



**Rochford District  
Council**

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY  
THE DEVELOPMENT CONTROL COMMITTEE - 20 November 2008**

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

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

The above documents can be made available for inspection as Committee background papers at the office of Planning and Transportation, Acacia House, East Street, Rochford and can also be viewed on the Council's website at [www.rochford.gov.uk](http://www.rochford.gov.uk).

If you require a copy of this document in larger print, please contact the Planning Administration Section on 01702 – 318191.



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

**REFERRED ITEM**

R1	08/00275/FUL	Mr Mike Stranks	PAGE 4
	To Site on a Permanent Basis One Mobile Home and Two Touring Caravans For Gypsy/Travelling Family. The Pear Tree, 750 New Park Road, Hockley		

**SCHEDULE ITEM**

2	08/00789/FUL	Mr Mike Stranks	PAGE 13
	Erect Part Single Storey Part Two Storey Mixed Use Building Comprising 6 Commercial Units within Use Class A1: Shops, Class A2: Financial and Professional, Class A3: Food and Drink, Class A5: Hot Food Takeaways, Class D1: Non Residential Institutions and Class B1: Business and Associated Car Parking Asda, Priory Chase, Rayleigh		

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**REFERRED ITEM R1**

**TITLE :** 08/00275/FUL  
TO SITE ON A PERMANENT BASIS ONE MOBILE HOME  
AND TWO TOURING CARAVANS FOR GYPSY/TRAVELLING  
FAMILY  
THE PEAR TREE 750 NEW PARK ROAD HOCKLEY

**APPLICANT :** MRS HANNA DORAN

**ZONING :** METROPOLITAN GREEN BELT

**PARISH:** ASHINGDON PARISH COUNCIL

**WARD:** ASHINGDON AND CANEWDON

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

This application was included in Weekly List no. 954 requiring notification of referrals to the Head of Planning and Transportation by 1.00 pm on Tuesday, 28 October 2008, with any applications being referred to this meeting of the Committee. The item was referred by Cllr T G Cutmore.

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

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- 1.1 **Ashingdon Parish Council:** Object because the development is in the Green Belt.
  - 1.2 In all cases, to ensure control of development and fairness to all, an applicant should secure planning permission before carrying out development.
  - 1.3 In this case the site is in the Green Belt where development is strictly limited for everyone and the site has a valid enforcement notice preventing caravans and mobile homes.
  - 1.4 The law provides for new owners of the site to be made aware of this enforcement notice.
  - 1.5 This application should be refused.

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**REFERRED ITEM R1**

NOTES

- 1.6 This application is to a site on the western side of New Park Road 85m south of the junction made with Lower Road. The site is rectangular in shape having a frontage of some 12m and depth of approximately 50m. The site is almost fully covered in a hard core and chippings surface but with a lawned area included to the front of the site. The site is contained within wall and fencing to the side and rear boundaries with a wall to the front. A stable building exists across the back of the site and three caravans currently are sited on the middle part of the site.
- 1.7 New Park Road is unmade. The area is generally part of plotland and located within the Green Belt. The site is adjoined on both sides by existing dwellings set a good distance back from the road in generous frontages. The site is opposite a meadow.

**PLANNING HISTORY**

- 1.8 The site had been used by a previous occupier since June 2003 and resulting in the following history and enforcement background.
- 1.9 Application No. 03/00621/COU Change of use of land to residential and stationing of one mobile home, which was refused permission on 22 August 2003 for Green Belt Reasons.
- 1.10 Appeals against the refused Planning Permission and Enforcement Notice were dismissed as such but the ground (g) appeal that the period of compliance for the enforcement notice falls short of what should reasonably be allowed; was allowed with the period for compliance extended to two years. This was due to uncertainty at the arrangements for providing Gypsy and Traveller sites within the district.
- 1.11 On the expiry of the enforcement period application no. 06/00338/FUL was made for the Continuing Use of the Land for the Stationing of a Caravan for Residential Use, together with Storage of Second Caravan and the Retention of Hardstanding, Stables and Existing Ancillary Buildings and Fences. This application was refused permission on 14 June 2006 for Green Belt reasons and failure to demonstrate that alternative sites had been considered outside of the Green Belt. Permission was granted on appeal on 21 March 2007.
- 1.12 In allowing the appeal, the Inspector agreed the proposal to be inappropriate development within the Green Belt. The Inspector also noted that the wording of Policy HP20 to the Council's adopted Local Plan accepted that if applicants have first given consideration to non-Green Belt sites as required, a possibility of the loss of some openness would be implied from the consideration of Green Belt sites.

