



**Rochford District
Council**

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY
DEVELOPMENT CONTROL COMMITTEE - 23 October 2008**

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

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

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

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

Ward Members for Committee Items

ROCHFORD

Cllr J P Cottis

Cllr K J Gordon

Cllr Mrs G A Lucas-Gill

WHEATLEY

Cllr J M Pullen

Cllr Mrs M J Webster

REFERRED ITEMS

R1	08/00661/FUL Single Storey Pitched Roofed Extension to Form Orangery. The Lawn, Hall Road, Rochford	Mrs Monica Palmer	PAGE 4
R2	08/00677/FUL Construct 2 No. Detached Three Bedroomed Bungalows With Integral Garages and Access Drive Land Rear Of 16 To 24 Kingswood Crescent, Rayleigh	Mrs Judith Adams	PAGE 9

SCHEDULE ITEM

3	08/00670/FUL Construct Five Storey 150 Room Hotel, Restaurant, Ballroom, and Conference Facilities and Two Four Storey Office Buildings, Construct New Access from Cherry Orchard Way, Landscaping and Parking. Land Between The Athenaeum Health Club and Cherry Orchard Way, Rochford	Mr Robert Davis	PAGE 18
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SCHEDULE ITEM R1

**TITLE: 08/00661/FUL
SINGLE STOREY PITCHED ROOFED EXTENSION TO FORM
ORANGERY
THE LAWN HALL ROAD ROCHFORD**

APPLICANT: MR D KEDDIE

ZONING: METROPOLITAN GREEN BELT

PARISH: ROCHFORD PARISH COUNCIL

WARD: ROCHFORD

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

This application was included in weekly list no. 950 requiring notification of referrals to the Head of Planning and Transportation by 1.00 pm on Tuesday, 30 September 2008, with any applications being referred to this meeting of the Committee. The item was referred by Cllr Mrs G A Lucas-Gill.

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

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- 1.1 **Rochford Parish Council:** Support, as extension is on existing foundations.

NOTES

- 1.2 Permission is sought for a single storey pitched roofed extension to form an orangery. The Lawn is a Grade II listed former dwelling house set within a private estate of some 47 hectares within the Metropolitan Green Belt.
- 1.3 This application follows on from applications 05/917/FUL and 05/918/LBC which were dismissed on appeal on 18 October 2006.
- 1.4 In dismissing the appeal the inspector concluded that the main points were:-
1. In listed building terms, "although an extension would be broadly acceptable...the proposal would fail to preserve the special architectural and historic interest of the building and its setting, in conflict with Local Plan Policy UC7 and contrary to Government advice in PPG15."

SCHEDULE ITEM R1

2. "As the extension proposed in this case does not fall within any of the use categories listed in paragraph 3.4 of PPG2 or in the SP and LP policies, I conclude that the proposal would constitute inappropriate development and would thus cause harm."
 3. "The size and bulk of the extension would be such that it would materially increase the amount of built development on the site, resulting in a perceived and actual reduction in openness, to the detriment of the visual amenity of this part of the Green Belt. Whilst the extension would not generally be seen by the public at large, PPG2 makes clear the fundamental aim of national Green Belt policy to keep land permanently open, an aim which is not contingent upon that openness being visible to the general public."
 4. "Paragraph 1.4 of PPG2 identifies openness as the most important attribute of Green Belts and I conclude that the loss of openness arising from this proposal would detract from the visual amenity of the Green Belt and add to the harm caused by the inappropriateness of the development."
 5. With regard to very special circumstances: "While the previous existence of built development on the appeal site is clearly a material consideration, I can afford it only limited weight in view of the time which has elapsed since demolition took place... I appreciate the need for the business to remain competitive. There is, however, nothing before me to indicate that its viability is in doubt or that there is a pressing need for enabling development to safeguard the building's future maintenance. Whilst I acknowledge and sympathise with the appellant's operational difficulties, this is a matter which should have been predicted when the change of use application was made..."
 6. "...These matters do not, individually or collectively, constitute very special circumstances of the kind needed to justify inappropriate development... The proposed extensions would represent inappropriate development in the Green Belt that would cause harm by reason of both inappropriateness and loss of visual amenity. I find that there are no very special circumstances sufficient to overcome this harm and that the proposal conflicts with SP Policy C2, LP Policy GB1 and Government guidance in PPG2."
- 1.5 The applicants have submitted this application in an attempt to overcome the main points raised by the inspector.

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- 1.6 In broad terms the application remains similar to that considered by the inspector but has been supplemented by additional information; the applicants contend that this additional information amounts to very special circumstances.
- 1.7 The bulk of the current proposal is essentially the same as that previously refused, being 1m. less in depth and 3m. wider, albeit to a different layout achieving overall more floor space than previously proposed. However, it has incorporated advice from the Conservation Officer resulting in a more lightweight orangery with greater articulation from the main building. The slender pilasters and entablature have been detailed to reference the existing colonnade and balcony whilst remaining subordinate and set back along the main building line. In terms of its location, size and design it now has the full support of the Conservation Officer.
- 1.8 The very special circumstances claimed by the applicant can be summarised as follows:-
- the modest single storey proposal replaces a much more significant two-storey structure, which once stood on the site;
 - The proposal will play a vital role as enabling development to ensure the long-term preservation of an irreplaceable heritage asset;
 - The current use is the most acceptable use for the building to secure its future;
 - The proposals will allow the approved use of the building to maintain a competitive position and will secure the long-term future of a high quality service business;
 - Will not result in any visual intrusion in the rural area;
 - Will enhance and restore the architectural balance after the 1957 demolition of the west wing and winter garden. Will also hide from the front lawn the ugly Victorian Servants' Wing;
 - The current employment of 25 staff or more would be retained with a secure future for the business;
 - Improved access and circulation for staff and visitors;
 - The proposed Brownfield site bears clear evidence of its previous building use, with much of the original foundation. It is also shown on the current OS maps;
 - The current deteriorating economic climate will increase costs, reduce demand and prejudice employment in the next few years.
- 1.9 It is considered that the information submitted with this application does not amount to very special circumstances and therefore is considered to result in inappropriate development in the Green Belt.
- 1.10 Given that the very special circumstances have not been justified in this case, it is recommended that the application should be refused for the same reason as that for 05/00917/FUL.

