



Rochford District Council

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY
PLANNING SERVICES COMMITTEE 17th February 2005**

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 there under. 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 print, please contact the Planning Administration Section on 01702 – 318191.

PLANNING SERVICES COMMITTEE - 17 February 2005

Ward Members for Committee Items

ASHINGDON AND CANEWDON

Cllr Mrs T J Capon

Cllr T G Cutmore

DOWNHALL AND RAWRETH

Cllr C I Black

Cllr R A Oatham

FOULNESS AND GREAT WAKERING

Cllr T E Goodwin

Cllr C G Seagers

Cllr Mrs B J Wilkins

ROCHFORD

Cllr K J Gordon

Cllr Mrs S A Harper

Cllr Mrs M S Vince

WHEATLEY

Cllr J M Pullen

Cllr Mrs M J Webster

WHITEHOUSE

Cllr S P Smith

Cllr P F A Webster

PLANNING SERVICES COMMITTEE - 17 February 2005

REFERRED ITEMS

- | | | | |
|----|--|-----------------|--------|
| R1 | 04/01057/COU
Change of Use of Ground Floor to Take Away. New Bin Store, Car Park Area to Rear (6 spaces)
32 High Street Great Wakering | Mr Leigh Palmer | PAGE 5 |
| R2 | 04/01059/OUT
Demolition of Existing Sun Lounge and Erection of One Detached Dwelling and Detached Double Garage (Siting and Means of Access Being Considered Here)
Rosedale Gladstone Gardens Rayleigh | Mr Leigh Palmer | PAGE 8 |

SCHEDULE ITEMS

- | | | | |
|---|---|-----------------|---------|
| 3 | 04/00970/FUL
Provide 6 Metre High Screen Adjacent to Unit 35. First Floor Extension to Unit 8 to be Used as an Office. New Door to Unit 8 in Flank of Building to Provide Access from Unit 37. Unit 8 to be Used for Vehicle Storage and Repairs in Connection and in Association with the Operation of Units 36 and 37. Removal of Existing Offices and Workshops from Unit 37. Area Outside of "Waste Transfer Operation" to be Used for Vehicle Parking, Vehicle and Skip Storage (and the Storage of Non Waste Materials/Items)
Churn Waste Star Lane Industrial Estate 37 Star Lane Great Wakering | Mr Leigh Palmer | PAGE 12 |
| 4 | 04/00975/FUL
Variation of Conditions Attached to Outline Permission Number 01/00762/OUT to Allow for Separate Reserved Matters to be Submitted and to Allow Flats Above the Retail Units in the Neighbourhood Centre.
Park School Rawreth Lane Rayleigh | Mr Mike Stranks | PAGE 17 |

PLANNING SERVICES COMMITTEE - 17 February 2005

- | | | | |
|---|---|-----------------|---------|
| 5 | 04/00976/FUL
Wallasea Wetlands Creation Project, Construction of
Second Sea Wall, Soke Dyke and Recharge Works to
Areas A and B and Breaching of Existing Seawall
Land At Wallasea Island Creeksea Ferry Road
Canewdon | Mr Mike Stranks | PAGE 26 |
| 6 | 04/01005/CON
Demolish Section of Wall 2.5m in Length and
Replace With Section of Metal Railings
Adj To Day Centre Back Lane Rochford | Ms Sophie Weiss | PAGE 42 |
| 7 | 04/01118/FUL
Demolish Existing Building and Erect a New Two -
Two and Half Storey Building Accommodating 12 Self
Contained Flats
26A Eastwood Road Rayleigh | Mr Leigh Palmer | PAGE 46 |

TITLE :	04/001057/COU CHANGE OF USE OF GROUND FLOOR TO TAKE AWAY. NEW BIN STORE, CAR PARK AREA TO REAR (6 SPACES) 32 HIGH STREET GREAT WAKERING
APPLICANT:	MR HUSSAN
ZONING:	LOCAL NEIGHBOURHOOD SHOPPING PARADE
PARISH:	GREAT WAKERING PARISH COUNCIL
WARD:	FOULNESS AND GREAT WAKERING

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

This application was included in Weekly List no. 761 requiring notification of referrals to the Head of Planning Services by 1.00 pm on Tuesday, 25 January 2005, with any applications being referred to this meeting of the Committee. The item was referred by Cllr Mrs B J Wilkins.

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

NOTES

- 1.1 The application seeks permission for the change of use of the existing retail unit to an A3 takeaway use. The application would change the ground floor to a takeaway with kitchen and office to the rear and retaining the first floor as a flat with its own access. The land to the side of the unit is proposed as a car parking area with space for 6 vehicles. This would not extend to the rear limit of the site with an existing out building being retained and combined with planting to provide some form of buffer to the residential properties beyond.
- 1.2 The proposal is allocated as a neighbourhood or village shop and is within Great Wakering Conservation area. Therefore the key considerations are the criteria of policy SAT5 of the policy in the Replacement Local Plan Second Deposit Draft that only permits change of use to non retail where the criteria of the policy area are satisfied. The unit is not currently vacant but used for some retail and vacuum cleaner repairs. The provision of a takeaway would serve some need for residents but not an essential one as other takeaway facilities do exist in the parade. The proposal would not remove independent access to the flat upstairs.

- 1.3 Applying the adopted car parking standards a maximum of 4 spaces would be required for a takeaway of this floor area plus one space for the flat upstairs. Therefore the 6 spaces proposed are acceptable.
- 1.4 The proposal has the support of the County Council Listed Building and Conservation Officer and the County Surveyor (Highways).
- 1.5 Therefore the outstanding issue remains the impact that the proposal would have on the quality of life of residents in the immediate locality with respect to noise, disturbance, cooking smells and litter. Residents have raised points of concern about the existing situation with regard to these issues in response to the proposal. There are already two A3 uses within the established parade. The other uses in the parade, however, are A1, including the Co-op, and there is an established public house located opposite.
- 1.6 There is no doubt that the proposal will introduce additional activity to the locality through the use itself and the associated car parking area. However, it is questionable whether a refusal on these issues could be substantiated, particularly as a buffer between the site and surrounding residences is proposed; bin facilities for litter are within the site and there is no objection from the HHHCC. The proposal would be an additional A3 unit, but would not result in a proliferation of these uses in the parade. Further, it could be argued that the shopping parade is the most appropriate location for this development, hence its designation in the Local Plan.
- 1.7 There have been 10 neighbour representations received with the main points being:
- there is already a chip shop and a Chinese takeaway that encourage the litter louts;
 - more odours;
 - safety issue as it is already a busy area;
 - there is already a dangerous amount of traffic using the road;
 - rat problems;
 - late night noise;
 - the car park is pointless as it would not be used;
 - close proximity to the back gardens of Whitehall;
 - impact on property values;
 - within the conservation area;
 - no commercial need for another takeaway;
 - the appearance of the building would not be acceptable in the high street;
 - inadequate parking;
 - delivery of takeaways will create extra vehicle movements, etc;
 - the proposal would encourage anti social behaviour.
- 1.8 **County Surveyor (Highways)** - recommends conditions to be applied to any approval given.

- 1.9 **Head of Housing, Health and Community Care** - recommends conditions re: extraction system and standard informative SI16 and to contact HHCC to discuss food hygiene.
- 1.10 **Essex Police** - no objection, but recommend the use of laminated glass in all windows and doors. Would support the provision of a litter bin.
- 1.11 **Essex County Council (Listed Building and Conservation Area Advice)** - no objections to the change of use, but imagine that the adverts would require a separate consent.

APPROVE

- 1 SC4 Time Limits Full - Standard
- 2 SC92 Extract Ventilation

REASON FOR DECISION

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

Relevant Development Plan Policies and Proposals:

UC1, UC2, SAT1, SAT4, TP15, of the Rochford District Council Local Plan First Review

BC1, BC2, TP9, SAT1, SAT5, TP9 of the Rochford District Local Plan Second Deposit Draft



Shaun Scrutton
Head of Planning Services

For further information please contact Leigh Palmer on (01702) 546366.

TITLE :	04/01059/OUT DEMOLITION OF EXISTING SUN LOUNGE AND ERECTION OF ONE DETACHED DWELLING AND DETACHED DOUBLE GARAGE (SITING AND MEANS OF ACCESS BEING CONSIDERED HERE) ROSEDALE GLADSTONE GARDENS RAYLEIGH
APPLICANT:	MR T S CATTON
ZONING:	RESIDENTIAL
PARISH:	RAYLEIGH TOWN COUNCIL
WARD:	WHEATLEY

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

This application was included in Weekly List no. 761 requiring notification of referrals to the Head of Planning Services by 1.00 pm on Tuesday, 25 January 2005, with any applications being referred to this meeting of the Committee. The item was referred by Cllr Mrs M J Webster.

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

- 2.1 **Rayleigh Town Council** - raise no objection.

NOTES

- 2.2 The application is an outline submission for the development of this infill site with one detached dwelling and a double garage. The application seeks consideration of the siting of the dwelling and the means of access to the site with all other matters reserved.
- 2.3 The site is located in an area allocated as residential and therefore development of the site for residential purposes is acceptable in principle.
- 2.4 The siting of the dwelling proposed would be in line with the building line of the adjacent property, Rosedale, and would be set 1m from each of the plot boundaries and the frontage is 12 metres in width, which more than accords with the Council's adopted spatial standards. The siting of the footprint is also such that isolation distances from dwellings to the rear, in High Road would be acceptable given the relationship that already exists.

- 2.5 The indicative elevations show dormer windows proposed to both side elevations. The layout of the proposed dwelling would have to be such that these windows could be obscured to prevent any overlooking of the end of the garden of 52 High Road and into the side window of Rosedale. Therefore a condition is recommended to address this issue at outline stage.
- 2.6 The access arrangements proposed are a shared driveway for the application site and the adjacent property, Rosedale. This would access from Gladstone Gardens and provide access to an existing garage and parking area for Rosedale and a double garage and parking spaces for the application site. The application has the support of the County Surveyor, subject to conditions.
- 2.7 There have been three neighbour representations with the main points being:
- overlooking and loss of privacy to surrounding properties;
 - subsidence;
 - increase in noise from the proposal;
 - Gladstone Gardens is a narrow unadopted road;
 - disruption from construction;
 - surface water issues;
 - foul sewers are already overloaded;
 - disruption to the public footpath;
 - overlooking of the property to the rear;
 - surrounding properties are set in spacious plots;
 - the proposals will run along the boundary with 52 High Road and would impact on the amenity of this property;
 - double garage would be squeezed onto the plot;
 - spoil views;
 - any building would have an adverse impact on the area.
- 2.8 **County Surveyor (Highways)** - recommends conditions to be attached to any approval
- 2.9 **Buildings/Technical Support (Engineers)** - no objections/observations
- 2.10 **Environment Agency** - no comments
- 2.11 **Rayleigh Civic Society** - the access to the proposal would be across Rosedene land and therefore this could lead to problems with disputes regarding a blocked drive and/or inconsiderate parking.

