
13/00370/FUL

FORMER SHELLFISH PACKING STATION, FAMBRIDGE ROAD, SOUTH FAMBRIDGE

CHANGE USE OF PART OF NORTHERN BUILDING TO USE FOR STORAGE ANCILLARY TO CAR REPAIR USE, LAYOUT CAR PARKING, STORE EXCAVATOR AND STORAGE CONTAINER WITH HARDSTANDING

APPLICANT: AUTOVAL LTD.

ZONING: METROPOLITAN GREEN BELT

PARISH: ASHINGDON

WARD: ASHINGDON AND CANEWDON

1 PLANNING APPLICATION DETAILS

- 1.1 The proposal relates to the former shellfish packing station located at the far northern end of Fambridge Road within the open land next to the sea wall to the River Crouch.
- 1.2 The site currently benefits from a B2 use allowing general industrial use but to only the front southern part of the buildings.
- 1.3 The proposal would change the use of the remaining part of the buildings on the northern side of the site adjoining the base of the sea wall to storage ancillary to the B2 use.
- 1.4 The proposal also includes the provision of a storage container on a hardstanding to the east of the building and also the storage of an excavator. The layout of the site shows provision of an area for 13 car parking spaces shown to the south west corner of the site.
- 1.5 Some cars following accident damage are written off but may still be road worthy. The applicants repair and refurbish such damaged cars for export. The applicants also recover parts from those damaged vehicles also for export. A minor proportion of car shells or parts that cannot be re-used are taken away from the site in the container.
- 1.6 The application follows the consideration of a previous application reference 12/0094/FUL refused permission on 9 July last year for reasons of the impact of the extensive storage then proposed upon the Green Belt and Coastal Protection Belt, together with the intensification of the use of the site

adversely impacting upon the nearby bridleway and the increase in commercial traffic placing increased pressure upon the existing road network unsuited to commercial vehicles. The applicants state that as the use of part of the site has now existed lawfully for some time it is now possible to judge these factors against the evidence.

2 THE SITE

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

3 RELEVANT PLANNING HISTORY

- 3.1 Application No. 99/339/COU
- 3.2 Change Use of Former Shellfish Packing Station into a Boat Yard for the Storage, Repair, Servicing And Sale of Boats And Equipment. Permission granted 30 September 1999.
- 3.3 Application No. 99/705/FUL
- 3.4 Variation of Conditions 2, 7 and 10 on Permission reference 99/00339/COU to allow the display of boats for sale outside the building, the use of security lights and deliveries to/from the site on Saturday afternoons, Sunday and Bank Holidays. Permission granted 10 February 2000.
- 3.5 Application No. 04/01044/COU

- 3.6 Change of use from former shellfish packing station to boat yard for the storage, repair, servicing and sale of boats and equipment. Permission granted 18 January 2005.
- 3.7 Application No. 10/00753/LDC
- 3.8 Application for a certificate of lawfulness for commencement of application 99/00339/COU dated 30 September 1999 by way of excavating and completing the access driveway. Certificate of lawfulness granted 26 January 2011.
- 3.9 Application No. 12/0094/FUL
- 3.10 Change of Use of Part of Former Shellfish Packing Station Building to Storage Ancillary to B2 (General Industrial) Use Installation Of CCTV Cameras, Oil Recovery Tanks And Concrete Hardstanding
- 3.11 Permission refused 9 July 2012 for the following reasons:-
1. The site is located within an area of Metropolitan Green Belt, as identified in the Rochford District Replacement Local Plan (2006). The proposal would further intensify the existing use, materially increasing the reliance upon the need to park and store vehicles in the open areas of the site detracting from the open character of the locality contrary to part (v) to policy R9 to the Council's saved Local Plan (2006) and further developing the coastline contrary to policy CC1 of the saved Essex and Southend-on-Sea Replacement Structure Plan (2001). The proposal, by way of the storage of cars to the open areas of the site, would also detract from the Upper Crouch Special Landscape Area contrary to Policy NR1 to the Council's saved Local Plan (2006).
 2. The proposal, by way of the further intensification in the use of the site, would result in the further increase in commercial traffic serving the resultant use, placing further pressure upon the existing road network and Fambridge Road in particular, which is unsuited to commercial vehicles.
 3. The proposal, by the nature of the business and type of heavy traffic generated, will result in an intensification of use that will be detrimental to users of the nearby bridleway and the amenity of residents to dwellings in the vicinity of the site.

4 CONSULTATIONS AND REPRESENTATIONS

Ashingdon Parish Council

- Object. The proposal is inappropriate in the surrounding area. The proposal would have a negative environmental impact on the area.

4.1 Essex County Council Highways**4.2 No objection to raise, subject to the following condition:-**

1. Prior to the commencement of beneficial use the applicant shall demonstrate that all vehicles can turn within the site and exit in forward gear.

4.3 Essex County Council Public Rights of Way Officer

4.4 My comments both in respect of this current application and the previous application relate to the Public Rights of Way issue namely that, as you are now aware, Bridleway 13 Ashingdon extends from the gated entrance to the track, bearing left of the track and continuing to meet with Public Footpath 12 Ashingdon at the seawall.

4.5 Bridleway 13 Ashingdon is for use by walkers, horse riders and cyclists only and can be accessed from FP12 (the seawall path) or from Fambridge Road (via Ashingdon Road), South Fambridge off which is set Public Footpaths 10 and 11 Ashingdon. The majority of Fambridge Road could be described as a 'country road', has no footway either side for pedestrian use and is of a 60mph speed limit.