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- 1.11 **County Highways:** No objection.
- 1.12 **London Southend Airport:** No safeguarding objections.
- 1.13 **Engineers:** No objections/observations.
- 1.14 **Essex County Council Conservation Officer:** The scheme is an improvement over earlier designs. No objections on conservation grounds. Recommend consent with agreement on materials before work commences. All windows should be painted timber, single-glazed with puttied glass.
- 1.15 **RECOMMENDATION**

It is proposed that the Committee **RESOLVES** to **REFUSE** the application for the following reasons:-

- 1 The Rochford District Replacement Local Plan shows the site to be within the Metropolitan Green Belt and the proposal is considered to be contrary to Policy R1 of the Local Plan. Within the Green Belt, as defined in this policy, planning permission will not be given, except in very special circumstances, for the construction of new buildings or for the change of use or extension of existing buildings.
- 2 The proposed extension of this building to form an orangery, connected with a 'wedding/function suite business' does not fall within the specified exceptions to the above policies and would therefore amount to inappropriate development. The side extension to the building would materially add to the impression of built development at the site reducing the degree of openness to the side of the property on the site. The reasons for the extension submitted in support of the application by the applicant do not amount to very special circumstances necessary to outweigh the normal presumption against inappropriate development and the harm to the openness of this part of the Green Belt. The proposal is therefore considered inappropriate and excessive and contrary to the above policy and would prove detrimental to the character and appearance of that part of the Green Belt within which the site forms part.

Relevant Development Plan Policies and Proposals

R1, BC3, of the Rochford District Council Adopted Replacement Local Plan

SCHEDULE ITEM R1

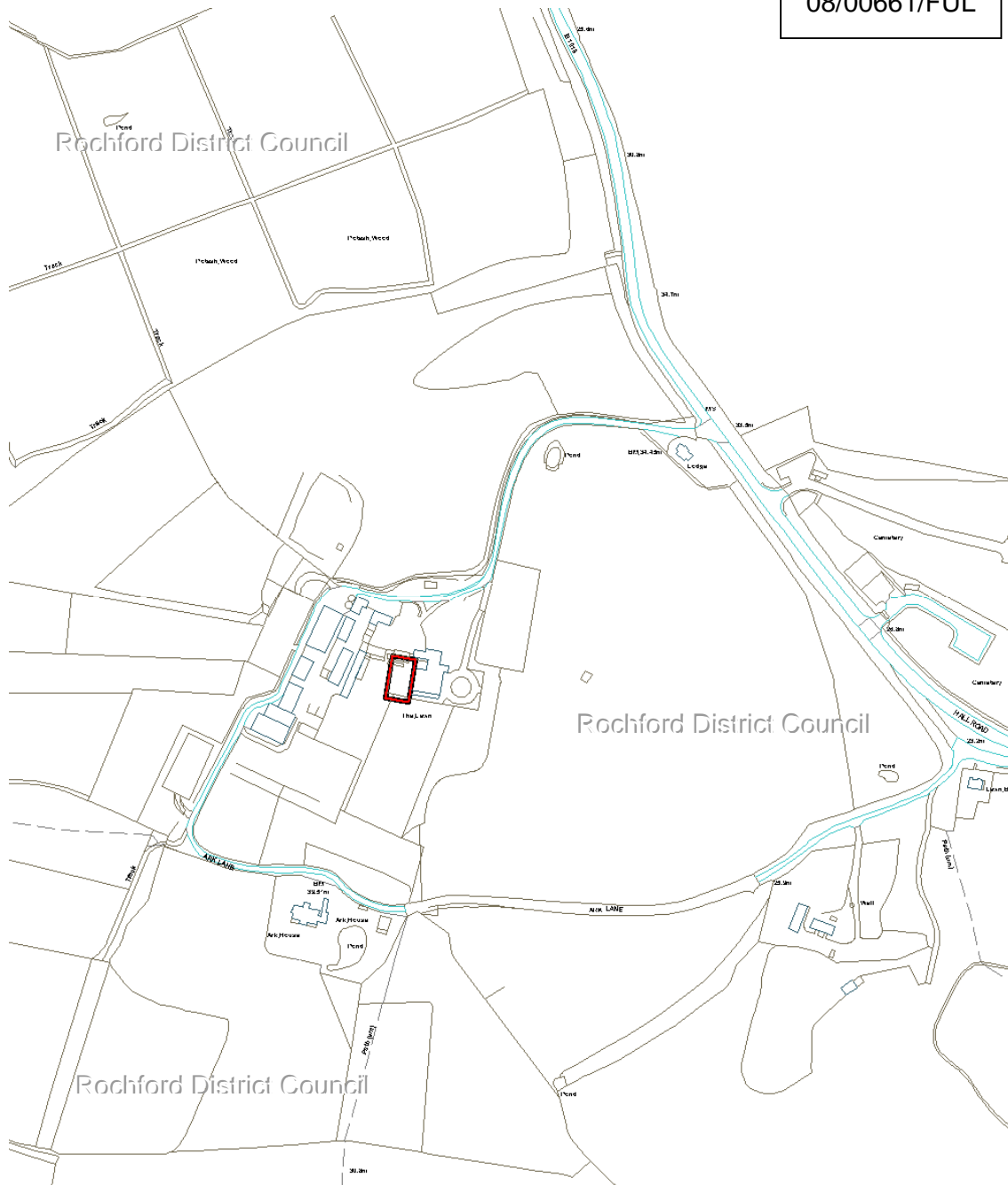
A handwritten signature in black ink, appearing to read 'Shaun Scrutton'.

