

<b>Item 7</b> <b>16/01105/FUL</b>  <b>Rayleigh</b> <b>Sports and</b> <b>Social Club,</b> <b>London Road,</b> <b>Rayleigh</b>	<p><b>1. Further Neighbour Representations</b></p> <p>1 further letter has been received since the preparation of the officers report from the following address:-</p> <p>Maple Lane: 15</p> <p>And which in the main makes the following comments and objections in addition to those set out in the officer report:-</p> <ul style="list-style-type: none"><li>○ Loss of light.</li><li>○ We should be ensuring and encouraging young people to participate in outdoor activities, both for social, psychological and physiological reasons. In an age where there is an epidemic of obesity it would be negligent and irresponsible to use recreational facilities for young people to be used for the purpose described.</li></ul> <p><b>2. E-mail from Sport England</b></p> <p>Secretary of State Referral</p> <p>As set out in our formal response, if the recommendation in the report to approve the application is accepted by the Committee (as contrary to Sport England's advice) the application will need to be referred to the Secretary of State, via the National Planning Casework Unit, in order to comply with the requirements of the Town and Country Planning (Consultation) (England) Direction 2009. I have noted that the Committee report recommendation in section 7 does not make reference to this requirement and it is not referred to in the summary of Sport England's representation in section 4. Consequently, without such a reference, Committee Members are likely to interpret that the application can be approved by the Committee without a prior requirement to refer the application to the Secretary of State for him to decide whether the application should be called in for his determination. The recommendation to approve should have set out that this will be subject to submission to and clearance by the Secretary of State, as required by the Direction, as Committee Members need to be fully informed of the implications of accepting the recommendation.</p>
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	<p>Paragraph 7 of The Town and Country Planning (Consultation) (England) Direction 2009 is the relevant paragraph of the direction which covers scenarios where local planning authorities have to refer applications to the Secretary of State if they are not proposing to refuse an application and Sport England is objecting, details at <a href="https://www.gov.uk/government/publications/the-town-and-country-planning-consultation-england-direction-2009-circular-02-2009">https://www.gov.uk/government/publications/the-town-and-country-planning-consultation-england-direction-2009-circular-02-2009</a>. For the avoidance of doubt, in the context of the Direction, Sport England is objecting on the grounds that there is a deficiency in the provision of playing fields in the area of the local authority concerned (paragraph 7 (b) (i) of the Direction) and the Direction applies because the playing field is owned by the local authority (paragraph 7 (a) (i)). I would remind the Council that if the planning application is approved and the application is not referred to the Secretary of State, the legality of the decision may come under scrutiny, which could result in a judicial review.</p> <p>I would therefore request that this is drawn to the Committee's attention (ideally before the Committee meeting and at the Committee meeting at the latest) and that this email is also circulated for the Committee's consideration. In view of the significance of this matter, I would be grateful if you could acknowledge receipt of this email and advise how this matter will be addressed before the Committee meeting.</p> <p>Further Comments on the Planning Application</p> <p>The recommendation to approve the application against Sport England's advice is disappointing and there is a concern that the conclusion on this matter in paragraph 5.6 of the Committee report that "it is not considered that the loss of grassed area on this part of the site would have a significant impact on the provision of playing pitches" has not fully accounted for the impact of the proposal on the users of the playing field. Following consultations with the Essex County Football Association (the governing body for football in Essex), the Football Association and Rayleigh Football Club (who use the area of the playing field that would be developed) since our original formal response to the consultation, I would make the following additional comments on this matter that I would request are considered by the Committee:-</p>
