



Rochford District Council

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY  
PLANNING SERVICES COMMITTEE 13th December 2001**

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

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

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

**If you require a copy of this document in larger  
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Administration Section on 01702 – 318098.**

**PLANNING SERVICES COMMITTEE 13th December 2001**

**DEFERRED ITEMS**

D1	01/00651/FUL	Lorna Maclean	PAGE
	Install Tarmac Basketball Practice Area King George V Field Eastwood Road Rayleigh		
D2	01/00777/FUL	Christopher Board	PAGE
	Use Land as Highways Maintenance Depot. Erect Office Building, Toilet, Mess and Gatehouse. Perimeter Security Fencing 3.2m High (Approx) Site D3 Purdeys Industrial Estate Purdeys Way		
D3	01/00587/COU	Christopher Board	PAGE
	Change of Use of Unit 36 to Transport and Storage Re-Locate Waste Transfer Station to Unit 37 ( As Ancillary Use) 36-37 Star Lane Industrial Estate Star Lane		
D4	01/00592/OUT	Christopher Board	PAGE
	Outline Application to Erect Chalet Bungalow with Integral Garage Land To Rear Of 63.Kimberley Road Great Wakering		

**SCHEDULE ITEMS**

5	00/00005/OUT	Kevin Steptoe	PAGE
	Mixed Commercial (Classes B1 + B8) Development and Car Showrooms, Maintenance and Preparation Units and Petrol Filling Station Land West Of Cherry Orchard Way Rochford		
6	01/00033/FUL	Kevin Steptoe	PAGE
	Erect Three 5-Bed and Two 4-Bed Detached Houses with Attached or Detached Garages. Change Use of Former Residential Home to Dwelling (Demolish Existing Outbuildings/Extensions) Layout Private Drive, Parking and Improve Junction to Rayleigh Ave 61 Rayleigh Avenue Leigh-On-Sea Essex		

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|----|---|-------------------|------|
| 7  | 01/00034/LBC  | Kevin Steptoe     | PAGE |
|    | Demolish Existing Side and Rear Outbuildings and Extensions, Layout New Drive to Change Use of Former Residential Home to Single Dwelling Erect Five Detached Dwellings Within Existing Rear Garden Area<br>61 Rayleigh Avenue Leigh-On-Sea Essex |                   |      |
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|    | Change Of Use To Beauty Clinic<br>5 West Street Rochford Essex  |                   |      |
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|    | Change Of Use To Beauty Clinic Including Internal Alterations<br>5 West Street Rochford Essex   |                   |      |
| 10 | 01/00656/FUL  | Christopher Board | PAGE |
|    | Variation of Condition 2 of Permission ROC 907/86 to Allow Hot Food Take Away And Home Delivery Service<br>200 Main Road Hawkwell Hockley   |                   |      |
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|    | Install Hardstanding for Skateboarding Facility<br>King George V Field Eastwood Road Rayleigh   |                   |      |
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**PLANNING SERVICES COMMITTEE - 13 December 2001 Item D1  
Deferred Item**

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

**APPLICANT: RAYLEIGH TOWN COUNCIL**

**ZONING: EXISTING PUBLIC OPEN SPACE**

**PARISH: RAYLEIGH TOWN COUNCIL**

**WARD: RAYLEIGH CENTRAL**

- 1.1 **Rayleigh Town Council** has no objections to this application.

Deferred Report

- 1.2 This application was deferred at the Meeting of the Committee dated 22<sup>nd</sup> November 2001 for negotiation with the applicant concerning the location of the proposed hardstanding for the basketball pitch. The concern included the impact the noise generated from the pitch would have on the Doctor's surgery, the retirement flats and other users of the open space together with appropriate grouping of the various uses. These issues were discussed at a meeting with Rayleigh Town Council.
- 1.3 The application is for a tarmaced basketball practice area on King George V field, Eastwood Road, which is existing public open space. The basketball practice area will measure 6.4 m by 8.5 m and be sited at the far south end of King George V field, to the north of the footpath off Eastwood Road which splits to the right and left as it enters the field.
- 1.4 Alternative locations for the tarmaced basketball pitch were considered at the meeting with Rayleigh Town Council as requested by the Committee on 22<sup>nd</sup> November 2001.
- 1.5 The north end of the playing field adjacent to Bull Lane already has a number of existing recreational facilities limiting the areas where the practice area could be positioned at this end of the field, namely; a childrens' playground, a mini football pitch, and a full sized football pitch. There are also a number of established trees in front of the mini football pitch that would prevent a hardstanding being put in this area.
- 1.6 Additionally, the playing field adjacent to the playground is also uneven therefore the ground would need to be levelled out before a hardstanding could be put in. The applicant also considers the noise associated with the activity will dissipate better at the southern end whereas it is more likely to reverberate at the northern end.
- 1.7 There is also concern that if the basketball practice area was positioned at the north of the field adjacent to the playground there would be safety concerns over older children playing near to an area for younger children.

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- 1.8 The relocation of the practice area to the north end of the playing field would not necessarily resolve the issue of possible noise nuisance, which nearby residents and the surgery may suffer (although it would be unlikely to add greatly to the latter). There are a number of residential properties in Bull Lane which could be marginally closer to the practice area if the position was changed near to the existing playground than the flats at the south end of the field and the surgery are to the current location.
- 1.9 Rayleigh Town Council were made aware of the strength of the Committees views but as set out above, they consider there is a valid basis for its acceptability in their location.
- 1.10 **Essex County Council (Highways)** has no objection to the application.
- 1.11 **Essex County Council (Environmental Services)** advise that no trees protected by County of Essex Tree Preservation Order 5/57 stand within the application area or close enough to be affected by the proposal.
- 1.12 **Housing, Health & Community Care** advise that there is a potential for nuisance associated with this development by way of noise.
- 1.13 **Environment Agency** has no objection to the application.
- 1.14 **Crime Prevention Officer** comments that the proposed location of the basketball practice area is fairly visible as it is near to the main entrance thus reducing the likelihood of possible crime.
- 1.15 Rayleigh Civic Society raised the question of whether or not a fence would be erected around the practice area.
- 1.16 Neighbour responses have been received from one local resident and Audley Mills Surgery. There is a degree of support for the proposals but concern was raised over the location of King George V field (given that other sites may be available) and for the fact that one leisure facility should not favoured over another. The surgery raised concern over increased levels of noise, nuisance and vandalism that the practice area may lead to and that patients visiting the surgery would not welcome the additional disturbance.

APPROVE

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

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**Relevant Development Plan Policies and Proposals:**

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



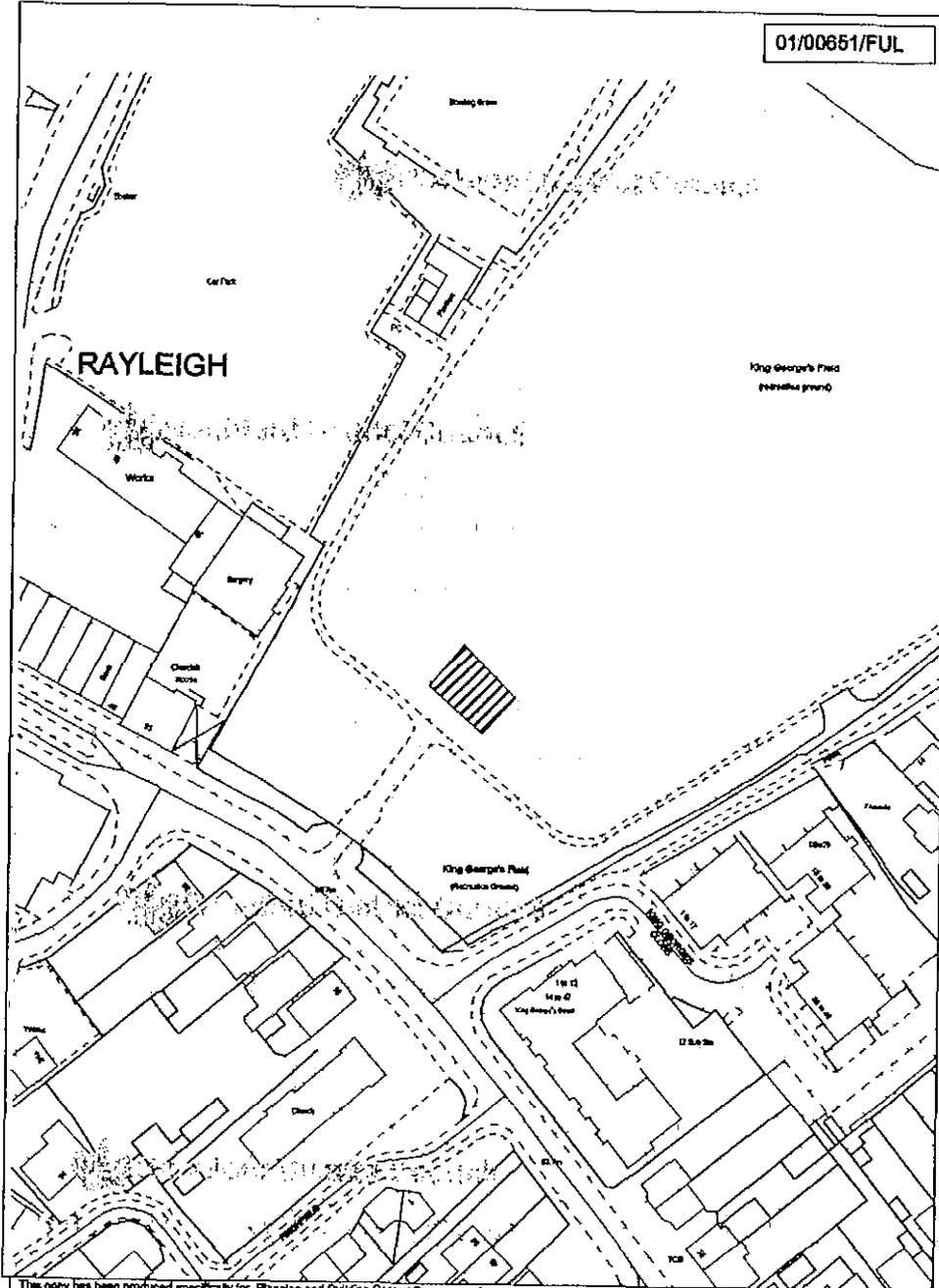
Sarah Curran  
Head of Planning Services

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

For further information please contact Lorna Maclean on (01702) 546366.

01/00651/FUL



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**PLANNING SERVICES COMMITTEE - 13 December 2001 Item D2**  
**Deferred Item**

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

**APPLICANT :** IMAGE CIVIL ENGINEERING

**ZONING :** INDUSTRIAL

**PARISH:** ROCHFORD PARISH COUNCIL

**WARD:** ROCHFORD EASTWOOD

**PLANNING APPLICATION DETAILS**

- 2.1 This application was presented to the November Committee following the Council's fast track process, brought to committee for members' attention by virtue of the opportunity for job creation within the district. Following the November meeting, discussion has taken place to resolve the only formal objection to the planning application concerning the bridleway and public footpath that borders the North and East boundaries. A revised plan has been submitted to address this issue.
- 2.2

The previous report is reproduced below with alterations:

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

**RELEVANT PLANNING HISTORY**

- 2.4 Application number ROC/0084/95 for a factory, store with associated offices and carparking was permitted, this was similar in scale to that of the more recent approval given for application number 00/00512.
- 2.5 00/00512 was for the erection of a warehouse unit with ancillary office, car park and yard area. This application was for a larger site area (in comparison to the current proposal) in a similar location, with the approved warehouse unit to cover the majority of the available site. In development terms, the current application involves a small physical building in comparison to that previously approved.

**CONSULTATIONS AND REPRESENTATIONS**

- 2.6 Rochford Parish Council raises no objection on this application.

**PLANNING SERVICES COMMITTEE - 13 December 2001 Item D2**  
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**Essex County Council (Highways)** recommends approval subject to conditions.

- 2.7 **Essex County Council (Rights of Way Officer)** object to this application on the grounds that the proposed perimeter fencing would obstruct public Bridleway 38 Rochford and Footpath 22 Rochford. This situation has been resolved by virtue of a
- 2.8 revised drawing providing the required highway separation for the footpath and bridleway.
- 2.9 **Civil Aviation Authority** has no safeguarding objections to this proposal subject to conditions.
- 2.10 **Housing, Health & Community Care** have no adverse comments on this application subject to conditions being attached to any consent granted.
- 2.11 **Essex Police (Crime Reduction Officer)** does not see a reason to object to such a compound, though recommends actions for site security. A copy of this response shall be passed to the applicant.
- 2.12 **Anglian Water** has no objection in principle to the proposals subject to a condition being attached to any consent granted.
- 2.13 **Environment Agency** provides advisory comments on this application with respect to the previous use of the land as a landfill site known as Tinkers Lane.

**MATERIAL PLANNING CONSIDERATIONS**

- 2.14 With respect to this application it is necessary to consider whether the proposed use is an acceptable form of development for the location intended. Whether the visual implications of the development are acceptable, whether the parking & access requirements are met and what impact the development will have on a public footpath and bridleway bordering the site.
- 2.15 The site is located within an area on the Purdeys Industrial Estate zoned for industrial use and accordingly falls within policy EB2 of the Local Plan where it is specified that general industrial, business, storage & distribution uses will be acceptable. It is considered that, in principle the proposed use is compatible with the objectives set out in the Local Plan.
- 2.16 With regard to visual implications, in particular the public footpath near to the site, this proposal shows a much lower density of development. The original application drawing showed a full 3.2metre security fence is proposed to the perimeter, this has been reduced substantially to a maximum height of 2.4metres. This aspect must be paid particular attention when considering the appearance from the footpath, whilst not ideal in terms of appearance it is a situation that is repeated on several points to the North boundary of the Industrial Estate. The viewpoint created from the river will be acceptable as the existing hedge/shrub boundary obscures the views from the river as seen from the North Bank.

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- 2.17 The buildings within the site will be relatively low scale, with the main use of the site as open storage for materials and equipment. Access to the site is proposed from the existing turning head to the North end of Millhead Way, whilst the low scale of development within the site means there should be adequate turning, manoeuvring and parking space available.

**CONCLUSION**

- 2.18 The principle of the use is considered to be acceptable in this location. The proposal meets requirements in relation to parking and access and the location of the security fence with the adjoining rights of way has been clarified and confirmed that no conflict will exist.

**RECOMMENDATION**

- 2.19 It is proposed that this Committee **RESOLVES** that planning permission be **GRANTED** subject to the following heads of conditions.
1. SC4 Time Limits Full.
  2. NSC1 The fence to the Eastern side of the site is to be located clear of public footpath (No. 22 Rochford). The footpath to be maintained at a minimum width of 3 metres at the junction with Millhead Way for a distance of 6metres then maintained at a total width of 4metres for the remainder of the footpath.
  3. NSC2 The fence along the northern boundary of the site to be sited a minimum distance of 10metres from the brow of the river embankment to allow for the 7metre footpath and 3metre-bridleway location.
  4. SC90 Surface Water Drainage
  5. SC91 Foul Water Drainage
  6. NSC3 No building shall be erected within 3 metres either side of the centre line of the public sewers in the vicinity of the site.
  7. NSC4 The development of the site shall incorporate methane mitigation measures in accordance with a scheme previously agreed on writing with the L.P.A. Such agreed works shall be fully implemented prior to the commencement of any use hereby permitted and shall be maintained in the approved form while the premises are in use for the permitted purpose.
  8. NSC5 A scheme of measures for the control and suppression of dust emissions shall be submitted to and approved in writing by the L.P.A. Such agreed works shall be implemented in the approved form prior to the commencement of any use hereby permitted and shall be maintained in the approved form while premises are in use for the permitted purpose.
  9. NSC6 The site shall be used for the storage/transfer of inert, non-putrescible and non-hazardous materials only and for no other material. No liquids, sludges, slurries or oils shall be deposited on the site, either alone or in admixture with other materials.
  10. NSC7 There shall be no burning of waste matter on any part of the site containing the development hereby permitted.

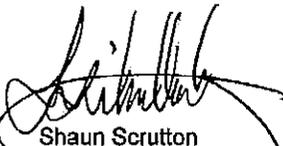
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11. NSC8 Prior to the commencement of any development, details of any external equipment or openings in the external walls or roofs of the building proposed at any time in connection with the permitted use, shall be submitted to and approved in writing by the L.P.A. before the machinery is installed or the opening formed. The equipment shall be installed or the openings formed as approved and shall be maintained in the approved form while the premises are in use for the permitted purpose.
12. NSC9 No development is to protrude on the highway side of the fence (i.e. supports).
13. NSC10 Any landscaping schemes included in the proposal should not increase the risk of bird strikes to aircraft operating at the aerodrome. Details of the final planting schemes and landscaping proposals shall be submitted to and approved by the Civil Aviation Authority.

**Relevant Development Plan Policies and Proposals:**

EB1, EB2, EB4, EB5, TP15 of the Rochford District Local Plan First Review

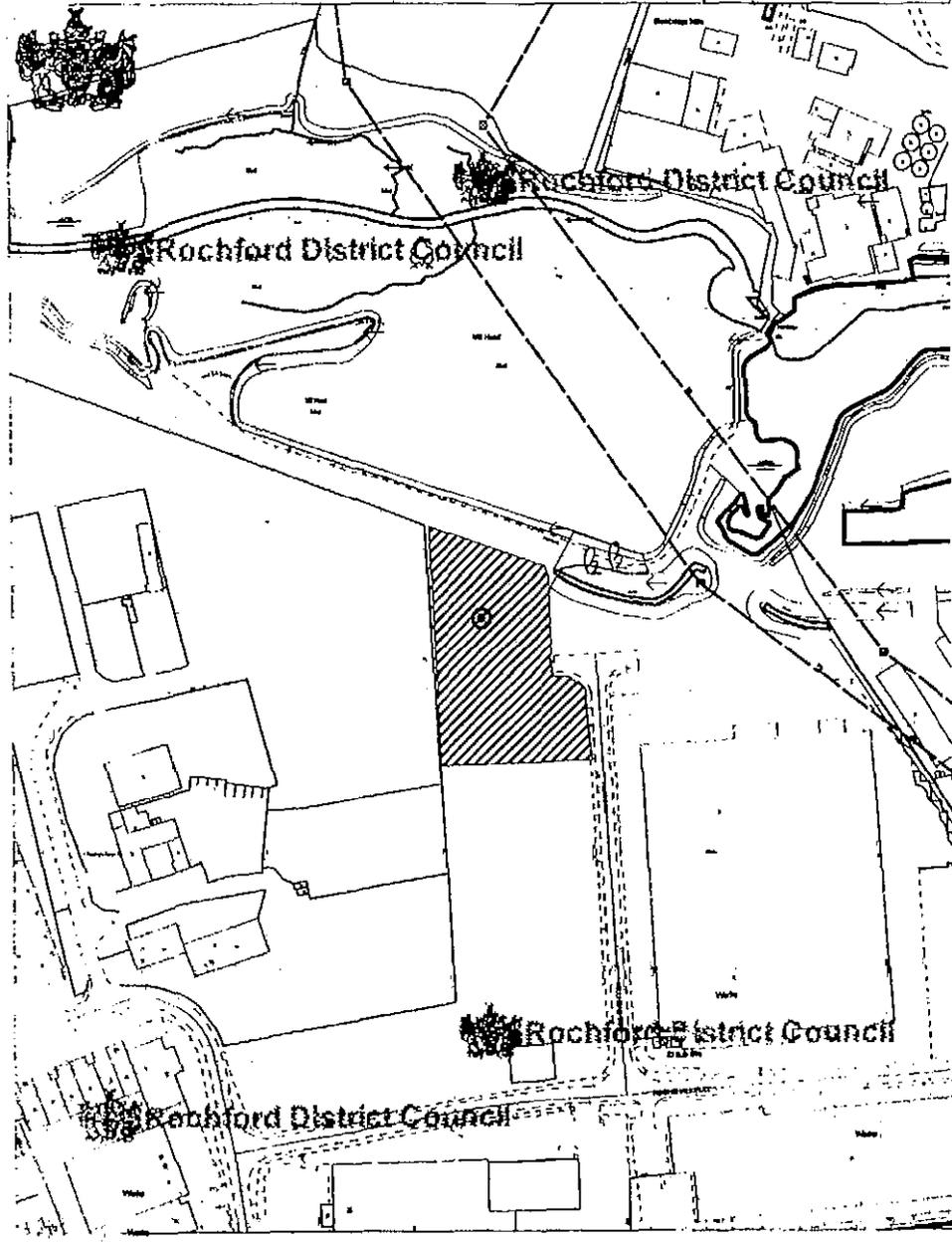


Shaun Scrutton  
Head of Planning Services

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The local Ward Member for the above application is Cllr Mrs E J Ford

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



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**PLANNING SERVICES COMMITTEE - 13 December 2001 Item D3  
Deferred Item**

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**TITLE :** 01/00587/COU  
**CHANGE OF USE OF UNIT 36 TO TRANSPORT AND  
STORAGE AND RE-LOCATE WASTE TRANSFER STATION  
TO UNIT 37 (AS ANCILLARY USE)  
36 - 37 STAR LANE INDUSTRIAL ESTATE**

**APPLICANT :** CHURN WASTE

**ZONING :** EXISTING INDUSTRIAL

**PARISH:** GREAT WAKERING PARISH COUNCIL

**WARD:** GREAT WAKERING WEST

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**PLANNING APPLICATION DETAILS**

- 3.1 The application is for the change of use as outlined in the above description. In effect, the result would be to move the existing transport and storage use from Unit 37 to Unit 36 and the existing Waste Transfer Station from Unit 36 to Unit 37. The proposal would unify the current two separate permissions into one combined approval.
- 3.2 The application was deferred from the November Committee for a meeting between Council Officers, Councillors, Environment Agency and Applicant to clarify the issues associated with the application and action taken to resolve.
- 3.3 At the meeting, which took place on 4<sup>th</sup> December, the following points were clarified:
- The reference to a 'building' in letters from the Environment Agency was misleading and did not necessarily refer to an enclosed building, but to a structure capable of screening the waste transfer station and reducing, in particular, noise disturbance. The details shown on the current plan are in accordance with the Environment Agency's requirements.
  - The Environment Agency will review the contents of any new licence on a regular basis and make adjustments as necessary to ensure the waste facility will not cause a disturbance.
  - If planning consent was not granted to move the waste transfer facility to Unit 37, the operator would continue to work from Unit 36. The Environment Agency would seek to review the contents of the existing licence, however such a review would be complex to achieve and likely to be less effective than issuing a new licence on No 37.
  - The number of vehicle movements indicated on the planning application form of 6 per hour would include movements to and from the transport and storage yard.
  - The main vehicles travelling to and from the waste transfer station would be 17-ton skip lorries.
  - There is an existing weighbridge within the site: this will be used solely by Churn Waste and is not available/open for the General Public.

