

**APPLICATION NO: 12/00094/FUL****CHANGE USE OF PART OF FORMER SHELLFISH PACKING STATION BUILDING TO STORAGE ANCILLARY TO B2 (GENERAL INDUSTRIAL) USE. INSTALLATION OF CCTV CAMERAS, OIL RECOVERY TANKS AND CONCRETE HARDSTANDING.****FORMER SHELLFISH PACKING STATION FAMBRIDGE ROAD SOUTH FAMBRIDGE****APPLICANT: AUTOVAL LTD.****ZONING: METROPOLITAN GREEN BELT****PARISH: ASHINGDON****WARD: ASHINGDON AND CANEWDON****1 PLANNING APPLICATION DETAILS**

- 1.1 The proposal relates to the former shellfish packing station located at the far northern end of Fambridge Road adjoining the open land next to the sea wall.
- 1.2 The site currently benefits from a B2 use for general industrial activities, but to only part of the buildings. The proposal would change the use of the remaining part of the building on the northern side of the site adjoining the base of the sea wall to storage ancillary to the B2 use. This part of the building would also contain the staff canteen and employee facilities.
- 1.3 The proposal also includes the provision of close circuit television cameras about the building. The application shows these cameras to be placed in three pairs to the western elevation looking towards the fields and footpath (two pairs already installed), one pair to the front elevation looking south up the site access road, one pair looking east towards the open meadows and sea wall (already installed) and one single camera also on the eastern elevation (already installed).
- 1.4 The proposal also includes the construction of a concrete hard standing 5m wide and 12m in depth alongside the eastern wall of the building and a triangular shaped hardstanding 8.8m deep and 6.5m wide along the western side of the building, together with the provision of an area to the east of the building to be finished in type 1 mix chippings.

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- 1.5 The installation of an oil storage tank is also proposed, and two further tanks in a stack, one being for the storage of anti freeze and one for the storage of brake fluid.
  - 1.6 The development is associated with the existing use of part of the site for the recovery of cars, which are repaired and exported. Such cars following accident damage are written off but may still be road worthy. The vehicles are purchased at auction by the applicants and brought to the site on flatbed vehicles or with trailers. The applicant anticipates one or two deliveries of such vehicles for each day. The vehicles would be parked in the open areas of the site and moved into the building with the aid of a forklift truck. A very small number of the vehicles would be purchased for their spares and the remaining parts broken up for scrap and placed in a skip that will be removed from the site each week.
  - 1.7 The layout of the site shows provision for 41 car parking spaces.
  - 1.8 The applicant states the hours of opening to be 0800 hours – 1800 hours Monday to Friday and 0800 hours – 1200 hours on Saturdays. No working on Sundays or Bank Holidays is proposed. These hours are unchanged from those to which the lawful use of the site relates.

## **2 THE SITE**

- 2.1 The site is irregular in shape having an area of 0.65ha. The existing buildings comprise various connected elements effectively forming one building with each element being single storey.
- 2.2 The rear wall is located on the northern side of the site some 3m from the site boundary with an area of grassland between the building and the site boundary.
- 2.3 The eastern wall of the building is located 9.5m to the eastern boundary.
- 2.4 The western wall of the building is located in excess of 19m from a tapering boundary to the site.
- 2.5 The site is predominantly hard surfaced in compacted type 1 mix chippings with concrete hard standing areas close to the western side of the building.
- 2.6 The site is served by an access road also finished in chippings and the site is contained by metal chain link mesh fencing between concrete posts. The site entrance is enclosed with palisade fence gates 2.05m high.
- 2.7 To the immediate north of the site is the River Crouch. The site is adjoined to the east and west by meadows and grassland areas divided into paddocks.
- 2.8 Further to the south east of the site exists the settlement of South Fambridge which comprises a number of houses and flats.

### **3 RELEVANT PLANNING HISTORY**

- 3.1 Application No. 99/339/COU
- 3.2 Change use of former shellfish packing station into a boat yard for the storage, repair, servicing and sale of boats and equipment. Permission granted 30 September 1999. Note: This use has been established to be a General Industrial use as defined under Class B2 to the Town and Country Planning (Use Classes) Order 1987.
- 3.3 Application No. 99/705/FUL
- 3.4 Variation of conditions 2, 7 and 10 on permission ref. 99/00339/COU to allow the display of boats for sale outside the building, the use of security lights and deliveries to/from the site on Saturday afternoons, Sunday and Bank Holidays. Permission granted 10 February 2000.
- 3.5 Application No. 04/01044/COU
- 3.6 Change of use from former shellfish packing station to boat yard for the storage, repair, servicing and sale of boats and equipment. Permission granted 18 January 2005.
- 3.7 Application No. 10/00753/LDC
- 3.8 Application for a certificate of lawfulness for commencement of application 99/00339/COU dated 30 September 1999 by way of excavating and completing the access driveway. Certificate of lawfulness granted 26 January 2011.

