

<p>Item 1 12/00014/FUL Fire Station, Main Road, Hawkwell</p>	<p>Contents</p> <ol style="list-style-type: none">1. Hawkwell Parish Council – Consultation Response2. Head of Environmental Services – Further Consultation Response3. Officer Comments4. Additional Neighbour Contributions <p>1. Hawkwell Parish Council – Consultation Response:</p> <p>Members expressed concern that, whilst they recognised the need for such facilities, they questioned the sense of putting such a training centre in the middle of a residential area with the noise and intrusion that it would undoubtedly cause. They felt the consequent offence to the rights of the surrounding properties to enjoy a normal level of peace and tranquillity in their properties to be a matter of concern. If the Planning Authority was minded to approve, Members would seek guarantees of appropriate noise amelioration and more rigorous control of approved training periods to provide the surrounding households with some opportunity for peaceful enjoyment of their properties.</p> <p>2. Head of Environmental Services – Further Consultation Response:</p> <p>Further to my previous response on the above application, I would like to make the following points:-</p> <p>The tower is not considered to be a significant issue in terms of noise. Training use would be for a maximum of three hours between 0900 hours and 2100 hours seven days a week. This does not seem to apply to the RTC training in the associated supporting information.</p> <p>It is stated in the application that the lighting of the new tower would be orientated so as not to shine into properties nearby and, if this is the case, this should not cause any impact on the residents.</p> <p>Initially, I was of the understanding that the RTC practice facility would be for use by fire fighters and rescue services only, so would not be of intensive use.</p> <p>Should the use of the facility as an education centre for at risk groups (including young drivers) be granted, the use of rescue equipment on vehicles there would need to be limited as the regular cutting of people out of cars may create noise issues in the vicinity.</p> <p>The Head of Environmental Services reports that if Members are minded to approve the application, the following conditions should be attached to any consent granted:-</p>
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I would suggest that a condition restricting the hours of use for power tools and cutting equipment to between 0900 hours to 1800 hours, Monday to Friday, with no working on Saturday, Sunday or Bank Holidays, as this would provide a more reasonable usage of the facility with regard to its location within a residential area. The compound should not be used more than three times a week for this purpose.

There is no indication in the supporting documents as to the level of usage of the facility and thus it is not possible to consider the impact of noise on neighbouring residents.

I would also suggest a condition to recommend that the height and material of the compound enclosure is to be agreed with the LPA following submission of details. The application proposes palisade fencing, but this may not provide a great deal of attenuation for the nearby properties from the noise and metal wheels rolling over concrete gates and noise that might be caused from the opening and closing of the double leaf palisade gates.

A further condition is suggested to regulate any training exercises on the site using the facilities that are the subject of the application to not include the use of flashing lights and sirens in order to protect the residents from being affected by the lights and noise.

There is no previous history of complaint about the fire station from residents on record – either from noise or lighting issues - and thus, at the time of my initial response, I was of the opinion that there were no adverse comments to be made about the application.

However, having reviewed the application, I would be grateful if these matters could be considered in the decision making process for this application.

3. Officer Comments

In response to the points made by the Head of Environmental Services it is also considered that the use of the tower would not be significant in terms of noise generation and that the use of the internal lighting would have no significant impact on neighbouring dwellings as lighting would be enclosed within the structure and directed internally.

If Members are minded to approve the application it is proposed that a condition restricting the use of power tools and cutting tools within the RTC practice facility be implemented in accordance with the recommendation of the Head of Environmental Services; noting it is unclear on what the level of usage of this facility would be, and that the use of noise generating tools may have an adverse impact on local residents.