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- Work is currently underway to concrete Unit 37 and to provide full interceptor system for both surface and foul drainage in accordance with a specification agreed by Anglian Water and submitted to ourselves. The Layout of Units 36 and 37 would enable all vehicles for the Waste transfer station to stand clear of the estate road.

**RELEVANT PLANNING HISTORY**

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

**CONSULTATIONS AND REPRESENTATIONS**

- 3.6 The application is currently the subject of an additional consultation to ensure residents of Great Wakering have the opportunity to comment fully on the proposals. The additional consultation expires on the 7<sup>th</sup> December and at the time of report writing no further response had been received. Any additional information will be made available to members within the addendum for committee. Responses received following the 1<sup>st</sup> & 2<sup>nd</sup> rounds of consultation are as follows.

**Responses to First Round of Consultation.**

- 3.7 **Essex County Council (Highways)** raise no objection to this proposal.
- 3.8 **Essex County Council (Development Control Group)** comment that the submission of the application is supported as it seeks to unify the two sites whilst moving the waste transfer facility away from the nearest neighbour, thus revoking planning permission for the waste transfer element on Unit 36 to the benefit of the adjoining users. The specific location is one that would be considered satisfactory to a Waste Transfer Station under Policy W7E of the Adopted Waste Local Plan.
- 3.9 **Environment Agency** initially recommended a building – partial/complete, in addition to further information relating to the methods proposed for drainage, volume storage limits, traffic movements and hours of operation. The second response to consultation identifies the issue of a building on site further.
- 3.10 Extensive Neighbour responses have been received from 5 estate residents with a further response including 10 businesses on the estate that endorse the objection views. Items objected to in the application include: the possible increase in waste and the waste transfer licence, the number of vehicle movements connected with the site and the condition/maintenance of the associated roadway and the environmental implications that the Waste Transfer Station has in terms of the estate.

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Deferred Item**

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- 3.11 Under the banner of environmental implications, objections in the main have centred on mud on road coming from Churn Waste, dust creation from both the waste dumping, turning of vehicles and operating mechanical equipment. The issue of a building for the site has been mentioned as well as the outstanding enforcement action for the units concerned with this application.

**Response to Second Round of Consultation.**

- 3.12 **Housing, Health & Community Care** reports that complaints alleging dust and noise from this site have been received. There are no adverse comments subject to conditions being appended to any consent granted.
- 3.13 **Environment Agency** have revised their initial comments with respect to the requirement for a building on site and can confirm that it accepts the current proposal as the minimum requirement. It would be the agency's intention through a Waste Management Licence to require the operator to monitor the environmental effects of the site and for further construction works to be carried out should it be shown to be necessary.
- 3.14 **Anglian Water** have confirmed that details of connections to facilities are to be agreed under a planning condition. On this basis discussions are taking place between Anglian Water and the applicant.
- 3.15 Additional Neighbour objections have been received from 3 estate residents highlighting previous objection letters submitted for refusal by residents of the estate and statutory consultee responses given under the application. Responses highlight the need for a building on the site, concern over the volumes of tonnage's involved, the route of drainage on site and schemes for noise, dust and pollution control and further questioning the advertising of the proposals in the local paper.
- 3.16 A formal notice was published in the press and the period for response expires on 7<sup>th</sup> December 2001. No additional response had been received at the time of writing.

**MATERIAL PLANNING CONSIDERATIONS**

- 3.17 With respect to this application it is necessary to consider whether the relocation of the uses on Units 36 & 37 is acceptable for the location intended and, furthermore, what environmental impact the development will have on the surrounding area.
- 3.18 The sites 36 & 37 are located within the existing industrial estate of Star Lane.
- 3.19 **Waste Transfer Facility**  
The operation of Unit 36 as a Waste Transfer Station is controlled by the Environment Agency through the issue of a Waste Management Licence (WML). The issue of a WML is dependent in the first instance on the existence of a valid planning consent and consent to use Unit 36 as a Waste Transfer facility was granted in 1987.

**PLANNING SERVICES COMMITTEE - 13 December 2001 Item D3  
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- 3.20 Whilst the planning consent controls the principle of using the site for this purpose, the volume of waste then processed on the site is controlled by the WML. The Environment Agency issues Licences on the basis of an environmental assessment of the impact the use would have on the area at different volume levels of operation. Mitigation measures might be specified to enable the volume of waste to be increased above certain levels.
- 3.21 The 1987 consent to use Unit 36 as a Waste Transfer Station placed no limitations on the part of the site that might be used for this purpose. The applicant is, at present, operating from a location on the northern boundary of the site adjacent to Unit 35. The arrangement now proposed would move the Waste Transfer facility to a location on the eastern side of Unit 37 and isolate it, as far as possible, from other businesses on the estate. This arrangement is considered to be much more acceptable.
- 3.22 The impact of the development on the surrounding units and the estate, as a whole if an approval was forthcoming will be significantly improved in comparison to the relationship that exists with the current waste facility. As part of the current application, improvements to the site will be achieved to benefit the overall estate and adjoining units. The full concreting of the yard will provide a hard surface for lorry movements; this will resolve the majority of the current problems that are generated by the mud/gravel surface of the yard.
- 3.23 The revised plan on this application provides for a bund wall to be constructed to a height of 6 metres surrounding a screener, which is to be provided as part of the Waste Transfer facility. Whilst a screener is not always included as part of a Waste Transfer facility, it is considered to be an appropriate use for the site and the impact of the machine has been judged accordingly. The proposed 6m wall has been assessed as effective arrangement in terms of screening the impact of the machine on the neighbouring units.
- 3.24 Original consultation with the Environment Agency suggested a building might be required on site. Having reviewed this matter further, the environment agency has determined that no building is required for the proposed use, subject to the matters of operation being acceptable. On this account the Environment Agency will be involved with on going monitoring of the site as part of the WML. If volumes of waste are to increase, this situation may be reviewed at a later date.
- 3.25 The existing consent for Unit 36 did not indicate that a specific part of that site should be used for the Waste Transfer facility. This application offers the opportunity for tighter control over that aspect and a Condition is proposed to limit the area for the Waste Transfer operation within Unit 37. In addition, a Condition is proposed to require the provision of a full concrete hard surface suitable for HGV's.
- 3.26 **Transport and Storage**  
This is a somewhat less controversial element of the proposal, although Unit 37 is currently the subject of enforcement action by the Authority.

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Deferred Item**

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- 3.27 The consent granted in 1999 enabled Unit 37 to be used as a transport and storage facility and Conditions required, in particular, the provision of an area of hardstanding to avoid disturbance to other users of the estate by dust and mud. The required hardstanding has not yet been provided, although the applicant has been operating from the site.
- 3.28 The proposal to move the transport and storage facility to Unit 36 would immediately solve the problem of a hardstanding for this use, since Unit 36 is already hard surfaced. It is not considered there would be any adverse environmental effects on the estate from the transfer of this use from Unit 37 to Unit 36. As indicated earlier in the report, a Condition is proposed to require Unit 37 to be hard surfaced to a suitable standard for HGV's.
- 3.29 **Vehicle Movements**  
The County Highways Department has no objection to the proposed change of use, but concerns have been expressed by objectors about the implications of HGV's queuing on the internal estate and causing congestion and access problems.
- 3.30 In order to deal with these concerns, it is proposed to add a Condition requiring space to be provided within the application site for 3 HGV's to park, turn and manoeuvre clear of the estate road. It is considered that such an arrangement should help to minimise disturbance for the other users on the estate. The applicant has confirmed that there is adequate space for all vehicles visiting the premises to park, turn and manoeuvre clear of the estate road.

**CONCLUSION**

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

**RECOMMENDATION**

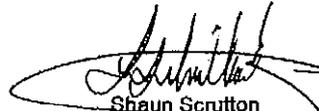
- 3.32 It is proposed that this Committee **RESOLVES** to grant **PLANNING PERMISSION** subject to the inclusion of the following Conditions:
- 1 SC4 Time Limits Full
  - 2 The area shown hatched in blue on the approved plan shall be used for no purpose other than that of Waste Transfer Station and at no other time shall waste material be present on any other part of the site connected with the Waste Transfer Station.
  - 3 SC90 Surface Water Drainage
  - 4 SC91 Foul Water Drainage
  - 5 Storage of waste within the approved hatched area shown on the approved plan shall at all times be limited to a maximum height limit of 4 metres.
  - 6 Details to be submitted to and agreed by the Local Planning Authority of the Western site boundary area to be infilled with retaining wall and screening net as per the existing boundary treatment of the site.

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Deferred Item**

- 7 Details are to be provided to the Local Planning Authority of a scheme of Leylandii planting (or other appropriate species to match existing) for the area of the East Site Boundary where no mature planting currently exists. Thereafter all tree planting shall be carried out in accordance with the approved details and at the approved times. If within a period of five years from the date of the planting of any tree, that tree or any tree planted as a replacement for it, is removed, uprooted or destroyed, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted, shall be planted at the same place, in the first available planting season following removal (October to March inclusive).
- 8 Space shall be provided within the site to enable the parking, turning & manoeuvring of 3 Heavy Goods Vehicles visiting the site at one time for Waste Transfer Purposes clear of the estate road and maintained in an unimpeded form.
- 9 There shall be no burning of waste materials on any part of the site containing the development hereby permitted.
- 10 A scheme of measures for the control and suppression of dust emissions shall be submitted to and approved in writing by the Local Planning Authority. Such agreed works shall be implemented in the approved form prior to the commencement of any use hereby permitted and shall be maintained in the approved form while the premises are in use for the permitted purpose.
- 11 The site shall only be used for the storage of inert, non-putrescible and non-hazardous materials. No liquids, sludges, slurries or oils shall be deposited on site, either alone or in admixture with other materials.
- 12 The scheme of noise control detailed in the report from Chiltem Acoustics Ltd, number 10166/A, Addendum 2, dated 10<sup>th</sup> October 2001, shall be fully implemented prior to the commencement of any use hereby permitted and shall be maintained in the approved form while the premises are in use for the permitted purpose.
- 13 Details to be submitted to and agreed by the Local Planning Authority of the area shown hatched green on the approved drawing to be laid to a full concrete hard surface suitable for the turning and manoeuvring of H.G.V's and thereafter retained and maintained in the approved form.

**Relevant Development Plan Policies and Proposals:**

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

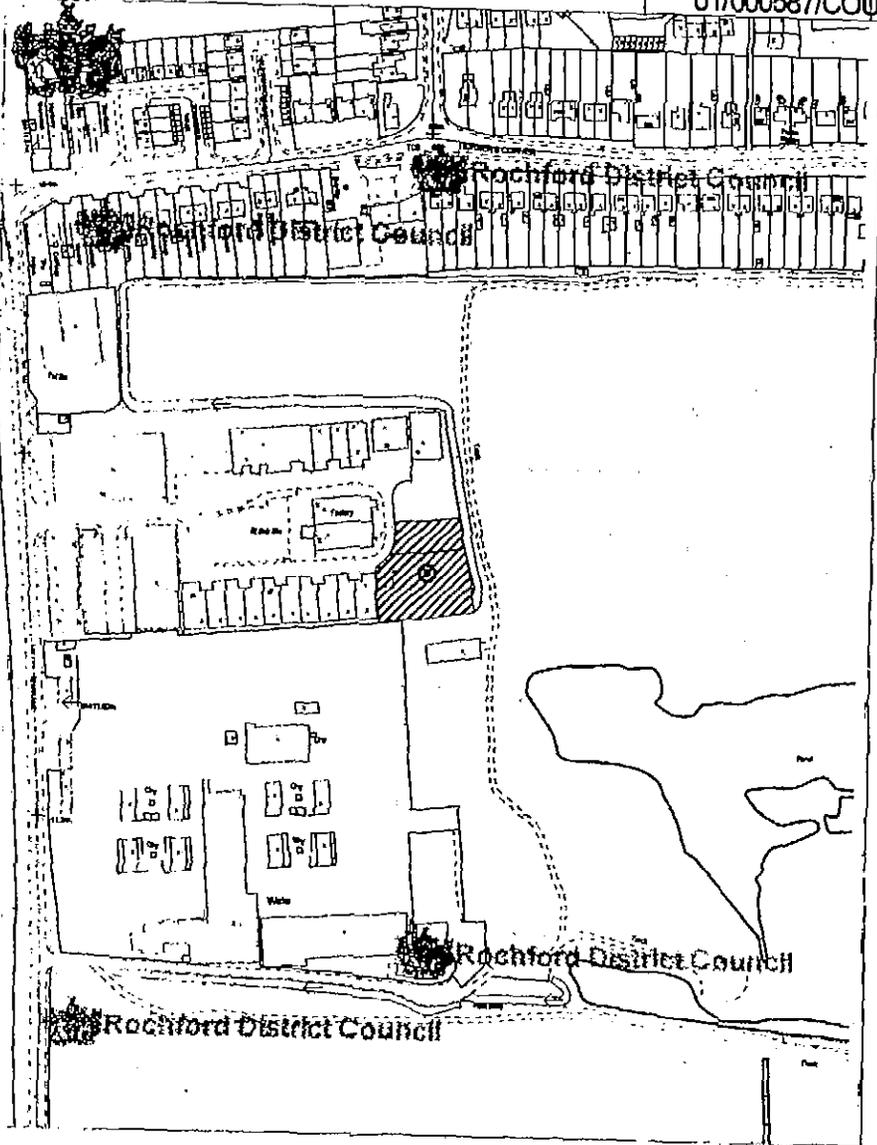
  
Shaun Scrutton  
Head of Planning Services

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

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

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**PLANNING SERVICES COMMITTEE - 13 December 2001 Item D4  
Deferred Item**

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**TITLE :** 01/00582/OUT  
OUTLINE APPLICATION TO ERECT CHALET BUNGALOW  
WITH INTEGRAL GARAGE  
LAND TO REAR OF 63 KIMBERLEY ROAD, LITTLE  
WAKERING.

**APPLICANT :** MR JG KEY

**ZONING :** RESIDENTIAL

**PARISH:** BARLING MAGNA PARISH COUNCIL

**WARD:** BARLING MAGNA

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**PLANNING APPLICATION DETAILS**

- 4.1 This application follows from a deferred item at last committee. The application was referred to Committee from the Weekly List and the original report is appended. The application seeks outline consent to erect a chalet bungalow with integral garage on land to the rear of 63 Kimberly Road and Little Wakering Road. The application was deferred from previous planning committee to enable further consideration to be given to the implications of foul and surface water drainage in respect of the Environment Agency and Anglian Water comments.

**CONSULTATIONS AND REPRESENTATIONS**

- 4.2 Following the previous committee, further consultation has taken place with the Environment Agency and Anglian Water, and their comments are as follows:
- 4.3 **Environment Agency** have re-affirmed their position that the site in question is defended (i.e. maintained sea defences) to the 1 in 200 year (0.5%) annual probability return period level as stipulated by the requirements of PPG25 for the new development. This is why the Agency raised no objection to the proposal when consulted. In addition the Environment Agency's letter of 6<sup>th</sup> September informs the applicant of the need to obtain formal written consent for any works within 9 metres of the flood defences and main river.
- 4.4 A copy of a letter from Anglian Water to Sir Teddy Taylor has been provided for information. This outlines the need for upgrading within the location as the pumping station is not achieving it's correct capacity and that improvement works will be considered in the programme against other priority capital projects.

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- 4.5 **Anglian Water** have commented further with respect to this application following their initial holding objection, now advising that there are flooding problems in respect of the foul sewerage system in the area, in particular the 225mm foul sewer discharging into Kimberley Road Pump Station. This particular sewer would be the point of connection for the new property and therefore the problem should be made known to the applicant. However, the foul flows from this single property will, realistically, not worsen the problem and Anglian Water do not feel that they can justifiably place a formal objection. It is suggested that the private foul drainage is carefully considered with the possibility of installing an anti-flood mechanism, at the appropriate time.
- 4.6 **Local Plans** have provided further advice with respect to policies and flooding issues relating to this application and the interpretation of Environment Agencies general policies on flood risk areas and the application of PPG25.

**CONCLUSION**

- 4.7 Following receipt of the above additional consultations, there can be no formal objection to the construction of a single dwelling on the basis of the foul and surface water capabilities. Taking heed of general PPG and Environment Agency advice, it is suggested that mitigation measures be incorporated into the final proposed dwelling to aid any possible future conflict or difficulties.

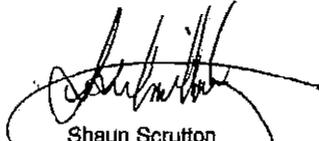
**RECOMMENDATION**

- 4.8 It is proposed that this Committee **RESOLVES to GRANT PERMISSION** subject to the following heads of conditions.
- 1 SC1 Reserved Matters Standard
  - 2 SC3 Time Limits Outline – Standard
  - 3 Pursuant to the reserved matters referred to in condition 1 the bungalow/chalet design shall be of modest building shell and any first floor accommodation to be included shall only utilise openings to the North elevation.
  - 4 A vehicle access to be constructed to a minimum width of 3.5m with a suitable splay from the highway boundary to the dropped kerb crossing.
  - 5 A pedestrian visibility splay of 1.5m x 1.5m, as measured from the back of the footway shall be provided within the limits of the site either side of the access with no construction above 800mm within the area of the splay.
  - 6 The drive/accessway to be laid out and constructed in a permanent material, for the first 6m from the highway boundary, as agreed with the local planning authority.
  - 7 The integral garage included within this proposal shall be constructed so as to maintain a minimum 6metre separation between the garage door and the site boundary to the North.
  - 8 The turning and carparking area to the North of the Property shall be maintained and kept free from impediment.
  - 9 The front door/main entrance of the scheme subject to detail consideration shall be sited a minimum distance of 45 metres from the highway boundary.