### **4 CONSULTATIONS AND REPRESENTATIONS**

- 4.1 Ashingdon Parish Council
  - Object. One of the conditions when 99/00339/COU and 04/01044/COU were granted was that the development hereby permitted shall be begun before the expiration of five years from the date of this permission, i.e., 18/1/2010. In informatives, item 4 the use hereby approved is Sui Generis and does not fall into any particular use class of the Town and Country (Use Class) Order 1987. For this reason planning permission will be required to use the premises for any other use than that hereby granted.
  - Application 10/00753/LDC, Lawful Development Certificate for commencement of application 99/00339/COU. Why was this application granted when the original application stated that the expiration of application of 99/00339/COU and 04/01044/COU was 18th January 2010 and application 10/00753/LDC was received by the District Council on 20th November 2010?

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- Also, the application was for a different use and the original condition states that planning permission was required for any other use.
  - With regard to the current application, the following objections were made:-
    - Rochford District Council Core Strategy: Members accept that rural areas need employment and business but should be in keeping with the locality. South Fambridge is bordered by farmland and the river Crouch, a car repair/dismantlers is not in keeping with this area. There are plenty of empty units on existing industrial estates that could be utilised first.
    - The Core Strategy also states that development should be established in existing industrial areas in the first instance. This site is not an established existing site and therefore a suitably more appropriate site should be utilised before this site is developed further.
    - Coastal Protection Belt: Whilst there are no plans to extend the buildings the use would impact on the open and rural character of the coastline by way of noise and visual impact. The land view from the sea wall will be one of cars in various stages of repair/dismantling and not of the open countryside. The proposal is not in keeping with the tranquillity of the surrounding area.
    - Employment creation: The application gives no indication that the new jobs created will be offered to the residents of South Fambridge or even Ashingdon parish. With no public transport to the site more traffic will use Fambridge Road.
    - Flood Plain: The site is within a high risk flood plane area, the additional hard standing will add to the flood risk. There is no indication of safety measures that will be put in place to ensure antifreeze/oil does not escape and pollute the land and river.
    - Highways: Fambridge Road is very narrow with no footpaths. Children walk to the bus stops in Ashingdon Road to access the public transport to school. At the request of residents and Ashingdon Parish Council, the Highways Authority have installed bend deviation and pedestrians in the road signs just passed Brick House Farm on the approach to the village, confirming safety issues with the road.
    - The highway in St Thomas Road is already starting to dip with the current flow of traffic; if large lorries use this part of the road to reverse into the site, the road will be become more dangerous.
    - Photographic evidence shows 40 tonne lorries accessing the site. Due to the site location these vehicles are reversing over farmland crops in

order to turn and exit the village.

- **Endangered Species:** The site is a natural habitat for newts, bats and owls, to name a few. In recent weeks a Rye Necked Bird was spotted in the area. The proposal will drive away these endangered species.
- **Listed Building:** The Ferry House is a listed building and as such has sensitive foundations. The large lorries already witnessed entering the site will have a negative effect on the building.
- **Site Boundaries:** The red outline of the site specified in the plans includes and is therefore claiming ownership of a public right of way/bridleway and also revokes the right of way relating to the ferry rights for The Ferry House. The ownership of land is to the new gate that has been installed and not to the gate at the end of Fambridge Road, as stated in the plans.
- **Mains Sewerage:** Members queried whether there was mains sewerage and drinking water to the site.

**4.2 Essex County Council Specialist Advice on Historic Buildings and Conservation Areas:**

4.3 Do not consider the proposal would have any significant impact on the setting of the Grade II Listed Old Ferry House. Understand the existing access and fencing is to be retained. Therefore raise no objection on conservation grounds.

**4.4 Essex County Council Highways:**

4.5 De- minimis.

**4.6 Essex County Council Public Rights of Way Officer:**

4.7 Advise that Bridleway 13 Ashingdon commences at the entrance to the track leading to where it meets with Public Footpath 12 Ashingdon at the seawall. Bridleway 13 can only be used. Bridleway 13 can be used by walkers, horse riders and cyclists only.

4.8 My observations in respect of this application are that if there is to be 'shared' use at this point I see the existing gate as a good control measure as this prevents a potential 'flow' of traffic either visiting the premises or driving down to the seawall.

4.9 However, concerns have been raised by local residents as to the parking of vehicles at this point for the gates to be opened. I do not see too much of a problem here as it again acts to prevent a free flow of traffic. If there was no gate there then traffic, as I say, would free flow and that is when I would anticipate a potential danger to bridleway users.

4.10 I would ask that consideration be given for condition(s) being made to provide some form of divide between the two groups of users, namely bridleway and business users.

4.11 **Head of Environmental Services:**

4.12 The Head of Environmental Services reports that if Members are minded to approve the application, the following conditions should be attached to any consent granted:-

- 1) Prior to the commencement of the use of the premises for the permitted purpose, a noise management scheme shall be submitted to and agreed in writing by the Local Planning Authority. Such agreed scheme shall be employed for as long as the premises are in use for the permitted purpose.

Informative: Such a scheme shall include issues such as delivery and collection of vehicles; fork-lift truck specification and operation; vehicle maintenance/dismantling operations

- 2) Vehicle maintenance/dismantling operations shall only be carried out within the building.
- 3) All doors, windows and shutters whenever vehicle maintenance/dismantling operations are carried out.
- 4) Where used, only visual and/or broadband reversing alarms will be permitted on vehicles operating on the site.

