



**Rochford District
Council**

INDEX

1990

January - December

AID

Local Authority AIDS Education Officer 57,521

Abandoned Vehicles

Disposal of 32

Access to Information

Access to Information in Health Authorities 221,240

Alarm Systems

Dispersed Alarm Systems 272,333,529

Anglian Water Services Limited

Ferry Road Pumping Station, Hullbridge 94
Anglian Water Matters 198,240,400,453,656

Appeals - Planning

ROC/626/89 - Fairview Homes PLC's Appeal - Matchbox
Toys Site, Rochford 5
Planning Appeals - Analysis of Decisions Received
from January to March 1990 260
Appeal by British Gas PLC - Land at Klondyke
Avenue, Rayleigh 418
Baltic Wharf, Wallasea Island, Rochford -
Applications ROC/667/89 and ROC/316/89 -
Variation of Working Hours Condition and
Realignment of Jetty 480
Planning Appeals - Analysis of Decisions Reached 594

Area Service Points

Area Service Points 436,686,706

Area Sub-Committees

Area Sub-Committees 257,354,393

Audit

External Auditors' Reports 110(C) (1-3)
Computer Management Progress 110(C) (4), 212(E) (2)
Managing Services Efficiently - Performance
Review 110(C) (5)
Complaints Procedure 110(C) (7)

cont/d

Audit cont/d

Automatic Teller Machine - Usage	110(C) (8)
Audit Commission - Survey of Local Authority Housing Rent Arrears	163
Review of Audit Commission Publication - "Sport for Whom?"	187
Value for Money Study Overview of the Planning and Building Control Functions	212(C) (1-7)
The Work of the Audit Commission	212(E) (1)
Planning Enforcement Action - Performance Monitor	212(E) (3)
Report of the Woodland and Amenities Unit	212(E) (4)
Review of Audit Commission Publication "Local Authorities Support for Sport" - A Management Handbook	296

Automatic Teller Machine

Great Wakering	339
----------------	-----

Bridleways

Highways Act 1980 - Section 25: Proposed Bridleway - Albert Road to Rectory Avenue, Hawkwell	324,361,412
Proposed Diversion of Bridleway 17 (part) Foulness	413(i),574

British Rail

British Rail Liaison	503
----------------------	-----

Budget

1990/91	86
Budget Review	425,453
Budget Review 1990/91 and 1991/92	483,679
Budget Preparation 1991/92	485
Review of the Corporate Plan and Budget Strategy	532,545,578,600,602,611
Budget 1991/92 (Development)	702
Budget 1991/92 (Leisure)	703
Budget 1991/92 (Health and Housing)	711
Budget 1991/92 (Policy and Resources)	723

Building Control

Local Authority Building Control	25,224
----------------------------------	--------

Bye-Laws

Enforcement of Bye-Laws Against Dog Fouling	81
Public Conveniences	274
Pleasure Fairs Bye-Laws - Contravention	537

Canewdon Consultants

"Broomhills", Stambridge Road, Rochford -
Preliminary Proposals by Canewdon Consultants 134

Capital Programme

1990/91, 1991/92 and 1992/93 13,126,141

Car Parking

Future Charging Policy and Usage 16,40,219
Car Parking in the Rochford District 92
On-street Parking - Outside Town Centres 326
Car Parking Charges 337
Extension to Back Lane Car Park 483,580,611
Monitoring of Income 677

Car Parking Study

Car Parking
Study 205(i)(11), 205(ii)(1-12), 205(iii)(1-5), 664(1-3)
Review of Car Parking Standards 205(i)(12&13), 205(iii)(7)
Outside Town Centres 414(2)
Rayleigh Town Centre 414(3-9), 453
Rayleigh West 664(4-8)
Market Car Park, Rayleigh 664(9)
Car Parking Business Survey 664(10)
Problems Identified by Councillors 664(11-13)
Summary of Progress 664(14)

Caravan Sites

Review of Caravan Site Licences 63,161,276
Spacing of Caravans - Progress Report 68,535
Caravan Site - Breach of Site Licence Conditions 69,141
Tower Caravan Site, Pooles Lane, Hullbridge -
Amendment to Site Layout 277,526
Access to Crouch Caravan Site via Pooles Lane
Recreation Ground 386
Unauthorized Caravans at Canewdon 539

Cemeteries

Rayleigh and Hall Road Cemeteries - Enhancement 617
Hall Road Cemetery: Extended Church of England Section
Roadway 618(i)
Layout of Graves 618(ii)

cont/d

Chairman's Announcements

Councillor Boyd	38
Sunday Times/Royal Mail International Twin Town Award Scheme	38
Ashingdon Primary School - Mock Edition of the Evening Echo	140
Members Standing for Re-election	238
Councillor W.H. Budge	238
Councillor C. Stephenson	238
Civic Banquet: Southend-on-Sea Borough Council	360
Twinning Visit: German Minesweepers - "Nixe" and "Ariadne"	360
Cycle Races in Rayleigh	360
Annual General Meeting of "RELATE"	360, 452
Dial-a-Ride: Delivery of Third Vehicle	360
Premier Housing Award from British Gas	360
Hullbridge Regatta	452
ADC Conference	452
Essex Heritage - Inauguration	452
Essex University - 25th Anniversary	452
Thorpe Hall School - Speech Day and Prize Giving Ceremony	452
Rochford Show	452
Reception on the Terrace at Mill Hall	452
Rochford Festival of Sport - Finals Day	452
150th Anniversary of the Police Force	452
Presentation of Certificate to Mrs. J. Attridge	452
Presentation of Certificate to Mr. G. Harwood	452
Council Staff Team who Cycled to Brighton	452
Councillor R.A. Pearson's Wife	514
Residents of the District Trapped in Baghdad	514
Essex Games	514
Judging of Garden Competition	514
Luncheon - Local Rotary Club	514
Civic Service	514
King Edmund School - Booklet on Rochford	514
Peatland Protection Charter	514
Careers Convention - Park School	610
Maldon District Council - Civic Reception	610
TVS Studios - Luncheon	610
Haltern	610
Special Cycle of Meetings	705
Performances by the Arts Council	705
Bulb Planting at Ashingdon	705
Reopening of the Rocheway Clinic	705
Visit to Council's Sheltered Schemes	705
Presentation of Food Hygiene Certificates	705
Festive Lights in Rayleigh	705
Leigh Orpheus Choir	705
100th Birthday Celebrations - Resident at Eastwood Lodge	705

Charges

Scale of Charges 1990/91	15
--------------------------	----

cont/d

Children's Play Areas

Betts Wood Play Area - Hockley	75
Use of Land as Public Open Space, Allotment Gardens, the Layout of Children's Play Area and Construction of Car Park and Vehicular Access: Lower Wyburns Farm, Daws Heath Road, Rayleigh	79
Programme for Children's Playgrounds 1990/91	184

Circa Leisure

CIRCA Leisure Scholarship Scheme	300
----------------------------------	-----

Citizen Advice Bureaux

Rochford Citizens' Advice Bureau (CAB) Office Accommodation	428
--	-----

Civic Car

Civic Car	445
-----------	-----

Clements Hall Leisure Centre

Replacement of Astro-Turf Sports Pitch	84,109,143
Additional Car Parking	292
Capital Investment at Clements Hall Leisure Centre	710

Committee Meetings

Cycle of Meetings 1990/91	23,119
---------------------------	--------

Committee Structure

Election of Chairman of the Council for 1990/91	245
Appointment of Vice-Chairman of the Council for 1990/91	246
Appointment of Chairman of the Policy and Resources Committee/Leader of the Council for 1990/91	247
Appointment of Standing Committees	252
Appointment of Chairmen and Vice-Chairmen of Committees and Panels of Committees	253
Dates of Meetings	254,493,515
Appointment of Dependent Sub-Committees and Panels	257,267,282,305,328,361
Committees and Dependent Panels	330,431
Council and Committee Agenda	344(i),437
Membership of the Policy & Resources Committee	348
Little Wheatleys Panel	357,361,394
Pro-rata Representation on Leisure Services Committee	517(i)

cont/d

Committee Structure cont/d

Membership of the Policy and Resources Committee	517(ii)
Appointment of Vice-Chairman - Policy and Resources Committee	597
Committee Structure	601(C)(2)

Community Charge

Setting the Level of Community Charge 1990/91	137
Community Charge Collection Fund	142
Community Charge Collection Costs 1990/91	426
Appeals Against Determination of Benefit	693
Standard Community Charge	725
Community Charge 1991/92	727

Computer System

Replacement Computer System for Environmental Health Services	448
---	-----

Concessionary Fares

Concessionary Fares	434,680
---------------------	---------

Conferences

National Housing and Town Planning Conference	159
Annual Conference and Exhibition of the Chartered Institute of Public Finance and Accountancy: Harrogate 5th to 7th June 1990	303
Report of the Delegates on the 105th Conference of the Chartered Institute of Public Finance and Accountancy (CIPFA) Held at the Royal Hall, Harrogate: 5th-7th June 1990	429,603
Association of District Councils - Annual Meeting and Conference - Harrogate 27th to 29th June 1990	498

Conservation

Conservation Area Advisory Committee	605,690
--------------------------------------	---------

Consultants

Selection of	35
--------------	----

cont/d

Consultation Documents

National Code of Local Government Conduct and Register of Members' Interests	117
Transport Policies and Programmes (TPP17) and Public Transport Plan (PTP13) 1991/92 Submissions - Consultation Drafts	199
"Shaping the South East Planning Strategy" - SERPLAN Consultation Document	315,361
Maldon District Local Plan, First Review - Consultation Draft	320
Essex County Council Consultation Document on Waste Disposal	540

Consultations from Neighbouring Authorities

Consultation from Castle Point District Council on Former S.W. Wood Site, Rat Lane, Rayleigh	47
Consultation from Southend-on-Sea Borough Council: Land to the rear of Comet Way: Erect 4 Part Single/ Part Two Storey Buildings and Three Single Storey Buildings to Form 11 Industrial and High-Tech Business Units with Car Parking and Construct New Access Road to Comet Way	136
Consultation from Castle Point District Council: CPT/4790 - Demolish Former British Shoe Corporation (Rayleigh Shoe) Factory, Kingsley Lane, Thundersley, for Re-development of Class B1 (a)(b) Units Totalling 4,145 square metres (Including Replaced Factory Floor Space 44.600 square feet) and 138 Car Parking Spaces	177
Consultation from Neighbour Authority: Northwick Village Project	262
Consultation from Southend-on-Sea Borough Council - Erect Detached Bungalow and Garage (Outline) Land Adjacent 76 Glenwood Avenue, Eastwood, Leigh-on-Sea - Planning Application SOS/90/0469	351
Outline Application for Residential Development on Land North of Kingsleigh Crescent and Fronting the Arterial Road, Rayleigh - Application No. CTP/572/90	463
Grove County Primary School, Grove Road, Rayleigh - CC/0499/90/ROC	464
Consultation from Southend-on-Sea Borough Council - Outline Application to Erect Dwellinghouse with Garage: Land South of Newfriars, Wakering Road, Shoeburyness	470(i)
Deemed Permission Application from Essex County Council, Change of Use from Residential to Day-Care Centre and Office Accommodation with Associated Storage and Car Parking: 80-80c West Street, Rochford - Application Number CC/0447/90/ROC	470(iii)
Town and Country Planning Act 1990: Consultation from Southend-on-Sea Borough Council on Application SOS/90/1016: Land North of Bournes Green Chase, Southend-on-Sea	510

cont/d

Consultations from Neighbouring Authorities cont/d

Consultations on Planning Applications from Southend

Borough Council:

SOS/90/1234 - Erect Wholesale Warehouse, Access Road and Lay Out 513 Parking Spaces on 7.8 Hectares of Land East of Sutton Road, Land Adjoining Smithers Farm, Southend-on-Sea 717(i)

SOS/90/1235 - Erect 17 Buildings Comprising Office (B1), Storage (B8) and Industrial (Classes B1 and B2) Uses and Lay Out Estate Roads and 1,713 Parking Spaces on 16.8 Hectares of Land East of Sutton Road and Adjoining Smithers Farm and Fossetts Camp, Southend-on-Sea (including the site of SOS/90/1234) 717(ii)

Contractors

Standing Approved List of Contractors 34,492

Contracts

Contract No. 1475 - Lift Service and Maintenance 36(i)
Contract No. 1477 - Maintenance of Central Heating, Hot Water Services and Air Handling Equipment, AP Schemes and Leisure Buildings 36(ii)
Contract No. 1481 - Improvements to Mill Hall, Rayleigh 36(iii)
Contract Progress Report 61,188,280,383
Contract No. 1476 - Cleaning of Public Conveniences 71
Contract No. 1463 - Fencing Improvements at Playing Fields 130
Contract No. 1501 - Servicing and Repair of Domestic Gas Appliances 131
Contract No. 1497 - Cyclical Repairs and External Decoration - Hockley 170
Contract No. 1498 - Cyclical Repairs and External Decoration - Rochford 170
Contract No. 1396 - General Cleaning 231(i)(a)
Contract No. 1496 - Window Cleaning 231(i)(b)
Contract No. 1502 - Preparation of Schedule of Rates for Maintenance Work 231(ii)
Contract Nos. 1501 and 1488 - Cyclical Repairs and External Decorations - Wardened Schemes and Council Houses at Rochford and Hullbridge 231(iii)
Contract No. 1508 - Replacement Windows with UPVC 281(i)
Contract No. 1488 - Cyclical Repairs and External Decoration - Various Sites 281(ii)

cont/d

Contracts cont/d

<u>Contract No. 1505</u>	- Cyclical Repairs and External Decoration - Wardened Schemes	281(iii)
<u>Contract No. 1514</u>	- Cyclical Repairs and Internal Decoration	384(i)
<u>Contract No. 1524</u>	- Sweyne Park Bridleway	384(ii)
<u>Contract No. 1523</u>	- Reroofing and Associated Works	447(i)
<u>Contract No. 1526</u>	- Boilerhouse Refurbishment, Romney House, Rochford	447(ii)
<u>Contract No. 1530</u>	- Improvement and Refurbishment at 1 & 2 The Ferns, Stambridge	538
<u>Contract No. 1539</u>	- Entrance Works at Public Open Space - Lower Wyburns Farm, Daws Heath Road, Rayleigh	560
<u>Contract No. 1541</u>	- Domestic Boiler Replacement	637
<u>Contract No. 1548</u>	- Upgrading of Fire Alarm Systems in A.P. Sheltered Schemes	692
<u>Contract No. 1547</u>	- Extension of Public Car Park, Back Lane, Rochford	694
<u>Contract No. 1542</u>	- Replacement Fencing, King George's Playing Field	699
<u>Contract No. 1548</u>	- Upgrading Fire Alarm Systems	708

Corporate Plan

Corporate Plan	120
The Physical Environment	186,291,652
First Review	270,289,314,342(a),361,520
Leisure Section Priority F3	290,375
Rochford Hospital Site	342(b)
Corporate Priority C.1	409,665
Review of the Corporate Plan	484
Review of the Corporate Plan and Budget Strategy	532,545,578,600,602,611
New Sections	579
Corporate Priority I.4	601(B)
Corporate Plan - Identification of Deficiencies in Service Provision	664(26)
Resourcing the Corporate Plan	683

Cost Centres

Priority Budgeting and Cost Centres - Methodology	220
---	-----

Council Property and Premises

Council Chamber	212(D)
Catering in Council Halls	287
Sound System in the Council Chamber	721

cont/d

Councillors

R.H. Boyd	6,39,146
Mrs. P. Godsell	7
Members' Allowances	30,40,116
J.A. Gibson	39
M.J. Handford	48
Absence of Members	107,141
Election of Chairman of the Council for 1990/91	245
Appointment of Vice-Chairman of the Council for 1990/91	246
Appointment of Chairman of the Policy and Resources Committee/Leader of the Council for 1990/91	247
Liaison Arrangements with Group Leaders	248
Appointment of Chairman's Chaplain	249
Record of Attendances	251
Appointment of Chairmen and Vice-Chairmen of Committees and Panels of Committees	253
Mrs. P. Cooke	359
Mrs. A.R. Hutchings	388
Former Councillor R. Blackburn	419,450

Covenants

2 Jubilee Road, Rayleigh	105
Conversion of Former Council Properties into Self-Contained Flats	
29 Stambridge Road, Rochford	581(i)
27 Middlemead, Rochford	581(ii), 611, 671, 706

Crime Prevention

Partnership in Crime Prevention	504
---------------------------------	-----

Deemed Planning Consents

Land at the Junction of Mercer Avenue and Twyford Avenue, Great Wakering	53
Brooklands Garden Extension, Rayleigh	74(i)
Rochford Water Sports Centre	74(ii)
Use of Land as Informal Public Open Space, Layout of Children's Play Area and Construction of Horse Riding Trail: Land North of Magnolia Road, Hawkwell	123
Open Spaces Development Programme - Land at The Bailey, Rayleigh	183,546
Open Space Development Programme - Hambro Hill	299
Deemed Permission Application from Essex County Council, Change of Use from Residential to Day-Care Centre and Office Accommodation with Associated Storage and Car Parking: 80-80c West Street, Rochford - Application Number CC/0447/90/ROC	470(iii),643
Contract No. 1539 - Entrance Works at Public Open Space - Lower Wyburns Farm, Daws Heath Road, Rayleigh	560

Deferred Items

Planning Services Committee	
(i) Consultation from Southend-on-Sea Borough Council - Outline Application to Erect Dwellinghouse with Garage: Land South of Newfriars, Wakering Road, Shoeburyness	
(ii) 17 Brook Close, Rochford - Proposed Amendments to Car Parking Layout and Roof Design from Scheme Approved on 1st August 1989 (Planning Application ROC/279/89)	
(iii) Deemed Permission Application from Essex County Council - Change of Use from Residential to Day-Care Centre and Office Accommodation with Associated Storage and Car Parking: 80-80c West Street, Rochford: Application No. CCO/447/90/ROC	462

Delegation of Authority

Reallocation of Responsibilities	121,222(a)
Development Directorate	222(b)
Delegations to Officers	439
Requisitions for Information - Town and Country Planning Act 1990, Section 330	500(i)
Town and Country Planning Legislation - Consolidation	500(ii)
Senior Environmental Health Officers (Posts ES7 and ES37) - Delegated Authority	525

Dial-a-Ride

Dial-a-Ride Scheme	657
--------------------	-----

cont/d

Disabled

Appointment of Member with Special Responsibility for
the Disabled with Regard to Planning Applications

256

District Plan Working Party

Minutes	101,205(i)(1),583(i),(ii)&(iii)
National Playing Fields Association	101(1&2)
Housing	101(3&4)
South Fambridge	
Village Plan Brief	101(5),205(i)(5),205(ii)(14)
Strategy for Review of the Local Plan	101(6-9),205(i)(6-10)
Revised Housing Strategy: Essex County Structure	
Plan First Alteration	205(i)(2)
Draft Planning Policy Guidance Notes	205(i)(3&4)
Car Parking	
Study	205(i)(11),205(ii)(1-12),205(iii)(1-5),664(1-3)
Review of Car Parking Standards	205(i)(12&13),205(iii)(7)
Future Development - Etheldore Avenue/Wood	
Avenue, Hockley	205(ii)(13)
Public Utilities, Health and Social Services	205(ii)(15)
Rebuild or Extension of Existing Dwellings	
in the Metropolitan Green Belt	205(ii)(16),664(15)
Conversion of Redundant Farm Buildings	205(iii)(6)
The Rochford Estuaries and Coastlines	414(1)
Car Parking Study - Outside Town Centres	414(2)
Car Parking Study - Rayleigh Town Centre	414(3-9),453
Review of the Local Plan	583(i)(1-25)
Identification of Additional Land for	
Employment/Business with Particular Reference	
to Land West of Aviation Way	583(i)(26&27),664(16&17)
Identification of Additional Public Open	
Spaces - West Hawkwell	583(i)(28&29)
Identification of Additional Public Open	
Spaces - West Hawkwell	583(i)(30),583(ii)(3&4)
Review of the Location, Amount and Phasing	
of New Residential Development	583(ii)(1&2)
Evaluation of Suggestions by the R.S.P.B. for	
Inclusion in the Local Plan	583(ii)(5)
Identification of Properties in Hall Road,	
Rochford and High Road, Hockley for Inclusion	
in Policy GB2	583(ii)(6&7)
Golf Courses - Review of Policy LT7	583(ii)(8),664(18)
Provision of Low Cost and Social Housing in	
Urban and Rural Areas	583(ii)(9)
Removal of Permitted Development Rights	583(ii)(10-12)
New Warehouse, Rankin Flour Mills, Mill Lane,	
Rochford	583(ii)(13)
Master Plan for Southend Airport	583(ii)(14)
Car Parking Study - Rayleigh West	664(4-8)
Car Parking Study - Market Car Park, Rayleigh	664(9)
Car Parking Study - Car Parking Business Survey	664(10)
Car Parking Study - Problems Identified by	
Councillors	664(11-13)
Car Parking Study - Summary of Progress	664(14)

cont/d

District Plan Working Party cont/d

Review of Local Plan: Chapter 10 - Public Utilities, Health and Social Services	664(19-24)
Updating the District Plan	664(25)
Corporate Plan - Identification of Deficiencies in Service Provision	664(26)