PLANNING SERVICES COMMITTEE - 17 February 2005 Item R2 Referred Item

APPROVE

- 1 Reserved Matters - Specific- Landscaping; Design and External Appearance
- 2 SC3 Time Limits Outline - Standard
- 3 No development shall commence before the existing sunlounge structure on the site has been demolished and all materials resulting therefrom have been completely removed from the site.
- 4 SC14 Materials to be Used (Externally)
- 5 The reserved matters referred to above shall include details of the dwelling that reflect the scale and nature of the dwelling highlighted on the illustrative drawings that accompanied this application. In any event the reserved matters shall highlight a building that has an external height not exceeding 7.5m above natural ground floor level and notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) the dormer windows shown in the northern and southern elevations shall be glazed in obscure glass and shall be of a design not capable of being opened below a height of 1.7m above first floor finished floor level. Thereafter no window or other means of opening shall be inserted within these elevations at first floor.
- 6 SC49 Means of Enclosure - Outline (PD Restr)
- 7 SC58 Landscape Design - Details (RM) - residential amenity
- 8 SC66 Pedestrian Visibility Splays (Single)
- 9 SC74 Driveways - Surface Finish-dated 13th December 2004
- 10 The dwelling shall not be beneficially occupied before the garage and car parking areas shown on the approved drawing dated 13th December 2004 have been laid out and constructed in their entirety and made available for use. Thereafter, the said car parking areas shall be retained and maintained in their approved form and used solely for the parking of vehicles and for no other purpose that would impede vehicle parking.

REASON FOR DECISION

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

PLANNING SERVICES COMMITTEE - 17 February 2005 Item R2 Referred Item

Relevant Development Plan Policies and Proposals:

H19, H24, H11, TP15, of the Rochford District Council Local Plan First Review

HP18, HP6, TP9, of the Rochford District Local Plan Second Deposit Draft



Shaun Scrutton
Head of Planning Services

For further information please contact Leigh Palmer on (01702) 546366.

TITLE : 04/00970/FUL
PROVIDE 6 METRE HIGH SCREEN ADJACENT TO UNIT 35.
FIRST FLOOR EXTENSION TO UNIT 8 TO BE USED AS AN
OFFICE. NEW DOOR TO UNIT 8 IN FLANK OF BUILDING TO
PROVIDE ACCESS FROM UNIT 37. UNIT 8 TO BE USED FOR
VEHICLE STORAGE AND REPAIRS IN CONNECTION AND
IN ASSOCIATION WITH THE OPERATION OF UNITS 36 AND
37 REMOVAL OF EXISTING OFFICES AND WORKSHOPS
FROM UNIT 37. AREA OUTSIDE OF "WASTE TRANSFER
OPERATION" TO BE USED FOR VEHICLE PARKING,
VEHICLE AND SKIP STORAGE (AND THE STORAGE OF
NON WASTE MATERIALS/ITEMS)
CHURN WASTE STAR LANE INDUSTRIAL ESTATE 37 STAR
LANE GREAT WAKERING

APPLICANT : CHURN WASTE MANAGEMENT LTD

ZONING : EXISTING INDUSTRIAL

PARISH: GREAT WAKERING PARISH COUNCIL

WARD: FOULNESS AND GREAT WAKERING

PLANNING APPLICATION DETAILS

- 3.1 Planning permission is sought to reorganise elements of the 'Churn Waste' site and to use the adjoining unit as an associated office (with first floor extension) and vehicle storage and repairs.
- 3.2 The applicant explains the proposals are to help mitigate the noise and activity arising from his business, to improve its efficiency of operation and to allow the business to move forward with the ever changing requirements of the industry.
- 3.3 There are a number of elements to the remodelling, management and operational requirements of the site. These include:-
- New barrier on the northern boundary of the site to a height of 6m and to be formed by brown stained horizontal boarding.
 - Existing vehicle workshop removed (profile sheeting)
 - Existing 2 storey office removed (steel shipping containers stacked)
 - Removal of trees between the existing workshop and unit No 8
 - First floor extension to unit No 8 to provide approximately 25sqm. of office floor space

- New vehicle door in flank of No 8 to facilitate access from this site into No 8
- The use of No 8 to provide vehicle, general repair workshop (170sqm of floor space for industrial purposes)

- 3.4 The operation of the waste transfer station remains unchanged from its current situation. The waste transfer operation is limited by planning condition and also limited by the site licence issued by the Environment Agency. The area of the waste transfer operation is restricted to the south eastern portion of the plot; this submission does not propose any changes to the extent of this area.

RELEVANT PLANNING HISTORY

- 3.5 01/00587/COU Change of use of unit 36 to transport and storage and relocate transfer station to unit 37 (as ancillary use) Granted 13th December 2001.
- 3.6 02/00993/FUL Variation of condition 14 of permission 01/00587/COU re hours of working and emergency use. Granted 7th January 2003.

CONSULTATIONS AND REPRESENTATIONS

FIRST ROUND

- 3.7 **The Environment Agency** :- No comment.
- 3.8 **Essex County Council Highways Officer**:- No objections.
- 3.9 **Head of Housing, Health and Community Care**:- No adverse comments in respect of this application; comments that the erection of an acoustic barrier in the proposed location will have no effect in reducing the noise experienced by yards adjacent to Churn Waste. The pathway of noise from the waste sorting activities in the Churn Waste yard to the offices of Harjo Ltd is only extended by approximately 2m. Therefore the proposed barrier will serve merely as a visual screen between the two yards. The applicant is advised to procure the services of an acoustic consultant to effectively design out any noise issues that the applicant currently has.
- 3.10 The occupiers of 35 Star Lane Industrial Estate raises a number of points within the submission but ultimately their objection lies with their claim that the operator has not complied with the planning conditions or licence requirements.

- 3.11 The occupiers of Nos 17, 34, 12-14, 25, 35, 1-4, 16, 9-10 Star Lane Industrial Estate object to the proposal in the main on the following grounds:- Deterioration in the quality of the environment since Churn started operating; the access road through and around the estate has, due to the high level of large vehicles accessing the Churn site, deteriorated significantly and is potholed and dangerous; the road is privately owned and should now be adopted by the County Council; could access to the Churn site be from the haul road within the Brickworks site; growth of the site should be restricted until the problems over access and poor road quality can be satisfactorily overcome; dust and dirt from the operation of waste transfer gives problems to other users of the site including their callers and customers; would it lead to additional parking on street.

SECOND ROUND

- 3.12 **Essex County Council Highways Officer** - No objection.
- 3.13 The occupiers/operators of 27, 40, 25 and 35 Star Lane Industrial Estate have written in objecting/commenting in the main on the following issues:- the road has become steadily worse since Churn Waste began operating from the site; they should be responsible for the road's upkeep; the damage to the roadway is a danger for other users of the estate; the Council has not enforced breaches of planning control on the previous consent; if the site is left to develop still further it will cause additional problems.

MATERIAL PLANNING CONSIDERATIONS

- 3.14 Unit 37 has planning approval to be used as a waste transfer station, and has been operational for some time in association with Unit 36 and as such the principle of the continuation of this use is established and beyond the scope of this planning application. This application seeks to reorganise elements of the business and expand elements into the adjoining site. However, the waste transfer operation remains in the same place.
- 3.15 The applicant is aware that the operation of a waste transfer station at this site has been the source of a number of planning enforcement complaints over time and this application, in part, is an attempt to mitigate where possible the sources of noise pollution from/at the site. The site layout, skip storage and extent of the waste transfer operation remains in accordance with the planning permission and the site licence.
- 3.16 It is considered that the new barrier along the northern boundary, the removal of the workshop and relocating the vehicle repair/maintenance into the rear of unit No 8 should all improve the site's relationship to its neighbours. It is considered that these proposals would not be out of character with the site's location within an established industrial estate. In addition, the applicant has re-located one of their 360 degree machines to ground level.

- 3.17 It is accepted that the first floor office extension to unit No 8 and the new barrier would increase the built form at the site. However, given the site's location and the character of the site and surrounding area (mixed use, mixed design, industrial estate) this should not give rise to a material form of visual intrusion nor be out of character with the site or its surroundings.
- 3.18 The structural safety and integrity of the new barrier is beyond the scope of planning control, notwithstanding this the applicant has confirmed that it will be erected by a reputable company, be located within their site on the inside of the existing fence/boundary treatment and would have the appearance of timber acoustic barriers seen on motorways (not constructed from railway sleepers as suggested by one of the objectors).
- 3.19 Members will note the comments of the Head of Housing, Health and Community Care that the proposed 6m high screen will not in this instance effectively reduce noise experienced by adjacent yards. The applicant is aware of this consultation response and nonetheless considers the screen will in a wider sense help mitigate his activities for his neighbour. The Head of Planning Services in light of the consultation response is not assessing this barrier as an acoustic screen.
- 3.20 The conditions attached to the 2001 consent for a waste transfer station remain in force and it should be noted that for the waste transfer operation to expand its operational area would require a further planning permission and also a new operators licence from the Environment Agency.
- 3.21 It is recommended that the proposal is supported, subject to appropriate conditions.

RECOMMENDATION

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

- 1 SC4 Time Limits Full - Standard
- 2 No development shall commence on the first floor office extension or the 6m high screen before details of all external facing materials and its finished appearance have been submitted to and agreed in writing by the Local Planning Authority. Such materials as may be agreed in writing by the Local Planning Authority shall be those used in the development hereby permitted.

PLANNING SERVICES COMMITTEE - 17 February 2005 Item 3

REASON FOR DECISION

The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations or to the character of the area such as to justify refusing the application.

Relevant Development Plan Policies and Proposals

EB1 of the Rochford District Local Plan First Review

BE1 of the Essex and Southend-on-Sea Replacement Structure Plan



Shaun Scrutton
Head of Planning Services

For further information please contact Leigh Palmer on (01702) 546366.

