



Rochford District Council

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY
PLANNING SERVICES COMMITTEE 26th July 2001**

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 – 318098.**

PLANNING SERVICES COMMITTEE 28th July 2001

REFERRED ITEMS

R1	01/00289/FUL Erect Single Storey Club House Building with Pitched Roof (Demolish Existing) Rayleigh Tennis Club Watchfield Lane Rayleigh	Christopher Board	PAGE 3
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SCHEDULE ITEMS

2	01/00339/FUL Single Storey Side/Rear Extension 1 Padgetts Way Hullbridge Hockley	Lee Walton	PAGE 6
3	01/00219/FUL Provision Of Underground Store And Office And Ground Floor Entrance Lobby. The Chichester Hotel Old London Road Rawreth	Mark Mann	PAGE 9
4	01/00254/FUL Provision Of 2 (No.) Dormer Windows The Chichester Hotel Old London Road Rawreth	Mark Mann	PAGE 15
5	00/00005/OUT Mixed Commercial (Classes B1 + B8) Development and Car Showrooms, Maintenance and Preparation Units and Petrol Filling Station Land West Of Cherry Orchard Way Rochford	Kevin Steptoe	PAGE 20
6	01/00323/FUL Partial Demolition and Refurbishment of Existing Agricultural Buildings (Including Re-Roofing) for Use as Stables Lubbards Lodge Farm Hullbridge Road Rayleigh	Mark Mann	PAGE 28
7	01/00351/FUL Variation of Opening Hours Imposed by Condition 3 of Permission ROC/700/84 (and later permissions) To Allow Opening: Mon-Thurs 12 Noon - 11.30pm, Fri and Sat 12 Noon - 2.30am, Sun 12 Noon - 11.30pm 28 High Street Rayleigh Essex	Kevin Steptoe	PAGE 30

TITLE : 01/00289/FUL
ERECT SINGLE STOREY CLUB HOUSE BUILDING WITH
PITCHED ROOF (DEMOLISH EXISTING)
RAYLEIGH TENNIS CLUB WATCHFIELD LANE RAYLEIGH

APPLICANT : RAYLEIGH LAWN TENNIS CLUB

ZONING : RESIDENTIAL

PARISH: RAYLEIGH TOWN COUNCIL

WARD: WHITEHOUSE

This Item Referred by Councillor Mrs J N Giles from Weekly List No. 582

- 1.1 **Rayleigh Town Council** have no objections or observations on this application.

NOTES

- 1.2 This application is for the erection of a pitched roof, single storey clubhouse building to replace the existing clubhouse on site.
- 1.3 Currently there is an existing clubhouse with a very low-pitched roof and separate shed located next to the tennis courts adjacent to the site boundary with Courtside of Watchfield Lane. The proposal will replace this with a longer building and a taller pitched roof, utilising the plot of the existing building and shed.
- 1.4 The development will provide new facilities. There will be no significant loss of carparking, with the access way along the rear of the building remaining unaffected.
- 1.5 Overall the building will provide approximately 30 square metres of internal floorspace over that of the existing construction, any intensification in the use of the building will be marginal to that of the existing, including parking requirements and general amenities. Materials should be specified in order to confirm that an appropriate appearance is maintained in comparison to that of the existing brown and green construction.
- 1.6 **Housing, Health & Community Care** have no objection to this application subject to conditions being attached to any consent granted.
- 1.7 **Buildings & Technical Support (Engineering)** have no observations to make on this application.

- 1.8 **Essex County Council (Highways)** advise that this application is de-minimis in highways terms.
- 1.9 **Essex County Council (Archaeological Advice)** have no recommendations on this application.
- 1.10 **Environment Agency** have advisory comments to make on this application.
- 1.11 Neighbour Responses have been received from one local resident who has no objection, raising caution over an error on the submitted plans (corrected) and concern on the foul drainage on site.