Dogs

Dog Fouling	77
Enforcement of Bye-Laws Against Dog Fouling	81,195,557
Supervision and Enforcement	382,497,514
Environmental Protection Bill - Dog Fouling	444
Control of Dogs	524

Easements

Proposed Temporary Easement at King George's Playing Field	31
Land at 5 Greensward Lane, Hockley now Known as Lime Court - Springboard Housing Association Limited	95
Riverside Industrial Estate	200(i)
14 Bull Lane, Rayleigh - Land Adjacent to King George's Playing Field	200(ii)
Easement to Essex Water Company - The Grove, Rayleigh	415

Education

Closer to the People - Education: The District Council Contribution	118,141
--	---------

Elections

Expenses of Candidates at Elections	218
Results of District and Parish Council Bye-Election Held on 3rd May 1990	250
Representation of the People (Amendment) Regulations 1990 Sale of Registers	340

Emergency Arrangements

Emergency Communication	489(A) (5&6)
Emergency Planning Team	489(A) (1,2&3)
Riverwatch Update	489(A) (4)
Incident at Wakering Refuse Tip	489(A) (7)

Emergency Centre

Hockley Woods	27,40,212(A),346
---------------	------------------

Environment

Environmental Awareness	154
-------------------------	-----

Essex County Council

District and County Council Liaison Meeting	225
Essex In Europe Week - 1991	226,432
Liaison Meetings with County Highways Chairman	309
Deemed Permission Application from Essex County Council, Change of Use from Residential to Day-Care Centre and Office Accommodation with Associated Storage and Car Parking: 80-80c West Street, Rochford - Application Number CC/0447/90/ROC	470(iii),643

cont/d

Essex County Council cont/d

Essex County Council Consultation Document on
Waste Disposal
Blue Plaque Scheme

540
551

Essex Euro Week

Essex Euro Week

601(A) (1&2)

Financial Matters

Capital Programme 1990/91, 1991/92 and 1992/93	13,126,141
Scale of Charges 1990/91	15
Capital Accounting in Local Authorities - The Way Forward	22
Budget 1990/91	86
Priority Budgeting and Cost Centres - Methodology	220
Promotion of Economic Development	724

Footpaths

Highways Act 1980 - Section 119 Diversion of Part of Footpath 36, Rochford	29
Town and Country Planning Act 1971 - Section 210 Proposed Diversion of Part of Footpath 23, Rayleigh	97,141,208,317
Highways Act 1980 - Section 119 Proposed Diversion of Footpaths at Bolt Hall, Upper Raypits and Pudsey Hall Farms, Canewdon	98,413(ii),573
Footway Between Haddon Close and Little Wheatleys Chase, Rayleigh	325,361,571
Highways Act 1980 - Section 119: Proposed Diversion of Footpaths 3, 5, 31, 33 and 34 Barling Magna	660
Town and Country Planning Act 1990 - Section 247: Proposed Diversion of Part of Footpath 22 Rayleigh	661
Footpath 3 Hullbridge - Blounts Wood to Hullbridge Road, Rayleigh	663(i)
Plumberow Mount to Church Road, Hockley	663(iii)

Fragrant Garden

Provision of Fragrant Garden - Rayleigh Town Centre	191
---	-----

Freight House, Rochford

The Freight House, Rochford	608
-----------------------------	-----

Grants and Loans

Grant Aid to Outside Bodies	18,40
Grant Aid Towards Housing Improvement and Repairs	162,273,530
House Renovation Grant - Breach of Grant Conditions	165
Grant Aid to Outside Bodies	
Rochford & District Playscheme Council	338(i)
Closure of LAMSAC	338(ii),490
North Wales Mayor's Flood Disaster Fund	338(iii),361
Citizens' Advice Bureaux	338(iv)
Rochford Old People's Welfare Committee and Rayleigh Age Concern	427(i),453
Further Applications	427(ii)
Grants for Internal Decoration	623

Group Leaders Panel

Terms of Reference and Conventions	489(B)
------------------------------------	--------

Gypsies

Gypsy Site Provision Seminar	474,585
------------------------------	---------

Hackney Carriages

Shared Taxi Service	311,402(i)
Hackney Carriage Fares	402(ii)

Health and Safety

Local Authority Aids Education Officer	57
Review of Law on Infectious Disease Control	58
Chlorofluorocarbons (CFC's)	60,619
Essex Family Practitioner Committee (Essex FPC)	
Classification of Dispensing Areas	64
Enforcement of the Health & Safety at Work Etc. Act 1974	150
Quality Assurance in Environmental Health	152
Heartcheck - Park School, Rayleigh	278
Pest Control Service for Insect Infestation	366
The Ungraded Eggs (Hygiene) Regulations 1990	522
Odour Nuisance from Mushroom Growing Farm	536
Food Safety Act 1990	615
Environmental Health Services Annual Report 1989/90	620
Food Hygiene (General) Regulations 1970 - Prosecution	638
Food Hygiene (General) Regulations 1970	696

Highways

County Highways Matters	89,240,307
Traffic Problems, Ashingdon Road Junction with Rectory Road and Hill Lane Junction with Main Road, Hawkwell	90
Broad Parade/Greensward Lane, Hockley - Proposed Waiting Restrictions	91
Town Police Clauses Act 1847 - Section 21: South Fambridge Annual Country Village Fayre 1990	207
Station Road, Rayleigh - Pedestrian Facilities	229(i),572
Warwick Road/Clarence Road, Rayleigh - Proposed Prohibition of Waiting	229(ii)
Proposed Prohibition of Driving in Cherry Orchard Lane (part), Hawkwell	308,361
Liaison Meeting with County Highways Chairman	309
Town Police Clauses Act 1847 - Section 21 Proposed Temporary Closure of White Hart Lane (part), Hawkwell	316(i)
Proposed Temporary Closure of Bellingham Lane, Rayleigh	316(ii)
Town Police Clauses Act 1847 - Section 21 Proposed Temporary Closure of Eldon Way (Part), Hockley	347
Improvement of the A130 Between the A132, Rettendon Turnpike and the A127 Southend Arterial Road	403,567
Private Finance Road Schemes	404
Proposed Waiting Restrictions - Ashingdon Road, Rochford, Ashingdon and Hawkwell	405
Hullbridge Road, Rayleigh	406
Rayleigh Weir Liaison Meeting	408

cont/d

Highways cont/d

White Hart Lane (Unadopted), Hawkwell - Prohibition of Use by Vehicular Traffic	412,570
On-street Parking Restrictions - Brook Close, Rochford	470(ii), 659,714
Highways Service Review - A Consultation Paper	482,488,668,674,706
Town and Country Planning Act 1990 - Section 257 Proposed Extinguishment of Highway Rights at Blackmore Walk, Rayleigh	501,691
Noise Insulation Scheme - A127/A129 Rayleigh Weir Improvement	523
Major Road Schemes Review	568
Proposed Waiting Restrictions -	
(i) Ashingdon Road, Rochford/Hawkwell/Ashingdon	
(ii) Highmead, Rayleigh	
(iii) Rocheway/Stambridge Road/East Street, Rochford	569,600
Removal of Highway Rights - Land Fronting 293-297 Little Wakering Road, Little Wakering	586
Russell Grove/Stambridge Road, Rochford - Proposed Waiting Restrictions	667
Stambridge Road, Rochford	669

Horse Riding

Minutes	102
Provision of Horse Riding Facilities - Apton Hall Road to Larkhill Road, Canewdon	103,323,576
Horse Riding Establishments - Alleged Unauthorised Developments	135
Spencers Nurseries, Hawkwell	663(ii)

Housing - General

Housing Rents 1990/91	14
Homelessness	51,141
Housing Mobility Scheme - Women's Aid	55
Audit Commission - Survey of Local Authority Housing Rent Arrears	163
Housing Applicant Mr. C	371
National Housing and Town Planning Council - Election of Regional Members to the National Executive Committee 1990/92	443
Upgrading of Sheltered Housing Bedsitters	622
Annual Programme of Pre-painting Repairs and Decoration of Council Dwellings 1991/92	624
Building Repairs and Improvements Service - Performance Statistics 1989/90	625
Charging for Services	627
254-284 Wakering Road, Shoeburyness	697

cont/d

Housing Associations

Joint Statement by NFHA/AMA/ADC on Local Authority Nominations to Housing Associations	56
Housing Strategy - Housing Association Local Authority Sponsored Schemes - Springboard Housing Association	223

Housing Benefit

Housing Benefits	227,240
Council's Discretionary Powers	336

Housing Development

ROC/626/89 - Fairview Homes PLC's Appeal - Matchbox Toys Site, Rochford	5,240
--	-------

Housing Investment Programme

1991/92	368
---------	-----

Housing Strategy

Motion in the name of Councillor R.H. Boyd	26
Housing Strategy - Housing Association Local Authority Sponsored Schemes - Springboard Housing Association	223,334
Property Transactions	244
Housing Strategy	329,531,600,611

Land

Land Forming Part of 18 Orchard Avenue, Rayleigh - Enabling Power Local Government Act 1972	201
Land Adjacent to 1 and 2 Wimarc Crescent, Rayleigh	202
Site of the Former Properties Known as 1-3 (Inclusive) Bedford Row Cottages, Church End, Paglesham	203
Land at Rawreth Shot	204,417
Proposed Stopping up of Land at the End of Bull Lane, Hockley to rear of Nos. 4 and 5 St. James' Walk, Hockley	228
Land at Little Wheatleys Chase, Rayleigh	174,242
Land Forming Part of the Rear Garden of 27 Weir Gardens, Rayleigh	411

Leisure Contract

Review of the Leisure Contract	559,611
--------------------------------	---------

Leisure - General

Leisure Bus	83
Countryside Interpretation	185
Review of Audit Commission Publication - "Sport for Whom?"	187
Leisure Liaison Committee - 26th March 1990	193
District Council/Sports Council Liaison Arrangements	283
Catering in Council Halls	287
Putting Facilities	293
Annual Re-planting Programme 1989/90	294
Best Kept Village Competition	295,387
Review of Audit Commission Publication "Local Authorities Support for Sport" - A Management Handbook	296
Rawreth Playing Field - Flying of Model Aircraft	298
Provision of Skateboard Facilities	552
Rayleigh Cycle Races	553
The Year of Sport 1991 - Regional Torch Relay	554,611
Eastern Council for Sport and Recreation - Liaison Meeting	555
Ernie Adcock Trophy	649
Arts Provision	650

Leisure Liaison Working Party

Arts Budget 1990/91	193(i)
Special Events 1990/91	193(ii)
Future of Action Sport	193(iii)
Car Parking at Clements Hall Leisure Centre	193(iv)
Leisure Liaison Working Party	286,556

cont/d

Litter Initiatives

Greensward School, Hockley	59(i)
Southend Arterial Road	59(ii)
Keep Rochford Tidy - Poster Campaign	155
Tidy Britain Group - "People and Places"	156
Litter Initiatives	157
Litter and Refuse	279
Tidy Britain Year 1990	370
Environmental Protection Bill: Draft Code of Practice on Litter	632
Code of Practice on Litter: Contractual Implications and Estimated Additional Costs	634

Local Government and Housing Act 1989

Political Restrictions on Certain Local Authority Officers	11(B) (1,2&3), 25
Appointment of Political Assistants	11(B) (4)
Section 164: Amendment to Right to Buy	54, 141
Borrowing Policy 1990/91	111
Changes to the Local Elections (Principal Areas) Rules 1986	124
Unfit Housing, Etc.	164
Pro Rata Representation on Committees	456, 543
Schedule of Determinations	505

Marinair

Marinair - The Proposal for a Fourth London Airport in
the Thames Estuary 582

Members of Parliament

Sir Bernard Braine 127

Minerals Subject Plan

Minerals Subject Plan 96

Monitoring Service Contract Performance

Cleaning at Aged Persons' Schemes	24
Street Cleansing	66
Ground Maintenance	82
Refuse Collection and Street Cleansing	110(C) (6)
Leisure Management	212(E) (5)

National Non-Domestic Rating

Charitable Rate Relief 335,491

National Rivers Authority

National Rivers Authority Anglian Region (Eastern Area): Annual Conservation Liaison Meeting - 28th March 1990 313
National Rivers Authority 564,611

Noise

Noise Insulation Scheme - A127/A129 Rayleigh Weir Improvement 523

Notice of Motion

Minute 3: Para. 5 - ROC/910/89 40,144,180
No Loitering 41,52,141
Provision of Toilet for the Disabled in Hockley 65
Signatories to Petitions 241(i)
Swimming at Clements Hall Leisure Centre 241(ii),288
Petitions 341
Concessionary Travel 362(i),434(i)
Code of Local Government Conduct 362(ii),434(ii),453
Prohibition on Use of Peat 362(iii),385
Refuse Collection Service to Mobile Home Dwellers 362(iv),434(iii)
Notification of Proposed Development - Adjacent Properties 454
Funding Arrangements - Local Management of Schools 516
Parking Outside Peak Hours 612(i),676(i)
Parking Amnesty at Christmas 612(ii),676(ii)
Community Charge 707

Nuisance

Odour Nuisance from Mushroom Growing Farm 536
Clean Air Act 1956 - Section 16 - Smoke Nuisance at "The Gables", Radnor Road, Ashingdon 635

Outside Bodies

Grant Aid	18,40
Crouch Valley Scouts Association -	
Appointment of Trustee	122
Appointment of Representatives to Outside Bodies	
and Organisations	255,331,361,442
Grant Aid to Outside Bodies	
Rochford & District Playscheme Council	338(i)
Closure of LAMSAC	338(ii)
North Wales Mayor's Flood Disaster Fund	338(iii)
Citizens' Advice Bureaux	338(iv)
National Housing and Town Planning Council - Election	
of Regional Members to the National Executive	
Committee 1990/92	443

Panel Minutes

Audit Panel	11(A), 110(C), 212(C) & (E)
Staffing Sub-Committee	11(B), 110(B), 212(B)
National Non-Domestic Ratepayers' Consultation Panel	85
Roach Valley Conservation Zone Group of Representatives	100, 206, 584
District Plan Working Party	101, 205, 240, 414, 453, 583(i), (ii) & (iii), 664
Horse Riding Working Party	102, 322, 663
Chairman's Panel	110(A), 212(D)
Broomhills Panel	173(i), 233(i)
Little Wheatleys Panel	173(ii), 469
Gusted Hall Panel	173(iii), 233(ii), 349
Emergency Panel	212(A), 489(A), 675(C)
Leisure Liaison Working Party	286
Housing Strategy Panel	334
Performance Review Panel	423, 601(C), 675(B)
Group Leaders Panel	489(B), 601(D), 675(D)
Twinning Sub-Committee	601(A)
Personnel Sub-Committee	601(B), 675(A), 706

Parish Matters

Signs	76, 141
Stambridge Parish Council - Grant Application	216
Parish Council Functions - Area Committees for Rayleigh	344(ii), 438, 496
Area Liaison/Parish Interface	495, 682
Dissolution of the Roach Group Parish Council	604
Parish Boundary Review	685, 706

Performance Indicators

Performance Indicators	367, 527, 628
Planning Enforcement Action Performance Monitor	587
Published Performance Indicators for Local Authority Tenants	629
Revenues Division - Performance Measures and Monitoring	700

Personnel Sub-Committee

Personnel Sub-Committee: 10th December 1990	726, 730
---	----------

Pest Control

Pest Control Service for Insect Infestation	366
---	-----

cont/d

Planning Applications

1 Station Crescent, Rayleigh - F/0405/90/ROC	397
89 High Street, Rayleigh - F/0436/90/ROC	465
Determination of Planning Applications - Extension of Time Letters	596

Planning Development Control

Planning Development Control	28,40
Directorate of Development - Planning Application and Development Control Statistics	461,595

Post Office Facilities

Sub-Post Office, Station Road, Rayleigh	666
---	-----

Public Conveniences

Public Conveniences	365,422,616,674,706
---------------------	---------------------

Public Open Spaces

Brooklands Garden Extension, Rayleigh	74(i)
Turret House Farm	78
Use of Land as Public Open Space, Allotment Gardens, the Layout of Children's Play Area and Construction of Car Park and Vehicular Access: Lower Wyburns Farm, Daws Heath Road, Rayleigh	79
Use of Land as Informal Public Open Space, Layout of Children's Play Area and Construction of Horse Riding Trail: Land North of Magnolia Road, Hawkwell	123
Open Spaces Development Programme - Land at The Bailey, Rayleigh	183,546
Grove Road Open Space	190,240
Open Spaces Development Programme - Hullbridge Foreshore	192,410,453,658
Use of Land as Informal Public Open Space and Children's Play Space - Land North of Brays Lane, Rochford	297
Rawreth Playing Field - Flying of Model Aircraft	298,361,381,453,648
Open Space Development Programme - Hambro Hill	299
Open Spaces Development Programme - Swayne Park, Rayleigh and Spencers Nurseries, Hawkwell	301
Open Spaces Development Programme - Land and Ponds at Doggetts	302
Open Spaces Development Programme - Capital Spending Proposals and Commitments 1990/91	376
Open Spaces Development Programme - Proposed Public Open Space at Lower Wyburns Farm, Rayleigh	377,453
Open Spaces Development Programme Land at Little Wheatleys, Rayleigh	378,499

cont/d

Open Spaces Development Programme - Spencers	
Nurseries, Hawkwell	379,422,453,550,651,663(11),674
Supervision and Enforcement	382
Sweyne Park - Tree Planting	547
Fairview Playing Field	549
Contract No. 1539 - Entrance Works at Public Open	
Space - Lower Wyburns Farm, Daws Heath Road,	
Rayleigh	560

Public Transport

Revision of Contracted Bus Services 10B/12	
and 404	312,361,407

Questions

Urgent Question under Standing Order 7.2(b)

455

Rates

General Rate 1989/90 - Irrecoverable Items	678
--	-----

Rate Relief

Charitable and Other Organisations	21
Rate Relief for Charitable and Other Organisations	112
National Non-domestic Rating - Charitable Rate Relief	113,215,335

Recycling

Progress Report	70
Glass	158(i)
Haltern Activities	158(ii)
Potential Within the Council	158(iii)
Strategy Plan	158(iv)
Recycling Conference - Thursday 22nd February 1990	158(v)
Arrangements for Recycling Waste Materials	167,372,453,630
Use of Recycled Materials Throughout the Council	631

Rents

Housing Rents 1990/91	14,681
Audit Commission - Survey of Local Authority Housing Rent Arrears	163
Bailiff Services - Rent Arrears Recovery	169
Rental Deposits Bill	528

Rights of Way

Traffic Order - White Hart Lane, Hawkwell (Unadopted Section)	412
Public Rights of Way - Upgrading of Footpaths to Bridleways	575
Grant of Right of Way for 59A to D The Drive, Rochford	633

Roach Valley Conservation Zone Group of Representatives

Minutes	100,206
Outline Application to Construct Golf Course with Clubhouse Facilities and New Access Road - Gusted Hall, Gusted Hall Lane, Hawkwell	206
Roach Valley Conservation Zone Group of Representatives - Request from Southend-on-Sea Borough Council	321
Proposed Application for Restoration by Landfilling with Domestic, Commercial and Industrial Waste, Together with Export of Clay, on Site at Creeksea Ferry Road, Canewdon	584

cont/d

Rochford District Local Plan

Strategy for Review of the Local Plan	101(6-9), 205(i) (6-10)
Revised Housing Strategy: Essex County Structure	
Plan First Alteration	205(i) (2)
Draft Planning Policy Guidance Notes	205(i) (3&4)
Future Development - Etheldore Avenue/Wood	
Avenue, Hockley	205(ii) (13)
Public Utilities, Health and Social Services	205(ii) (15)
Rebuild or Extension of Existing Dwellings	
in the Metropolitan Green Belt	205(ii) (16), 664(15)
Conversion of Redundant Farm Buildings	205(iii) (6)
The Rochford Estuaries and Coastlines	414(1)
Review of the Local Plan	583(i) (1-25)
Identification of Additional Land for	
Employment/Business with Particular Reference	
to Land West of Aviation Way	583(i) (26&27), 664(16&17)
Identification of Additional Public Open	
Spaces - West Hawkwell	583(i) (28&29)
Identification of Additional Public Open	
Spaces - West Hawkwell	583(i) (30), 583(ii) (3&4)
Review of the Location, Amount and Phasing	
of New Residential Development	583(ii) (1&2)
Evaluation of Suggestions by the R.S.P.B. for	
Inclusion in the Local Plan	583(ii) (5)
Identification of Properties in Hall Road,	
Rochford and High Road, Hockley for Inclusion	
in Policy GB2	583(ii) (6&7)
Golf Courses - Review of Policy LT7	583(ii) (8), 664(18)
Provision of Low Cost and Social Housing in	
Urban and Rural Areas	583(ii) (9)
Removal of Permitted Development Rights	583(ii) (10-12)
New Warehouse, Rankin Flour Mills, Mill Lane,	
Rochford	583(ii) (13)
Master Plan for Southend Airport	583(ii) (14)
Review of Local Plan: Chapter 10 - Public	
Utilities, Health and Social Services	664(19-24)
Updating the District Plan	664(25)