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	<ul style="list-style-type: none"><li>• The development would result in the loss of mini football pitches used by Rayleigh Football Club (FC) (which incorporates Rayleigh Boys FC and Rayleigh Girls FC). While the site is leased to Rayleigh Town Sports and Social Club, the pitches on this part of the site are used and maintained only by Rayleigh FC. Rayleigh FC is understood to have not been consulted by the applicant or Rayleigh Town Sports and Social Club on the proposals for the car park at pre-application stage, despite the proposals having the greatest impact on the club.</li><li>• Rayleigh FC runs 53 teams (mainly youth boys and girls) and is one of the largest community football clubs in Essex. The club has to use several sites in the Rayleigh area to meet its match and training needs and has had to convert agricultural land in the local area to pitches to help address its needs. All of the pitches on its existing sites are used to their capacity and there is not space to mark out further pitches on them. The loss of pitch provision will therefore have a detrimental impact on the club as the existing use of the pitches will be displaced and there are no alternative facilities available to the club for accommodating the displaced activities. As advised before, the applicant or the sports and social club have not made any proposals to mitigate the impact on Rayleigh FC. This may result in the club having to restrict the number of teams that it runs due to the lack of pitches available. The fact that only a small proportion of the playing field site would be lost is not considered to be a material consideration therefore as the impact on the users of this part of the playing field would not be proportionate to the scale of the area lost.</li><li>• Rochford District Council's Playing Pitch Strategy SPD (while no longer up-to-date) identified current and future shortfalls in mini soccer pitches during peak periods in Rayleigh and across the whole district and recommended additional pitch provision be made to address the shortfalls. The Essex County Football Association (FA) has advised that these deficiencies are still significant. The loss of mini soccer pitches without mitigation would not therefore accord with the strategy. The need for football pitches is likely to be exacerbated by the increase in population associated with major new developments in the Rayleigh area, including the major developments around the application site.</li></ul>
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	<ul style="list-style-type: none"> <li>• The proposed car park would displace Rayleigh FC's portacabins and container that are used for shelter and storage by the club and there would not appear to be any proposals for relocating them if planning permission is forthcoming. The retention/ replacement of these facilities is considered essential as they support the use of the club's pitches. Without prejudice to our position on the application, if the application is approved a condition should be imposed on any permission requiring details to be submitted and approved of the proposals for relocating the portacabins and container in order to ensure continuity of provision for the club.</li> <li>• The Essex County FA and the Football Association have advised that they object to the planning application and would wish to emphasise their concerns about the loss of pitches without mitigation. The governing bodies support Rayleigh FC's concerns about the impact of the proposals on the club and the development of football in the Rayleigh area. Like Sport England, the ECFA and FA would wish to explore an acceptable mitigation package, which would allow the car park to go ahead while mitigating the impact on Rayleigh FC.</li> </ul>
<b>Item 9(1)</b> <b>16/01149/COU</b>  <b>Unit 2,</b> <b>Maltese Court,</b> <b>Rawreth</b> <b>Industrial</b> <b>Estate,</b> <b>Rayleigh</b>	<p><b>1. Letter from Applicant's Agent to Ward Councillors</b></p> <p>The following e-mail was sent to the Members for Downhall and Rawreth ward by the agent acting for the applicant and is reproduced for the benefit of Committee Members having access to equal information.</p> <p>Dear Cllrs Black, Oatham and Stanley,</p> <p><b>Re: Planning application ref: 16/01149/COU - Unit 2 Maltese Court, Rawreth Ind Est - Change of use of long time vacant unit to Use Class D2 (martial arts &amp; fitness studio)</b></p> <p>I trust you are all well and happy new year!</p> <p>I write to you today to seek your assistance on the above highlighted planning application which has recently been recommended for refusal by Rochford District Council's Planning Department.</p> <p>The officer's report on this matter is attached with the sole recommended reason for refusal on this application being as follows:</p>