APPROVE

- 1 SC4Time Limits Full - Standard
- 2 SC14Materials to be Used (Externally)
- 3 Prior to the commencement of any development, details of any external equipment or openings in the walls or roofs of the building proposed at any time in connection with the permitted use, shall be submitted to and approved in writing by the Local Planning Authority before the machinery is installed or the opening formed. The equipment shall be maintained in the approved form while the premises are in use for the permitted purpose.
- 4 Prior to installation details of all fume extraction and ventilation equipment shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed as approved and shall be maintained in the approved form while the premises are in use for the permitted purpose.

Relevant Development Plan Policies and Proposals:

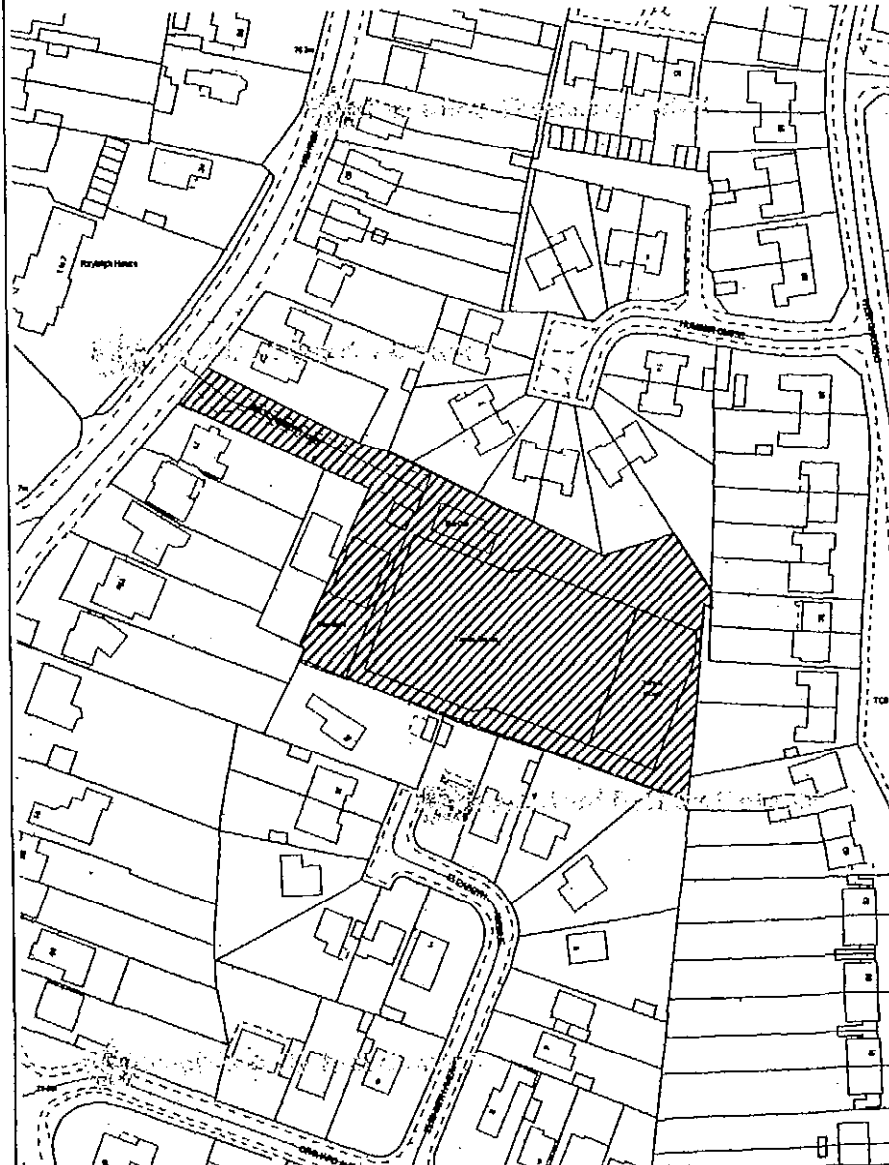
LT3, LT2 of the Rochford District Council Local Plan First Review


Shaun Scutt
Head of Planning Services

The local Ward Member(s) for the above application is/are Cllr Mrs J N Giles
Cllr P F A Webster

For further information please contact Christopher Board on (01702) 546366.

