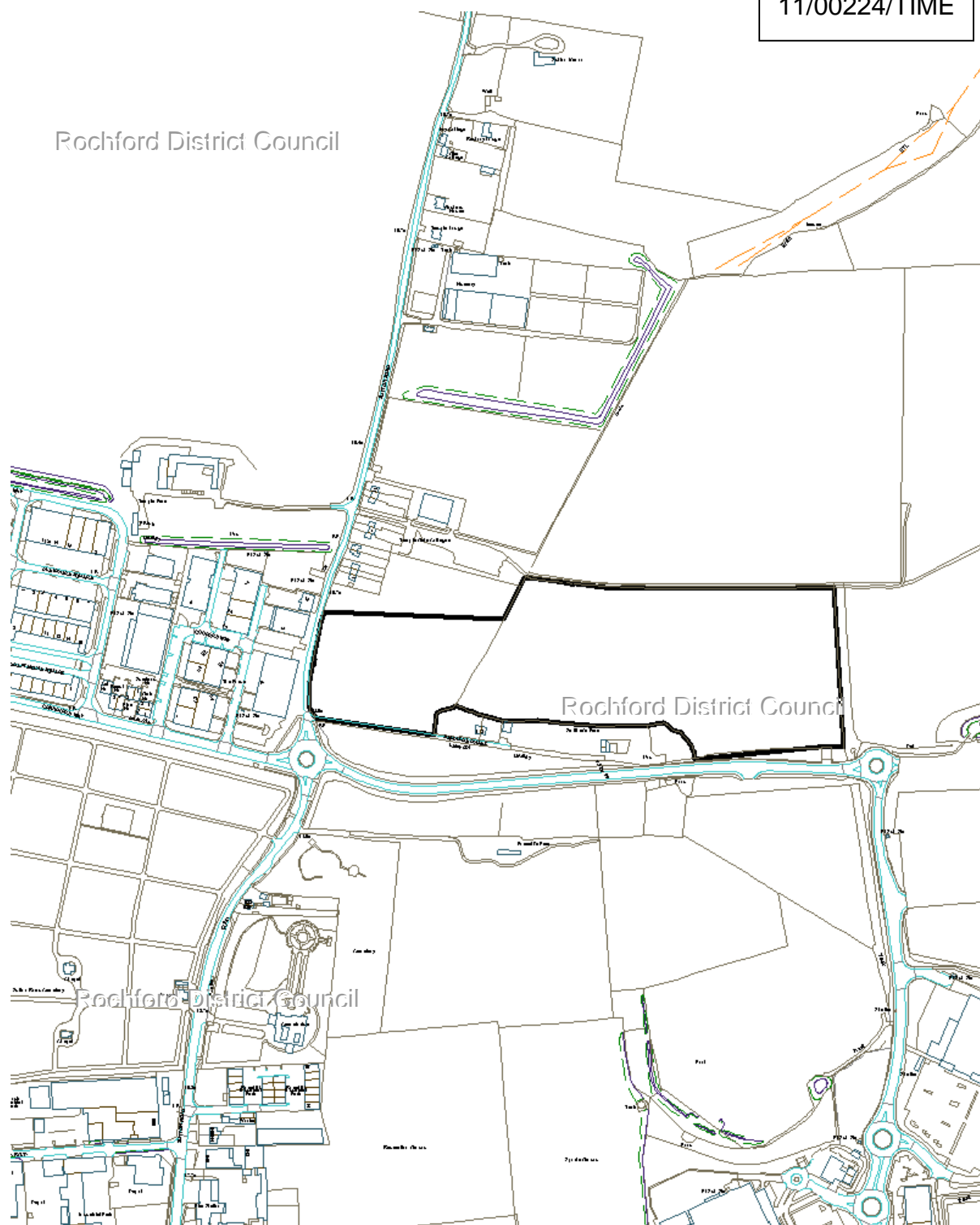


Shaun Scrutton
Head of Planning and Transportation

For further information please contact Katie Rodgers on (01702) 546366.

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11/00224/TIME



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NTS



CODE OF GOOD PRACTICE FOR PLANNING MATTERS

A. Introduction

1. The aim of this code of good practice

To ensure that in the planning process all decisions are unbiased, impartial, and well founded.

2. Your role as a Member of the Planning Authority

To control development and to make planning decisions openly, impartially, with sound judgment and for justifiable reasons.

3. When the Code of Good Practice applies

This code applies to Members at all times when involving themselves in the planning process (this includes when taking part in the decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public, and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

B. Relationship to the Code of Conduct – Points for Members

- **Do** apply the rules in the Code of Conduct for Members first.
- **Do** then apply the rules in this Code of Good Practice for Planning Matters, which seek to explain and supplement the Code of Conduct for Members for the purposes of planning control.
- Failure to abide by this Code of Good Practice for Planning Matters may put:-
 - the Council at risk of proceedings in respect of the legality or maladministration of the related decision; and
 - yourself at risk of a complaint to the Standards Committee or Standards Board for England.

C. Development Proposals and Interests under the Members' Code

Do disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with officers and other Members. Preferably, disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter.

Do then act accordingly.

Where your interest is personal and prejudicial:-

- **Don't** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority.
- **Don't** get involved in the processing of the application, save as mentioned below.
- **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a personal and prejudicial interest in a proposal, using your position to discuss that proposal with officers or members when other members of the public would not have the same opportunity to do so.
- **Do** be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a personal and prejudicial interest to an appropriate officer, in person or in writing, the Code places limitations on you in representing that proposal. You may address the Committee but only to make a presentation in the same manner that would apply to a normal member of the public, after which you must leave the room whilst the meeting considers it (you may not remain to observe the meeting's considerations on it from the public gallery).
- **Do** notify the Monitoring Officer of the details.