4.6 My main observations and concerns in respect of this current application remain the same as in 2012, namely the 'shared' use at the point of the bridleway and track entrance and the potential danger to bridleway users. This bridleway is a popular route and regularly used, not only by the residents of South Fambridge, but also by young families, including young mothers with babies in prams, dog walkers and horse riders visiting South Fambridge and the seawall path.

4.7 I previously saw the existing gate at this entrance as being a good control measure as this prevents a potential 'flow' of traffic either visiting the premises or driving down to the seawall .

4.8 However, I was unaware at that time that there was and subsequently evidenced by the residents, use of large lorries, some apparently being 44 tonnes. These vehicles having been seen and photographed both parked up but also reversing along this narrow built up section of road when the gates have been locked, again a potential danger to bridleway users. Apparently, it is not uncommon for this gate to be left open for vehicular use.

4.9 I understand, again from local residents, that there appears to be an apparent acceptance that heavy lorries can park in Fambridge Road at this gated entrance, not only if the gate has been locked, but also if drivers have reached their permitted hours. Yet again, a further potential danger. Not only to bridleway users, but also to local residents/visitors.

4.10 Head of Environmental Services

4.11 (Comments awaited).

4.12 Environment Agency

4.13 We have inspected the application, as submitted, and have no objection to the proposals. However, we have the following comments to make with regard to pollution prevention and flood risk on the site:-

Pollution Prevention

4.14 Before planning permission is granted you should ensure that measures are taken to protect the surrounding sensitive environment.

4.15 The site is located within Flood Zone 3, SSSI, SAC, SPA and Ramsar designations. As such, we would suggest that a bund is placed around the working area of the site to prevent any polluting matter such as oils or other vehicle fluids to escape from the site. Further, all oil storage facilities need to be on an impermeable pavement within an oil-tight secondary containment system, such as a bund. As a minimum, the bund should be capable of containing 110% of the volume of the oil container. Where more than one container is stored, the bund capacity should be at least 110% of the largest tank or 25% of the total storage capacity, whichever is the greater. Fill pipes, funnels, draw pipes and sight gauges should be enclosed within the secondary containment system, and any tank vent pipe should be directed downwards into it.

4.16 All drums and small containers used for oil and other chemicals shall be stored in bunded areas, which do not drain to any water course, surface water sewer or soakaway.

Environmental Permitting Regulations 2010

4.17 This site may require an Environmental Permit from us under the Environmental Permitting Regulations 2010, unless an exemption applies.

4.18 Our officers have been liaising with Autoval regarding waste compliance at their Sirdar Road and South Fambridge sites. In the submitted application, it states that the company will be carrying out the same business as at their previous Sirdar Road site, which included vehicle dismantling. Our officers visited the South Fambridge site in July 2013 and were told that vehicle dismantling would not be taking place on this site. As the applicant is aware, dismantling, crushing, depolluting or breaking of vehicles is a waste activity and therefore the company must apply for an environmental permit or exemption before carrying out these activities. Operating a waste facility without a permit is an offence and as such can lead to enforcement action.

Flood Risk

- 4.19 Our maps show the site is located in Flood Zone 3, the high risk zone. The application involves a change of use that results in no change to the development's vulnerability classification according to Table 2 of the Technical Guidance to the National Planning Policy Framework (NPPF). However, no Flood Risk Assessment has been submitted in support of the application. We therefore have the following advice:-

Advice to LPA/Applicant

- 4.20 The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application, we recommend that you give due consideration to the issue(s) below and consult with the relevant experts where necessary:-

- Provision of and adequacy of a temporary refuge
- Details and adequacy of flood proofing and other building level resistance and resilience measures
- Details and adequacy of an emergency plan
- Details and calculations relating to the structural stability of buildings during a flood
- Adequacy of rescue or evacuation arrangements
- Whether insurance can be gained or not

Flood Resistance/Resilience

- 4.21 We recommend that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.
- 4.22 Consultation with your building control department is recommended when determining if flood proofing measures are effective.
- 4.23 Additional guidance can be found in our Flood line Publication 'Damage Limitation'. Reference should also be made to the Department for Communities and Local Government publication 'Preparing for Floods' as well as the Communities and Local Government publication 'Improving the flood performance of new buildings'.

4.24 Emergency Planning

- 4.25 We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development

during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

- 4.26 The Technical Guide to the NPPF (paragraph 9) states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.
- 4.27 In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Foul Water Disposal

- 4.28 The application form indicates that it is proposed to dispose of foul water via a new septic tank. A septic tank would be a suitable form of foul drainage for the site provided the following guidance is adhered to. The guidance is taken from Pollution Prevention Guidelines (PPG) 4 – Disposal of sewage where no mains drainage is available.
- 4.29 Effluent from a septic tank is normally disposed of by soakage into the ground, provided that the disposal does not generate a pollution risk to surface waters or ground water resources. Soakaway drains should be located at as shallow a depth as possible, usually within 1 metre of the ground surface. Before effluent can be disposed of by soaking away into the ground, the area of land required for the soakaway has to be established by means of a percolation test. Areas of heavy clay, steeply sloping sites or sites where the water table is less than 1 metre below the bottom of the soakaway are not normally suitable.
- 4.30 The septic tank and soakage area should be sited not less than 10 metres from any ditch, drain or water course and preferably not closer than 15 metres to any dwelling. Furthermore, septic tanks and soakaways should not be installed in the vicinity of any well or borehole.
- 4.31 It is important that clean uncontaminated roof or surface water is excluded from the septic tank as this effectively reduces the tank's capacity and causes solids to be flushed out of the tank.
- 4.32 A septic tank should be de-sludged and serviced on a regular basis to ensure the effective operation of the system. De-sludging should normally take place every 12 months.
- 4.33 **Natural England**
- 4.34 (Comments awaited).