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- 10 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A, B and/or Class C of the Town & Country Planning (General Permitted Development) Order 1995 (including and Order revoking or re-enacting that Order, with or without modification) no Dormers, Windows, Velux Windows or other form of opening shall be inserted, or otherwise erected, within the roof area (including roof void) on the East, West or South elevation of the chalet hereby permitted. Not shall any extensions above ground level be erected on the said elevations.

  
Shaun Scruton  
Head of Planning Services

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The local Ward Member for the above application is Cllr R S Allen.

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



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**PLANNING SERVICES COMMITTEE - 13<sup>th</sup> December 2001 Item 5**

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**TITLE :** 00/00005/OUT  
OUTLINE APPLICATION FOR MIXED COMMERCIAL  
(CLASSES B1 AND B8) DEVELOPMENT, CAR  
SHOWROOMS, MAINTENANCE AND PREPARATION UNITS  
AND PETROL FILLING STATION.  
LAND BETWEEN CHERRY ORCHARD WAY AND WESTERN  
APPROACHES,  
ROCHFORD

**APPLICANT :** LAINDON HOLDINGS LTD

**ZONING :** PROPOSED AREA PRIMARILY FOR B1 AND B8 USE, POST  
1995

**PARISH:** ROCHFORD PARISH COUNCIL AREA

**WARD:** ROCHFORD ST ANDREWS

**SITE AREA:** 11Ha. approx

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**PLANNING APPLICATION DETAILS**

- 5.1 This application is in outline form and was first received by the Council in early 2000. It relates to the development of the land allocated in the Local Plan at Cherry Orchard Way and known as the Rochford Business Park.
- 5.2 The application forms indicate that all matters of detail, including the access arrangements, are to be considered at the reserved matters stage. However an illustrative layout plan has been submitted showing a possible layout of the site and showing that access is to be gained from the roundabout that is already in existence on Cherry Orchard Way. Discussions with the applicants and the Highway Authority also confirm that this is the intended means of access.
- 5.3 Subsequent to the first receipt of the application, the proposals were revised and updated in July of this year, and active steps have been taken by the applicant to allow the Authority to proceed to a decision on the application.
- 5.4 The illustrative drawings and the supporting information show that there could be a total of six car dealership buildings on the site, together with two body shop/ vehicle preparation buildings and a petrol filling station. These buildings would be located on the eastern half of the site, facing onto Cherry Orchard Way. The western half of the site is shown to be occupied by commercial units which will be put to the proposed B1 and B8 uses. Whilst some parts of the proposals are fixed (such as the point of access) the applicant stresses that the illustrative drawings should not be relied upon heavily to indicate the final form of the development. Particularly in relation to the non car showroom related development.

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- 5.5 Members may recall two previous reports on this matter. These were in the form of preliminary report when the application was first submitted and a further report when the proposals were revised. Those reports sought to identify the issues on which the determination of the application would depend, and are the main focus of this report in the material considerations section below.
- 5.6 Members will recall that, when the second of the preliminary reports was submitted in July of this year it was resolved that a pre-determination site visit should be arranged. This subsequently took place on 20 October 2001.

### RELEVANT PLANNING HISTORY

- 5.7 Application 148/01 related to the construction of the Cherry Orchard Way. Permission was granted in 1983 for the extraction of brickearth from the site.

### CONSULTATIONS AND REPRESENTATIONS

- 5.8 Two rounds of consultation were undertaken, the first when the application was submitted in early 2000 and the second when the proposals were re-vitalised in July of this year. It should be stressed that many of the comments made by the statutory consultees at the first round were not progressed by the applicant at that stage, but have now been addressed in more detail. For full information reference should be made to the material considerations section below.

#### First Round

- 5.9 The **Highways Authority** requested the provision of additional information in the form of a Traffic Impact Assessment (TIA) and details of measurements to be implemented to reduce the reliance of those who travel to the site on the use of private vehicles.
- 5.10 The **County Planning Officer** raises no objections on mineral planning grounds as the area has been worked for brickearth and subsequently restored.
- 5.11 The **County Archaeological Officer** confirms that no archaeological deposits are likely to survive as a result of the brickearth extraction.
- 5.12 The **Environment Agency** comments that the proposals do not sufficiently deal with the risk of pollution to the water environment and the risk of flooding due to surface water discharge. Conditions are suggested to require the provision of such details and further advice is given to assist the developer in this respect, including the longer term maintenance of such facilities. (Comment – please see the details in the main body of the report below as to how the applicant has addressed this issue).
- 5.13 **Anglian Water** has no objection in principle but suggests the implementation of conditions to ensure details of surface and foul water drainage. It is noted that the closest foul water sewer is in Avlaton Way which will require flows to be pumped from the site.

**PLANNING SERVICES COMMITTEE - 13<sup>th</sup> December 2001 Item 5**

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- 5.14 The **Civil Aviation Authority** does not foresee any aerodrome safeguarding objections, however details of building heights, lighting and landscaping will need to be considered to allow a full assessment. The Authority reserves the right to advise against the development at that stage, if it is considered necessary.
- 5.15 The **Head of Housing, Health and Community Care** considers that there is potential for increased levels of noise, dust and pollution from the development and conditions are suggested dealing with:
- details of extraction equipment;
  - hours of use;
  - provision of internal booths;
  - prohibition of burning;
  - oil and chemical interception;
  - prohibition of outside working or amplified sound
  - types of materials to be present on site;
  - method statement.
- 5.16 The **Highways and Buildings Maintenance Manager (Engineers)** has no observations.
- 5.17 **Southend on Sea Borough Council** commented that:
- strong and appropriate safeguards must be put in place to protect the amenity of adjoining residents in Southend – the proposals at the first round stage were considered to be inadequate in this respect and amendment or withdrawal was sought;
  - there should be submission of a comprehensive TIA;
  - this Council should satisfy itself that the current allocation in the Local Plan is appropriate, given the loss of grade 1 agricultural land, and that the proposals will make a valuable contribution to the development needs of the area.
- 5.18 The **Essex Badger Protection Group** found no habitat in the area but signs of animal activity. Development would affect foraging activities as animals are fed by neighbouring residents.
- 5.19 A total of 94 letters have been received from local residents and one from an organisation acting on behalf of the motor trade. The letters raise, in the main, the following issues:
- unacceptable environmental and amenity impact by virtue of dominance and appearance of proposed buildings, potential noise, odours, hours of operation, presence of HGVs on site, loss of light, pollution and impact on health.
  - Impact on wildlife;
  - Additional traffic generation, reduced pedestrian safety, likely increased parking in residential areas (by virtue of insufficient parking on site and inappropriate access from the residential area);

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- There is no need for the development, better sites are available elsewhere (for example at the airport which is unlikely to expand or the former Cherry Orchard brickworks) and hence the site will remain unoccupied;
- Loss of children's play area/ local amenity space, reduction in child safety, loss of footpaths within site;
- Represents encroachment on countryside which is grade 1 quality land (not brownfield) which should remain Green Belt or be used for housing;
- Potential for criminal activity;
- Unusual relationship between the housing facing the site and the development;
- Lack of consultation

5.20 The representative of the motor trade indicated that potential occupiers of the site could not be identified at that stage and indicated a concern that a sui generis consent may allow other inappropriate users onto the site.

5.21 (The above details include the comments received from the Cherry Orchard Action Group and the Residents of Eastwood Residents Association)

5.22 In addition a petition has been received, in objection to the development, with a total of 148 names.

### Second Round

5.23 The **Highways Authority** has yet to formulate a final response although its content has largely been made known in discussions with Officers. Full details will be provided, in the addendum paper.

5.24 The **County Archaeological Officer** comments that no archaeological recommendations are to be made as a result of the previous quarrying of the site.

5.25 **Essex Fire Authority** considers that the access for the fire service is satisfactory.

5.26 The **Environment Agency** has repeated its previous comments but adds that drainage from the proposed petrol filling station should be in accordance with Health and Safety Executive guidelines.

5.27 **Anglian Water** has no objections in principle but suggests conditions requiring details of:

- foul and surface water drainage;
- details of off-site drainage works;
- that the off-site drainage works be provided prior to any other development which results in the discharge of surface and/or foul water.

5.28 The **Civil Aviation Authority** comments that outline applications do not provide the necessary data for the Authority to assess the impact on air traffic safety. With that in mind the CAA has made it clear that it may seek to impose constraints when the detail of the development comes forward. It would consider matter such as the increased risk of bird strike, lighting impact and the height of buildings.

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- 5.28 The **Essex Police Crime Reduction Officer** suggests a number of measures which can be taken to reduce the vulnerability of the site and occupiers to criminal activity. Many of these do not have land use or development implications, but the ones that do include:
- provision of a security building and barrier to the site;
  - provision of on site CCTV;
  - careful consideration of the boundary fencing
- 5.30 The police officer refers to the Secure By Design Awards and suggests that the developer seeks to set out the development in such a way that these can be achieved.
- 5.31 The **Head of Housing, Health and Community Care** repeats his previous comments set out above.
- 5.32 The **Highways and Buildings Maintenance Manager (Engineers)** has no observations.
- 5.33 **Southend on Sea Borough Council** comments that subject to safeguards to protect the amenity of residents in Southend and to ensure that there is a satisfactory impact on the roads in the area, then the proposals could contribute to the economic regeneration in the area. However, this Council is requested not to determine the application, particularly as an amount of floorspace is specified, until:
- revised illustrative proposals are submitted showing appropriate safeguard for amenity, particularly with a 20m buffer strip and walls, mounding and landscaping within this strip and greater break-up of the building form;
  - a TIA is submitted addressing whether there would be any adverse vehicular impact within Southend,
  - where there are any highway capacity difficulties there should be proposals to fund these;
  - there are specific funded proposals for pedestrian and cycle links to the adjacent residential area;
  - the suitability of existing bus routes to serve the travel needs of the site are considered
- 5.34 (Comment – It is understood that Southend Council is to further consider the scheme at the meeting of its Development Control Sub Committee of 12 December. Any further additional comments will be set out in the addendum paper or verbally at the meeting).
- 5.35 **Rochford Hundred Amenity Society** has no adverse comment.
- 5.36 **English Nature** have commented on the survey information initially provided with the development proposals in July 2001, and updated information provided thereafter. In relation to protected animal species English Nature comment that the submitted mitigation measures appear sound and that conditions should be attached to any permission to ensure that these are implemented. The need for the licence approval from English Nature is stressed.

## PLANNING SERVICES COMMITTEE - 13<sup>th</sup> December 2001 Item 5

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- 5.37 Concern was initially expressed that the reptile survey was insufficient in extent and further works are suggested. On the basis of the information provided it is suggested that a 10m buffer is a sensible suggestion and that long term protection would depend on the reptiles found. Funding, management and responsibilities should be identified.
- 5.38 Additional work to meet the comment in relation to the insufficient nature of the reptile survey has been carried out. The subsequent comments of English Nature are that the number of site visits carried out does not quite meet the minimum guideline figure. But, as these are guideline figures, it is for the consultant carrying out the exercise to justify whether more or fewer visits are required. Additional factors, such as the presence of rats and dog walkers can inform this decision and reduce the suitability of the habitat.
- 5.39 **South East Essex Amphibian and Reptile Group (SEEARG)** comments that the initial reptile survey is incomplete and suggests that at least 3 visits are required to adequately survey a site. The potential presence of reptiles is highlighted and questions are raised as to the management of the buffer strips and how reptiles are to be protected. (Comment – although this group has been sent the updated survey and been invited to comment thereon no further response has been made)
- 5.40 32 letters have been received from local residents. The issues raised are as those made during the first round (as set out above) with the addition of the following:
- inadequate separation between the commercial uses and housing;
  - proximity of proposed petrol station to residential uses;
  - unsustainable nature of uses;
  - proposed green travel plans are not sufficiently developed;
  - potential for parking/ traffic disruption on Cherry Orchard Way;
  - potential for flooding off site due to lack of surface water drainage provision;
  - 24 hour use of site will be disruptive to residential amenity/ hours of use restrictions should be applied;
  - boundary treatment, fencing and screening is not determined;
  - quality of recently built industrial units in the area (Comet Way) is not high;
  - jobs to be created are in fact only re-locations from elsewhere locally;
  - types of waste are not identified or dealt with.
- 5.41 (The above details include the comments received from the Cherry Orchard Action Group and the Eastwood and St Lawrence Residents Association).

### MATERIAL PLANNING CONSIDERATIONS

- 5.42 The following issues are raised by the proposals:
- whether the impact of the development on existing highways and traffic congestion is acceptable. Whether adequate provision is made for alternative methods of transport;
  - impact on residential amenity;
  - impact on ecology issues;
  - whether an acceptable balance is reached between B1 and B8 and other uses;

- a number of other issues are dealt with in the final section of this part of the report below.

**Highway and Traffic Impacts**

**Highways**

- 5.43 The applicant has employed highway consultants to address this aspect of the proposals. The conclusion has been reached that, with the implementation of some minor works to the Eastwoodbury Lane/ Nestuda Way roundabout in Southend, the traffic generated by the proposals will not exceed the capacity of the existing road network.
- 5.44 This assessment has been undertaken in conjunction with Officers at the County Council, is formulated on the basis of nationally recognised projection figures and is considered to be robust, as assessments are made on levels of traffic towards the higher end of the projected figures. The projections are for the situation as it would apply in 2006. So, whilst there is no dispute that the development will lead to increased levels of traffic in the area, it is predicted that these will be accommodated within the highway network. Where additional minor highway works are required, these are to be funded by the developer by means of a financial contribution.
- 5.45 The roundabout affected is in the administrative area of Southend Council. Representatives of that Council have been involved in the discussions with both this Authority and the Essex Highway Authority. The conclusions of the highway consultants have been specifically drawn to their attention in relation to the works. There has been no dissatisfaction expressed to this aspect of the consultants conclusions.
- 5.46 Because of the recent construction of the access road (Cherry Orchard Way) and the existence of the access roundabout there is little additional highway infrastructure that is required by the development. Some minor additional aspects have been identified for the roads within the County Council control, such as improved lighting and crossings. Again these are to be funded by the developer.

**Bus Services**

- 5.47 In terms of alternative modes of travel, the developer is investigating, with the local bus operator, the possibility of the diversion of a bus route to serve the site. The route currently links Southend and Rayleigh and the buses travel along Eastwoodbury Lane. The diversion involved would require buses to travel northwards along Cherry Orchard Way to the access roundabout to the site and then turn back south again to the existing route. Passengers for both directions would be picked up and dropped off at the existing bus stop lay by to the south of the access roundabout.

- 5.48 Currently the bus operator has not responded with regard to the willingness to operate such a diversion or the need for funding to enable it to be provided. If the bus service operator responds positively and agreement can be reached with regard to funding requirements this will be binding on the developer by means of a legal agreement. If the matter cannot be achieved the developer will still be required to provide additional infrastructure, in terms of bus waiting shelters. Again binding by means of legal agreement.

Cycle Links

- 5.49 A cycleway currently exists on the east side of Cherry Orchard Way (opposite side from the site). During discussions with the applicant the Highway Authority and representatives of this Council have suggested the implementation of a link between this route and the north side of the site. Despite an initial positive response to this aspect it appears that the developers are now reluctant to provide this route. It is suggested that this will compromise the security of the site. Given that much of the frontage of the site is likely to remain open, to allow viewing of the vehicle display areas, it is not considered that this is sufficient reason to withhold this aspect of the development. The applicants are still to consider this aspect and more information may be available in time for the meeting. In the meantime it is suggested that provision should be required by means of condition attached to any approval.

Foot Links

- 5.50 The question of foot links to the site has been fully explored. Clearly the area of most intensive residential development close to the site is to the west and south west within the Southend Council area. Mindful of the arguments that can be weighed against foot links to the residential area (that parking problems would occur in that area and that it makes the site more vulnerable to criminal activity) the possibility of the provision of these was discussed with the developers.
- 5.51 It had been considered that a compromise situation had been reached whereby self closing and locking gates could be provided to any footlink. Keys to these gates would only be provided to those workers on the site who could demonstrate residency within a defined adjoining walking distance area. Such a scheme would be put in place by virtue of the necessity for green travel plans which form part of the requirements for development on the site. This would avoid keys being made available to those who reside outside a reasonable walking distance and the locked nature of the gates would avoid crime prevention implications.
- 5.52 This approach was not considered to be acceptable to the developers. It was considered that the scheme would be open to abuse. Either the keys would be passed on to those who would drive to and park in the vicinity of the site, or it was considered by the developer that the self locking nature of the gates may be overridden in some way. As a result no such link is proposed to be achieved. The developer suggests that, as a concession, a footlink and bridleway will be provided within the buffer zone on the west side of the site but outside of the perimeter fencing. Further details are provided in the section relating to amenity below.

5.53 The Highway Authority remains of the view that a link should be achieved here. The lack of an immediate link would go some way to calming the fears of the residents that their area would be subject to inappropriate and excessive parking. The achievement of foot links would be fully in accordance with the spirit of the advice in PPG13, Transport. In discussions, Southend Council representatives have indicated a measure of support for the provision of links but subsequently appeared to be agreeable to non provision.

5.54 If a direct link to the site is not provided, foot access could still be achieved however as the concessionary link, referred to above, will join the existing bridleway to the north of the site. In turn then access will be created into the site via the cycleway provision to the north side of the site, also referred to above. At this stage a condition is suggested which will require the provision of this link as part of the development. It will be necessary for the occupiers of the site to implement the necessary safeguards, such as those suggested above, to avoid inappropriate use.

#### Parking Provision

5.55 Parking provision has been set out on an illustrative basis, on material submitted following discussions with the applicant. The applicant has taken the approach that provision will be made on the basis that all the commercial units were utilised for B1 rather than B8 uses. The B1 uses have a higher space requirement at one per 30sqm whereas the B8 requirement is one per 150sqm.

5.56 Whilst the applicant is of the view that parking provision is adequate, it is not considered that this is yet fully demonstrated. Calculations indicate a 6% shortfall. This may be exacerbated by the fact that the buildings are shown too close to the boundaries of the site (see detail below on residential amenity in relation to the buffer zone width).

5.57 In the applicants favour is the fact that, if some of the units are to be utilised for B8 purposes the parking requirement will fall accordingly (and therefore be more likely to be fully met on the provided layout). In addition the layout provided is illustrative and the applicant has stressed that no formal agreements have been entered into with occupiers of the site or their requirements identified. The point has been made that, if necessary, floorspaces can be reduced to ensure that parking requirements are accommodated.

5.58 In relation to this point, whilst the plans show a gross B1/B8 floorspace of 22,350sqm and a total site floorspace of 38,280sqm (Internal), it may well be the case that the resulting floorspace provided will be lower. Indeed the Authority will, of course, still have control over this issue and specific conditions are suggested which will refer to this. This will be important of course in that the Authority will still have control over the heights of the buildings and their layout on the site. Not for consideration at this stage, but at the appropriate time, the Authority would reach a view on whether the illustrative material submitted during discussions with the applicants, and which showed three storey buildings, is appropriate.

**PLANNING SERVICES COMMITTEE - 13<sup>th</sup> December 2001 Item 5**

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- 5.59 To further illustrate this point, the application forms which support the proposal and which have been adopted by the current applicant, indicate a floorspace of 31,051sqm. This is clearly lower than that set out on the illustrative drawings and is a further indication as to the as yet unknown nature of the final scheme.
- 5.60 With regard to the car dealership area this has not specifically been dealt with by the additional material provided by the developers and the display areas for each of the proposed units is yet to be identified. It is the display area which will determine the requirement for car parking as one space is required per 45sqm. However, even if all of the proposed illustrative floorspace of the buildings were to be used for vehicle display, parking requirements will be more than comfortably exceeded (by 143% as a minimum and up to 300% excess).
- 5.61 Given that a robust assessment has taken place using the requirement for B1 uses only and that the final floorspace is as yet to be determined, it is considered that it has been shown that the development can adequately accommodate an appropriate number of parking spaces.

