



Rochford District Council

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY  
PLANNING SERVICES COMMITTEE 22nd March 2005**

All planning applications are considered against the background of current Town and Country Planning legislation, rules, orders and circulars, and any development, structure and locals 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 Services, Acacia House, East Street, Rochford.

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

**BARLING AND SUTTON**

Cllr R A Amner

**DOWNHALL AND RAWRETH**

Cllr C I Black

Cllr R A Oatham

**SWEYNE PARK**

Cllr G A Mockford

Cllr P K Savill

## **PLANNING SERVICES COMMITTEE 22nd March 2005**

### **REFERRED ITEMS**

R1	05/00002/FUL Erection of Two Detached Chalet Bungalows with Garages Land To The Rear Of 50 And 56 Hullbridge Road Rayleigh	Sam Hollingworth	PAGE 3
R2	05/00003/FUL Erection of 3 Two Storey Houses, Associated Double Garages with Hobby Room Over and Formation of Access Land To The Rear Of 50 And 56 Hullbridge Road Rayleigh	Sam Hollingworth	PAGE 9

### **SCHEDULE ITEMS**

3	05/00082/FUL Retrospective Application for Rear Conservatory La Cachette 9 Kimberley Road Little Wakering	Monica Palmer	PAGE 16
4	04/01015/FUL Two Metal Storage Containers, Replace and Extend Existing Parking Areas, Construct All Weather Playing Pitch Bound by 3 Metre High Mesh Fence and Construct Landscaped Earth Mound. The Sweyne Park School Sir Walter Raleigh Drive Rayleigh	Mr Mike Stranks	PAGE 19

## **PLANNING SERVICES COMMITTEE - 22 March 2005 Item R1 Referred Item**

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**TITLE :** 05/00003/FUL  
ERECTION OF TWO DETACHED CHALET BUNGALOWS  
WITH GARAGES  
LAND TO THE REAR OF 50 AND 56 HULLBRIDGE ROAD  
RAYLEIGH

**APPLICANT:** 3D PROPERTY DEVELOPMENTS LTD

**ZONING:** RESIDENTIAL

**PARISH:** RAYLEIGH TOWN COUNCIL

**WARD:** DOWNHALL AND RAWRETH

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

This application was included in Weekly List no. 766 requiring notification of referrals to the Head of Planning Services by 1.00 pm on Tuesday, 1 March 2005, with any applications being referred to this meeting of the Committee. The item was referred by Cllr C I Black

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

### **NOTES**

- 1.1 The application seeks permission for two detached chalet bungalows to the rear of existing dwellings on Hullbridge Road, Rayleigh.
- 1.2 An application for three detached houses with detached garages and access road here has been simultaneously submitted (ref. 05/00003/FUL).
- 1.3 Planning permission was granted in 2002 (ref. 02/00359/FUL) for four two-storey detached houses at this location, with one of these four fronting Hullbridge Road and the other three located along a meandering cul-de-sac to the rear.
- 1.4 The dwelling fronting Hullbridge Road approved under 02/00359/FUL has been substantially completed. The site to the rear is currently open. This application, together with 05/00003/FUL, proposes a total of two more dwellings than approved under 02/00359/FUL.

- 1.5 The site is located between streets that consist predominantly of two-storey dwellings in a relatively uniform, lineal layout.
- 1.6 The two chalet dwellings have adequate amenity area and parking provision. The dwelling fronting Hullbridge Road that has been substantially completed will not have its amenity area reduced to an unacceptable level.
- 1.7 The layout of the two proposed chalets allows for any potential overlooking of adjacent dwellings to be mitigated against through the restriction of additional fenestration.
- 1.8 The chalets all leave at least one metre from the boundary of adjacent properties. The separation distances between existing and proposed dwellings is such that the proposed dwellings are not thought to overshadow neighbouring dwellings.
- 1.9 The access to the proposed dwellings has been included on a separate application.
- 1.10 An ecological impact assessment was submitted with application 02/00359/FUL and a condition was imposed on the approval of this application requiring mitigation measures. A further condition is recommended to safeguard this position.
- 1.11 Two Tree Preservation Orders are present on site. One to the front of 50 Hullbridge Road (Oak), the other within the development site itself (Horse Chestnut). The horse chestnut tree has been felled and is awaiting replacement. The proposal for the two detached dwellings is not thought to impact upon the existing tree or the possibility of replacing the felled tree.
- 1.12 **Archaeological Advice:** Site outside an area of known archaeological deposits.
- 1.13 **Rayleigh Civic Society:**
- note that double gates are shown on the entrance to the site and question whether it is intended to make this a security feature with CCTV, etc.
  - urge that any mature trees on the site shall be incorporated into a suitable landscaping scheme.
- 1.14 **Environment Agency:** The proposed area for development lies within 250 metres of a current/former waste disposal site.
- 1.15 There is a possibility of landfill gas (a mixture of methane and carbon dioxide which is potentially explosive and/or has asphyxiant properties) migrating from the landfill site into the strata below the proposed development.

- 1.16 The Agency has no knowledge of past problems associated with the site and has no specific information on gas coming from the site. Should the developer consider the risk significant enough to warrant further investigation, a suitably qualified and experienced consultant should be engaged to investigate and assess the site. In the absence of any investigations all buildings and associated services should be designed and constructed with due regard for the possible presence of landfill gas.
- 1.17 The applicant should be informed that the responsibility for the safe development and secure occupancy of this development rests with him. The comments and advice given above are made entirely without prejudice and without any liability, accepted, implied or given on behalf of the Environment Agency.
- 1.18 **Buildings/Technical Support:** no objections/observations.
- 1.19 **Building Control:** no comments at this stage.
- 1.20 **English Nature:**
- does not affect SSSI.
  - If protected species are suspected or found a suitable survey should be undertaken.
  - has potential to affect one or more County Wildlife Sites
- 1.21 **Neighbours:** 8 responses. Summary of main points:
- Previous approval of houses inappropriate, the developer is trying to squeeze more properties onto a small area.
  - Application for development here was first sought 20 years ago and turned down. The reasons for refusing the application remain the same.
  - This area of Rayleigh is being over developed with new estates at Downhall Park Way and Reads Nursery. Infrastructure and services to support additional houses is not in place.
  - Concern regarding the treatment of trees, including TPO trees, on site expressed.
  - Concern expressed over burning of materials on site in the past and the impact on local residents.
  - Concern that development will lead to additional flooding.
  - Concern expressed over impact on highways and highway safety and efficiency during the construction of the proposed dwellings.
  - Noise, pollution and disruption created during the development of the proposal will have an adverse impact on local residents
  - Request that trees are retained to allow for screening.
  - Concern expressed that rooms in the roof of garages could be converted to independent residential units.
  - Concern about noise nuisance from rooms above garages and whether there will be adequate soundproofing.
  - Question whether Permitted Development rights would be completely removed.