4.35 Neighbour Letters

132 letters including two unaddressed letters have been received from the following addresses:-

From within the Rochford District; (108 letters)

Adams Glade: 19,
Albert Close: 10,
Allerton Close: 5,
Ashingdon Road: 164, 621,
Banyard Way: 9, 30,
Birchdale: 25,
Brinkworth Close: 1,
Broadlands Road: 5,
Belchamps Way: 4,
Bull Lane: 24, 221,
Canewdon Road: "Moons Farm,"
Chestnut Close: 28,
Church Road: "The Lodge,"
Church Road Ashingdon: "The Rectory,"
Claysprings Close: 12,
Clifton Road: 78,
Coombes Grove: 52,
Cotswold Avenue: 93,
Fambridge Road: "Greenacres," "Cowan House," "Maes-Yr-Afon,"
"Spinnakers" (2 letters), "Reeds," "Riverview Lodge," "Milford," "The Old Ferry House," "Nell Gywynne," "Rectory Farm," "South Fambridge Hall," "Brenham Farm," "The Anchorage," "Brickhouse Barn," "The Willows," "Milbourn," "Royston," "Greenaways," "Morena," "Fambridge House," "The Cottage," "Brickhouse Farm," "Aura Lodge," 2 Martime Mews, 3 Maritime Mews,
Folly Chase: "Beechwood,"
Folly Lane: 97,
Gladstone Road: 26,
Glenwood Avenue: 10,
Greensward Lane: 9,
Hall Road: "Birches"
Hamilton Mews: 3,
Harrogate Drive: "Top Cats Cattery,"
Hawthorn Gardens: 25, 27,
Helena Close: 3,
Lucam Lodge: Flat 11,
New Park Road: "Blenheim,"
Orchard Avenue: 20, 24,
Parklands: 15,
Pemberton Field: 2, 3, 4, 5 (2 letters), 6, 10, 12, 15, 17, 18, 19,
Plumberow Avenue: 27,
Rectory Road: 23, 287,
Rochefort House: 26,

The Spinney Hockley,
 St. Thomas Road: 6,11,17,18,19, 20, 21, 22, 23, 26, 39, 41 “Crouch View,”
 “Rivermead,” “Crane Court,” “Cornfields,”
 Scotts Hall Road: “Scotts Hall Farm,”
 Southend Road: 78,
 Spa Close: 3,
 Spencer Gardens: 6,
 Stambridge Road: “Moonrakers,”
 The Chase: “Rouncefall,”
 Ulverston Road: “Eversleigh,”
 Victory Lane: 25, 27,
 Woodpond Avenue: 9,

From outside the Rochford District (24 letters)

1 Ashante Close, Shoeburyness.
 104 Bramble Road, Eastwood.
 17 Cross Road, Benfleet.
 55 Drayton, Norwich.
 9 Drumillan Hill, Greenock, Scotland.
 150 Earls Hall Avenue, Southend.
 2 East View, Ashford.
 Fambridge Yacht Haven, Church Road, North Fambridge.
 19 Fernleigh Drive, Leigh-on-Sea.
 32 Grange Gardens, Southend.
 103 Leigham Court Drive, Leigh-on-Sea.
 17 Longfield Road, Wickford.
 5 Macmurdo Close, Eastwood.
 64a Park Lane, Southend.
 10 Parkway Close, Leigh-on-Sea.
 6 Passingham Avenue, Billericay.
 “Vespa,” Wat Tyler Country Park, Pitsea Hall Lane.
 137 Preston Road, Westcliff.
 72 Queensmere, Benfleet.
 21 St. Marys Road, Southend.
 36 Silver Birch Court, Cheshunt, Herts.
 2 Steli Avenue, Canvey Island.
 18, 72 Stromness Road, Southend.
 Windells Barn, Earls Colne Road, Great Tey
 And which in the main make the following comments and objections:-

Character and Landscape Issues

- The use would result in an unacceptable level of damage to the landscape and environment generally, having a severe impact on the enjoyment of residents and visitors alike.
- The rural character of the area has not changed since the time of the 1999 application and the rationale behind the conditions safeguarding control over

means of enclosure and outside storage are equally applicable today.

- The proposal is to the detriment of the sense of openness and the rural character of the area. The site can be viewed from all sides, either from residential households or from the wider community who regularly use the public footpath network to access the popular foreshore walks.
- The proposal would be inappropriate in its setting causing harm by reason of the industrial nature and appearance to the character of the countryside, Special landscape Area and Coastal Protection Belt.
- We live just outside the area of Fambridge, but we do visit this area of natural beauty regularly and this would be a ridiculous site and would wholly spoil an idyllic spot.
- Object to the placing of the very large skip.... currently screened they say. I can see it clearly from my bedroom window and can see quite clearly when they use the JCB to crush the cars within the skip.
- It has been Council policy to relocate old, poorly located bad neighbour industrial estates to fit for purpose sites in sustainable locations that meet the needs of business and benefit residential amenity.
- Although it is recognised that significant weight needs to be given to secure economic growth, these considerations do not outweigh the harm to the Green Belt. There are no exceptional circumstances why the business should be at this location. The development can be directed away to the many suitable industrial estates.
- This area is a complete eyesore to a beautiful village.
- With the increase in use will come the increase in traffic, increase in noise, but also an increase in pollution, not just environmentally but also aesthetically.
- This development is potentially already affecting property saleability in the village and to further enhance this use will again have a further detrimental effect on property.
- No environmental assessment has been received with the application.
- South Fambridge is a small rural village with no commercial business in situ.
- A breaker's yard/repair centre is just not in keeping with this village this is what industrial areas are for.
- South Fambridge is a quiet rural area. It is very close to the wildlife project at Wallasea Island.