	<p>It is not considered that an alternative to the proposed palisade fencing would significantly affect noise attenuation on this open site. The occasional opening and closure of the gates in tandem with the operation of the facility is not considered to be a significant generator of noise such that a condition is either reasonable or necessary.</p> <p>Finally, if Members are minded to approve the application a condition to prevent the use of flashing lights and sirens during training exercises, as recommended by the Head of Environmental Services, be implemented in order to protect nearby residents from unnecessary lights and noise.</p> <p>4. Additional Neighbour Contributions; 2 responses – Main Points:</p> <ul style="list-style-type: none"> ○ Noise over 12 hour period 7 days a week will be intolerable ○ Residential and not industrial area ○ Noise pollution from cars being cut up ○ Effect of sparks on diesel tank
<p>Item 2 12/00029/FUL Yard 2, Imperial Park, Rawreth Lane</p>	<p>Contents:</p> <ol style="list-style-type: none"> 1. Details of Revised Plans 2. National Planning Policy Framework 3. Officer Comments <p>1. Details of Revised Plans</p> <p>Since the preparation of the officer report the applicant has revised the plans for the building in response to the concerns that have been raised by adjoining neighbours.</p> <p>The building, as now revised, is of the same design and appearance, but has been slightly altered in size by reducing the eaves height where the side walling will meet the top of the roof slope by 0.324m. The new eaves height would be 4.704m.</p> <p>The ridge height of 6.1m and overall roof vent height of 7m are unchanged.</p> <p>2. National Planning Policy Framework:</p> <p>The proposal would meet the economic role identified at paragraph 7 in the framework in achieving sustainable development by allowing for the existing company to grow.</p> <p>Paragraph 59 states that design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.</p>

	<p>Paragraph 66 states that applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community and that such development should be looked upon more favourably.</p> <p>The development is small in scale. The site history has evolved the design of the building by firstly re-siting further away from the rear boundary than was previously proposed and now a further reduction in eaves height.</p> <p>Consequently, the proposal accords with the National Planning Policy Framework.</p> <p>3. Officer Comments</p> <p>The changed height of the eaves of the building is a minor change; this is considered to be so small as to be non-material and would make little, if any, apparent visual difference to the building. Officers consider the plan as originally submitted to be acceptable.</p>
<p>Item 3 12/00046/FUL 44-50 High Street, Rayleigh</p>	<p>Introduction of the National Planning Policy Framework</p> <p>Reference to PPG 24 – Planning and Noise in the published report was correct at the time of writing but should now be taken as deleted as all national planning policy contained within PPGs and PPSs has now been superseded by new national planning policy contained within the National Planning Policy Framework (NPPF), published on 27 March 2012. Reference to the NPPF is now included as relevant policy to this application.</p> <p>The NPPF has not resulted in any policy changes that would warrant a different view being taken on the acceptability of the proposal in respect of any of the planning considerations discussed in the report.</p>
<p>Item 4 11/00781/OUT Land South of Coombes Farm, Stambridge Road, Rochford</p>	<p>Contents</p> <ol style="list-style-type: none"> 1. Introduction of the National Planning Policy Framework 2. Additional Neighbour Objections 3. Letter Received from Applicants' Solicitor and Officer Comment 4. Revised Reason for Refusal <p>1. Introduction of the National Planning Policy Framework</p> <p>Whilst all reference to national planning policy documents (PPGs and PPSs) throughout the published officer report were correct at the time of writing, these have now all been superseded by new national planning policy contained within the National Planning Policy Framework (NPPF), published on 27 March 2012. All reference to PPGs and PPSs throughout the published report should therefore be taken as deleted. Reference to the NPPF is now included as relevant policy to this application. It is appropriate to give consideration to whether the NPPF has an effect on the recommendation to refuse this application.</p>

The NPPF reiterates the fact that planning applications should be determined in accordance with the development plan, unless material considerations dictate otherwise. The NPPF is not part of the development plan, but it is a material consideration in the determination of planning applications.