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**REFERRED ITEM R1**

- 1.13 The site was cleared and vacated by the previous owner in March 2007. A new Gypsy owner moved onto the site around January 2008 and submitted the current application.
- The proposal
- 1.14 The application was first submitted following discussions with the Council's enforcement officers with a view to varying the personal condition in the name of the current owner/occupier, and allowing for the provision of one mobile home and one touring caravan on the site.
- 1.15 On closer examination of the site history it emerged that the previous permission allowed on appeal had been followed explicitly to the point that the previous applicant to which the permission was personal, had left the site and actually cleared the caravans and materials associated with the use as required by the Inspector's decision. It was therefore no longer possible to vary the permission because the Inspector's decision had been fully implemented, including the matter of site clearance, when the previous owner ceased to require it.
- 1.16 The current application has therefore been revised to seek planning permission to site on a permanent basis one mobile home and two touring caravans for a Gypsy/Travelling family. The application has since been re- advertised and neighbours re-notified of the corrected description for the development now proposed.
- 1.17 The applicant sets out the following very special circumstances:-
- The applicant was previously illegally stopping on a friend's land in the Bromley area. The applicant acquired the site in the belief it had planning permission for a Romany Gypsy family.
  - The applicant has a large family. The applicant states the need for a permanent address to register with a health centre. The applicant's mother has health problems and is receiving treatment at Southend Hospital. Of the five children on the site, two were established at St. Teresa's school, Rochford, with the elder boy now, during the time taken over this application, having transferred to the Deanes School in September 2008.
  - The need for a permanent address is linked to the importance of continued education for the children on the site.
  - The applicant submits that the requirements of the Children's Act 2004 requires that every child of whatever background needs to be healthy, stay safe, enjoy and achieve, make a positive contribution and achieve economic well being, and it is required that in all organisations involved with providing services to children must work together to protect children and the young from harm.

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**REFERRED ITEM R1**

Leaving children on the side of the road with no place to stay would be contrary to this act.

- The applicant considers the site to be sustainable having already benefitted from permission and enjoying good access to the A129, A130, M11 and M25.
- The applicant states there is a general lack of affordable sites and understands that many sites are being approached by authorities across the country with a view to extending the number of pitches.
- The applicant also includes an undated report from Essex County Council believed compiled in Spring 2008 which is in response to the single issue review of the Regional Spatial Strategy relating to Gypsy and Traveller caravan sites which, amongst other things, concludes that over the development of policy and the provision of sites within housing allocations, an equivalent policy for the retention of existing accommodation is essential. The loss of existing accommodation should be specifically prevented unless replacement stock is part of the proposal.

**MATERIAL CONSIDERATIONS**

- 1.18 The history of this site has established that the development is harmful to the Green Belt in conflict with Policy R1. Two Inspectors have consented to the use of the site, firstly, temporarily extending the period for compliance with an enforcement notice and, more recently, due to the personal circumstances of the previous occupier.
- 1.19 The planning history is a material consideration and may also be taken into account against an assessment of very special circumstances applicable to this site, given the decisions by two different Planning Inspectors who each allowed a period of continued occupation, taking into account the lack of suitable alternative sites in the district.
- 1.20 The current applicant has failed to demonstrate the search for an alternative site outside of the Green Belt. In the previous appeal the Inspector concluded that the items on the site detracted from the sporadic development in the locality and Green Belt openness, particularly the presence of the caravans. However, the Council was unable to suggest an alternative location for the family to move to, despite the applicant being required to first consider alternative sites. Land outside of Green Belt allocation within the district on Foulness Island was not acceptable to the contractors administering the Ministry of Defence establishment.
- 1.21 Turning to Policy HP20:
  - The proposal would not clear an unauthorised site but could regularise it.

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**REFERRED ITEM R1**

- Amongst the representations received there is not strong evidence of disturbance affecting neighbouring land. There is, however, a drainage issue which could be met by requiring the applicants to provide on-site sanitation and drainage as a condition to any approval that might be given.
  - In the previous appeal the limited size of the site was not considered to offer or require screening over and above the fencing around the site that currently exists.
  - The site is not and was not for a number of years prior to this application used in agriculture. It is not therefore considered that the site would result in the loss of the best and most versatile agricultural land.
  - The access and parking arrangements within the site are as considered in the two previous appeals and were not considered inadequate by either of the two Inspectors.
  - The site is not understood to be required for seasonal occupation.
  - The application generally therefore meets the criteria set out in policy HP20 to the Council's adopted Local Plan (2006) and such was the conclusion reached by the previous inspector.
- 1.22 In allowing the previous appeal, the Inspector gave weight to the uncommon extent of Green Belt allocation to dominate the district whereby no alternative sites could be found in the district other than in the Green Belt. Whilst it might be considered premature to approve the application ahead of the consideration of existing sites as part of the work involved in the preparation of the Local Development Framework, no significant progress has been made in respect of actually achieving the provision of sites on the ground. In these circumstances the inspectors on appeal have drifted from a temporary consent, by varying compliance with the enforcement notice, to the consideration of a personal consent as for the previous site owner.
- 1.23 The East of England Regional Assembly is currently working on a single issue review of the East of England Plan to incorporate a policy into the Plan to deal with Gypsy and Traveller accommodation needs. A proposed policy on pitch provision is due to be examined at a public Inquiry in October 2008. In summary, the policy proposes that a total of 15 pitches (circa 2 caravans) be provided in Rochford district by 2011.
- 1.24 The policy was considered at a meeting of the Executive Board on 26th March 2008 and it was concluded that the proposal for 15 pitches would not be subject to an objection by the Council and that a review should be undertaken of all unauthorised sites within the district with a view to determining whether they might make a contribution to the pitch requirement.