TITLE : 04/00975/FUL
VARIATION OF CONDITIONS ATTACHED TO OUTLINE
PERMISSION NUMBER 01/00762/OUT TO ALLOW FOR
SEPARATE RESERVED MATTERS TO BE SUBMITTED
AND TO ALLOW FLATS ABOVE THE RETAIL UNITS IN THE
NEIGHBOURHOOD CENTRE
PARK SCHOOL SITE RAWRETH LANE RAYLEIGH

APPLICANT : HENRY DAVIDSON DEVELOPMENTS LTD

ZONING : EXISTING SECONDARY SCHOOL

PARISH: RAYLEIGH TOWN COUNCIL

WARD: DOWNHALL AND RAWRETH

PLANNING APPLICATION DETAILS

- 4.1 This application is to the site of the former Park School located on the southern side of Rawreth Lane opposite the junction with Parkhurst Drive.
- 4.2 The site received outline planning permission for a mixed use development under application 01/00762/OUT on 18th June 2003.

The Application

- 4.3 The proposal is an application made under Section 73 of the Town and Country Planning Act 1990 to vary the outline permission to allow separate reserved matters to be submitted for the neighbourhood centre and to allow for the provision of flats above the intended shops.
- 4.4 The application seeks to amend condition 1 of the outline consent to allow separate reserved matters to be submitted for the neighbourhood centre.
- 4.5 The application seeks to amend condition 3 of the outline consent to reflect the exact proportions set out in the master plan. The existing condition states the area of the neighbourhood centre to consist of an area of 1.62ha. The applicant states that the actual area of site approved in the master plan is 1.47 ha and therefore seeks to amend condition 3 to accurately reflect this.

- 4.6 Condition 4 of the outline consent sets out a range of uses including shops, food and drink and non-residential institutions. This condition omits residential uses. The applicant seeks to amend the condition to allow residential flats in principle above the commercial uses. The applicant has confirmed that they are seeking to erect development on the Neighbourhood Centre site rising to a maximum of two and one half storeys.
- 4.7 Condition 7 of the outline consent requires the submission of both hard and soft landscaping details to be submitted concurrently with the submission of reserved matters. The applicant seeks to vary this condition to make clear that development can commence on the neighbourhood centre at such time as the landscaping for that part of the site relating to the neighbourhood centre has been agreed and would not be dependant upon those matters remaining outstanding on other parts of the site.
- 4.8 Condition 8 of the outline consent requires that prior to the commencement of the development the trees on the site subject to the Tree Preservation Order are fenced off and protected from construction activities. The applicant seeks to amend this condition to ensure development can commence on the site of the neighbourhood centre provided that the condition is met for that part of the site rather than be dependant on the condition being equally fulfilled on the other parts of the site to which the outline consent relates.
- 4.9 Condition 9 of the outline consent requires that no building be constructed prior to the agreement of details for the Foul Water drainage of the site. The applicant seeks to amend condition 9 to allow for separate reserved matters to be submitted for the foul drainage of the neighbourhood centre.
- 4.10 Condition 15 of to outline consent requires that there be no beneficial occupation of any element of the development until all highway works in its respect have been completed, including the relevant part of the internal road network and access onto Rawreth Lane. The applicant now seeks to amend this condition to allow for beneficial occupation of the neighbourhood centre once the highway works to that part of the site are complete.

Development Plan Policies

- 4.11 The site is allocated as Existing Secondary School in the Rochford District Local Plan First Review (1995).
- 4.12 The site is allocated for mixed use development in the Second Deposit Draft Rochford District Replacement Local Plan (May 2004).

RELEVANT PLANNING HISTORY

- 4.13 01/00762/OUT
Outline application for a mixed use development comprising housing, neighbourhood centre, public open space, primary school and leisure centre.
Permission Granted 18th June 2003.
- 4.14 04/00612/REM
Details of spine road, associated footpaths and footpath/cycleway, roundabout and turning facilities
Permission Granted 26th August 2004.
- 4.15 Consideration of master plan including revised figure of 1.47h.a for the neighbourhood centre. Agreed at Planning Services Committee 30th June 2004.
- 4.16 04/00677/REM
Details of two storey building to provide sports and leisure centre with outside playing areas, skateboard park, access and parking areas.
Permission Granted 21st October 2004.
- 4.17 04/00675/REM
Details of 129 dwellings comprising 38 no. four bedroomed houses, 33 no. three bedroomed houses, 11 no. two bedroomed houses, 4 no. two bedroomed apartments and 43 no. two bedroomed apartments for key workers in a mixed development of two, two and a half and three storey form with estate roads
Permission Refused 20th January 2005.

CONSULTATIONS AND REPRESENTATIONS

- 4.18 **Rayleigh Town Council**
Objects to this application as further residential development on this site is out of keeping with the master plan.
- 4.19 **Rayleigh Civic Society**
Look forward to receiving plans/details of this centre in due course for comment.
- 4.20 **Sport England**
Understands this application to vary conditions will not affect the land proposed for playing fields or the Sports/Leisure Centre and have no comments to make.
- 4.21 **Essex Police Architectural Liaison Officer**
Supports the provision of flats above shops as this allows for more natural surveillance of the area outside normal opening hours.
- 4.22 Advises on the need to avoid use of alleyways in the future design and the importance of Lighting and CCTV and use of street furniture.

- 4.23 Requests that the centre be the subject of “Secured by Design “ certification.
- 4.24 **Environment Agency** - No further comment.
- 4.25 **Woodlands and Environmental Specialist**
No comments to make.
- 4.26 One letter has been received from a neighbour to the site and which makes the following objections;
- Strongly object because only purchased our property because it was not overlooked from either front or back and have splendid views of playing fields which Council is intent on destroying
 - Busy traffic on Rawreth Lane keeps moving but if shops or McDonalds/Public House allowed traffic will stop to park
 - Illuminated adverts to shops will shine through our windows
 - Three storey buildings will cause overlooking
 - With the amount of additional properties that have been or will be allowed why must the Council see fit to allow more additional flats to be built
 - Rawreth Lane cannot take much more traffic
 - Must be a limit to the number of places the local schools can take or will another senior school be built having knocked one down
 - If allowed why can they not be built as far away from the main road as possible

MATERIAL PLANNING CONSIDERATIONS

- 4.27 Section 73 of the Town and Country Planning Act 1990 allows applications to be made for Planning Permission to develop land without compliance with conditions that are the subject of a previous permission.
- 4.28 On such applications the Local Planning Authority shall consider only the question of the conditions and whether to grant permission unconditionally or subject to conditions different to those the subject of the previous consent. If the Local Planning Authority decides that Planning Permission should be granted subject to the same conditions as the previous approval such application shall be refused. Whatever the decision reached on the conditions at issue, the outline permission is left intact.
- 4.29 **Condition 1**
Section 73 allows flexibility to be brought into the development process. The reference to “development “ can be taken to refer to either the whole development and the whole site or parts of each. The legal agreement to the outline approval makes provision at clause 6 that in the event of an application under section 73 being approved it will be construed as the permission without the need to formally vary the deed. The intent of the condition did not preclude separate consideration or implementation of constituent parts of the development, as demonstrated by the reserved matter submissions outlined in the history section above.

- 4.30 There are no policy issues that would be affected by the variation of the condition to explicitly allow separate reserved matters to be considered and implemented independently. The consideration of the outline application does not make any particular case for a need for all parts of the site to be considered together and implemented together.
- 4.31 It would be acceptable in planning terms to vary condition 1 to allow separate consideration and implementation of reserved matters on the site and so achieve better clarification of the consent.
- 4.32 **Condition 3**
Members will be aware that in the consideration of the Master Plan reported to the meeting of 30th June 2004 that following review of the site survey and true extent of the land available for development together with final clarification of the true extent and alignment of the spine road that the balance of the site remaining for the neighbourhood centre was reduced from the 1.62ha (4 acres) specified at condition 3 of the Outline Consent to 1.47ha (3.63 acres) being that remaining after commitments to the other parts of the site. It is therefore reasonable to acknowledge this recognition in the formal variation to condition 3 to allow the actual land available to be fairly reflected in the permission.
- 4.33 **Condition 4**
The outline application made provision for the neighbourhood centre with the intention to provide a range of mixed uses both commercial in nature and including community facilities. The specified range included neighbourhood retail units, a nursery, a pub/restaurant and local health centre. This range of uses was not exclusive but with the intention that this part of the site would act as a centre for the existing and proposed residential development in the locality. The provision of mixed use developments is consistent with Government policy on providing sustainable urban development, reducing the need for local residents to travel for certain activities.
- 4.34 The applicant seeks to vary this condition to add to those uses by allowing the provision of flats above the ground floor. This additional provision would generally accord with Government guidance on making the best use of Urban Land. The applicant advises that the flats would not be provided at ground floor level but would occupy upper levels. The applicant has stated that it would be envisaged that such provision would be in buildings of two and one half storey form.
- 4.35 Condition 4 of the outline consent requires that the reserved matters for this part of the development be accompanied by a clear statement setting out the benefits of the proposal to the local community. There can be no material objection to the principle of allowing residential flats as proposed by the terms of this application. The proposal would not substitute any of the intended uses and of course it is usual to provide residential accommodation above such neighbourhood centres.

4.36 Conditions 7 , 8 , 9

Given the arguments rehearsed with regard to condition 1 above, the intentions of the consent do not preclude consideration of separate submissions of reserved matters for landscaping, protection on site to Preserved Trees and the submission of matters concerning the foul drainage of constituent parts of the site. Similarly, there would be no objection in Planning terms to those matters being implemented independently.

4.37 Condition 15

This condition of all those forming part of the Outline Consent is the most consistent with the applicant's request. This condition refers to there being no beneficial occupation of any element of the development until all highway works in its respect have been completed. It is clear from the wording and intent of this condition that independent implementation was envisaged. The clarity of this condition can, however, be improved for the avoidance of those doubts expressed by the applicant.

CONCLUSION

4.38 This application seeks to clarify and regularise the proportions of the sub division of the site relating to the neighbourhood centre and to introduce the provision of first and second floor flat provision in two and one half storey form to those parts of the site having shops and food and drink uses at ground floor. This application also seeks clarification of a number of conditions that will allow separate consideration and implementation of reserved matters relating to the constituent parts of the mixed development approved by the Outline Consent.