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- Question the minimum space required for four / five bedroom dwellings.
  - Car parking crowded now and overflow from visitors, etc, would impact upon Mortimer Road and Ferndale Road that are already full at weekends. Suggest that bungalows not given permission and more thought put into parking.
  - Loss of light.
  - Overlooking.
  - Loss of view. Proposal will result in a view akin to a 30 by 100 ft wall at the bottom of their garden
  - Insufficient drainage
  - Infilling to the detriment of surrounding properties.
  - Question whether dwellings have sufficient garden space
  - Concern over junction with Hullbridge Road and increased traffic levels

**APPROVE**

- 1 SC4 Time Limits Full - Standard
  - 2 SC14 Materials to be Used (Externally)
  - 3 SC22A PD Restricted - Windows
  - 4 SC20 PD Restricted - Dormers
  - 5 SC55 Hedgerow to be Retained
  - 6 SC91 Foul Water Drainage
  - 7 SC90 Surface Water Drainage
  - 8 None of the dwellings hereby permitted shall be occupied before the garages and parking spaces, as shown on the approved drawings, have been laid out and constructed in their entirety and made available for use. Thereafter, the said garages shall be retained and maintained in the approved form and used solely for the parking of vehicles and for no other purpose that would impede vehicle parking.
  - 9 SC84 Slab Levels Specified
  - 10 No development shall commence until there has been submitted to and agreed in writing by the Local Planning Authority details which shall specify the measures to be put in place before and during development to ensure that:
    - No protected animal species are present on that part of the development site on which development is taking place at any particular time
    - There is no opportunity for such protected species to enter any area of construction during the course of development
    - Adequate and alternative habitat is either available or created within the site to compensate for any that is lost and to which any displaced animals may be relocated.
- Once agreed, the specification shall be implemented as such unless otherwise agreed by the Local Planning Authority.
- 11 SC59 Landscape Design - Details (Full)

**PLANNING SERVICES COMMITTEE - 22 March 2005    Item R1  
Referred Item**

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- 12 No development shall commence before a section showing the heights relative to floor level of the rooflights in the approved chalet dwellings have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the rooflights shall be retained and maintained in their approved form.
- 13 No occupation of the dwellings hereby approved shall commence before the vehicular access to these dwellings, submitted as part of application 05/00003/FUL, has been implemented in its entirety in accordance with any details as may be granted under 05/00003/FUL.

**REASON FOR DECISION**

The application site is located in an area designated as residential land within the adopted development plan. The proposal for the residential dwellings 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 neighbouring streets.

**Relevant Development Plan Policies and Proposals:**

H1, H11, of the Rochford District Council Local Plan First Review



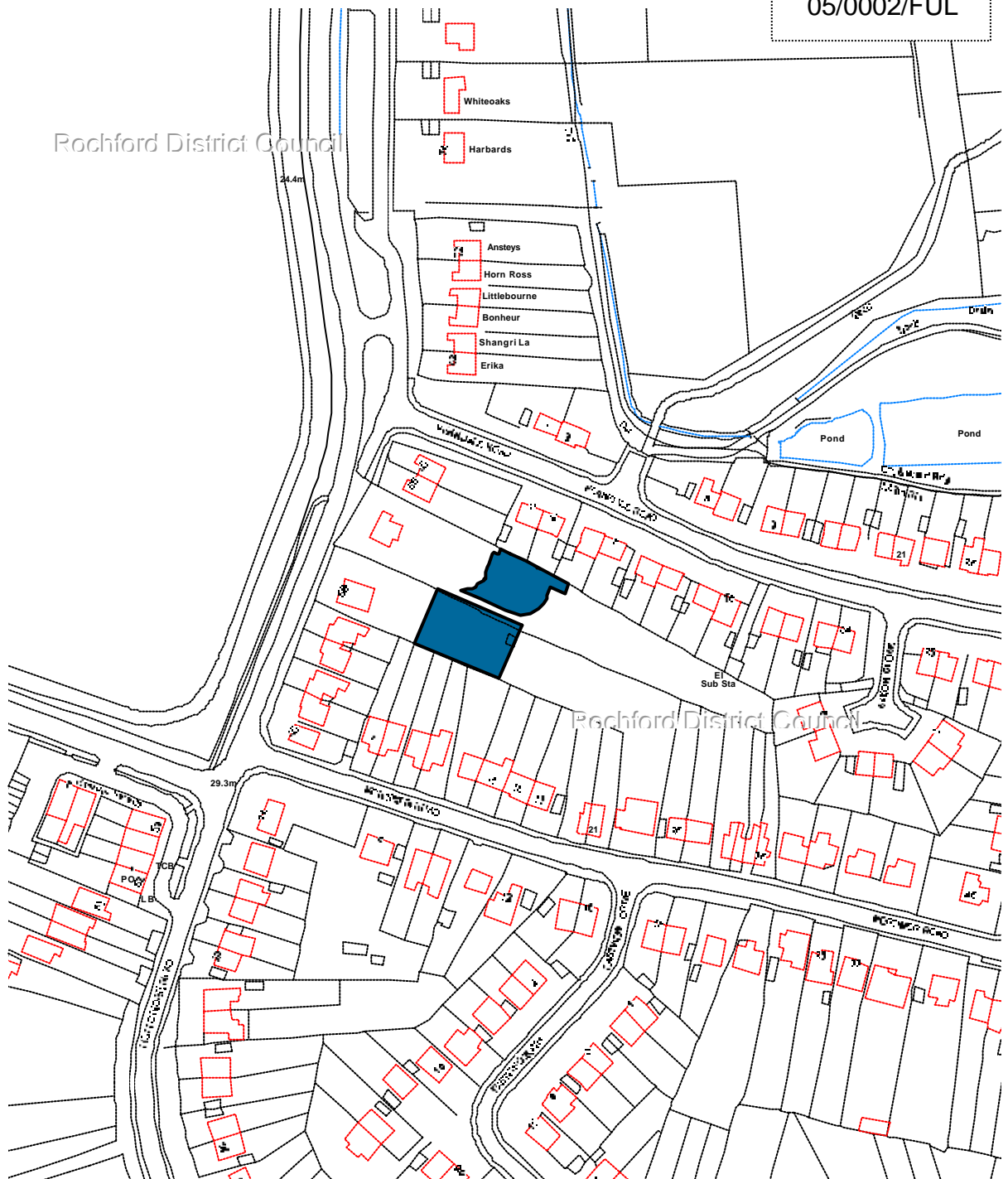
Shaun Scrutton  
Head of Planning Services

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For further information please contact Samuel Hollingworth on (01702) 546366.

