

TITLE : 05/00964/FUL
TEMPORARY USE OF CRICKET PAVILION FOR USE AS A
CHILDRENS PRE-SCHOOL
LAND ADJACENT RECREATION GROUND RAWRETH LANE
RAYLEIGH

APPLICANT : DOWNHALL UNDER FIVES

ZONING : METROPOLITAN GREEN BELT

PARISH: RAWRETH

WARD: DOWNHALL AND RAWRETH

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

This application was included in Weekly List no 811 requiring notification of referrals to the Head of Planning Services by 1.00 pm on Tuesday, 17 January 2006, with any applications being referred to this meeting of the Committee. The item was referred by Cllr C I Black and Cllr R A Oatham.

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

4.1 Rawreth Parish Council - No Objections.

NOTES

4.2 This application is to a site on the northern side of Rawreth Lane 340m east of the junction with the A1245. The site comprises a cricket field and pavilion which adjoins Rawreth Recreation Ground. The existing pavilion was granted permission under application reference 99/00222/FUL. This decision was subject to the following conditions:

4.3 2) The clubhouse hereby permitted shall be used only in conjunction with the primary use of the site as a cricket ground. Furthermore, the facilities provided within the clubhouse, including the bar, kitchen and hall, shall only be used by members of the cricket club, their guests and other users of the cricket ground for bona fide uses associated with the operation of the site for cricketing purposes. Under no circumstances shall the clubhouse be used for any other purpose including hire for special events.

REASON: To ensure the development's continued compliance with Green Belt Policy.

- 4.4 3) Notwithstanding the provisions of Article 3, Schedule 2, Part 4, Class B of the Town and Country Planning (General Permitted Development) 1995 Act (including any Order revoking or re-enacting that Order, with or without modification) the cricket ground shall not be used for the purposes specified in the above class, whether or not incidental to the approved use, including any such use for any temporary period.
- REASON: To enable the Local Planning Authority to retain adequate control over such uses, in the interests of residential amenity and highway safety.
- 4.5 The proposal is to use the existing pavilion for a temporary period between 4th January – 31st March 2006 because the applicants have lost their former premises at the scout hut at Ferndale Road.
- 4.6 The proposal is a temporary measure whilst alternative accommodation is sought for the period beginning 1st April. The Cricket Club have given written indication that because of the start of the cricket season the facility will not be available from 31st March.
- 4.7 The applicants intend to operate the same hours as has been the case at Ferndale Road scout hut.
- 4.8 The applicants intend to operate a pre-school between the hours of 9.20 - 11.50 am Monday - Friday with an additional afternoon session 12.30 -3.00 pm on Wednesdays. The numbers of children and staff may vary but each session would not run any more than 20 children and 5 staff.
- 4.9 The applicants state that parents would generally arrive at 9.10 am and will vacate by 9.30 am and will return at 11.40 am and vacate by 12.00 midday. Parents for the Wednesday afternoon session would arrive at 12.20 pm vacating by 12.40 pm and will return at 14.50 pm to vacate by 15.10 pm.
- 4.10 The applicants confirm that each session will only use indoor facilities and at no time would undertake activities outside the pavilion.
- 4.11 The site is located within the Metropolitan Green Belt. Policy GB1 to the Council's Adopted Local Plan (1995) and Policy R1 to the emerging Local Plan (2004) strictly control development which is otherwise allowed only in very special circumstances. Both conditions to the permission for the pavilion restrict the use to cricketing purposes (condition 2) and for no other purpose including any temporary use (condition 3) unless specifically approved by the Local Planning Authority.
- 4.12 The existing use falls within Use Class D2 to the Town and Country Planning (Use Classes) Order 1987 (as amended). The proposed use falls within Use Class D1 and notwithstanding the conditions described above requires express planning permission.
- 4.13 The applicants have needed to find suitable accommodation quickly but within the same locality as their established operation. It is clear that if a purpose built nursery facility were proposed on the site such an application would be considered inappropriate and harmful to the Green Belt.

- 4.14 Advice contained within Planning Policy Guidance Note no. 2 Green Belts (paragraph 3.8) states that the re-use of existing buildings within the Green Belt is not inappropriate providing such uses would not have a materially greater impact on the openness of the Green Belt than the existing use.
- 4.15 The activities would be contained within the building and would not add to any of the built form or hard surfaced area on the site. The use of the car park would impact similarly to Cricket fixtures but for short durations in each day. In Green Belt terms a planning permission can be justified for the proposal but the location conflicts with sustainability policies and would only be justified for a temporary period given the special circumstances of the applicant.
- 4.16 Condition 2 of the existing permission restricts the temporary use of the building in terms of residential amenity and highway safety. The containment of activities within the building and distance of the building from neighbours should overcome any concerns at loss of neighbour amenity, but given the concerns expressed by the County Highway Authority that vehicles could back up onto Rawreth Lane arising from the inability for vehicles to pass within the access road serving the car park on site, permission should not be granted.
- 4.17 **Essex County Council Highways and Transportation** - recommend Permission be refused for the following reasons:
- 4.18 Access to the Cricket Pavilion is taken from Rawreth Lane, a secondary distributor road with a 60mph speed limit, the access road and pavilion itself is unmade and narrow and will not allow two vehicles to pass within the confines of the site access. This may lead to vehicles waiting on Rawreth Lane to allow vehicles to exit the site to the detriment of other road users and general highway safety.
- 4.19 Facilities within walking distance are minimal, therefore due to the location of the site it is likely that all drop offs and collections of nursery children will be by car and therefore the movements to and from the site will be significantly higher than the existing site use.
- 4.20 The proposal is therefore contrary to the aims of promoting accessibility, as contained in Policy T3 of the Essex and Southend-on-Sea Replacement Structure Plan adopted April 2001 and Contrary to the intentions of Government Policy.
- 4.21 **Head of Housing, Health and Community Care** - No adverse comments to make.