4.39 The provision of residential accommodation within the neighbourhood centre would not substitute for the uses committed or fundamentally alter the consent approved at Outline stage. The residential use would add to those uses and in principle would accord with Government advice on making the best use of Urban Land.

4.40 The greater clarification of conditions to allow separate consideration and implementation of constituent parts of the development is considered acceptable in principle. Subject to compliance with the consent in all other respects it is considered that the conditions to which this application relates can be varied to provide the better clarification sought and that implementation of the constituent parts of the site can be achieved without compromising the existing consent or making that consent unworkable.

RECOMMENDATION

4.41 It is proposed that this Committee **RESOLVES to APPROVE** the application, subject to the following conditions

- 1 No part of development for either the residential, playing fields/public open space, primary school, leisure centre and neighbourhood centre shall commence, before plans and particulars showing precise details of the siting, design, external appearance and landscaping of that part of the development hereby permitted (hereinafter called the reserved matters) have been submitted to and agreed in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.
- 2 The outline permission hereby granted relates to the general uses and proportions thereof indicated on the submitted land use plan, drawing No AH6830/L/02, and elaborated upon in the accompanying planning application prepared by W S Atkins Planning Consultants, and dated September 2001. Specifically this Outline approval relates to the uses of the site as follows:
 - a) residential development - 2.83ha, 0.4ha of which is to be affordable housing for key workers in the local area
 - b) playing fields/public open space – 2.63ha
 - c) primary school – 1.62ha
 - d) leisure centre – 1.21ha
 - e) neighbourhood centre – 1.47ha
- 3 The neighbourhood centre shall accommodate a range of uses valuable to the local community and falling into the following Use Classes of the Town and Country Planning (Use Classes) Order 1987: Class A1 (Shops), Class A3 (Food and drink), Class C3 dwelling houses above ground floor only and Class D1 (Non residential institutions). Though not exhaustive, the following uses would be appropriate in principle: local convenience shops (food store, newsagent, post office, etc.) a children's nursery; eating and drinking establishment and a local health centre. Also the provision of flats above ground floor only of any part of the premises. Any application for development of the neighbourhood centre should be accompanied by a clear statement setting out the benefits of the proposal to the local community.
- 4 No part of development for either the residential, playing fields/public open space, primary school, leisure centre and neighbourhood centre shall commence before plans and particulars showing precise details of the hard and soft landscaping for that part of the development hereby permitted have been submitted concurrently with the reserved matters referred to in conditions 1 and 2 above has been agreed in writing by the Local Planning Authority. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority, which shall show the retention of existing trees, shrubs and hedgerows on the site and include details of:
 - o Schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted
 - o Existing trees to be retained
 - o Areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment
 - o Paved or otherwise hard surfaced areas

- Existing and finished levels shown as contours with cross sections, if appropriate
- Means of enclosure and other boundary treatments
- Car parking layouts and other vehicular access and circulation areas
- Minor artefacts and structures (eg, furniture, play equipment, refuse or other storage units, signs, lighting etc.)
- Existing and proposed functional services above and below ground level (eg, drainage, power and communication cables, pipelines, together with positions of lines, supports, manholes etc.)

Shall be implemented in its entirety during the first planting season (October to March inclusive) following commencement of the development, or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

- 5 No part of the development for either the residential, playing fields/public open space, primary school, leisure centre and neighbourhood centre shall commence before all existing trees on that part of the site that are subject to a tree preservation order have been protected by chestnut paling fencing erected at the full extent of the crown spread, which shall remain for the duration of the construction of that part of the development hereby permitted. Such protective fencing shall be removed only when the full extent of the development (including all underground services and works) have been completed. Under no circumstances shall any equipment or materials (including displaced soil) be stored or buildings or structures erected (including site offices), nor shall any changes be made to the existing ground level within the area marked by the chestnut paling fencing.
- 6 No building shall be constructed on any part of the residential, primary school, leisure centre or neighbourhood centre sites before plans and particulars showing precise details of a satisfactory means of foul water drainage to serve that part of the development, have been submitted to and agreed in writing by the Local Planning Authority. Any scheme as may be agreed in writing by the Local Planning Authority, shall be implemented commensurate with the construction of the said building and made available for use upon its occupation.

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- 7 There shall be no beneficial occupation of any element of the residential, playing fields/public open space, primary school, leisure centre and neighbourhood centre parts of the development until all highway works relevant to the particular reserved matter have been completed in accordance with the approved details including the relevant part of the internal road network and access onto Rawreth Lane

REASON FOR DECISION

The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations or residential amenity such as to justify refusing the application.

Relevant development policies and proposals:

None



Shaun Scrutton
Head of Planning Services

For further information please contact Mike Stranks on (01702) 546366.

TITLE : 04/00976/FUL
WALLASEA WETLANDS CREATION PROJECT
CONSTRUCTION OF SECONDARY SEAWALL,
SOKE DYKE AND RECHARGE WORKS TO AREAS
A AND B AND BREACHING OF EXISTING SEA
WALL
LAND AT WALLASEA ISLAND

APPLICANT : WALLASEA FARMS LTD

ZONING : GREEN BELT, ROACH VALLEY NATURE CONSERVATION
ZONE, SPECIAL LANDSCAPE AREA, COASTAL
PROTECTION BELT

PARISH: CANEWDON PARISH COUNCIL

WARD: ASHINGDON AND CANEWDON

PLANNING APPLICATION DETAILS

The site

- 5.1 This application is to a site on the southern bank of the River Crouch and forming part of the north western area of Wallasea Island. The site has an area of 115 ha (284 acres) and currently comprises the old sea wall and part of adjoining arable farmland managed by the applicants on behalf of the Trustees of the William Parker 1967 settlement.
- 5.2 The land area is largely devoid of features and is drained and improved former marsh land. The large fields are marked only by crop variation and large dykes essential to the drainage of the land. The existing sea wall is grassed with a borrow dyke at the toe of the wall. No trees or shrubs exist in this location.

The Proposal

- 5.3 In 1997 the House of Lords after receiving an opinion from the European Court of justice, decreed that an area of marine wetlands, mudflat and salt marsh had to be replaced following loss of similar coastal habitat to port development at Lappel Bank in the Kent Medway Estuary and Fagbury Flats in the River Orwell Estuary, Suffolk. Both these developments have been implemented.
- 5.4 The proposed realignment of the Wallasea Island North Bank is the Government's proposed approach to the compensation requirements as a result of the judgement and following three years of study.

- 5.5 Although initially necessary to provide a new wall to replace the existing wall in poor condition along part of the northern bank of the island, a previously approved replacement wall (01/00896/FUL refers) now represents the first phase of the project.
- 5.6 The current proposal will be the second phase to construct a sea wall inside of the existing wall for a further 1650m enclosing land to form a wetland habitat. The new sea wall would be constructed from material fill from the adjoining arable land. The new wall would have an overall height of 5.3m above Ordnance Datum Newlyn as compared to the existing wall at 4.7 m ODN.
- 5.7 The material used for construction would leave behind a new borrow dyke (also known as a soke dyke) with a graduated depth from a small low level channel at -1.4m ODN and decreasing in depth towards the sea wall to -0.2m ODN over an overall width between bank tops of 22.4 m. A 10m wide Berm with a 1:50 fall is proposed at the base of the new wall. The typical section of the new wall would have an overall width of 27.6m and with a fall of 1:3. The working area to the south of the construction of the new soke dyke would be returned to arable cultivation.
- 5.8 The second part of this application would see the importing of recharge fill sourced from pollutant free maintenance dredgings. Although the applicant cannot guarantee the material to be free of minor harbour debris, this material will be of harbour silt, primarily clay with a small amount of shell and gravel from the underlying sourced strata from the Harwich Haven Authority. This recharge fill would be pumped to the top level of the containment bunds initially to a level of 3.3m ODN but would settle and shrink to a depth of 2.7m ODN contained between the new sea wall and a bund. The width of the recharge would vary in distance between 30m to 50m from the toe of the new wall. The new Bund would maintain a height of 3.3m ODN.
- 5.9 The recharge material would be brought in by sea in a trailer suction dredger which will be moored to a barge as close as possible to the existing sea wall and at the deepwater at Overland, Grassland, Fleet, Ringwood and Barrington Points. The discharge will be pumped via pipelines laid over the walls and will typically take one hour per load.
- 5.10 In the larger area currently enclosed by phase 1 three islands would be created elliptical in shape but varying in size and to an overall height of 4.0m ODN. Islands 3 and 6 would be gravel topped. Island 7 would be cockle shell topped. The remaining four islands would be retained in excavated material.
- 5.11 Four further islands are proposed in the additional area to be enclosed by phase 2 and the current application. In contrast to phase 1 a series of 10 lagoons to a maximum depth of 1.2m and varying in size would be created.
- 5.12 The material used to construct these islands would come from six breaches of the existing sea wall designed to allow the tide to come into the newly formed areas to form a wetland marsh and habitat.

- 5.13 Construction would begin in May 2005 with breaching of the existing wall to commence no later than 1st October 2006.
- 5.14 The current application is accompanied by an Environmental Statement as required by the Town and Country Planning Environmental Impact Assessment Regulations 1999.
- 5.15 The proposal also shows the provision of a new footpath along the top of the new sea wall to both phases 1 and 2 to replace the route on the existing wall that will be lost following the breaching operations.

RELEVANT PLANNING HISTORY

- 5.16 Application No. 01/00896/FUL
Construction of Secondary Tidal Defence Wall Soke Dyke and Associated Works
Permission Granted 12th February 2002

CONSULTATIONS AND REPRESENTATIONS

- 5.17 **Canewdon Parish Council** - No objections. Some concern at the loss of land but consider that a second sea wall might protect the land around that area.
- 5.18 **Essex County Council Highways and Transportation** - Raise no objection, subject to a condition being included in any consent to state that the extinguishment and diversion of the Public Right of Way (Footpath 21 Canewdon) be carried out in accordance with the letter dated 22nd September 2004 and which accompanied the supporting documentation.
- 5.19 **Essex County Council - Public Rights of Way** - No objections. Would prefer for the footpath at the top of the wall to be 4m in width or 4m width dedicated to facilitate definitive map recording as opposed to the 3m width shown. 3m width is, however, acceptable.
- 5.20 Permission will be required from Public Rights of Way for any future structures.
- 5.21 Wording of warning signs and temporary ramping to assist dredging will need to be agreed with Public Rights of Way.
- 5.22 States that it would be of great benefit to the Public Rights of Way Network if the landowner would agree to creating a Public Link from the dead end of the footpath back across the land and to dedicating the whole route as a bridleway which in turn would allow cyclists to use the route.
- 5.23 **Essex County Council - Specialist Archaeological Advice** - no recommendations to make.
- 5.24 **Maldon District Council** - No Objection.

