

Item R1 08/00275/FUL The Pear Tree	<p>Hockley Residents Association</p> <p>Object on the basis that in all cases, to ensure control of development and fairness to all, an applicant should secure planning permission before carrying out development.</p> <p>In this case the site is in the Green Belt where development is strictly limited for everyone and the site has a valid enforcement notice preventing caravans.</p> <p>The law provides for the new owners of the site to be made aware of this enforcement notice.</p> <p>This application should be refused.</p> <p>Disappointed this application does not appear to have been advertised within Hockley.</p> <p>27 further letters have been received and which in the main make the following comments and objections in addition to those set out in the report:-</p> <ul style="list-style-type: none">• No restrictions on the number of people on the site.• The accommodation at present includes a converted stable block, as well as 1 mobile home and 2 touring caravans, so the accommodation needs of the family are in excess of proposed provision. This suggests the site is overcrowded and cannot sustain the present number of people.• Policy HP20 states there should be the availability of services before considered as a travellers' site. The present occupier has been on site since January 2008 and has made inadequate sanitation provision.• The history of the site should not influence the present decision. Temporary permission was only granted due to the uncertainty of arrangements for Gypsy and Traveller provision in the area. The Executive has now established a policy to establish 15 pitches in the District by 2011.• In March 2007 the Appeal Inspector stated the development to be inappropriate within the Green Belt. The development continues to be inappropriate. The narrow densely packed plot lies between much larger plots where accommodation is set back in well maintained gardens. The inappropriateness of the site should not be overlooked in the light of the Council's new policy.• The site does not have main road access and only provides for one plot for accommodation. It does not conform to the standards in any of the permanent travellers' sites in Essex, which are organised into large plots 6 – 25 and have laid on services and good main road access. The site has no future as a permanent travellers' site in the Rochford District.• Road safety concerns for vehicles and trailers leaving Lower Road and entering on a blind corner.• The site is too small.
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- The site is too close to residential properties.
- Adverse visual effects in sparsely developed rural area.
- No mains drainage.
- No through road.
- Long lorries jam the road and are unable to negotiate the bend at New Park Road causing severe congestion with oncoming vehicles reversing.
- Countless number of accidents including lorries overturning.
- Poor street lighting.
- No road cameras.
- Difficulty for emergency vehicles to attend immediately because of congested roads.
- Primary school nearby causing further traffic congestion.
- Nursery and other light industrial units nearby causing further congestion.
- The siting of 3 dwellings in such an undeveloped area will have adverse visual effects.
- The refusal of similar Green Belt applications previously in this area will have cause to re-apply and expect approval should this application find favour.
- Sewage and waste water disposal.
- Stop this happening; look what's happened in other areas.

1 letter has been received from the applicant's agent and which makes the following comments:-

- Would like the Committee to give deep thought before making the decision on this application.
- As agent also work for other Gypsy / traveller families. Also work for the Department for Communities and Local Government and the Improvement and Development Agency (I&Dea).
- The applicant bought the land thinking planning permission already existed and was not told by the previous owner that the permission was personal.
- The previous permission was won on appeal due to very special circumstances relating to the children's education and health due to stresses of being on the road. Have no doubt the current applicants would also win an appeal, with costs, for the following reasons:-
 1. The Council has not provided any additional sites for Gypsy families and there is a desperate need.
 2. The applicant's mother is in very bad health.
 3. The applicant's children are now getting an education.
- The following additional information is offered:-
 - Every child deserves to be safe, as required under the provisions of the

	<p>Children's Act 2004. This is powerful legislation which impacts strongly on the authority's obligations to Gypsy / Traveller families. Every child from birth to 19 of whatever background or circumstances are to have all the support they need to be healthy, stay safe, enjoy and achieve, make a positive contribution and achieve economic well being.</p> <ul style="list-style-type: none"> • All organisations involved in providing services to children must now work together to protect children and young people from harm and help them achieve what they want in life. Leaving children on the side of the road with no place to stay is contrary to this Act. • Circular 01 / 2006 states that where a local authority has not met their need regarding pitch allocation permission should be granted, even if the site does not fit all criteria. As the site has already been granted permission for special circumstances on appeal for some years now and the authority has still not met their need, consider that any Inspector would grant planning permission. In this case the need has not been met, the children can't continue their education, the requirements of the Children's Act 2004 are not met, and the Council's own policies state that once a Gypsy site it should stay a Gypsy site. • Under the Housing Act 1996, anyone living in a vehicle with nowhere to put it is defined as homeless. Anyone at risk of losing a place to stay is legally at risk of homelessness. Contrary to popular rumour there is no requirement to have a local connection for this act and liable to sanction. • Whilst the officer has advised there should be much more information to give a better case to justify the need for granting permission on this site, the fact that the site was previously granted for special needs at appeal, the fact concerning the education of the children, the fact that the family would be made homeless if permission were not granted, that the applicant's mother is very ill and is receiving ongoing treatment at Southend Hospital should be reason enough to allow Members to grant permission. • Family continue to be living with the worry that they may be evicted and the uncertainty, having been given the wrong advice by officers initially and the time taken on this application.
<p>Item 2 08/00789/FUL Asda</p>	<p>1 further letter has been received in response to the neighbour notification and which in the main makes the following comments:-</p> <ul style="list-style-type: none"> • understand the application is being recommended for approval. • Hope Councillors will be made fully aware by the Planning Department of what the change of uses now proposed will/could mean. This didn't happen with the original 'Neighbourhood Centre' application!