05/0002/FUL

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## **PLANNING SERVICES COMMITTEE - 22 March 2005 Item R2 Referred Item**

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**TITLE :** 05/00003/FUL  
ERECTION OF 3 TWO STOREY HOUSES, ASSOCIATED  
DOUBLE GARAGES WITH HOBBY ROOM OVER AND  
FORMATION OF ACCESS  
LAND TO THE REAR OF 50 AND 56 HULLBRIDGE ROAD  
RAYLEIGH

**APPLICANT:** 3D PROPERTY DEVELOPMENTS LTD

**ZONING:** RESIDENTIAL

**PARISH:** RAYLEIGH TOWN COUNCIL

**WARD:** DOWNHALL AND RAWRETH

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

This application was included in Weekly List no. 766 requiring notification of referrals to the Head of Planning Services by 1.00 pm on Tuesday, 1 March 2005 with any applications being referred to this meeting of the Committee. The item was referred by Cllr C I Black

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

### **NOTES**

- 2.1 The application seeks permission for three detached two-storey houses, each served by a large detached garage with 'hobby rooms/office' in their roofs to the rear of existing dwellings on Hullbridge Road, Rayleigh.
- 2.2 An application for two detached chalet dwellings in addition to the three proposed here has been simultaneously submitted (ref. 05/00002/FUL).
- 2.3 Planning permission was granted in 2002 (ref. 02/00359/FUL for four two-storey detached houses at this location, with one of these four fronting Hullbridge Road and the other three located along a meandering cul-de-sac to the rear.

- 2.4 The dwelling fronting Hullbridge Road, approved under 02/00359/FUL, has been substantially completed. The site to the rear is currently open. This application, together with 05/00002/FUL, proposes a total of two more dwellings than approved under 02/00359/FUL.
- 2.5 The site is located between streets that consist predominantly of two-storey dwellings in a relatively uniform, lineal layout.
- 2.6 The three proposed detached houses have adequate amenity area provision and ample parking provision. The dwelling fronting Hullbridge Road that has been substantially completed will not have its amenity area reduced to an unacceptable level.
- 2.7 The layout of the three proposed houses allows for any potential overlooking of adjacent dwellings to be mitigated against through the restriction of additional fenestration and the imposition of obscure glazing conditions.
- 2.8 The proposed houses all leave at least one metre from the boundary of adjacent properties. The separation distances between existing and proposed dwellings is such that the proposed houses are not thought to overshadow neighbouring dwellings.
- 2.9 The proposed 'hobby rooms/offices' are not thought to have an undue impact on neighbouring dwellings. The two garages located adjacent to the southern boundary of the site have the potential to result in overlooking of rear amenity areas to the south from the staircases leading up to the first floor. The applicant has agreed to the imposition of screening at the top of the external staircases to overcome any overlooking issues.
- 2.10 The proposal includes gates at the entrance, but with a separate pedestrian entrance. Government advice on gated communities contained within Safer Places: the Planning System and Crime Prevention recommends that the gating of communities should only be used as a last resort in areas where problems of crime and image could otherwise lead to a development's failure, and that it is normally preferable for a development to be integrated into the wider community. This location is not considered such an area and therefore the gating of this development should be avoided. A condition requiring pedestrian access to remain open will avoid the formation of a segregated, 'gated community'.
- 2.11 An ecological impact assessment was submitted with application 02/00359/FUL and a condition was imposed on the approval of this application requiring mitigation measures. A further condition safeguarding the position is recommended.
- 2.12 Two Tree Preservation Orders are present on site. One to the front of 50 Hullbridge Road (Oak), the other within the development site itself (Horse Chestnut). The horse chestnut tree has been felled and is awaiting replacement.

- 2.13 **Archaeological Advice:** Site outside an area of known archaeological deposits.
- 2.14 **Rayleigh Civic Society:**
- note that double gates are shown on the entrance to the site and question whether it is intended to make this a security feature with CCTV, etc.
  - urge that any mature trees on the site shall be incorporated into a suitable landscaping scheme.
- 2.15 **Environment Agency:** The proposed area for development lies within 250 metres of a current/former waste disposal site.
- 2.16 There is a possibility of landfill gas (a mixture of methane and carbon dioxide which is potentially explosive and/or has asphyxiant properties) migrating from the landfill site into the strata below the proposed development.
- 2.17 The Agency has no knowledge of past problems associated with the site and has no specific information on gas coming from the site. Should the developer consider the risk significant enough to warrant further investigation, a suitably qualified and experienced consultant should be engaged to investigate and assess the site. In the absence of any investigations all buildings and associated services should be designed and constructed with due regard for the possible presence of landfill gas.
- 2.18 The applicant should be informed that the responsibility for the safe development and secure occupancy of this development rests with him. The comments and advice given above are made entirely without prejudice and without any liability, accepted, implied or given on behalf of the Environment Agency.
- 2.19 **Buildings/Technical Support:** no objections/observations.
- 2.20 **Building Control:** no comments at this stage.
- 2.21 **English Nature:**
- does not affect SSSI.
  - If protected species are suspected or found a suitable survey should be undertaken.
  - has potential to affect one or more County Wildlife Sites
- 2.22 **Neighbours:** 8 responses. Summary of main points:
- Previous approval of houses inappropriate, the developer is trying to squeeze more properties onto a small area.
  - Application for development here was first sought 20 years ago and turned down. The reasons for refusing the application remain the same.
  - This area of Rayleigh is being over developed with new estates at Downhall Park Way and Reads Nursery. Infrastructure and services to support additional houses is not in place.