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- 5.25 **Environment Agency** - Raise no objection in principle to the scheme of works. Any outstanding issues will be dealt with via the land drainage consent, which is currently with the Agency. Advise that the Agency is satisfied that there will be no coastal or hydrodynamic impacts and that adequate consideration has been given to these processes. No objections from a waste management licensing point of view regarding the use of dredgings.
- 5.26 Support the creation of new areas of inter-tidal habitat to compensate for losses elsewhere and welcome the applicant's approach taken to date. Anticipate that the proposal will help alleviate problems of coastal squeeze currently affecting the Crouch and Roach estuaries SSSI.
- 5.27 Advise that the mitigation measures contained within the Environmental Statement are detailed and will reduce the impact of the realignment works on the existing nature conservation value of the site. Consider, however, that a small amount of mitigation work will be necessary to clarify whether a water vole population currently exists on the realignment site. Recommend a further Water Voles Survey to be undertaken in May 2005.
- 5.28 Support the collection of hay from the lower folds of the existing sea wall to be scattered on the newly created habitat. This will aid colonisation of plant species, particularly if incorporated with an appropriate seed mix and will also assist important invertebrate populations present.
- 5.29 **Royal Society for The Protection of Birds** - RSPB was one of the prime objectors to the original port development schemes for which this proposal seeks to provide compensatory Habitat. The RSPB support this proposal to deliver the necessary compensation.
- 5.30 RSPB has been closely involved in this project. Consider that this proposal will need to be considered as a plan in accordance with the 1992 EU Habitats Directive and the Habitat Regulations in that an appropriate assessment will be required, given the effects of the proposal upon the Crouch and Roach and Foulness Special Protection Areas. Advise that the information required to conduct an appropriate assessment is contained within the EIA.
- 5.31 RSPB hold the view that the proposal will not have an adverse impact upon the European sites affected by these proposals.
- 5.32 RSPB would, however, expect to see a number of mechanisms in place to ensure that the compensatory habitat is successfully delivered and which should include bird objectives based on data collected from Lappel Bank and Fagbury Flats before these sites were destroyed and to provide a target against which the success of the scheme can be measured. Such objectives are currently with English Nature for discussion.

- 5.33 State that it is important that provision is made for any remedial work that might be necessary and adequate funding secured to ensure the appropriate management of the site. In the longer term RSPB believe that a competent body with experience of wardening this type of site should be engaged to ensure the site is developed to meet the long term objectives and that the permanent loss of habitat at Lappel Bank should mean that the benefits of the replacement habitat should also be secured in perpetuity. A section 106 agreement or alternative legal mechanism may be appropriate to address this issue.
- 5.34 The society is concerned to ensure the compensatory habitat is successfully delivered and maintained and also has concerns about proposed covenants which are not explicit or specific enough to address the areas of bird objectives, a monitoring protocol and provision of any remedial action found necessary to maintain the site in the future. Furthermore, although binding, covenants can be released for a consideration and cannot therefore guarantee long term security of the management of the site.
- 5.35 Whilst not wishing to delay the application further, the RSPB will investigate ways in which the necessary provisions could be delivered and will advise prior to the meeting.
- 5.36 **Essex Amphibian and Reptile Group** - The EARG is broadly supportive of the new wetland creation project. The EARG has records of Viviparous Lizard and Adder from Wallasea Island. The group consider that the sea wall provides valuable rough habitat in an otherwise barren agricultural landscape.
- 5.37 The group believes that the project provides an ideal opportunity to provide specific habitats for reptiles that will be affected by the construction works and subsequent flooding of the land.
- 5.38 EARG does not have any amphibian records for the Island. The proposed creation of suitable habitats for amphibians is welcomed. EARG would like to see smaller water features created, such as field ponds suitable for Crested Newts rather than one large water body.
- 5.39 States that the new water bodies should be monitored for the presence of Crested Newts over three to five years. If no colonisation occurs then the scheme may provide a potential reintroduction site for the Crested Newt under the UK National Biodiversity Action Plan (1994), the Essex Biodiversity Action Plan (1999) and the Rochford District Council's Biodiversity Action Plan (2000).
- 5.40 The EARG are also keen to see monitoring surveys for reptiles after the work has been completed with work particularly aimed at the Adder population. The group offer to help in monitoring the Amphibian and Reptile populations at Wallasea Island and within the Wetland Creation Project.
- 5.41 **Essex Wildlife Trust** - believe the Environmental Statement to be sufficiently robust to determine the predicted impacts on the Statutory nature conservation interests as well as protected species found in and around the site.

- 5.42 Comments that the site is an excellent location for a realignment scheme and that the scheme fits well with the objectives for the Crouch Flood Management strategy. The proposed creation of salt marsh, as indicated in the technical reports, will form an important element of sea defence and valuable habitat.
- 5.43 The Non-statutory Wildlife site will not be affected and that overall the scheme objectives should enhance and extend the sea wall habitat for notable species.
- 5.44 Comment that, in view of the limited changes to the hydrodynamics and sediment accretion/erosion within the estuary, conclude that there will be negligible impacts on the Trust's wildlife reserves at Lion Creek/Lower Raypits, Blue House Farm and Woodham Fen. Suggest conditions should be placed to ensure gradual profile to lagoons, suitable material on the cap of the islands, and to ensure suitable seed mix of the new sea wall to make it more interesting ecologically.
- 5.45 Concerned at extensive earth moving from May onwards when there will be many breeding birds on the site. Either this disturbance must be agreed in advance or the proposed date moved to after late July.
- 5.46 There are various reptiles and mammals recorded and mitigation is proposed to translocate as many as possible. Suitable receptor sites must be identified and managed in advance of translocation and it must be determined what level of effort is required to constitute reasonable mitigation. Recognise that not all individuals will be translocated and that some will perish.
- 5.47 The design of the breach profile is critical and recommend that a second opinion be requested on the physical size and shape of these breaches to check they will do the required job.
- 5.48 **Buildings/Technical Support (Engineers)** - No Objections or Observations.
- 5.49 **Go-East** - Note the comments contained within the Environmental Statement. Request to be notified of the Council's decision in due course.
- 5.50 **English Nature** - English Nature Makes the following advice in terms of Consultation under Regulations 48(3) of the Conservation (Natural Habitats, &c.) Regulations 1994
- English Nature considers that the development outlined in the current application is directly connected with the management of the Essex Estuaries cSAC and the Crouch and Roach Estuaries SPA for nature conservation
 - English Nature considers that the development outlined in the current application is not directly connected with or necessary to the management of the Crouch and Roach Essex Estuaries Ramsar site and Foulness SPA/Ramsar site for nature conservation.

- It is the opinion of English Nature that the proposed development is likely to have a significant effect on the Essex Estuaries cSAC, the Crouch and Roach Estuaries SPA and the Crouch and Roach Estuaries Ramsar site, either alone or in combination with other plans or projects.
- English Nature are, however, of the opinion that the proposed development is not likely to have a significant effect on Foulness SPA/Ramsar site, either alone or in combination with other plans or projects.
- English Nature advise that it is for Rochford District Council to carry out an appropriate assessment of the implications for the Crouch and Roach Estuaries Ramsar site
- English Nature advise that the information required to make the appropriate assessment is contained within the Environmental Statement. It is English Nature's judgement that the likely impacts will not constitute an adverse effect on the integrity of the Crouch and Roach Estuaries Ramsar Site.
- English Nature do not consider that there are any substantive conditions, restrictions or alterations that are needed to be placed on the proposal at this stage to reduce the impacts highlighted.

5.51 English Nature Makes the following advice under section 281(2) of the Wildlife and Countryside Act 1981, as incorporated by the Countryside and Rights of way Act 2000

- States that the Council has a duty to take reasonable steps to further the conservation and enhancement of the SSSI and that the Council should also consider the potential for wildlife gain.
- English Nature considers that the proposal will not adversely affect nationally important numbers of wintering Shelduck, Curlew, Dunlin and Shoveler that are conservation features for the European and international site.

5.52 Further comment is made that the Environmental Impact Assessment has addressed the issues required and English Nature agrees with the impacts highlighted and the mitigation proposed, which are considered appropriate and acceptable. English Nature considers this project to be a valuable example of good practice.

5.53 English Nature supports the proposal to assist the natural re-seeding of the new sea walls, which will aid the colonisation of a more diverse grassland and ditch flora. English Nature recommend that appropriate management of the new sea walls be developed to take account of the scarce plants characteristic of Essex Sea Walls and to allow a good proportion of rough grassland for reptiles.

5.54 Agree conclusion of the Environmental Statement that water voles would exist at such a low density that mitigation is not required, but suggest a condition to any approval that might be given requiring a survey for water voles to be undertaken in Spring 2005 and should presence of this species be confirmed an appropriate mitigation methodology be developed in consultation with English Nature.

- 5.55 English Nature have raised the issue concerning the absence of a reptile mitigation methodology within the Environmental Statement. This has been raised directly with the applicants and a mitigation statement has now been agreed. English Nature have no further comment to make with regard to reptiles.
- 5.56 **A County Councillor** - supports scheme. Proposal will help boost local tourism and will enrich biodiversity with the increased growth in saltmarsh. Will improve flood defences.
- 5.57 One letter has been received in response to the public consultation, which makes the following comments and objections;
- Support the erection of another seawall and applaud the commitment to the Island
 - Foresee a problem in the amount of recharge material to be brought to the Island from another estuary and deposited in front of the new sea wall. Concern that, given tidal flow, that this material will flow out into the River Crouch and reduce the navigable depth of the Fairway and reducing the recreational sailing area of the river and draft in the area
 - Both Crouch Harbour Authority and Baltic Distribution Ltd need written assurance from the regulatory Planning Authority that, if granted, the project will not be detrimental to recreational sailing and will not affect the navigation depths in the River
- 5.58 Two letters have been received in response to the public consultation, which make the following comments in support of the application;
- trust the Council will support this application as it will in time be a place of great value in environmental terms
 - will be a lasting testimonial that the foresight in granting permission was the correct one
 - pleased to see concerns about possible siltation and detrimental effects on navigation and the long tradition of boating in the estuary will be given consideration.
 - Welcome the EIS statement that sediment recharge will be controlled in conjunction with the Crouch Harbour Authority to ensure no hindrance to navigation by other river users is welcomed.
 - Statement from the Defra project manager that the managed realignment will be a net importer of sediment and that it will not lead to siltation of the adjacent estuary provides a good measure of reassurance.