**Residential Amenity**

- 5.62 Significant concern has been raised by local residents as to the impact of the proposals on their residential amenity by virtue of noise, disturbance, activity, the appearance of the proposed buildings and the dominant impact that they may have. When dealing with this issue the fact that the use of the site in principle is established in the Local Plan must be taken into account.
- 5.63 The uses which are proposed for the part of the site closest to the residential area are to be those which fall within use classes B1 or B8. Class B1 uses are designated as those which can be carried on adjacent to a residential area without causing disturbance by virtue of noise, dust, fumes etc. Despite that it is well understood that residents have concerns as a result of the proposal for B8 (storage and distribution) uses and the general level of activity that would be associated with any use on the site, in addition to those uses, one of the vehicle preparation units is close to the boundary of the site with the Lundy Close area, and, beyond that is the proposed Petrol Filling Station.
- 5.64 It is not disputed that the character of the area will change and that the change from an undeveloped field to a commercial area will be significant. Much can be done with the location of the buildings on the site, the openings to be made in them and the control over the uses to mitigate the impact of the development.
- 5.65 The main control over harmful impact is to be by means of the implementation of a buffer zone between the residential area and the commercial uses on the site. Discussions with the developers have established that there is agreement to this zone being 15m in depth with a further 5m within which no buildings can be located (but within which operational areas of the development can). Conditions and/or legal agreement will require the provision of this buffer and that treatment is applied in the form of bunding and landscaping and other measures which are suitable for wildlife habitat. The buffer zone will be more limited where it is not adjacent to the residential area.

- 5.66 The proposals are in illustrative form but show units which present long and uninterrupted facades to the residential areas. No heights to the units are specified at this stage. Because of the illustrative nature of the plans, the location and configuration of the buildings can be amended when detailed plans are submitted to provide more interest to the scheme and a less monotonous appearance to the residential area. As indicated above, the control still rests with the Authority with regard to the final floorspace on the site. The forms indicating a lower figure than the illustrative plans assists in this respect.
- 5.67 It is considered that the buffering achieved will constitute an acceptable separation between the residential and commercial uses. Even though building heights are unknown assessment has been made on the basis that no more than a 2-storey building is likely to be finally permitted adjacent to the residential areas. At this height there will be minimal impact in terms of dominance and loss of light.
- 5.68 As part of the proposed development the applicants have indicated a willingness to implement a bridleway/ footlink along the western side of the site within the buffer zone and adjacent to the residential properties in Biscay/ Rockall. This will accommodate the walking route that many in the adjacent residential area claim is available and provide another link between the residential area and the bridleway in the countryside to the north.

**Ecology Issues**

- 5.69 The applicant has submitted a reptile and botanical assessment, which was subsequently updated with additional work, and a survey of protected animal activity. The conclusion reached in the reptile survey is that the site does not represent a suitable habitat for such species generally although the margins are of some interest. The presence of rats, cats from the adjoining residential area and the use of the site for dog walking have reduced the value of the site to reptiles. The consultants conclude that they have taken reasonable steps to assess the value of the site and that the provision of the buffer strips, suitably managed, will sufficiently mitigate for any impact of the development and provide a suitable habitat for remaining animals.
- 5.70 The botanical survey indicates that the site has two distinct areas of plant growth. The first of these is on the site margins towards the housing area, where there are plant types which suggest the remnants of a former hedge. The other area is the remainder of the site. The survey suggests that no species of high conservation interest are present on the site. It is recommended that the site margin areas are incorporated into the buffer strips and suitable additional planting is suggested to strengthen these areas.
- 5.71 In relation to other protected animal species one outlying sett has been identified outside to perimeter of the site to the north. There are considered to be no signs of foraging and no sign that the animals enter the site. It appears that movements are restricted to the copse that already exists outside the north edge of the site. It is further considered that the development of the site will have little impact on the animals.

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- 5.72 In mitigation it is suggested that the buffer zones be provided (as has already been established) and that these be planted with appropriate plants. This would provide suitable foraging ground for the animals and access to the residential area (where some are fed by residents). There should be no construction activity within 20m of the sett and the potential need for licensing is highlighted.
- 5.73 The information set out above is that which has been established by the applicants and provided following surveys of the land by the applicants consultants.

### **Balance between B1 and B8 and other uses**

- 5.74 It is set out in the Replacement Structure Plan that a certain amount of land should be allocated for the expansion of existing firms and the introduction of new ones. For the Rochford District 35ha of land is to be made available. The notes to the Structure Plan policy indicate that the amount of land to be identified is to be that which is available for Class B1, B2 and B8 uses.
- 5.75 In this case there are to be vehicle showrooms, car preparation units and the petrol filling stations, as well as the B1 and B8 uses. Again the plans are illustrative but, if the uses are set out broadly as shown when finally developed, the non B1 and B8 uses will occupy approximately 50% of the site.
- 5.76 Present provision in the Local Plan (including this site), commitments and land which has been developed for commercial purposes amounts to 37.3ha. Therefore there is a small surplus of land over and above the Structure Plan requirement. The use of half of this site however for non B1 or B8 uses will result in a shortfall in provision of about 3.2ha.
- 5.77 The implications of this are that arguments may be made in the future that the Authority provided insufficient land to meet its requirements in terms of employment generation. However, the Structure Plan figures are not intended to be precise targets. In addition, notwithstanding the fact that uses on this site fall outside of Classes B1 and B8, they may well provide equal numbers in terms of employment generation. They are certainly considered to be beneficial in terms of input to the local economy and the amount and level of skilled employment that will be created.
- 5.78 It is not considered that the implications of the shortfall that would be caused by allowing this proposal (on the basis that 50% of the uses would fall outside of B1 and B8 uses) are sufficient to prevent it from going ahead. In addition it is established that infrastructure costs associated with this site are such that a scheme of the nature being put forward is required to allow any chance of development on the site, with associated economic benefit.

### **Other issues**

- 5.79 Set out below are the considerations in relation to a number of other issues that have been raised in the course of dealing with these development proposals.

Land Quality

- 5.80 The quality of the land is identified on maps produced by the government in the 1970s as being grade 1. However, since that time permission has been granted for the extraction of brickearth from the site which will have had a considerable impact on its quality. Given the allocation of the site in the Local Plan, it is not considered that the now indeterminate quality of the land is an issue on which permission should be withheld.

Petrol Filling Station

- 5.81 Some residents have raised concern at the proximity of the proposed filling station to the residential areas. The matter has been discussed with Trading Standards Officers at County Council who would deal with the licensing requirements for petrol filling installations. The guidance from them is that only minimal separation distances are required (under 10m) to meet their regulatory framework. These are more than adequately met by the proposals.

Drainage

- 5.82 The Environment Agency has indicated a need for additional infrastructure to ensure that adequate drainage from the site is achieved. Whilst it is content for this to be dealt with by means of condition, the applicants have investigated this matter further.
- 5.83 Their engineering consultants have demonstrated a need to provide on site storage capacity such that surface water drains from the site at a rate equivalent to an undeveloped site. This will then link to the Eastwood Brook by virtue of a piped route to Aviation Way. Foul drainage similarly is to be piped to the existing system in Aviation Way. Details of this infrastructure have been provisionally agreed by both Anglian Water and the Environment Agency.

Airport Safeguarding

- 5.84 The CAA have indicated that proposals of an outline nature do not allow them to comment fully on the matter. This is because their main concerns are in relation to the heights of buildings, lighting which is to be installed and whether any land use will increase the possibility of birdstrike.
- 5.85 This matter has been explored further with the Authority which, when pressed, is unwilling to give any further commitment on the matter. It has been established that the land use proposed is unlikely to increase the likelihood of birdstrike and that lighting design can be used to offset any problems that installation may cause.
- 5.86 The Authority is unwilling to give any further comment at this stage in relation to the height of the buildings. This situation has been brought to the attention of the applicants, ensuring that they are aware of the implications that any CAA restrictions at a later date may have. It is not considered that further action can be taken with regard to this matter at this stage.

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- 5.87 It should be noted though that the business park site is separated from the airport by the existing Aviation Way Industrial Estate which has substantial existing industrial buildings.

### Crime Reduction

- 5.88 The comments of the Crime Reduction Officer have been set out above and have been forwarded to the applicants. It is indicated by the applicant that many of the suggestions, which are not land use based, will be taken up by the occupiers of the site.

### Need for Development

- 5.89 Many of the neighbouring residents have pointed to other commercial developments in the area which are vacant. The market for commercial property is a diverse one and units which may serve the needs of some occupiers will not serve the needs of others. It is the case then that some businesses will require new and purpose designed buildings whilst others will be able to use older and established buildings. This diversity of the market is one of the issues behind the Structure Plan policy which requires the identification and allocation of additional land for commercial development to allow that sector to contribute to the economy.

- 5.90 The development of this site should not be seen as a reason to withdraw attempts to continue to market second hand space, but it is necessary to allow some new provision to ensure that all sectors of the market have some possibility of being met. As a result it is not considered that the presence of other unused space is sufficient to withhold permission in this case.

### CONCLUSION

- 5.91 This site is allocated for commercial development in the adopted Local Plan. It is accepted that it will have significant impacts in terms of appearance and traffic generation. A TIA has been undertaken by the developer which indicates the need for limited additional infrastructure, to be funded by the developer. Methods to allow travel to the site by other methods, and hence reduce car traffic, are required as part of the development.
- 5.92 To offset the impact on residential amenity a significant buffer provision will be required, to be treated in accordance with a scheme to be agreed by this Council. Within this zone both additional footlinks and the creation of suitable alternative habitats for animals that are to be found on the margins of the site, will be provided. As the application is in outline form at this stage, many of the issues which relate to the uses on the site and the impact that they could have cannot be fully addressed. It is clear however that there is sufficient flexibility and control with the Authority to ensure that these matters are fully resolved when detailed proposals come forward.
- 5.93 It is not considered that the limited ecological interest of the site or any of the other issues raised by the development and referred to in this report are such that approval should not be given in this case.

**RECOMMENDATION**

5.94 It is proposed that this Committee **RESOLVES** that this outline planning permission be **APPROVED** subject to the completion of a Legal Agreement which deals with the following matters:

1) That a financial contribution of a sum to be agreed be made to the Essex County Council Highway Authority to secure improvements to highway infrastructure. These improvements are likely to include:

- the provision of improvements to the Eastwoodbury Lane/Nestuda Way roundabout;
- the provision of a cycleway link into the site from the existing Cherry Orchard Way cycleway;
- the provision of bus waiting shelter(s) and information;
- the provision of improved highway lighting; and,
- other matters which may be appropriate and as agreed between the parties to the agreement.

5.95 In this case some of the works are within the area of Southend Council. It will be necessary then for that Council also to be party to the agreement.

2) That a financial contribution is made towards the diversion of the local bus service subject to discussions between the operator the Highway Authority, this Authority and the applicant.

3) To require that a scheme for the laying out (including any earthworks), landscaping, management, funding of and future responsibility for the buffer strips on the periphery of the site is submitted to and agreed by the LPA

5.96 And the following heads of condition:

- 1 SC1 Reserved Matters – Standard
- 2 SC3 Time Limits Outline – Standard
- 3 Proportion of the site to be put to car related uses to be no more than 50%
- 4 SC28 Use Class Restriction
- 5 SC35 Floodlights – orientation
- 6 SC49A Means of Enclosure – Outline
- 7 SC84 Slab levels specified
- 8 SC90 Surface Water Drainage
- 9 SC91 Foul Water Drainage
- 10 Prohibition of burning on the site
- 11 SC36A Hours of use restriction
- 12 SC94 Provision of booth
- 13 Prohibition of amplified music or speech on the site
- 14 Prohibition on the use of non inert or hazardous materials on the site
- 15 SC85 Method statement
- 16 No development shall commence until there has been submitted to and agreed in writing by the LPA details which shall specify the measures to be put in place before and during development to ensure that:

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- no protected animal species are present on that part of the development site on which development is taking place at any particular time;
- there is no opportunity for such protected animal species to enter any area of construction during the course of development;
- adequate and alternative habitat is either available or is created within the site to compensate for any which is lost and to which displaced animals may be relocated

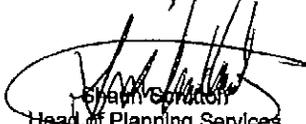
- 17 Once agreed, the specification shall be implemented as such unless otherwise  
18 varied and further agreed by the LPA.  
19 Provision of buffer strip  
20 Provision of cycleway link to the north side of the site  
21 Provision of foot link and bridleway within buffer strip  
22 Provision of Green Travel Plans  
Provision of foot link between the site and residential area to the west  
Requirement for the provision of the details of drainage off site

Other conditions as required by the Highway Authority.

**Relevant Development Plan Policies and Proposals:**

H24, EB1, EB3, EB4, EB5, RC10, TP10, TP15, PU3 of the Rochford District  
Local Plan First Review

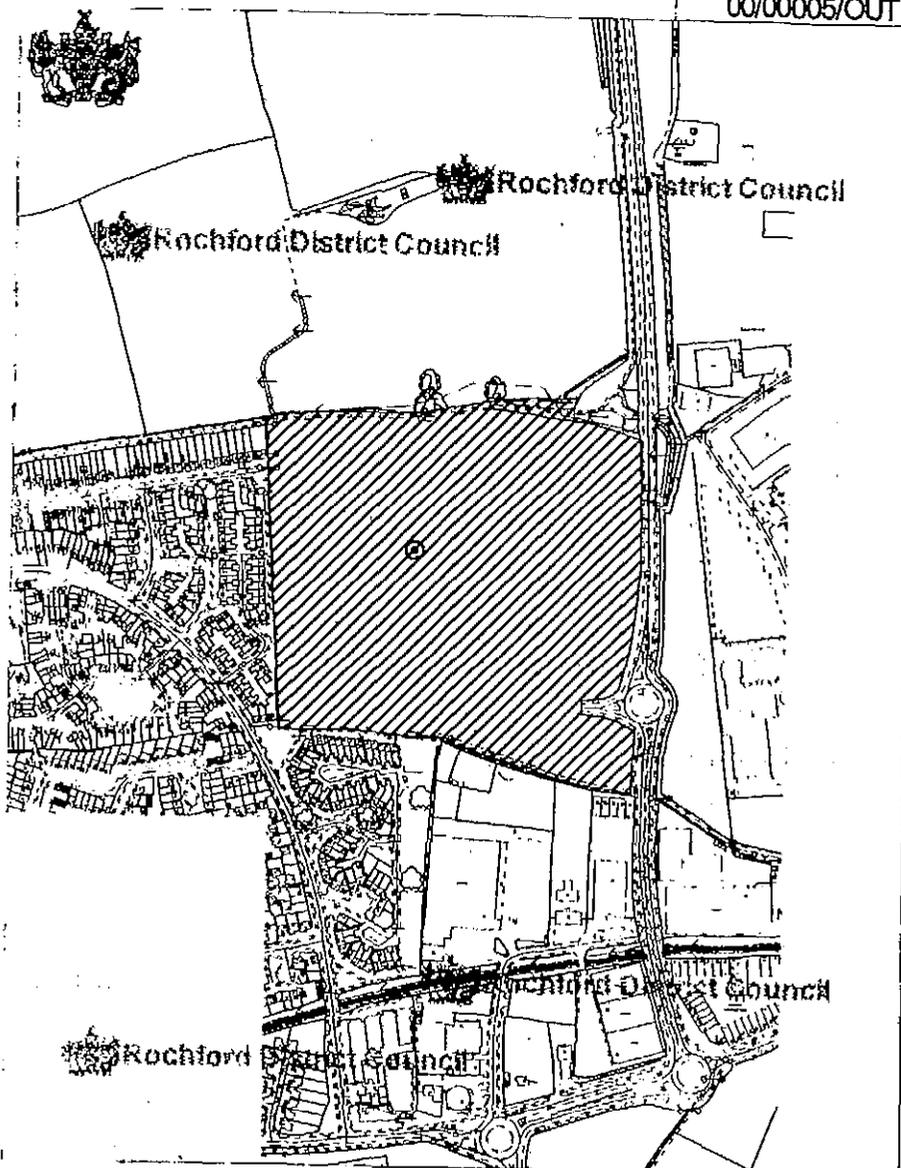
CS1, CS3, CS4, NR1, BE2, BE6, BIW1, BIW5, T1, T3, T6, T12 of the Essex  
and Southend on Sea Replacement Structure Plan

  
Stephen Gordon  
Head of Planning Services

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The local Ward Member(s) for the above application is/are Cllr. R A Amner,  
Cllr.D A Weir

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



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**TITLE :** 01/00033/FUL  
ERECT THREE 5-BED AND TWO 4-BED DETACHED HOUSES WITH ATTACHED OR DETACHED GARAGES, CHANGE USE OF FORMER RESIDENTIAL HOME TO DWELLING (DEMOLISH EXISTING OUTBUILDINGS/ EXTENSIONS), LAYOUT NEW PRIVATE DRIVE, PARKING AND IMPROVE JUNCTION TO RAYLEIGH AVENUE, EASTWOOD LODGE, 61 RAYLEIGH AVENUE, EASTWOOD

**APPLICANT :** SPECIALIST BUILDING SERVICES

**ZONING :** RESIDENTIAL/PART GREEN BELT

**PARISH:** RAYLEIGH TOWN COUNCIL AREA

**WARD:** LODGE

**SITE AREA** 0.78ha

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**PLANNING APPLICATION DETAILS**

- 6.1 This proposal envisages the change of use of the former elderly person's home on the site to a single dwelling. As part of this alteration, additions which have been made to the building in the past, which include a range of single storey and flat roofed side extensions, will be removed.
- 6.2 The existing building is listed, grade II, dating from the 16<sup>th</sup> century, but the additions to the building are modern, probably from the 1950's and later.
- 6.3 In addition to the change of use, five new dwellings are proposed, located in what is currently the rear garden and amenity area to the elderly persons home. These new dwellings will be serviced from a new private drive that will enter the site to the north side of the existing building.
- 6.4 One of the new dwellings will be located to the north of the private drive and facing onto the spur of Rayleigh Avenue on which Eastwood Lodge is located. This dwelling is 4-bed and 8.5m to the ridge approx. The dwelling on plot 2 is to be the highest at 9.3m approx. The dwellings will all have detached double garages, apart from the existing Eastwood Lodge which is to have a detached single garage, and plot 4 which would have an attached triple garage.
- 6.5 During the processing of the application negotiations have taken place with the applicants to secure changes in the design and siting of the dwellings on the site. The number of new dwellings proposed however has remained constant at five.

**RELEVANT PLANNING HISTORY**

- 6.6 1955 – application made for single storey side extensions to the existing building. In 1974 an application was made for the development of two dwellings adjacent to Elm Lodge. Approvals were given for a toilet and laundry extension to the listed building in 1988.
- 6.7 In 1990 an outline approval was given for a residential institution (the current "Badgers") and this was followed by a reserved matters approval in 1992. Consent was given for internal works to the listed building in 1993.

**CONSULTATIONS AND REPRESENTATIONS**

- 6.8 Three rounds of consultation have been undertaken on these proposals. Members should take into account the fact that the earlier responses relate to layout and design details which have now been amended.

**Consultation First Round**

- 6.9 The **County Surveyor** indicates that a Legal Agreement should be required by which the developer would be required to pay a financial contribution to the County Council to upgrade a road junction in the vicinity of the site. Conditions are suggested in terms of road widths, turning heads and visibility requirements.
- 6.10 The **County Historic Buildings Officer** comments that the proposals would reduce the curtilage of the listed building such that its setting would be affected and the integrity of its character compromised. The style of dwelling proposed and the layout is not appropriate.
- 6.11 The **County Archaeological Officer** suggests that a condition is applied to any consent requiring that a programme of archaeological investigation is implemented as part of any development.
- 6.12 **English Heritage** indicates that it defers to the comments of the County Council but hopes that there would be achieved a substantial improvement in the design and layout of the scheme or to reject the development.
- 6.13 **English Nature** initially indicated that it had no comments to make on the proposals.
- 6.14 The **Woodlands and Environmental Specialist** notes that there are three TPOs which relate to the site and that the development raises wildlife implications.
- 6.15 The **Environment Agency** makes advisory comments but has no objections.
- 6.16 **Anglian Water** has no objections but suggests the implementation of a condition to any approval requiring the submission of foul and surface water drainage details.
- 6.17 The **Civil Aviation Authority** indicates that there is no conflict with airport safeguarding.