Rochford Hospital

Display of Banner	455, 481, 548
Future Use	13, 126, 270, 342

Rochford News

Press and Public Relations - Rochford News	433
Alternative Means of Communication	602, 687

Rochford Sports Council

Rochford Sports Council	653, 706
-------------------------	----------

Satellite Television

Permitted Development Rights for Satellite Television
Antennae: Department of the Environment Consultation
Paper 473

Schedule of Development Applications and Recommendations

Schedule of Development Applications and Recommendations 706

Section 106 Agreements

(Formerly Section 52 Agreements)

Mill Lodge, High Street, Great Wakering 390

Seminars

"Working Together Towards Health for all by the
Year 2000" 149
Seminar 14th February 1990 - Workshop for Members 213

Sewers

Section 16 Main Sewerage Provision - Ashingdon Park
Estate 401
Discharge of Treated Sewage Effluent - Statutory
Consultation 565

Social Services

Charges for Home Help Service 520

South East Essex Business Enterprise Agency Ltd. (SEEBEA)

South East Essex Business Enterprise
Agency Ltd. (SEEBEA) 217

South East Essex Traffic Study

South East Essex Traffic Study 100(2), 310, 566

Southend Airport

Master Plan for Southend Airport 196(B), 240, 319, 361

Southend Health Authority

Consultation Document 148, 211, 240, 345, 440, 506
Application by Southend Health Authority to
Develop an NHS Self-Governing Trust 541
Appointment of Consultants 689
cont/d

Southend Hospital

Centralisation of Acute Services at Southend Hospital 621

Staff - Administration, Professional, Technical and Clerical

Mrs. J. Attridge	17,40
Mr. B. Payne (former Assistant Director of Finance)	467
Mr. B. Watmough	561
Mr. A.G. Cooke	731

Staff - General

Staff Award Scheme	110(B), 239
Authorisation of Prosecuting Officers	125
Departmental Staffing Matters	212(B) (1-3)
Central Services	601(C) (1)
Committee Structure	601(C) (2)
Authorisation of Prosecuting Officers	688

Standing Orders

Standing Order 18	343
Standing Order 21.2	430
New Standing Orders	
Supply of Information to Members	441(a)
Attendance by Officers at Group Meetings to give Advice	441(b)
Standing Order 18	441(c)
Revision of Standing Orders	437, 494, 514

Statistics

Development Control Statistics, July to September 1989	235
Development Control Statistics: Planning Applications	461, 595

Street Lighting

Street Lighting	93
-----------------	----

Street Naming and Numbering

Naming of Streets - Development rear of 46 Deepdene Avenue, Rayleigh	99
Downhall Park, Rayleigh - Phase II	318
Development Between 29 and 33 Rawreth Lane, Rayleigh	577
Naming of Streets - Development at Site of Matchbox Factory, West of Ashingdon Road, Rochford	662

cont/d

Subscriptions

1990/91

19

Subscription to Eastern Orchestral Board

502

Sunday Trading

Sunday Trading

129,449

Surplus Equipment

Disposal of

695

Taxis

Shared Taxi Service 311

Teach-In

Members' Teach-In on the ADC 19,214

Television Licences

Concessionary TV Licences in Sheltered Schemes 272

Tenants

Services to Tenants 626

Published Performance Indicators for Local
Authority Tenants 629

Tender Documents

Sale of 114,141

Town and Country Planning

Plot 3, 54 Folly Lane, Hockley - ROC/754/85/3 -
Details of Proposed House and Garage - Minor
Amendments to Siting and Design of Dwelling 263

17 Brook Close, Rochford - Proposed Amendments to
Car Parking Layout and Roof Design from Scheme
Approved on 1st August 1989 (Planning Application
ROC/279/89) 470(ii)

Town and Country Planning Legislation -
Consolidation 471

Little Wheatleys Farmhouse, Little Wheatleys Chase,
Rayleigh - LB/0420/90/ROC 478

The Flat, Trenders Hall, Trenders Avenue, Rayleigh 512

F/0732/90/ROC - The Kebab Hut, 26 High Street,
Rayleigh 720(i)

OL/0745/90/ROC - Adj. 8 Malyons Lane, Hullbridge 720(ii)

Town and Country Planning - Contraventions

Unauthorised Conversion and Change of Use of a Barn
to a Butcher's Shop at Burtons Farm,
Barling Road, Barling 2

Land Adjacent to Long Ridings, Greensward Lane,
Hockley 45

Change of Use and Conversion of a Barn and Stables
into Light Industrial Use and Retail Shop at
Lower Barn Farm, London Road, Rayleigh 46

Unauthorised Use of Agricultural Building and Land
for the Commercial Storage of Pallets at Land
off Watery Lane, Hullbridge 175

cont/d

Town and Country Planning - Contraventions cont/d

Unauthorised Construction of a Timber Chalet at "Cobble Trees", Magnolia Road, Hawkwell	176
Unauthorised Erection of Two Steel-Framed Buildings on Land at the Rear of "The Beeches", Western Road, Rayleigh	178
Unauthorised Erection of a Barn and Formation of Car Parking Area and Layout of an Access to Land Adjacent to the Junction of the Rayleigh Spur Road and the A130	179
Unauthorised Installation of a T.V. Satellite Antenna at the Crown Public House, Crown Hill, Rayleigh	236
Unauthorised Uses of Land at Lynwood Nurseries, Arterial Road, Rayleigh	264
Unauthorised Change of Use of Land from Agricultural to Residential Purposes and Siting of Two Caravans, Shed, Construction of an Access Road at Land Opposite Pengelly, McCalmont Drive, Rayleigh	355
Unauthorised Erection of Two Conservatories at Rochdale, Lower Road, Hockley	356
Unauthorised Car Sales on Land Adjacent to 1 Broad Parade, Hockley and Fronting Greensward Lane Adjacent to No. 48	395
Unauthorised Parking of Cars at Flemings Farm, Flemings Farm Road, Rochford	396
Unauthorised Development - Rayleigh Park Estate, Rawreth/Rayleigh and Hockley Garden Estate, Hullbridge	460,472,641,645
Failure to Comply with Condition 3 of ROC/254/89 which Requires the Installation of Obscure Glazing to the rear First Floor Window at 2 Newstead Road, Great Wakering, Essex	475
Failure to Comply with Conditions 4 and 5 of ROC/665/85 which Requires the Erection of a Wall and Close-Boarded Fence at 61 Kimberley Road, Little Wakering, Essex	476
Land Opposite Raymonds Farm, Creeksea Ferry Road, Canewdon	509
Unauthorised Development at Rawreth Industrial Estate, Rayleigh	590
Unauthorised Scaffolding Business at Reeves Timber Yard, 5 Weir Pond Road, Rochford	591
Unauthorised Development - 89 Warwick Road, Rayleigh	716
Unauthorised Development at 8 Plumberow Mount Avenue, Hockley, Essex	719

Transport

Transport Policies and Programmes (TPP17) and Public Transport Plan (PTP13) 1991/92 Submissions - Consultation Drafts	199,240
---	---------

Tree Planting

Sponsorship of Tree Planting on Highway Verges to Discourage Indiscriminate Parking	652
---	-----

Unfit Houses

Housing Act 1985 - Section 264: Unfit House and
Caravan, "White Lodge" and Caravan Adjacent
Beke Hall Chase North, Rayleigh 160,168,271,369,636
Local Government and Housing Act 1989 -
Unfit Housing, Etc. 164

Vehicles, Plant and Equipment

Central Filing Index System

606

Virements

Virements 1989/90

115

Walfords Farm, Hullbridge Road, Rayleigh

Walfords Farm, Hullbridge Road, Rayleigh	266,361
Review of Planning Conditions - Walfords Farm, Hullbridge Road, Rayleigh (Planning Application CU/0369/90/ROC)	715

Waste Disposal

Licences - Statutory Consultations

Cottis & Sons (Transport) Limited, Purdeys Farm, Purdeys Way, Rochford	62(i)
Aceland Limited, Unit 13, Rawreth Industrial Estate, Rayleigh	62(ii)
Cartaway CPC, Rawreth Industrial Estate, Rayleigh	153(i)
Ropers Farm, Barling	153(ii)
Waste Disposal Licence - Statutory Consultation	275

Water Act 1989

Drinking Water	151
----------------	-----

Weekly List System

Determination of Planning Applications	28,353
Referrals to Planning Services Committee	593

Woodland

South East Essex Woodland Education Pack	100(1)
Management of Council Owned Woodland and Trees - A Five Year Programme	380
Directorate of Development - Review of Woodlands and Amenities Unit	701

Write-offs

Sundry Debtor Accounts	20,424
------------------------	--------

Y.T.S.

Rochford Youth Training Scheme

12



**Rochford District
Council**

ROCHFORD DISTRICT COUNCIL MINUTES

1990

February (Part 3)

ROCHFORD DISTRICT COUNCIL

Minutes of the Planning Services Committee

At a Meeting held on 22nd February 1990. Present: Councillors
P.F.A. Webster (Vice-Chairman in the Chair), R.S. Allen, P.A. Beckers,
C.I. Black, Mrs. R. Brown, W.H. Budge, Mrs. P. Cooke, B.A. Crick,
C.J.B. Faherty, I.R. Godfrey, M.J. Handford, Mrs. E.M. Hart, D.R. Helson,
Mrs. M. Hunnabale, S.N. Jarvis, Mrs. S.J. Lemon, Miss B.G.J. Lovett,
Mrs. E. Marlow, C.R. Morgan, R.A. Pearson, J.M. Roden, S.H. Silva,
S.A. Skinner, C. Stephenson, Mrs. L. Walker, D.A. Weir and D.C. Wood.

Apologies: Councillors C.K. Bellman, R.H. Boyd, D.F. Flack, J.A. Gibson,
N. Harris, A.J. Harvey and C. Wren.

132. MINUTES

Resolved that the Minutes of the Meeting of 1st February 1990 be approved
as a correct record and signed by the Chairman.

133. SCHEDULE OF DEVELOPMENT APPLICATIONS AND RECOMMENDATIONS

The Director of Development submitted a Schedule and Supplementary
Schedule for consideration and a list of planning applications and
Building Regulation applications decided under delegation.

Resolved that decisions be made in accordance with the recommendations in
the appended Schedule and Supplementary Schedule subject to:-

Para. D2 - ROC/874/89

Consideration of this application was again deferred for further
information to be obtained.

Para. D3 - ROC/933/89

In accepting the recommendation for approval, the Committee expressed
concern that manufacture of metalwork was being carried out on the site
and were advised by the Director of Development that any use which was not
in connection with agriculture would require planning permission.

Add condition:-

8. The existing mobile home complex in its entirety shall be removed from
the site and the land reinstated to the satisfaction of the local
planning authority prior to the occupation of the dwelling hereby
permitted.

Para. D4 - ROC/811/89

In delegating authority to the Director of Development to approve the
Committee asked that this be subject also to the negotiation of a revised
layout achieving a reduction in size and resiting of the garage on plot 2
to create more space about the buildings.

1

070284

Planning Services

Para. 11 - ROC/013/90

NOTE: Councillor Mrs. M. Hunnabale declared a non-pecuniary interest in this item by virtue of being a Governor of the School but remained in the Meeting and participated in the discussion and voting thereon.

Informative to be added drawing attention to the restricted areas of the site and car parking.

Para. 13 - ROC/3025/89/AD

Amend Condition 3 by deleting the last two words "this consent" and inserting "the display of the new fascia sign".

In accepting the recommendation for approval the Committee were advised that failing compliance with Condition 3 the matter would be brought back for further consideration.

Para. 16 - ROC/893/89

NOTE: Councillor Mrs. E. Marlow declared a non-pecuniary interest in this item but remained in the Meeting and participated in the discussion and voting thereon.

Para. 20 - ROC/062/82/10

The Committee received an assurance that the garden areas proposed for these terraced houses satisfied the requirements of the relevant policy.

Para. 23 - ROC/044/90

Add condition:-

2. The surround to the till hereby permitted shall be of a material and finish to match the brown (bronze) finish of the existing shop front.

Para. 24 - ROC/028/90

Amend the third line of the first paragraph of the report to show the size of the site as 2.46 acres.

Para. 25 - ROC/905/88

Application refused for the following reasons:-

1. The proposal would intensify the use of an access on a stretch of classified highway where the principal use is that of carrying traffic freely and safely between centres of population. The existence of an access in this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs but the intensification of that conflict and interference which this proposal would engender would lead to the deterioration in the efficiency of the through road as a traffic carrier and be detrimental to highway safety.

Planning Services

2. The proposed use would create excessive pressure on this woodland being within the category of ancient semi-natural wood of recognised ecological and conservation value and would therefore be detrimental to the long term value and amenity of this woodland and to the wildlife, flora and fauna it supports.

Para. S34 - ROC/966/89

NOTE: (i) Councillor M.J. Handford declared a pecuniary interest in this item by virtue of receiving a pension from Barclays Bank and left the Meeting whilst the matter was discussed.

(ii) Councillors C.J.B. Faherty, D.R. Helson, Mrs. E. Marlow, J.M. Roden and S.H. Silva declared a non-pecuniary interest in this item by virtue of being patients of the applicant Doctor, but remained in the Meeting and participated in the discussion and voting thereon.

Para. S36 - ROC/866/89

Add informative to draw attention to the provisions of the Chronically Sick and Disabled Persons Act 1970, Sections 7 and 8A and to the Code of Practice for access for the disabled to buildings.

134. "BROOMHILLS", STAMBRIDGE ROAD, ROCHFORD - PRELIMINARY PROPOSALS BY CANEWDON CONSULTANTS (Minute 565/89)

The Director of Development reported on the details of draft proposals from Canewdon Consultants to provide office and studio/workshop facilities at the above site in respect of which a formal planning application was anticipated.

In accepting the recommendation for a Broomhills Panel to be constituted which would report back to the Committee in due course and noting that the 28th February 1990 had been identified as a suitable date, it was moved from the Chair that the Panel should comprise the Chairman and Vice-Chairman of the Planning Services Committee, the Chairman of the Development Services Committee and the Chairman of the Policy & Resources Committee together with Councillor C.J.B. Faherty and two Members nominated by the opposition party and one by the minority party. They were identified as Councillors B.A. Crick, S.N. Jarvis and C. Stephenson.

Resolved that the constitution of the Broomhills Panel be as set out above. (DD,SEC)

NOTE: During discussion of the above matter it was

Resolved that Standing Order 1.8 be suspended to enable transaction of the remaining business.

135. HORSE RIDING ESTABLISHMENTS - ALLEGED UNAUTHORISED DEVELOPMENTS

The Committee considered the appended report of the Director of Development regarding the status in planning terms of a number of equestrian establishments within the District and whilst noting that certain of the uses involved were long-established and could well comply with the Council's Policy LT10 expressed concern that planning permission

000286

Planning Services

had not been sought in every case and asked that the situation should be properly regularised. A Member was advised that the rating history of the sites involved did not fall within the terms of reference of this Committee.

The suggestion of a Member that the recommendation should be amended by omitting the first part was accepted and it was

Resolved that each site owner be informed in writing of any breach of planning control existing on their site and that they should seek to regularise the situation by applying for planning permission. (23652)(DD)

136. CONSULTATION FROM SOUTHEND-ON-SEA BOROUGH COUNCIL: LAND TO REAR OF COMET WAY: ERECT 4 PART SINGLE/PART TWO STOREY BUILDINGS AND THREE SINGLE STOREY BUILDINGS TO FORM 11 INDUSTRIAL AND HIGH-TECH BUSINESS UNITS WITH CAR PARKING AND CONSTRUCT NEW ACCESS ROAD TO COMET WAY

The Director of Development reported a consultation from Southend Borough Council on an application for industrial units primarily for Class B1 business purposes with car parking and new access road on land to the north of Comet Way which abutted an Area of Special Restraint within the Rochford District Local Plan.

Resolved that Southend Borough Council be advised that whilst no objection is raised to the proposal this authority would like to see planting to the northern boundary of the site in the interests of the occupiers of any future development which may occur when the use of the area of special restraint to the north of the site is determined. (2081)(DD)

SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY

PLANNING SERVICES COMMITTEE 22ND FEBRUARY, 1990

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 and any attached list of applications which have been determined under powers delegated to the Director of Development is filed with all papers including representations received and consultation replies as a single case file.

All building regulation applications are considered against the background of the relevant building regulations and approved documents, the Building Act, 1984, together with all relevant British Standards.

The above documents can be made available for inspection as Committee background papers at the office of the Director of Development, Acacia House, East Street, Rochford.

PLANNING SERVICES COMMITTEE 22nd FEBRUARY 1990

INDEX DEFERRED ITEM

<u>ITEM</u> <u>NO</u>		<u>PROPOSAL</u>	<u>CASE</u> <u>OFFICER</u>
D1.	ROC/804/89	Two storey side extension and conversion of chalet to house. Woodside, Bullwood Approach, Hockley.	JW
D2.	ROC/874/89	Potting shed. 172, Ferry Road, Hullbridge.	LG
D3.	ROC/933/89	Outline application to erect agricultural dwelling. Rochelles Farm, Lower Road, Hockley.	LG
D4.	ROC/811/89	Outline application to erect two detached houses and garages. 47, White Hart Lane, Hawkwell.	JW
D5.	ROC/890/90	Single storey side extension enclose part of grassed amenity area. 12, Osborne Avenue, Hockley.	JW

000283

PLANNING SERVICES COMMITTEE 22nd FEBRUARY 1990

INDEX

<u>ITEM</u> <u>NO</u>	<u>PROPOSAL</u>	<u>CASE</u> <u>OFFICER</u>
6.	ROC/753/89 Retention of 5-bed detached house and garage (revised application) ROC/527/88. 30, Stanley Road, Ashington.	NACB
7.	ROC/859/89 Outline application to demolish church and erect two detached 4-bed houses with garages. Evangelical Church, Rocheway, Rochford.	NACB
8.	ROC/855/89 Outline application to erect chalet bungalow. Adj. 124, Downhall Road, Rayleigh.	NACB
9.	ROC/609/89 Variation of previous planning condition by the insertion of roof lights and creation of rooms in the roof. Land R/O 44 & 46 Deepdene Ave, Rayleigh. (Plot 1)	NACB
10.	ROC/958/89 New shop unit with offices over. 113, Southend Road, Rochford.	JW
11.	ROC/013/90 Continue use of land for two car boot sales per year. Rayleigh County Junior School, Love Lane, Rayleigh.	JW
12.	ROC/1005/89 New shopfront. 96, High Street, Rayleigh.	JW
13.	ROC/3025/89/AD Neon fascia sign. 122, High Street, Rayleigh.	JW
14.	ROC/951/89 New shop front. 122, High Street, Rayleigh.	JW

000290

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|-----|---------------|---|-----|
| 15. | ROC/020/90 | Continue use of farm shop and ancillary works.
Burtons Farm, Barling Road, Barling. | JW |
| 16. | ROC/893/89 | Change of use from warehouse to dance studio.
Adj. 39 Websters Way, Rayleigh. | JW |
| 17. | ROC/730/89 | Change of use from special foundry class B4 to business class B1.
Hockley Foundry, Spa Road, Hockley. | JW |
| 18. | ROC/992/89 | Demolish existing bungalow and erect detached 3-bed chalet.
22, The Drive, Hullbridge. | LG |
| 19. | ROC/225/89 | Side and rear extensions to house swimming pool and gymnasium and internal alterations.
The White House, Western Road, Rayleigh. | MDS |
| 20. | ROC/062/82/10 | 14 terraced dwellings with garages and subsidiary works. (details)
Plot 20-33 inc.
Millview Meadows, Rochford. (Land R/O Council Offices, Rochford) | JAW |
| 21. | ROC/805/89 | Erect two storey extension to existing factory/warehouse.
7-8, Fleethall Road, Purdeys Industrial Estate. | JW |
| 22. | ROC/024/90 | First floor extension to existing workshop to be used for storage of parts.
Rankin Flour Mills, Mill Lane, Stambridge. | LG |
| 23. | ROC/044/90 | Alteration of shop front for installation of automatic teller machine.
32, High Street, Rayleigh. | HL |
| 24. | ROC/028/90 | Portable timber building incorporating two stables, tack room and feed barn.
R/O Cindy, 140, Rawreth Lane, Rayleigh. | HL |
| 25. | ROC/905/88 | Change of use at potash wood for combat paint-ball games (in addition to 28 days per annum use permitted) and stationing of four ancillary mobiles/caravans.
Potash Wood, Hall Road, Rochford. | JAW |

PLANNING SERVICES COMMITTEE

22ND FEBRUARY, 1990

DEFERRED APPLICATIONS

Any update reports that cannot be produced at the same time as this Schedule of Applications will, with the Chairman's permission, be circulated independently or reported verbally.

D.1

ROC/804/89 HOCKLEY

WOODSIDE, BULLWOOD APPROACH, HOCKLEY

TWO STOREY SIDE EXTENSION AND CONVERSION OF CHALET TO HOUSE.