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**REFERRED ITEM R1**

- 1.25 There nonetheless continues to be an accepted unmet need for Gypsy and Traveller sites in the district. A review of unauthorised sites is in progress but, given the previous history of this site, there is justification for considering whether the current application should be accepted as a contributor to the fulfilment of the 15 pitch requirement.
- 1.26 In allowing the last appeal the previous inspector took account of the personal circumstances of the previous applicants by way of the progress of their children within local schools and, in particular, the importance that further upheaval would be detrimental to their education, given problems at previous schools. Their continued education at their current schools were of significant benefit and beyond ordinary educational needs. In this current application the applicant does not have a long association with this district and moved onto the site in January 2008 and there are no specific details of difficulty experienced by the children or of any special needs being provided. Similarly, no specific details of the applicants' mother's health problem are given to ascertain if the treatment requires continuity of care locally. However, the appeal history of this site clearly shows that the absence of alternative sites and the consideration of the need to provide education for children on the site and a settled base has twice been given weight by different inspectors as clearly outweighing the harm to the Green Belt.
- 1.27 The advice contained at paragraphs 45 and 46 to circular 01/2006 advises that a temporary consent may be justified where there is un-met need and there is a reasonable expectation of the planning circumstances changing at the end of the period of the temporary permission. New sites will need to come forward if the 15 pitch policy provision set out in the draft East of England Plan policy is to be met by 2011. Other than provision of improved drainage, the applicant would not appear to incur additional expense if temporary permission was granted, which would enable further consideration to be given to the acceptability of a permanent consent at a later date, taking account of the outcome of the examination in public of the draft Gypsy and Traveller policy and the review of unauthorised sites in the District.
- 1.28 **Essex County Council Highways and Transportation:** No objection.
- 1.29 Four letters have been received in response to the public notification and which in the main make the following comments and objections:-
- Concerned at what would be defined a mobile home, would this be a double unit or single
  - Loss of trees and vegetation
  - Concerned that the value of property will reduce
  - What about regard to adjoining owners' rights?
  - Previous owner was given only a personal permission and on vacating the site it was to be cleared

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**REFERRED ITEM R1**

- Since 12 January three caravans have occupied the site and the row of stables also turned into some form of accommodation
- Site should have the protection of Green Belt afforded to it that every body must abide by
- Would like to see all the caravans removed from the site permanently
- Applicants have broken all the rules and doing as they please
- Between two and three families residing at the site
- Two caravans and a tourer on the site with only one toilet which is not emptied
- Adjoining gardens are soiled and vegetation is dying
- Waste water pipe is piped directly into adjoining garden
- Children scream all day at weekends driving everyone mad and quality of life has deteriorated
- Lots of traffic movement to and from the site
- Question why the address has changed and has the number 750 as there are only five houses in the road and none numbered.

**RECOMMENDATION**

- 1.30 It is recommended that the Committee resolves to **APPROVE** the application, subject to the following conditions:-
- 1 The occupation of the site hereby permitted shall be limited to a Gypsy/Travelling family and for a temporary period expiring on 28 October 2011.
  - 2 At the expiry of the occupation of the site, in accordance with condition 1 above, the use hereby permitted shall cease and within 2 months of that time all caravans, structures, materials and equipment brought onto the land in connection with the use (excluding the shed, stable block, fencing wall and gates) shall be removed.
  - 3 No more than one mobile home and two touring caravans, and as defined in the Caravan Sites and Control of Development Act 1960, shall be stationed on the site.
  - 4 Details shall be submitted to the Local Planning Authority for the means of foul and surface water drainage of the site within 3 months of the date of this permission. Such drainage details as may be agreed by the Local Planning Authority shall be implemented within 6 months of the date of this permission.

**REASON FOR DECISION**

The proposal is considered not to cause significant demonstrable harm to any development plan interests, given the very special circumstances put forward by the applicant and the planning history of the site, other material considerations, to the character and appearance of the area, to the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers in neighbouring streets.