	<ul style="list-style-type: none">• Although this application isn't being made by Asda, they will have great control over the application. Planning Potential is significant in this and the Asda applications.• 'Mixed Use' will end up being what Asda wants, not what the residents want.• Hope any new application for this site will have appropriate conditions put on. This was omitted by the Planning Department in the original applications.• We note the condition suggested re: delivery times. Conditions should also be put on re: times of opening for the shops / businesses. This is a residential area. <p>1 letter has been received from the applicant and which makes the following comments:-</p> <ul style="list-style-type: none">• Write following the publication of the Committee Report.• We take the comments and concerns of local residents very seriously, hence the withdrawal of the original application and the revisions set out in the current proposal. On this basis, despite this positive recommendation, we thought it would be appropriate to respond to consultation responses raised during the course of this revised application and as reported within your report.• First of all we refer to the letter by the local MP, Mark Francois, who has objected to the revised application on the grounds that the scheme will not provide a community use, as was included within the scheme previously approved. We would contend with the view that the current application does not provide for community uses. Whilst we are unable to confirm a community use will occupy a specific unit of the building, the proposals do allow for D1 uses. Depending on local requirements once the scheme is built, or at least permitted, the applicants would consider a range of offers from potential users, as and when they come forward. Further, the scheme includes a large unit which offers ground and first floor accommodation which could potentially be used for a D1 use. This unit was specifically included within the revised scheme to offer a flexible space which could be used by a number of uses. We therefore believe the application which has gained the officer's recommendation offers the desired flexibility to allow the occupation of the scheme by community uses, should there be a local requirement.• In many respects such comments divert from the planning position. Whilst we have tried hard to accommodate as many points as possible, it remains a fact that the Appeal Inspector granted an entirely unfettered consent for the mixed use building in January
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2007. There is absolutely no requirement or stipulation to provide any D1 floor space in the consented scheme. Nevertheless the current applicants have been willing to accept a condition limiting the range and number of any particular use. This is a more onerous position than consented and largely in response to concerns raised by local residents. We would have hoped such an approach would be welcomed.

- Next we would like to comment on the consultation response from Essex County Council's Urban Designer. We would like to take this opportunity to state that the development will be of the highest quality. The building has been reduced in height and footprint, which addresses local residents' concerns that the building was too tall and an over-development of the site. Further, the design of the building reflects the typology and materials approved by way of the original consent with pitched roofs and dormer windows and reflecting the domestic architecture found on the recently constructed Wimpey scheme opposite the application site. The pitched roofs with flat tops were a feature of the consented scheme and the gable on the west elevation have been introduced to provide scale, articulation and rhythm and are a direct response to the rendered gables on the housing development.
- Within your report you make the valid point that the design of the mixed use building was not a reason for refusal for the approved scheme and that despite the refusal on other grounds, both officers and Members agreed on the point of design. Consequently we have used the approved design to form the basis of our own schemes, with the current application reflecting a design Members and officers have supported previously. On this basis we contend the view of the County's Urban Designer and highlight past support for the design concept and the previous consent granted at appeal by an Inspector.
- Turning to the comments of the Town Council, we note they raise no objection to the application. They do, however, state a concern with the various use classes. As stated within the Committee Report, officers agree that the condition included within the application now addresses previous concerns relating to the uses that will occupy the scheme, whilst providing the flexibility required to secure a successful and vibrant local shopping facility, as encouraged by Policy SAT6 of the Local Plan. This condition has been carefully worded through discussions with officers and directly addresses the concerns of local residents who do not wish to see a proliferation of undesirable uses such as A4 (drinking establishments), a use we have confirmed will not occupy any of the six units. We believe the condition should address any concerns the Town Council may have.