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- The parked JCB is an eyesore and spoils the view.
 - Rare species of birds have been spotted.
 - The potential impact a car repair/salvage centre will have on the environment and nature is of great concern.
 - Many people use the area to enjoy the countryside by picnicking, walking, fishing, canoeing and sailing. The proposals will have a detrimental impact to this area of natural beauty. The existing site in Rayleigh is an eyesore and not fitting for this nature area.
 - As a regular visitor to this beautiful marine location over the past 10 years I have enjoyed, with many other visitors, the quiet nature of this quintessentially British riverside and boating location. An idyllic area where the public can walk, take in the stunning views and watch the great variety of bird life around the river banks. Where dog owners respect the access. Where fishing and sailing enthusiasts quietly ply their hobbies at varying times according to the tides. All this, now to be blighted by noise of industrial metal workings and associated heavy traffic deliveries. This is a catastrophe and ironically, one that could be simply averted. A caring and understanding authority must seriously consider refusing further development of this site.
 - Under GB1 – Green Belt Protection - I feel that this area of public access to the River Crouch is particularly worthy of protection from “noise pollution” from the Autoval site.
 - The breaking noises currently produced can be clearly heard in South Fambridge and in the area of North Fambridge Yacht Club on the north side of the river.
 - The planning application is not descriptive enough; it is our belief that the company wishes to break vehicles for parts and scrap vehicle repair facilities do not require an excavator. The location does not suit the purpose of breaking vehicles because the natural beauty of the rural location of South Fambridge will be disturbed.
 - I feel that the site should fall within your designation of a “coastal protection area.”
 - Under GB2 – Rural Diversification – I think this site is not suitable for rural diversification as it will cause noise disturbance to a nearby village community. Inland brown field sites would be more suited to this type of activity.
 - This riverside site would have the potential to be part of the Council’s stated policy to encourage green tourism – but not with a noisy industrial site at the very point of access to the River Crouch.

Highways Issues

- The proposal would result in an intensity of traffic flow by commercial vehicles to the detriment of safety of vehicles and pedestrians using the restricted public highway.
- Small country lanes to and from South Fambridge are far too narrow to accommodate these big trucks. There is also Ashingdon Primary School at the beginning of Fambridge road, which will put children and parents lives at risk. Keep the countryside rural and safe.
- More large vehicles arrive and have had to park outside our house awaiting entry with their cargo.
- There is inadequate access for the size of lorries making deliveries. The approach is a narrow lane with several bends in it, and I fear that there will be a life threatening collision with one of these huge vehicles.
- Despite assurances from Autoval that articulated lorries will not be entering the village, these enter the village on a regular occurrence causing risk to visitors and residents. On one occasion an articulated lorry mounted the pavement and garden of a property on Fambridge Road as there was insufficient space on the road to pass.
- On another occasion a mum on the school run came head to head with an articulated lorry as the road is simply not wide enough for both to pass.
- RDC states that Fambridge Road is dangerous for children as it is. This will increase the risk to children.
- The school crossing at Ashingdon Road is the most unsafe in Essex.
- Fambridge Road is only gritted to the Mews Bar and therefore during inclement weather heavy car transporters carry a greater risk to residents and their property.
- This is an unmarked road with numerous blind bends, a 60mph zone with no pavements. Pedestrians, walkers, runners and cyclists will be put at great risk.
- The pure size of HGVs results in this road becoming effectively a one way street. There is no footpath. Also this road is the only access in and out of the village, which means that residents and villagers will come into conflict on a regular basis with HGVs. For those residents and indeed visitors to the village walking, running or cycling this will greatly increase the chances of fatal or serious personal injury collisions. This is particularly important when statistics determine both pedestrians, cyclists and HGVs are disproportionately involved in the most serious collisions.

- Proposal will give rise to an intensification of use in a remote location giving rise to increased traffic on a remote dead end road distant from the highway network contrary to Policy T1 to the council's Core Strategy.
- The proposed intensification would lead to vehicle conflict given the inadequacy of Fambridge Road to give access to large HGV's and restricted vehicle movement in the heart of the village.
- The entrance to the site has shared access with the public footpath/bridleway and, only today, have witnessed numerous extremely large vehicles (one of which being a 35 ton scrap metal vehicle) driving perilously directly into the site via the shared access/bridleway; should planning for the additional usage be granted, the total through flow of traffic will be increased, and I can pretty much guarantee you that in the fullness of time will lead to a fatality.
- These points demonstrate that Fambridge Road is simply not suitable for articulated lorries/car transporters and will put people's lives at risk.
- Having lived in the Rochford District for 46 years and in recent years leading and joining with groups of walkers in the area, one of the walks being to and in South Fambridge I find that the lane leading to South Fambridge is now too dangerous to walk, however carefully, due to the very large lorries travelling along it. If this site is only being used for "car repair" why is it that a JCB is being used to crush vehicles, as recently seen?
- Please take into account the damage being done to the environment around South Fambridge and the Essex Wildlife Trust area just across the river at North Fambridge.
- The capacity of the Fambridge Road leading to the site is insufficient for large vehicles on a regular basis due to the width restrictions and blind bends. This road is intended for residents and slow moving farm vehicles, not for HGVs on a regular basis.
- We have noticed that articulated lorries are moving to and from the site in the evenings, which is outside of the agreed time limits. Thus putting greater risk to residents that are traveling home from work.
- The gate blocking the access to the site is situated in such a position that waiting vehicles will block the residential roads while the gate is unlocked.
- Also access at the gate may be restricted or unavailable and there is no turning space so the vehicle would have to back a considerable distance to find a suitable turning point.
- To state that the articulated lorry delivers/picks up once a month.. and although outside of the planning application times is insignificant rings alarm bells straight away... what will happen with the increased use? Will these