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**REFERRED ITEM R1**

**Relevant Development Plan Policies and Proposals**

R1, HP20, of the Rochford District Council Adopted Replacement Local Plan

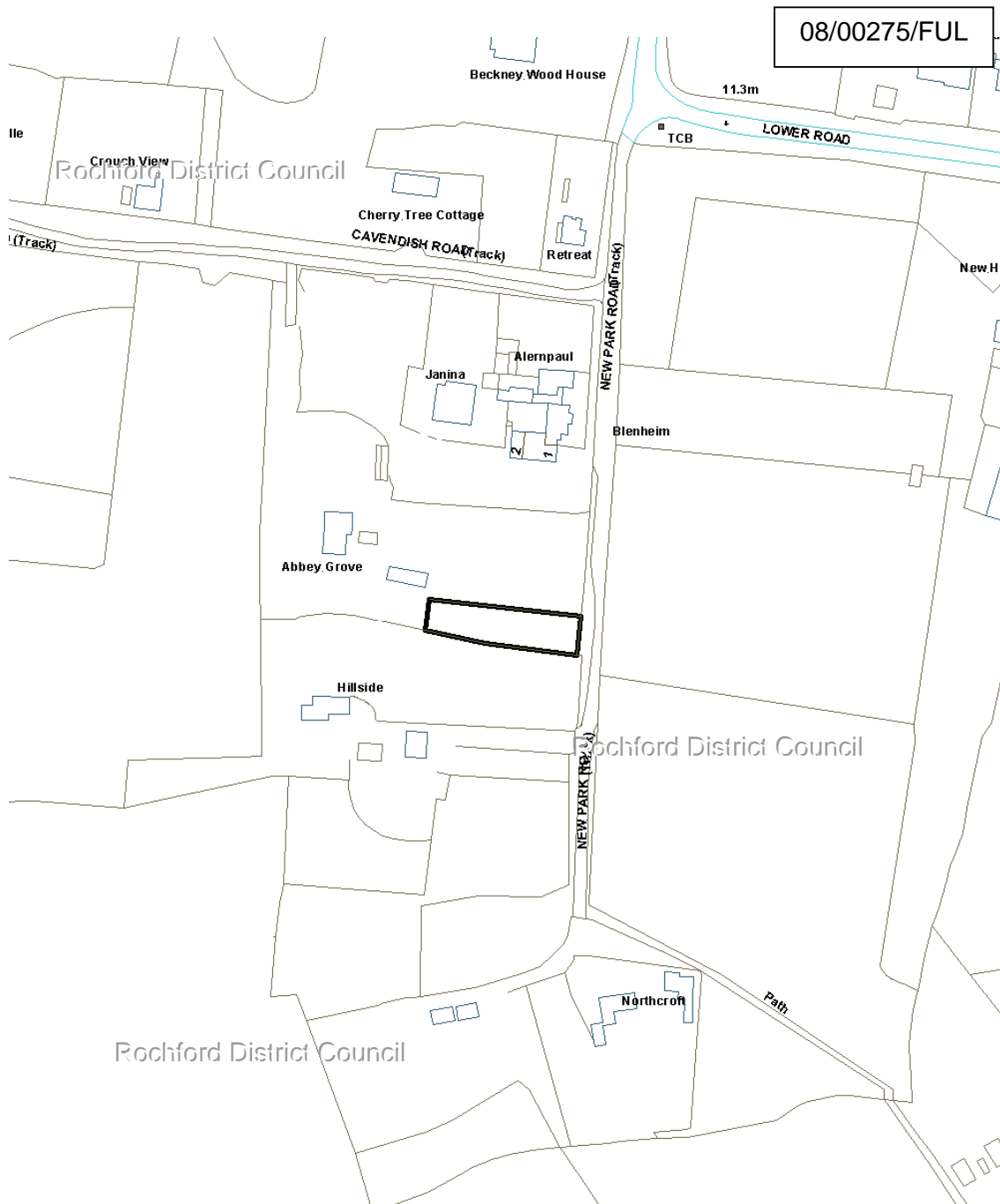
A handwritten signature in black ink, appearing to read 'Shaun Scrutton'.

Shaun Scrutton  
Head of Planning and Transportation

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For further information please contact Mike Stranks on (01702) 318092.

REFERRED ITEM R1



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**SCHEDULE ITEM 2**

**TITLE :** 08/00789/FUL  
ERECT PART SINGLE STOREY PART TWO STOREY MIXED  
USE BUILDING COMPRISING 6 COMMERCIAL UNITS  
WITHIN USE CLASS A1: SHOPS, CLASS A2: FINANCIAL  
AND PROFESSIONAL, CLASS A3: FOOD AND DRINK,  
CLASS A5: HOT FOOD TAKEAWAYS, CLASS D1: NON-  
RESIDENTIAL INSTITUTIONS AND CLASS B1 BUSINESS  
AND ASSOCIATED PARKING  
ASDA PRIORY CHASE RAYLEIGH

**APPLICANT :** PROJECT CORAL (RAYLEIGH) LTD

**ZONING :** MIXED USE DEVELOPMENT (THE PARK SCHOOL SITE)  
(HP2)

**PARISH:** RAYLEIGH TOWN COUNCIL

**WARD:** DOWNHALL AND RAWRETH

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**PLANNING APPLICATION DETAILS**

**The Site**

- 2.1 This application is to a site on the southern side of Rawreth Lane on the inside of the junction made with Priory Chase. The site is the remaining part of a mixed development providing housing, including key worker flats, sports centre, primary school and is located on the edge of the car park to the Asda retail store.
- 2.2 The site is contained by Priory Chase to the west and Rawreth Lane to the north with intervening land forming a wide verge with established trees from the former school setting fronting onto Rawreth Lane. Opposite the site and also fronting Rawreth Lane are detached housing, bungalows and chalets. Opposite the site and fronting Priory Chase is a building of two storey form with accommodation in the roof space for key worker flats.
- 2.3 The southern and eastern edges of the site adjoin the car park serving the Asda store but also serving the approved mixed use building for this part of the site to which the current proposal is an alternative to the approved scheme.

**The Proposal**

- 2.4 This application is a stand alone application independent from the outline application and is not submitted as reserved matters pursuant to the outline permission.