D. Fettering Discretion in the Planning Process

- **Don't** fetter your discretion and therefore your ability to participate in planning decision making by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group), on how you will vote on any planning matter prior to formal consideration of the matter at the Committee and of your hearing the officer's presentation and evidence and arguments on both sides.

Fettering your discretion in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

- **Do** be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal (this is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits).

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- **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the parish council, for example, or both a district and county councillor), provided that the proposal does not substantially affect the well being or financial standing of the consultee body, and you make it clear to the consultee body that:-
 - your views are expressed on the limited information before you only;
 - you must reserve judgment and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information;
 - you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee; and
 - you disclose the personal interest regarding your membership or role when the Committee comes to consider the proposal.
 - **Don't** speak and vote on a proposal where you have fettered your discretion. You do not also have to withdraw, but you may prefer to do so for the sake of appearances.
 - **Do** explain that you do not intend to speak and vote because you have or you could reasonably be perceived as having judged (or reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes.
 - **Do** take the opportunity to exercise your separate speaking rights as a Ward/Local Member where you have represented your views or those of local electors and fettered your discretion, but do not have a personal and prejudicial interest. Where you do:-
 - advise the proper officer or Chairman that you wish to speak in this capacity before commencement of the item;
 - remove yourself from the member seating area for the duration of that item; and
 - ensure that your actions are recorded.

E. Contact with Applicants, Developers and Objectors

- **Do** refer those who approach you for planning, procedural or technical advice to officers.
- **Do** contact the Head of Planning and Transportation where you think a formal meeting with applicants, developers or groups of objectors might be helpful. You should never seek to arrange that meeting yourself. If a meeting is organised, officers will ensure that those present at the meeting are advised from the start

that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.

- **Do** otherwise:-
 - follow the rules on lobbying;
 - consider whether or not it would be prudent in the circumstances to make notes when contacted; and
 - report to the Head of Planning and Transportation any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

In addition, in respect of presentations by applicants/developers:

- **Don't** attend a private planning presentation not open to the general public unless an officer is present and/or it has been organised by officers.
- **Do** attend a public meeting or exhibition to gather information about planning proposals.
- **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.
- **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application; this will be carried out by the Development Committee.
- **Do** be aware that a presentation is a form of lobbying – you can express views, but must not give an indication of how you or other Members might vote.

F. Lobbying of Councillors

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality and therefore your ability to participate in the Committee's decision making to express an intention to vote one way or another or such a firm point of view that it amounts to the same thing.
- **Do** remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- **Do** promptly refer to the Head of Planning and Transportation any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.

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- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to investigate.
 - **Do** note that, unless you have a personal and prejudicial interest, you will not have fettered your discretion or breached this Planning Code of Good Practice through:-
 - listening or receiving viewpoints from residents or other interested parties;
 - making comments to residents, interested parties, other Members or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;
 - attending a meeting with the developer or applicant organised by the Head of Planning and Transportation that is conducted in accordance with the rules set out in the Code of Conduct and this good practice guide;
 - seeking information through appropriate channels; or
 - being a vehicle for the expression of opinion or speaking at the meeting as a Ward Member, provided you explain your actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward/local view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.

G. Lobbying by Councillors

- **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will have fettered your discretion and are likely to have a personal and prejudicial interest.
- **Do** feel free to join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, Ramblers Association or a local civic society, but disclose a personal interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that you have reserved judgment and the independence to make up your own mind on each separate proposal.
- **Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.
- **Don't** decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

H. Site Visits

- **Do** request an early site visit if you think one is required.
- **Do** try to attend site visits organised by the Council where possible.
- **Don't** request a site visit unless you feel it is strictly necessary because:
 - particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
 - there are significant policy or precedent implications and specific site factors need to be carefully addressed.
- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Don't** hear representations from any other party, with the exception of the Ward Member(s) whose address must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.
- **Don't** express opinions or views to anyone.
- **Don't** enter a site not open to the public which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:-
 - you feel it is essential for you to visit the site other than through attending the official site visit,
 - you have first spoken to the Head of Planning and Transportation about your intention to do so and why (which will be recorded on the file) and
 - you can ensure you will comply with these good practice rules on site visits.

I. Public Speaking at Meetings

- **Don't** allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias.

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- **Do** ensure that you comply with the Council's procedures in respect of public speaking.

J. Officers

- **Don't** put pressure on officers to put forward a particular recommendation (this does not prevent you from asking questions or submitting views to the Head of Planning and Transportation, which may be incorporated into any Committee report).
- **Do** recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Head of Service or those officers who are authorised by their Head of Service to deal with the proposal at a Member level.
- **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.
- **Do** give officers the opportunity to report verbally on all applications reported to the Development Committee for determination.

K. Decision Making

- **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation following a Weekly List report, you discuss your reasons with the Head of Planning and Transportation.
- **Do** comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision, including any information presented through an addendum to a Committee report or reported verbally by officers.
- **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present during the entire debate on any particular item, including the officers' introduction to the matter.
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan, that you clearly

identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded.

- **Do** be aware that in the event of an appeal the Council will have to justify the resulting decision and that there could, as a result, be a costs award against the Council if the reasons for refusal cannot be substantiated.

L. Training

- **Don't** participate in a vote at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.
- **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.