- 
- Concern regarding the treatment of trees, including TPO trees, on site expressed.
  - Concern expressed over burning of materials on site in the past and the impact on local residents.
  - Concern that development will lead to additional flooding.
  - Concern expressed over impact on highways and highway safety and efficiency during the construction of the proposed dwellings.
  - Noise, pollution and disruption created during the development of the proposal will have an adverse impact on local residents
  - Request that trees are retained to allow for screening.
  - Concern expressed that rooms in the roof of garages could be converted to independent residential units.
  - Concern about noise nuisance from rooms above garages and whether there will be adequate soundproofing.
  - Loss of privacy from exterior staircase
  - Question whether Permitted Development rights would be completely removed.
  - Question the minimum space required for four / five bedroom dwellings.
  - Car parking crowded now and overflow from visitors, etc, would impact upon Mortimer Road and Ferndale Road that are already full at weekends. Inadequate room for emergency vehicles.
  - Loss of light
  - Loss of view. Proposal will result in a view akin to a 30 by 100 ft wall at the bottom of their garden
  - Overlooking.
  - Insufficient drainage
  - Infilling to the detriment of surrounding properties.
  - Question whether dwellings have sufficient garden space
  - Concern over junction with Hullbridge Road and increased traffic levels

**APPROVE**

- 1 SC4 Time Limits Full - Standard
- 2 SC14 Materials to be Used (Externally)
- 3 SC22A PD Restricted - Windows
- 4 SC23 PD Restricted - OBS Glazing
- 5 SC55 Hedgerow to be Retained
- 6 SC91 Foul Water Drainage
- 7 SC90 Surface Water Drainage
- 8 None of the dwellings hereby permitted shall be occupied before the garages and parking spaces, as shown on the approved drawings, have been laid out and constructed in their entirety and made available for use. Thereafter, the said garages shall be retained and maintained in the approved form and used solely for the parking of vehicles and for no other purpose that would impede vehicle parking.

**PLANNING SERVICES COMMITTEE - 22 March 2005    Item R2**  
**Referred Item**

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- 9    The first floors of the detached garages hereby approved are to be used as ancillary accommodation to the respective dwellings that they serve and at no time shall be used as independent residential units.
- 10   Notwithstanding the submitted plans, no development of the garages hereby approved shall commence before details showing the screening to be used around the staircase of the garage that serves Plot 2, and details showing the enclosure of the staircases of the garages that serve Plot 3 and Plot 1, have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the said screening shall be retained and maintained in its approved form.
- 11   SC73 Access Ways - Surface Finish
- 12   SC64 Visibility Splays - Details (Condition)
- 13   Notwithstanding the submitted plans, no development shall commence before plans and particulars showing precise details of any gates, fences, walls or other means of screening or enclosure to be erected have been submitted to and agreed in writing by the Local Planning Authority. Such details of screening or other means of enclosure as may be agreed in writing by the Local Planning Authority shall be erected prior to the development to which they relate first being occupied and thereafter maintained in the approved form, notwithstanding the provisions of Article 3, Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification).
- 14   SC84 Slab Levels Specified
- 15   No development shall commence until there has been submitted to and agreed in writing by the Local Planning Authority details which shall specify the measures to be put in place before and during development to ensure that:
- No protected animal species are present on that part of the development site on which development is taking place at any particular time
  - There is no opportunity for such protected species to enter any area of construction during the course of development
  - Adequate and alternative habitat is either available or created within the site to compensate for any which is lost and to which any displaced animals may be relocated.

Once agreed, the specification shall be implemented as such unless otherwise agreed by the Local Planning Authority.

- 16   SC59 Landscape Design - Details (Full)
- 17   No development shall commence before a suitable replacement for the horse chestnut tree subject to Tree Preservation Order TPO/00003/02 has been agreed in writing by the Local Planning Authority. Such scheme shall be implemented in the first growing season following its approval.

**PLANNING SERVICES COMMITTEE - 22 March 2005    Item R2**  
**Referred Item**

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- 18    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 form of fenestration shall be inserted, or otherwise erected, within the roof area (including roof void) of the detached garages other than the fenestration, as indicated on the plans hereby approved.

**REASON FOR DECISION**

The application site is located in an area designated as residential land within the adopted development plan. The proposal for the residential dwellings 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 neighbouring streets.

**Relevant Development Plan Policies and Proposals:**

H1, H11, of the Rochford District Council Local Plan First Review



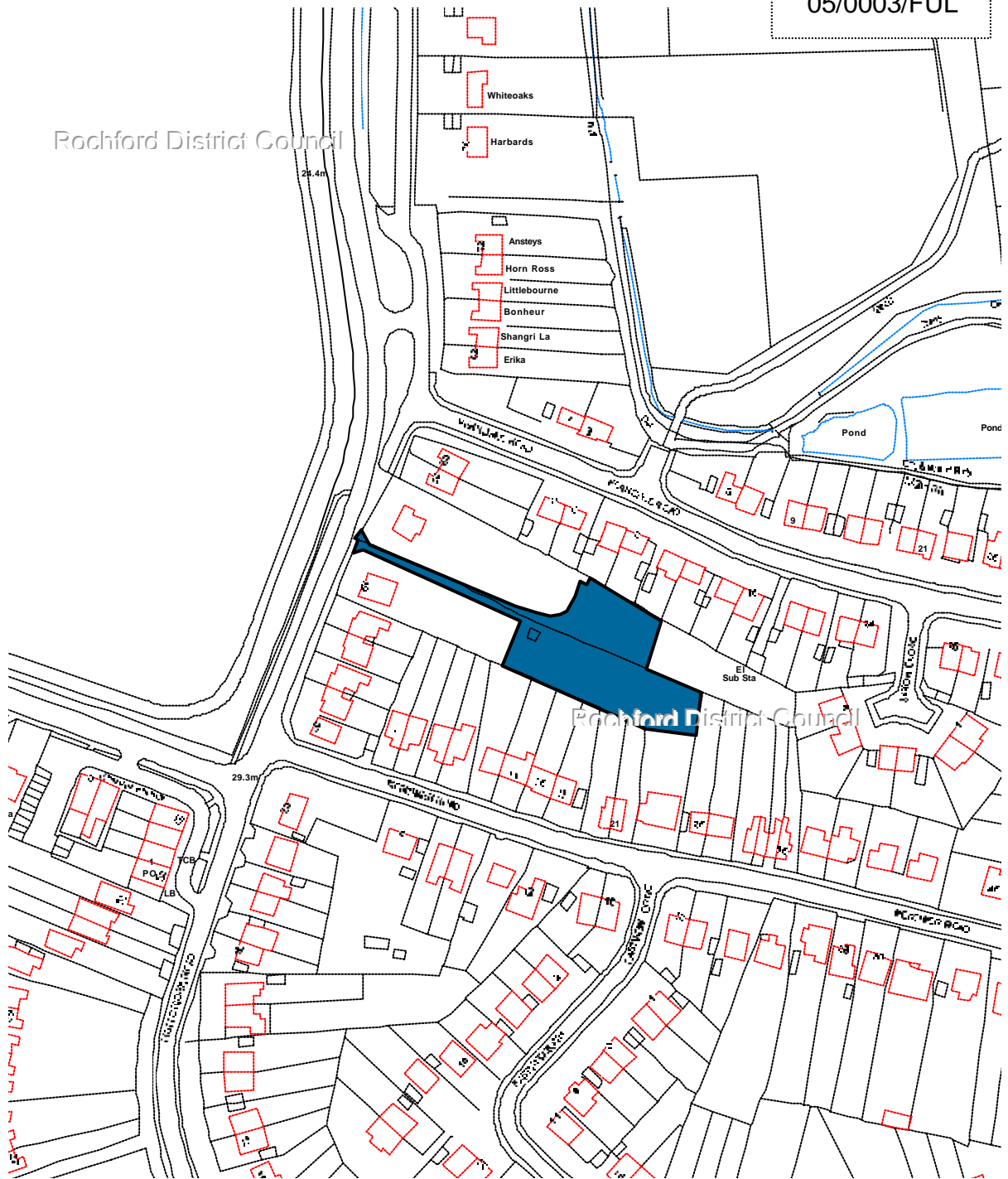
Shaun Scrutton  
Head of Planning Services