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**SCHEDULE ITEM 2**

- 2.5 The proposed building would be two storey fronting onto Rawreth Lane for a length of 26.5m and returning at the junction onto Priory Chase at two storey for a length of 19.5m onto Priory Chase. The remaining frontage onto Priory Chase would be single storey for a further 32.5m. The building would have a ridge height of 9.3m from ground level lowering to 8.4m from ground level over the single storey element. The first floor accommodation would be contained within the roof design and served by gable windows, roof lights and dormers.
- 2.6 The building would be divided into one two storey unit having a total floor area of 343.7 square metres and five single storey units each varying in size between 92.6 square metres and 104.7 square metres. The total floor space over the development would be 835.2 square metres.
- 2.7 The building would provide a frontage onto Rawreth Lane and Priory Chase but with the units accessible from the car park area. The area around the building would be paved.
- 2.8 Within the site the proposal would provide 23 car parking spaces, including two disabled spaces. The layout also provides a service bay 6m long and 3.6m wide into the radius of the entry into the car parking area to serve the greater site.
- 2.9 The layout would provide nine bicycle stands on the wider paved area at the rear of the building.
- 2.10 The layout would provide for individual refuse stores to the rear of the building accessed from the car parking area.
- 2.11 An Automatic Teller cash dispensing machine is also included in the end unit fronting onto the car park entrance.
- 2.12 The building would be finished in slate tiles to the roof and a mix of rendered block work and red brick to the walls. The fenestration would be in grey powder coated aluminium.
- 2.13 The applicants, Project Coral (Rayleigh) Ltd, have a conditional contract with the site owner, Asda Stores. Should the application not be successful then Asda retain the site ownership and will decide how to best utilise the land to meet their commercial/operational requirements.

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**SCHEDULE ITEM 2**

- 2.14 The applicants seek a flexible permission to enable the broad range of uses sought to be marketed. The applicants do not consider that a building with individual uses ascribed to specific units could be successfully occupied or attractive commercially. To this end, the applicants seek a permission that would allow shops (A1), financial and professional services such as banks and betting offices (A2), restaurants and cafés (A3), hot food takeaways (A5), business, office or light industry appropriate to a residential area (B1) and non residential institutions such as clinic, crèche, hall type uses (D1).
- 2.15 The applicants have discussed the issue around the scope of such a permission with officers and submit the following condition for consideration to allow the flexibility they seek.

Condition:

*No more than two of the permitted units shall fall within Use Class A3 and or A5 as set out in the Town and Country Planning (Use Classes) Order 1987 (as amended) at any one time, without the prior written approval of the Local Planning Authority.*

*Reason: To maintain the diversity of uses within the centre valuable to the local community, which is otherwise poorly served by shops and other facilities.*

**RELEVANT PLANNING HISTORY**

- 2.16 Application No. 01/00762/OUT  
Outline application for a mixed use development comprising housing, neighbourhood centre, public open space, primary school and leisure centre  
Permission Granted 18 June 2003.
- 2.17 Application No. 04/00975/FUL  
Variation of conditions attached to Outline Permission No. 01/00672/OUT to allow for separate reserved matters to be submitted and to allow flats above retail units in the neighbourhood centre.  
Permission granted 17 February 2005
- 2.18 Application No. 05/00599/REM  
Details of retail food store and part two storey part three storey building comprising 4 No. A1 (retail) units and 1 No. café/restaurant to ground floor, 3 No. D1 (Non residential Institution) units at first floor and 8 No. Two bedroomed flats at first and second floor with access and car parking layout.  
Permission refused 24 November 2005

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**SCHEDULE ITEM 2**

For reasons that the proposal failed to comply with the requirements of condition 4 of the outline consent in providing for a range of uses valuable to the local community, that the results within the travel assessment were considered unacceptable in terms of traffic movements arising from the development and the capability of the highway network to absorb those movements and the size of the retail store would be likely to have an adverse effect upon Rayleigh Town Centre.

- 2.19 Application No. 05/01049/REM  
Details of retail food store and part two storey part three storey building comprising 5 No. A1 (Retail) units and 1 No. A3 café, 3 No. D1 (non residential institutions), 1 No. D1 nursery at ground, first and second floor with access and car parking layout floor  
Permission refused 25 May 2006 for reasons that the results within the travel assessment were considered unacceptable in terms of traffic movements arising from the development and the capability of the highway network to absorb those movements, the size of the retail store would be likely to have an adverse effect upon Rayleigh Town Centre and the noise and disturbance associated with the retail store would be detrimental to the residential amenity of nearby residents in Priory Chase.  
Appeal allowed 25 January 2007.
- 2.20 Application No. 06/00508/FUL  
Variation of condition 2 of outline permission 01/00762/OUT to extend the time allowance for the submission of reserved matters applications by three years.  
Permission granted 20 June 2006.
- 2.21 Application No. 07/00588/FUL  
Alterations to Approved Asda Store Building Comprising Covered Walkway to Car Parking Area, Provision of Smoking Shelter to Staff Parking Area, Provision of External Cash Machine Pod and Removal of one Car Parking Space, Provision of Draft Lobby to Store Entrance, Raise Height of Service Yard Wall From 1.8m to 3m, Revised Layout of Service Yard, Revised Location of Trees to Car Park, Extension of Entrance Canopy, Revised Elevations of Store to Show Location of Cash Office Transfer Unit, Provision of 2 No. First Floor Windows to Staff Restaurant and Training Room, Reduced Size of Curtain Walling Panels, Provision of Additional Fire Exit to North Elevation and Revised Position of Roof Plant.  
Permission granted 23 August 2007
- 2.22 Application No. 08/00541/FUL  
Erection of a three storey mixed use building comprising a mix of commercial uses (Use Classes D1: Non-residential institutions, Class A1: Shops, Class A2: Financial and Professional Services, Class A3: Food and Drink, Class 4: Drinking Establishments, Class A5: Hot Food Takeaways) and 11 No. two bedroomed and 8 No. one bedroomed flats and associated car parking.  
Application withdrawn.