MATERIAL PLANNING CONSIDERATIONS**5.59 The Green Belt**

The site is located within the Green Belt. The proposal does not fall within any of the specified exceptions. The size of the proposal would not be considered small scale. However, the development essentially would make a significant change to the features of the landscape and would improve the diversity of its appearance and create important wildlife habitat and defence against flooding of existing land. The openness would not be adversely affected and therefore the contribution and function of the site to the Green Belt allocation would not be adversely affected and would even be considered to be enhanced. The proposal would not therefore conflict with Policy GB1

5.60 Nature Conservation Zones

The site falls within the Roach Valley Nature Conservation Zone. The Nature Conservation Zones were designated as buffer zones to protect areas of important habitat and the SSSI's in particular. Although the zones have a non-statutory designation, they are now, following Government advice, considered of limited weight to decision making in planning terms. The proposal is to enhance wildlife habitats notwithstanding the destruction of the smaller part of established habitat along the existing sea wall. Accordingly the proposal would not conflict with Policy RC5.

5.61 Special Landscape Areas

The site is within The Crouch/Roach marshes special landscape area. Policy RC7 states a general presumption against development unless such proposals would accord with the character and landscape of the area in which the development is proposed.

5.62 The proposal would enhance the existing landscape and is therefore in accord with Policy RC7.

5.63 The Coast

The proposal would not represent a form of development that would adversely affect the open and rural character of the coastline and its wildlife. Taking into account the improvement to the sea defences associated with the proposal, the development proposed would not conflict with Policy RC9.

5.64 Informal Recreation

The proposal would enhance the existing habitat and footpath walking along the top of the new wall with improved opportunities for bird watching. Accordingly the proposal would not conflict with Policy LT9.

5.65 Creation of Intertidal Habitats

Policy NR11 to the Council's Second Deposit Draft Local Plan states that the creation of new intertidal habitats will be permitted provided it can be demonstrated through consultation with the appropriate bodies that the benefits of the proposed habitats clearly outweigh the resultant loss of other natural habitats, agricultural or other land. This Policy is not subject to challenge in the Local Plan Inquiry and can therefore be given significant weight.

5.66 The general summation of views from the statutory and other bodies consulted on this application is that the benefits of the proposal outweigh the loss of agricultural land and the effect of destruction of existing habitat. Accordingly the proposal is compliant with Policy NR11 to the Council's Second Deposit Draft Local Plan (2004)

5.67 Requirements under the CONSERVATION (NATURAL HABITATS, &C.) REGULATIONS 1994

5.68 The Council as Local Planning Authority is a competent Authority for the purposes of these regulations and is required to carry out an appropriate assessment where a plan or project is;

- Likely to have a significant effect on a European site in Great Britain (either alone or in combination with other plans or projects) (Regulation 48 (1) a)
- And is not directly connected with or necessary to the management of the site (Regulation 48 (1) b)

5.69 In this case these judgements and assessments need to be made for each of the following sites;

- Essex Estuaries special Areas for Conservation (cSAC)
- Crouch and Roach Estuaries Special Protection Area (SPA)
- Crouch and Roach Estuaries Ramsar site
- Foulness SPA
- Foulness Ramsar site

5.70 The competent Authority is required to consult the appropriate nature conservation body, in this case English Nature, and have regard to any representations made by that body and shall also take into account the opinion of the general public, if considered appropriate. In the light of the conclusions of the assessment and considerations of overriding public interest the Authority shall agree the plan or project only after having ascertained that it will not adversely affect the integrity of the site, having regard to any conditions or restrictions that consent or authorisation should be given.

5.71 Essex Estuaries cSAC

With regard to regulation 48 (1a) English Nature considers that the scheme is likely to have a significant effect on the cSAC because of the change to intertidal habitats associated with the breach and breach channels and the influence of the breach and realignment area on the hydrodynamics of the estuary.

- 5.72 With regard to regulation 48 (1b) English Nature considers this scheme to be directly connected with or necessary to the management of the cSAC. This judgement has been based on the effects of those elements of the proposal that will be felt within the designated site such as the breach, breach channels and wall tie-in. The advice goes on to state that the minor adverse impact highlighted by the Environmental Statement concerning minimal impacts on short term erosional patterns and downstream widening and deepening should be considered necessary, rather than unacceptable, damage. English Nature conclude that in this case an Appropriate Assessment would not be required.
- 5.73 **Crouch and Roach Estuaries Special Protection Area (SPA)**
With regard to regulation 48 (1a) English Nature considers this scheme to be likely to have a significant effect on the SPA because of changes to the intertidal habitats associated with the breach and breach channels, the influence of the breach and realignment area on the hydrodynamics of the estuary and potential bird disturbance.
- 5.74 The realignment area outside the designated site supports roosting and feeding wintering SPA birds. However, the post breach changes to this area are not considered to be significant for the SPA birds. This is because they will broadly utilise created intertidal habitat for feeding and the new saltmarsh and island areas for roosting and there is significant arable land beyond the SPA both on and off Wallasea Island.
- 5.75 With regard to Regulation 48 (1b) English Nature considers, on balance, this scheme to be directly connected with or necessary to the management of the SPA, having based this judgement on the effects of those elements of the proposal that will be felt within the designated site, such as the breach, breach channels and new wall tie-in.
- 5.76 The habitat created outside the designated site has not been considered in this judgement. The breach itself is required as a contribution to the improved functionality and longer term sustainability of the estuary as a whole and its features and better ability of the estuary to cope with sea level rise. The minor adverse impact highlighted by the Environmental Statement such as minimal impact on short term erosional patterns and downstream widening and deepening should be considered necessary change, rather than unacceptable damage. Change in habitat characteristics within the designated site as a result of this breach will continue to maintain and enhance the designated bird populations. English Nature conclude that in this case an Appropriate Assessment would not therefore be required.
- 5.77 **Crouch and Roach Estuaries Ramsar site**
With regard to regulation 48 (1a) English Nature considers this scheme to be likely to have a significant effect on the Ramsar site because of intertidal habitats associated with the breach and breach channels, the influence of the breach and realignment area on the hydrodynamics of the estuary, potential bird disturbance, loss of sea wall and sea wall berm habitat at the breaches and change in sea wall berm and borrow dyke habitats for the plant and invertebrate assemblages.

- 5.78 With regard to Regulation 48 (1b) English Nature considers on balance this scheme not to be directly connected with or necessary to the management of the Ramsar Site. English Nature advise that the breaching of the sea wall with associated inundation of the sea wall berm and borrow dyke does not support the maintenance or enhancement of the plant and invertebrate assemblage species associated with these areas. It therefore cannot be argued that this scheme is directly connected with or necessary to the management of the Ramsar site. In these circumstances it is advised that an Appropriate Assessment is required to address the impacts on the designated site and that this should focus on the impacts of post breach inundation on the sea wall berm and more particularly the borrow dyke.
- 5.79 English Nature considers that the Environmental Statement contains the necessary information to make the appropriate assessment required and accordingly on that basis concludes that this proposal will not have an adverse effect on the integrity of the Crouch and Roach Estuaries Ramsar site.
- 5.80 The Environmental Assessment states (paragraph 8.6.2 pp110) that the direct loss of habitat from the breaching works represents a small scale change in the context of the wider designated areas. Whilst the sea wall supports nationally scarce plant species, these plants are locally abundant and widespread across the Essex Coastal area. The losses of those species to the seaward side will be significantly increased because all sides of the existing wall will be exposed to saline waters. The losses on the landward side will be offset by planting on the new wall landward side and the creation of mitigation habitats. The assessment considers the losses to be negligible.
- 5.81 Much of the saltmarsh on the northern bank of Wallasea Island is currently being eroded and is in unfavourable condition. The loss of part of this habitat to breaching represents a failure initially of relevant conservation objectives that require no loss of saltmarsh from an established baseline subject to natural change. The proposed loss is, however, very small representing 0.03% of the total 6000ha of grassland, saltmarsh and salt pasture habitat. With new intertidal habitat replacing lost habitat, the changes to saltmarsh are considered offset at least partially by the creation of new saltmarsh habitat within mitigation areas.
- 5.82 The proposal will improve the overall ability of the estuary to adapt to coastal squeeze and furthermore there would be significant adverse effects if the realignment was not managed and the walls were allowed to breach naturally.
- 5.83 The views of the public do not contradict this finding and accordingly officers are of the view that, given the advice of English Nature, the submitted details contained within the Environmental Assessment satisfactorily conclude that the proposal will not have an adverse impact on the integrity of the Crouch and Roach Estuaries Ramsar site.

5.84 Foulness SPA and Ramsar site

With regard to regulation 48(1a) English Nature considers that this scheme is unlikely to have a significant effect on the SPA and Ramsar site because of the absence of saltmarsh and narrow extent of intertidal bird habitats of Foulness within the Crouch Estuary. Therefore the changes to intertidal habitats associated with the breach and breach channels, the influence of the breach and realignment area on the hydrodynamics of the estuary and potential bird disturbance are not considered significant for Foulness SPA/Ramsar site

- 5.85 Given a judgement of “not significant “ for Foulness SPA/Ramsar site an appropriate assessment would not therefore be required.