Informative: Such vehicles may include fork lift trucks and delivery/collection vehicles.

- 5) It is requested that days/hours of work and delivery/collection vehicle movements are restricted.

4.13 **Environment Agency:**

4.14 Have no objection but make the following comments:-

4.15 **Pollution Control:** The proposed use of the site has the potential to cause pollution of the water environment, which is an offence under the Water Resources Act 1991. The applicant should consider preparing a suitable pollution control scheme and the Local Planning Authority may wish to consider appending a condition requiring details of this to be agreed before commencement of development.

4.16 **Drainage:** Recommend the applicant considers installing an oil separator on site as they are discharging to a sensitive area (within 40m of a RAMSAR, SSSI and SPA site) and conducting activities that could potentially cause water pollution.

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- 4.17 Oil Storage: It is not clear whether the oil tanks are provided with secondary containment (bunding). All oil storage facilities should be sited on an impervious base with an oil tight secondary containment system such as a bund. The bund walls should be constructed without a damp proof course or drainage outlet from the bund itself and capable of containing 110% of the volume of the container itself.
- 4.18 Emergency plans: Recommend the site should have an emergency plan in place to assist in the response to incidents.
- 4.19 Vehicle washing: A designated wash bay must be used and waste water contained. Detergents must not be allowed to enter an oil interceptor as this can cause the interceptor to fail.
- 4.20 Foul Water drainage: The applicant should ensure the existing septic tank is in a good state of repair and of sufficient capacity to deal with any potential increase in flow and loading that may occur as a result of the proposal.
- 4.21 Duty of care: The waste producer has a duty of care to ensure all materials removed go to a suitably authorised facility and all relevant documentation is completed.
- 4.22 Flood risk: The application site lies within Flood Zone 3, the high risk zone. Therefore recommend that the applicant prepare a site flood plan, which is linked to the Environment Agency flood warning service.
- 4.23 **Natural England:**
- 4.24 Have no objection to the proposed development, subject to the inclusion of recommended conditions. The reason for this view is that the proposed development either alone or in combination with other plans or projects would not be likely to have a significant effect on the Crouch and Roach estuaries SPAs and Ramsar site.
- 4.25 Recommend the following conditions:-
- 1) All areas of land used for the dismantling or storage of vehicles are to be provided with an impermeable surface with a raised edge forming a bund and all surface water drainage from these areas is to pass through an oil interceptor.
  - 2) All tanks used for the storage of oils or other contaminants are to be contained within bunding having a capacity in excess of the volume of the tanks themselves.
  - 3) All lighting to be so arranged as to minimise light spill beyond the site boundary or glare when viewed from the estuary.
- 4.26 Advise that the conservation features under consideration for the European and Ramsar sites are among the features of interest for which the Crouch and

Roach estuaries site of Special Interest is notified. As such, Natural England's advice on the European and Ramsar site also applies in relation to these features of the SSSI. There are also a number of additional features of interest exclusive to the SSSI. However, Natural England is satisfied these additional features of interest will also not be harmed by the proposed development.

### **Neighbour Letters**

- 4.27 190 letters have been received, including 23 letters from respondents outside the district and from the following addresses within the district:-
- 4.28 Albert Road:16,
- 4.29 Alexandra Road:100,
- 4.30 Arundel Road: "Skylark" "Adelaide Cottage" "White acre cottage"
- 4.31 Ashingdon Road:304, 429, 431, 451,
- 4.32 Ashworths: 11,“
- 4.33 Barnwell Drive: 23,
- 4.34 Broadlands Road: 5, 9,
- 4.35 Canewdon View Road: 53, "Moons Farm"
- 4.36 Central Avenue, Ashingdon:22a,
- 4.37 Chestnut Close: 28,
- 4.38 Church Road, Ashigdon: "The Lodge" (2 letters)
- 4.39 Clifton Road:17, 70,
- 4.40 Devon Gardens: 1a,
- 4.41 Folly Lane:42,
- 4.42 Fambridge Road: "Fambridge House" "The Anchorage – various unaddressed) "River View Lodge" (2 letters) "Reeds" (3 letters) "Cowan House" (2 letters) "Spinnakers - The Anchorage (various unaddressed)" (2 letters) "The Coach House" (2 letters) "Brickhouse Farm" ( 2 letters) "Brickhouse Barn"(2 letters) "Haycroft House" ( 2 letters) "The Old Ferry House" "Brenham Farm" 1 Hall Cottages, 2 Hall Cottages, "Royston" "South Fambridge Hall" "Nell Gwynne" "Lampandy" "The Cottage" "The Willows" "Fambridge House" "Maes-yr-afon" ( 2 letters) "Rectory Farmhouse" "Cowan House"
- 4.43 Ellesmere Road: "Ash Lodge"