01/00289/FUL



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TITLE : 01/00339/FUL
1 PADGETTS WAY, HULLBRIDGE
SINGLE STOREY SIDE/ REAR EXTENSION

APPLICANT : C MORGAN

ZONING : RESIDENTIAL

PARISH: HULLBRIDGE PARISH COUNCIL

WARD: HULLBRIDGE RIVERSIDE

PLANNING APPLICATION DETAILS

- 2.1 This is an application made by a Member and therefore is reported to the planning committee for a decision.
- 2.2 The proposal seeks planning permission for single storey extension to the side of the house, which projects in to the back garden area. Part of the floor area replaces an existing garage to the side.

RELEVANT PLANNING HISTORY

- 2.3 There is no previous planning history for this site.

CONSULTATIONS AND REPRESENTATIONS

- 2.4 Hullbridge Parish Council - no comment
- 2.5 County Surveyor (Highways) - De-minimis
- 2.6 Neighbours - There have been two letters from neighbours that have raised concerns. The issues raised include the lack of any provision for the disposal of rainwater from the gutters of the new extension via soak-away, loss of day light, height of proposed extension.
- 2.7 Any responses to reconsultation on the revised plans will be reported to the Committee.

MATERIAL PLANNING CONSIDERATIONS

- 2.8 There is a rise in ground level making the applicant's ground slightly higher compared to the neighbours. The original proposal sought a gable end and pitch roof to cover the extension. This and the change in ground levels produced a very high side wall. The neighbour objected to the proposal. His concerns have subsequently been taken on board and a set of revised drawings produced. The proposed extension will now have a flat roof, which reduces the overall height and accommodates the neighbours main concerns.
- 2.9 Another neighbour concern centred on rain water run off from this property. A planning condition can be attached to the decision notice, which addresses this concern.

CONCLUSION

- 2.10 The revised drawings have addressed concerns of loss of light to the neighbour's property. The current proposal does not now have a major impact on the neighbouring property. In all other respects the proposal meets local plan policies.

RECOMMENDATION

- 2.11 It is proposed that this Committee **RESOLVES to APPROVE** the application subject to the following
- 1 SC4 Time Limit Full - Standard
 - 2 SC15 Materials to Be Used
 - 3 SC90 Surface Water Drainage