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For further information please contact Samuel Hollingworth on (01702) 546366.

05/0003/FUL

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**TITLE :**                    **05/00082/FUL  
RETROSPECTIVE APPLICATION FOR REAR  
CONSERVATORY  
LA CACHETTE 9 KIMBERLEY ROAD LITTLE WAKERING**

**APPLICANT :**            **MR M AUSTIN**

**ZONING :**                **RESIDENTIAL**

**PARISH:**                **BARLING PARISH COUNCIL**

**WARD:**                  **BARLING & SUTTON**

This application would normally be dealt with as a delegated decision, but has been brought to Committee as the application relates to the home of an employee of the Rochford District Council's Planning Department.

#### **PLANNING APPLICATION DETAILS**

- 3.1 The conservatory was built in February 2004. The applicant has since become aware of the need for planning permission. The rear conservatory measures 3.09m wide x 3.15m depth x 2.42m high at apex of pitched roof. It is constructed of a brick plinth of approx. 0.6m. high, the remainder being white UPVC frames and glazing.

#### **RELEVANT PLANNING HISTORY**

- 3.2 A previous application under reference ROC/182/89 for a single storey rear extension was granted, which extended across some two thirds of the rear of the house.
- 3.3 A further application 92/0244/FUL for a first floor extension (above the earlier rear extension) was granted permission and implemented.

#### **CONSULTATIONS AND REPRESENTATIONS**

- 3.4 **County Surveyor (Highways):** De minimis.

#### **MATERIAL PLANNING CONSIDERATIONS**

- 3.5 The host property is a large detached two-storey property situated in an area of varied patterns of development. It is set forward relative to the properties on either side and the conservatory is set against the rear wall of the house such that its rear wall lines up with that of the rear extensions outlined above. The conservatory does not project beyond the rear wall of the neighbouring properties.

- 3.6 Due to the siting, design and appearance of the extension, there will not be a loss of residential amenity nor impact on the neighbouring properties.
- 3.7 The rear conservatory is harmonious in character, style and scale with the host building.
- 3.8 In the circumstances, and as the conservatory has already been built, there is no need for any planning conditions.

**RECOMMENDATION**

- 3.9 It is proposed that this Committee **RESOLVES to APPROVE** this application.

**REASON FOR DECISION**

The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, or to the character of the area including impact upon residential amenity such as to justify refusing the application.

**Relevant Development Plan Policies and Proposals**

H11 of the Rochford District Council Local Plan First Review



Shaun Scrutton  
Head of Planning Services

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For further information please contact Monica Palmer on (01702) 318023.

05/00082/FUL



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## **PLANNING SERVICES COMMITTEE - 22 MARCH 2005 Item 4**

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**TITLE :** 04/01015/FUL  
TWO METAL STORAGE CONTAINERS, REPLACE AND  
EXTEND EXISTING PARKING AREAS, CONSTRUCT ALL  
WEATHER PLAYING PITCH BOUND BY 3 METRE HIGH  
MESH FENCE AND CONSTRUCT LANDSCAPED EARTH  
MOUND  
THE SWEYNE PARK SCHOOL SIR WALTER RAYLEIGH  
DRIVE RAYLEIGH

**APPLICANT :** THE SWEYNE PARK SCHOOL

**ZONING :** EXISTING SECONDARY SCHOOL

**PARISH:** RAYLEIGH TOWN COUNCIL

**WARD:** SWEYNE PARK

### **PLANNING APPLICATION DETAILS**

#### **The site**

- 4.1 This application is to the site of the Sweyne Park School located north and east of Sir Walter Raleigh Drive. The school grounds are bounded by London Road to the south and the extent of Sweyne Park public open space to the north. The grounds are adjoined further to the west by Pearsons Avenue and Cheapside West, and to the east by Cordelia Crescent, Oakwood Road, Cheapside East and Downhall Park Way.
- 4.2 The site is part of the existing school playing field, which currently provides a football pitch, training square and part of the athletics track and field area to the south.

#### **The proposal**

- 4.3 The proposal comprises the following elements:
1. two metal storage containers, one being located within the envelope of the school buildings to the north western corner of the site and the other to be located on the northern boundary adjoining three other outbuildings backing onto the Sweyne Park public open space and close to the school sports hall.
  2. The upgrade of an existing car parking area located off Cheapside West by refilling the surface area and providing a bitumen macadam parking surface level to the adjoining perimeter edging.