Shaun Scrutton
Head of Planning and Transportation

For further information please contact Monica Palmer on (01702) 318102.

SCHEDULE ITEM R1

08/00661/FUL



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SCHEDULE ITEM R2

**TITLE : 08/00677/FUL
CONSTRUCT 2 NO. DETACHED THREE BEDROOMED
BUNGALOWS WITH INTEGRAL GARAGES AND ACCESS
DRIVE
LAND REAR OF 16 TO 24 KINGSWOOD CRESCENT
RAYLEIGH**

APPLICANT : MR S PAGE

ZONING : RESIDENTIAL

PARISH: RAYLEIGH TOWN COUNCIL

WARD: WHEATLEY

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

This application was included in Weekly List no. 950 requiring notification of referrals to the Head of Planning and Transportation by 1.00 pm on Tuesday, 30 September 2008, with any applications being referred to this meeting of the Committee. The item was referred by Cllr Mrs M J Webster.

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

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- 2.1 **Rayleigh Town Council:** Objection, the application is considered to be an undesirable form of backland development.

NOTES

- 2.2 Planning permission is sought for the construction of two new dwellings on land currently forming part of the rear gardens of two properties; one in Kingswood Road and one in Great Wheatley Road. The site is situated wholly within an area designated for residential use in the Rochford District Replacement Local Plan 2006.
- 2.3 The application follows the recent refusal of two previous schemes to the same layout and design under 08/00162/FUL and 08/00403/FUI. These were refused on grounds relating to lack of an adequate ecological survey of the site.

SCHEDULE ITEM R2

- 2.4 The application site comprises a substantial plot of 0.25 hectares to the rear of Nos. 16-24 Kingswood. The proposal involves the construction of two detached bungalows positioned immediately to the rear of Nos. 18-20, set out at right angles to these properties as well as to the rear gardens of dwellings in Great Wheatley Road. Access to the development is achieved via Kingswood Crescent between Nos. 16 and 18. The site width across the face of the development is some 24m and a 1m separation is achieved all round.
- 2.5 Given the residential designation of the site, this form of backland development is not unacceptable in principle, nevertheless it is essential that such schemes do not impinge on the amenities of the existing residents.
- 2.6 The bungalows are mirror images of each other. They are 9.25m wide to an overall depth of 19m, although this is reduced to 15.5m adjacent to the boundaries with existing dwellings. The hipped roof of the bungalows is 5.6m to the ridge but reduced to 4.3m to the front elevation and further decreased to 3.9m at the rear.
- 2.7 Within each plot the bungalows are positioned 18.5m from the rear boundary with the rear garden serving No. 41 Great Wheatley Road.
- 2.8 The proposal shows provision of garden areas (approximately 241.5m² and 247.5m²) which are well in excess of policy requirements. A sufficient garden area is also retained to serve the existing bungalow at No.16 (approximately 168.75m²). Prior to the submission of the current application this garden has since been fenced off.
- 2.9 Each bungalow has a single integral garage which, together with hardstanding to the front of the dwellings, provides for the parking of a minimum of two vehicles. This is adequate for 3 bedroomed properties in this location.
- 2.10 The scheme proposes an access drive between Nos. 16 & 18 Kingswood Crescent running perpendicularly to a turning head at the rear of No. 33 Great Wheatley Road. This is set 1.5m from the plot boundary with No.16 and is between 1.5m and 5.5m from an existing wooden boundary fence at No. 20.
- 2.11 The Highway Authority has no objection to the proposal, subject to a number of conditions including the provision of suitable visibility splays, provision for on-site materials storage and parking during construction and cleansing of wheels of vehicles leaving the site.

SCHEDULE ITEM R2

- 2.12 The new bungalows would intensify activity at the site and generate vehicle movement and activity between the two properties in Kingswood Crescent as well as to the rear gardens of Nos. 31-35 Great Wheatley Road, where none currently exists. Inevitably this will have some impact on the residential amenity of the occupiers of these neighbouring properties. However, it is considered that, given the separation between the proposed drive and these neighbours in conjunction with the opportunity to provide suitable buffering and/or screening, such activity is acceptable and would not be of sufficient harm to substantiate a reason for refusal.
- 2.13 The immediate area is characterised by mixed housing built to various styles and it is not considered that the new bungalows would be out of character with either the appearance or form of development within the surrounding area. The scale of the proposal is comparable with the adjacent low-rise bungalows within Kingswood Crescent at Nos. 8-16. The bungalows would not be prominent within the existing street scene, affording only oblique views from along the public realm in Kingswood Crescent. It is not felt that any loss of openness to the site is of sufficient harm to justify a refusal of planning permission.
- 2.14 Due to the single storey nature of the development the proposal is not felt to create any issues regarding overlooking or overshadowing as existing boundary fences protect privacy between dwellings. Given the modest scale of development, it is not considered that the proposal would be over bearing or detrimental to the residential amenity of any neighbours, including those immediately adjacent at Nos.18 and 20 Kingswood Crescent.
- 2.15 The proposal involves the development of a substantial area of garden in which there is potential for the presence of a variety of wildlife including protected species. The reason for refusal of the previous application was lack of a suitable ecological survey of the site addressing these concerns, without which an informed decision could not be made on the application.
- 2.16 The current application seeks to overcome this reason for refusal through the submission of an amended ecological survey of the site. This report concludes that the site does not support any protected species and that the proposed development will have no impact on any form of wildlife in the area. The Council's ecological officer considered that the original report was insufficient and weak in many areas. However, he is of the opinion that the amended report satisfactorily addresses the detail missing in the original submission and does not maintain an objection to the proposal.
- 2.17 Based on the information provided in the application Natural England has no objection to the proposed development. Furthermore Essex Wildlife Trust have retracted the holding objection that was made against the previous application and comment that all their concerns have been resolved.