- The Committee Report also includes a summary of 5 consultation responses received from local residents who live in the vicinity of the application site. We believe each of these letters raise objections that have either been addressed by the revised planning application or within the Committee Report. However, for completeness, we feel it appropriate to make the following comments in response:-
 - *The application site is already used for parking by local residents.*
 - *The Asda car park is always full and the application will lead to overspill into the residential area.*
 - *The application will intensify congestion along Rawreth Lane and Priory Chase.*
- The above comments have been raised relating to highway and car parking matters. They all relate to the perceived view that the application proposal will exacerbate existing local parking problems and lead to increased congestion on local roads. We have been sympathetic to residents' concerns on such matters throughout our involvement with this site, however the capacity of the local highway network and the level of parking provision for the mixed use building has been considered in a significant amount of detail since Asda first submitted proposals on the site. It should be noted that the current application proposes one less unit than the scheme approved at appeal and as a consequence will result in less car movements. ECC as the Highway Authority considered the impact of a larger mixed use building at this location when considering the Asda application and it was their view that more than adequate car parking was proposed. As highlighted within the Committee Report, whilst the current application will result in less car movements, an additional 10 spaces are proposed above the level previously approved. It is therefore the considered view that the scheme provides for sufficient car parking which will not give rise to a locally undesirable increase in congestion along Priory Chase or Rawreth Lane or exacerbate any existing parking problems.
- Turning to the issue of the current use of the application site as an overspill car park for local residents, this is a matter raised on numerous occasions in the past to which we have provided our comments on. It is the case that local residents are currently being allowed to park on the site as a gesture of goodwill by the current owners, Asda. The site is afforded an extant planning permission and it is intended that development will take place in the short term, whether it be for the current application or not. The parking of cars on the application site is therefore a temporary use to which no rights apply and not one that planning permission has been granted for.
 - *The introduction of takeaways and drinking establishments will increase anti-social behaviour, vandalism and noise.*
 - *Loss of character and the area is no longer a pleasant place to*

live.

- We have been aware of local concerns regarding the occupation of the mixed use building by 'anti-social' uses since submitting our first application in June 2008. Along with officers this is something we have endeavoured to address to ensure our scheme will be one that will not cause unreasonable nuisance to neighbouring residential properties. Whilst we would draw attention once again to the extant consent which has no restrictions attached to it in terms of the uses that could be provided within the mixed use building, we are sympathetic to the concerns we have heard. To this end the current application stated that A4 (drinking establishments) will not be pursued or accommodated within this scheme. We have sought to retain A3 (restaurants and cafés) and A5 (hot food takeaways) although will accept a limitation on the number of each type of use, as per the agreed condition with officers included within the Committee Report. It would be unreasonable to restrict such uses entirely as, notwithstanding the previous consent, these would be appropriate within such a scheme and will serve a local need.
- We believe the condition included within the Committee Report should provide local residents with the comfort that no more than two units will be occupied by a café, restaurant or takeaway, a significant concession on the applicant's part.
- Project Coral would not wish their developments to directly lead to an increase in anti-social behaviour, however the previous permission on the site and the historic desire to deliver a range of neighbourhood centre uses to support the wider development of the Park School site, means the proposed development is entirely appropriate at this mixed location.
- As stated above in response to the Urban Designer comments, we believe the design of the scheme is sympathetic to past consents and will not cause harm to the existing character of the area. The proposed mixed use building will accommodate uses that will provide local services to the community and officers are in agreement that the mixed scheme is entirely appropriate at this location.
 - *There is no need for more retail units as vacant units exist locally.*
- The application seeks to provide local shopping facilities to serve the immediate local area and to complement the Asda store, as envisaged by the original outline consent for the Park School site and the reserved matters consent. Once again a permission exists on the application site for a larger mixed use building and it has been accepted the proposed units are appropriate.

	<ul style="list-style-type: none">• Through the significant revisions to the proposal and the agreement of an appropriately worded condition to regulate the uses, we have made considerable efforts to address all matters that have arisen since first submitting proposals in June 2008.• We hope we have been able to demonstrate how seriously we take our responsibility to listen to local views. We have attended a public meeting and posted several responses on the local community blog. We have also continually monitored comments and, where practicable, have incorporated these within the application going to Committee on 20 November.• We sincerely believe the scheme should address all concerns previously raised and we would hope Members will consider the past history of proposals on the site and the specific merits of the application that they now have before them.
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