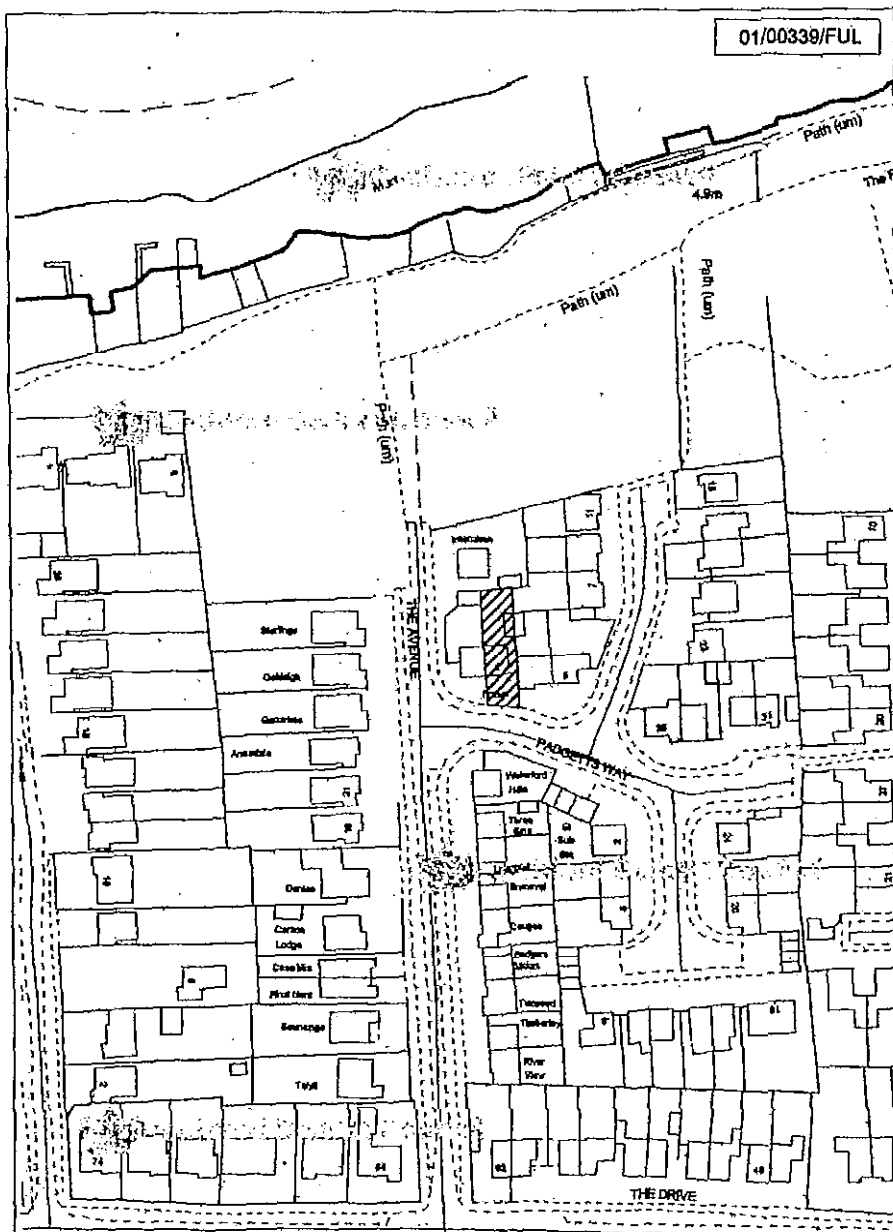
Relevant Development Plan Policies and Proposals

Policy H11 of the Rochford District Local Plan First Review


Shaun Scruton
Head of Planning Services

For further information please contact Lee Walton on (01702) 546366.

The Ward Members for this application are Cllr D F Flack. Cllr C R Morgan



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TITLE : 01/00219/FUL
PROVISION OF UNDERGROUND STORE AND OFFICE AND
GROUND FLOOR ENTRANCE LOBBY
THE CHICHESTER HOTEL, OLD LONDON ROAD, RAWETH.

APPLICANT : THE CHICHESTER HOTEL

ZONING : METROPOLITAN GREEN BELT

PARISH: RAWRETH

WARD: GRANGE AND RAWRETH

PLANNING APPLICATION DETAILS

- 3.1 This is the second of two applications relating to The Chichester Hotel. The other application relates to the provision of two dormer windows so that the loft space can be utilised as office accommodation. As Members may recall previous extensions to this hotel have been refused on the grounds that such proposals would be contrary to Policy GB1 of the Local Plan. Last year, two Inquiries were held in respect of two proposals to extend this hotel. In both cases the Inspector concluded that to grant consent for additional development in the Green Belt, very special circumstances did not exist and the appeals were dismissed.
- 3.2 This proposal has taken on board some of the comments of the Inspector in that the scale of the development, particularly in terms of its appearance and its impact on the open character of the Green Belt has been greatly reduced.
- 3.3 The majority of the accommodation will be provided underground with only the provision of entrance lobby being noticeable from the outside. This entrance lobby will be located to the rear of the hotel in the yard area and will not be visible from outside of the site. Underneath the yard area is the proposed Chef's Office, staff changing rooms and toilets and a storage area/housekeepers store. The total amount of floor space provided will be 77 sq metres underground and 11 sq metres at the ground floor level. The previous application, the subject of the appeal, involved the creation of 200 sq metres of additional floorspace.
- 3.4 As the development does not accord with the provisions of the Local Plan it is considered a departure from it and is processed accordingly.