The NPPF sets out 12 “core land-use planning principles” that should underpin decision-making (para. 17). There are a number of elements within these principles that can be considered to be particularly pertinent to consideration of this planning application as follows:-

- Planning should be plan-led. Local Plans should provide a practical framework within which decision on planning applications can be made with a high degree of predictability and efficiency.
- Planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- Every effort should be made objectively to identify and then meet housing needs of an area. Plans should set out a clear strategy for allocating sufficient land that is suitable for development in an area, taking account of the needs of residential and business communities.
- Planning should promote the vitality of urban areas, protect the Green Belt around them, and recognise the intrinsic character of the countryside.
- Allocations of land for development should prefer land of lesser environmental value. Planning should encourage the effective use of land by re-using previously developed land, provided it is not of high environmental value.
- Planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations that are, or can be made, sustainable.

In addition to reaffirming the primacy of the development plan (the East of England Plan (until revoked)), the Core Strategy, saved Local Plan policies and saved Structure Plan policies, in Rochford District’s case), at the heart of the NPPF is the “presumption in favour of sustainable development”. The NPPF explains that, for decision-taking, this means:-

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:-
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.” (para. 14).

In terms of the above, and in consideration of planning applications for residential development within the Green Belt within Rochford District, it should be noted that the Rochford District Core Strategy is not silent on this issue and has only recently (December 2011) been adopted.

The NPPF states that, for the purposes of decision-taking, the policies in the Local Plan (i.e. Core Strategy and other Local Development Documents) should not be considered out-of-date simply because they were adopted prior to the publication of this Framework (para. 211), and that for 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004, even if there is a limited degree of conflict with this Framework.

In relation to housing delivery and Green Belt policies, and to the issue of whether there is conflict between the Core Strategy and the NPPF, the NPPF states housing need should be met and that when defining Green Belt boundaries, Local Planning Authorities should *inter alia* “ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development”. In this regard, it is relevant to note that the Core Strategy supports changes to the Green Belt boundary within certain general locations in order to meet housing requirements identified through the East of England Plan in a sustainable manner. Accordingly, there is not considered to be conflict between the NPPF and the Core Strategy in respect of this issue.

The NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites (para. 49). The Core Strategy, however, does give the Council a five-year housing supply; as such housing delivery policies are up-to-date in this regard.

It is considered that the NPPF does not contain any policy that would result in a different recommendation being made in respect of the acceptability of the proposed development to that published.

2. Additional Neighbour Objections

- 11 additional responses received, the objections raised in which have already been detailed in the published report.
- A petition containing 50 signatures received from dog owners in the vicinity of the site raising objection to the loss of the existing safe rural footpath.

3. Letter Received from Applicants’ Solicitor and Officer Comment

The applicants’ agent has requested that the contents of a letter dated 23 March 2012 from their solicitor to the Council are reported to Members. The letter makes the following points:-

- The officer's report purports to identify that the application would not accord with the strategic plan for residential development within the Council's District per the adopted Rochford Core Strategy (December 2011). The Core Strategy is, however, the subject of a legal challenge.
- As an early hearing date for the legal challenge has been secured for 30 May and 1 June 2012 we respectfully suggest that it would be inappropriate and ill-advised for the Council to determine the application until the outcome of the legal challenge is known. There is a risk that the Council will be purporting to make a determination next week which is predicated (at least in part) upon a document (i.e. the Core Strategy) which might be quashed in a little over 2 months. If so, such a determination would be fundamentally misconceived.

The Council's Legal Department responded to this letter on 26 March advising that the legal challenge on the Core Strategy should not be an obstacle to the Council in deciding the application and that the Council does not see how delaying the decision on this planning application would prejudice the applicants' position. The Council advised the applicants' solicitor of the entitlement to withdraw the application.

4. Revised Reasons for Refusal

Revisions to the published reasons for refusal, including deletion of reference to Planning Policy Statement 1 (PPS1), Planning Policy Guidance 2 (PPG2) and Planning Policy Statement 3 (PPS3) as a consequence of all PPG and PPS national guidance having been superseded by the NPPF. The revised reasons for refusal read:-

1. The proposed development of up to 251 residential dwellings would not accord with the adopted development plan and there are no material planning considerations that indicate that this proposal should be determined favourably and not in accordance with the adopted development plan. The proposal would be contrary to Policy GB1 of the Rochford District Core Strategy (December 2011).