times be forgotten completely? And to state this vehicle could park on the small road leading to the shelling station is a nonsense.

Pollution Issues

- The proposed change of use, by virtue of the nature and intensity, will lead to undue noise, disturbance, fumes and general activity harmful to the amenity of the area.
- The application is not supported by an acoustic report assessing the site's suitability for B2 use.
- The hours conditions apply to the B2 workshop and do not extend to the open areas of the site. Question sincerity of the statements made in the application, given residents so far witnessing work activity beyond these hours.
- A noisy digger is already in use.
- The rural village of South Fambridge is a very quiet neighbourhood. Noise travels far in this peaceful rural area.
- At a meeting led by Autoval's agent were informed that the current residents close to the Rayleigh site have raised complaints about the noise.
- The storage of vehicles will be on a pervious surface with risk of wash down leachings of hydrocarbons, glycol based fluids such as brake fluid and solvents. The River Crouch and borrow dyke are located 40m from the site.
- The water table in this area is very high and there is a risk that toxic substances will seep into the ground and pollute the dyke and surrounding areas.
- Gardens within Pemberton Field back onto this dyke. There is a risk these toxic substances could travel to domestic gardens where numerous children play.
- During operation hours, the peace and enjoyment of South Fambridge residents will be disturbed by noise, inconvenience and visually.
- Waterways, together with wildlife, will be put at serious risk by pollution. Note that questions regarding trees and hedges have been left blank.....possibly because 'Autoval' in their wisdom decided to plant numerous leylandii around the site and this would be classed as an operation likely to damage the site of special interest. In fact Autoval would seem to fall foul of several of the 23 operations listed as likely to cause damage.
- The site is within Flood Zone 3 contrary to the statement made by the applicant. No flood risk assessment has been submitted as required by PPG

25. Policy ENV3 to the Rochford Core Strategy states that the Council will direct development away from areas of flooding by applying the sequential test. It should be noted that suitable B2 units are available within industrial estates such as Eldon Way, Hockley that would not be at risk from flooding.
- Due to the potential storage of hazardous substances upon the site, a highly vulnerable site cannot have an exception test applied.
 - The development would also be contrary to the PPG 25 supplement, which seeks to avoid inappropriate development in areas that are vulnerable to coastal change or any development that adds to the impacts of physical changes to the coast. The proposal is also contrary to Policy ENV2 to the Core Strategy where the Council will not permit development in coastal areas which are at risk from flooding.
 - Waste from cars cannot be placed in a skip; oils, fuels, brake, clutch fluids and transmission fluids, etc. must be collected in properly bunded tanks and collected and disposed of by authorised experts.
 - What happens with regard to the air con gases that all these 'repaired'/dismantled cars have these gases must be recovered by a qualified person.... please note gas leaked in the atmosphere is a serious matter with fines heading into five and six figures.
 - Object to the plans for parking spaces for the storage of vehicles (hazardous waste) on environmental grounds.... both ecological and for the flood risk. I also object on the grounds of the SSSI that is in place and any disruption to this would be detrimental for all.
 - The use would pose a significant risk of pollution by oils, solvents and a range of chemicals to the detriment of the important adjoining waterway.
 - I have read the noise assessment report from BL Acoustics and would like to know why this BS41421990 method of rating has been used (this is for mixed residential and industrial areas) - since when has South Farnbridge been an industrial area? In my own garden, I can hear the halyards on the moored boats in the river Crouch moving in the breeze - so please tell me how I will not be adversely affected by fork lift trucks, reciprocating saws, reversing alarms, compressors and pneumatic wrenches and car delivery trucks, all working between my house and the river?
 - We have only lived here for 18 months and have noticed a greater amount of activity this summer. The noise of the JCB is very loud, which often seems to be dropping car parts into a metal skip. In such an open rural area noise travels much farther. We find this really upsetting since we moved here to enjoy the peace and quiet of the riverbank.
 - We have complained to the Council and were told that nobody else had complained to date but we would like to point out that until very recently we were the only household directly overlooking them. The others were either

empty or rented.