3. Extend the existing car parking area adjoining the sports hall close to the northern boundary of the site with Sweyne Park Public Open Space to provide a concrete hard standing.
  4. The provision of an all weather playing pitch, bounded by a 3 metre high mesh fence. The lower part of the fence would be provided with low maintenance kick boards comprising anti vandal resin board or recycled plastic sheet. The playing area would have an overall width of 78.4m and length of 126.6m and would provide two 5-a-side football or hockey pitches played cross ways to the layout and alternatively one full size football or hockey pitch. The all weather pitch would be located to the north eastern corner of the school site on the existing playing field between the school buildings and the boundary of the site with Sweyne Park Public Open Space, and the residential dwellings fronting the southern extent of Downhall Park Way, Cheapside East and Oakwood Road.
- 4.4 The site for the all weather playing pitch would require levelling involving excavation into high ground and some filling up of low ground areas. A flat top earthen mound would be constructed to a height of 0.6m between the proposed pitch and the adjoining residential properties to the east of the site.
  - 4.5 The applicants advise that this proposal follows a similar scheme previously withdrawn from consideration last year which included floodlighting and which was to be funded as part of a county wide "Sport for Essex " scheme using funding from the New Opportunities Lottery Fund. This earlier proposal was intended for wider community use with the school using the pitch during the day and managing access at other times.
  - 4.6 The current proposal does not include floodlighting and is principally designed to enhance the delivery of sport at the school with funding coming directly from Essex County Council. The school use is anticipated as being quite heavy with practices, games and matches with other schools, but the facility would be available to the wider community if this did not clash with school requirements.
  - 4.7 The applicant advises that the principal benefit of the proposal to the school will be for hockey. The site is at the moment poorly drained and this results in fragmented sessions and cancelling of training and matches. The proposal would enable two groups to receive high quality teaching at one time, allowing speed and skill work to develop. The new pitch would allow constant use during the day and after school for club and tutor group competitions. The proposal would also facilitate athletics training during poor conditions at the beginning of the season.
  - 4.8 The existing pitch that will be lost is currently used by one outside group on alternate weekends.

## **RELEVANT PLANNING HISTORY**

- 4.9 03/0836/CPO  
Construction of extension to existing school building to accommodate 2 x 30 person changing rooms, construction of all weather pitch to eastern side of main school building including hardstanding walkway to pitch, perimeter fencing and halogen floodlighting on 16m columns.
- 4.10 This previous application was in the form of a consultation made by Essex County Council as determining Authority and was to provide a similar sized pitch to that currently proposed with raised mound to the east and south of the pitch and enclosure within a 3m high mesh fence extending to 4.2m high to a recessed area behind the goal areas.
- 4.11 Essex County Council advised as follows;
- 4.12 This Authority strongly objects to the provision of floodlighting as well as the potential use of the earth embankment by spectators leading to the loss of visual and residential amenity, as well as the loss of privacy for the nearby surrounding residents, noting the close proximity of residential properties to the development site.
- 4.13 There would be no objection in principle to the laying out of an all weather surface without floodlights, thus allowing for use in daylight hours only. Any Planning conditions should include restrictions on the hours to those “as specified” in the supporting documentation, particularly limited use on Saturdays and Sundays. This is a school playing field and not a public park and is perceived by the public to have a different use.
- 4.14 The application was withdrawn on 14 September 2004.

## **CONSULTATIONS AND REPRESENTATIONS**

- 4.15 **Rayleigh Town Council** - does not object in principle. Recognise that facilities should be provided for young people. Have reservations about security problems that will be caused by the bank; low lying area at risk from flooding; out of hours use may create noise problems detrimental to neighbouring properties.
- 4.16 **English Nature** – does not wish to comment.
- 4.17 **Essex County Council Highways** – no objections.
- 4.18 **Essex Police Architectural Liaison Officer** – no comment to make.
- 4.19 **Sport England** – raise no objection on the following grounds.

- 4.20 The proposal has been considered against "A Sporting Future for the Playing Fields of England" (1997) which aims to ensure there is no further reduction in the supply of conveniently located, quality playing fields to satisfy the current and likely future demand.
- 4.21 Normally Sport England would oppose the loss of all or part of a playing field without meeting at least one of the excepted criteria. In this case Exception E5 is applicable.
- 4.22 "The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields".
- 4.23 Considered benefits;
- Proposal would provide the school with improved outdoor sports facilities for a number of sports. A single grass pitch would not be able to provide for the same range of sports or provide a surface of the same quality and consistency
  - The pitch will significantly improve facilities for hockey, overcoming constraints to the drainage of the site and allowing for competitions to be played.
  - The proposal would be available to the local community to use at weekends and there has been interest from hockey and five-a-side clubs
  - There are no artificial surface pitches in the Rochford District. A need has been identified by the Assessment of Playing Pitches in the Rochford District undertaken by the Council in 2002
  - The facility may be made available for use by other schools if this can be accommodated
  - Impact on Playing Fields;
  - The training square to be lost would be relocated to another part of the playing field
  - The school grass playing pitches can be adequately met on the remaining area of the playing field which can accommodate two football pitches and one rugby pitch.
  - The quality of the playing surface to be lost is poor due to drainage problems. The existing community group that uses the pitch would be offered use of one of the remaining grass pitches. The proposal should reduce wear on the remaining pitches, thus improving the delivery of Physical Education at the school and provide higher quality pitches for community use at weekends.
- 4.24 The proposal would therefore meet the exception E5.

- 4.25 Sport England, however, would expect the proposed community use of the pitch to be formally secured through a Community Use Agreement to ensure the above benefits are secured in practice. Sport England do not agree with the applicant's assertion that this would not be possible because the school does not own the site. The majority of community use agreements for the use of school facilities involve agreements between the Local Education Authority or the school itself and a Local Authority, sports club, sports trust or Sport England.
- 4.26 The proposal would appear to accord with Sport England's design guidance on all weather pitches, however the applicants are advised to ensure that the detailed design of the pitch accords with this guidance.
- 4.27 Advises that the applicants should be urged to consider floodlighting in order to maximise the potential sports development benefits to the community.
- 4.28 **Buildings/Technical Support (Engineers)** - No objections. Advise that public surface water sewer is available. The all weather pitch would be constructed over a section of Public Foul sewer. One of the metal containers would be placed over the Public Surface water sewer.
- 4.29 40 Letters have been received from residents in the vicinity of the site and which make the following comments and objections ;
- 4.30 **Administrative**
- Notification process has not been reasonable. Letters have only been sent to the bare minimum of houses that border the site. Promised that wider consultation would result on this application. Consultation timed to occur over Christmas period. Consultation should have included an open public meeting.
  - Cavalier attitude by the school to concerns of its neighbours with regard to continuing problems with the turning circle in Sir Walter Raleigh Drive and adjacent play areas. These problems already spoil the enjoyment of adjoining property and give a clear indication of how the all weather pitch would be managed.
  - No consultation to alleviate any of residents' concerns.
- 4.31 **Noise/Disturbance**
- will lead to an increase in anti-social behaviour in the area from people drawn to events and who congregate afterwards
  - Noise from the crowd will drown the noise from the recently approved wind turbine
  - should keep Downhall Park Way a quiet residential area
  - Worried that proposal will lead to floodlighting and community uses detrimental to neighbours' quality of life
  - Noise and disturbance and bad language from increased school and out of school usage
  - The playing field is never policed by the school