RELEVANT PLANNING HISTORY

- 3.5 As mentioned above, two Public Inquiries have been held recently in respect of previous proposals at the above premises. These related to a two-storey extension to the rear of the hotel to provide an office, store, and two additional bedrooms (00/00021/FUL). The other application related to a single storey extension to the public house/restaurant to provide a lobby area, reception, and offices (89/00373/FUL). Both appellants (the hotel and public house are operated independently of each other and owned by different companies) claimed that very special circumstances existed as the accommodation was needed to comply with current health and safety regulations, increasing amounts of paper work and the greater bureaucratic burden on businesses and that no increase in bedrooms or staff would result from the development. This Authority and the Inspector did not consider that very special circumstances existed. Many businesses within and outside the Green Belt have similar problems and such considerations did not outweigh the strong policy presumption against inappropriate development and the specific harm, which would result from such development. Both appeals were dismissed.

CONSULTATIONS AND REPRESENTATIONS

- 3.6 **Raweth Parish Council.** No objections
- 3.7 **County Surveyor.** De-minimis.
- 3.8 **Head of Housing, Health & Community Care.** No adverse comments subject to SI 16 being attached to decision.
- 3.9 **Essex County Planning Archaeology.** Although this proposal lies by the side of a moated site, any archaeological deposits were most likely destroyed during the erection of the hotel and therefore no condition is required.

MATERIAL PLANNING CONSIDERATIONS

- 3.10 The material considerations are the same as before and include: the policies of the Local Plan, Policy GB1, which relates to development in the Green Belt and Policy LT15 which, seeks to promote tourism; the previous appeal decisions; and the advice given in PPG2 Green Belts and PPG4 Industrial and Commercial Development and Small Firms.
- 3.11 The proposed development assessed against in Policy GB1 or the provisions of PPG2 and is inappropriate development, which by definition is harmful to the Green Belt. PPG2 advises that in such cases the applicant needs to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of its inappropriateness is clearly outweighed by other considerations.

- 3.12 In support of his application the applicant has reiterated the need for the development, and why he considers that very special circumstances exist. Many of these were first put forward at the Inquiry and include:
- The hotel was approved and built with 36 bedrooms and only 33 are currently being used as the other rooms are being used for other uses such as storage accommodation and offices.
 - Operating with only 33 bedrooms affects operational viability.
 - That there is a need for tourism accommodation in this part of Essex and this is supported by the English Tourist Board.
 - There is a need to provide for a proper housekeeper store and Chef's Office in order to meet the requirements of the employment regulations and also the need for proper toilets and changing accommodation under the Health and Safety Regulations. The existing arrangements are very cramped and take up valuable bed space.
 - The proposed scheme takes on board the Inspector's comments regarding the prominent siting, bulk and height of the extension and is now largely underground.
 - The current proposal would not detract from the fundamental aim of Green Belt policy which is to prevent urban sprawl or detract from its most important attribute, its openness.
 - No additional staff will be taken on and nor will the capacity of the hotel be increased by the proposals.
- 3.13 The proposal will increase the overall floor space of the hotel, which runs counter to established Green Belt Policy. However, the prominent siting, bulk and height of the extension has been greatly altered and the impact of the proposal has been greatly reduced.
- 3.14 In the previous hotel appeal, the Inspector considered that the proposed two-storey extension was not dissimilar to a typical four bedroom house in terms of its scale, form and bulk and had to be considered a significant addition to the total built development of the hotel. Although at the rear of the hotel it could be seen from the rear car park and it would appear prominent because of its 3 metre projection forward from the hotel and its different roof design and height. At the appeal this harm was weighed against the benefits of the development, such as improved office accommodation and the need to provide tourism accommodation and it was found that these operational and economic benefits to the hotel and the local economy did not clearly outweigh the harm which would be caused by the proposed extension.

- 3.15 The current proposal will have little impact in terms of the openness of the Green Belt, being hidden from view in the rear yard and involving only minor external alterations to provide weather protection for the stairs to the underground accommodation. It will also involve the removal of two existing steel containers which are probably equivalent in size to the above ground works and which currently house bed linen, etc. The fact that the majority of a proposed development is underground would not, normally, taken by itself, make it acceptable in policy terms. In fact the Authority is currently taking action against a householder who is using a basement as habitable accommodation contrary to conditions attached when the dwelling was granted permission under the rebuild policy. However, in that case the Authority did allow the basement to be built which took it over the normal floor space limits provided it was used only for storage or some other non-habitable use. In this instance, the proposal will not lead to additional staff being employed or more bedrooms over the approved amount and is therefore materially different to the dwelling case.
- 3.16 Bearing in mind the benefits to the hotel and to the local economy should this proposal be approved, the reduction in the harm of the development effectively alters the balance in favour of the development compared to the previous application.