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- 6.18 The Head of Housing, Health and Community Care has no objections.
- 6.19 The Building and Highways Maintenance Manager (Engineers) has no objections.
- 6.20 Rayleigh Town Council has no objections.
- 6.21 Rayleigh Civic Society is in favour of the treatment to be applied to the listed building and suggests the colour treatment to be applied. The existence of trees on the site is noted and it is suggested that a mix of facing brick and render is used in the construction of the new properties.
- 6.22 Responses have been received on behalf of eight neighbouring occupiers. These raise, in the main, the following points:
- loss of privacy, overlooking or relationship problems;
  - traffic issues, including additional traffic, problems with parking and additional difficulties in accessing existing properties;
  - impact on protected animals;
  - loss of trees (some of which has already occurred);
  - loss of domestic rubbish bin storage location;
  - the renovation and re-use of the existing house is supported.

**Consultation Second Round**

- 6.23 The County Surveyors comments are unchanged from above.
- 6.24 The County Historic Buildings Officer comments that considerable improvements have been made to the layout of the development and the design of the dwellings but that the proposals are not yet satisfactory. Only plot 1 is considered to have any detrimental impact on the listed building and suggestions are made to improve the situation.
- 6.25 Anglian Water comments are as above
- 6.26 Civil Aviation Authority comments are as above
- 6.27 The Building and Highways Maintenance Manager (Engineers) has no objections.
- 6.28 The Woodlands and Environmental Specialist comments that a mitigation strategy has not been submitted in relation to protected animal species on the site and it would be inappropriate to consider the proposals in advance of this.
- 6.29 Rayleigh Town Council has no objections
- 6.30 Rayleigh Civic Society notes that the style and layout of some of the dwellings has changed but has no further comments to add.
- 6.31 One neighbouring occupier responded raising a concern about the potential for overlooking and the loss of privacy.

**Consultation Third Round**

- 6.32 The **County Surveyors** comments are unchanged from above.
- 6.33 The **County Historic Buildings Officer** comments that the revised plans show considerable improvement and the scheme is now acceptable. Conditions are suggested in relation to materials and landscaping.
- 6.34 The **County Arboriculturalist** comments that there is a County TPO on part of the site. This concerned a number of elm trees on the southern boundary of the site, most of which have died from dutch elm disease. Those which remain are in the south west corner of the site and the development would have little impact on them.
- 6.35 **English Nature** comments that the presence of protected animal species on the site is a material consideration to be taken into account in the consideration of the proposals. The recommendations listed in the wildlife survey are endorsed and the developers should be required to submit an appropriate mitigation package to ensure the avoidance of harm to the animals. Licensing will be required. Survey work in relation to other protected animal species is suggested.
- 6.36 On the receipt of additional survey work EN comments that the level of information supplied generally meets their concerns in relation to earlier lack of detail. For the protected animal species the additional mitigation measures proposed are considered to be helpful and the need to obtain licensing is re-emphasised.
- 6.37 In relation to bats it is noted that a survey of the modern wing is to be undertaken. It is understood that the likelihood of a roost here is slight. In relation to newts the conclusion that there is no population on the site is accepted and no further consideration of this matter is required.
- 6.38 The **Essex Wildlife Trust** has no objections providing all conditions set out in the badger survey are observed.
- 6.39 **Rayleigh Town Council** has no objections
- 6.40 **Rayleigh Civic Society** notes further revisions but has no further comments in addition to the above.
- 6.41 **London Southend Airport** was concerned that there was a conflict with safeguarding criteria and objected to the proposals. This objection was subsequently withdrawn.
- 6.42 The **Head of Housing, Health and Community Care** has no objections and suggests conditions to be applied to any permission.

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- 6.43 The **Woodlands and Environmental Specialist** comments that the report submitted by the applicant in relation to protected animal species is inadequate. It does not include an assessment of the impact of the development on the protected animal species but works only on the basis that the development proposed will proceed. Recommended that the application be refused. No additional response has been received to date in relation to the additional survey information supplied by the applicants but it is expected that additional information will be reported on the addendum paper or verbally to the meeting.

### MATERIAL PLANNING CONSIDERATIONS

- 6.44 There is a range of issues to be considered in this case. They can be summarised as follows:
- the relationship of the development proposals to the zoning of the site in the Local Plan and to the policy approach of the government in relation to new residential development;
  - the impact of the proposals on the setting and character of the listed building;
  - amenity impact on adjoining properties;
  - impact on protected animal species;
  - impact on trees on the site.

### Policy Issues

- 6.45 The majority of the site is located within the area zoned for residential development in the adopted Local Plan, and the principle of residential use on such land is, of course, acceptable.
- 6.46 A small proportion of the site, probably not more than 10%, is zoned as Green Belt. Clearly speculative residential development is not permitted in Green Belt areas unless there are very special circumstances which weigh in its favour. The Green Belt boundary cuts across the established curtilage of Eastwood Lodge from its north west corner towards a point further east than the south west corner of the site. The proportion of the site which is in the Green Belt is clearly important when the impact of the proposals is being assessed. In this case that proportion is limited.
- 6.47 Plots 2, 3 and 4 as proposed would include land within the Green Belt. The dwellings are located such that the building on plot 4 would fall partly within the Green Belt. The approach has been taken previously that Green Belt land can be included within the curtilage of new dwellings, particularly where the land is already in a residential or other non agricultural use. The assessment to be made is whether the degree of subdivision or the impact of the new residential curtilages are such that the proposed use will have an unacceptable impact on the character of the Green Belt.
- 6.48 In this case, the land which falls within the Green Belt is to be subdivided twice. Generous curtilages are to be provided (in the order of 500sqm rear garden area) such that the visual impact is considered to be minimal. Conditions can be applied to restrict normal permitted development rights that would otherwise allow the provision of more buildings within the Green Belt curtilages.

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- 6.49 Part of the dwelling on plot 4 is considered to be located within the Green Belt (10 to 15% of the overall footprint). However it is considered that this is unlikely to have any more impact than a dwelling marginally relocated to fall entirely outside the Green Belt.
- 6.50 Government policy for housing development, is set out in PPG3, Housing, March 2000. The approach, supported by decisions of the Planning Inspectorate, is clear in that efficient use should be made of land. This is part of the general thrust to achieve more sustainable forms of development. Planning Authorities are urged to avoid developments which fall below a density of 30 dwellings per hectare. This development comprises a proposal of only 7.6 dwellings/hectare (including the change of use of the Eastwood Lodge).
- 6.51 The applicant suggests that increased density cannot be achieved because of highway constraints (a private drive can only serve 5 dwellings), road junction improvements would require the loss of TPO trees and the setting of the listed building would be compromised.
- 6.52 It is the case that to achieve a higher density of development a higher specification road would be required. This would result in a change in the character and appearance of the area and require greater land take. A suitable arrangement might be achieved at a higher density, though such an approach it has not been fully investigated here. Increased road specification would require the loss of one or possibly two TPO trees and would require the use of land outside of the control of either the Highway Authority or of the applicant. In principle, it is considered that a higher density form of development might be achieved which still respected the character of the listed building.
- 6.53 However, given the uncertainties with regard to the highway position to serve higher density development this issue is not advanced as a basis on which the proposals should be resisted, despite the significant shortfall in density terms between the proposals and the requirements of government guidance.

### Impact on Listed Building

- 6.54 The County Councils advisor in relation to listed buildings has been involved in the development of this scheme and Members will note the change in his comments set out above in the consultation responses section. Discussions with the applicants have resulted in changes to the design of the new dwellings proposed, their location in relation to the listed building and to the subsequent curtilage of the listed building. All of these changes were considered to be improvements to the scheme. During the discussions with the applicant the scale and size of the dwellings was addressed. It was considered that the resultant proposals, with the roof forms that have been specifically designed to keep ridge heights down, were acceptable in terms of overall bulk and scale.

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- 6.55 The applicants point out that the residential home use of the site has ceased and that the building is currently vacant. It is unlikely, in their view, that such a use will recommence and that, without active use, the future of the listed building is in some jeopardy. If a use were to recommence, it would probably require retention of the existing side extensions, which do nothing for the character and appearance of the building.
- 6.58 It is considered that the proposals do represent a form of development that is acceptable in terms of its impact on the listed building. The main aspect of the listed building will be viewed against one of the new dwellings on plot 1. The design and location of that dwelling is such that it is not considered to have any harmful impact on the listed building. The listed building will retain a curtilage with a depth of 24m minimum. Whilst this is clearly reduced from the existing curtilage depth, it is of a size which is considered to be compatible with the character of the building. Lastly, the proposals will result in the removal of the single storey extensions to the building. This cannot be considered to be other than beneficial in terms of the character and appearance of the building.

**Impact on Residential Amenity**

- 6.57 To the north of the site is a terrace of three dwellings which face onto the Rayleigh Avenue spur. The rear gardens to these properties run from east to west. The closest new dwelling will be at plot 1 which only has windows to bathrooms, etc. to the first floor which face in this direction. These can be controlled to be obscure glazed, by condition.
- 6.58 The dwelling on plot 2 is also adjacent to this northern boundary of the site. This dwelling is orientated such that the frontage is to the east. Views from this property to the adjacent existing dwelling to the north are reduced by a projecting front element to the property and in addition, where views are possible, the distance from the boundary is likely to be in the region of 27m. The minimum separation distance set out in the Essex Design Guide is 15m where new development is to back onto existing. It is the case then that nearly double the distance is being achieved in this case. Again, only obscure glazed windows are to be provided to the north elevation.
- 6.59 To the west of the site is undeveloped land and, towards the south western side is the existing dwelling Elm Cottage. Again the appropriate separation distances are being achieved and, in addition in this case, there is significant existing planting both within the site and outside of it within the curtilage of the neighbouring property.
- 6.60 The southern boundary of the site is formed by a hedge which contains a number of trees and, beyond that, a public footpath. On the other side of the footpath is the curtilage of dwellings which face onto Rayleigh Avenue and Southwood Gardens. Plot 5 backs onto the curtilage of 51 Rayleigh Avenue. The separation distance of the closest first floor window to the perimeter of no 51 is just over 12m, the other windows meet the 15m separation distances.

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- 6.61 The dwelling on plot 4 also faces onto the south boundary of the site. In this case the dwelling has a triple garage above which is a games room. The closest windows of this are approx 8.8m from the curtilage of the next property to the south. However any overlooking would either be of the very end of the curtilage to no 51 or the very furthest part of the curtilage of nos 12 and 14 Southwood Gardens.
- 6.62 Whilst the minimum separation distances are not achieved here it is considered that:
- any overlooking would be to that least sensitive parts of the neighbouring properties, and,
  - that public views can be had anyway from the public footpath and are such that the proposals should not be resisted on this basis.
- 6.63 It is not considered that the location or scale of the proposed dwellings are such that there is any harmful impact by virtue of dominance.

### Protected Animal Species

- 6.64 Initial investigation of the site revealed a potential interest in terms of protected animals, great crested newts and bats. In relation to the bats a survey was undertaken by consultants acting on behalf of the applicants in July 2001. The survey revealed no instances of bat presence in the single storey buildings adjoining the existing house. The presence of bats was confirmed however in the main house.
- 6.65 In mitigation the consultant refers to the fact that no works are proposed to the main part of the roof to the main house and that, therefore, the roost will not be disturbed. The full detail of the protective measures in relation to bats are specified in the report and the fact that the enforcement lies with English Nature. If works are required to the building in due course, these will require listed building consent: at that stage there would be a further opportunity to alert English Nature.
- 6.66 English Nature expresses concern that some parts of the single storey buildings and outbuildings have not been surveyed and that the dimensions of the roof space (important in terms of the potential for bat use) are not yet known. It is noted however that the likelihood of a roost in the single storey part of the building is remote. On this basis, given that alteration to the main building (other than the demolition of the subsidiary elements) is not proposed at this stage, it is considered that there is sufficient information to demonstrate that there is negligible impact in relation to bats by the proposed development. Additional survey work can be required by means of condition and, if any additional habitat is found, this will still be the subject of licence control by English Nature.
- 6.67 In relation to Great Crested Newts it is confirmed by English Nature that the conclusion of the wildlife consultant, that none are present, is accepted.

**PLANNING SERVICES COMMITTEE - 13 December 2001 Item 6**

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- 6.68 In relation to other protected animal species an initial survey was undertaken in May 2001. This included the site and the land outside of it to the east. It was noted that May is not the ideal month for such work but the presence of an active main sett was established and it is anticipated that the entrances to it were all identified. 15 entrances were identified on the site of which 3 were considered disused and 5 inactive. In mitigation it was initially established that the sett should be fenced off during construction and then by a permanent fence once the dwellings were constructed. The purchasers of the plots would need to be made aware of the presence of the animals.
- 6.69 New planting of specific species is recommended and a separate animal run to the west side of the site should be provided.
- 6.70 English Nature required that further mitigation information be provided and further work was carried out in October 2001. It is considered by the applicants' consultant that the animal group here probably consists of the average number of 5. There is no evidence to suggest otherwise. It is also considered that, whilst some foraging takes place on the site, the majority is located outside on land to the west.
- 6.71 The consultants recommend that the sett should be confined to the hedge boundary as this was probably its origins. This would need to be carried out under Licence. Whilst English Nature refers to a 20m distance between any sett and surrounding fencing, the consultants argue that a lower separation distance is appropriate in this case. They point to the fact that the animals here are used to human activity and that the English Nature distance is based on outdated research. The consultants claim that a 14m separation distance to the closest dwelling is acceptable, although plan inspection shows at least one active entrance to be only 12m distant. It is suggested that fencing (to discourage human access) is provided at 5m distant from the sett entrances.
- 6.72 In addition, the consultants conclude that the loss of foraging will be extremely small (on the basis of the equation of the net gain from the demolition on site with the net loss from the new build). The creation of the run will allow access to foraging areas to be maintained. English Nature comments that this additional information is helpful and that there will be a need for licensing, if all the measures identified by the consultants are carried out.
- 6.73 Members will note the latest comments from the Woodlands and Environmental Specialist, set out in the consultation section above, which are not favourably disposed towards the proposals. It should be stressed that these comments were made prior to the receipt of the latest investigation work in relation to wildlife issues and have not taken this additional information into account. It is anticipated that the additional survey and mitigation proposals will be assessed prior to the meeting and the latest view of the Woodlands and Environmental Specialist will be reported to the meeting on the addendum paper or verbally.

**Impact on Trees**

- 6.74 Three Tree Preservation Orders are relevant to this site. Order 12/92 relates to two trees to the site frontage. These trees are to be retained and no additional surfacing is proposed beneath them. Order 5/57 contained a group of trees along the southern boundary of the site. Unfortunately, this group consisted entirely of Elm and only 5 of the original 30 have survived disease. One of these shows signs of disease. The trees are away from the footprint of the proposed dwellings and can be retained.
- 6.75 The third Order is 05/00 and covers a number of trees across the site. Local residents have raised the issue of the removal of trees on the site and inspection does reveal that many of them have gone. However, not all of those removed appear to be those with protection. Under the TPO, of the 11 protected individual trees, 4 appear to have been removed. Of the two protected groups (total 10 trees) only 1 appears absent. The removal of all other trees, which may amount to over 20 in total based on the applicant's survey drawings, is legitimate.
- 6.76 Consideration of this application must be on the basis of the situation as it now exists. The development proposed will allow the retention of all the remaining TPO trees and will not require the removal of any further non TPO trees, other than fruit trees. The only proximity issue in relation to any tree is that the garage to Plot 5 marginally intrudes under the canopy of a TPO tree.

**CONCLUSION**

- 6.77 The development is at a lower density than that advocated by the Government but, given its settlement edge location and the impact that higher density would have, in terms of tree loss, impact on the listed building and the need for a higher specification road, it is not considered that the proposals should be resisted on this basis.
- 6.78 In terms of the impact on residential amenity and the character of the listed building, it is considered that the proposals constitute an acceptable form of development, which respects these constraints to the development of the site.
- 6.79 Whilst there is a concern at the loss of TPO trees from the site, any action that the Council may wish to take in that respect must be separate from the consideration of these proposals and should not be on the basis of the information contained herein. The fact is that the proposals, as they are now formulated, have little impact on the remaining trees on the site.
- 6.80 In relation to the protected animal species, it is clear that only the impact on two species bears consideration. In relation to bats, it is considered that sufficient investigation has been carried out to allow the Authority to reach a decision on these proposals. Additional safeguards can be put in place, in terms of further survey work, to ensure that there is no unacceptable impact.

**PLANNING SERVICES COMMITTEE - 13 December 2001 Item 6**

- 8.81 It is clear that there will be an impact on the other protected animal species present on the site. The developer proposes closure of some parts of a sett, the provision of a protective fenced area and the provision of an animal run to offset this. New planting can be required by condition and can be of a type to enhance foraging activity. New development will be placed at the closest 12m from an opening to the sett.

**RECOMMENDATION**

- 6.82 It is proposed that this Committee **RESOLVES** to **APPROVE** this application, subject to the, applicants entering into a Section 106 Agreement dealing with the following matter:

- that a financial contribution of £20,000 be made to the Highway Authority to assist in the improvement of the Rayleigh Avenue/Eastwood Road junction.

- 6.83 and to the following Heads of Condition:

- 1 SC4 Time limits standard
- 2 SC9 Removal of buildings
- 3 SC13 Requirement for upgrade of the Rayleigh Avenue access
- 4 SC14 Materials
- 5 SC17 PD Restricted – extensions to plots 2, 3 and 4
- 6 SC18 PD Restricted – outbuildings to plots 2, 3 and 4
- 7 SC22 PD Restricted – additional windows to the first floor of plots 1, 2, 4 and 5
- 8 SC23 PD Restricted – obscure glazing
- 9 SC50A Means of enclosure
- 10 SC59 Landscaping
- 11 SC60A Tree and shrub protection
- 12 Provision of visibility splays to the Rayleigh Avenue junction
- 13 Provision of visibility splays to the individual dwelling accesses
- 14 SC19 PD Restricted – on fencing to plot 1 in the interests of highway safety
- 15 SC84 Slab levels
- 16 SC90 Surface water drainage
- 17 SC91 Foul water drainage
- 18 Archaeological works
- 19 Requirement for additional bat survey work
- 20 Requirement for the provision of a run for protected animals.