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**SCHEDULE ITEM 2**

- 2.23 Following the grant of outline permission a master plan was drawn up, which formed part of the agreement to the outline permission establishing the relative proportions of the layout of the site around a single spine road and to provide a neighbourhood centre comprising retail and other uses to support the community in this part of western Rayleigh, including food and drink uses, and non-residential institutions such as a children's nursery or medical facilities. The consent allowed for a range of uses from classes A1, A3 and D1 to be provided on the neighbourhood centre.

**Neighbourhood Centre Site as Built**

- 2.24 The site as developed now includes a retail store and car park with permission extant as allowed on appeal under application 05/1049/REM for an alternative mixed use building to that now proposed. The outline permission was previously varied to allow for flats to the upper floors of the mixed use building. The development commenced construction under the appeal decision but the design of the retail store building was amended and completed under the permission granted under application 07/00588/FUL. The site of the proposal remains with a shingle covering and in use for overspill car parking.

**CONSULTATIONS AND REPRESENTATIONS**

- 2.25 **Rayleigh Town Council:** Have no objection to the mixed use building, but have concerns over granting permission for various use classes.
- 2.26 **Essex County Council Highways and Transportation:** No objection to raise. State that prior to the commencement of the development a plan should be provided to show details for the parking of delivery vehicles.
- 2.27 **Essex County Council Urban Designer:** The design of the building is of mediocre quality. The reduction to one and a half storeys will give a reduced sense of enclosure to the Priory Chase entrance and the large car park to the rear. The pitched roofs, with flat top, again produce an unattractive bulky profile very evident on the side elevation. The wide front gables, rather than being subsidiary elements running into the main roof, project above it giving a strange side profile with the flat roof. The long continuous ridgeline and the minimal articulation of the façades lack interest, which is not relieved by the signage over the shop fronts alternating up and down. The entrance area for community use is not visible to the street.
- 2.28 **Environment Agency:** Assess the application as having low environmental risk.
- 2.29 Advise that the applicant should be made aware that surface water from roads and impermeable surfaces should be discharged via trapped gullies and only clean water from roads and impermeable surfaces should be discharged to any water course.

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**SCHEDULE ITEM 2**

- 2.30 Suggest the development incorporates principles of sustainable construction and design, including the use of energy from renewable resources and the use of water butts, low flush toilets and efficient appliances.
- 2.31 **Buildings/Technical Support (Engineers):** No objection. Advise that surface water disposal will need to be considered.
- 2.32 5 letters have been received in response to the public notification and which in the main make the following comments and objections:-
- Noise and disturbance
  - Devaluation of property
  - Insufficient drainage
  - Poor design
  - Over-development/poor layout
  - Loss of overspill parking
  - Traffic generation from further commercial premises/access problems from casual parking for takeaways
  - Parking restrictions unenforceable
  - Policy objection
  - These shops are not wanted or needed by the neighbourhood. Doubt they are commercially viable, particularly as applicants stated this and the need for the flatted element in the previous application.
  - Already catered for, given pizza outlet on the industrial estate
  - Undesirable because of threat of anti-social behaviour increasing as already the case for the Asda site, leisure centre, Sweeney Park and the future new football pitches.
  - Likely to be left empty and vandalised
  - Council should make a priority the sustainable re-use of empty premises in Rayleigh.
  - Asda have not built previous units due to extent of public adversity to any further development on this site and want to distance themselves from the development.
  - Asda will not permit competition so only will allow turf accountants, hot food takeaways, cafés, etc.
  - Increased rubbish
  - Pub/restaurant dangerous and problem to housing area and school on the estate.
  - Basildon had the foresight to separate business from the residential areas. Priory Chase is a small no-through road but with an Asda, leisure centre, school, skate board park, and future football pitches.
- 2.33 One letter has also been received from Mark Francois MP and which makes the following comments and objections:-
- Declare an interest as being a local resident in the Rawreth Lane area.

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**SCHEDULE ITEM 2**

- The development still does not provide for the community hall that Asda originally committed to provide for the local residents when applying for permission to build their store in the first place and therefore object to this second application.

**MATERIAL PLANNING CONSIDERATIONS**

**Principle of the Development**

- 2.34 The principle of the proposed development accords with the Local Plan allocation seeking a mixed use development and although submitted for separate consideration to the outline permission does, however, follow the general scope of the expectations for the site. The application proposes a building to include a mix of A1, A3, A5 and D1 uses as specified in the condition to the outline permission and in addition includes B1 usage in addition to the scope of the outline consent. Officers consider that, if submitted as reserved matters to the outline, this current application would comply with the outline consent.
- 2.35 **Design Comparisons to Previously Approved Building**
- 2.36 The appeal decision on application 05/01049/REM allowed a mixed use building of part three storey and two storey form showing a range of shops, a café, nursery and D1 uses at upper floor.
- 2.37 The current proposal occupies a similar siting and footprint to the approved building 2.4m less in length onto Priory Chase and 0.7m less in length onto Rawreth Lane. The flank end elevation onto the car park entrance is more regular with less movement in depth across the plan of the units. The proposal has a depth of 13.6m – 14.8m as compared to between 12m to 16m in depth to the approved building allowed on Appeal. The end elevation parallel to Rawreth Lane is much reduced at 8.3m as compared to 12m to the approved building.
- 2.38 The design of the roof is also similar to the building allowed on appeal in that the mansard slope and upstand design conceal a flat roof area behind. The building allowed on Appeal took a three storey form at the junction and lowered to two storeys midway along the return onto Priory Chase. The proposal is for a two story and single storey form 1.6m and 1.8m lower in height compared to the building approved.
- 2.39 In considering the Appeal the inspector was not presented with reasons for refusal concerning the design of the mixed use building but nonetheless did not take issue with the design and appearance of the building before him.