SCHEDULE ITEM R2

- 2.18 In light of the above expert advice it is considered that the submitted ecological report provides adequate information from which a decision can be made and therefore successfully overcomes the previous reason for refusal. Given that no objections or concerns are raised with respect to the impact of the proposal on biodiversity or protected species it is therefore recommended that the application be approved.
- 2.19 **Buildings/Technical Support (Engineers):** No objections or observations.
- 2.20 **Rayleigh Civic Society:** Plans very similar to 08/00162/FUI and 08/00403/FUI to which objection made due to the site being too small. Comment that it is unclear where the 6 parking spaces are to be positioned and what the area to the east of the turning head is for.
- 2.21 **Essex Wildlife Trust:** The previous holding objection against the application is withdrawn. All concerns have now been resolved with the production of this ecological survey.
- 2.22 **Natural England:** No objection.
- 2.23 **Essex County Highways:** No objection, subject to conditions relating to visibility splays, storage of materials on site, wheel cleansing and access construction.
- 2.24 **Arboricultural Officer:** No trees on site subject to TPO or worthy of this status. Recommends protection of six identified trees and part of existing hedge line through the use of a planning condition.
- 2.25 **Woodlands (Ecological Officer):** Considers the revised ecological report to be satisfactory and that it provides the information/detail that was missing in the original.
- 2.26 Neighbours: 32 letters been received in response to the public consultation, which in the main make the following comments and objections:-
 - Kingswood Crescent is too narrow for another access road
 - Would set a precedent for further backland development
 - Application differs very little from the two previous refusals
 - Concern regarding overcrowding
 - Already congestion in area, recently increased by introduction of double yellow lines in Great Wheatley Road
 - Proposed entry road close to dangerous bend
 - Problems likely to result with regard to access for emergency vehicles
 - Severe parking problems already in Crescent and estate generally
 - Problem within estate with regard to manoeuvring of large lorries and consequent damage to pavements, verges and drives
 - Previous reasons for refusal remain unchanged

SCHEDULE ITEM R2

- Badger runs already affected
- Disagreement that the development would not have an adverse impact on biodiversity and wildlife
- Number of trees on site already knocked down
- Type of development inappropriate in this area
- Gardens should not be built on
- Will adversely affect existing character of a sought after area
- Amended ecological survey only adds a few qualifications
- Proposal would destroy current openness of area
- Loss of views
- Interest of residents should be put before those of a single developer
- Rayleigh already reached saturation point for new development
- Semi-rural area which at present is a wildlife haven with close proximity to woodland
- Construction process will cause massive disruption, noise and pollution as well as increasing parking problems
- New housing will exacerbate existing traffic problems and difficulties getting in and out of the Great Wheatley Estate
- Overlooking by new properties to existing dwellings
- Priority must be given to protecting existing amenity of properties and safeguarding character and setting of area
- Concern that the proposal will create unacceptable sense of enclosure
- Concern regarding security of adjacent properties
- Potential for light pollution from car headlights
- Proposed bungalows sited too close to the boundary
- Copse of trees to east of proposal presents opportunity for further development
- Some residents in area already approached to sell their gardens
- Concern that global warming, flooding, loss of habitat and anti-social problems from overcrowding will be exacerbated if gardens are allowed to be built on
- Would erode property values
- Proposals not for affordable homes
- Estate was not built to accommodate additional access roads
- Concern that safety of young children and elderly may be jeopardised
- Infrastructure not sufficient to cope with more housing in area
- Overdevelopment
- Loss of privacy
- Reduction in open space will have negative impact on area

2.27 There is also reference made to a petition presented to Cllr Mrs Webster against the development, although no such document has been received by the planning department.

2.28 In addition, a letter objecting to the proposed development has been received from the constituency MP.

SCHEDULE ITEM R2

2.29 RECOMMENDATION

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

- 1 SC4B Time Limits Full - Standard
- 2 SC14 Materials to be Used (Externally)
- 3 No development shall commence before plans and particulars showing precise details of the hard and soft landscaping, which shall form part of the development hereby permitted, have been agreed in writing by the Local Planning Authority. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority, which shall show the retention of existing trees, shrubs and hedgerows on the site and include details of:-
 - schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;
 - existing trees to be retained;
 - areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
 - paved or otherwise hard surfaced areas;
 - existing and finished levels shown as contours with cross-sections, if appropriate;
 - means of enclosure and other boundary treatments;
 - car parking layouts and other vehicular access and circulation areas;
 - minor artefacts and structures (e., furniture, play equipment, refuse or other storage units, signs, lighting etc);
 - existing and proposed functional services above and below ground level (eg, drainage, power and communication cables, pipelines, together with positions of lines, supports, manholes, etc);

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

- 5 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class B and/or Class C, of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) no dormers, roof lights or any other openings shall be inserted, or otherwise erected, within the roof area (including roof void) on the bungalows hereby permitted.