- The rural village of South Farnbridge is a very quiet neighbourhood. Noise travels far in this peaceful rural area.
- Vehicle storage, depollution and dismantling - SR2011 No. 3 and SR2008 No. 20 requires a permit from the Environment Agency. Part of the standard permit stipulates that 'the only discharges to controlled waters are surface water from the roofs of buildings and from areas of the site not used for storage or treatment of waste;' also that the activities are not carried out within 200 metres of an SSSI (Site of Special Scientific Interest). If you check the Natural England site and plans you will find that Autoval sits well within the 200m limit of an SSSI. End of life vehicles also need certificates of destruction, and Autoval will need permits/licences to do this, not to mention that any vehicle that is going to be dismantled is classed as hazardous waste.
- I would like to draw your attention to the blatant at worst lies and at the very least the naivety of the plans submitted to you. On page 4 of 10 - No. 12 Assessment of Flood Risk the Agent representing Autoval has clearly marked that the site is not within an area at risk of flooding. This is wrong..... the entire structure is built on an area at 'significant risk of flooding' (see Environment Agency's flood map). A large part of the village is also at flood risk.... hence the reason we pay higher insurance premiums. Next - Is your proposal within 20metres of a water course.... again the agent has said no..... again this is wrong; the answer is yes, it is within 20 metres of the River Crouch, which has a very varied habitat and biodiversity, not to mention numerous shellfish beds. He also states that surface water will be disposed of via a soakaway..... this is not very environmentally sound as they intend to store 13 vehicles on the site (hazardous waste), which will leach oils, brake fluids, antifreeze onto the ground and then this will be filtered further into the ground by a soakaway when it rains.
- The security lighting often shines at night into our bedroom keeping us awake.

Amenity Issues

- We are surrounded by open countryside and flanked by a river. Consequently, noise carries much further and louder than in a built up area. I moved to this area for the tranquil surroundings, not for loud industrial noise which commences first thing in the morning. People are attracted to live in South Farnbridge because of the semi rural nature of the location and the benefits of peace, quiet and security that an "out of the way" location brings. This also attracts visitors who walk dogs, fish and enjoy the tranquillity of the riverside location. The presence of an industrial commercial venture will have a massive adverse impact on this tranquillity. Sound travels where there is little background noise and it is fair to say that the noise associated with a breaker's yard will be a massive disturbance to the peace of the location.

Similarly, I chose this location in which to bring up my children due to the absence of passing vehicles and the quiet location.

- Proposal would seriously affect the pleasure and amenity value the area provides as a favourite place to walk and enjoy by those not living there. Escalation of activity would ruin this existing natural asset.

Other Issues

- Concern at the effect of the proposal upon the local wildlife.
- Question whether the extra activity falls within their current planning permission, as the last application was refused.
- When I purchased my property in depth searches were done by my solicitor who is local, as am I. The lobster farm and packing station were in keeping with living close to a river and such a business never posed a threat. Never was it indicated that permission may be granted, in future, to have, what is in effect, a car breaker's yard alongside the beautiful river.
- Wildlife would suffer consequently and migrating birds would be affected.
- Surprised that as this has been rejected once, it is being reviewed again.
- If this site is allowed to develop and continue in its present way, the value of all properties will be decreased, as South Farnbridge will cease to be a lovely hamlet by the river which is enjoyed by hundreds of walkers and bird watchers from near and far.
- If the area were to go sadly into decline I, for one, would not hesitate to seek compensation.
- The digger is stated to be required from time to time to level off the surface and carry out "other" functions. These other functions have not been specified and would appear to be deliberately vague. Residents have witnessed the use of the digger to crush vehicles, which is a highly intrusive activity. Its function does not equate to a small crane but instead has a level of noise and visual impact. The nature of the site does not require a 20 tonne tracked excavator merely to level ruts in the car park. The primary function of it is to crush vehicles rendered as scrap.
- Directly across the river is an area of Special Scientific Interest. Clearly the disruption to the environment this venture would bring will disturb the wildlife the SSI was meant to protect. Also there is a high water table due to the proximity of river. The urgent business is situated right on the river dyke. The prospect of pollution seeping into this dyke, river and surrounding water table is a direct threat to the wildlife of the area.

- Employs no local people and adds nothing positive to the village.
- B2 use acquired by default rather than full process and there are a number of planning conditions that severely restrict the operations that can occur. Previous permissions have been granted as considered exceptional and within the character of the area. A general B2 use is not in the spirit of the original permissions nor would it allow any control of the character and visual impact.
- Taking away spare parts on the scale required for large lorries would suggest a car breaking exercise rather than a repair centre.
- Regard the statement made that the HGV could leave the site within the hours controlled by condition but would then be entitled to park on the highway as aggressive. Instead the vehicle would be likely to obstruct the highway which is an offence.
- The permission that limits the use to a boat yard will not allow parking spaces for differing purposes than solely that of visitors and staff. The rationale for allowing parking on the site has no bearing on the use of the site and is certainly not related to the storing and breaking of vehicles.
- The reference to the storage container is a deceptively vague statement and portends to scrap metal rather than waste with a high value and trade within itself.
- In fact the site is already being used for “car-breaking” with lorry loads of parts being driven off the site. There has been no sign of the stated purpose of “car repairs.”
- Autoval is already in breach of the conditions of use of this land which RDC is fully aware of and has on a number of occasions had to undertake site inspections in respect of these breaches.
- Autoval had its previous application rejected and certain restrictions imposed by yourselves. To date they have breached every condition, not once, but multiple times. Everything they told us (the village) they wouldn't do they have done. Vehicles are not to be stored overnight outside...yet they are...always. There was not to be screening round the fences....yet it is there. Their hours of operation are 8 am to 6 pm...yet frequently they are there until 7.30 pm using the fork lift and JCB. The only vehicles to visit would be their own cars and car transporters (that transport 2 cars maximum...a few times a week). However, there are large lorries that visit ("Autorama" being one) and this sometimes stays overnight in the yard. Then you have a huge skip lorry that visits.....then once in a while you get a huge articulated lorry that goes to Autoval.....the road size just about accommodates this. They told us and yourselves that they are car repairers.....to date not one car that has come in on the back of a transporter has left under its own steam where it has been

repaired, nor has it left intact on the back of a transporter. They have, however, been shipped out as parts/spares on a large lorry and the carcass of the cars have been dumped in the large skip and crushed. This is not car repairing but dismantling.