CONCLUSION

- 3.17 Compared to the previous proposal for this site, the current application is of a greatly reduced scale and will have little effect on the openness of the Green Belt as it will be hidden from public view, only being capable of being seen from an enclosed yard area at the rear of the hotel complex.
- 3.18 The benefits of the proposal, in terms of improved office accommodation and the benefits to the local economy, etc., remain largely as stated at the inquiry. With the harm of the proposal being significantly reduced, the balance of harm versus benefit now tips in favour of the development and very special circumstances are now considered to exist. In line with Policy GB1, LT15, and the advice given in PPG2 and PPG4 the proposal is considered acceptable.

RECOMMENDATION

- 3.19 It is proposed that this Committee **RESOLVES** to **GRANT** Planning Permission subject to the following condition heads:
- 1 SC4 Time Limits.
 - 2 SC14 Materials.
 - 3 The total number of bedrooms in the hotel shall not exceed 35.
 - 4 The accommodation hereby approved shall only be used for a purpose ancillary to the hotel use as annotated on the approved plans drawing number CHB/9.

Relevant Development Plan Policies and Proposals:

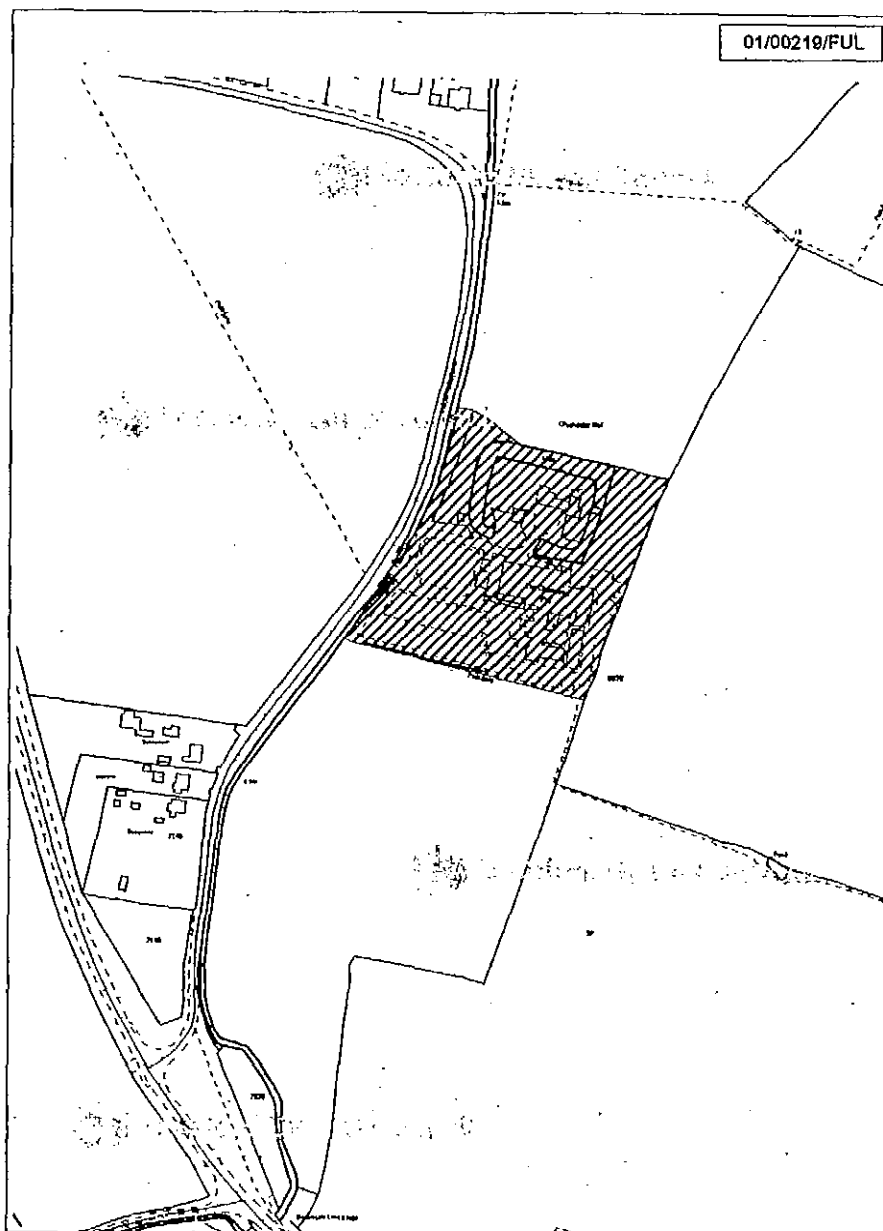
GB1, LT15 of the Rochford District Local Plan First Review