"The proposal, by way of the inadequate parking and cycle provision proposed on site, would be considered contrary to the Parking Standards: Design and Good Practice document (2009) and to Policy DM30 of the Rochford District Council Development Management Plan 2014. The shortfall in parking provision proposed, coupled with the inability to rely on on-street parking on nearby streets, would result in a development which lacks sufficient parking provision to serve its proposed use and would if allowed lead to increased parking pressure upon nearby streets to the detriment of the free flow of traffic and highway safety and visual amenity more generally."

For clarity the application has been assessed as acceptable in all other relevant planning-related regards.

#### Background

The subject unit as well as those nearby, has remained vacant for some considerable time despite being actively marketed as confirmed by the applicant in evidence submitted in support of this planning application.

The applicant seeks to change the use of the unit to provide a class and personal training-only based fitness studio. The nature and intensity of this use would ensure that no more than 2 to 3 people would be actively using the studio during the main operating hours of the industrial estate with 90% of such use in the form of classes taking place after 5pm when the majority of businesses on the estate have ceased trading for the day.

The unit has 4 dedicated off-street car parking spaces although further overspill parking is possible elsewhere in Maltese Court after 5pm as well as some on-street parking in the unlikely event that it would be required to cater for this proposed use.

#### Rochford District Council's Adopted Parking Standards

The Council has adopted the Essex County Council Parking Standards: Design & Good Practice (September 2009) which sets out that for gyms a maximum of 1 space per 10 square metres of public area is required. No minimum standard is given. The development would have a public floor area of approximately 170 square metres and therefore a maximum number of spaces required would be 17.

Cycle parking standards are also provided within this document highlighting a requirement for a minimum of 10 spaces plus one space per 10 vehicle spaces equating a total of 11 spaces.

	<p><u>Car Parking Justification</u></p> <p>The applicant strongly contends that sufficient existing parking provision exists to serve the development which will ensure no increased parking pressure on nearby streets. The Highway Authority has already confirmed the acceptability of the proposal in this regard and has not raised objection to the proposed development.</p> <p>As highlighted above, the subject unit includes 4 off-street parking spaces. The applicant contends that these 4 spaces are sufficient for the level of use of the unit during the main operating hours (7am to 5pm) of the industrial estate with no more than 2 to 3 people using the unit during such times given the specialist nature of this class-only gym with bookings by appointment only. The applicant has confirmed that 90% of the gyms classes will take place after 5pm each weekday evening whereby further parking capacity exists by way of adjacent car parking provision and on-street parking as the vast majority of neighbouring businesses will have ceased trading for the day by this time. Such additional capacity is in the process of being further evidenced by way of photographic evidence taken during these times which I am currently awaiting a copy of.</p> <p>In terms of employment up to 6 personal trainers could technically be employed but given the nature of the business no more than 2 or 3 of these could work on the site at any one time.</p> <p>Therefore it is extremely difficult to see how officers could uphold such concerns coupled with the fact that the Highway Authority has raised no objection to this proposal.</p> <p>It is noted that cycle parking requirements are not relevant to this proposal given the number of car parking spaces provided. However, the applicant is willing to provide such cycle parking provision on the site (subject to landowner agreement) with the exact details of which able to be secured by planning condition.</p> <p><u>Conclusions</u></p> <p>Granting planning permission for this small-scale unique leisure facility will enable a local business to survive and succeed as well as introduce a new leisure facility into the District assisting in the overall well-being of the local population.</p> <p>Failure to do so would continue to leave the subject unit vacant with no realistic beneficial use forthcoming to the detriment of the estate and local environment.</p>
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	<p><u>Our Request</u></p> <p>I understand from the case officer Elizabeth Thorogood that this planning application has been included on this week's weekly decision list sent to Members and therefore we are seeking your assistance in calling this matter before the Council's Planning Committee so that the right decision can ultimately be made on this application.</p> <p>We greatly appreciate your time in this matter and please feel free to contact me directly should you wish to discuss this matter further.</p> <p>I hope we can count on your support and we look forward to hearing from you.</p>
<p><b>Item 9(2)</b> <b>16/01204/FUL</b></p> <p><b>Land Rear of</b> <b>59 Rawreth</b> <b>Lane,</b> <b>Rayleigh</b></p>	<p><b>1. Letter from Applicant's Agent</b></p> <p>Confirm will be speaking to the Committee on 23 February.</p> <p>Will confirm that the Council has already approved application 15/00276/FUL and the acceptability of the insertion of velux windows and small design alterations. Will explain the current application is different only in minor ways, which officers have confirmed will not result in any harm to the amenity of others.</p>