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- 4.44 Etheldore Avenue: 46,
  - 4.45 Glenwood Avenue: 14,
  - 4.46 Hawthorne Gardens: (unaddressed)
  - 4.47 Helena Close: 3,
  - 4.48 High Road:17,
  - 4.49 Hogarth Way:23,
  - 4.50 Lower Road: 248,
  - 4.51 Lucam Lodge:11,
  - 4.52 Maritime Mews: 1, 3, 4, ( 2 letters) 6,7, 8 ( 2 letters) ,
  - 4.53 Moorcroft:6,
  - 4.54 Moons Close:10, (2 letters)
  - 4.55 New Park Road: “Blenheim”
  - 4.56 Parklands:64,
  - 4.57 Pemberton Field:1,2, 3, 4, 5, 6, 7, 8,9, 10,(2 letters) 11, 12, ( 2 letters) 15 (2 letters) ,16 (5 letters),18, ( 2 letters) 19, (2 letters) “Windermere House” “The Ferry House”
  - 4.58 Plumberow Avenue: 27, 189,
  - 4.59 Princess Gardens:45
  - 4.60 Radnor Road: “Resta”
  - 4.61 Rectory Avenue:43, 136, 193,
  - 4.62 Rectory Road:84,
  - 4.63 Reynolds Gardens:8,
  - 4.64 Roche Close: 17 Rochefort House,
  - 4.65 St. Thomas Road: 1 (2 letters) , 6 ( 2 letters), 8 ,11 (3 letters), 17(2 letters), 19,20, 21, 22 (2 letters), 23, 24 ( 2 letters) , 25, 27 “Greenacres” (3 letters) 29 ( 2 letters) 40, “Crouchview” Crane Court (various unnumbered), “Rivermead” (2 letters) “Autumn Cottage” “Aero Lodge” “Cornfields” “Rose Cottage”
  - 4.66 Stanley Road:20,

4.67 Ulverston Road: “Luxway”

4.68 Victory Lane:29,

4.69 Wedgewood Way:45, (2 letters)

4.70 Woodlands Road:27,

4.71 And which in the main make the following comments and objections:-

4.72 **Character and Landscape Issues**

- The use would result in an unacceptable level of damage to the landscape and environment generally, having a severe impact on the enjoyment of residents and visitors alike.
- Current site in Rayleigh is an eyesore and not fitting for the area in which it is now proposed.
- Would spoil attractiveness of the village and any hopes to re-introduce Ferry across the river.
- Invasion of the countryside and not what Green Belt policy was designed to create.
- This kind of development is completely inappropriate for the small quiet village of South Fambridge.
- Would adversely impact upon the special landscape area, coastal protection belt and character of the countryside.
- South Fambridge is a small rural village with no commercial businesses in situ. A breakers yard/repair centre is just not in keeping with this village; this is what industrial areas are for!
- Possible loss of access for river users at the area. South Fambridge, the village and the river, is a rural paradise. Please push for this enterprise to be sited somewhere brown field, without huge lorries ruining the character of the area.
- A car breakers and that is exactly what is proposed is a serious threat to wildlife, a local beauty spot,

4.73 **Highways issues**

- The proposed use would result in an intensity of traffic flow by commercial vehicles to the detriment of safety of vehicles and pedestrians using the existing public highway.

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- The small road leading into the town is just not built for 7.5 tonne lorries, etc.
  - Potential risk of accidents with school children at the junction of Ashingdon Road and Fambridge Road.
  - Would affect existing residents and the public who use the pathway and footpath along the river for dog walking and quiet rambles.
  - The road leading into and out of the village is a quiet country lane with no road markings and not able to take the daily impact of several car transporters and not wide enough to allow vehicles to pass.
  - No pavements for pedestrians and road too narrow for white lines to be painted to the centre.
  - The recently adopted new Rochford Core Strategy states that this type of activity should be re-located to a proper purpose built industrial estate in several paragraphs.
  - School crossing at Ashingdon Road is the most unsafe in Essex.
  - Fambridge Road is only gritted to the Mews Bar giving concern for property damage from heavy vehicles in inclement weather.
  - Road not suitable for heavy left hand drive Eastern European vehicles. Any incident with one of these and you will have no redress and will never see the driver again.
  - My objection is primarily based on the increased traffic this development will cause in this area. There is no available turning space at the entrance for lorries, and the road to Fambridge village is not suitable for large vehicles. Fambridge Road is too narrow for lorries to pass each other, so when this occurs, the grass verges will be destroyed.
  - Proposal would give rise to an intensification in a remote location distant from the road network contrary to policy T1 of the Core Strategy.

#### 4.74 Pollution Issues

- South Fambridge is a quiet residential area that would be polluted by noise from this kind of business.
- At a meeting led by Autoval's agent we were advised that the current residents close to the industrial estate in Rayleigh have raised complaints about the noise disturbance.
- The proposed development is opposite an area of special scientific interest. There has been no environmental impact assessment conducted

as to the proposed development's effect on this area. Of particular concern is the request for an oil recovery facility and the impact this will have on this area. The applicant refers to a pond, however this a borrow dyke for the river Crouch; any contamination into this "pond" would seep into the Crouch and the gardens of local residents, which are essentially marsh.