- I have this afternoon witnessed a scrap lorry proceed without slowing through the gate, which is now left open and onto the site. As access is shared with pedestrians and bridleway users this could have had catastrophic consequences. The lorry left a little later and I could see from my upstairs window the contents - crushed vehicles. These were crushed using the excavator, as witnessed by another near neighbour.
- This is not a car repair business. it is operating as a breaker's yard and the sooner this fact is recognised by RDC the better.
- The granting of this application will only allow further degradation of the area and almost certainly result in injury or worse to people and the environment.
- Both the shellfish packing station and the boat yard were granted permission as sui-generis, recognising the exceptional nature of both these industries by requiring proximity to the River Crouch. The LDC for a B2 use did not challenge previous conditions as the proposal was low impact. The nature of the current application would significantly expand the B2 area for a purpose that can be undertaken on any industrial estate without conflict with other planning policies.
- There has been a shift in emphasis in the determination of planning applications through reference made to planning for growth policy. The suggestion that the proposed development should be viewed favourably due to this policy change is at best a gross misinterpretation of such policy. Instead the policy emphasis is upon sustainable development, with the proposal being undertaken in an area with poor infrastructure and limited access to expand and long term vulnerability to flooding as well as negative environmental impact. This does not satisfy the criteria for sustainable development.
- Consider the certificate of lawfulness for B2 use should be revoked. The site has no history of B2 operations.
- Contend condition 3 to application 99/00339/COU has still not been fully met as the requirement for a 5 metre driveway was to ensure safe access along the public bridleway and this specific length of access drive is still to this day approximately 3.1m wide and has not been surfaced with MOT type 1 sub base and not completed.
- Consider the short period of use for boat sales in a 28 year time span of inactivity and abandonment does not constitute a continuous use. There is also evidence of an intervening change of use which might be material and

the use by the previous owner for the storage of building materials.

- Concerned that the vague statements within the application are intentional so as not to draw attention to the nature of the business. Although this is a B2 class application the activity undertaken is borderline, verging on car breakers and scrap yard activity.
- Consider that should Members be minded to grant permission there should be the following heads of conditions:-
 1. Submission of an acoustic report providing comprehensive details of a scheme of noise control measures.
 2. The use and dispatch from the site not outside the hours of 0800 – 1800 hours Monday to Friday, 0800 – 1300 hours Saturday and at no time on Sundays or Bank holidays.
 3. Provision of a 5m wide access track from the proposed development to the main highway.
 4. All works to be undertaken within the building. No vehicles to be stored in the yard.
 5. No screening of the site can occur.
 6. That any permissions granted are sui-generis so as to ensure future changes would warrant consideration.
 7. Submission of a full traffic management plan including procedures for evacuation in the event of any emergency.

5 MATERIAL PLANNING CONSIDERATIONS

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

Existing Use Issue

- 5.2 Paragraph 90 to the NPPF, although supporting the re-use of buildings, remains restrictive in that such uses should continue to preserve openness. Part (v) to saved Local Plan policy R9 requires that the new use and associated land would not have a materially greater impact than the permitted lawful use. Part (vi) to saved Policy R9 seeks to ensure that the proposed use would not introduce additional activity or traffic movement likely to materially

and adversely affect the character of the Green Belt or place unacceptable pressure upon the road network. Before assessing the impact of the proposal in Green Belt terms, consideration has therefore to be given to the existing use.

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

Green Belt and Landscape Issue

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

vision for Green Tourism. The conversion of buildings to small scale employment use is particularly encouraged. The application details describe the proposal to be an expansion of existing operations currently at Sirdar Road on part of the Brook Road industrial estate, Rayleigh. The use is not, however, a traditional rural activity and is present on the site in this rural location only by virtue of the previous planning history.

- 5.9 The proposed change of use is not shown to require reconstruction or any extension. The previously refused application proposed the laying out of the whole area around the building with 41 car parking spaces alongside the site boundary edges. The applicants have reviewed the concerns raised and are content with 13 car parking spaces and much less than previously proposed.
- 5.10 The 13 car parking spaces would allow parking for 3 staff and 10 vehicles. The applicants argue that the car parking and storage area now proposed is consistent with the 13 spaces shown in the application reference: 99/00339/COU for the change of use of part of the site for the storage, repair and servicing of boats and which has lawfully established the general industrial use of the site. The applicants argue that the condition 4 of that consent requiring these spaces to be retained does not expressly limit those spaces for the parking of visitors. The use of this part of the site for car parking and storage is lawful. The reduced extent of open storage of parked cars and parking for staff to that lawful on the site overcomes the first reason for why the previous application was refused based upon the impact of the extensive open storage upon the landscape. If permission were to be granted it would be important to ensure that the area confined to storage should not be stacked. A condition to the grant of permission would be required to control the extent of the outside storage and stacking.
- 5.11 **Employment and Economic Issue**
- 5.12 Officers understand that the proposal has arisen from the applicants outgrowing their existing premises at 24 Sirdar Road. The application particulars suggest the proposal has led/would lead to the creation of three new jobs. Paragraph 28 to the NPPF requires support to be given for sustainable development and job creation of all types of business and rural enterprise in rural areas. It is, however, unlikely that the further intensification of the authorised use can be considered sustainable. The remote location requires the transportation of the vehicles to and from the site as well as journeys to the site by staff. Policy ED1 to the Council's adopted Core Strategy (2011) generally seeks to protect and enhance existing businesses, however, whilst making use of a redundant building, weight should be given to the adverse impact the further intensification of the use of the site and buildings would have upon the highway network, particularly as South Farnbridge is served by a narrow country lane and that the evidence in the use of the site over the last year has seen the occasional trip made by large articulated vehicles.