SCHEDULE ITEM R2

- 6 No development requisite for the erection of the dwellings shall commence before plans and particulars showing precise details of a satisfactory means of surface water drainage (including attenuation measures, if appropriate) for this site have been submitted to and agreed in writing by the Local Planning Authority. Any scheme of drainage details, as may be agreed in writing by the Local Planning Authority, shall be implemented commensurate with the development hereby permitted and made available for use upon completion of the development.
- 7 No development requisite for the erection of the dwellings shall commence before plans and particulars showing precise details of a satisfactory means of foul water drainage for this site have been submitted to and agreed in writing by the Local Planning Authority. Any scheme, as may be agreed in writing by the Local Planning Authority, shall be implemented commensurate with the development hereby permitted and made available for use prior to the occupation of the dwellings.
- 8 No development shall commence before a visibility splay of 2.4m. x site maximum, as measured from the carriageway edge, shall be provided either side of the new access, with no obstruction over 600mm above the level of the adjacent carriageway.
- 9 The vehicular access hereby permitted shall not be used by vehicular traffic before sight splays measuring 1.5m x 1.5m, providing unobstructed visibility of pedestrians using the adjoining footway, have been provided at both sides of the access at its junction with the adjoining highway. Once provided, the said visibility splays shall be retained thereafter and maintained in their approved form free of obstruction above a height of 600mm above the finished surface of the approved vehicular access.
- 10 Prior to commencement of works on the site the applicant shall indicate in writing to the Local Planning Authority an area within the curtilage of the site for the parking of operatives' vehicles and the reception and storage of building materials clear of the highway, such scheme to be agreed in writing by the Local Planning Authority and development to be in accordance therewith.
- 11 Prior to any works commencing on site the applicant shall indicate in writing to the Local Planning Authority the means by which the wheels of vehicles leaving the site shall be cleansed, such scheme to be agreed in writing by the Local Planning Authority and development to be in accordance therewith. Prior to the beneficial use of the development commencing the driveway shall be constructed and completed in bound materials in accordance with details which shall have previously been agreed in writing by the Local Planning Authority and thereafter shall be retained in the approved form.

SCHEDULE ITEM R2

REASON FOR DECISION

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

Relevant Development Plan Policies and Proposals

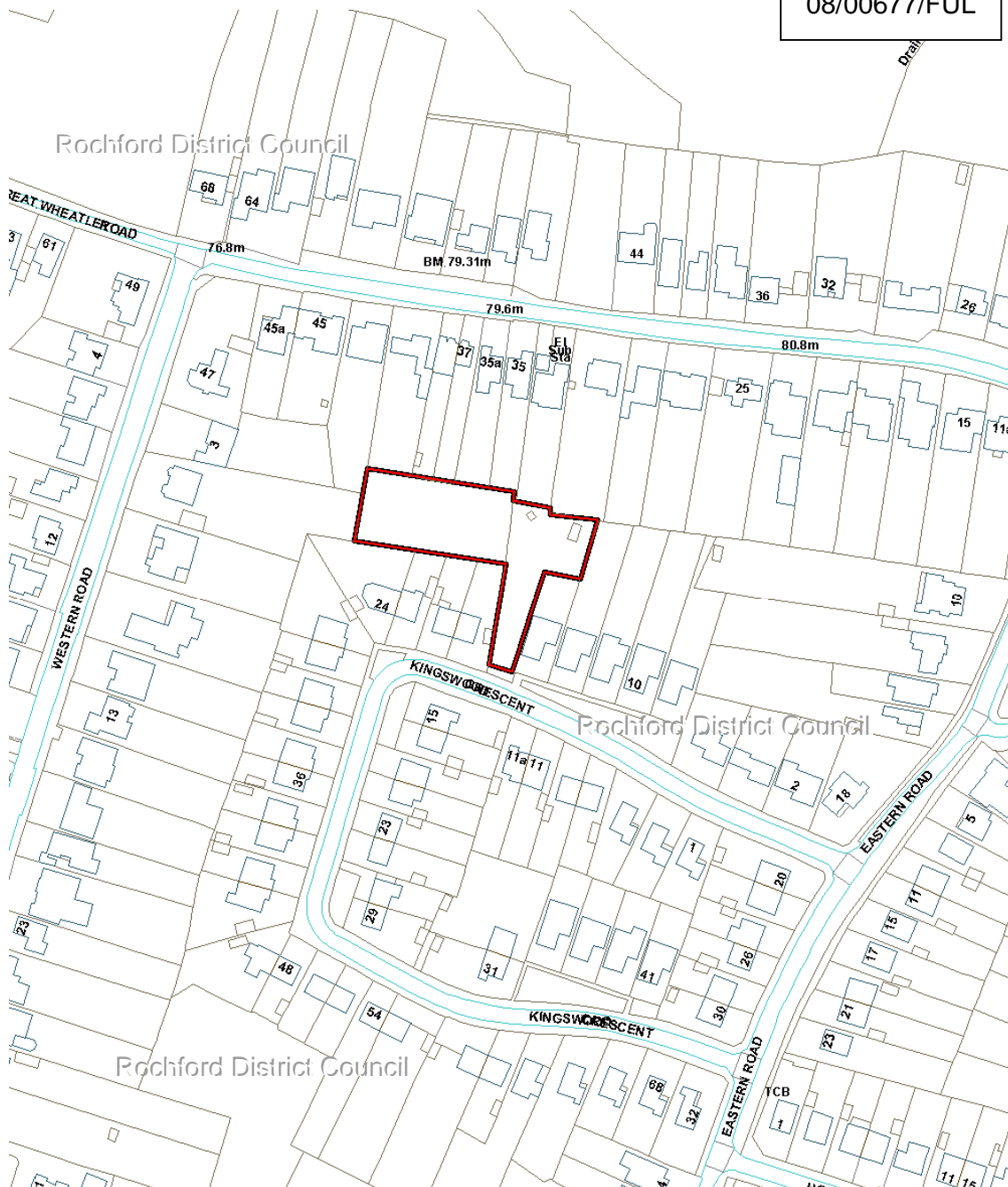
HP1, HP5, HP3, HP6, HP7, HP10, HP11, HP14, NR4, NR9, of the Rochford District Council Adopted Replacement Local Plan



Shaun Scrutton
Head of Planning and Transportation

For further information please contact Judith Adams on (01702) 318091.