- Impact upon the environment and wildlife by way of noise and pollution on the River Crouch and two adjoining marsh ponds, affecting wildfowl, such as Herons and Barn Owls.
- Question how no contamination can be guaranteed, given that the site location is in a flood plain.
- In recent issues of "Rochford District Matters" the point of the local Council's approach to a "Core Strategy" states that developments meet the needs of the local community, also the confirmation of the protection of environmentally sensitive areas. Very much hope that the Council will adhere to these clauses.
- The oil and petrol will seep through the ground, together with pieces of metal and wire, glass and other debris will also be driven into the ground making it totally unusable for any other business in the future. To clean it up would mean that the ground would have to be dug out to a very deep depth and the soil removed containing all the pollution; it could never be done successfully.
- The area is on the natural flood plain. Can you imagine the devastation that will occur to wildlife, farmers' fields and the surrounding areas when spillage of harmful chemicals are filtered through the soil and into the river directly adjacent to the site?
- Concerns about negative impact on the local wildlife, and noise pollution.
- Strongly objecting to the installation of CCTV cameras, as my house is in plain view of this development.
- Would like to know what plans are to be put in place to cover the possibility of fire, and if the local Fire Authority has been contacted to assess how they would access this site in the event of a large fire, and how they would deal with evacuating the village if this occurs. Bearing in mind that this business will involve storage of oil, petrol, and possibly LPG fuel and the use of cutting equipment to dismantle cars - has a fire risk assessment been done?
- Light pollution caused by installation of spotlights to accompany CCTV cameras.

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- The location of the village means that the local environment is very quiet, in fact the railway on the other side of the river can often be heard as the village and environs is so quiet. The introduction of the proposed plans would ensure there was a constant drone of noise and disturbance.
  - Protection of wildlife - without an environmental impact assessment the effect on local wildlife cannot be accurately assessed.
  - Such a change in the area would be terrible for the public and residents of south Farnbridge. Regardless of what safety features are proposed by the applicant, the only way no further contaminants get into the river or surrounding area is by saying no to this application.
  - It is a haven for wildlife at present. It will cause immense damage to the immediate generations of birds, fish and animals and disease to any subsequent offspring that manage to survive bringing cell and gene change, which will ultimately affect the humans in this area.
  - The water table in this area is very high and there is a great risk that toxic substances will seep into the ground and pollute the dyke and surrounding areas. Gardens within Pemberton Field back on to this dyke and there is a risk that toxic substances could travel to domestic gardens where numerous children play.
  - The potential pollution created by this type of business, (water oil and chemical spillage) particularly in the vicinity of the river, would not only spoil the vista, but be a potential cause of harm to the environment, animal life and the marine eco system. This part of the river is an important area for sea angling, being the home to several important species of fish and other wildlife and fauna. The area around Rainham marshes, where this type of activity has been prolific, is the perfect example of how the environment is adversely affected.
  - The noise of this type of heavy industry, (again I use Rainham as an example), would be substantial and would discourage visitors.
  - Change of use would, by virtue of the nature and intensity, lead to undue noise and disturbance, fumes and general activity that would be harmful to the amenities of the residents of this area.
  - Use of forklift trucks on the site will cause noise and disturbance.

#### 4.75 Amenity issues

- Site is already operating and causing huge amount of distress to residents of this compact community.

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- Respectfully request that the objections represented are given due consideration and that the Council makes a decision in favour of the villagers, visitors and local environment and deny this application.
  - Developing this type of business in this location will have a negative effect on the village, and may put lives in danger.
  - Please show some strength and prevent this blight on what is one of the few quiet and unspoilt parts of Essex. We frequently spend time as a family walking from Hockley through South Fambridge and onto Canewdon and enjoy the utter calm and tranquillity that this area offers. Salvage yards should remain on industrial areas.
  - South Fambridge is a small village community of less than 100 homes surrounded by agricultural land bordered by areas of special scientific interest. This industrial development will adversely impact on the quality of life currently enjoyed by the residents, most of whom have bought properties in this area because of the semi-rural environment.
  - The Council should use all the powers it has to stop the activities and restore harmony in the community. Planning permission should be refused and enforcement action taken as soon as possible.
  - There must be dozens of more appropriate places for a car dismantling yard dedicated to this kind of work, i.e., industrial units with properly design access and disposal facilities
  - Would make much more sense to remove the existing buildings rather than develop for commercial use.
  - Rochford Council has always appeared strong and supportive of improving the local environment and leisure facilities. Would be wonderful if the Council could agree to turning the area into a green park with seating and picnic area for residents and visitors alike. Would be a good project for the Queen's Jubilee year.
  - The area is a Mecca for local dog walkers and this development would mean they were sharing the area of the riverside with large industrial tankers and a constant flow of industrial traffic.
  - The river at South Fambridge also attracts anglers on a 24/7 basis and any such development would adversely impact on this leisure activity. The semi-rural nature of South Fambridge was recognised by the planning committee on granting change of use in that permission to trade was restricted to Monday - Friday. Nothing has changed in the village or circumstances since this decision was made.

- CCTV cameras will invade privacy of nearby homes.
- Important for any proposal to embrace the history of the village and not allow for inappropriate development. That will adversely affect the historical footprint and village identity.
- The entire village has made it quite clear that an industrial business of this nature should find alternative accommodation and not spoil the delicate area. There are far too many vacant units locally that would suit a business of this nature.