**PLANNING SERVICES COMMITTEE - 13 December 2001 Item 6**

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**Relevant Development Plan Policies and Proposals:**

H1, H2, H11, H19, H20, GB1, RC10 of the Rochford District Local Plan First Review

CS1, CS2, CS4, C2, HC3, BE1, H2, H3, H4 of the Essex and Southend on Sea Replacement Structure Plan



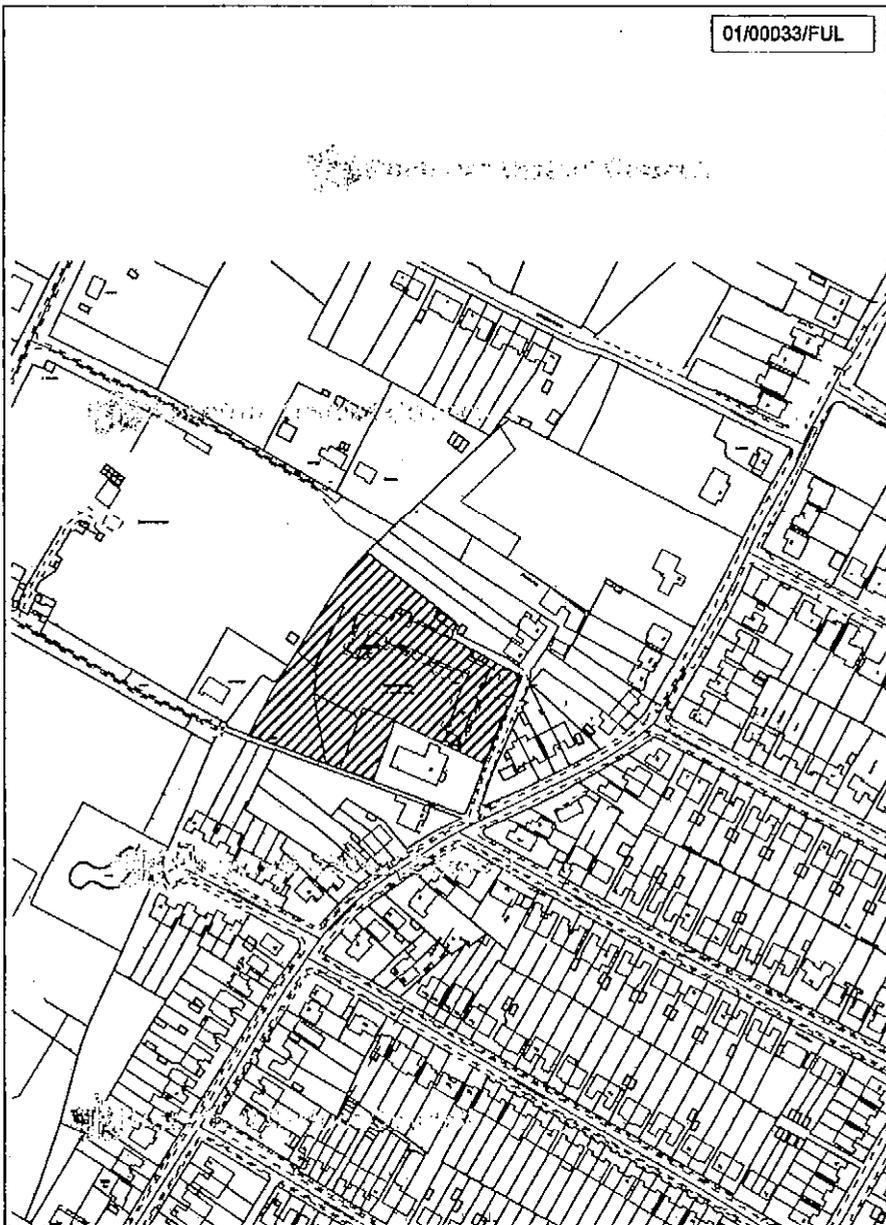
Shaun Scrutton  
Head of Planning Services

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The local Ward Members for the above application are Cllr D R Helson, Cllr T Livings, Cllr S P Smith

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

01/00033/FUL



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**PLANNING SERVICES COMMITTEE - 13<sup>th</sup> December 2001 Item 7**

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**TITLE :** 01/00034/LBC  
DEMOLISH EXISTING SIDE AND REAR OUTBUILDINGS  
AND EXTENSIONS, LAYOUT NEW DRIVE TO CHANGE THE  
USE OF THE FORMER RESIDENTIAL HOME TO SINGLE  
DWELLING. ERECT FIVE DETACHED DWELLINGS WITHIN  
EXISTING REAR GARDEN AREA  
EASTWOOD LODGE, 61 RAYLEIGH AVENUE, EASTWOOD

**APPLICANT :** SPECIALIST BUILDING SERVICES

**ZONING :** RESIDENTIAL/ PART GREEN BELT

**PARISH:** RAYLEIGH TOWN COUNCIL AREA

**WARD:** RAYLEIGH LODGE

**SITE AREA:** 0.78ha

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**LISTED BUILDING APPLICATION DETAILS**

- 7.1 This application for Listed Building consent is associated with the report on this schedule which refers to the planning application for this site. The proposals involve the removal of the single storey side extensions that were erected in the 1950s and later, the removal of flat roofed rear additions and a side conservatory extension to the Eastwood Lodge buildings.
- 7.2 The use of the Eastwood Lodge building is to be changed from its former use as a residential home to a single conventional residential unit. A new driveway is to be created to allow separate access to the Lodge. A new garage is to be constructed to rear of the building.
- 7.3 The details of the planning application, in relation to the new private drive access to the site and the erection of the new dwellings, relates to this proposal also.

**RELEVANT PLANNING HISTORY**

- 7.4 1955 – application made for single storey side extensions to the existing building. In 1974 an application was made for the development of two dwellings adjacent to Elm Lodge. Approvals were given for a toilet and laundry extension to the listed building in 1988.
- 7.5 In 1990 an outline approval was given for a residential institution (the current "Badgers") and this was followed by a reserved matters approval in 1992. Consent was given for internal works to the listed building in 1993.

**CONSULTATIONS AND REPRESENTATIONS**

- 7.6 Those who have responded to consultation on these proposals have not separated their comments in relation to the planning application or the listed building consent. They are therefore set out in full again below. The only additional response made which did not relate to the planning application was from the Council for British Archaeology. That is included in the details below.

**Consultation First Round**

- 7.7 The **County Surveyor** indicates that a Legal Agreement should be required by which the developer would be required to pay a financial contribution to the County Council to upgrade a road junction in the vicinity of the site. Conditions are suggested in terms of road widths, turning heads and visibility requirements.
- 7.8 The **County Historic Buildings Officer** comments that the proposals would reduce the curtilage of the listed building such that its setting would be affected and the integrity of its character compromised. The style of dwelling proposed and the layout is not appropriate.
- 7.9 The **County Archaeological Officer** suggests that a condition is applied to any consent requiring that a programme of archaeological investigation is implemented as part of any development.
- 7.10 **English Heritage** indicates that it defers to the comments of the County Council but hopes that there would be achieved a substantial improvement in the design and layout of the scheme or to reject the development.
- 7.11 The **Council for British Archaeology** requested additional details in relation to the listed status of the building but made no further comment.
- 7.12 **English Nature** initially indicated that it had no comments to make on the proposals.
- 7.13 The **Woodlands and Environmental Specialist** notes that there are three TPOs which relate to the site and that the development raises wildlife implications.
- 7.14 The **Environment Agency** makes advisory comments but has no objections.
- 7.15 **Anglian Water** has no objections but suggests the implementation of a condition to any approval requiring the submission of foul and surface water drainage details.
- 7.16 The **Civil Aviation Authority** indicates that there is no conflict with airport safeguarding.
- 7.17 The **Head of Housing, Health and Community Care** has no objections.
- 7.18 The **Building and Highways Maintenance Manager (Engineers)** has no objections.
- 7.19 **Rayleigh Town Council** has no objections.

## PLANNING SERVICES COMMITTEE - 13<sup>th</sup> December 2001 Item 7

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- 7.20 Rayleigh Civic Society is in favour of the treatment to be applied to the listed building and suggests the colour treatment to be applied. The existence of trees on the site is noted and it is suggested that a mix of facing brick and render is used in the construction of the new properties.
- 7.21 Responses have been received on behalf of eight neighbouring occupiers. These raise, in the main, the following points:
- loss of privacy, overlooking or relationship problems;
  - traffic issues, including additional traffic, problems with parking and additional difficulties in accessing existing properties;
  - Impact on protected animals;
  - loss of trees (some of which has already occurred);
  - loss of domestic rubbish bin storage location;
  - the renovation and re-use of the existing house is supported.

### Consultation Second Round

- 7.22 The **County Surveyors** comments are unchanged from above.
- 7.23 The **County Historic Buildings Officer** comments that considerable improvements have been made to the layout of the development and the design of the dwellings but that the proposals are not yet satisfactory. Only plot 1 is considered to have any detrimental impact on the listed building and suggestions are made to improve the situation.
- 7.24 **Anglian Water** comments are as above
- 7.25 **Civil Aviation Authority** comments are as above
- 7.26 The **Building and Highways Maintenance Manager (Engineers)** has no objections.
- 7.27 The **Woodlands and Environmental Specialist** comments that a mitigation strategy has not been submitted in relation to protected animal species on the site and it would be inappropriate to consider the proposals in advance of this.
- 7.28 **Rayleigh Town Council** has no objections
- 7.29 Rayleigh Civic Society notes that the style and layout of some of the dwellings has changed but has no further comments to add.
- 7.30 One neighbouring occupier responded raising a concern about the potential for overlooking and the loss of privacy.

### Consultation Third Round

- 7.31 The **County Surveyors** comments are unchanged from above.

**PLANNING SERVICES COMMITTEE - 13<sup>th</sup> December 2001 Item 7**

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- 7.32 **The County Historic Buildings Officer** comments that the revised plans show considerable improvement and the scheme is now acceptable. Conditions are suggested in relation to materials and landscaping.
- 7.33 **The County Arboriculturalist** comments that there is a County TPO on part of the site. This concerned a number of elm trees on the southern boundary of the site, most of which have died from dutch elm disease. Those which remain are in the south west corner of the site and the development would have little impact on them.
- 7.34 **English Nature** comments that the presence of protected animal species on the site is a material consideration to be taken into account in the consideration of the proposals. The recommendations listed in the wildlife survey are endorsed and the developers should be required to submit an appropriate mitigation package to ensure the avoidance of harm to the animals. Licensing will be required. Survey work in relation to other protected animal species is suggested.
- 7.35 On the receipt of additional survey work EN comments that the level of information supplied generally meets their concerns in relation to earlier lack of detail. For the protected animal species the additional mitigation measures proposed are considered to be helpful and the need to obtain licensing is re-emphasised.
- 7.36 In relation to bats it is noted that a survey of the modern wing is to be undertaken. It is understood that the likelihood of a roost here is slight. In relation to newts the conclusion that there is no population on the site is accepted and no further consideration of this matter is required.
- 7.37 **The Essex Wildlife Trust** has no objections providing all conditions set out in the badger survey are observed.
- 7.38 **Rayleigh Town Council** has no objections
- 7.39 **Rayleigh Civic Society** notes further revisions but has no further comments in addition to the above.
- 7.40 **London Southend Airport** was concerned that there was a conflict with safeguarding criteria and objected to the proposals. This objection was subsequently withdrawn.
- 7.41 **The Head of Housing, Health and Community Care** has no objections and suggests conditions to be applied to any permission.
- 7.42 **The Woodlands and Environmental Specialist** comments that the report submitted by the applicant in relation to protected animal species is inadequate. It does not include an assessment of the impact of the development on the protected animal species but works only on the basis that the development proposed will proceed. Recommended that the application be refused. No additional response has been received to date in relation to the additional survey information supplied by the applicants but it is expected that additional information will be reported on the addendum paper or verbally to the meeting.

**MATERIAL PLANNING CONSIDERATIONS**

- 7.43 In the case of an application for Listed Building consent it is necessary to consider the impact of the proposals on the character and integrity of the Listed Building.
- 7.44 At present the building consists of the original structure, with the addition of a range of single storey side additions to the side. To the rear is a further addition which is two storey. These additions have generally been provided with flat roofs.
- 7.45 The County Councils advisor in relation to listed buildings has been involved in the development of this scheme and Members will note the change in his comments set out above in the consultation responses section. Discussions with the applicants have resulted in changes to the design of the new dwellings proposed, their location in relation to the listed building and to the subsequent curtilage of the listed building. All of these changes were considered to be improvements to the scheme. During the discussions with the applicant the scale and size of the dwellings was addressed. It was considered that the resultant proposals, with the roof forms that have been specifically designed to keep ridge heights down, were acceptable in terms of overall bulk and scale.
- 7.46 The applicants point out that the residential home use of the site has ceased and that the building is currently vacant. It is unlikely, in their view, that such a use will recommence and that, without active use, the future of the listed building is in some jeopardy. If a use were to recommence, it would probably require retention of the existing side extensions, which do nothing for the character and appearance of the building.
- 7.47 It is considered that the proposals do represent a form of development that is acceptable in terms of its impact on the listed building. The main aspect of the listed building will be viewed against one of the new dwellings on plot 1. The design and location of that dwelling is such that it is not considered to have any harmful impact on the listed building. The listed building will retain a curtilage with a depth of 24m minimum. Whilst this is clearly reduced from the existing curtilage depth, it is of a size which is considered to be compatible with the character of the building. Lastly, the proposals will result in the removal of the single storey extensions to the building and the rear addition. This cannot be considered to be other than beneficial in terms of the character and appearance of the building.

**CONCLUSION**

- 7.48 The proposals represent a form of development which has an acceptable impact on the character and integrity of the Listed Building.

**RECOMMENDATION**

7.49 It is proposed that this Committee **RESOLVES** that Listed Building Consent be **GRANTED** for the development proposed, subject to the following conditions:

- 1 SC4A Time limits – listed buildings
- 2 Details of materials to be agreed

**Relevant Development Plan Policies and Proposals:**

UC5, UC7 of the Rochford District Local Plan First Review

CS2, HC3 of the Essex and Southend on Sea Replacement Structure Plan

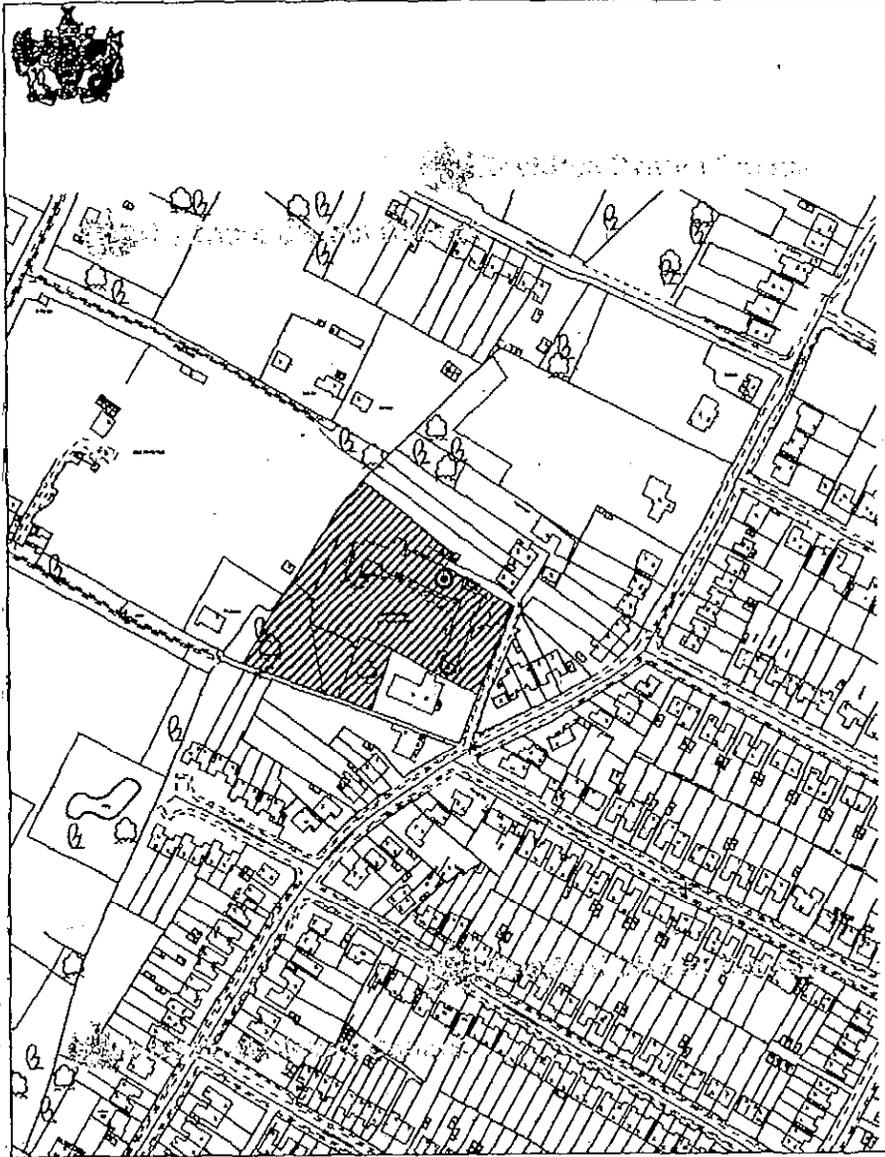


Shaun Scrutton  
Head of Planning Services

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The local Ward Member(s) for the above application is/are Cllr. D R Helson  
Cllr. T Livings Cllr. S P Smith

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



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**PLANNING SERVICES COMMITTEE - 13 December 2001 Item 8**

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**TITLE :** 01/00740/COU  
CHANGE OF USE TO A BEAUTY CLINIC  
5 WEST STREET, ROCHFORD

**APPLICANT :** MRS N MCLEAN

**ZONING :** PRIMARY SHOPPING FRONTAGE

**PARISH:** ROCHFORD

**WARD:** ROCHFORD ROCHE

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**PLANNING APPLICATION DETAILS**

- 8.1 The application seeks permission for change of use to a Sui Generis use (a use on its own that allows no further permitted change of use). The applicant proposes to operate a beauty clinic at the premises, 5 West Street a Grade II Listed Building. The Listed Building Consent is considered concurrently with the change of use application (See Item 8).

**RELEVANT PLANNING HISTORY**

- 8.2 146/56 Approved Conversion of 3, and 5 into two separate units  
235/56 Approved Fitting of a new shop front  
635/71 Approved Use shop as licensed betting office  
089/01 Refused Change of Use to a Tapas Bar and Café

**CONSULTATIONS AND REPRESENTATIONS**

- 8.3 **Rochford Parish Council-** No objections
- 8.4 **County Surveyor (Highways)-** No objection to the proposal
- 8.5 **County Planner (Listed Buildings and Conservation)-** no objections to the proposed change of use. As the interior of the building is already much altered the insertion of partition walls would not affect the character or integrity of the building.
- 8.6 **Anglian Water-** No objections or comments
- 8.7 **Housing, Health and Community Care-** No adverse comments in respect of the application. Recommend an informative to be appended to any consent granted.
- 8.8 **Neighbour Notification-** No objections
- 8.9 A local ward member has expressed support for the application

**MATERIAL PLANNING CONSIDERATIONS**

- 8.10 **Use Class Ratio**  
Policy SAT2 seeks to retain at least 75% of frontages for Class A1 use, with not more than 15 metres of non-retail frontage in a continuous run. The policy requires that any non retail uses permitted should complement and support the prime function of the area as a place to shop. The previous application 01/00089/FUL was refused on grounds of amenity rather than the impact on the percentage of A1 uses.
- 8.11 Currently 64.8% of the shopping frontage is in Class A1 Use and the application proposal, if permitted and implemented, would reduce this to 63.1%.
- 8.12 Ideally it may be preferable to limit the proportion of non-retail frontages as set out in SAT2 however, in reality it is considered that it is better to have individual units trading rather than remaining vacant. Long term vacancy has the potential to undermine the whole commercial centre. The 75% figure should be used as a guide and not prescriptively.
- 8.13 **Sui Generis Use, Conservation Area and Listed Building**  
The impact of the proposed use on adjacent properties must also be considered. Granting consent for a Sui Generis use would not impact on the amenity of the adjacent properties or residential accommodation above the shop units. The activity generated by this use would be similar to that generated by an A1 use (such as hairdressers) in terms of people coming and going and hours of use.
- 8.14 The proposed change of use will have the potential to improve the appearance of 5 West Street and the use of a vacant building. It is considered that this would enhance the character and appearance of the conservation area (Policy UC1).
- 8.15 Policy UC7 seeks to protect the character and appearance of listed buildings both internally and externally. The proposal would not harm the character or appearance of the listed building. The County Planner (Listed Building and Conservation) reiterates this point with respect to the internal partitions proposed and as mentioned above there is a greater potential for improvement if the building is used rather than left empty.

**CONCLUSION**

- 8.16 If Permitted the proposal would not undermine the attractiveness/viability of the Primary Shopping Frontage but rather has the potential to compliment it.
- 8.17 It is inevitable that the make up of Town Centres will change over time. The proposal is classed as a sui generis use but offers services that are not dissimilar to many A1 uses.
- 8.18 The current policy SAT2 was adopted prior to the latest version of PPG6 (Town Centres and Retail Development), which urges that a more flexible approach be taken to town centres; this change of use falls within the scope of that guidance.

**PLANNING SERVICES COMMITTEE - 13 December 2001 Item 8**

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- 8.19 The proposal would add vitality to the shopping frontage on West Street by bringing a vacant shop in a Listed Building back in to use. It is concluded that it would be more beneficial to the shopping centre for the unit to be used as a beauty clinic than to remain empty.