DEFERRED REPORT;

This application was deferred from the previous meeting pending written response from neighbours on the revised plans. At the time this report was drafted, no written representations had been received.

The revised plans represent a better solution for the site respecting the existing bungalow on one side and the house on the other.

RECOMMENDATION: Delegate to the Director of Town Planning with appropriate conditions.

D.2

ROC/874/89 HULLBRIDGE

172, FERRY ROAD, HULLBRIDGE

POTTING SHED.

DEFERRED REPORT:

This application was deferred in order to obtain further information in respect of the proposal, which is given below as a brief planning history of the site.

Parish Council objects to size of shed but, if planning permission is to be granted, would require a condition to be imposed, restricting the use of the building to agricultural purposes only - Condition 3 refers.

APPROVAL:

1. Std. Cond. 4 - Commence in five years.
2. Std. Cond. 55 - Materials to be used - samples to be provided.
3. Std. Cond. 86 - Development Restrictions - agricultural limitations.

REPORT:

Council's records show the application site being used for agricultural purposes in April, 1948, and the existing bungalow on the site was allowed on appeal in September, 1948, in view of the agricultural use of the land.

In 1949 and 1950, planning permission was granted for the erection of greenhouses, the use of the land being described as "market garden/nursery".

In 1971 and 1987, planning permission was granted for extensions to the bungalow.

The use of the land as a market garden was obviously well established in the past, although in recent years, such use has diminished.

It is the stated intention of the new occupier, who has been on the site for approximately nine months, to bring the site back into full use as a market garden, although, at present, the use extends only to the bagging-up of peat. The peat is delivered loose, by lorry, is bagged-up, and then distributed to nurseries, garden centres, etc. The proposed building is required so that the delivery lorry can unload the peat directly under cover, so as not to come into contact with the elements, hence the need for a building of such height (5.5m.).

Although quite a large building, it is set back into the north-east corner of the site, some 30m. from the nearest dwelling and, subject to appropriate conditions, is considered acceptable.

There have been three replies from neighbours objecting to the proposal on the grounds of :-

- misuse of site, e.g. residential use of a building and lorry dismantling;
- loss of light;
- unsightliness;
- increased traffic.

There is an existing large building on the site, which the occupier has stated he intends to demolish in the future.

No evidence of the alleged misuse of the building and site was found at the time of the Officer's visit, although the circumstances of the occupation of a caravan on the site are currently being investigated.

D.3

ROC/933/89 HOCKLEY

ROCHELLES FARM, LOWER ROAD, HOCKLEY

OUTLINE APPLICATION TO ERECT AGRICULTURAL DWELLING.

DEFERRED REPORT:

This application was deferred for a Member site visit.

APPROVAL:

1. Std. Cond. 1 - Reserved matters to be approved.
2. Std. Cond. 3 - Commence in five or two years (outline).
3. Std. Cond. 20 - Car parking - single dwelling.
4. Std. Cond. 65 - Details of means of enclosure.
5. Std. Cond. 85 - Agricultural occupancy limitation.
6. Std. Cond. 56 - Landscaping scheme - details/implementation.
7. Details of the proposed foul drainage system shall be submitted to and approved, in writing, by the Local Planning Authority and installed prior to the occupation of the proposed dwelling.

REPORT:

Planning permission for the siting of a mobile home on this farm has been granted since 1983, the current permission expiring on 31st August, 1991. The most recent permission, ROC/638/89, carried an informative at Members' request, that stated inter-alia, that Planning Services Committee would not be prepared to consider a further permission for the mobile home, unless it is shown that there is a fully justified agricultural need. As a result, the applicants now wish a permanent dwelling on the site.

The A.D.A.S. report states the use is viable and well established, comprising some 25 hectares put down to grass, providing grazing for sheep and cattle and producing silage and bales of hay. There is also a small horticultural use, producing cut flowers and vegetables. In its conclusion, the A.D.A.S.

report considers it essential that a dwelling continue to be provided on the farm, on the grounds of animal welfare, good stock husbandry and security, and that a permanent dwelling would assist and encourage the owners to develop the farm to its fullest extent.

In all the circumstances, subject to the above conditions, the proposal is considered reasonable.

D.4

ROC/811/89 HAWKWELL

47, WHITE HART LANE, HAWKWELL

OUTLINE APPLICATION TO ERECT TWO DETACHED HOUSES AND GARAGES.

DEFERRED REPORT:

This application was deferred for a Member site visit.

RECOMMENDATION: Delegate to the Director of Development subject to the satisfactory conclusion of consultations with Anglian Water Services Limited and the imposition of appropriate conditions and Legal Agreement.

REPORT:

The present application for two dwellings is submitted following the refusal of a previous application for three (ROC/397/89) on 8th September, 1989 (ROC/397/89). The stated reasons at that time were as follows :-

1. The proposal constitutes an overdevelopment of the site by reason of the number of dwellings, their relationship to the existing form of development, neighbouring dwellings and relative plot sizes. If permitted, the development will have a dominant impact on adjacent properties, producing a cramped, overpowering built form within the site and streetscene. Furthermore, the proposed three detached dwellings with integral garages are identical in appearance and would produce a discordant, repetitive image within the site and street scene.
2. The proposed development, if allowed, would lead to the loss of trees and other natural cover within the site, including trees the subject of Tree Preservation Order 9/89 within the south eastern corner frontage of the plot. This would destroy the pleasant arcadian setting of the land and street scene at this point.

The present scheme goes a long way to meeting these objections. The residents do not agree and 14 letters of objection have been received confirming this. They accept that whilst two is better than three, the sizes of the dwellings produce an overdevelopment of the site and character of White Hart Lane.

Since these comments were received, the scheme has been revised to bring the southernmost property forward with a realignment of the northernmost one to produce a square attitude to the road frontage. Neighbouring occupiers were notified of these changes and any further representations received will be reported to the Planning Services Committee.

Though the development is located within the sewage embargo area, it is thought that in this instance as there is only a net increase of one dwelling, the problem could be resolved if the Council could secure a legal agreement with the developer under Section 52 of the Town and Country Planning Act, 1971 to ensure that the second dwelling is not occupied before a specific date or the sewerage restrictions are lifted.

D.5

ROC/890/89 HOCKLEY

12, OSBORNE AVENUE, HOCKLEY

SINGLE STOREY SIDE EXTENSION AND ENCLOSE PART OF GRASSED AMENITY AREA.

DEFERRED REPORT:

This item was deferred from the previous meeting for further negotiations.

Following a site meeting attended by the Ward Member, a representative from Social Services, Case Officer, Mr. Belsham and Agent, revised plans have been submitted which show a greater proportion of the open area and space about the footpath link being retained.

This has been achieved by setting the extension back some 3.8m. (12ft.6ins.) from its original position which was in line with the front of the dwelling. The impact of the revised proposal should be less dominant with a shorter strip of amenity space some 1.2m. (4ft.) to 1.4m. (5ft.) wide being lost. Although, if Members felt it desirable, the applicant's Agent has indicated a willingness to set the garden boundary wall back one metre.

RECOMMENDATION: Delegate to the Director of Development to approve subject to neighbour consultation expiry.

PLANNING SERVICES COMMITTEE

22ND FEBRUARY, 1990

SCHEDULE OF DEVELOPMENT APPLICATIONS, WITH DIRECTOR'S
RECOMMENDATIONS, FOR DETERMINATION AT THIS COMMITTEE

6.

ROC/753/89 HAWKWELL

30, STANLEY ROAD, ASHINGDON

RETENTION OF 5-BED DETACHED HOUSE AND GARAGE (REVISED APPLICATION) ROC/527/88.

Applicant: J.M. Fryer.
Frontage: 15m. (50ft.)
Depth: 51m. (170ft.)
Zoning: Residential.

APPROVAL:

1. Std. Cond. C4 - Garages and hardstandings - provision and retention.
2. Std. Cond. 29 - Visibility splays - 2.1m. x 2.1m.
3. Std. Cond. 101 - Obscure glazing to specified windows.

REPORT:

Members may recall granting permission for a very similar dwelling in November, 1988 (ROC/527/88).

The building has now been erected with some minor variations to the approved front elevation and the addition of the garage to the flank wall. Originally, the proposal was to have the garage as a free standing building in the rear garden.

An objection has been received from the occupier of 33A, Stanley Road, referring to the overpowering nature of the development and the location of the garage addition forward of the main wall.

It has to be noted, however, that the building height and size is the same as that approved (save for the garage addition) and the front of the garage lines up with the semi-integral garage which projects in front of No. 33A.

EVANGELICAL CHURCH, ROCHEWAY, ROCHFORD

OUTLINE APPLICATION TO DEMOLISH CHURCH AND ERECT TWO DETACHED 4-BED HOUSES WITH GARAGES.

Applicant: Union of Evangelical Churches; Residential.

Frontage: 22.5m. (73.8ft.)

Depth: 33.9m. (111.2ft.)

Zoning: Residential.

APPROVAL:

1. Std. Cond. 2 - Reserved matters to be approved.
2. Std. Cond. 3 - Time limits - outline.
3. Std. Cond. 14 - Access - dropped kerb crossing.
4. Std. Cond. 21 - Car parking - multiple dwellings.
5. Std. Cond. 29 - Visibility splays - 2.1m. x 2.1m.
6. Std. Cond. 56 - Landscaping scheme - details/implementation.
7. Std. Cond. 66 - Details of screening.
8. Std. Cond. 98 - Removal of buildings.

REPORT:

Members may recall that permission was recently refused for :-

- (i) The erection of six flats and garages (ROC/531/89).
- (ii) The erection of one detached and two semi-detached houses (ROC/532/89).

An appeal into (i) above has been made and a decision on this is expected in the next month or so. Both of these previous schemes were felt to be over-developments of the site in contrast to the present proposal, which meets all of the Authority's usual standards.

As this present application was received after the 1st September, 1989, it is, strictly speaking, subject to the "sewage embargo". Nonetheless, the above recommendation is made in light of the following :-

- (i) the six flats (ROC/531/89) was not refused on embargo grounds and, in theory, could be allowed on appeal;

(ii) this current application is an attempt to overcome objections to the previous two schemes (which were both received before 1st September) and is a significant reduction in the amount of development/dwellings proposed; and

(iii) there were already two buildings on the site.

In any case, Anglian Water has not raised any objection to this application.

No other objections have been received from other consultees (including the Parish Council) or neighbours.

8.

ROC/855/89 RAYLEIGH

ADJ. 124, DOWNHALL ROAD, RAYLEIGH

OUTLINE APPLICATION TO ERECT CHALET BUNGALOW.

Applicant: S. Hill.
Frontage: 10.2m. (33.5ft.)
Depth: 27.4m. (89.8ft.)
Zoning: Residential.

REFUSAL:

1. The Local Planning Authority considers the proposal to be an overdevelopment of the site by reason of the cramped nature of the development which is out of character with the adjacent residential properties. The development would result in rear gardens to both the proposed dwelling and 110, Downhall Road being below the Planning Authority's adopted minimum standard of 100sq.m. Furthermore, the siting of the proposed dwelling would be likely to lead to a serious loss of privacy to 1 and 3, Downhall Close, or 110 and 124, Downhall Road, by reason of overlooking from the rear or side, first floor windows of the dwelling. In light of these factors, the proposal is contrary to Policy H9 of the Rochford District Local Plan.
2. The creation of the dwelling as indicated on the submitted plans would result in the loss of off-street parking for 124, Downhall Road and prejudice any future replacement of the garage that once stood in this location. As such, this would lead to inadequate off-street parking, generating parking in the busy Downhall Road, detrimental to highway safety and thereby contrary to Policy TP15 of the Rochford District Local Plan.

REPORT:

The site is considered to be inadequate for this development for the reasons stated above.

Whilst Anglian Water and the National Rivers Authority have no objections, the occupant of 1, Downhall Close is strongly opposed due mainly to the overlooking/loss of privacy problems.

9.

ROC/609/89 RAYLEIGH

LAND REAR OF 44 AND 46, DEEPDENE AVENUE, RALEIGH

VARIATION OF PREVIOUS PLANNING CONDITION BY THE INSERTION OF ROOF LIGHTS AND CREATION OF ROOMS IN THE ROOF.

Applicant: Mr. and Mrs. B. Dearman.

Zoning: Residential.

APPROVAL:

1. Std. Cond. 81 - Retention of window pattern.
2. Std. Cond. 75 - Permitted development restrictions - extensions.

REPORT:

Whilst these works would normally be "permitted development" (i.e. no planning application would be required), a condition was imposed by an Inspector, when permission was granted on appeal for this dwelling (ROC/828/87), which regulated such operations. The Inspector was concerned that dormer windows in the roof space might lead to serious overlooking of adjacent dwellings.

These particular windows are roof lights, not dormers, and have been the subject of negotiations to ensure that, by their positioning and height, any overlooking would be minimised. Revised plans have recently been submitted indicating a scheme which does just that.

Three letters had been received in response to the original plans from 42, 44 and 46, Deepdene Avenue, although two had no objections and the other asked that the roof lights be inserted in an east-west direction. Reference was also made to the Inspector's conclusions and the bungalow status of the building.

All three windows face in an easterly direction, i.e. they do not directly face the properties in Deepdene Avenue and one window will be obscure glazed.

Any further comments received from neighbours in response to the latest set of plans will be reported at the meeting.

10.

ROC/958/89 ROCHFORD

113, SOUTHEND ROAD, ROCHFORD

NEW SHOP UNIT WITH OFFICES OVER.

Applicant: S. Ahmed, Esq.

Floor Area: 110sq.m.

Zoning: Residential.

The Rochford Parish Council raises no objections to the proposal.

APPROVAL:

1. Std. Cond. 4 - Commence in five years.s
2. Std. Cond. 53 - Materials to be used externally.
3. Space should be provided within the site to accommodate the parking of all vehicles regularly visiting the site, clear of the highway and properly laid out and paved as may be agreed with the Local Planning Authority after consultation with the County Highway Authority and such should be maintained thereafter free of any impediment to its designated use. Furthermore, the four parking spaces indicated on the submitted plan shall be provided within the site to serve the proposed development and shall be hard surfaced and defined to the satisfaction of the Local Planning Authority and thereafter shall be maintained free of any impediment to their designated use.
4. The existing vehicular crossover onto the B1013 should be suitably and permanently closed to the satisfaction of the Local Planning Authority.
5. The existing pre-cast garage to the rear shall be demolished and removed from the site prior to the commencement of the development unless otherwise agreed in writing with the Local Planning Authority.
6. No materials or goods for sale shall be stored or exhibited on the forecourt.
7. The ground floor shall be used as a shop as defined within Class A.1 of the Town and Country Planning (Use Classes) Order, 1987 and for no other purpose or use without the prior written permission of the Local Planning Authority.

8. The first floor shall be used as a general office as defined within Class B.1(a) of the Town and Country Planning (Use Classes) Order, 1987 and for no other purpose or use without the prior written permission of the Local Planning Authority.
9. Std. Cond. 95 - Development as per specified plan.

REPORT:

The proposed development will fill a gap in the frontage, completing a parade of shops. The present site has two flat roofed garages which face the road. There is an additional pre-cast detached garage sited to the rear.

Outline planning permission was granted to erect a shop with flat over on 6th June, 1986 (ROC/302/86) but reserved matters were not subsequently submitted to enable these works to proceed.

The present application attracts a minimum operational parking space requirement of five. Only four are shown on the submitted plan, achievable with double parking and careful site management. There is some free public parking to serve the application site and neighbouring shops within a lay-by to the front.

11.

ROC/013/90 RAYLEIGH

RAYLEIGH COUNTY JUNIOR SCHOOL, LOVE LANE, RAYLEIGH

CONTINUE USE OF LAND FOR TWO CAR BOOT SALES PER YEAR.

Applicant: Rayleigh County P.T.A.

Zoning: Primary School.

APPROVAL:

1. Std. Cond. 91 - Personal permission.
2. The hours the use shall operate must not exceed 8.00 a.m. to 2.00 p.m. The setting up and dismantling of selling pitches shall be carried out within these times.
3. The number of selling pitches shall not exceed 25 and shall be contained within the area indicated by the letters A, B, C, D on the submitted plan returned herewith.
4. No amplified speech or music shall be emitted from within the site.
5. The number of occasions for market use shall not exceed two

per year without the written permission of the Local Planning Authority.

REPORT:

This application follows a previous one (ROC/217/89) granted for a temporary period which expired on 31st December, 1989.

The applicants have submitted a letter in support of the present application, indicating that there has been one car boot sale during September, 1989 and, to the best of their knowledge, there were no complaints made either directly or indirectly to the event.

Rayleigh Civic Society comment that visitors cars can cause inconvenience to residents. Any neighbour representations received will be reported verbally to the meeting.

On balance, a personal permission is considered appropriate if the use is to operate on a permanent basis, together with a condition limiting this to two occasions per year.

12.

ROC/1005/89 RAYLEIGH

96, HIGH STREET, RAYLEIGH

NEW SHOP FRONT.

Applicant: David Seal.

Zoning: Town Centre; Conservation Area;
Prime Shopping.

APPROVAL:

1. Std. Cond. 4 - Commence in five years.
2. Std. Cond. 55 - Materials to be used - samples to be provided.

REPORT:

The applicants are seeking to retile the shop front as part of a general refurbishment of the premises and to reproduce their corporate identity. The County Planner (Specialist Adviser) raised no objection, a view shared by the Rayleigh Civic Society.

13.

ROC/3025/89/AD RAYLEIGH

122, HIGH STREET, RAYLEIGH

NEON FASCIA SIGN.

Applicant: Mr. Ming Wai Ng.

Zoning: Prime Shopping Frontage Area.

APPROVAL:

1. Std. Cond. A5 - Advertisements - maximum luminance.
2. Std. Cond. A1 - Advertisements - standard conditions.
3. The existing projecting box sign shall be removed within six months of the date of this consent.

REPORT:

The applicants are seeking to regularise an existing fascia sign. There is no objection to the sign by the County Planner's specialist adviser, but the Rayleigh Civic Society have reservations with respect to its compliance with Policies SAT 7 and 8. The County Planner comments that "the illuminated neon letters to the fascia are rather well done, quite delicate with a certain elegance". In the light of these points, on balance, a positive recommendation is made.

Representations have been received from the occupier of 118, High Street against the sign on amenity and highway safety grounds. With respect to the latter, the County Surveyor raises no objection subject to stated Condition 1.

Concern is also expressed at the projecting box sign referred to at Condition 3 and authority is hereby sought for all necessary enforcement action to be initiated by the Secretary to the Council in the event of non-compliance after the specified period.

14.

ROC/951/89 RAYLEIGH

122, HIGH STREET, RAYLEIGH

NEW SHOP FRONT.

Applicant: Mr. Ming Wai Ng.

Zoning: Prime Shopping Frontage Area.

000304

APPROVAL:

The shop front and doors shall be painted a light colour to be agreed with the Local Planning Authority and carried out within six months from the date of this permission.

REPORT:

The applicants are seeking to regularise existing works which are acceptable subject to the stated condition, a view shared by the County Planner (Specialist Adviser) and the Rayleigh Civic Society.

Representations have been received from the occupier of 118, High Street, who is concerned about various features of the premises and illuminated signs.

If the condition is not met within the specified period, authority is requested for enforcement and all necessary action in the Courts by the Secretary to the Council to remedy the

15.

ROC/020/90 ROACH GROUP

BURTONE FARM, BARLING ROAD, BARLING

CONTINUE USE OF FARM SHOP AND ANCILLARY WORKS.

Applicant: Mr. P.R. Splett.

Zoning: M.G.B.

REFUSAL:

Std. Rsn. RFR5 - Green Belt - Agriculture.
Furthermore, the proposal is contrary to Essex Structure Plan Policy N.R.4. which states that :

"Proposals for retail development will not normally be permitted outside the built up area of settlements unless they are sited within an agricultural or horticultural holding and sell only the produce of that holding and do not give rise to traffic hazards."

REPORT:

The applicants are seeking to regularise the use of an out-building as a farm shop (primarily for the sale of meat) and is unacceptable for the stated reasons.

The applicants have submitted representations in support of their application in which they refer to correspondence and a Council Member site visit which took place on Saturday 6th January this

year. They state that they are presently rearing a small herd of Friesian/Limouim beef cattle kept for fattening on the farm and are currently in the process of re-stocking with chickens, fowl and hens, lambs in season and pigs. All will be kept on the farm or on rented family grazing land within the vicinity. The reference to venison and haggis in recent leaflet handouts "inferred" that they could be supplied to customers from a second shop in Hockley.

The Director has become aware of what seems to be local sympathy for the proposal. However, there are many similarly proved properties in the Green Belt and, whilst it has been suggested that there was previous retail activity from the site, firm evidence to establish its scale and nature have, perhaps significantly, not been provided.

There is little doubt that the rearing of livestock on the land is following rather than justifying the unauthorised use. Any attempt at controlling the sale of meat to that produced on the holding or adjacent to it would be contrived and extremely difficult to control.

Refurbishments, rebuilds and use of land via the Green Belt are always controversial not the least when appeal decisions do not appear to support Council policy.