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**SCHEDULE ITEM 2**

Given the strong similarity in visual treatment in the appearance between the building as allowed on Appeal and that currently proposed, the resultant design and appearance is not considered objectionable despite the view held to the contrary by the County Council's specialist urban designer.

**Highway Issues**

- 2.40 The approved mixed use building was provided with an allocation of 80 car parking spaces in accordance with the Council's standards for that particular building. The current application site provided 13 spaces of that requirement and the remaining 67 spaces are already provided for in the existing Asda store car park on the greater site. The existing retail store therefore has a surplus of 67 spaces in the context of the Council's adopted car parking standards.
- 2.41 The current application shows a revised layout to this part of the greater site and showing provision of 23 car parking spaces (including 2 No. disabled spaces) and representing an increase of 10 car parking spaces overall. The proposal therefore commands some 90 car parking spaces.
- 2.42 If the current scheme was used totally for shop uses, financial and professional or takeaway uses, the proposal would require a maximum provision of 41.76 spaces.
- 2.43 Officers consider that a typical mix that might result in the use of the development would be the use of Units 1, 2 and 3 for A1/A2 shop/financial service uses; units 4 and 5 as a restaurant and unit 6 for D1 use. In this scenario this would require an overall maximum parking provision of 88.3 spaces and would be met by the surplus in car parking spaces on the site and those proposed in this current application.
- 2.44 The car parking calculation for the use of the whole building proposed for non residential institution uses would be dependant upon the numbers of staff and customer provision but a general standard would require a maximum of 83.5 spaces.
- 2.45 The use for the whole building for a particular use is not desirable and unlikely. Officer consider that the most likely range of uses gives rise to a maximum of 88 car parking spaces, as set out above, and would be met by that available on the site and the development proposed in accordance with the Council's adopted standards. It is considered that no material objection can be raised against the proposal on highway grounds. No objection is raised by the County Highway Authority.

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**SCHEDULE ITEM 2**

**The Use Issues**

- 2.46 The application is unusual in that it seeks consent for a wide ranging scope of uses. Normally, the implementation of a use would convey certain permitted development rights allowing, for example, an estate agents (A2) to become a shop (A1) without fresh permission being necessary. The take up of any of the uses proposed would normally only allow in certain cases new shop uses to result. It is also possible that the B1 use could be used for storage and distribution up to a floor area of 235 square metres.
- 2.47 The current application, however, seeks to allow on a permanent basis a range of A class uses such as shops, financial services and betting shops and restaurant, café and takeaway uses, not including pubs and bars at any given time, together with B1 and D1 uses. The effect of this would be attractive to marketing purposes giving ultimate flexibility but would mean that a future change of use from, say, shop to take away, would no longer require planning permission unless specifically controlled by a suitable condition. It would also arise that a unit might in future open as a D1 use such as a clinic, dentist or hall but change to a shop without requiring planning permission.
- 2.48 The required retail element is addressed by the existing retail store on the site. The D1 use generally and A2 use can support a local community as well as other employment opportunity from the B1 use also proposed. It is considered necessary that the building, if approved, should not become dominated at any particular time by, in particular, use class A3 restaurant, snack bars and cafés or class A5 hot food takeaway. The condition discussed with the applicant and included as condition 2 in the recommendation achieves this control.
- 2.49 Policy SAT 6 seeks to secure local shopping parades for essentially retail or other purposes to serve day to day needs of the local community as well as maintaining the attractiveness of shop fronts important to the vitality and attraction to shoppers. Conditions can be used to control installation of external venting where required and the installation of security grilles. The condition included in this application addresses officers' concerns and, whilst allowing flexibility, would allow for both a restaurant type use and a takeaway type use together in the parade, but would retain the remaining four units to other uses to which there is not a material objection.

**CONCLUSION**

- 2.50 The proposed building is of a comparable design and appearance to a similar building, previously allowed on appeal, and, given the setting of the building, would not prove harmful to the character and appearance of the area.
- 2.51 The applicant seeks to achieve a wide range of commercial uses that, across the spread of uses proposed, would serve the local community in the range of services offered.

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**SCHEDULE ITEM 2**

- 2.52 Recommended condition 2 would secure against the domination of hot food type uses throughout the parade and secure the remaining four units for other appropriate uses.