**RECOMMENDATION**

- 8.20 It is proposed that this Committee **RESOLVES** to **APPROVE** the application subject to the following conditions.

- 1 SC4A Time Limits-Listed Buildings
- 2 NSC Window Display Required in accordance with policy SAT2

**Relevant Development Plan Policies and Proposals:**

SAT2, UC1, UC7 of the Rochford District Local Plan First Review



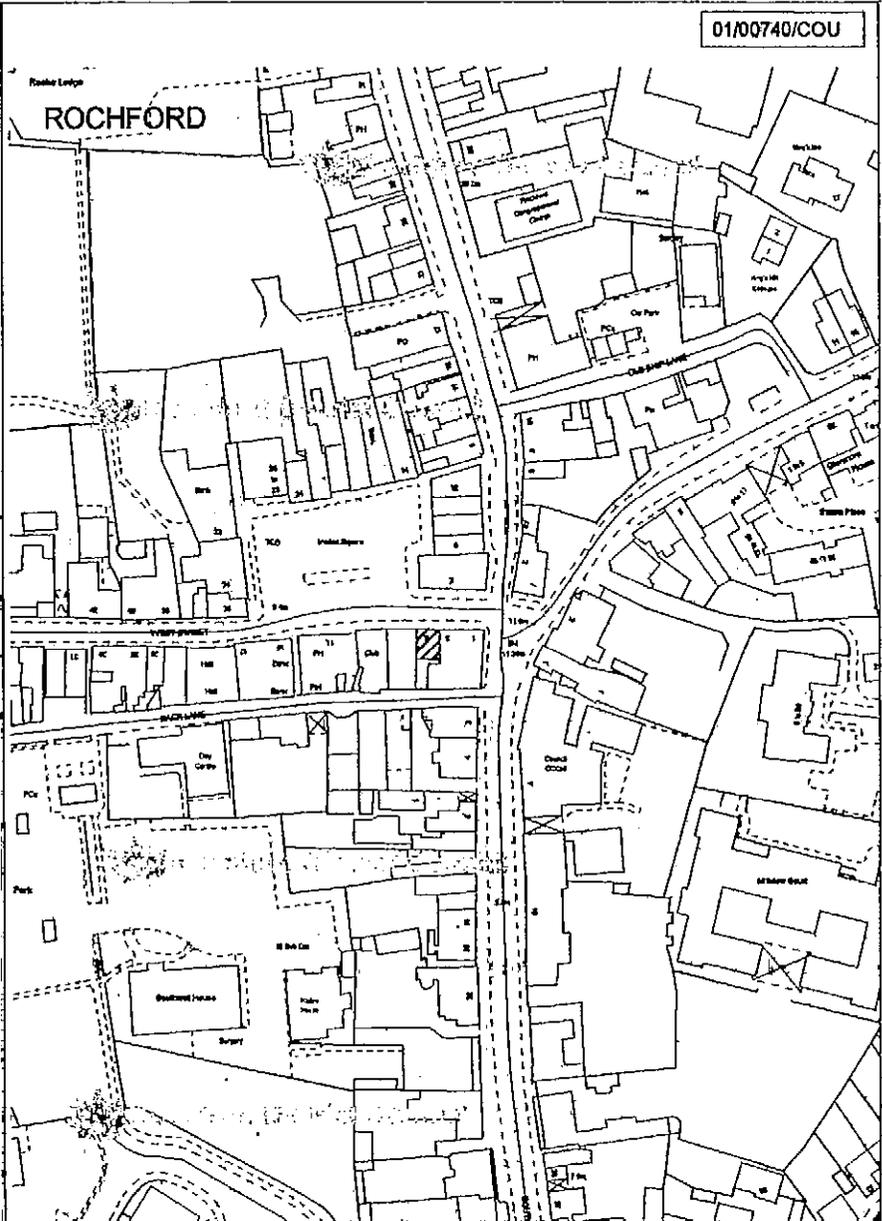
Shaun Scrutton  
Head of Planning Services

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The local Ward Member for the above application is Cllr Mrs M Vince.

For further information please contact Deborah Seden on (01702) 546366

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**PLANNING SERVICES COMMITTEE - 13 December 2001 Item 9**

**TITLE :** 01/00805/LBC  
**CHANGE OF USE TO BEAUTY CLINIC INCLUDING  
INTERNAL ALTERATIONS  
5 WEST STREET, ROCHFORD**

**APPLICANT :** MRS N MCLEAN

**ZONING :** PRIMARY SHOPPING FRONTAGE

**PARISH:** ROCHFORD

**WARD:** ROCHFORD ROCHE

**PLANNING APPLICATION DETAILS**

- 9.1 The applicant's site forms part of a Grade II Listed Building. A change of use is considered concurrently. (See Item 8).
- 9.2 The current unit forms a single room with access to the front and rear. The applicant proposes to make internal alterations to the unit. New partition walls are to be inserted in order to create two treatment rooms.

**RELEVANT PLANNING HISTORY**

- 9.3 146/56 Approved Conversion of Numbers 1,3 and 5 to two separate units  
235/56 Approved Fitting of a new shop front  
635/71 Approved Use shop licensed betting office  
122/01 Refused Change of Use to Tapas Bar and Cafe

**CONSULTATIONS AND REPRESENTATIONS**

- 9.4 Rochford Hundred Amenity Society- No adverse comment
- 9.5 Rochford Parish Council- No objections
- 9.6 County Planner (Listed Buildings and Conservation)- No objections on listed building grounds. The interior of the building is much altered and the creation of new partition walls would not affect the present character of the building.

**MATERIAL PLANNING CONSIDERATIONS**

- 9.7 Policy UC7 seeks to protect the character and appearance of Listed Buildings both internally and externally.
- 9.8 The proposal would not have a detrimental impact on the appearance or character of the Listed Building. In particular the internal alterations would not have an adverse impact.

**PLANNING SERVICES COMMITTEE - 13 December 2001 Item 9**

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- 9.9 This is reinforced by the comments given by the County Planner (Listed Buildings and Conservation) who raises no objections to the proposal.

**CONCLUSION**

- 9.10 The proposal and its associated change of use have the potential to improve the character and appearance of the Listed Building at 5 West Street through continued discussions with the applicant in order to improve the shop front should this application be permitted.

**RECOMMENDATION**

- 9.11 It is proposed that this Committee **RESOLVES** to **APPROVE** the application subject to the following conditions.

1 SC4A Time Limits-Listed Buildings

**Relevant Development Plan Policies and Proposals:**

UC1, UC7 of the Rochford District Local Plan First Review



Shaun Scrutton  
Head of Planning Services

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The local Ward Member for the above application is Cllr Mrs M Vince.

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



**PLANNING SERVICES COMMITTEE - 13 December 2001 Item 10**

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**TITLE :** 01/00856/FUL  
VARIATION OF CONDITION 2 OF PERMISSION ROC/907/86  
TO ALLOW HOT FOOD HOME DELIVERY SERVICE  
200 MAIN ROAD, HAWKWELL, ESSEX

**APPLICANT :** MR M PILLAI

**ZONING :** RESIDENTIAL

**PARISH :** HAWKWELL PARISH COUNCIL

**WARD :** HAWKWELL WEST

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**PLANNING APPLICATION DETAILS**

- 10.1 This application is for the variation of condition 2 of planning permission reference ROC/907/86. The application has been subject to a revision, originally being submitted to seek variation for condition for take away use. The applicant's agent has confirmed the intention to reduce the scale of the new use in order to comply with the highway fears given under a previous application and as set out below. Therefore the issues for consideration relate solely to the use of the restaurant for home delivery purposes.

**RELEVANT PLANNING HISTORY**

- 10.2 There are two previous relevant applications relating to the Restaurant use of this site. The most recent was application number 00/00348/FUL which sought to remove condition 2 of the original planning consent in order to allow the provision of a hot food take-away service. This application was refused on Highway grounds due to the location of the unit on a stretch of classified highway; the resultant parking of associated vehicles being of detriment to highway safety.
- 10.3 The 2000 application related to the original grant of consent, given under ROC/907/86, to which the current application also relates. Under this permission the restaurant was not allowed to promote any food take-away service, the reason given being in the interests of local amenity and highway safety to Hawkwell Park Drive and Main Road.
- 10.4 In addition to the above, the site has been subject to other permissions concerning hours of use and advertisements, outlined as follows:
- 10.5 Application CU/0055/95/ROC to allow opening between 12 noon and 3.30 pm permitted for a one year period.
- 10.6 Application CU/0816/97/ROC again to allow opening between 12 noon and 3.30 pm permitted for a further year.
- 10.7 Application 00/00360/ADV Display of signage for the previous restaurant use granted (Madras & Spice)

## PLANNING SERVICES COMMITTEE - 13 December 2001 Item 10

- 10.8 Application 00/00437/FUL Change of Use of First Floor to self contained flat, approved. Application 01/00735/ADV Display signage for the current restaurant use, consent granted.

### CONSULTATIONS AND REPRESENTATIONS

- 10.9 Responses to the first round of consultation are outlined below:
- 10.10 **Hawkwell Parish Council** objects to the relaxing of this condition. The reasons for this condition are still relevant.
- 10.11 **Housing, Health & Community Care** has no adverse comments in respect of this application.
- 10.12 **Essex County Council (Highways)** recommends refusal due to the impact the take-away use will have on the detriment of road safety on a stretch of classified highway. An informative enclosed indicated that were the application to be revised to include home-delivery service only then it may receive more favourable consideration.
- 10.13 **Neighbour objections** have been received from two local residents outlining issues concerning amenity and highway safety problems.
- 10.14 **Petition** has been submitted in support of the application containing 146 signatures.
- 10.15 At the time of writing further consultation is taking place with respect to the revised use, this will expire on the 19<sup>th</sup> December.

### MATERIAL PLANNING CONSIDERATIONS

- 10.16 This application has been revised and now relates to a home-delivery service; the take-away element has been deleted. The key issue to consider is the impact a home delivery service would have on the amenity of the location. The previous application 00/00348/FUL determined that the additional activity of a take-away use would not have an unacceptably harmful impact on residential amenity and proposals should not be resisted on that basis. The relationship situation with the surrounding area remains unchanged in terms of physical layout and structures. A home delivery use will have a significantly lesser impact on the location, than a take-away it is considered there can be no objection in terms of impact on amenity of the surrounding residential area.
- 10.17 In terms of **highway safety**, the main frontage to the property is located on Main Road at a point where there is a sharp bend in the road leading to reduced visibility and a potentially poor safety situation. The car park to the rear of the site is well signposted and a home delivery service would utilise existing staff vehicles already on site. Therefore, the provision of a home delivery service will cause no additional detrimental impact to the highway situation. Since the vehicles employed for this purpose will use the existing car park for access.

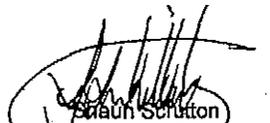
**PLANNING SERVICES COMMITTEE - 13 December 2001 Item 10**

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- 10.18 It is considered that the variation of the condition to allow home delivery is not against the spirit of the original condition nor permission and that there are no proven material considerations to reject such an alteration.
- 10.19 Any future application for a take-away use would be considered on its merits, but no evidence has been presented with this application to indicate that highway concerns have altered.

**RECOMMENDATION**

- 10.20 It is proposed that this Committee **RESOLVES** that this application be **DELEGATED** to the Head of Service to determine pending receipt of final consultation responses.
- 1 SC4 Time Limits Full
  - 2 The home delivery use hereby permitted shall be for home delivery only and there shall be no public visiting take away service available from the application site.
  - 3 The home delivery service is restricted to operate between the hours of 6.00pm to 11.00pm on any day.

  
Brian Scrutton  
Head of Planning Services

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The local Ward Member(s) for the above application is/are Cllr Mrs M M A Weir. Cllr J R F Mason.

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

**PLANNING SERVICES COMMITTEE - 13 December 2001 Item 10**

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- 10.18 It is considered that the variation of the condition to allow home delivery is not against the spirit of the original condition nor permission and that there are no proven material considerations to reject such an alteration.
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**RECOMMENDATION**

- 10.20 It is proposed that this Committee **RESOLVES** that this application be **DELEGATED** to the Head of Service to determine pending receipt of final consultation responses.
- 1 SC4 Time Limits Full
  - 2 The home delivery use hereby permitted shall be for home delivery only and there shall be no public visiting take away service available from the application site.
  - 3 The home delivery service is restricted to operate between the hours of 6.00pm to 11.00pm on any day.

  
Shaun Scrutton  
Head of Planning Services

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The local Ward Member(s) for the above application is/are Cllr Mrs M M A Weir. Cllr J R F Mason.

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

01/00856/FUL



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**TITLE :** 01/00824/FUL  
FIRST FLOOR FRONT EXTENSION  
8 WOODLANDS AVENUE, RAYLEIGH

**APPLICANT :** MR & MRS SMITH

**ZONING :** RESIDENTIAL

**PARISH:** RAYLEIGH TOWN COUNCIL

**WARD:** WHITEHOUSE

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**PLANNING APPLICATION DETAILS**

- 11.1 The application has been brought to Planning Services Committee as Mr Smith is a Councillor for the Lodge ward. The proposal is for a first floor front extension.

**RELEVANT PLANNING HISTORY**

- 11.2 There is no previous planning history for this property.

**CONSULTATIONS AND REPRESENTATIONS**

- 11.3 Essex County Council (highways) – de-minimis.
- 11.4 Rayleigh Town Council – no response received at the time of writing.

**MATERIAL PLANNING CONSIDERATIONS**

- 11.5 The property is a detached house on the corner of Woodlands Close. At present the dwelling has a flat roof front dormer adjacent to number 10 this part of the roof will be extended to full first storey level. Number 10 and 12, are semi-detached properties with a similar chalet/house design to number 8. Number 10 has a 3 m wide driveway adjacent to number 8 therefore the proposal would have minimal impact on the neighbouring property.

**CONCLUSION**

- 11.6 The proposed first storey front extension is appropriate for the dwelling and location in terms of its design, appearance and siting and is in accordance with adopted policies and principles of the Rochford District Local Plan.

**RECOMMENDATION**

11.7 It is proposed that this Committee **RESOLVES** to **APPROVE** this application.

- 1 SC4 – Time limits full – standard
- 2 SC15 – Materials to match (Externally)

**Relevant Development Plan Policies and Proposals:**

H11 of the Rochford District Local Plan First Review



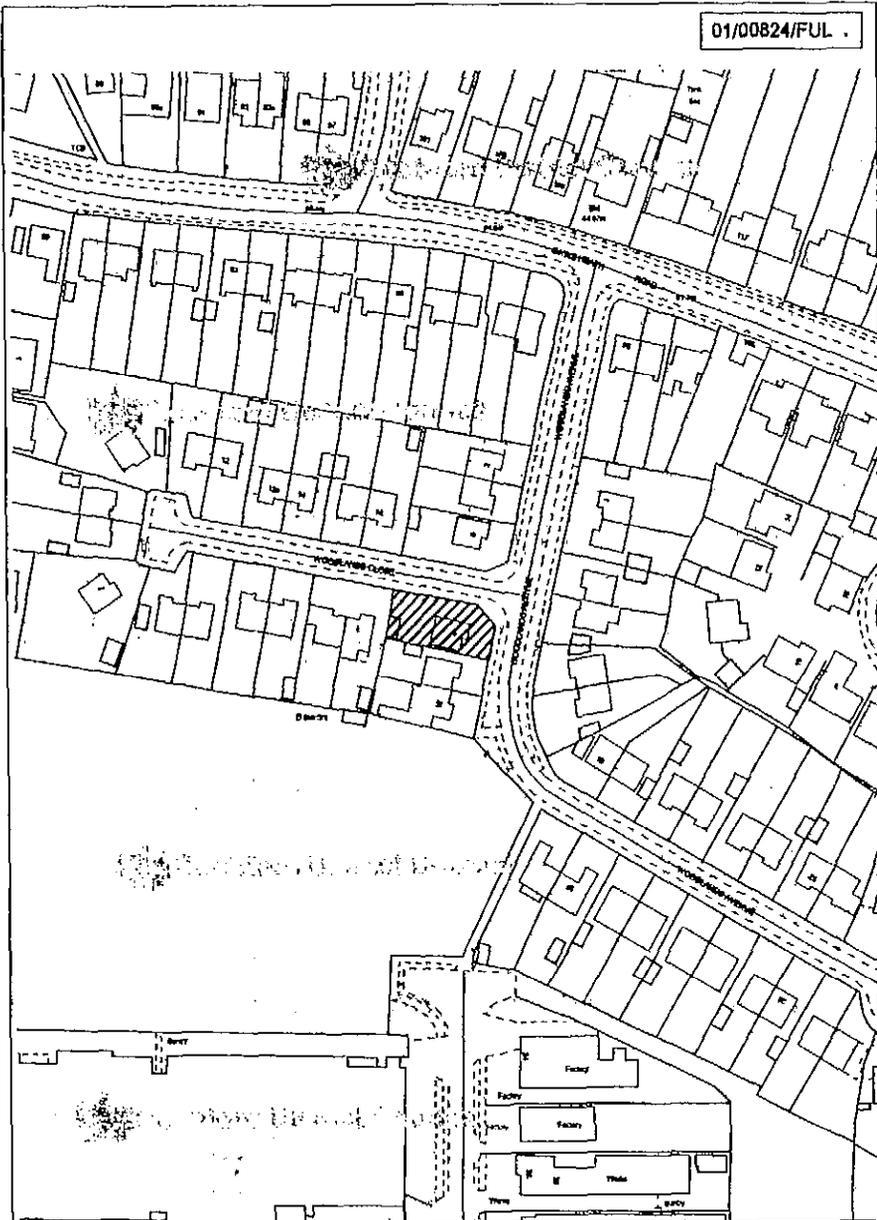
Shaun Scrutton  
Head of Planning Services

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The local Ward Members for the above application are Cllr Mrs M Giles. Cllr P F A Webster.

For further information please contact Lorna Maclean on (01702) 546366.

01/00824/FUL



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**PLANNING SERVICES COMMITTEE - 13 December 2001 Item 12**

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**TITLE :** 01/00790/FUL  
INSTALL HARDSTANDING FOR SKATEBOARD FACILITY  
KING GEORGE V FIELD, EASTWOOD ROAD, RAYLEIGH

**APPLICANT :** RAYLEIGH TOWN COUNCIL

**ZONING :** EXISTING PUBLIC OPEN SPACE

**PARISH:** RAYLEIGH TOWN COUNCIL

**WARD:** RAYLEIGH CENTRAL

**SITE AREA:** 283.5

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**PLANNING APPLICATION DETAILS**

- 12.1 The application seeks permission to install hardstanding for a skateboarding facility.

**RELEVANT PLANNING HISTORY**

- 12.2 01/00851/FUL – An application for the installation of a tarmac basketball practice area is pending a decision.

**CONSULTATIONS AND REPRESENTATIONS**

- 12.3 **Rayleigh Civic Society** – support the facility but have some concern over the position of the facility.
- 12.4 **Anglian Water** – have no objections to make.
- 12.5 **Essex County Council (Environmental Services)** – advise that no trees protected by County of Essex Tree Preservation Order 5/57 stand within the application area or close enough to be affected by the proposal.
- 12.6 **Essex County Council (Highways)** – have raised no objections to this proposal
- 12.7 **Housing health and community care** – advise that there is a potential for nuisance associated with this development by way of noise.
- 12.8 **Environment Agency** – has no objection to this proposal
- 12.9 **Crime Prevention Officer** – comments that the facility will hopefully form a nucleus to which skateboarders will congregate reducing the youths that skateboard in the town centre. The proposed location of the skateboarding area near to the main entrance would enable it to enjoy maximum surveillance from nearby roads and footpaths thus reducing the likelihood of possible crime.

- 12.10 Neighbour Notification - Neighbour responses have been received from one local resident and Audley Mills Surgery. The surgery raised concern over the increased levels of noise and vandalism that this facility may lead to given the position of the facility and the fact that users may also skate on the nearby footpaths.