#### 4.76 Other Issues

- Been told that part of the premises already has B2 General Industrial use classification but as a resident of the village for the past 15 years have never been publically consulted regarding this change.
- Not one person has come forward to endorse the application. All are against.
- The whole residency of the village of South Fambridge are putting our faith in our local council and trust that planning will not be granted on this or any future application of this nature.
- De-valuation of property - There can be no doubt that placing an industrial facility in a semi-rural village environment will adversely impact house prices. South Fambridge is marketed as a peaceful, quiet village location by local estate agents and indeed this was a major factor in many of the villagers buying properties in this location.
- Disgust that the Local Authority is even thinking about granting planning permission to the company, Autoval Ltd, to change the use of the former shellfish packing station into what basically equates to a car breaker's yard. The company has to date started work on the development of the area by demolishing existing buildings and part laying hard standing areas, not to mention the installation of huge entrance gates without any form of planning being granted.
- Previous designation of the site has been for Sui-Generis and no previous permission given for B2 use. Previous permissions were granted exceptionally because of the need for access to salt water.
- Applicant concedes that previous use ceased in 1984. The boat yard was granted in 1999. In 2004 the application was re-submitted because it had not been implemented. Certificate of lawfulness granted on the assumption that condition 3 had been implemented but contend this as that condition had not been fully met. Use for boat sales was only for a short period in 2008 and a 28 year period of inactivity does not constitute

continuous use. There is also evidence of an intervening change of use as the former owner uses the site for the storage of building materials.

- General B2 use is not in the spirit of the original permissions.
- Proposal should be subject to a flood risk assessment.
- The area and village are unique in that it is a village area and any form of industrial application would take this away. With the added lorries and traffic on the small roads, going past a busy primary school, is this really the best location. From living, working and travelling in the local area there are ample industrial sites available on several sites around Rochford, Southend and surrounding all with better access to and more appropriate to the intended business. This application, if allowed, will only bring disturbance and problems to a small country village.
- A petition of 153 signatures has also been received objecting to the development.

## **5 MATERIAL PLANNING CONSIDERATIONS**

- 5.1 The site is located within an area allocated Metropolitan Green Belt and within the Upper Crouch Special Landscape Area as defined in the Council's saved adopted Local Plan (2006). The adopted Local Plan also defines the Coastal Protection Belt to which saved policy CC1 to the Essex and Southend-on-Sea Replacement Structure Plan relates. The site is within the Coastal Protection Belt. The adjoining river marshes are a Site of Special Scientific interest and Ramsar site of international importance to over-wintering birds.

### **Green Belt issue**

- 5.2 Paragraph 90 to the National Planning Policy Framework identifies that the re-use of buildings in the Green Belt is not inappropriate provided that the buildings to which the use would relate are of permanent and substantial construction. The use must also preserve the openness of the Green belt and not conflict with the purposes of including the site within the Green Belt.
- 5.3 The building to the north of the site proposed for storage uses was previously excluded from the more recent planning history. The building is, however, of solid masonry construction capable of accepting the new use with internal modification.
- 5.4 Policy GB1 to the Council's adopted Core Strategy generally encourages the retention of existing rural businesses. The preamble to Policy GB2 to the Council's adopted Core Strategy explains that it is necessary for rural enterprises to diversify and that the previous more restrictive approach to development in the Green Belt would not allow the Council to achieve its vision for Green Tourism. The conversion of buildings to small scale employment use is particularly encouraged. The application details describe



the proposal to be an expansion of existing operations currently at Sirdar Road on part of the Brook Road industrial estate, Rayleigh. The use is not, however, a traditional rural activity.

- 5.5 The proposed change of use is not shown to require reconstruction or any extension of the buildings. However, the layout shows the use of the yard area for the car parking of vehicles of some 41 spaces parked about the site boundary edges within the existing fencing.
- 5.6 Paragraph 90 to the NPPF, although supporting the re-use of buildings, remains restrictive in that such uses should continue to preserve openness. Part (v) to saved Local Plan Policy R9 requires that the new use and associated land would not have a materially greater impact than the permitted lawful use. Part (vi) to saved Policy R9 seeks to ensure that the proposed use would not introduce additional activity or traffic movement likely to materially and adversely affect the character of the Green Belt or place unacceptable pressure upon the road network. Before assessing the impact of the proposal in Green Belt terms, consideration has therefore to be given to the existing use.

#### **Existing Use Issue**

- 5.7 The definition of an industrial process in the Use Classes Order 1987 and to which use Class B2 relates includes the breaking up or dismantling of any article. The use as scrap yard for the breaking of vehicles is specifically excluded from this definition. Scrap uses are, however, argued to take many forms. Where the main use is the storage and dismantling of vehicles with the retail sale of parts it is held that this is materially different to a scrap yard and in this case the bringing onto the site of vehicles predominantly for repair and parts salvage falls within Use Class B2 as a general industrial activity. The important distinction relates to the extent of an industrial process, which includes the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article in the course of any trade or business other than agriculture and other than a use carried out in or adjacent to a mine or quarry.
- 5.8 The applicant describes a process of bringing cars onto the site and a systematic process of repairing them for export or removal of parts for second hand sale or re-use. The repaired vehicles are then exported. Only a few vehicles would be scrapped.
- 5.9 The former shellfish processing and packing station benefits from an established general industrial use falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987. The more recent boat yard proposal is also within use Class B2. The use described by the applicant is therefore within the same Use Class of the former use of the site and the valid permission considered lawful under application no. 99/339/COU.