**RECOMMENDATION**

- 2.53 It is recommended that the Committee resolves to **APPROVE** the application, subject to the following conditions:-
- 1 SC4B – Time limits standard
  - 2 No more than two of the permitted units shall fall within Use Class A3 and / or A5, as set out in the Town and Country Planning (Use Classes) Order 1987 (as amended) at any one time, without the prior written approval of the Local Planning Authority.
  - 3 SC14 – Materials to be used (externally)
  - 4 Prior to the commencement of any use within use class A3 or A5 to the Town and Country Planning (Use Classes) Order 1987 (as amended) details of a mechanical extraction system to be provided to the kitchen area, together with details of all fume extraction and ventilation equipment, shall be submitted to the Local Planning Authority. The development shall be implemented in accordance with such details as may be agreed by the Local Planning Authority and shall be fully implemented and installed prior to the commencement of any use within use class A3 or A5 to the Town and Country Planning (Use Classes) Order 1987 (as amended) hereby permitted and shall be maintained in the approved form while the premises are in use for the permitted purpose.
  - 5 No security shutters or grilles shall be erected to the exterior of the building hereby approved.
  - 6 The development hereby permitted shall only accept deliveries of goods to be sold between the hours of 0700 hours and 2300 hours on any day.

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**SCHEDULE ITEM 2**

**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, to the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers in neighbouring streets.

**Relevant Development Plan Policies and Proposals**

HP2, SAT2, SAT6, SAT8 Rochford District Replacement Local Plan (2006)

Supplementary Planning Document 5 Vehicle Parking Standards (January 2006)

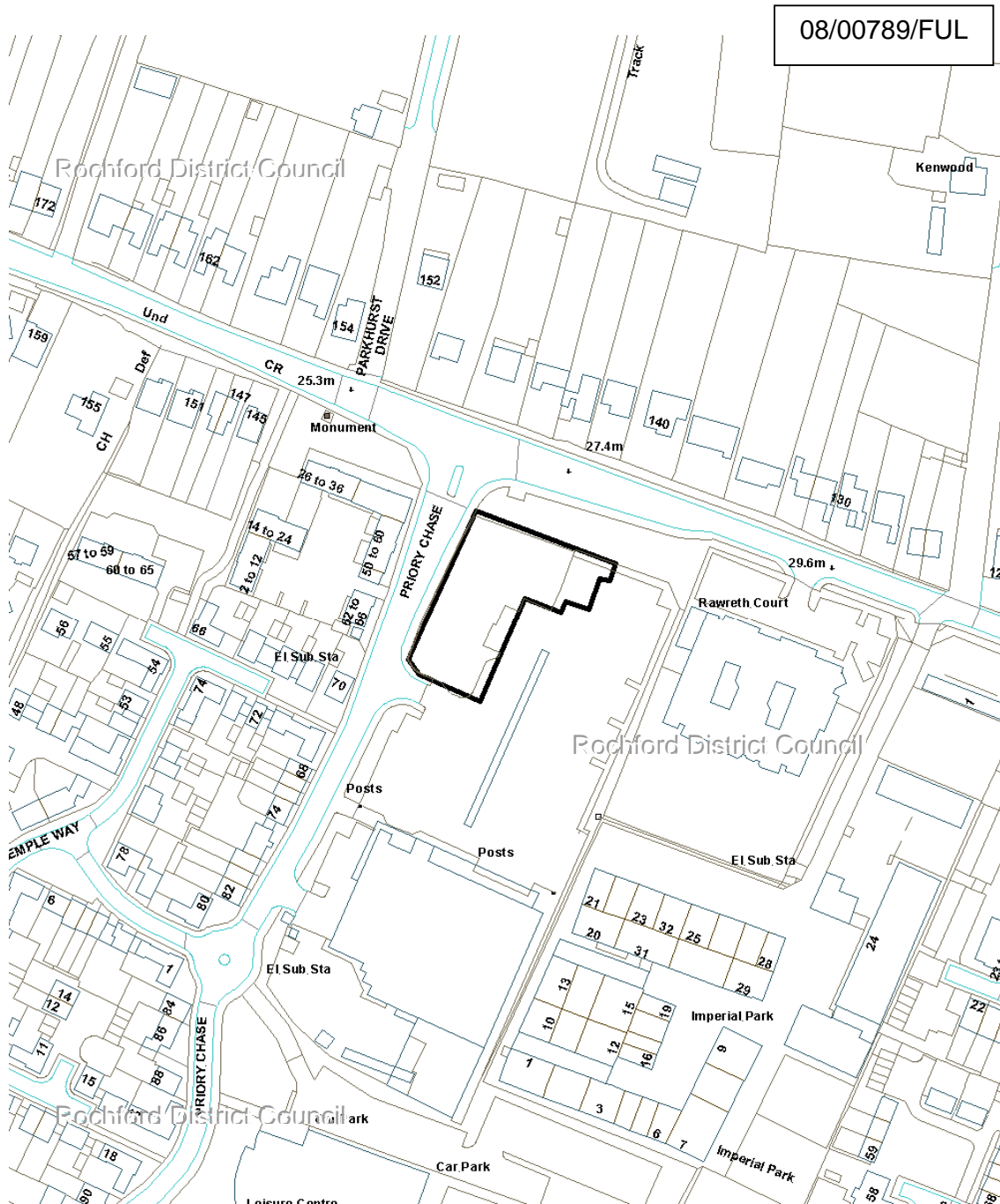


Shaun Scrutton  
Head of Planning and Transportation

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For further information please contact Mike Stranks on (01702) 318092.

SCHEDULE ITEM 2



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**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.**