**MATERIAL PLANNING CONSIDERATIONS**

- 12.11 The proposed location for the hardstanding in King George V field, Rayleigh, to accommodate a skateboarding facility is towards the south west corner of the field, to the north of the footpath off Eastwood Road which splits to the right and left as it enters the field.
- 12.12 The hardstanding is approximately 7.8m from the public footpath adjacent to the Doctor's surgery and approximately 40m from the flats to the east of the field. Furthermore 2m high metal railings surround the playing field and there are a number of well-established trees on both sides of the field that would obscure views of it to a large extent.
- 12.13 Given the concerns expressed at the last Committee Meeting regarding the basketball court, the location of this facility was also tabled at the recent with the applicant. They were made aware of the strength of the Committee's concerns regarding the basketball pitch but nonetheless felt there were valid reasons for the skateboard location as proposed.
- 12.14 Firstly, the site is ideally positioned to maximise the amount of natural surveillance from nearby roads and footpaths thus minimising the likelihood of crime.
- 12.15 Secondly, there are a limited number of other positions available on the playing field due to the existence of other facilities and the topography of the land itself. The far north of the field adjacent to Bull Lane has a number of existing recreational facilities. There is a children's playground area situated in the far north east of the playing field immediately to the west of which is a mini football pitch. To the south of these facilities on the main playing field is a full size football pitch. Apart from these facilities there are a number of trees in front of the mini football pitch that would need to be removed if a concrete base were to be put down in this location.
- 12.16 Thirdly, land at the north of the field is uneven and before a concrete base could be placed on it the land would need to be built up to level it out. On the other hand a concrete base placed at the south end of the field would allow any run off to run downwards onto the field without causing any build up of water as the field slopes downwards from the south to the north. They also consider noise is likely to dissipate quicker at this end.
- 12.17 Additionally it is not considered appropriate to locate the facility at the opposite end of the field near to the children's play area as it is likely that young children would feel threatened being close to an area for teenagers.

**PLANNING SERVICES COMMITTEE - 13 December 2001 Item 12**

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- 12.18 Officers do sympathise with the views expressed by the Doctors Surgery as patients attending it may well have a lower tolerance level and be irritated by the clutter from such a facility. However, it is considered that this does not justify a refusal of permission.

**CONCLUSION**

- 12.19 The proposal would have a limited effect on residential amenity, as it would be some distance from the flats on King Georges Close and those at King Georges Court. Furthermore, the proposal will help to decrease the amount of youths that use Rayleigh High Street and public footpaths for skateboarding.

**RECOMMENDATION**

- 12.20 It is proposed that this Committee **RESOLVES** that this application be **APPROVED** subject to the following conditions:
- 1 SC4 Time Limits Full – standard
  - 2 No development shall commence before details of the surface type to be used for the skateboard rink hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Such details as may be agreed in writing by the Local Planning Authority, shall be those used in the development hereby permitted.

**Relevant Development Plan Policies and Proposals:**

LT2 and LT3 of the Rochford District Local Plan First Review.

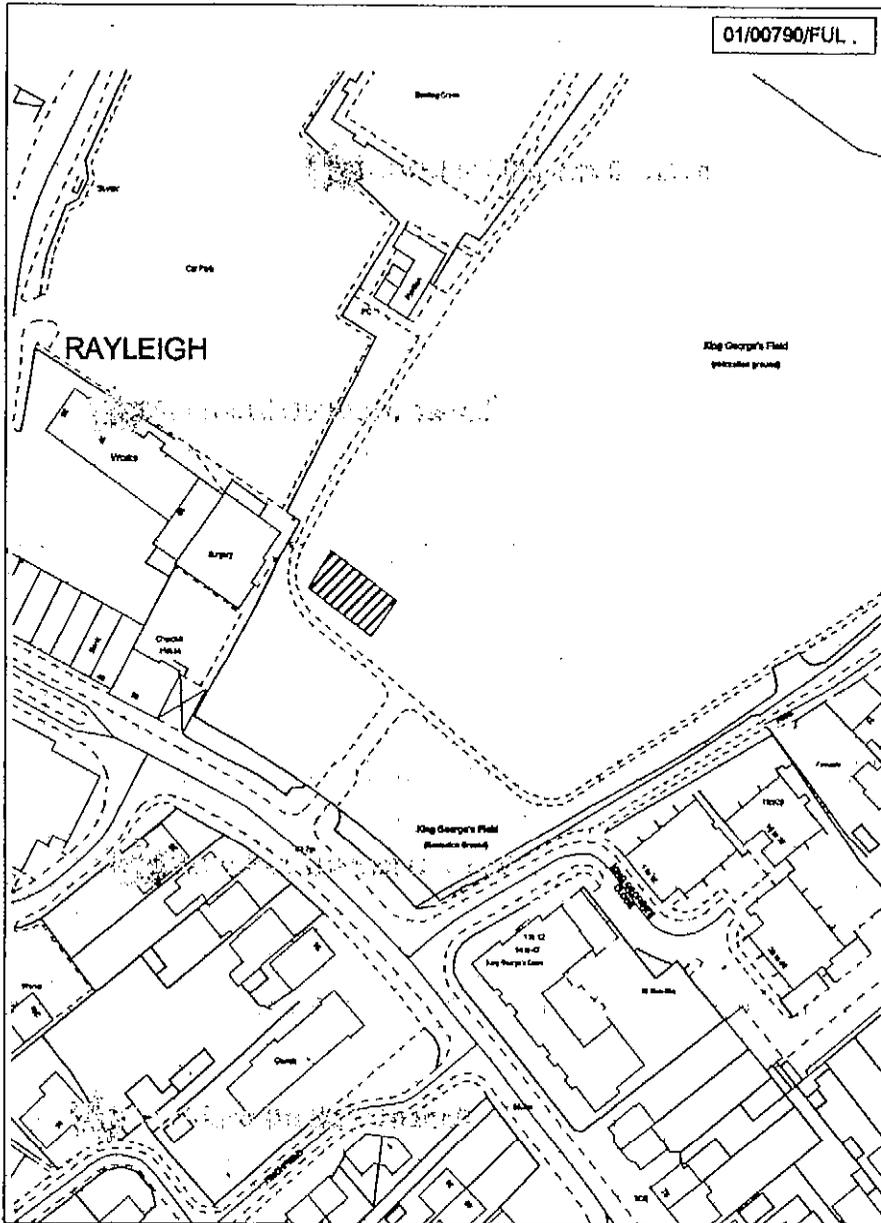
  
Shaun Scuttin  
Head of Planning Services

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

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

01/00790/FUL



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**PLANNING SERVICES COMMITTEE - 13 December 2001 Item 13.**

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**TITLE :** D160841/CON  
REPLACEMENT OF EXISTING WALL WITH RAILINGS (MAX.  
HEIGHT 1.63M)  
ADJACENT TO DAY CENTRE, BACK LANE, ROCHFORD

**APPLICANT :** ROCHFORD DISTRICT COUNCIL

**ZONING :** RESIDENTIAL

**PARISH:** ROCHFORD PARISH COUNCIL

**WARD:** ROCHFORD ROCHE

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**PLANNING APPLICATION DETAILS**

- 13.1 The application seeks permission to replace a 5 metre section of brick wall, sited between the public toilets block and the Citizens Advice Bureau, Back Lane, Rochford, with iron railings. The railings will be painted dark green.
- 13.2 As Rochford District Council are the applicants, this application by virtue of section 74(2)(a) falls to the Secretary of State to determine.
- 13.2 The brick wall is built from the kerbside in Back Lane and runs for approximately 20 metres in a southerly direction before taking a 90 degree turn to form the southern boundary of the car park shared by the Citizens Advice Bureau and the Day Care Centre.
- 13.3 The other side of the wall in which the application is interested has a pathway passing between this and the toilet block. On this side of the wall the ground level is at least half a metre lower than the level found in the CAB car park.

**RELEVANT PLANNING HISTORY**

- ROC/0676/79 - Extend existing car park
- ROC/0545/83 - Erection of a day centre with accommodation for Citizens Advice Bureau.
- F10375/93/ROC - Single storey side extension to create Citizens Advice Bureau.
- 00104855/CON - Replacement of existing wall with railings max. height 1.63m.

**CONSULTATIONS AND REPRESENTATIONS**

- 13.4 Rochford Parish Council - No objection.
- 13.5 County Surveyor (Highways) - De-Minimis
- 13.6 County Planner (Historic Conservation) - No objection.

**PLANNING SERVICES COMMITTEE - 13 December 2001 Item 13**

- 13.7 County Planner (Archaeology) - no response to date but on the previous application 00/00858/CON noted the site lies within the historic medieval town of Rochford and is of archaeological potential but unlikely to yield any results but ask to be kept informed so that any implications can be assessed and appropriate mitigation formulated.

**MATERIAL PLANNING CONSIDERATIONS**

- 13.8 **Public Safety**  
The reason for the replacement of a section of the existing brick wall with iron railings results from a large fracture caused by the root growth of the adjoining tree. The necessity to replace this part of the brick wall results from the increased danger over time to the public from the cracked wall.
- 13.9 The use of iron railings is proposed as an alternative to refurbishing the wall, as these are felt by the applicant to be more suited to the site. Both visually and on the basis of an improvement to public safety through enhanced visibility and lighting of the immediate surroundings, particularly around the adjacent toilet block.
- 13.10 **Conservation Area**  
The brick wall is not an historic structure, though it was rebuilt on an original alignment (it is said in 1872. The conservation advice for application R/C/0878/79 considered 'it important that the existing walls which partly enclose the site are retained. This is particularly important on the north and south sides.'
- 13.11 **Conservation**  
The iron railings represent a small area of the existing brick wall and maintains a form of enclosure which should be considered as an important 'feature' within conservation areas, which help to establish spaces and views and contributes to the enhancement of the environment within such areas.
- 13.12 In terms of the Conservation Area there is a duty under the Planning (Listed Building and Conservation Areas) Act 1990 Section 72 subsection 1 to consider: 'that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area'. As a material consideration considerable importance and weight should be attached to the Conservation issues, besides the 'duty' placed on the Authority.

**RECOMMENDATION**

- 13.13 That in referring the matter to the Secretary of State for his consent the Local Planning Authority's recommendation is:-
- 1 SC4 - Time Limit Full - Details
  - 2 SC98 - Archaeological Works

**PLANNING SERVICES COMMITTEE - 13 December 2001 Item 13**

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**Relevant Development Plan Policies and Proposals:**

UC1, UC2 of the Rochford District Local Plan First Review

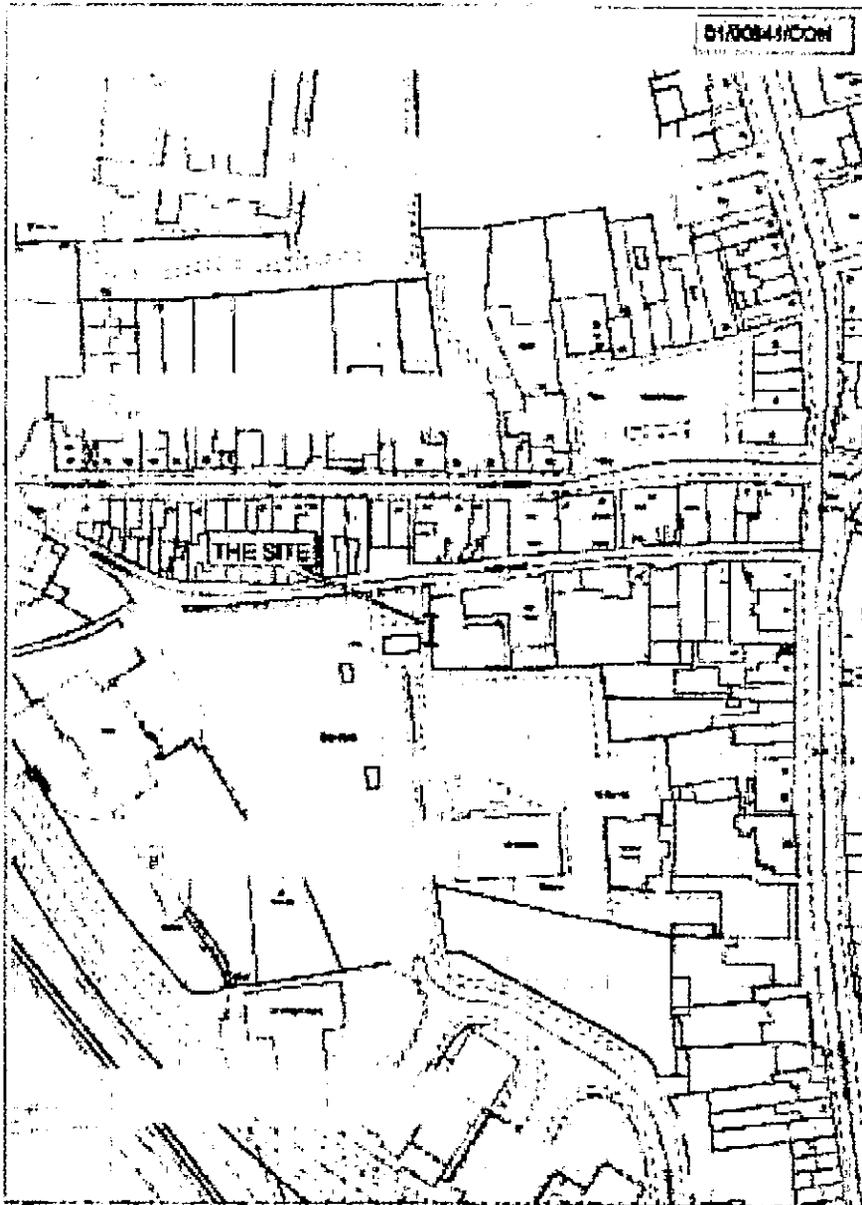


Simon Scruton  
Head of Planning Services

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The local Ward Member for the above application is Cllr Mrs M Vince

For further information please contact Lee Weston on (01702) 846396.



This plan is prepared for the purpose of showing the layout of the proposed development and is not to be used for any other purpose.  
 The site is shown as it is at present. It is not intended to show any proposed changes to the site.  
 The site is shown as it is at present. It is not intended to show any proposed changes to the site.

01/3004/100M



**PLANNING SERVICES COMMITTEE - 13<sup>th</sup> December 2001 Item 14**

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**TITLE :** 01/00051/FUL  
ENGINEERING WORKS IN RESPECT OF THE SITING OF A  
MOBILE HOME  
DOME CARAVAN PARK, THE SPUR, LOWER ROAD,  
HOCKLEY

**APPLICANT :** H A BAKER

**ZONING :** METROPOLITAN GREEN BELT

**PARISH:** HULLBRIDGE

**WARD:** HULLBRIDGE SOUTH

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**PLANNING APPLICATION DETAILS**

- 14.1 This application seeks permission for engineering works associated with the siting of a mobile home. The works consist of a brick skirt surrounding the recess beneath the mobile unit, brick steps to the entrance. The unit will be connected to the drainage system and electricity source.

**RELEVANT PLANNING HISTORY**

**ROC/138/86** Siting of 4 caravans, Approved 7/9/58

**ROC/805/62/1** Use of Land for Residential Caravan Camp, Approved 24/12/63

**ROC/202/64** Outline Application to Use 3 Parcels of Land as caravan Camp, Refused 15/5/64. Appeal Dismissed.

**ROC/502/64** Use of Land for Extension to Caravan Site, Refused 29/9/64.

**ROC/20/67** Residential Caravan Site, Approved 18/1/68

**ROC/668/73** Holiday Caravan Site, and Extension to Sewage Works, Refused 29/11/73. Appeal Dismissed.

**ROC/1233/78** Extend Existing Mobile Home Park, Approved 28/3/79

**ROC/087/89** and **ROC/088/89** Change of Use of Land to Site 17 Mobile Homes with car parking and Access Road, Both Refused 18/5/89

**ROC/102/96** Layout and Construction of Car Park, Approved 16/5/96

**00/00045/FUL** Engineering Works Associated with the Siting of a Mobile Unit (Caravan)

**PLANNING SERVICES COMMITTEE - 13<sup>th</sup> December 2001 Item 14**

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**CONSULTATIONS AND REPRESENTATIONS**

- 14.2 **Hullbridge Parish Council** – concern was expressed with regard to the position of the proposed mobile home and the potential difficulty that may occur for emergency vehicles entering the site and also the reduction in parking spaces. *The siting has since been relocated taking on board the advice received of the Chief Fire Officer.*
- 14.3 **County Surveyor (Highways) – De-Minimis**
- 14.4 **Environment Agency** – No objection. Refers to informatives to be attached to any Decision Notice.
- 14.5 **Anglian Water** – no objection.
- 14.6 **Local Plans** – Do not wish to raise a policy objection.
- 14.7 One letter following neighbour notification – Car parking spaces shown on the plans are used as a turning area for the local bus. Access for emergency vehicles. Disruption caused by works. *Following advice from the Fire service a revised plan was received.*

**MATERIAL PLANNING CONSIDERATIONS**

- 14.8 The site is within the zoned area of the Dome Caravan Park as shown on the Rochford District Local Plan proposals map. The Caravan Park is within the Metropolitan Green Belt, Special Landscape Area, Coastal Protection Belt.
- 14.9 Given that the proposal is within the boundary of the allocated caravan park it complies with policy CT16 of the Local Plan which seeks to prevent extensions to caravan parks.
- 14.10 While the works applied for technically comprise inappropriate development in the Green Belt, contrary to Policy GB1, the site benefits from an existing planning permission allowing the use of the land for the stationing of caravans. It is more the presence of the caravan than the works applied for in the current application that will affect the openness and character of the area. But this application does not consider the actual mobile home, as such.
- 14.11 Concern has been expressed that the development encroaches on the Club House, and that the area is presently used for the parking of cars. The area at present is used for informal car parking. A previous planning application (F/0102/98/ROC) sought permission for the layout and construction of the car park, related to the Dome Club House becoming a Free House. That application defined areas that were to be specifically for the use by patrons of the public house. These areas are not part of the current application's site.
- 14.12 The site licence requires a total of 90 car park spaces for the site. There are 98 in total. A further 57 are reserved for patrons to the public house. Sites specifically identified for parking areas lie to the opposite site of The Avenue (ROC/20/67 and ROC/197/67).

**PLANNING SERVICES COMMITTEE - 13<sup>th</sup> December 2001 Item 14**

- 14.13 Other considerations have been the capacity of the drainage on site and access for emergency vehicles. Anglian Water and the Environment Agency have no objection to the proposal. With regard to the issue of emergency access, following discussions with the Fire Service the applicant presented revised drawings re-positioning the engineering works allowing for a wider access to the rest of the site.
- 14.14 The applicant states that one of the objectives of the development is to remove the unsightly car parking area, greatly up-grading the appearance and image of the site. The removal of cars would not affect the provision of car park spaces.
- 14.15 The Special Landscape Area and Coastal Protection Belt designations will not be adversely affected by the proposal. The development will not have an adverse visual impact on the openness of the green belt and the design and materials of the proposal are considered to be in accordance with the character of the caravan site.

**CONCLUSION**

- 14.16 The site is related to the other mobile homes forming the caravan site. There is no restriction on the site in terms of car parking. The site Licence does not prevent further mobile homes being placed on the site. The concerns over emergency access have been met. The issue of drainage has not raised objections from the regulatory bodies.
- 14.17 The siting of engineering works in this location will remove an unsightly car parking area in this centrally located position, and would contribute to an improvement in the appearance and image of the caravan park. This planning application is not for the placing of a mobile home on the site, which does not require planning permission, but for the associated engineering works.

**RECOMMENDATION**

- 14.18 It is proposed that this Committee **RESOLVES** to **APPROVE** this application subject to the following condition:-

- 1 SC4 Time Limit Full - Standard

**Relevant Development Plan Policies and Proposals:**

GB1, LT16, RC7, RC9 of the Rochford District Local Plan First Review

  
Shaun Scrutton  
Head of Planning Services

The local Ward Members for the above application are Cllr R Brown,  
Cllr Mrs. W. Stevenson

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



**PLANNING SERVICES COMMITTEE - 13 December 2001 Item D3**  
**Deferred Item**

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