08/00677/FUL



Rochford District Council, licence No.LA079138

SCHEDULE ITEM 3

**TITLE: 08/00670/FUL
CONSTRUCT FIVE STOREY 163 ROOM HOTEL,
RESTAURANT, BALLROOM, AND CONFERENCE
FACILITIES AND TWO FOUR STOREY OFFICE BUILDINGS,
CONSTRUCT NEW ACCESS FROM CHERRY ORCHARD
WAY, LANDSCAPING AND PARKING.
LAND BETWEEN THE ATHENAEUM HEALTH CLUB AND
CHERRY ORCHARD WAY ROCHFORD**

APPLICANT: MR NIGEL BAYLIS

ZONING: EMPLOYMENT LAND

PARISH: ROCHFORD

WARD: ROCHFORD

INTRODUCTION

- 3.1 The application is to erect a hotel containing 163 bedrooms with banqueting and conference function capacity for 350 people, two office buildings and associated hard and soft landscaping.
- Location
- 3.2 The site for the proposed hotel and two office buildings is to the east of Cherry Orchard Way (B1013), west of Aviation Way and approximately 2 kilometres southwest of Rochford town centre. The site is within the Aviation Way employment area, zoned as for B1, B2 or B8 uses, and forms part of the area covered by the Joint Area Action Plan (JAAP) currently being prepared by Rochford District Council and Southend-on-Sea Borough Council.
- 3.3 The site is predominantly surrounded by industrial and administrative units including the motor park on the western side of Cherry Orchard Way that is currently under construction. It occupies an approximate area of 4.5 hectares. The topography of the site is flat with an average level of 14m aOD.
- 3.4 The central part of the site is occupied by an existing health club known as The Athenaeum Club accessed from Aviation way by two points of access. To the north of the building lies the main site parking. Around the building and parking areas are areas of landscaping and untended grassland. To the north of the site are some mounds consisting of excavated brickearth removed during the construction of the indoor swimming pool within the leisure complex.

SCHEDULE ITEM 3

PRINCIPLE OF THE DEVELOPMENT

Design and Layout

- 3.5 The two proposed office buildings are to be located in the southeast and southwest sections of the site. The buildings would be of similar design but with different exterior finishing and would complement the design of the hotel. Each building would have an external footprint of 550m² with a total of 2,125m² internal floor space arranged over four main levels with a further, smaller, plant level above. They would consist of central vertical circulation core, splitting the building into two symmetrical halves, with the core area connecting the entrances with the upper office levels.
- 3.6 Office A would feature stucco white render as the predominant external material and Office B would be in brick. The top storeys of each building visible above the masonry walls are to be clad in dark powder-coated metal cladding. The roofs would be low pitch with dark grey slates. Windows are to be of dark grey powder coated metal.
- 3.7 The hotel is to be located at the northern end of the site. Constructed over 5 storeys it would consist of a central core area containing a south facing entrance for guests with curved wings to each side. An entrance off Aviation Way would allow access to the service yard and staff parking area to the rear of the building.
- 3.8 The ground floor would contain the communal guest areas with the main function room and service areas to the rear. The bedrooms would be located on three floors of the wings with the central section containing lifts, stairs and housekeeping areas.
- 3.9 The building would occupy a footprint of 3180m² with a total internal floor space of 10,000m². Of this the ground floor would be 3,080m², the three levels above circa 1,900m² and the top level 1,200m². The design principles and external finishing are harmonious with the two office buildings.

Flood Risk

- 3.10 The application has been supported by a Flood Risk Assessment (FRA). The Environment Agency Flood Maps indicate the south eastern corner of the site to be within Flood Zones 2 and 3. The latest July 2008 data provided by the Environment Agency indicates that the site now lies within Zone 1 and therefore outside areas are deemed to be at risk of flooding.

SCHEDULE ITEM 3

- 3.11 The Environment Agency has considered the supporting documents and raised an objection to the application as the management of surface water on the site has not been fully established within the FRA, in order to comply with Planning Policy Statement 25. The effective disposal of surface water is a material planning consideration and identification of ways to manage surface water arising from the development needs to be addressed prior to determination.
- 3.12 The FRA is considered to be deficient in providing information on the provision of aftercare/future ownership or responsibility for any system installed, whether the water/sewerage utilities would be prepared to accept rates and volumes off this site and clarity over the required landtake/ability to store attenuated volumes of water within the site boundaries. The Environment Agency has requested that details of surface run off rates prior to and post development be provided and details of soakaways and storage ponds on site.
- 3.13 The applicant has informed the LPA that, due to time and financial constraints, they are unable to provide the details required by the Environment Agency to overcome their objection prior to the determination of the application. The applicant has requested that, if the application would otherwise be granted approval, a condition be imposed on the consent requiring such details to be provided prior to the development.
- 3.14 The Environment Agency believes that there are fundamental issues that must be made clear in concept before they could agree to any request for a planning condition that might allow for more detailed drainage designs to follow at a later stage. Dialogue on this issue continues with the Environment Agency and, if required, an update will be provided through the Addendum.

Ecological Issues

- 3.15 A letter accompanying the application from Adonis Ecology Ltd considered that there was a significant risk of widespread reptile species being present on site and being impacted by the development as well as the potential for bird species to use the site for nesting during the breeding season. It also recommended that to confirm presence and determine site use a full presence/absence survey for reptiles should be conducted.
- 3.16 Natural England has objected to the application due to insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species.