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- 5.10 Condition 9 of the existing permission under application no. 99/00339/COU restricts the use of the open areas of the site to the storage of boats. This condition under which the applicant can currently operate lawfully therefore provides for the activities on site to be largely concentrated in part of the existing building and thus safeguarding the open areas of the site maintaining openness important to the site character and Green Belt. The display of boats for retail sales was restricted to inside the building.
- 5.11 Permission was granted on 10 February 2000 under application no. 99/00705/FUL to vary the use to allow the display of boats for retail sale in the open areas of the site and deliveries on any day. This permission required better details to be submitted to clarify the extent of boat storage and the use of the building. Those details show an area for visitor parking for 13 spaces and manoeuvring within the front and south west corner of the site. The display of boats for sale is shown to a small area to the east of the building and a further area to the north west corner for larger boats. Whilst the site would obviously be hard surfaced to facilitate storage, the use would not be as extensive as that now proposed involving the storage of cars over the whole site. The boats would be larger and much higher, but set against a backdrop of the coastline views would not be out of place. The use of the open areas of the site for car storage would be out of place. Furthermore, the twice daily trips to bring cars in and out of the site would be a more intense operation than the more occasional boat sales or deliveries anticipated at the time of the previous application.
- 5.12 Whilst the use of the building would not in itself be likely to harm the appearance of the landscape, the open storage of cars is essential to the process on the site. Clearly, the grant of permission would further intensify the use, detracting from the appearance of the Green Belt, the special landscape area and the coastline more generally contrary to paragraph 90 of the NPPF, having a materially greater impact upon the openness of the area contrary to part (v) to Policy R9 to the Council's saved Local Plan and introducing additional vehicle activity above the lawful use of the site contrary to part (vi) to Policy R9 to the Council's saved Local Plan.
- 5.13 The applicant describes that the nature of the business would not require vehicles to be stacked. Even so, a condition to the grant of consent could prevent this. However, the storage of cars in the open areas of the site would detract from the appearance of the Coastal Protection Belt and the Upper Crouch Special Landscape Area.
- 5.14 **Ecological Issues**
- 5.15 The site is sensitive in terms of the proximity to the Crouch and Roach marshes overwintering habitat. Both the Environment Agency and Natural England have no objection to raise in terms of the proposal, provided safeguards are met for the bunding of areas for chemical storage and that any outside storage areas are similarly protected from oils entering the water environment. These matters can be addressed through the submission of

further details by conditions to the grant or permission, as recommended by both agencies.

#### 5.16 Residential Amenity Issue

5.17 The site is relatively separate from the residential settlement. The existing buildings are low rise and can lawfully be used for industrial purposes. The Council's Head of Environmental Services acknowledges the degree of quiet enjoyed to the area and as such requires that for the use to be acceptable in amenity terms, particularly noise, it must be managed and contained within the building. These matters can be the subject of detailed conditions to the grant of permission.

#### 5.18 Employment and Economic Issue

5.19 The applicant describes the proposal as leading to the creation of four or five new jobs. Paragraph 28 to the NPPF requires support to be given for sustainable development and job creation of all types of business and rural enterprise in rural areas. It is, however, unlikely that the further intensification of the authorised use can be considered sustainable. The remote location requires the transportation of the vehicles to and from the site as well as journeys to the site by staff. Policy ED1 to the Council's adopted Core Strategy (2011) generally seeks to protect and enhance existing businesses, however, whilst making use of a redundant building. Greater weight should be given to the adverse impact the further intensification of the use of the site and buildings would have upon the character and appearance of that part of the Green Belt in which the site is situated.

#### 5.20 Highways and Parking Issues

5.21 The total floor space of the existing use and the building to which this application relates equates to a total of 1,551 square metres and requiring the provision of a maximum of 31 car parking spaces. The site is in a remote location where there is no public transport, requiring access by car. The applicant, however, describes that nine persons would be employed on the site. A lower level of car parking of a third of the maximum might therefore be appropriate but would need to be secured by a condition of the consent. As the use requires extensive car parking on the site it is likely that sufficient car parking for staff will be available within the site.

### 6 CONCLUSION

6.1 Whilst the re-use of the existing building would otherwise be acceptable, it is clear that the proposal would intensify the existing lawful use with the consequence that the resultant business of necessity would require and be dependant on extensive open storage of cars within the site. The nature of the use would not be contained within the buildings on the site despite the repair and process being undertaken within the buildings, together with the storage of car parts, vehicles awaiting processing or ready for despatch would be

stored in the open areas about the building and as shown on the extensive car parking layout. The further intensification would therefore detract from the openness of the Green Belt and the marshland landscape. The intensity would also adversely impact on the use of Fambridge Road, which is narrow and unsuited to use by commercial vehicles.