To grant planning permission for this unauthorised use would create a precedent which would be extremely difficult to control and be bound to be quoted against the Council's policies in other areas where extensions and rebuildings to existing properties have already proved controversial.

16.

ROC/893/89 RAYLEIGH

ADJ. 39, WEBSTERS WAY, RAYLEIGH

CHANGE OF USE FROM WAREHOUSE TO DANCE STUDIO.

Applicant: Alison Lind.

Zoning: Secondary Shopping.

APPROVAL:

1. Std. Cond. 4 - Commence in five years.
2. The use hereby permitted shall be carried on only by Mrs. Alison Lind and by no other persons or business undertaking without the prior written approval of the Local Planning Authority.
3. The use shall only operate between the hours of 8.00 a.m. to 9.30 p.m. each day Monday to Saturday. It shall not operate on Sundays or Bank Holidays unless agreed in writing with the Local Planning Authority.

890306

4. Details of the floor covering to the dance studio shall be agreed in writing by the Local Planning Authority prior to the commencement of the use. The floor covering shall not be subsequently changed unless details have been submitted to the Local Planning Authority and agreed in writing.
5. All music for use in connection with the dance studio shall be generated by the use of a Godsell Model CTR 8580/081 cassette recorder unless otherwise agreed in writing by the Local Planning Authority.

REPORT:

Planning permission was granted to change the use of part of the ground floor of 39, Websters Way to a dance studio on 26th June, 1987 (ROC/260/87) for the benefit of the applicants. A subsequent planning application was made (ROC/405/87) for a ground floor extension to form a storage unit for the benefit of shops fronting Eastwood Road and the most likely user was expected to be Wong's Chinese Restaurant. It is this extension that the applicants are now seeking to change the use of.

The applicants have submitted a letter in support of the application explaining that Mr. Wong was given the opportunity to take the warehouse premises but did not respond in time. It was therefore offered to Mrs. Lind who accepted, agreed terms and paid a deposit. The applicants intend to sell goods, e.g. dance dresses, shoes, etc. to students from the original part of the premises which has retail use rights. Mrs. Lind goes on to say that the business has expanded and extra accommodation is needed and that additional staff will be employed. She accepts that if permission is granted, that it would be personal which is consistent with the original and existing permission.

The Head of Environmental Services reports that since it was established two year ago, the existing studio has operated without causing disturbance to neighbouring occupiers. No objections are raised against the present proposal, a view shared by Rayleigh Civic Society.

17.

ROC/730/89 HOCKLEY

HOCKLEY FOUNDRY, SPA ROAD, HOCKLEY

CHANGE OF USE FROM SPECIAL FOUNDRY CLASS B4 TO BUSINESS USE CLASS B1.

Applicant: Taylors (Hockley) Ltd.

Zoning: Industrial Use.

APPROVAL:

1. Std. Cond. 82.
2. Space shall be provided within the site to accommodate the parking and turning of all vehicles regularly visiting the site, clear of the highway and properly laid out and paved as may be agreed with the Local Planning Authority after consultation with the County Highway Authority and such space shall be maintained thereafter free of any impediment to its designated use. Furthermore, the car parking spaces to be provided shall be marked on the finished surface of the parking area to the satisfaction of the Local Planning Authority within twelve months from the date of this decision.
3. Std. Cond. 44 - Industry - control of air pollution.
4. Std. Cond. 47 - Burning of waste materials restricted.
5. No Class B1 Business Use shall take place on the land allocated for residential purposes on the Rochford District Local Plan, cross-hatched on the plan returned herewith.
6. Std. Cond. 35 - Storage restriction - on open area.

REPORT:

A previous temporary permission was granted under application ROC/484/84 to use the buildings at Hockley Foundry for light industry. In the opinion of the applicants, this has proved beneficial to the site and the village of Hockley. The present proposal is for a permanent permission.

The Head of Environmental Services has no objection subject to Conditions 1, 3 and 4.

18.

ROC/992/89 HULLBRIDGE

22, THE DRIVE, HULLBRIDGE

DEMOLISH EXISTING BUNGALOW AND ERECT DETACHED 3-BED CHALET.

Applicant: Mr. T. Darling.

Zoning: Residential.

Parish Council - no objections, subject to no adverse response from adjoining dwelling.

REFUSAL:

The proposed two storey development, by reason of the size and scale, would be out of keeping and overbearing upon the more modest dwelling adjoining. Furthermore, the development would appear excessive and obtrusive in the street scene due to the sites forward position relative to the established building line in The Drive and by reason of its limited size.

REPORT:

Members may recall that planning permission was granted on 23rd September, 1988 under reference ROC/667/88 for a detached bungalow on the site and on 19th May, 1989 for a detached chalet.

The present proposal is for a detached chalet style dwelling on the site, but of a larger size and scale than previously agreed.

The prominent corner site, and the relationship with the adjoining dwelling in The Walk, set constraints on the development potential of the site and the present proposal is considered to be too large and dominant, likely to have an adverse effect on the adjoining dwelling.

No adverse comments have been received in response to consultations.

19.

ROC/225/89 RAYLEIGH

THE WHITE HOUSE, WESTERN ROAD, RAYLEIGH

SIDE AND REAR EXTENSIONS TO HOUSE SWIMMING POOL AND GYMNASIUM AND INTERNAL ALTERATIONS.

Applicant: T. Taylor, Esq.

Zoning: Residential.

APPROVAL:

1. Std. Cond. 4 - Commence in five years.
2. Std. Cond. 95 - Development as per specified plan.
3. Std. Cond. 54 - Materials to match existing.
4. Std. Cond. 63 - Hedgerows to be retained.
5. Std. Cond. 76 - Permitted development restrictions -

balconies.

REPORT:

This proposal would normally be determined by the Director of Development under delegated powers. However, it has generated opposition locally and is therefore brought to the Committee for decision.

The original plans proposed a rather grand two storey glass domed extension which would have been rather dominant and imposing locally and when viewed from further afield from the west due to the position the dwelling commands on high ground overlooking the lower ground towards Wickford and Shotgate.

It was this original plan which generated strong local objection from five local households and from a Ward Member essentially because of the obtrusive design, and also proximity to boundaries and hedge/trees. Three objectors stated they would not oppose a scheme of different design.

Revised plans have been negotiated deleting this imposing dome design, with a part single storey and part two storey design in keeping with the exiting dwelling. The County Planner Specialist Adviser on countryside matters has been involved and considers the revised plans acceptable in relation to boundary hedges and trees.

The revised plans before the Committee include a further small reduction upon the earlier revised plans which were the subject of re-notification to all the local residents interested in the proposals. Of the original five objectors, two did not respond, one confirmed no objection, one has no objection provided a condition is included regarding the retention of exiting trees and hedgerow or, if lost, their replacement, whilst one (26, Western Road) continues to object strongly due to excessive height and size of the extension and concern that a balcony could be formed on the roof.

20.

ROC/062/82/10 ROCHFORD

PLOTS 20-33 (INCL.), MILLVIEW MEADOWS, ROCHFORD

14 TERRACED DWELLINGS WITH GARAGES AND SUBSIDIARY WORKS.

Applicant: MBC Estates Ltd.

Frontage: 100m.

Site Area: 2,640 sq.m. (0.65 acres).

Zoning: Residential and on edge of Conservation Area.

Rochford Parish Council - no objection.

RECOMMENDATION: Delegate to the Director of Development to approve on receipt of County Surveyors consultation.

1. Std. Cond. 95 - Development as per specified plan.
2. Std. Cond. 53 - Materials to be used externally.
3. Std. Cond. 25 - Garage provision - prior to occupation.
4. Std. Cond. 29 - Visibility splays - 2.1m. x 2.1m.
5. Std. Cond. 9 - Private drive - surface finish.

REPORT;

This is a reserved matter application for 14 terraced houses with garages within the Millview Meadows development.

The garden sizes on the 3-bed units range from high 70's to mid 90's sq.m., which is of course less than the normal 100 sq.m. However, the 2-bed units have garden sizes significantly larger than 50sq.m. and overall, given the three storey town house types and proximity to public open space and the town centre, this is considered acceptable.

No objections have been received.

21.

ROC/805/89 ROCFORD

7-8, FLEETHALL ROAD, PURDEYS INDUSTRIAL ESTATE, ROCFORD

ERECT TWO STOREY EXTENSION TO EXISTING FACTORY/WAREHOUSE.

Applicant: E.G.L. Homecare Ltd.

Zoning: Industrial.

The Rochford Parish Council raise no objections to this proposal.

APPROVAL:

1. Std. Cond. 4 - Commence in five years.
2. Std. Cond. 54 - Materials to match existing.
3. Std. Cond. 22 - Car parking delineated.

4. Std. Cond. 23 - Parking area - provision and retention.
5. Std. Cond. 33 - Provision of loading/unloading area - 1.
6. Std. Cond. 49 - Oil interception arrangements.
7. Std. Cond. 95 - Development as per specified plan.

REPORT:

The proposed extension is required to meet applicants' continued expansion and satisfies parking and servicing requirements.

22.

ROC/024/90 STAMBRIDGE

RANKIN FLOUR MILLS, MILL LANE, STAMBRIDGE

FIRST FLOOR EXTENSION TO EXISTING WORKSHOP TO BE USED FOR STORAGE OF PARTS.

Applicant: Rankin Flour Mills, Allied Mills Ltd.

Zoning: Industrial Use.

APPROVAL:

1. Std. Cond. 4 - Commence in five years.
2. Std. Cond. 54 - Materials to match existing.
3. The extension hereby permitted shall be used solely for the storage of goods, ancillary to the use of the Mill.

REPORT:

The existing building is part single and part two storey, comprising workshops on ground floor with store over part. It is proposed to form a first floor extension over the existing ground floor, to increase the storage area.

The Mill retains its own maintenance department, and holds a large stock of parts, for which the additional storage area is required.

The building is fairly centrally sited in the site and sufficiently well isolated so as to have no adverse effect on any residential dwellings.

In response to consultations, no adverse comments have been received.

23.

ROC/044/90 RAYLEIGH

32, HIGH STREET, RAYLEIGH

ALTERATION OF SHOP FRONT FOR INSTALLATION OF AUTOMATIC TELLER MACHINE.

Applicant: Nationwide Anglia Building Society.

Zoning: Conservation Area; Prime Shopping Frontage.

RECOMMENDATION: Delegate to the Director of Development to approve subject to revised details of the till surround.

Std. Cond. 4 - Commence in five years.

REPORT:

A service till is proposed in this modern shopfront and, subject to minor amendments requested by the County Planner, the scheme is considered acceptable.

No adverse comments have been received.

24.

ROC/028/90 RAYLEIGH

REAR OF CINDY, 140, RAWRETH LANE, RAYLEIGH

PORTABLE TIMBER BUILDING INCORPORATING TWO STABLES, TACK ROOM AND FEED BARN.

Applicant: Mrs. J. Feather.

Zoning: Metropolitan Green Belt.

APPROVAL:

1. Std. Cond. 4 - Commence in five years.
2. Std. Cond. 48 - Stables - burning of waste materials.
3. Std. Cond. 87 - Stables - restriction on use.
4. Std. Cond. 95 - Development as per specified plan.

5. Liquid and solid animal/vegetable waste and associated contaminated waters should be stored and disposed of in an approved manner that will not lead to pollution of surface or underground waters.
6. Only clean surface water from roofs should discharge to soakaways.

REPORT:

It is proposed to erect two stables and ancillary sheds in the Metropolitan Green Belt, adjoining a residential site, for domestic purposes only. The site is 2.26 acres and therefore below the required standard of 2.48 acres, but is considered acceptable in view of its proximity to the dwelling and the proposed bridleways at Swayne Park open space.

No adverse comments have been received, but one neighbour has expressed concern for possible commercial development of the stables.

25.

ROC/905/88 ROCHFORD

POTASH WOOD, HALL ROAD, ROCHFORD

CHANGE OF USE AT POTASH WOOD FOR COMBAT PAINT-BALL GAMES (IN ADDITION TO 28 DAYS PER ANNUM USE PERMITTED) AND STATIONING OF FOUR ANCILLARY MOBILES/CARAVANS.

Applicant: Mr. M.D.M. Keddie, JP., DL.

Zoning: Metropolitan Green Belt.

APPROVAL:

1. The use hereby permitted shall be discontinued not later than two years from the date of this decision notice and the four ancillary caravans/mobiles shall be removed from the site by the expiry of this permission. Furthermore, the wooden structures in the north-western part of the site shall be dismantled and removed from the site and the earthworks in this area reinstated back to natural ground level also by the expiry of this permission.
2. Within two months of this decision the pond area in the western part of the site shall be fenced off for the duration of the permission, in accordance with a scheme to be submitted to and approved by the Local Planning Authority.
3. Vehicles shall not be parked outside the area indicated for parking on the submitted plan, received on the 26th January, 1989.

4. No camping or overnight accommodation shall take place on the site.
5. No trees shall be felled, lopped or topped for the purpose of exercising this permission except with the prior agreement in writing of the Local Planning Authority.
6. Any explosive and smoke generating devices to be used in connection with the games hereby permitted shall be of a quantity and type to be first agreed in writing with the Local Planning Authority.
7. The location of the four caravans/mobiles on site, together with their colour, shall be agreed in writing with the Local Planning Authority.
8. No motorised vehicles shall be used on the site in connection with the use hereby permitted except with the prior agreement in writing of the Local Planning Authority.
9. All persons on site in connection with the use hereby permitted shall only attend the site between 0800 hours and one hour after dusk or 1800 hours, whichever is the earlier finishing time.
10. No floodlights shall be used within the application site in connection with the use hereby permitted except with the prior agreement in writing of the Local Planning Authority.
11. Sanitary accommodation shall be provided on site to the satisfaction of the Local Planning Authority and removed at the end of the period of consent in accordance with the terms of Condition 1 above.
12. Wire and nails shall not be used to secure fencing, etc. to existing trees in connection with this permission. Furthermore, any such means of fastening already in use shall be removed within two months of the date of this permission.
13. Within three months of the date of this consent remedial works shall be undertaken to the satisfaction of the Local Planning Authority in the area of the woodland where trenches and banks have been created, in accordance with a scheme to be approved by the Local Planning Authority.
14. This permission does not convey any consent for further engineering operations within the woodland which would require planning permission in the normal way and should be the subject of a separate planning application.

REPORT:

This application has been reported to the Committee on two previous occasions. These reports are attached as Appendix 1 to the Schedule.

Members are asked to refer to these earlier reports, in particular, the detailed report to the 2nd February, 1989 meeting which gives a detailed written report of the site, issues and consultations.

To re-cap, the Committee resolved Minute 426 (Planning Services Committee 20th July, 1989) to delegate to the Director of Development to approve the application as recommended, subject to a Section 52 Agreement in respect of management of the war games activities and two further conditions limiting the number of days use to no more than 56 days a year and controlling advertisements.

The applicant considers both the Section 52 Agreement and 56 days a year limitation unacceptable as quoted below :-

"Further to your letter dated 26th July, receipt of your Planning Services Committee Minutes of its meeting on 20th July and the Planning Committee recommendations to application ROC/905/88 made at that time, we have now sought our client's instructions herein.

Overall we should advise that a Section 52 Agreement would appear inappropriate in this instance in that the application is in respect of an area of private woodland, where the applicant continues to and has already demonstrated his intention to protect the flora and fauna of the area and to maintain the woodland in the best manner consistent with its age and condition. The applicant is not, therefore, prepared to contract out of his general rights to use and enjoy the area in this manner.

Since the application was made about 1 year ago and the proposed use commenced at that time under the 28 day General Development Order concession, we do not consider it appropriate to limit any planning consent for a term of 1 year only for the purpose of monitoring the activity as that period has already taken place. The indication on the report to the Planning Services Committee that the use commenced toward the end of 1989 is, we assume, a typing mistake and should refer to 1988.

In view of the degree of business management and organisation required to properly arrange and supervise the Paint Ball Games (including the wages and salaries of the

staff involved) consent for 56 days only use during a period of 1 year would not be acceptable. Due to the careful and sympathetic way in which games have been arranged over the last year, there appears to be no indication of damage to the flora and fauna of the area (by trampling of bluebells or undergrowth or by disturbance of wild life). The area involved is quite large enough for games to be arranged in alternative locations within Potash Wood, the wet/pond area has been excluded from such games as has a perimeter strip round/within the wood, where the bluebells predominate.

Whilst any semi-permanent structures and mobiles may be removed at the end of the consented period, these may be re-used for the proposed and other uses under General Development Order concessions. The area in the north west of the wood, where a certain amount of trench drainage has been carried out, was formerly an area of experimental coppicing undertaken in consultation with the Planning and Forestry Authorities; however, this failed due to the waterlogged nature of the ground. The drainage work is regarded as remedial in this context and should remain.

Whilst the applicant considers that permanent consent for the proposed use should be granted, within the guidelines indicated, the Essex County Planners recommendation that a 3 year temporary planning consent be granted is noted."

Given the time that has elapsed since the use commenced in the wood towards the end of 1988 and the application was submitted over a year ago, the site has been re-inspected by both the Council's Woodlands Officer and the County Planners Specialist Adviser on countryside matters. They conclude that the war games are not having a serious detrimental impact on the woodland and that considerable care has been taken to exclude participants from the ecologically sensitive areas where there is no evidence of trampling. Both Officers comment that it is not possible to evaluate the impact of the games on breeding bird population. The main concern of these Officers is in relation to the digging of trenches and banks in the area coppiced in 1986. This is considered an alien, damaging and probably irreversible operation. However, some remedial works may be possible and are recommended as a new condition.

The Head of Environmental Services has also reviewed the situation following three recent complaints from local residents but, to date, no nuisance has been established but the situation will be reviewed again in the spring and summer.

The three local residents complained in November and December regarding the noise from the activities on Saturdays and Sundays from guns, thunder flashes and starting horn and general

screaming and shouting and the adverse effect on wildlife.

Conclusion:

In the circumstances outlined above, it would be difficult to establish "that demonstrable harm is being caused to an interest of acknowledged importance" and it should be borne in mind that the use per se is acceptable within the Green Belt. Therefore, as the applicant is not prepared to enter into the Section 52 Agreement and a refusal would be difficult to defend, it is recommended that permission be granted for a two year temporary period and subject to the additional Conditions 12 to 14 listed above, such a temporary permission would enable the situation to be reviewed again in due course in the light of informal experience.

32.

ROC/905/88 ROCHFORD

POTASH WOOD, HALL ROAD, ROCHFORD

CHANGE OF USE AT POTASH WOOD FOR COMBAT PAINT-BALL GAMES (IN ADDITION TO 28 DAYS PER ANNUM USE PERMITTED) AND STATIONING OF FOUR ANCILLARY MOBILES/CARAVANS.

Applicant: Mr. M.D.M. Keddie, J.P., D.L.

Zoning: M.G.B.

APPROVAL:

1. The use hereby permitted shall be discontinued not later than one year from the date of this decision notice and the four ancillary caravans/mobiles shall be removed from the site by the expiry of this permission. Furthermore, the wooden structures in the north-western part of the site shall be dismantled and removed from the site and the earthworks in this area reinstated back to natural ground level also by the expiry of this permission.
2. Within two months of this decision the pond area in the western part of the site shall be fenced off for the duration of the permission, in accordance with a scheme to be submitted to and approved by the Local Planning Authority.
3. Vehicles shall not be parked outside the area indicated for parking on the submitted plan, received on the 26th January, 1989.
4. No camping or overnight accommodation shall take place on the site.
5. No trees shall be felled, lopped or topped for the purpose of exercising this permission except with the prior agreement in writing of the Local Planning Authority.
6. Any explosive and smoke generating devices to be used in connection with the games hereby permitted shall be of a quantity and type to be first agreed in writing with the Local Planning Authority.
7. The location of the four caravans/mobiles on site, together with their colours shall be agreed in writing with the Local Planning Authority.
8. No motorised vehicles shall be used on the site in connection with the use hereby permitted except with the prior agreement in writing of the Local Planning Authority.

9. All persons on site in connection with the use hereby permitted shall only attend the site between 0800 hours and one hour after dusk or 1800 hours, whichever is the earlier finishing time.
10. No floodlights shall be used within the application site in connection with the use hereby permitted except with the prior agreement in writing of the Local Planning Authority.
11. Sanitary accommodation shall be provided on site to the satisfaction of the Local Planning Authority and removed at the end of the period of consent in accordance with the terms of Condition 1 above.

REPORT:

Rochford Parish Council - object (i) detrimental to wildlife and birds, (ii) noise nuisance to nearby residents and (iii) Green Belt.

The Application Site and Use

The application relates to Potash Wood some 37 acres of ancient semi-natural woodland comprising predominantly hornbeam coppice with oak standards, some sweet chestnut and field maple. The application site does not border any public rights of way nor do any rights exist through it. Also there is not a tradition of widespread public access to it. The Woodland is covered by an Essex County Council Tree Preservation Order, 14/49 (ref. W66).

The use is a form of adventure fieldcraft and combat game, participants attend as rival teams endeavouring to achieve set objectives armed with special air pistols designed to fire bio-degradable paint pellets to "eliminate" opposing team members.