- Potential use as late as 10.00 pm in summer months without floodlighting also affecting residents' enjoyment of gardens
- Drainage problems on this part of the site. Proposal and earthen bank will cause flooding.
- Increased noise
- No provision for the drainage of the earth mound, which will lead to flooding
- Siting too close to adjoining housing
- Mesh fence surround will cause noise with contact from balls
- Rights of residents to live in a quiet environment

**4.32 Traffic/Highways**

- Increased traffic associated with community use
- increased pollution from increased traffic
- Parking problems in surrounding quiet streets
- Applicants must be recognising the traffic implications because they are in this application extending the car parks which also reinforces the theory that the proposal will be for community use.

**4.33 Amenity considerations**

- loss of security to adjoining property, given community use and increased familiarity with adjoining property
- Consider proposal could be sited away from residential areas or at Park School site.
- Loss of privacy from the viewing potential from the earthen bank
- Location adjoining the Country Park will have the biggest impact adjoining the undeveloped area
- Large scale of the proposal far in excess of the educational requirements of the school
- Risk of creeping development and being the beginning of other proposals
- Proposal has not been designed to minimise impact upon residents but to provide a stepping stone to further development in the area
- Loss of pleasant view of the school field to be replaced with 10ft high mesh fence
- This development should be located in an area away from dwellings
- Noise and disturbance caused by rear access to the school favouring use of Downhall Park Way for parking and dropping off
- Containers will be used for additional changing rooms and other commercial usage
- Earthen bank will trap litter and so vermin
- Earthen bank will allow "undesirables" to hide
- When pitch is floodlit it will illuminate the unsightly school building

**4.34 Other**

- Loss in property values
- Unnecessary duplication being only 2.2 miles from The Deanes School where public funding has been used for the purpose of providing access to this type of facility

- If such development is necessary the Park School should never have been demolished. It would be unjust to now subject residents to further development at Sweyne Park as a consequence of this decision.
- As a neighbour would not be allowed to change use of property to business use or cause unreasonable levels of nuisance.
- Have no objection to the school building the pitch for school use to be used within normal school hours but the current positioning is unacceptable. Proposal should be built adjoining the tennis and hard play areas near London Road.
- Proposal will not be viable without floodlighting as seen with other examples at St Thomas Moore where application for floodlighting followed
- Concern that the size of this particular pitch is unnecessary for school use and shows intent to increase income from lettings

- 4.35 One letter has been received from Mark Francois MP with enclosed letters of objection
- 4.36 One letter has been received from Essex County Councillor Steve Castle indicating support for the improvement of facilities at the school but in this particular case considers the proposal too close to an established residential area and that the visual and noise impacts on those residents will be unacceptable.

#### **MATERIAL PLANNING CONSIDERATIONS**

- 4.37 The proposed container within the envelope of school buildings is retrospective. The containers, although not normally encouraged within urban environments, would be sited adjoining existing buildings, well removed from surrounding development and not visually detrimental from wider views of the area. The proposed changes to the car park and hard surface area adjoining the sports hall would similarly be of no significant visual effect upon the wider surroundings.
- 4.38 Policy LT5 of the Council's Adopted Local Plan (1995) encourages the joint provision and multi-use of recreation facilities in educational and other establishments.
- 4.39 Given the existing use of the grassed pitches on which the proposal is to be sited there can be no material objection to the principle of the recreational use of the playing field and the provision of an all weather surface to maximise the potential of the site. The community use already exists for the existing pitches as evidenced by the views of residents. It would not seem reasonable or serve any planning purpose to require the applicant to enter into a community use agreement, as required by Sport England, should Members be minded to approve the application.
- 4.40 The issue, however, remains as to the acceptability of the proposal in terms of the impact on residential amenity enjoyed by local residents and particularly an assessment of the intensity of use which could result in loss of amenity by way of noise and disturbance arising from community users of the facility.

- 4.41 The issues raised through responses to the consultation concern in essence behavioural matters and the lack of appreciation for neighbours to the site. This is less so for school use whereby activities can be supervised by staff. Regular users from the community may also show similar respect and can be supervised through the letting process. More problematic, perhaps, is the infrequent casual users or unauthorised playing outside school hours which generate nuisance to an unacceptable level for those residents closest to the proposed pitch. It must also be borne in mind that these problems are reported as being associated with the existing use of the grass pitches. What falls to be material in the consideration of this particular application are those distinguishing effects that would cause serious disturbance to people living in the vicinity of the site over and above that which is already experienced or exists free from planning control.
- 4.42 The existing football pitch is laid out east to west and located 12 metres from the eastern boundary of the site with the nearest dwellings (Nos. 66 and 71 Cheapside East). The proposed pitch would be laid out in a north to south configuration and located 25m from the same boundary. As such, the proposal would be further away from existing residential properties. The enclosure of the all weather pitch in mesh fencing with kick boards would, however, introduce more frequent contact noise during use.
- 4.43 The site is adjoined by a relatively quiet area of informal Public Open Space forming part of "Sweyne Park". The adjoining housing is at a relatively high density being detached and semi detached in nature. The site is located 170 metres from London Road further to the south. This part of the site enjoys a degree of quiet, particularly during evenings and weekends and outside of normal school hours.
- 4.44 No provision has been made in this proposal to accommodate large numbers of spectators, but it is envisaged that the number of spectators for any event will be limited and directly comparable to those possible with existing use of this part of the playing field. The synthetic nature of the surface would increase the potential intensity in use of this relatively quiet part of the site, particularly by the school during daytime and early evening and particularly with the potential to let out the surface for community use. However, without floodlighting, the community use would be restricted to daylight evenings and weekends.
- 4.45 The applicants are not proposing the provision of floodlighting with the application. A condition is recommended to control this and also to restrict the provision of any fixed tannoy or public address systems, given the applicants' desire to become involved in competitions using the facility.
- 4.46 It is understood that existing usage of this part of the site occurs during Saturday and Sunday mornings. Usage will obviously be governed by hours of daylight but at weekends it is recommended that use be limited so as to cease earlier in the interests of local residents.