## 7 RECOMMENDATION

7.1 It is proposed that the Committee **RESOLVES**

To **REFUSE** planning permission for the following reasons:-

- (1) The site is located within an area of Metropolitan Green Belt, as identified in the Rochford District Replacement Local Plan (2006). The proposal would further intensify the existing use, materially increasing the reliance upon the need to park and store vehicles in the open areas of the site detracting from the open character of the locality contrary to part (v) to policy R9 to the Council's saved Local Plan (2006) and further developing the coastline contrary to policy CC1 of the saved Essex and Southend-on-Sea Replacement Structure Plan (2001). The proposal, by way of the storage of cars to the open areas of the site, would also detract from the Upper Crouch Special Landscape Area contrary to Policy NR1 to the Council's saved Local Plan (2006).
- (2) The proposal, by way of the further intensification in the use of the site, would result in the further increase in commercial traffic serving the resultant use placing further pressure upon the existing road network and Fambridge Road in particular, which is unsuited to commercial vehicles.



Shaun Scrutton

Head of Planning and Transportation

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### Relevant Development Plan Policies and Proposals

The saved Essex and Southend-On-Sea Replacement Structure Plan (2001)

Policy CC1

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011)

Policies GB1, GB2, ED1.

Rochford District Replacement Local Plan (2006) as saved by Direction of the Secretary of State for Communities and Local Government and dated 5th June 2009 in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004.

R9, NR1.

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

Standard B2

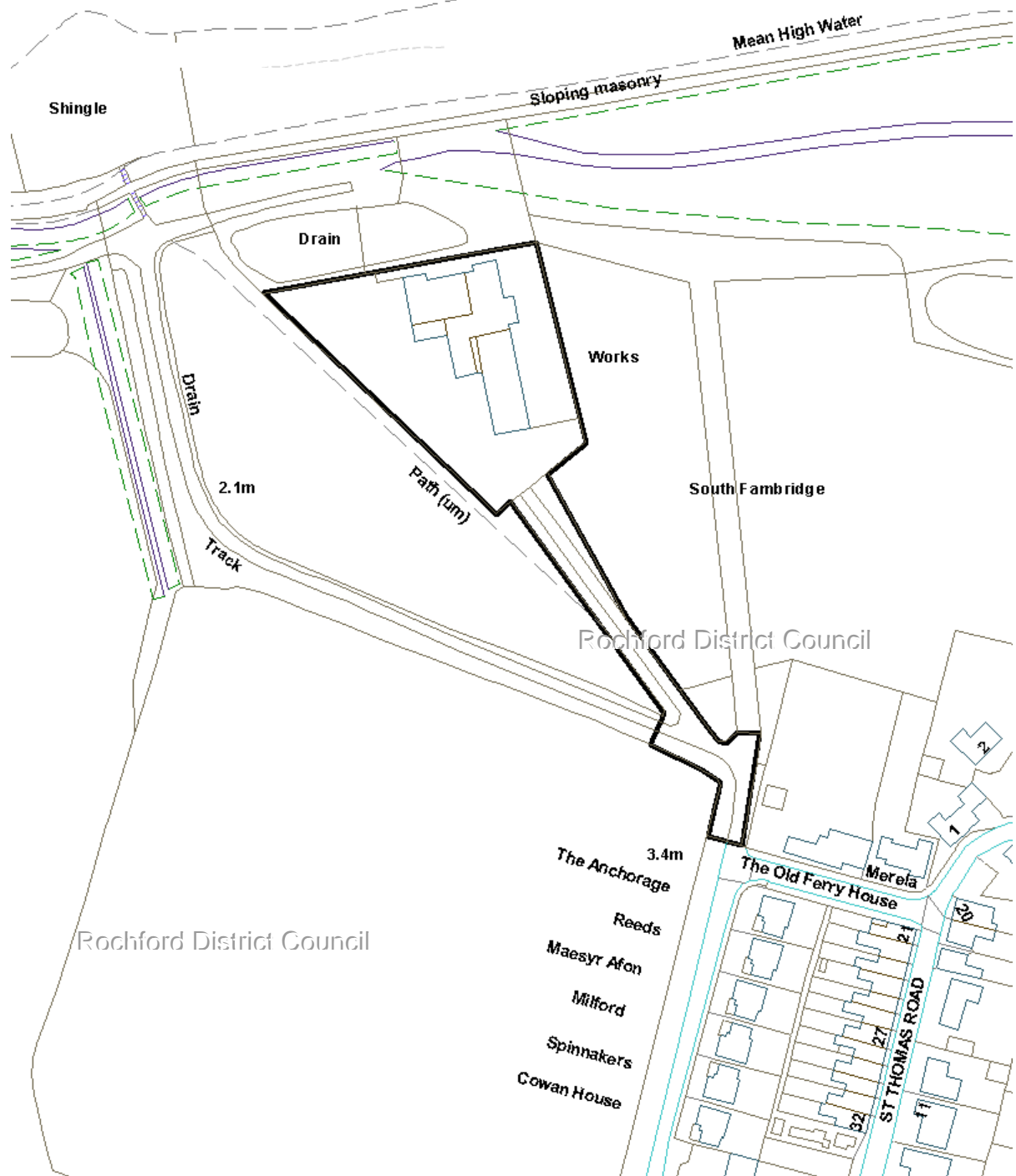
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