The proposal has not been demonstrated to contribute to a sustainable pattern of development and factors including noise impact, impact on air quality and proximity to a public safety zone expected to be under review in the very near future, would all impact negatively on the suitability of the site as a site for housing. Evidence submitted alongside the application purporting to show that the application site is a sustainable one for housing development is fundamentally flawed. As such, the applicants have failed to demonstrate that the site is a suitable one for development when compared with reasonable alternatives.

	<p>The proposed development, by virtue of the proposed change of use of the land from agriculture to residential, would amount to inappropriate development in the Green Belt, which is, by definition, harmful. In addition, further substantial harm to the Green Belt would be caused as a result of the proposed development by way of it resulting in the sprawl of a large built up area, encroachment into the countryside, the loss of open, attractive landscape close to where people live and through adverse impact on the character and appearance and visual amenities of the Green Belt. No very special circumstances exist that would clearly outweigh the harm to the Green Belt contrary to policy within Part 9: Protecting Green Belt of the National Planning Policy Framework (March 2012).</p> <p>2. The proposal would not accord with the strategic plan for residential development within the District as detailed in the Core Strategy (December 2011) and as a consequence the proposed development would not contribute to a sustainable pattern of development.</p>
<p>Item 5 11/00637/OUT York Bungalow, Little Wakering Hall Lane, Great Wakering</p>	<p>Contents</p> <p>1. Additional Information Received from the Applicant Resulting in Revised Recommendation to Defer</p> <p>2. Introduction of the National Planning Policy Framework and Revised Reason for Refusal if Members Are Not Minded to Defer</p> <p>1. Additional information Received from the Applicant Resulting in Revised Recommendation to Defer</p> <p>Revised plans and additional information were submitted to the Council on 29 March 2012, which seek to overcome the published reasons for refusal.</p> <p>Whilst it is not usual practice to accept revised details and plans at such a late stage, in this particular instance, given that the application is already out of time and that it is considered possible that the published reasons for refusal have the potential to be addressed, officers recommend that the application be deferred for determination at a later Development Committee following consideration and consultation on the revised plans.</p> <p>2. Introduction of the National Planning Policy Framework and Revised Reason for Refusal</p> <p>If Members were not minded to defer, a revised reason for refusal should be noted. Reference to PPS 3: Housing and PPS 13: Transport in the published report was correct at the time of writing but should now be taken as deleted as all national planning policy contained within PPG's and PPS's has been superseded by new national planning policy contained within the National Planning Policy Framework (NPPF), published on 27 March 2012. Reference to the NPPF is now included as relevant policy to this application.</p>

The NPPF has not resulted in any policy changes that would warrant a different view being taken on the acceptability of the proposal in respect of any of the planning considerations discussed in the report.

Reason for refusal No. 1 is revised to read:-

1. The proposal is considered to amount to over-development harmful to residential and visual amenity contrary to Policy CP1 of the Rochford District Core Strategy 2011 and relevant policy contained within Part 7 of the National Planning Policy Framework (March 2012) by virtue of the following factors. Given the quantum and scale of development proposed it is not considered that adequate parking provision to meet the Parking Standards Design And Good Practice Supplementary Planning Document (Adopted December 2010) and achieve a high standard of design and appearance and not be overly dominant and harmful to residential and visual amenity could be acceptably achieved. The proposal to accommodate an access road through the site in the manner shown and the inability to provide the required 4.8 metre width is considered symptomatic of a proposal that amounts to over-development. The height of dwellings proposed, particularly given the very compact layout, largely hard landscaped public realm and lack of soft landscaped frontage to the dwellings, is considered to give rise to a scale of development that would be imposing, harmful to visual and residential amenity and would not achieve a high standard of design.