The use commenced towards the end of 1989 and benefits from the permitted development right for use of the land for any purpose for not more than 28 days in total in any one calendar year. An assembly point has been formed in part of the wood comprising mesh "fencing" and four ancillary caravans/mobiles which provide toilets, changing room and briefing accommodation. Also in a small part of the north-western corner of the wood in an area which was previously coppiced but failed to regenerate successfully, some trenches, banks and wooden structures have been created. The structures have been made out of timber damaged in the hurricane of October, 1987, and other such damaged timber has been cleared elsewhere in the wood.

The applicant explains in terms of the number of participants, hours of activity and modus operandi, inter alia, that :-

"My computation, upon which the licence fee was based, took cognisance of the information provided by Strutt & Parker for similar operations at 37.5 people per day for eighty days a year, making a total of 3,000 people. In other words, average utilisation of just over a day and a half a week for between thirtyfive and forty people, which is hardly likely to make any impression over such an extended period in nearly forty acres of Woodland.

The period of the Paint Ball Games was also limited in the licence to between 9.00 a.m. and dusk.

Under Clause 8 of the licence, dated 25th September, 1988, very strict controls are placed upon caring for the environment. In fact, the relevant Clause reads -

'Participants, including permanent staff, will not destroy or take any Game, Plant, Wild Flower, Timber, or Coppice of any kind. Fires will not be lit within the Woodland area. Litter will be collected and removed by the licensee. Proper and effective provision will be made over lavatory facilities to ensure that there is no ground level sewage. Generally, after each Game, the whole site will be left in good, clean and tidy condition.'

I understand from Mr. Dowding Young that there will be relatively few vehicles as he is providing a special mini-bus collection service from the station and others who come by car will probably travel in fours. Therefore, there should be virtually no traffic problem whatsoever."

It is also explained that the vehicular access serving the site is that which already serves the applicants Farm and The Lawns with car parking being within the Farm complex.

Planning Policy and Issues

The proposal recreational use is not in conflict with the Green Belt policy the issues are the site, specific amenity considerations, nature conservation and highway considerations.

(i) Amenity Considerations:

The site is reasonably isolated with no rights of way involved and few residential properties nearby. There have not been any letters of objection to the use from neighbouring residents.

(ii) Nature Conservation:-

The Council's Woodland Officer and County Planners Countryside (Specialist Advisor) have walked the site assessing its ecological value and neither raise objection to the use, subject to the one significant ecological site, the pond in the western side of the wood being suitably fenced off and excluded from the games area. This has been agreed by the applicant. Ground flora is generally poor and not likely to suffer except possibly in the vicinity of the tower. The increased activity may have an adverse impact on bird population. However, the wood does not contain a large population of woodland birds. The County Planners advice is a three year temporary permission initially so that the impact of the use upon the woodland can be assessed.

The Nature Conservancy Council refer to the importance of ancient semi-natural woodland, its decline nationally and the Essex Structure Plan policies for the conservation of natural resources. Nonetheless, in view of the 28 days per year permitted by the G.D.O. and the damage that can occur as a result, the N.C.C. do not object, provided positive steps are taken to alleviate the worst damage. They recommend two conditions :-

- (a) Exclusion of the ecologically sensitive areas, notably the wet area as suggested by the Council's own Officers.
- (b) Games should not be permitted at the time of year when breeding birds and ground flora are most susceptible to disturbance, i.e. beginning of April to end of June.

The latter suggestion is not specifically supported by the Council's own specialist advice or that from the County Council. Furthermore, given the poorly developed woodland floor, lack of significant bird population or site specific evidence of the N.C.C., it is not felt this can be supported.

The Essex Naturalist Trust reiterate the N.C.C. thoughts and draw attention to Circular 27/87 in which the Secretaries of State look to Local Authorities to "have regard to considerations of nature conservation as necessary in determining individual planning applications".

Miss J. MacConnell on behalf of the Roach Valley Group of Representatives is sorry to see this untraditional use in the old woodland. Acknowledges the 28 days permitted use and damage that can arise therefrom. Notes the neglected state of the wood and suggests the owner would do better by selling it off to the Woodland Trust.

Highway Considerations

The vehicular access and parking arrangements were unclear from the initial application and it was assumed that this would be via the hardstanding and gateway beside the Woodland. The applicant has explained that that is not the case, the access serving the Farm and The Lawns is to be used with parking at the Farm.

Nonetheless, in either case the County Surveyor's recommendation is for refusal and in the case of the access as proposed on policy grounds, namely :-

The proposal would intensify the use of an access on a stretch of classified highway where the principal use is that of carrying traffic freely and safely between centres of population. The existence of an access in this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs, but the intensification of that conflict and interference which this proposal would engender would lead to the deterioration in the efficiency of the through road as a traffic carrier and be detrimental to highway safety.

Conclusions

In the light of the above, temporary permission is recommended for a period of one year to enable the impact of the use on the woodland to be assessed in the light of experience. Grant of permission also enables control to be exercised over the entire duration of the use, with the conditions as recommended above.

Other Consultations

Civil Aviation Authority - no objections.

Head of Environmental Services - no adverse comment.

One letter has been received from a resident of Rayleigh objecting to any paint war games.

33. ROC/1195/88 HOCKLEY

87, PLUMBEROW AVENUE, HOCKLEY

OUTLINE APPLICATION TO ERECT TWO DETACHED HOUSES AND ONE DETACHED BUNGALOW.

Applicant: Mr. Parker.

Frontage: 25.1m.

REPORT:

Outline planning permission was granted in March 1988 for two dwellings on this and the adjoining site.

The present proposal involves the erection of a large dwelling of unusual design. However, due to the size of the plot (240m. in depth and a maximum width of 55m.) and its location well screened from the adjoining street and dwelling, the proposal does not intrude into the street scene.

The applicant's agents have agreed to site the building further away from the tall screen of hedgerow trees along the site's eastern boundary and the newest dwelling. Revised plans will be forwarded in due course.

S.43

ROC/905/88 ROCHFORD

POTASH WOOD, HALL ROAD, ROCHFORD

CHANGE OF USE AT POTASH WOOD FOR COMBAT PAINT-BALL GAMES (IN ADDITION TO 28 DAYS PER ANNUM USE PERMITTED) AND STATIONING OF FOUR ANCILLARY MOBILES/CARAVANS.

Applicant: Mr. M.D.M. Keddie, JP, DL.

RECOMMENDATION: Delegate to the Director of Development to approve following the adoption of the war games policy by the Council and the Director being satisfied that the proposal complies with that policy.

1. The use hereby permitted shall be discontinued not later than one year from the date of this decision notice and the four ancillary caravans/mobiles shall be removed from the site by the expiry of this permission. Furthermore, the wooden structures in the north western part of the site shall be dismantled and removed from the site and the earthworks in this area reinstated back to natural ground level also by the expiry of this permission.
2. Within two months of this decision, the pond area in the western part of the site shall be fenced off for the duration of the permission, in accordance with a scheme to be submitted to and approved by the Local Planning Authority.
3. Vehicles shall not be parked outside the area indicated for parking on the submitted plan, received on the 26th January, 1989.

4. No camping or overnight accommodation shall take place on the site.
5. No trees shall be felled, lopped or topped for the purpose of exercising this permission except with the prior agreement in writing of the Local Planning Authority.
6. Any explosive and smoke generating devices to be used in connection with the games hereby permitted shall be of a quantity and type to be first agreed in writing with the Local Planning Authority.
7. The location of the four caravans/mobiles on site, together with their colour, shall be agreed in writing with the Local Planning Authority.
8. No motorised vehicles shall be used on the site in connection with the use hereby permitted except with the prior agreement in writing of the Local Planning Authority.
9. All persons on site in connection with the use hereby permitted shall only attend the site between 0800 hours and one hour after dusk or 1800 hours, whichever is the earlier finishing time.
10. No floodlights shall be used within the application site in connection with the use hereby permitted except with the prior agreement in writing of the Local Planning Authority.
11. Sanitary accommodation shall be provided on site to the satisfaction of the Local Planning Authority removed at the end of the period of consent in accordance with the terms of condition 1 above.

REPORT:

This application was reported to the 2nd February Meeting of the Planning Services Committee for approval subject to the above conditions. Members are asked to refer to that report for the detailed written report of the site, issues and consultations.

The Committee deferred consideration pending the formulation of an appropriate policy and also a number of Members visited the application site when the activities were in progress.

This has been formulated, considered by the District Plan Working Party on the 23rd June and is recommended to the Council for adoption.

This proposal for Potash Wood is not in conflict with this policy (the site falling within Category 2 - Ancient Woodland) and the applicant, together with the franchise, has been requested to enter in to a Legal Agreement to ensure control of the management of the activity as set out in the policy. His response will be reported verbally to the meeting.

Additional Consultation Replies

South Essex Natural History Society - concerned, trust thorough investigation will be made of the effects on the wildlife

Three letters of objection have been received, two from nearby residents (4, Main Road and Potash Cottage, Hall Road) mainly on grounds of impact on the woodland, noise and anxiety regarding the type of activity.

S.44

ROC/299/89 HULLBRIDGE

17, KINGSMAN FARM ROAD, HULLBRIDGE

DETACHED 2 BED HOUSE AND GARAGE.

Applicant: D.F. Markey.

Frontage: 15m.

Depth: 33m.

Zoning: Riverside Settlement.

APPROVAL:

1. Std. Cond. 4 - Commence in five years.
2. Std. Cond. 24 - Garages and hardstandings provision and retention.
3. Prior to the occupation of the dwelling hereby permitted, a vehicular access shall be formed with clear sight splays 2.1m. x 2.1m. either side thereof with its junction with Kingsman Farm Lane. Thereafter, these sight splays shall be retained free of any impediment to their intended use.
4. Std. Cond. 53 - Materials to be used externally.
5. Std. Cond. 56 - Landscaping Scheme - Details/implementation.

000326

S U P P L E M E N T A R Y

SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY

PLANNING SERVICES COMMITTEE 22ND FEBRUARY, 1990

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 and any attached list of applications which have been determined under powers delegated to the Director of Development is filed with all papers including representations received and consultation replies as a single case file.

All building regulation applications are considered against the background of the relevant building regulations and approved documents, the Building Act, 1984, together with all relevant British Standards.

The above documents can be made available for inspection as Committee background papers at the office of the Director of Development, Acacia House, East Street, Rochford.

1

000327

PLANNING SERVICES COMMITTEE 22nd FEBRUARY, 1990

SUPPLEMENTARY INDEX

<u>ITEM NO.</u>		<u>PROPOSAL</u>	<u>CASE OFFICER</u>
S.26	ROC/776/89	Erection of an agricultural shed building (to rear edible snails). Opposite Pengelly, McCalmont Drive, Rayleigh.	NACB
S.27	ROC015/90	Outline application to erect two chalet bungalows. Adj. 49, Canewdon View Road, Ashingdon.	LG
S.28	ROC/030/90	Renewal of permission for siting of residential caravan. Cherry Tree Farm, Lower Road, Hockley.	LG
S.29	ROC/723/89	Outline application to erect 36 holiday chalets. 4, Creeksea Ferry Road, Wallasea Island, Canewdon.	NACB
S.30	ROC/026/90	Change use of shop to restaurant with JW living accommodation above. 11, High Street, Rayleigh.	
S.31	ROC/883/89	First floor extension for office accommodation, alterations and variation of Condition 16 on planning approval ROC/401/87 to sub-divide unit into three. Rawreth Panelcraft, Rawreth Lane Industrial Estate, Rayleigh.	NACB
S.32	ROC/027/90	Outline application to erect one block of four 1-bed units with car parking layout. Between 20 and 22, Clyde Crescent, Rayleigh.	JW
S.33	ROC/021/90	Single storey day care centre for mentally handicapped children. White Post Farm, London Road, Rayleigh (Timber Grove).	NACB

S.34	ROC/966/89	Erect three storey block of offices. 55/57, Eastwood Road, Rayleigh.	JW
S.35	ROC/949/89	Detached bungalow for agricultural workers use. Brooklands Poultry Farm, Apton Hall Road, Stambridge.	NACB
S.36	ROC/866/89	Single storey front extension to provide toilet block; additional access. Units 7-14, Eldon Way, Hockley (Manderine Furniture).	JW

PLANNING SERVICES COMMITTEE

22nd FEBRUARY, 1990

SCHEDULE OF DEVELOPMENT APPLICATIONS, WITH DIRECTOR'S
RECOMMENDATIONS, FOR DETERMINATION AT THIS COMMITTEE

S U P P L E M E N T A R Y

S.26

ROC/776/89 RAYLEIGH

OPPOSITE PENGELLY, MCCALMONT DRIVE, RAYLEIGH

ERECTION OF AN AGRICULTURAL SHED BUILDING (TO REAR EDIBLE
SNAILS).

Applicant: Luigi Chapparelli.

Zoning; M.G.B., L.I.A.

RECOMMENDATION: Delegate to the Director of Development to
approve on completion of site notice consultation.

1. Std. Cond. 4 - Commence in five years.
2. Std. Cond. 33 - Provision of loading/unloading area - 1.
3. Std. Cond. 47 - Burning of waste material restricted.
4. Std. Cond. 58 - Landscaping - prior to commencement of
development.
5. Std. Cond. 63 - Hedgerows to be retained.
6. The external walls and roofing of the development hereby
permitted shall be of a dark grey colour (BS 18 B 25) or
other similar colour as may be agreed in writing with the
Local Planning Authority. Samples of the roof sheeting
shall be submitted to and approved in writing by the Local
Planning Authority prior to the commencement of the
development.
7. Notwithstanding the submitted plans, the position of the
building hereby permitted shall be sited a minimum of 3.6m.
(12ft.) away from the adjacent southern boundary of the site
or as otherwise previously agreed in writing with the Local
Planning Authority.
8. The building hereby permitted shall be used for agricultural
purposes only.

REPORT:

This proposal involves the erection of a "tunnel" like building which is designed primarily for mushroom growing and would be similar to the several buildings on the nearby Lubbards Lodge Farm along Hullbridge Road. The intention is to use the building for the production of edible snails.

The applicant states that the whole process is confined to within the shed and involves the fattening of snails to a marketable weight. Some ten tons of snails per year will be processed, involving only five combined collections and deliveries of the creatures. It is claimed that snails produce very little effluent in comparison to other farm animals, it is odourless and is believed to make an excellent organic fertiliser.

The building is proposed to be sited well away from the nearest dwelling and screened by mature hedgerows.

The Ministry of Agriculture, Fisheries and Food (M.A.F.F.) has been consulted and, in its A.D.A.S. report, confirmed that the building and equipment proposed should be able to provide the special environment needed for intensive snail production. The report referred to the fact that no additional buildings would be required as the applicant intends to store feeding stuffs at his home some three miles away. Labour and management would be provided by the applicant and a part-time helper.

No objections have been received from the nearest dwelling, although a site notice has now been displayed and is yet to expire.

S.27

ROC/015/90 ASHINGDON

ADJ. 49, CANEWDON VIEW ROAD, ASHINGDON

OUTLINE APPLICATION TO ERECT TWO CHALET BUNGALOWS.

Applicant: Jean A. Abbott and Louise M. Abbott.

Frontage: 120ft.

Depth: 145ft.

Zoning: Area of Restraint.

Parish Council - opposes the application as the area is not scheduled for development.

REFUSAL:

Std. Rsn. 3 - Areas of Special Restraint.

039331

REPORT:

The application site is on the north side of Canewdon View Road, within the Nelson Road Area of Restraint, which area is not scheduled for release until after 1995.

The proposed development of this site is, therefore, considered to be premature and, if allowed, would prejudice the primary objectives of providing for long term development.

S.28

ROC/030/90 HOCKLEY

CHERRY TREE FARM, LOWER ROAD, HOCKLEY

RENEWAL OF PERMISSION FOR SITING OF RESIDENTIAL CARAVAN.

Applicant: Mr. G. Fuller.

Zoning: M.G.B.

APPROVAL FOR A TEMPORARY PERIOD:

1. The caravan shall cease to be used for residential purposes and removed from the farm holding on 31st December, 1990 or on completion of the dwelling permitted under ROC/128/87, whichever is the sooner, unless otherwise agreed in writing by the Local Planning Authority.
2. The caravan shall only be occupied by the applicant, Mr. G. Fuller and his dependants.
3. The caravan shall not exceed the size stated in the original application ROC/537/83, viz. 7.3m. (24ft.) x 2.4m. (8ft.) unless previously agreed in writing by the Local Planning Authority.
4. The caravan shall be sited in the position indicated on the submitted application form.
5. Std. Cond. 85 - Agricultural occupancy limitation.

REPORT:

The application site comprises an area of 8 hectares, 1.2 of which are occupied by farm buildings, the remainder being under an arable rotation.

Members may recall that temporary planning permissions have been granted for the siting of the caravan on the site since 1983 and that full planning permission was granted on 18th November, 1988 for the construction of a permanent dwelling on the site

(ROC/128/87).

The current application seeks to renew the temporary permission for the caravan, pending the completion of the bungalow.

In response to consultations, no adverse comments have been received.

S.29

ROC/723/89 ROACH GROUP

4, CREEKSEA FERRY ROAD, WALLASEA ISLAND, CANEWDON

OUTLINE APPLICATION TO ERECT 36 HOLIDAY CHALETs.

Applicant: Bernard Paul.

Zoning: M.G.B.

REFUSAL:

1. Std. Rsn. 9 - Green Belt -standard reason.
2. The proposal is within the Coastal Protection Belt, and is contrary to Policy NR18 of the Approved Structure Plan in that stringent restrictions are placed on development on the rural and undeveloped coastline.
3. The site is within the Crouch/Roach Marshes Special Landscape Area wherein Policy NR12 of the Approved Structure Plan states at there will be a presumption against development unless its location, siting, design, materials and landscaping accord with the character of the area.
4. The proposal would be contrary to Policy L13 of the Approved Structure Plan, which presumes against new holiday residential development outside built up areas.

REPORT:

This application follows approval of a similar scheme in 1968, following three dismissed appeals for the same. However, fundamental changes in strategic planning circumstances have occurred since the previous consent was given, by virtue of the adoption of the Structure Plan, and Rochford District Local Plan. In particular, the adoption of policies restricting development along this stretch of coastline and outside existing built-up areas makes this scheme unacceptable.

The County Planner recommends refusal for the strategic reasons outlined above and considers this recommendation fundamental to the implementation of both the Approved and Altered Structure Plan.

000333

The County Surveyor, National Rivers Authority and Head of Environmental Services would have no objection subject to appropriate conditions and controls.

S.30

ROC/026/90 RAYLEIGH

11, HIGH STREET, RAYLEIGH

CHANGE USE OF SHOP TO RESTAURANT WITH LIVING ACCOMMODATION ABOVE.

Applicant: Mr. B. Raymond.

Retail Floor

Area: 97.5sq.m.

Zoning: Town Centre; Conservation Area;
Secondary Shopping.

REFUSAL:

1. The proposed change of use from retail to licenced restaurant, if allowed, will exacerbate an excessive concentration of non-retail uses in this location, leading to a virtual loss of retail frontage and creating further dead shopping frontage which will detract from the appearance and character of this part of the High Street to shoppers and would have a detrimental effect upon the character of the Rayleigh Conservation Area.
2. The site is within an area allocated primarily for shopping purposes in the Approved Review County Development Plan repeated as secondary shopping frontage in the Rochford District Local Plan. The retention of retail outlets at this point is considered essential if the retail function of this frontage is to continue and survive. Furthermore, Policy SAT 3 of the Rochford District Local Plan states :

"Within the ground floor of secondary shopping area as defined in the town centre insets (maps C, D and E) planning permission may be given for non-retail uses and service trades where they are likely to reinforce the retail function."

In the opinion of the Local Planning Authority, the proposed use as a licenced restaurant will not reinforce the retail function and the proposal is therefore contrary to this policy.

3. If the proposed use is allowed, it would set an undesirable precedent and pressure for similar changes of use within this frontage and, if repeated, would lead to a totally non-retail frontage to the detriment of the character and appearance of this part of the High Street and Conservation Area.

4. There is no accessible parking and servicing area within the site which may lead to congestion and indiscriminate parking in the High Street to the detriment of highway safety.

REPORT:

The present application proposes a change of use from retail to restaurant, as an independent restaurant use.

There have been two fairly recent applications for non-retail uses of this premise, ROC/668/88 for a licenced betting office and ROC/221/89 for a change of use to restaurant as an extension to the existing restaurant at 9, High Street. Both were recommended for refusal, although the latter was approved by Committee. This did have the advantage of sharing rear access and car parking with the existing restaurant at 9, High Street. The only rear access to the current site is understood to be a pedestrian emergency access via the High Street access to the new development under construction rear of 15/17, High Street. It could also be argued that a change of use as an extension to the existing restaurant would not numerically increase the number of non-retail uses in this secondary shopping frontage.

The retail function of this Secondary Shopping Area is already weak, with the application site and Halifax Building Society unit (part of 25/27, High Street) being the last two retail outlets in the High Street section.