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- 3.17 In accordance with Planning Policy Statement 9 – Biological and Geological Conservation and the accompanying Circular 06/2005 the presence or otherwise of protected species, and the extent that they may be affected by a proposed development is to be established before a planning permission is granted, otherwise all relevant material planning consideration may not have been addressed in making the decision. The onus falls on the applicant to provide information to enable the Planning Authority to assess impacts on biodiversity prior to determination of the application. The applicant has stated willingness to provide an additional survey following a successful determination of the application, although at present he is presently unable to submit a survey due to time and financial constraints. Circular 06/2005 states that the need to ensure ecological surveys are carried out should only be left to coverage under planning conditions in exceptional circumstances.
- 3.18 Later correspondence from Natural England indicated that whilst it was 'reasonably likely' that native reptiles may be present on site it was also likely that an acceptable mitigation strategy could be formulated and achieved that would in itself be unlikely (although not impossible) to prevent the development proceeding. They have, therefore, invited the Planning Authority to determine whether the circumstances presented by the developer constitute 'exceptional' in the context of Circular 08/2005. In such circumstances a condition could be imposed allowing a survey and mitigation strategy to be submitted and agreed pursuant to an approval of the application.
- 3.19 In the instance that the lack of a full survey be the only material planning consideration preventing an application from being recommended for approval it would be considered reasonable, in such a circumstance, to impose such a condition.

Trees

- 3.20 At present the site has an open nature with limited tree cover. The application has been accompanied by a tree survey identifying the species and quality of the trees on the site; of which none are considered to be of high quality. The majority of trees on site form a belt of 14 trees running along the western side of the car park for a distance of 130 metres with a few isolated specimens on the southern boundary. A small number of trees at either end of the belt would be removed to facilitate the development.
- 3.21 The consultation response from the RDC Tree Officer recommends that development is not permitted until a suitable arboricultural method statement is produced containing precise details of which trees are to be retained, any tree surgery needed and details of protection methods to retained trees during the construction process.

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- 3.22 Due to the nature of the development and the desire to create attractive surroundings for the hotel guests and office users the intention is to plant an extensive number of new trees, native and appropriate for the locale, around the site and in particular along the site boundary to act as sound and visual borders. It is recommended that details of a tree planting strategy for the site be submitted and agreed by the LPA prior to the development. This would substantially overcome the removal of a small number of trees required to facilitate the development.

Access

- 3.23 The Highways Authority has not raised an objection to the scheme, subject to the provision of an access arm onto the Cherry Orchard Way roundabout with a crossing facility for pedestrian and bridleway users, details to be agreed prior to development.
- 3.24 Conditions have also been recommended requiring further information to be submitted and agreed prior to the development with regard to construction traffic movements and the precise detailing of bicycle and two wheeler parking facilities. In addition, and prior to occupation of the development, the parking areas should be completed and made available for use.

Parking

- 3.25 The Transport Assessment accompanying the application indicates that the users of the Athenaeum Club require 25 parking spaces and that existing on site provision is 178 spaces. The existing parking area is to be reduced in size to allow for the hotel development and associated landscaping.
- 3.26 Local standards state that the required number of parking spaces for the development is 163 for the hotel (C1use) and a maximum of 142 for the office buildings (B1use). The site would contain a total of 314 parking spaces including 2 spaces for minibuses and 18 disabled spaces. There would be 140 spaces in proximity to the office buildings, 150 spaces between the hotel and members' club and 24 spaces for hotel staff. This should be sufficient for the existing users of the Athenaeum Club and the users of the proposed hotel and office buildings. The Transport Assessment anticipates demand to be approximately 20% less than actual provision.
- 3.27 In addition there would be cycle parking provision with 192 spaces at various accessible points on the site. This is in excess of local requirements and would promote sustainable travel objectives.

Design Considerations

- 3.28 The urban design team at the County Council have examined the proposal and consider it an acceptable development.

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- 3.29 The proposed buildings are considered to be of an appropriate scale for the location respecting the height and mass of the surrounding commercial buildings and to make the best use of the site.
- 3.30 The development, although visible from the adjacent road network and parts of the Cherry Orchard Country Park nearest to the site, would make extensive use of landscaping softening the built form and providing a visual transition between the urban appearance of the area to the south and the Green Belt to the north.
- 3.31 Within the site the arrangement of the parking areas and pedestrian walkways provide a reasonable degree of permeability; although in certain areas this could be improved upon by additional walkways aiding the legibility of the scheme in the process. This could be discussed at a later stage as part of the landscaping of the site.
- 3.32 The proposed buildings are considered to have a pleasant visual appearance. They would utilise a variety of finishing materials providing a contemporary, yet restrained, appearance to the development. The additional soft landscaping, with the extensive planting of new trees around the site, would highlight the overall quality of the scheme and provide a visual improvement to the existing site and surrounding area.

Acceptability of the Proposal

- 3.33 Whilst in the JAAP area, this is an established site and, although the hotel would be a C1 use and thus a departure from existing development plan, the uses proposed have the potential to complement the expansion of the airport and new employment land proposals that may emerge in the plan. Presently the site is under utilised in terms of the degree of activity on the site and, with the limitation of land available for future development opportunities in the Rochford District, it is important that existing sites make the most efficient use of their land. It is considered that the provision of the two office buildings and a large hotel, offering high standards of accommodation, would provide a catalyst for the employment opportunities offered by the airport and establish a benchmark in the quality and design of future developments.

CONSULTATIONS AND REPRESENTATIONS

- 3.34 **ECC Highways:** No objection, subject to recommended conditions/planning obligations.
- 3.35 **ECC Urban Design:** Application is acceptable. Suggestions made for improvements.
- 3.36 **London Southend Airport:** No objection.