5.13 Highways and Parking Issues

- 5.14 The floor space of the existing use and the building to which this application relates equates to a total of 1,551 square metres and requiring the provision of a maximum of 31 car parking spaces. The site is in a remote location where there is no public transport therefore requiring access by car and that goods brought in and out are transported by road. The applicant describes that three persons would be employed on the site. The space shown in the application layout for parking would satisfy staff parking requirements.
- 5.15 The lawful use of part of the site for B2 use would attract servicing by deliveries. The nature of the applicant's use is that over the last year, a large articulated lorry occasionally either brings in material or at least arrives at the site to be loaded with the goods and parts being exported. Anecdotal evidence is provided by residents and users of South Fambridge for recreation that the road width makes it difficult for cars and smaller traffic to pass the lorries. There is other difficulty at the site for those lorries to manoeuvre or park when arriving outside of the applicant's operating hours. In this current application the applicant has not set out details of the anticipated vehicle movements. In the previous application the applicant had described one or two vehicle movements per day, but for smaller van type transporters.
- 5.16 The County Highway Authority has no objection to raise against the capacity of Fambridge Road to take the extra lorries, but considers it necessary that the applicant submits details to demonstrate the provision of a turning area for all visiting vehicles to be able to enter and leave the site in forward gear. Given the extensive open areas of the site, this would seem achievable.
- 5.17 As well as the authorised use of the site it is likely that nearby farms will, from time to time, have deliveries from large lorries also using Fambridge Road. The existing use has given rise to complaints, as can be seen in the response to this application from residents and highway users, at the difficulty those lorries have in journeying along Fambridge Road.
- 5.18 The County Council Public Rights of Way officer expresses concern at the increased conflict between heavy goods vehicles and the site access at the point where the site access is shared with the Bridle Way 13 as well as concern raised that there is no pedestrian footway to Fambridge Road and that public footpaths 10 and 11 also converge onto Fambridge Road and where walkers would be expected to be at risk from larger lorry type vehicles.
- 5.19 Whilst the provision of a turning facility within the site may improve manoeuvrability at the journey's end, the revised application would still intensify the use and increase the use of Fambridge Road by large lorries. The site is remote and not in a sustainable location whereby all site servicing has to be by journeys made over Fambridge Road. The proposal would increase the intensification in the use of the site but where Fambridge Road is unable to accommodate large lorries required to regularly visit the site. The

current application has not overcome reasons 2 and 3 to the previous decision.

5.20 Residential Amenity Issue

5.21 The site is relatively separate from the residential settlement. The existing buildings are low rise and can lawfully be used for industrial purposes. In the consideration of the previous application, the Council's Head of Environmental Services acknowledged the degree of quiet enjoyed to the area and as such required that for the use to be acceptable in amenity terms (particularly noise) it must be managed and contained within the building. At that time, those matters were to be the subject of detailed conditions to the grant of permission.

5.22 The current application is accompanied by an Environmental Noise Assessment, which concludes:-

- a) That the noise from vehicle dismantling activities will be at least 7.5dba lower than pre-existing background noise levels and unlikely to result in complaints.
- b) That noise levels from unloading facilities when adjusted for exposure time are lower than pre-existing noise levels and that no complaints are likely from this source.
- c) That lorries visiting the site are likely to increase the average noise level by approximately 3dba at the nearest residence but that this is likely to be imperceptible to residents.

The comments of the Council's Head of Environmental Services upon the robustness of the findings are awaited at the time of writing.

5.23 Ecological Issues

5.24 The site is sensitive in terms of the proximity to the Crouch and Roach marshes over wintering habitat. The Environment Agency has no objection to raise against the proposal. Natural England had no objection to raise to the previous application provided safeguards are met for the bunding of areas for chemical storage and that any outside storage areas are similarly protected from oils entering the water environment. Comments from Natural England on the current application are awaited at the time of writing. The safeguarding matters can be addressed through the submission of further details by conditions to the grant or permission, as previously recommended.

6 CONCLUSION

6.1 It is concluded that the proposal would intensify the existing, albeit, lawful use with the consequence that the greater intensity of use would adversely impact on the use of Fambridge Road, which is a narrow lane and unsuited to use by commercial vehicles.

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

That planning permission be refused for the following reasons:-

1. The proposal, by way of the further intensification in the use of the site, would result in the further increase in commercial traffic serving the resultant use placing further pressure upon the existing road, and Fambridge Road in particular, which is unsuited to commercial vehicles.
2. The proposal, by the nature of the business and type of heavy traffic generated, will result in an intensification of use that will be detrimental to users of the nearby bridleway and the amenity of residents to dwellings in the vicinity of the site.



Shaun Scrutton

Head of Planning and Transportation

Relevant Development Plan Policies and Proposals

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

Policy CC1

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

Policies GB1, GB2, ED1.

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

R9, NR1.

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

Standard B2

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