The stated reasons for refusal are supported by the County Planner (Specialist Advice) whose views are reproduced below :-

"I regret this proposed change of use in that it will be yet another loss of retail provision in the most important part of the Rayleigh Conservation Area. I would therefore recommend that consent be refused.

If however your Council are minded to approve the application I must point out that the accompanying drawing shows internal alterations to the listed building and it should be made clear that a change of use consent does not cover changes to the listed building which may well be resisted."

The Rayleigh and District Chamber of Trade object to the proposal on the grounds that there are sufficient restaurants in the Town and a scarcity of existing small retail outlets.

The Rayleigh Civic Society comment that if this application is allowed, that it be personal to the applicant.

S.31

ROC/883/89 RAYLEIGH

RAWRETH PANELCRAFT, RAWRETH LANE INDUSTRIAL ESTATE, RAYLEIGH

FIRST FLOOR EXTENSION FOR OFFICE ACCOMMODATION, ALTERATIONS AND VARIATION OF CONDITION 16 ON PLANNING APPROVAL ROC/401/87 TO SUB-DIVIDE UNIT INTO THREE.

Applicant: Mr. T. Keenleyside.

Zoning: Industrial.

APPROVAL:

1. Std. Cond. 22 - Car parking delineated.
2. Std. Cond. 33 - Provision of loading/unloading area - 1.
3. Std. Cond. 53 - Materials to be used externally.
4. The office premises hereby permitted shall be used in association with and ancillary to the industrial use of Unit 1 as indicated on the submitted drawings. At no time shall the office premises be sub-divided or independent of the unit.

REPORT:

Much of the development which involves the adaptation and extension of an earlier permission ROC/401/87 has been completed, the works appear to be acceptable and not out of character with the adjacent industrial uses.

The three units so formed are being used for three distinct, although related, functions - a main workshop for car repairs, a spray shop and a valeting area. The offices will be used in conjunction with the first of these functions.

No objections have been raised from the National Rivers Authority, Anglian Water, the County Surveyor or the Head of Environmental Services.

S.32

ROC/027/90 RAYLEIGH

BETWEEN 20 AND 22, CLYDE CRESCENT, RAYLEIGH

OUTLINE APPLICATION TO ERECT ONE BLOCK OF FOUR 1-BED UNITS WITH CAR PARKING LAYOUT.

Applicant: Carter & Ward of Wickford Ltd.

Zoning: Residential.

REFUSAL:

1. The proposed development represents an undesirable form of backland development in conflict with Policy H12 and Appendix 1 of the Rochford District Local Plan (1988). In the opinion of the Local Planning Authority, the proposal has an inadequate access and an unsatisfactory relationship to the existing established pattern of surrounding bungalow development. Furthermore, the form of the development cramped into the tight corner site would appear obtrusive and out of character, lacking in a recognised road frontage within this area of regular frontage estate development.
2. In the opinion of the Local Planning Authority, the development represents an overdevelopment of the site and fails to satisfy the local policy on garden size as outline within Policies H9 and H15 and Appendix 1 of the Rochford District Local Plan (1988) or provide any meaningful garden space in terms of its size and configuration.
3. In the opinion of the Local Planning Authority, the site lacks a suitable vehicular access and illustrates its unacceptable backland form. Furthermore, the development by way of the vehicular movements arising from the development, together with the overall site area involved, may make access to the rear garaging provision, in particular the block of garages immediately to the rear of 24-30, Shannon Avenue, unworkable and, in turn, resulting in on-street parking in adjoining streets of Clyde Crescent and Shannon Avenue.
4. The proposal fails to meet the minimum parking provision applicable to such development now identified by Policy H9 and H15 and Appendices 1 and 2 to the Rochford District Local Plan (1988). The scheme provides for six spaces, two less than the eight necessary to satisfy the minimum policy level. The Local Planning Authority is not satisfied that any special circumstances exist to consider the scheme, an exception to the Policy and which would lead to parking inadequacies to the site giving rise to on-street parking in adjoining roads, resulting in congestion and loss of amenity to the streetscene.

REPORT:

Outline planning permission is sought to provide four 1-bed maisonette units on land left vacant when the estate of bungalows was originally built. The scheme includes details concerning siting, design and external appearance and means of access on which approval is sought.

The proposed building take a form that compares with a development of semi-detached chalets. The single bedroom to each unit is provided in a conventional arrangement to the first floor, leaving the principle living areas to the ground floor.

The overall scheme provides two parking spaces less than the necessary minimum of eight to comply with local policy. Garden sizes and configuration are also unacceptable.

The site lacks a satisfactory access, or road frontage and clearly represents an unacceptable form of backland development.

Three individual letters of objection and a petition of objection signed by 19 households have been submitted.

S.33

ROC/021/90 RAYLEIGH

WHITE POST FARM, LONDON ROAD, RAYLEIGH (TIMBER GROVE)

SINGLE STOREY DAY CARE CENTRE FOR MENTALLY HANDICAPPED CHILDREN.

Applicant: Elizabeth Fitzroy Homes.

Zoning: Community Use.

APPROVAL:

1. Std. Cond. 4 - Commence in five years.
2. The building hereby permitted shall be removed from the site on or before the 22nd February, 1995 unless previously agreed in writing with the Local Planning Authority.
3. One car parking space for every two additional members of staff resulting from the development, together with space to be provided within the site to accommodate the parking and turning of all vehicles regularly visiting the site, shall be provided before the building hereby permitted is first used. Such space shall be clear of the highway and properly laid out and paved in accordance with a scheme first agreed with the Local Planning Authority after consultation with the County Highway Authority and such space shall be maintained thereafter free of any impediment to its designated use.

REPORT:

Permission is sought to provide a prefabricated classroom type building for use as a day centre. The building compares with the from existing to the neighbouring Sports and Social Club, but features a shallow pitched roof. The exterior finish will be in brown which will compare the red brickwork and brown cladding and granulated roof tiles to the main building existing on site. The site is well screened.

A letter of objection has been received from a neighbour at 206, London Road on the grounds that by providing further buildings on this site, the existing disturbance and nuisance levels so far experienced will be added to, causing further loss of residential amenity.

S.34

ROC/966/89 RAYLEIGH

55/57, EASTWOOD ROAD, RAYLEIGH

ERECT THREE STOREY BLOCK OF OFFICES.

Applicant: Dr. G. Thomas, Mrs. A. Swinburne,
 Mrs. H. Zizzerman.

Zoning: Town Centre; Secondary Shopping;
 Conservation Area.

APPROVAL:

1. Std. Cond. 4 - Commence in five years.
2. Std. Cond. 55 - Materials to be used - samples to be provided.
3. The building shall be occupied in the first instance by Barclays Bank as a business centre. Furthermore, the ground floor shall be used principally for Class A2 (Financial and Professional Services) and for no other purpose (including any other purpose in Class B1(a) of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).
4. Std. Cond. 10 - Access and crossings - layout.
5. Std. Cond. 22 - Car parking delineated.
6. Std. Cond. 23 - Parking area - provision and retention.

7. Prior to the occupation of the building hereby permitted, the footpath zone to the rear of the building shall be clearly defined on the ground and the bollards or a dwarf wall erected thereon in accordance with details agreed in writing with the Local Planning Authority.
8. Notwithstanding the submitted drawing No. 8918.06A, rusticated false flat arches shall be formed over the front and rear openings to the vehicle access way and also the front ground floor shop like windows. The arches shall be formed by cutting grooves within the in situ coursed brickwork to form the shapes of voussoirs and keystones.

REPORT:

The proposed building is identical to that granted permission on 24th November, 1989 (ROC/482/89). The difference is in terms of use of the building, the earlier permission was for two ground floor shop units with offices above and this proposal seeks to use the ground floor for office purposes.

Policy SAT 3 within the Rochford District Local Plan states that "within the ground floor of secondary shopping areas as defined in the town centre inserts (maps C, D and E) planning permission may be given for non-retail uses and service trades where they are likely to reinforce the retail function." The preamble to the Policy (para. 9.4.12, third sentence) states that "it is considered that non-retail uses and service trades, including banks, building societies, estate agencies, betting shops, restaurants or wine bars, may be permitted if it is considered that they will reinforce the retail function of these areas by attracting people to them".

It is understood that the building will be occupied by Barclays Bank as a business centre and will add commercial vitality to the town. Stated Condition 3 reinforces the above and the intentions of Policy SAT 3 of the Rochford District Local Plan.

The County Planner (Specialist Adviser) raises no objection to the scheme.

The Rayleigh Civic Society express concern at the car parking implications of offices as opposed to shops within the site and doctors surgery behind.

S.35

ROC/949/89 STAMBRIDGE

BROOKLANDS POULTRY FARM, APTON HALL ROAD, STAMBRIDGE

DETACHED BUNGALOW FOR AGRICULTURAL WORKERS USE.

Applicant: Mr. and Mrs. Alan Scrabe.

Zoning: M.G.B.

APPROVAL:

1. Std. Cond. 4 - Commence in five years.
2. Std. Cond. 53 - Materials to be used externally.
3. Std. Cond. 24 - Garages and hardstandings - provision and retention.
4. Std. Cond. 56 - Landscaping scheme - details/implementation.
5. Std. Cond. 73 - Permitted development restrictions - conversion of roof space.
6. Std. Cond. 75 - Permitted development restrictions - extensions.
7. Std. Cond. 85 - Agricultural occupancy limitation.

REPORT:

Brooklands comprises an exiting poultry farm which has been in the applicant's ownership since mid-1987 and it carries a laying stock of some 6,000 hens with potential up to 8,500 and, in addition, fattening of 400 birds per annum. The previous owner lived in the adjoining dwelling known as The Croft but, when he retired, he sold the poultry farm on its own, retaining The Croft for his own continued occupation. The Croft is not subject to an agricultural occupancy condition. The applicants were granted planning permission in June, 1987 for the siting of a mobile home, so as to allow the applicants time to show that the enterprise could continue to be run on a viable basis.

Accounts indicate that the business has been improved and is, in fact, showing a greater profit from year to year. Furthermore, the report of A.D.A.S. states the enterprise to appear viable, with a requirement for three full time workers, one of whom should be resident on the holding.

Although the applicants have been operating the business for a relatively short time, i.e. two and a half years, the poultry farm has been well established on the site for some 30 years. On balance, there would appear to be sufficient justification to allow a permanent dwelling on the site, subject to appropriate conditions as set out above.

In response to consultations, no adverse comments have been received.

The proposed dwelling is a bungalow having a habitable floor area of approximately 100 sq.m., and a maximum ridge height of some 5.25m. A detached double garage is also proposed at the side of the bungalow, with new vehicular access from Apton Hall Road. The application plan shows the mobile home removed from site prior to occupation of the bungalow.

The applicant has submitted a statement in support of his application and a petition of support has been submitted signed by 45 households (customers).

S.36

ROC/866/89 HOCKLEY

UNITS 7-14, ELDON WAY, HOCKLEY (MANDERINE FURNITURE)

SINGLE STOREY FRONT EXTENSION TO PROVIDE TOILET BLOCK;
ADDITIONAL ACCESSES.

Applicant: Manderine Furniture Limited.

Zoning: Industrial.

The Hockley Parish Council comment that the proposal will lead to the loss of valuable parking space.

APPROVAL:

1. Std. Cond. 4 - Commence in five years.
2. Std. Cond. 54 - Materials to match existing.

REPORT:

The applicants are seeking to provide a modest ground floor extension for toilet facilities. The proposal will result in the loss of one or two spaces but will not in itself give rise to additional parking demand. The ratio of parking to floorspace for the building in its entirety falls just short of the Council's car parking standards, 58 spaces rather than 60 spaces, but there is scope for overspill parking elsewhere on land adjacent within the owner's control and there is communal car parking on this industrial estate.

Two recent refusals considered at appeal should be borne in mind, the first ROC/247/88, was successfully defended by the Council and dismissed for the storage racks on the forecourt of the premises which were both visually damaging and denied substantial car parking space to the site. The second was for a modest building of similar proportions to that now proposed but to house a briquetting machine. On this occasion the Inspector felt the car parking provision for the site to be a principle issue but he found that additional parking demand would not be generated by the proposal and this, together with compromising only one space, led him to allow the appeal (see extract below).

"In considering the Council's standards it is clear that these should be regarded as a guide and related to the type of development and its likely needs in coming to a conclusion as to how they should be applied. In this case, although the standards suggest that some provision should be made, I take the view that the nature of the process envisaged is such that additional parking demand is unlikely to be created and the provision of further parking spaces is thereby unnecessary. The location of the proposed extension is such that it would not occupy space set out for car parking, although the use of an adjoining area may be compromised and only usable in tandem. Whilst this is not ideal, only one space is likely to be affected and I do not consider this to be of sufficient consequence to justify dismissing this appeal."+

Given this appeal decision and all the circumstances, it is not felt that this Council could realistically resist this similarly modest proposal.

The Access Committee for the Disabled suggest level or ramped access and toilet provision suitable for the disabled.

DELEGATED PLANNING DECISIONS - 22ND FEBRUARY 1990

I have decided the following applications in accordance with the policy of delegation and subject to conditions :-

APPROVALS

- ROC/660/89 Use land for yacht club purposes incorporating floating clubhouse, pontoons and ancillary buildings with carparks between Potton Island Bridge & Boatyard, Common Road, Great Wakering - Wakering Yacht Club.
- ROC/686/89 Two storey rear and first floor front extensions at 1, Bedford Close, Rayleigh - Mr & Mrs C.J. Jackson.
- ROC/693/89 First floor side extension at 2, The Mews, Hockley - Mr & Mrs G.T. Rason.
- ROC/742/89 First floor extension, canopy and bay window to front at 2a, New Road, Great Wakering - Mr & Mrs R. Rae.
- ROC/790/89 Two storey side extension incorporating integral garage at 1, Rosslyn Close, Hockley - Mr Howse.
- ROC/816/89 Front and rear dormers at 46, Ashcombe, Rochford - Mr & Mrs M.P. James.
- ROC/821/89 First floor rear extension at 3, Hillcrest Avenue, Hullbridge - Mr V.M. Cottham.
- ROC/824/89 Single storey rear extension and extend garage at 23, Mey Walk, Hockley - Patrick Iredale.
- ROC/846/89 Two storey side extension at 25, Hullbridge Road, Rayleigh - J. Buckley.
- ROC/891/89 Single storey side and front extension at 211, Ferry Road, Hullbridge - Mr & Mrs G. Thornhill.
- ROC/898/89 Single storey side extension at 35, Teignmouth Drive, Rayleigh - Mr C. Rattan.
- ROC/902/89 Single storey rear extension and alterations at Hillingdon, Rayleigh Downs Road, Rayleigh - Mrs S.J. Smith.
- ROC/929/89 Two storey side extension, incorporating dormers and integral garage at 19, Picton Close, Rayleigh - Mr S. McLellan.

000314

ROC/947/89	First floor side extension at 10, Evelyn Road, Hockley - Mr M.S. Toomey.
ROC/954/89	New pitched roof and single storey front extension at 93, Alexandra Road, Ashingdon - A. & C. Mash.
ROC/957/89	Detached garage at 68, Trinity Road, Rayleigh - J. Bentley Esq.
ROC/959/89	Single storey side extension and add pitched roof to existing garage at 15, Great Wheatley Road, Rayleigh - Mr & Mrs P. Johnstone.
ROC/960/89	Chimney stack at 215b, Eastwood Road, Rayleigh - Mr & Mrs I. Hocking.
ROC/962/89	Single storey rear extension and garage to side at 63, Orchard Avenue, Hockley - G. Steptoe.
ROC/965/89	Rooms in roof at 24, Hockley Rise, Hockley - Mr Munroe.
ROC/967/89	Single storey rear extensions, extend roof to incorporate, front and rear dormers at 106, Ferry Road, Hullbridge - Mr R. Baker.
ROC/970/89	Replace existing roofs with pitched roofs at 38, London Hill, Rayleigh - Mr & Mrs T.V. Clayton.
ROC/979/89	Rear conservatory at 15, Ashworths, Ashingdon - Mr P.N. Search.
ROC/984/89	First floor side extension with pitched roof over at 27, Trinity Road, Rayleigh - Mr & Mrs B. Britton.
ROC/987/89	Front and rear dormers at 21, Manstead Gardens, Rochford - Mr R.W. Houldsworth.
ROC/993/89	Extend roof to incorporate front and rear dormers at 17, Barbara Close, Rochford - Mr C. Wells.
ROC/996/89	First floor side extension at Foxhunters, Hall Road, Rochford - Mr I. Samuells.
ROC/997/89	First floor rear extension at 21, Kimberley Road, Little Wakering - Mr G. Stansfield.

000345

1

ROC/999/89 Rear conservatory at 23, Highams Road, Hockley - Mr & Mrs Paige.

ROC/1003/89 Single storey rear pitched roof extension at 10, Seaview Drive, Great Wakering - Mr & Mrs Humphries.

ROC/1007/89 Conservatory at 1, Belvedere Avenue, Hockley - Mr McAarity.

ROC/006/90 Single storey side extension at 70, Rectory Road, Hawkwell - A. Clarke.

ROC/007/90 Single storey rear extension and rear conservatory at 1, Albert Road, Ashingdon - A. Oliphant.

ROC/008/90 Single storey side extension at Brotherhood Cottage, The Chase, Ashingdon - Mr Tregunno.

ROC/010/90 Rear dormer and rear bay window at 24, Rochefort Drive, Rochford - Mr J. Tidy.

ROC/3001/90/AD Internally illuminated logo sign and fascia sign at Eastern Electricity, London Road, Rayleigh - Eastern Electricity Board.

000346

REFUSALS

- ROC/856/89 Single storey side extension at Hilltop Cottage, The Chase, Ashingdon - W. Harding.
- Reason: Excessive development in the Metropolitan Green Belt.
- ROC/782/89 First floor rear extension and side porch at 27, Oakleigh Avenue, Hullbridge - D. Steward Esq.
- Reasons: 1) Loss of light and outlook to neighbour; too close to boundary.
- 2) Unacceptable appearance in street scene.
- ROC/867/89 Two storey side extension and front dormers at 41, Oak Walk, Hockley - M. Stanbridge Esq.
- Reason: Fails to provide 1m separation at first floor level.
- ROC/870/89 Single storey front extension with balcony over and treble garage with storeroom over at Highwood, Kingsman Farm Road, Hullbridge - Mr D. Coevorden.
- Reason: Would increase the scale and bulk of an existing dominant building and would result in overlooking and loss of privacy.
- ROC/911/89 Outline application to erect single storey dwelling adjacent Dyffryn, The Drive, Rayleigh - David L.E. Perry.
- Reason: Excessive development in Metropolitan Green Belt.
- ROC/943/89 First floor extension at 58, Station Crescent, Rayleigh - Mr B. Thornton.
- Reasons: 1) Out of scale and character.
- 2) Fails to provide substantial roof verge.
- ROC/974/89 Single storey rear extension at 228, Greensward Lane, Hockley - Mr & Mrs S. Kay.
- Reason: Excessive development in the Metropolitan Green Belt.

000347

ROC/990/89 Single storey rear extensions, front bay windows and roof alterations at Sunrise, Pudsey Hall Lane, Canewdon - A. Smith.

Reason: Excessive development in the Metropolitan Green Belt.

ROC/998/89 Vehicular crossover at 29, High Road, Rayleigh - T.Y. Huang.

Reason: Insufficient land within applicant's control to provide acceptable visibility from proposed access.

ROC/1000/89 Extend existing rear dormer at 7, Swayne Avenue, Hockley - Mr & Mrs Craven.

Reasons 1) Out of scale with the building.
 2) Fails to provide a substantial roof range.

ROC/012/90 Demolish existing garage and erect double garage at Foxhunters, Hall Road, Rochford - Mr I. Samuells.

Reason Detrimental to visual amenity.

ROC/014/90 Demolish existing buildings and erect 2-bed detached bungalow at Glenross, Goldsmith Drive, Rayleigh - Mr & Mrs J. Burke.

Reason Excessive development in the Metropolitan Green Belt.

ROC/025/90 Demolish existing bungalow and garage and re-site new bungalow with attached garage at Woodnut, Rayleigh Downs Road, Rayleigh - Tim Joyce.

Reasons Excessive development in the Metropolitan Green Belt.

ROC/056/90 First floor rear extension and balcony at Highwood, Kingsman Farm Road, Hullbridge - Mr D. Coevorden.

Reason Too large over-dominant and out of scale with adjoining dwellings.

DELEGATED BUILDING REGULATION DECISIONS

APPROVALS / ~~REVISIONS~~

DATE: 89/910

PLAN NO.	ADDRESS	DESCRIPTION
89/910	AVIATION HOUSE, SOUTHEND AIRPORT.	RAISED STORAGE PLATFORMS.
90/43	32, HIGH STREET, RAYLEIGH.	AUTOMATIC TELLER MACHINE INSTALLATION.
89/589A	19, GREAT WHEATLEY ROAD, RAYLEIGH.	FRONT GROUND AND FIRST FLOOR EXTENSION AND REAR FIRST FLOOR EXTENSION.
89/776A	134, ANCHOR LANE, CANEWDON.	SINGLE STOREY REAR EXTENSION.
89/856A	8, THE DALES, ROCHFORD.	REAR EXTENSION.
89/896	25, BROAD OAK WAY, RAYLEIGH.	TWO STOREY SIDE EXTENSION TO INCORPORATE GRANNY ANNEXE.
90/39	68, CASTLE ROAD, RAYLEIGH.	ATTACHED GARAGE AND CLOAKROOM/PORCH.
90/41	4, BROADLANDS AVENUE, RAYLEIGH.	SINGLE STOREY REAR EXTENSION.
BN90/61	27, MIDDLEMEAD, ROCHFORD.	SINGLE STOREY REAR EXTENSION.