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- 3.37 **Woodlands Section:** There has been no arboricultural method statement supplied to detail how the retained trees will be protected, special construction requirements needed, any tree surgery needed to facilitate development, etc. It is not clear from the tree survey plan and the application plan which trees are to be retained. I would recommend development is not permitted until a suitable arboricultural method statement has been received and approved by RDC.
- 3.38 **Buildings/Technical Support:** Public foul and surface water sewers within the site. Surface water attenuation to be considered due to large area of impermeable surfaces. Flood risk by Eastwood Brook.
- 3.39 **ECC Heritage Conservation Branch:** Unlikely to be any significant archaeological implications as area extensively quarried for brickearth.
- 3.40 **Environment Agency:** Objection as the management of the surface water within the site has not been fully established within the FRA, in order to comply with PPS25.
- 3.41 **Anglian Water:** Recommends informatives and conditions should application be granted
- 3.42 **Natural England:** Objection relating specifically to the likely impact upon native reptiles. Further information required.
- 3.43 **Rochford Parish Council:** Members welcome the proposal.

CONCLUSION

- 3.44 The information contained within the Flood Risk Assessment is considered to be insufficient and further details, overcoming the objection by the Environment Agency, are required to be submitted in order that the Authority determines the application in the correct manner. A suitable reptile survey is also required although, in this instance, it is not considered to be an appropriate reason for a refusal.

RECOMMENDATION

- 3.45 It is proposed that the Committee **RESOLVES** to **REFUSE** the application for the following reasons:-
- 1 The submitted Flood Risk Assessment has not fully established the management of surface water on site, in order to comply with Planning Policy Statement 25, and is thus contrary to Policy NR12 of the Rochford District Replacement Local Plan.

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Relevant Development Plan Policies and Proposals

EB1, LT19, NR12 of the Rochford District Replacement Local Plan

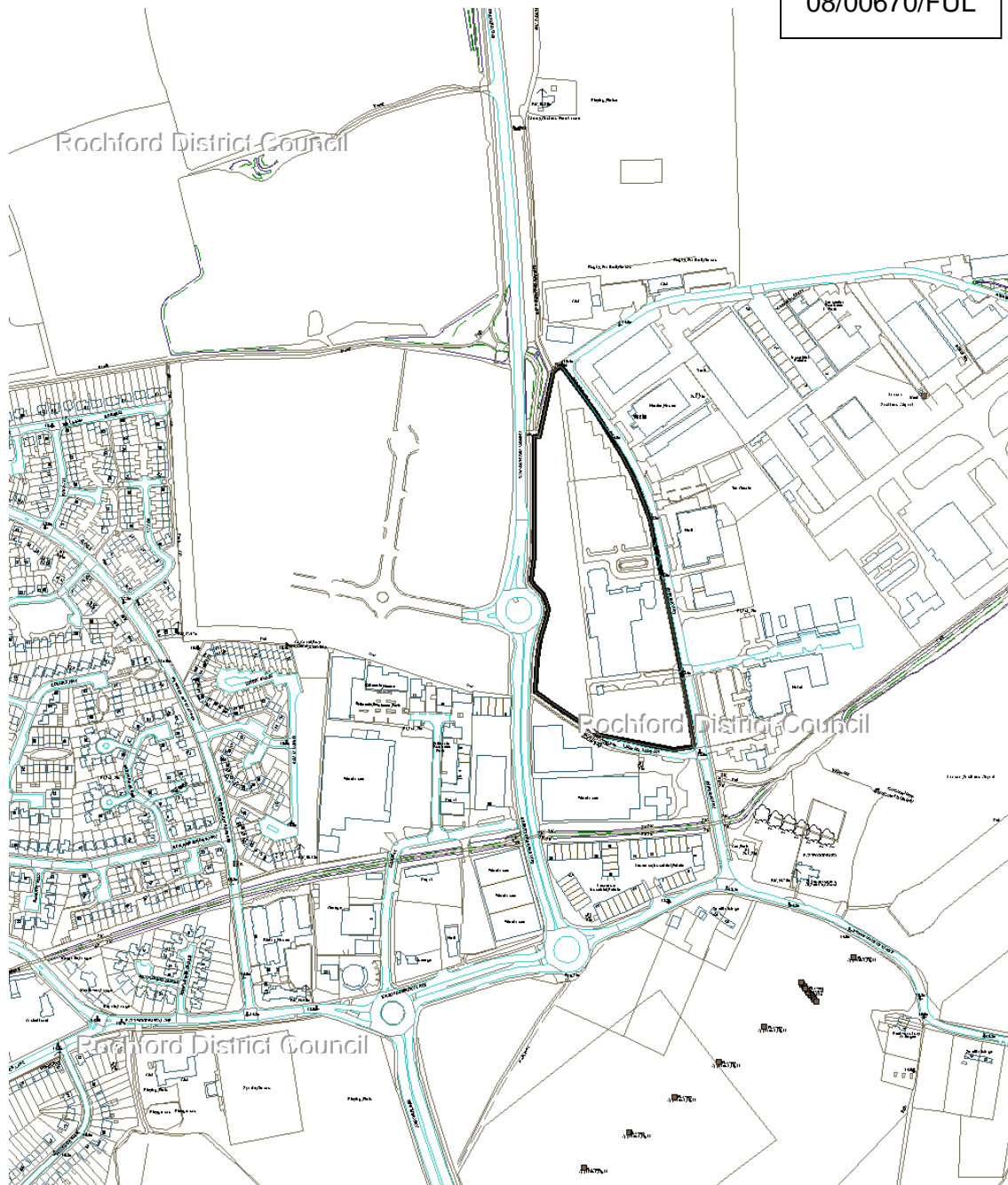
A handwritten signature in black ink, appearing to read 'Shaun Scrutton'.

Shaun Scrutton
Head of Planning and Transportation

For further information please contact Robert Davis on (01702) 318095.

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CODE OF CONDUCT FOR PLANNING MATTERS

GENERAL PRINCIPLES

Members and officers must:-

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

In Committee, Members must:-

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

Members must:-

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

Officers must:-

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