- 4.47 The proposal does not fall neatly within the Council's detailed supplementary guidance for parking being principally a school, but it's reasonable to expect those attending any community usage to be able to be accommodated within the school site.
- 4.48 The school has two main car parking areas accessed off Sir Walter Raleigh Drive and Cheapside West. The car parking on site would clearly provide for school activities either during normal or outside normal hours covering such use for competitions.

### **CONCLUSION**

- 4.49 The existing playing field area to which the proposed all weather pitch relates is in use as one football pitch, training box and part athletics track and field.
- 4.50 The proposed synthetic all weather playing pitch will generally enhance provision for the school with some limited community benefit. These circumstances would accord with general Planning policy which supports dual use of educational facilities with wider benefits for the community.
- 4.51 In this case the proposal is located particularly close to adjoining residential properties which enjoy a relatively quiet environment, but for problems of noise and disturbance associated with the community use of the existing playing field. It is therefore suggested that these matters can be addressed by limitation to the hours of use at weekends, together with prohibition for the provision of lighting and tannoy type public address systems. These limitations, together with the need to landscape the earthen mound, can be achieved through satisfactory conditions to any approval that might be given.

### **RECOMMENDATION**

- 4.52 It is proposed that this Committee **RESOLVES** to **APPROVE** the application, subject to the following conditions:-
- 1 SC4 Time Limits Full – Standard
  - 2 The all weather playing surface hereby permitted shall not be used after 1700 hrs on Saturdays or 1230hrs on Sundays.
  - 3 At no time shall any artificial lighting be installed or erected (other than that required solely for security purposes) associated with the development hereby approved without the prior consent in writing of the Local Planning Authority.
  - 4 No amplified speech/music or other form of public address system shall be installed, broadcast or operated to serve the development hereby permitted without the prior approval in writing of the Local Planning Authority.
  - 5 The mesh fence enclosure to be provided to enclose the all weather pitch hereby approved shall be limited to a height not exceeding 3m from the finished playing surface.
  - 6 SC59 Landscaping Design – Details (Full)

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

**Relevant development plan policies and proposals:**

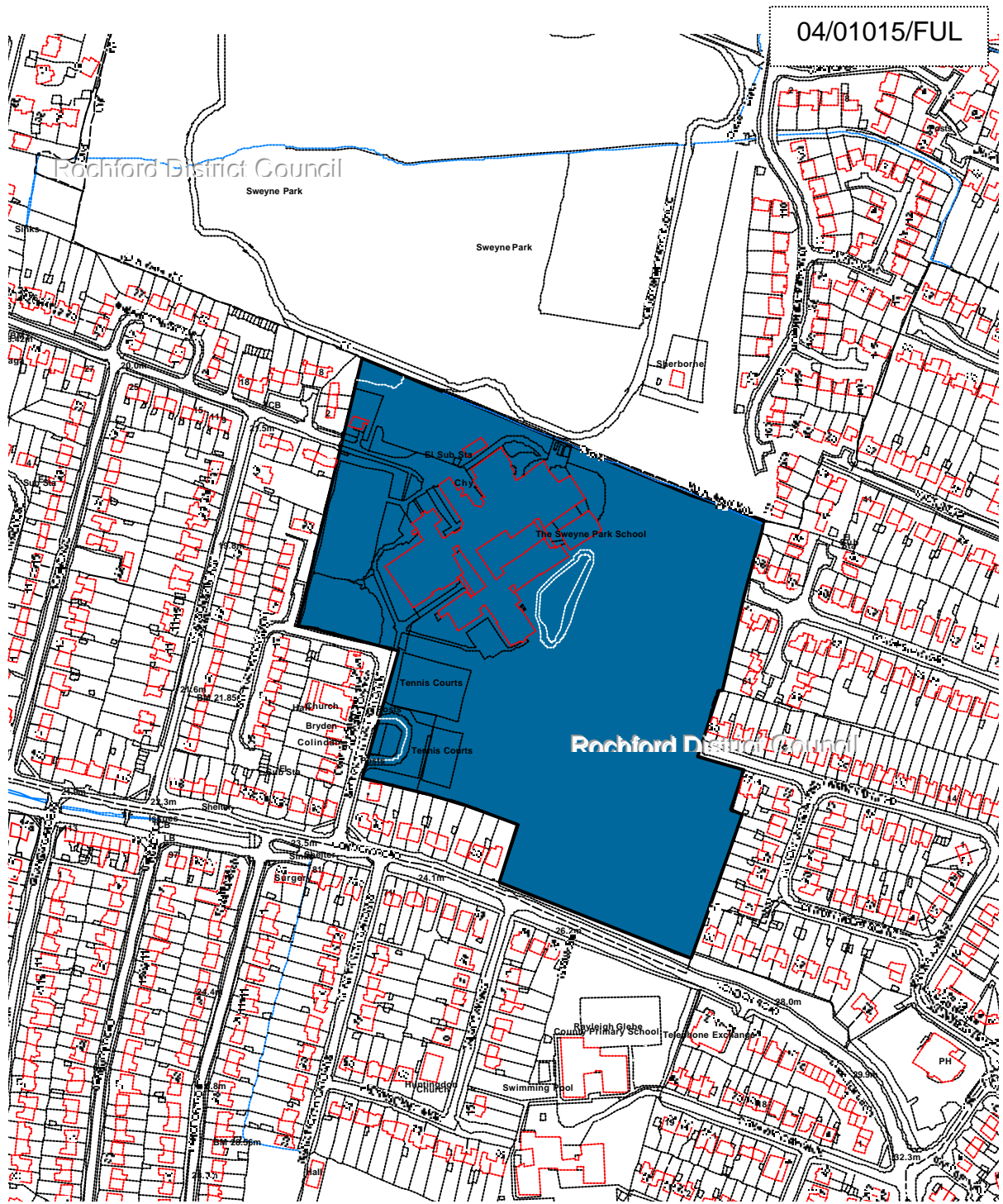
H24, LT5 of the Rochford District Local Plan First Review

A handwritten signature in black ink, appearing to read 'Shaun Scrutton', with a horizontal line extending from the end of the signature.

Shaun Scrutton  
Head of Planning Services

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



04/01015/FUL

Rochford District Council

Sweyne Park

Sweyne Park

Sperberne

St Sub. Sta.

Ch.

The Sweyne Park School

Tennis Courts

Tennis Courts

Rochford District Council

Rochford District Council

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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.**