000349

DELEGATED BUILDING REGULATION DECISIONS

APPROVALS/REJECTIONS

DATE: 22.2.90

PLAN NO.	ADDRESS	DESCRIPTION
89/878	PLOT 1, HOME FARM, COMMON ROAD, GREAT WAKERING.	ERECTION OF A HOUSE (revised plan)
89/885	227-229 MAIN ROAD, HAWKWELL.	3 DETACHED HOUSES AND GARAGES.
89/897	136, PLUMBEROW AVENUE, HOCKLEY.	REAR EXTENSION.
89/900	210, EASTWOOD ROAD, RAYLEIGH.	GROUND FLOOR AND FIRST FLOOR EXTENSION.
89/901	THE RAYLEIGH LODGE P.H., THE CHASE RAYLEIGH.	NEW CONSERVATORY AND KITCHEN STORE EXTENSION.
89/903	FOXHUNTERS, HALL ROAD, ROCHFORD.	INTERNAL ALTERATIONS AND CANOPY ROOF.

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000350

ROCHFORD DISTRICT COUNCIL

ARTHUR G COOKE I PFA FRVA
Chief Executive & Director of Finance



Council Offices, South Street, Rochford, Essex SS4 1BW
Telephone: Southend 546366

Members of the public requiring further information on this Agenda or wishing to inspect background papers on Agenda items as indicated should contact the Committee Clerk: Miss J. Slattery on Telephone Ext: 3406

15th February, 1990.

PLANNING SERVICES COMMITTEE - 22nd FEBRUARY, 1990.

ITEM ADDED TO THE AGENDA

HORSE-RIDING ESTABLISHMENTS - ALLEGED UNAUTHORISED DEVELOPMENTS.

Introduction

Arising from a complaint from the owner of a Riding School in Hockley regarding the legitimacy of a number of equestrian establishments in the District, investigations have been made of the following premises:-

1. Malyons Farm, Malyons Lane, Hullbridge.
2. Woodham Chase Nursery, Church Road, Hockley.
3. Wadham Park Farm, Church Road, Hockley.
4. Woodlands Nursery, St. Peters Road, Hockley.
5. Hockley Equestrian Centre, Church Road, Hockley.
6. Paglesham School of Equitation, Paglesham.

Summary reports of each site are set out below which have been produced following visits to each site, research of planning records, and information provided in writing by the site owners.

Each case reveals developments which have taken place without the benefit of planning permission. However, notwithstanding the fact that a development has been undertaken without planning permission, the time an unauthorised development has been in existence can make a development immune from enforcement action. In most circumstances a building which has existed for more than four years is immune.

If the use of a building or land has been operating without planning permission this can also become established and immune from enforcement action if by time elapsed it can qualify for an Established Use Certificate.

The time span for uses is much greater, the requirement for an established use to be recognised being substantially that the use began before the beginning of 1964 and continued to date.

In addition to the statutory provisions the establishments listed above and their level of facilities and uses have to be considered against the Council's policy relating to Horse-Riding Facilities (Policy LT10). That policy embraces a number of criteria including location, access, number of stables, acreage, design and siting, management, existence of residential accommodation, etc.

Examination of the cases listed would indicate that the majority if not all of the establishments when judged against Policy LT10 could be regarded as acceptable and that if planning permission were sought a permission could be granted.

Finally, it must be remembered that pursuance of enforcement action is at the discretion of a local planning authority. It should only be used if the authority consider it expedient to do so having regard to the provisions of the Development Plan and any other material considerations. Furthermore, this discretionary power should only be used where planning reasons clearly warrant such action and there is no alternative to enforcement proceedings.

Site Reports

1. Malyons Farm, Malyons Lane, Hullbridge.

Malyons Farm extends to some 50 acres, mainly grassland, where approximately 50 horses along with 42 cattle graze. The farm has use of a further 30 acres in Pooles Lane.

In addition there are a number of old farm buildings used for storage of hay, straw and riding equipment.

Horses are kept in the farm's stables, approximately 45 in number. Several of the stables are let out to private individuals who are responsible entirely for their own horses' upkeep with hay and straw provided free of charge by the farm. Moreover, owners have the use of an all-weather riding area fenced off measuring approximately 25 yards x 14 yards.

There is no record of planning permission for the farm buildings now used as stables but they appear to have been in existence for many years and are now exempt from planning control by virtue of the four-year rule. Buildings which have been in existence for more than four years are immune from enforcement action.

There is however, the question of the letting out of some of the stables to private individuals for livery purposes and the construction of the all-weather riding area.

According to planning records no consent can be found for the livery establishment or for the construction of the riding area. For the livery use to be established it would have

to be shown that such use began before the beginning of 1964 and has continued to date. There is no evidence to suggest that such a claim could be made and indeed the owners agent has confirmed that horses have been kept on the farm for 24 years (1966) the number of horses being increased some 16 years ago when the farm ceased keeping milking cows.

Similarly, the all-weather riding area is not an established use and it would not appear to qualify under the 4-year rule.

The situation at Malyons Farm therefore is one where unauthorised developments exist and a decision has to be made as to whether the developments are unacceptable in planning terms and the discretion to take enforcement action exercised.

It is felt that having regard to the location of the site, its extensive acreage, the age of the buildings and the length of time the keeping of horses has taken place, plus the existence of a farm dwelling, that the operation is not in conflict with the Council's policies for horse-riding establishments and that therefore there seems to be no planning reasons to justify taking enforcement action.

2. Woodham Chase Nursery, Church Road, Hockley.

Woodham Chase Nursery is set in several acres of grazing land. Currently on site are three greenhouse runs and two sheds. The latter are now used as stables. The site owner states that the premises are not used as a riding school but there is a livery operation and five horses are kept on this basis.

Permission was given in 1973 for the greenhouses. The stables appear to fall into the four-year rule category.

According to the available planning history of the site there is no record of consent for a livery establishment and an established use could not be claimed.

3. Wadham Park Farm, Church Road, Hockley.

Wadham Park Farm extends to some forty-two acres of mainly grazing land. There are a number of outbuildings used for the storage of hay and straw and food for sheep and pigs. In addition the owners use mobile horse boxes for the twelve horses on site, of which six are stabled on a livery basis.

There is no record of planning permission being granted for the outbuildings although they appear to have been in existence for many years and are now exempt from planning control by virtue of the four-year rule. Equally no consent can be found to show authorisation for a livery establishment.

4. Woodlands Nursery, St. Peters Road, Hockley.

Woodlands Nursery extends to some thirty acres of which seven are protected woodlands.

There are a number of outbuildings and stables which are mainly used for storage of hay, straw and farm vehicles. In addition the owners keep six horses on site which use the nursery stables.

There is no record of planning permission being granted for the outbuildings which appear to have been in existence for many years and are now exempt from planning control by virtue of the four-year rule. The owners state that the buildings were constructed before 1963.

In addition sufficient evidence could not be found to support claims that a Riding School and Livery establishment were in operation.

5. Hockley Equestrian Centre, Church Road, Hockley.

Hockley Equestrian Centre extends to some four acres, mainly grassland.

The Centre's planning history began in 1971 when planning permission was granted for stables but the number of stables approved was undefined and no conditions were imposed regarding the number of stables or their use.

The application site at that time appears to have been limited to the curtilage of "Robin Hill", Church Road.

In more recent times the Centre has become a fully licensed Riding School and Livery stables, with ten stables for the School and the additional three being used for livery.

Moreover, there is an open hay barn, feed store, tack room for livery and a tackroom for the Riding School ponies plus a general office.

It would appear that the stables have been authorised by the planning authority in 1971. The additional buildings appear to have been in existence for many years and are now exempt from planning control by virtue of the four-year rule.

However, according to planning records no consent can be found to show authorisation for a Riding and Livery establishment.

For the Riding School and Livery use to be established it would have to be shown that such use began before the beginning of 1964 and has continued to date, there is no evidence to suggest that such a claim could be made. Nevertheless, the livery/riding school use has been in existence for many years without complaints and in planning terms it would be difficult to justify pursuance of enforcement action.

6. Paglesham School of Equitation.

Paglesham School of Equitation is sited in approximately twelve acres of mainly grassland. There are currently twenty-five stables on site of which fifteen are used for livery. Furthermore there are two sheds mainly used for hay and straw. In addition a large dome structure is in use for the housing of sheep although when planning permission was granted this was to be used as an indoor riding area.

Whilst on site it was noted that there was an outdoor exercise area which according to the owners is used by the livery side of the establishment.

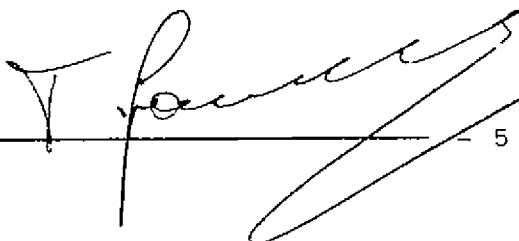
There is no record of planning permission for the stables or the sheds. They appear to have been in existence for many years and are now exempt from planning control by virtue of the four-year rule.

In respect of the dome structure and the use of the land as a Riding Establishment permission was granted in 1974.

In the light of the above there would not appear to be a case for pursuing further action.

RECOMMENDATION That having regard to the provisions of the County Structure Plan, Rochford District Local Plan Policy LT10 and relevant material considerations, the Authority does not consider it expedient to pursue enforcement proceedings but that each site owner be informed in writing of any breach of planning control existing on their site and that they should seek to regularise the situation by applying for planning permission.

TH. RMAN


- 5 -

DATE 22/3/90

000355

ROCHFORD DISTRICT COUNCIL

Minutes of the Policy and Resources Committee

At a Special Meeting held on 27th February 1990. Present: Councillors A.J. Harvey (Chairman), R.S. Allen, P.A. Beckers, C.I. Black, Mrs. R. Brown, W.H. Budge, Mrs. P. Cooke, B.A. Crick, C.J.B. Faherty, D.F. Flack, M.J. Handford, Mrs. E.M. Hart, D.R. Helson, Mrs. M. Hunnabale, Miss B.G.J. Lovett, R.A. Pearson, J.A. Sheaf, S.A. Skinner, C. Stephenson, Mrs. L. Walker, P.F.A. Webster and D.C. Wood.

Apologies: Councillor T. Fawell

Visiting: Councillors R.A. Amner, Mrs. J. Fawell, I.R. Godfrey, Mrs. V. Grigg, S.N. Jarvis, Mrs. S.J. Lemon, Mrs. E. Marlow, C.R. Morgan, J.M. Roden, S.H. Silva and D.A. Weir.

137. SETTING THE LEVEL OF COMMUNITY CHARGE 1990/91

Pursuant to Minute 86/90 which was also to be considered by the immediately following Extraordinary Meeting of the Council and Members having received the Budget Book 1990/91 together with a schedule setting out the form that the recommendation from the Meeting would need to take, the Chairman advised the Committee of the aggregate amounts involved in calculating the net total expenditure for the forthcoming year, the amount of Personal Community Charge thereby produced together with the variations in respect of Parish precepts as appropriate. The resultant recommendation in three parts was formally moved from the Chair and seconded by Councillor Mrs. L. Walker.

An opposition amendment was rejected by the Committee and it was

RECOMMENDED (1) That the following, as submitted in the Rochford District Council 1990/91 Budget Book, be approved:-

- (a) the revised revenue estimates for the year 1989/90 and the revenue estimates for 1990/91
- (b) the revised capital programme for the year 1989/90 and the capital programme for 1990/91 and future years
- (c) the manpower estimates for the year 1990/91.

(2) That the following amounts be now calculated by the Council for the year 1990/91 in accordance with Section 95 of the Local Government Finance Act 1988 as amended by the Local Government and Housing Act 1989:-

- | | | |
|-----|--|-------------|
| (a) | Aggregate of the amounts which the Council estimates for the items set out in Section 95(2)(a) to (e) thereof | £13,963,000 |
| (b) | Aggregate of the amounts which the Council estimates for the items set out in Section 95(3)(a) to (c) thereof | £ 8,663,000 |
| (c) | Calculation under Section 95(4), being the amount by which the aggregate at 2(a) above exceeds the aggregate at 2(b) above | £ 5,300,000 |

000356

(3) That having taken into account, and, where appropriate, having calculated the following items:-

- (a) the precepts issued to the Council for the year 1990/91, including any precept or portion of a precept applicable to a part only of the Council's area;
- (b) the Council's estimate of the aggregate of the payments to be met from its collection fund in the year 1990/91 under Section 90(2)(b) to (g) of the said Act;
- (c) the amount calculated above by the Council for the year 1990/91 in accordance with Section 95(4) of the said Act; and
- (d) the Council's estimate of the amount to be transferred from its collection fund in the year 1990/91 under Section 98(4) of the said Act,

THE COUNCIL, in accordance with Sections 32 and 33 of the said Act HEREBY SETS FOR THE CHARGEABLE FINANCIAL YEAR BEGINNING 1ST APRIL 1990 THE AMOUNT OF £383.00 AS THE PERSONAL COMMUNITY CHARGE FOR ITS AREA, except for those parts of its area mentioned below for which it sets the following amounts as the personal community charges respectively:-

<u>Part of the Council's Area</u>	<u>Amount of Community Charge</u>
The Parish of:-	£
Ashington	387.50
Canewdon	388.15
Gt. Wakering	390.20
Hawkwell	388.49
Hockley	396.86
Hullbridge	386.95
Roach Group	395.00
Rochford	390.24
Stambridge	393.78
Sutton	387.91

being satisfied that, to the extent that they are not to be provided for by other means,

- (i) the total amount yielded by its community charges for the said chargeable financial year will be sufficient, so far as practicable, to provide for the items mentioned at (a) to (d) above; and
- (ii) those amounts which relate to a part only of its area will secure, so far as practicable, that the precept or portion of a precept relating to such part will be provided for only by the amounts yielded by such of its community charges as relate to that part.
(31758)(T)

CHAIRMAN _____

DATE _____

000357

ROCHFORD DISTRICT COUNCIL

Minutes of the Council

At an Extraordinary Meeting held on 27th February 1990. Present:

Councillors Mrs. P. Cooke (Chairman), R.S. Allen, R.A. Amner, P.A. Beckers, C.I. Black, Mrs. R. Brown, W.H. Budge, B.A. Crick, C.J.B. Faherty, Mrs. J. Fawell, D.F. Flack, I.R. Godfrey, Mrs. V. Grigg, M.J. Handford, Mrs. E.M. Hart, A.J. Harvey, D.R. Helson, Mrs. M. Hunnoble, S.N. Jarvis, Mrs. S.J. Lemon, Miss B.G.J. Lovett, Mrs. E. Marlow, C.R. Morgan, R.A. Pearson, J.M. Roden, J.A. Sheaf, S.H. Silva, S.A. Skinner, C. Stephenson, Mrs. L. Walker, P.F.A. Webster, D.A. Weir and D.C. Wood.

Apologies: Councillors R.H. Boyd, T. Fawell and J.A. Gibson.

138. MINUTES

Council had before it for adoption the Minutes of the Special Meeting of the Policy and Resources Committee held on 13th February 1990 and the recommendation of the Special Meeting held earlier in the evening the preamble to which having been read out the Chairman of the Committee then formally moved both sets of Minutes and made the following statement:-

"Madam Chairman, Members, I am pleased to present this, my twelfth budget for the Rochford District Council. It is perhaps more important than the previous eleven in that it is the first which will result in a Community Charge for the residents of the District.

Before I discuss the budget in detail I would remind Members of the target expenditure figure set by the Secretary of State for the Environment, the SSA. This figure is critical in that if it is exceeded by Council expenditure the balance falls wholly on the Chargepayer. It has always been accepted that, when converting to a new system there would inevitably be some rough justice. I do believe though that Rochford has once again been poorly served in that the SSA only amounted to £3.82 million, the second lowest within the whole County of Essex. To achieve this level of expenditure would entail cutting services to a level that I believe our residents would find totally unacceptable. However, we must now accept it and derive consolation from the fact that hopefully it will not change significantly for the next five years. This will enable us to budget with some certainty in future years.

One other factor to bear in mind when the Charge is determined is the imposition of a £60.25 safety net on all residents of the District. I am totally opposed to our Chargepayers being required to bail out high spending authorities. Thankfully they will not be required to do so in future years.

Turning now to our budget, Madam Chairman, Council took the view that it would be wrong to cut the level of service currently provided. Nevertheless a very tough target of £5.3 million was set and achieved. More important however is that this is not a standstill budget.

The first priority in the Council's Corporate Plan is to enhance the Environmental Health Service. It has not been possible to do this from 1st April as I would have wished and I know as other Members would have wished too but it will commence from 1st October at a cost in 1990/91 of £57,000 rising to £87,000 in a full year. We are continuing our tree planting programme and we will be introducing a Dial-a-Ride facility in the area.

000358

Council

Net Committee expenditure has risen from £4.4 million in 1989/90 to £5.5 million in 1990/91, an increase of 25%. Why? Partly because of the increase in service I have just mentioned, but mainly the increase has arisen from the dramatic changes that have occurred in local government finance over which we have little control. For the benefit of Members I shall highlight the major elements of the increase. We have made a modest provision of 8% for inflation, amounting to £372,000. The additional cost of implementing and administering the Community Charge represents an increase of £175,000. In order to maintain an acceptable capital programme it has been necessary to finance £150,000 direct from the revenue budget. The contribution of £200,000 from the Housing Revenue Account has now been discontinued. This is due to the ring fencing provisions. Finally, the full year effect of service provision increases carried out during 1989/90 in respect of Planning and accommodation costs for homeless families account for some £84,000.

The Capital Programme is the best that can be achieved, bearing in mind the new capital controls being imposed on Local Government. Whilst it is not possible for Rochford to build houses I am optimistic that our partnership with Springboard Housing Association will provide much-needed additional rented accommodation in the District. The major part of our Housing Capital Programme is dedicated to this end. The remainder of the programme continues our existing housing policies.

The General Fund Capital Programme concentrates resources into our established open space policies.

We are at a new beginning for local government and we must have a firm financial base. Because we have put all of our major services out to tender we not only know that we are getting value for money but we can go to our residents and say "Yes we know exactly what services are provided" because it is all written down for anyone to inspect. We have nothing there to hide.

We have a Corporate Plan and we are moving into priority budgeting. This will ensure that, if any additional resources are identified, they are targetted immediately in order of priority. We shall also be reviewing existing services to ensure that they are in accordance with our priorities.

This is our firm base and at least Rochford's spending policies should not provide for large fluctuations in future years' Community Charge levels. Returning now to 1990/91 the notional Community Charge for authorities achieving a level of expenditure in accordance with Government target is £278. Essex County Council spending has exceeded target and increases the Community Charge by £14 or 5%. Rochford's budget increased the Charge by £26 or 10%. The safety net increases the Charge by £60 or 22%. With a small adjustment figure of £5, the Community Charge for the Rochford District will amount to £383.

The Charge of £383 compares very well with our neighbours, particularly when you take away the distorting effect of the safety net. Southend's Charge, excluding safety net, would be £353; Castle Point £329; Chelmsford £319 and Rochford £323. I do not have Basildon's figure but I think I can assume that it will be higher than ours!

Council

Madam Chairman, Members of the Council, I now formally move the Community Charge for Rochford District Council for the financial year beginning 1st April 1990 set out in the recommendation in three parts of the Special Policy & Resources Committee."

Whilst not necessarily accepting the basis of the priorities involved Members were pleased that the budget as presented would maintain a high standard of service for the District within the spending target that had been identified. A Member expressed disappointment that the implementation of the Environmental Health Programme was to be deferred for six months and reference was made also to the high cost of collection of the new system of Community Charge, the main burden of which would be borne by the Chargepayers. Concern was voiced that the Community Charge was no more equitable than the system it was designed to replace and that the vulnerable sections of the community would be the hardest hit.

Other Members maintained that it was fairer than the old Rates system because it was more broadly based, and that it was a false comparison to refer to last year's Rate because had the old system been retained Rates would have increased significantly this year. As regards the question of hardship the new system provided for relief in appropriate cases. It had to be borne in mind also that a significant element of the Charge was comprised of the high safety net figure for Rochford which would not be repeated in future years. The new system was not perfect but its critics had not identified a better alternative.

The Committee paid tribute to the achievement of the Finance Directorate staff involved in producing the Budget in line with the target that had been set.

Resolved that Minutes 85, 86 and 137 (Setting The Level of Community Charge 1990/91) be received and the recommendations contained therein be adopted. (31758)(T)

000360

CHAIRMAN

Phyllis Cooke

DATE