REFUSE

- 1 Access to the Cricket Pavilion is taken from Rawreth Lane, a secondary distributor road with a 60mph speed limit, the access road and pavilion itself is unmade and narrow and will not allow two vehicles to pass within the confines of the site access. This may lead to vehicles waiting on Rawreth Lane to allow vehicles to exit the site to the detriment of other road users and general highway safety.

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Relevant development plan policies and proposals

GB1, R1, of the Rochford District Council Local Plan First Review

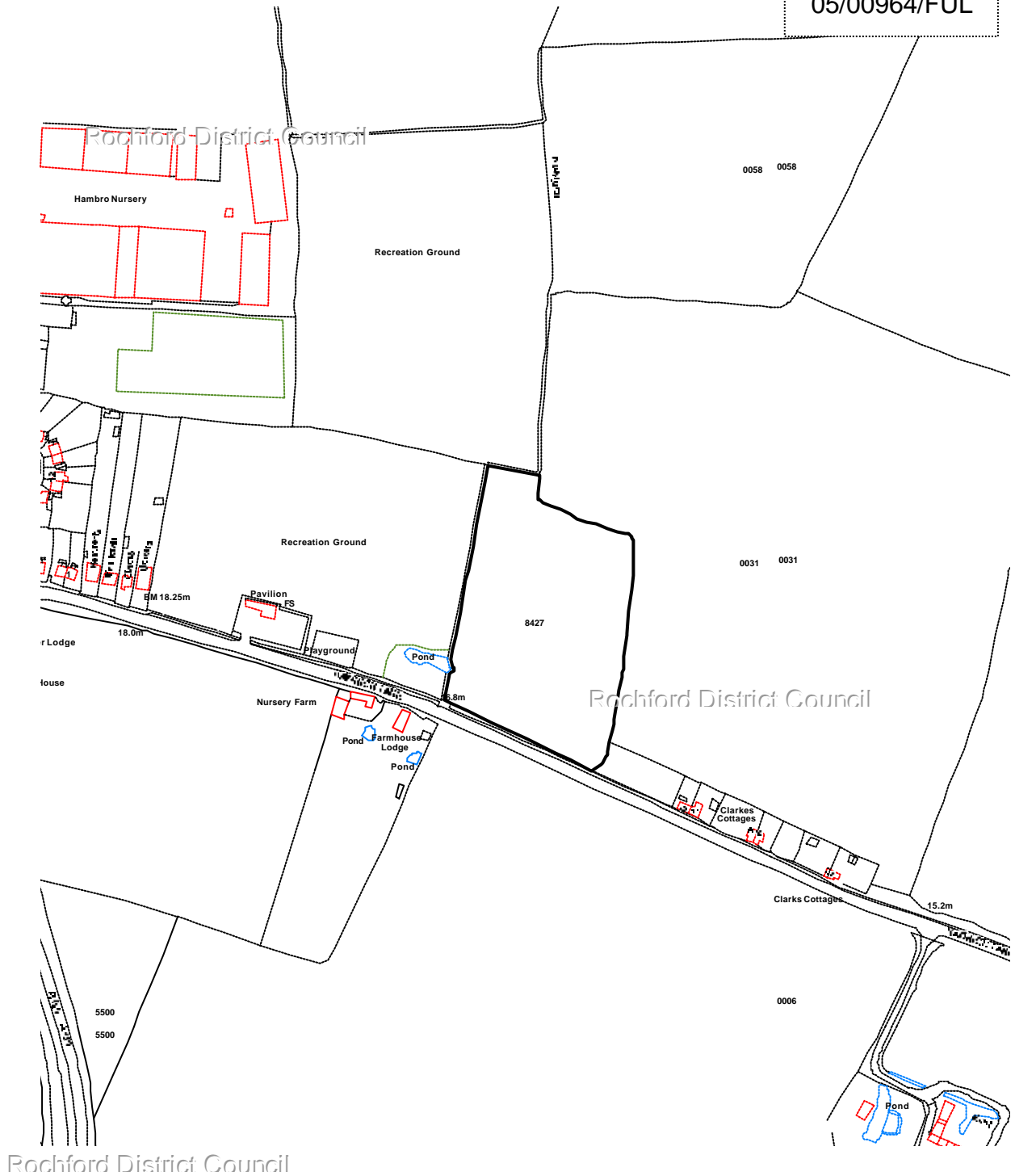
T3, of the Essex Structure Plan Adopted 2nd Alteration



Shaun Scrutton
Head of Planning Services

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

05/00964/FUL



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