Future Management

- 5.86 The applicants will be responsible for the maintenance of the new sea wall. This will comprise plant cutting to maintain a clear footpath by annual mowing of the wall top. The wall and other areas will be rotationally cut to limit disturbance to plant and insect communities. This minimal intervention is supported by results of aquatic invertebrate surveys, which show that drainage ditches which were untouched had higher invertebrate interest.
- 5.87 The management and monitoring of the realignment site will be undertaken by DEFRA for a period of five years after inundation. The approach will be to let nature take its course with the intention to interfere as little as possible. The Environmental Statement states that there will be no intervention during the first 12 months following breaching. If problems are identified that require resolution the Wallasea Project Management Team which includes members of English Nature, Environment Agency and the Royal Society for the Protection of Birds, will intervene accordingly.
- 5.88 The Environmental Statement identifies various monitoring needs in order to determine whether the created habitats attain an ecological value that is sufficient to compensate for habitat losses and to confirm the physical and ecological changes within the estuary.
- 5.89 The RSPB have expressed concern at the management of the site beyond the five year period involving DEFRA and concern that should the farm change hands there is no guarantee to the long term security of the management of the site, particularly the success of the compensatory habitat over the long term beyond five years. To this end it is considered that the applicants prepare a management plan including bird objectives, a monitoring protocol, and provision for remedial action and wardening by a competent body to ensure that the benefits of replacement habitat are secured in perpetuity. To this end a legal agreement would be the appropriate mechanism available to accompany any Planning Consent given.

CONCLUSION

- 5.90 The breaching of the sea wall at Wallasea would provide a contribution to a more sustainable estuary by reducing erosional pressure elsewhere in the designated estuary and would allow a wider estuary to develop at this existing pinch point.
- 5.91 The intertidal areas are currently unfavourable due to coastal squeeze. The proposal will contribute to the long term remedy of this and so contribute to the delivery of the Government's Public Service Agreement for Sites of Special Scientific Interest and the Favourable Conservation Status of the European features.
- 5.92 The result of not carrying out this proposal would be uncontrolled change to the location through the failure of the sea wall leading to an unmanaged realignment which, may in turn, adversely affect the cSAC, SPA and Ramsar site.
- 5.93 The proposal would not conflict with the provisions of the adopted Local Plan for the area. Whilst some species may be lost despite mitigation the wider benefits to the creation of larger areas of habitat off set short term losses.
- 5.94 The application is supported by an Environmental Statement that considers the potential impacts of the scheme which details necessary mitigation to foreseen impacts.
- 5.95 The statement recognises that the scheme will, however, have effects upon the wider hydrodynamic system of the River Crouch. Such changes must occur in order for the extra volume of water that would inundate the site to get into and out of the estuary on each tide.
- 5.96 The Environmental Statement shows small scale and short term alterations to water flows and water levels, together with long term losses of 2.5ha of intertidal areas downstream, which are identified as unavoidable costs incurred for the gains that the scheme as a whole provides in terms of enhanced coastal protection, increased estuary sustainability, higher ecological interest and improved recreational value. The modelling work undertaken for the preceding flood management strategy has indicated that these costs and their impacts on the ecological and socio-economic interests of the estuary will be insignificant.
- 5.97 The overall scheme with the relevant mitigation monitoring measures in place is deemed to have a range of either negligible or minor (both adverse and beneficial) effects in the short term, but with moderate beneficial effects in terms of coastal protection and estuary sustainability in the long term.

RECOMMENDATION

5.98 It is proposed that this Committee **RESOLVES to APPROVE** the application, subject to an Agreement under section 106 of the Act to the following heads of agreement;

- That the replacement habitat is secured in perpetuity.

- 1 SC4 Time Limits Full – Standard
- 2 Prior to the commencement of the development an additional survey to further investigate the presence of Water Voles shall be undertaken in Spring 2005 or at such time as may be separately agreed with the Local Planning Authority. Such survey shall be carried out by a suitably qualified consultant to establish;
 - a) The presence of Water Voles
 - b) What is the population level of Water Voles on the site affected by the proposal?
 - c) What impact the proposal is likely to have upon the Water Voles present?
 - d) What can be done to mitigate against this impact?
 - e) Is the impact necessary or acceptable
 - f) Whether a licence is required from English Nature/DEFRA before development can proceed

The development shall not commence until the findings of the survey and any necessary mitigation measures have been agreed in writing by the Local Planning Authority.
- 3 Prior to the commencement of the breaching activities to the existing sea wall the applicant shall provide an effective barrier to prevent access along the existing path along the wall top to prevent access to the areas of the breach and shall provide warning notices that shall be clearly displayed to make it clear that the breached sea wall no longer has public access rights over it.
- 4 The development hereby approved shall be carried out in accordance with the mitigation methodology statement for the management of Common Lizard, Adder, Slow Worm and Grass Snake, as received by the Local Planning Authority on 9th December 2004.
- 5 The development hereby approved shall be implemented concurrently with the requirements identified in the accompanying Environmental Statement submitted in support of the Application Project Ref: R/3439/3 Report No: R.1114 and Dated November 2004.

REASON FOR DECISION

The proposal is considered not to cause significant demonstrable harm to any development plan interests, sites of national or international importance, to the character or appearance of the area or other material considerations such as to justify refusing the application.

Relevant development plan policies and proposals:

GB1, RC5, RC7, RC9, LT9 of the Rochford District Local Plan First Review (1995)

NR11 of the Second Deposit Draft Rochford District Replacement Local Plan (2004)



Shaun Scrutton
Head of Planning Services

For further information please contact Mike Stranks on (01702) 546366.

TITLE : **04/01005/CON**
DEMOLISH SECTION OF WALL 2.5M IN LENGTH AND
REPLACE WITH A SECTION OF METAL RAILINGS
ADJ TO DAY CENTRE BACK LANE ROCHFORD

APPLICANT : **ROCHFORD DISTRICT COUNCIL**

ZONING : **COMMUNITY USE, CONSERVATION AREA**

PARISH: **ROCHFORD PARISH COUNCIL**

WARD: **ROCHFORD**

PLANNING APPLICATION DETAILS

- 6.1 The application seeks permission to replace a 2.5m section of brick wall. Sited between the car park and the Citizens' Advice Bureau, Back Land, Rochford, with iron railings. The railings will be painted dark green.
- 6.2 As Rochford District Council are the applicants, this application, by virtue of Wection 74(2)a, falls to the Secretary of State to determine.
- 6.3 The brick wall is built from the kerbside in Back Lane and runs approximately 20 metres in a southern direction before taking a 90 degrees turn to form the southern boundary of the car park shared by the Citizens Advice Bureau and the Day Centre.
- 6.4 The southern boundary separates the Citizens Advice Bureau and Day Centre staff car park from the main car park. The southern boundary also contains the entrance identified by a gateway into the staff car park. The section that the application is interested in is a part of this southern boundary, which is left of the staff car park entrance.

RELEVANT PLANNING HISTORY

- **ROC/0402/72** – Proposed toilet block. (Wall existing proposed to reduce in height)
- **ROC/0676/79** – Extension to the existing car park
- **ROC/0545/83** – Erect day centre with space for Citizen Advice Bureau (Wall existing)
- **F/ROC/0375/93** – Single storey side extension to create Citizen Advice Bureau
- **00/846/CON** – WITHDRAWN - Replacement of existing wall with railings (max height 1.63m)

- **01/0841/CON** – Replace part of existing wall with railings (max. height 1.3m) – this was approved by the Secretary of State and has been implemented.

CONSULTATIONS AND REPRESENTATIONS

- 6.5 **County Surveyor (Highways):** De-minimis
- 6.6 **Rochford Parish Council:** Cllr. Mrs. Weir declared an interest. No objections.
- 6.7 **Archaeological Development Control Officer (E.C.C.):** Proposed development lies in the centre of the historic town of Rochford. The nature of the development means there will be minimal impact on surviving archaeological deposits. No archaeological recommendations are being made based on present knowledge.
- 6.8 **Historic Buildings Advisor (E.C.C.):** The wall does not appear to have any particular historic or architectural significance in itself and does not make a significant contribution to the character and appearance of the conservation area. The wall is suffering severe damage due to the proximity of the tree and the proposed railings offer a practical and visually acceptable alternative. Therefore no objection.
- 6.9 **London Southend Airport:** No safeguarding objections
- 6.10 **Woodlands and Environmental Specialist:** Has recommended removal of the adjacent tree in the past and deems this action appropriate in light of this application. There were objections from some Members when removal of the tree was previously suggested.

MATERIAL PLANNING CONSIDERATIONS

Conditions relating to previous applications

- 6.11 The Application to erect a toilet block to the west of the this site included the following conditions:

The existing brick wall on the eastern boundary of the site and running from Back Lane to the gateway into the car park shall not be reduced in height.

REASON: In the interests of the area's visual amenity, and in order to ensure that the development is screened from the east.

The metal railings that are considered to replace the wall will be the same height as the existing wall, which will retain the height stipulated by the previous condition. When this condition was applied the site surrounded by the existing brick wall was a private space, which is the reason for the screening.

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- 6.12 The application to extend the car park, which is now in use as the staff car park for the day centre and Citizen Advice Bureau, included the following conditions:

Existing boundary walls to the north and south sides of the site shall be retained

REASON: In the interests of visual amenity

The reason for the visual amenity impact is that it is likely that the wall was rebuilt on an original alignment making it a feature of the area.

Public Safety

- 6.13 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 sycamore tree. This is the same reason for the approved previous application for a different section of the brick wall. The necessity to replace this part of the brick wall results from the increased danger over time to the public from the cracked wall.
- 6.14 The use of iron railings is proposed as an alternative to rebuilding the wall. 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.

Conservation Area

- 6.15 The location of the original market before the current location (14th or 15th Century) is postulated to be in the Old Ship Lane/ East Street area or Back Lane/West Street area. Therefore, although the brick wall is not a historic structure, it is likely to be situated in an area of importance to the Rochford Market Town. However, the advice received by the Conservation Officer is that the wall does not have any cultural or architectural significance and that the railings will provide a practical and visual alternative.
- 6.16 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 with considerable importance and weight should be attached to the conservation issues, besides the 'duty' placed on the authority.

CONCLUSION

- 6.17 The iron railings represent a small area of the existing brick wall and maintain a form of enclosure, which should be considered as an important 'feature' within conservation areas, which help to establish spaces and views, and contribute to the enhancement of the environment of such areas.

RECOMMENDATION

- 6.18 That, in referring the application to the Secretary of State for his consent, the Local Planning Authority recommendation is approval, with the following conditions:
- 1 SC4A – Time Limits
 - 2 SC97 – Archaeological – Site Access

REASON FOR DECISION

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

Relevant Development Plan policies and proposals:

UC1, UC2 of the Rochford District Local Plan First Review



Shaun Scrutton
Head of Planning Services

For further information please contact Sophie Weiss on (01702) 546366.

TITLE : 04/01118/FUL
DEMOLISH EXISTING BUILDING AND ERECT A NEW TWO - TWO AND HALF STOREY BUILDING ACCOMMODATING 12 SELF CONTAINED FLATS
26A EASTWOOD ROAD RAYLEIGH

APPLICANT : HISTONWOOD LTD

ZONING : SECONDARY SHOPPING FRONTAGE

PARISH: RAYLEIGH TOWN COUNCIL

WARD: WHITEHOUSE

PLANNING APPLICATION DETAILS

- 7.1 Full planning permission is sought for the redevelopment of the site to provide a new building accommodating 12 self contained flats.
- 7.2 Five 1 bed flats are located on the ground floor;
Four 1 bed flats and One 2 bed flat are located on the first floor, each with its own balcony and;
Two 1 bed flats located on the second floor within the roof space.
- 7.3 There is a parcel of communal amenity space to the front of the site measuring in the region of 70sq.m. The flats located at first floor have private balconies, which are to be sited on the elevations facing Eastwood Road and the remainder facing the service road and side elevation of the current Somerfield store. The flats on the ground floor have access to an area of amenity space (located beneath the first floor balconies).

RELEVANT PLANNING HISTORY

- 7.4 02/00437/FUL Erect Part Two Storey Part Three Storey Public House and Restaurant Building with Ancillary Residential Flat (Demolish Existing Building) Allowed on appeal 06.09.2002. (QUILTERS)
- 7.5 In allowing the appeal the Inspector outlined the main issues to be:-
- Residential living conditions in the vicinity, in particular as a result of late evening noise and distance
 - Crime and disorder in Rayleigh town centre
 - The character and appearance of the locality arising from the frontage design of the development.

- 7.6 In conclusion the Inspector commented that, given the site's town centre location where there were a number of existing late night uses, the appeal proposal would not breach the aims of the development plan and that the activity associated with the proposed use in this town centre location would not have an unacceptable impact upon the living conditions of those residents that live nearby. The Inspector commented further that the hard surfacing to the frontage would not be out of character with the other existing properties within this part of the town centre, and that, given the town centre location close to existing public car parks, there would not be any material harm with not providing any car parking within the scheme. The Inspector accepted that deliveries could be readily accommodated within the frontage of the site.

CONSULTATIONS AND REPRESENTATIONS

- 7.7 **Buildings/Technical Support (Engineers):-** No objections.
- 7.8 **English Nature:-** Bats may use the site as a roost site. Great crested newt populations close to the site.
- 7.9 **Essex Police Architectural Liaison Officer (Community Safety):-** Objects; over-development of the site and the lack of natural light due to design. It would appear that, through poor design, the only way this number of flats could be accommodated on the site was to have the building adjacent to its neighbouring property. This in turn causes the design not to have rear windows on any ground or first floor bathrooms or kitchens. With the rear of this building facing south the only direct natural light entering this building is via 2nd floor windows. This would mean increased use of electricity to light and heat the property along with extractor fans to remove steam from bathrooms and kitchens – not very environmentally friendly.
- 7.10 If windows with or without obscure glazing could be installed at ground floor level this would improve both the environment within the building and the building's aesthetic appearance to the rear, which, to say the least, is bland. I would also suggest windows on the staircases would add natural surveillance from the building and more natural light – again, if required by you, these could be obscure glass where necessary.
- 7.11 **The Environment Agency:-** No comments.
- 7.12 **Rayleigh Civic Society:-** Acknowledge that the site is within the secondary shopping area, but would be appropriate and would to a certain extent support its vitality and viability. Concerned that no parking is provided. There should be parking to the rear; whilst there may not be the need for parking for a commercial unit, residential is completely different. If one space per flat is required then 12 spaces should be provided.
- 7.13 **Building Control:-** The entrance to Flat 10 (first floor) cannot be in the staircase enclosure. Ambulant staircases will be required. Level or ramped access to ground floor flats required.

MATERIAL PLANNING CONSIDERATIONS

- 7.14 **PRINCIPLE:-** The application is located within the secondary shopping frontage of the Rayleigh town centre, as identified by the Local Plan, and as such falls to be assessed against Policy SAT4, which comments that non retail uses will be permitted provided that criteria are met. These relate to the use :-
- Supporting the vitality/viability of the area
 - Not an over concentration of non retail uses in the area
 - Should not remove access to upper floors if they exist
 - Shop front should be retained.
- 7.15 The site's allocation as Secondary Shopping Frontage has been carried through to the 2nd Deposit Replacement Local Plan. It is also germane that this short group of buildings were originally residential units converted to commercial or mixed uses.
- 7.16 It is considered that, given the location of the site close to the heart of the commercial centre and immediately adjacent to the Somerfield store, residential development would help to support the vitality and viability of this area of the town centre in particular and the centre as whole.
- 7.17 The provision of residential accommodation within the commercial centres of the district would accord with the aims of both Government advice and also the policy stance of the development plan in that a range of uses, including residential, would help to support the diverse nature of the particular centre, as well as assisting in the site vibrancy and vitality of the centre.
- 7.18 It is accepted that in this part of the town centre there are a number of non retail uses. However, it is considered that, as with the residential scheme adjacent to the south of King George Field (McCarthy and Stone), residential redevelopment without ground floor commercial uses would not result in such material harm to the town centre as a whole to substantiate a refusal of consent. This follows the Government's advice in PPG6, which advocates mixed use and residential use in town centres.
- 7.19 **THE BUILDING:-** The proposal follows very much the built form of the building allowed by the appeal Inspector on the Quilters Pub application in that it proposes a building that covers the majority of the plot, save for an area to the front adjacent to Eastwood Road, and that accommodation is on the ground, first and second floors.
- 7.20 The pub scheme proposed a building that fronted both Eastwood Road and also the access road to the Somerfield store. The rear of the building on all floors is very much a 'blind' elevation without any window openings. This current application follows the same general theme, save for a box style dormer window fitted with obscure glazing to provide light to an access corridor.

- 7.21 In this instance it is considered in design terms that the physical appearance of the building and its impact upon the site and the surrounding area has been accepted by the Inspector and there are no substantive reasons not to continue to support the design and appearance of the building.
- 7.22 The building is two storey at the front part of the site rising to two and half storeys to the rear part of the building; the second floor is located within the proposed roof slope and again is consistent with the design of the building allowed on appeal.
- 7.23 The proposed materials are to be chosen from yellow stock brickwork, black stained timber and white render to the walls and plain tiles to the roof.
- 7.24 AMENITY:- As commented above, there are no substantive reasons to reject the size, design and appearance of the building as it is considered that it contributes positively to the townscape of this part of the town centre. In addition, there are no rear facing windows that may contribute to the loss of amenity to the occupiers of the adjacent nearby plots through direct overlooking. Further, the building would provide a buffer from the noise and activity associated with the operation of the Somerfield store, car park and industrial units to the rear of the site.
- 7.25 CAR PARKING:- The site does not propose any dedicated off street car parking. This is considered to be acceptable given the parking standards and the town centre location of the site, the availability of and access to a range of public transport as well as the proximity to public car parks, and in the light of the Inspector's decision to accept the large Public House proposal without any on site car parking.
- 7.26 AMENITY SPACE:- The five flats at first floor all have access to private balconies and therefore these comply with the Local Plan standards. The ground floor units have similar size of amenity space as the first floor balconies. The remainder of the units would not have any amenity space, save for the use of the frontage amenity area. This level of amenity space is considered to be acceptable given the location of the site within the Rayleigh town centre and the fact that it is directly opposite the King George's Playing Field, which is a significant area of public open space.

CONCLUSION

- 7.27 The proposed residential redevelopment of the site is considered to be acceptable in this instance, in that it would maximise the developable potential of the site and would add to the range of property/accommodation within the town centre that, in turn, would assist in maintaining the health and vitality and vibrancy of this part of the centre in particular and the town centre as a whole.
- 7.28 The lack of amenity space and car parking, when assessed against the Local Plan standards, is considered, in this instance, to be acceptable given the location of the site within the Rayleigh town centre, close to public transport links, public car parks and also close to King George's Playing Field.

- 7.29 The design and appearance and bulk of the building is generally consistent with the one allowed on appeal (Quilters Pub); it is considered therefore that the building would have an acceptable and appropriate impact into the street scene.

RECOMMENDATION

- 7.30 It is proposed that this Committee **RESOLVES** to **GRANT** planning permission, subject to the following conditions:

- 1 SC4 Time Limit
- 2 SC14 Materials to be submitted
- 3 SC22A PD Restricted - Windows
- 4 SC23 PD Restricted - OBS Glazing

REASON FOR DECISION

The proposal is considered not to cause demonstrable harm to any development plan interests, nor harm to other material planning considerations, including impact upon the character and appearance of the Conservation Area.

Relevant Development Plan Policies and Proposals

SAT4, H11, H24 of the Rochford District Local Plan First Review



Shaun Scrutton
Head of Planning Services

For further information please contact Leigh Palmer on (01702) 546366.

CODE OF CONDUCT FOR PLANNING MATTERS

GENERAL PRINCIPLES

Members and Officers must:-

- **at all times act within the law and in accordance with the code of conduct.**
- **support and make decisions in accordance with the Council's planning policies/Central Government guidance and material planning considerations.**
- **declare any personal or prejudicial interest.**
- **not become involved with a planning matter, where they have a prejudicial interest.**
- **not disclose to a third party, or use to personal advantage, any confidential information.**
- **not accept gifts and hospitality received from applicants, agents or objectors outside of the strict rules laid down in the respective Member and Officer Codes of Conduct.**

In Committee, Members must:-

- **base their decisions on material planning considerations.**
- **not speak or vote, if they have a prejudicial interest in a planning matter and withdraw from the meeting.**
- **through the Chairman give details of their Planning reasons for departing from the Officer recommendation on an application which will be recorded in the Minutes.**
- **give Officers the opportunity to report verbally on any application.**

Members must:-

- **not depart from their overriding duty to the interests of the District's community as a whole.**
- **not become associated, in the public's mind, with those who have a vested interest in planning matters.**
- **not agree to be lobbied, unless they give the same opportunity to all other parties.**
- **not depart from the Council's guidelines on procedures at site visits.**
- **not put pressure on Officers to achieve a particular recommendation.**
- **be circumspect in expressing support, or opposing a Planning proposal, until they have all the relevant planning information.**

Officers must:-

- **give objective, professional and non-political advice, on all planning matters.**
- **put in writing to the committee any changes to printed recommendations appearing in the agenda.**