Shaun Scrutton
Head of Planning Services

The Ward Members for the above application are Cllr P J Morgan. Cllr G A Mockford. Cllr R F R Adams.

For further information please contact Mark Q Mann on (01702)318092.



01/00219/FUL

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TITLE : 01/00254/FUL
PROVISION OF 2(No.) DORMER WINDOWS
THE CHICHESTER HOTEL, OLD LONDON ROAD, RAWETH

APPLICANT : THE CHICHESTER HOTEL

ZONING : METROPOLITAN GREEN BELT

PARISH: RAWRETH PARISH COUNCIL

WARD: GRANGE AND RAWRETH

PLANNING APPLICATION DETAILS

- 4.1 It is proposed to utilise the roofspace of the hotel in order to provide two small offices. Two dormers will be provided and these will face into the enclosed courtyard area of the hotel and will not be seen from the outside.
- 4.2 The development does not accord with the provisions of the Local Plan and is therefore a departure from it.

RELEVANT PLANNING HISTORY

- 4.3 Members may recall that two Public Inquiries have been held recently in respect of proposed extensions at the above premises. These related to a two-storey extension to the rear of the hotel to provide an office, store, and two additional bedrooms (00/00021/FUL). The other application related to a single storey extension to the public house/restaurant to provide a lobby area, reception, and offices (99/00373/FUL). Both appellants (the hotel and public house are operated independently of each other and owned by different companies) claimed that very special circumstances existed as the accommodation was needed to comply with current health and safety regulations, increasing amounts of paper work and the greater bureaucratic burden on businesses and that no increase in bedrooms or staff would result from the development. This Authority and the Inspector did not consider that very special circumstances existed. Many businesses within and outside the Green Belt have similar problems and such considerations did not outweigh the strong policy presumption against inappropriate development and the specific harm, which would result from such development. Both appeals were dismissed.

CONSULTATIONS AND REPRESENTATIONS

- 4.4 **Rawreth Parish Council.** No objections
- 4.5 **County Surveyor.** De-minimis.

- 4.6 **Head of Housing, Health & Community Care.** No adverse comments subject to SI 16 being attached to decision.

MATERIAL PLANNING CONSIDERATIONS

- 4.7 The material considerations are: the policies of the Local Plan, is specifically, Policy GB1, which relates to development in the Green Belt and Policy LT15 which, seeks to promote tourism; the previous appeal decisions; and the advice given in PPG2 Green Belts and PPG4 Industrial and Commercial Development and Small Firms.
- 4.8 The proposed development is not listed in Policy GB1 or in the provisions of PPG2 and is therefore considered inappropriate development, which by definition is harmful to the Green Belt. PPG2 advises that in such cases the applicant needs to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of its inappropriateness is clearly outweighed by other considerations.
- 4.9 In support of his application the applicant has reiterated the need for the development, and why he considers that very special circumstances exist. Many of these were first put forward at the Inquiry and include:
- The hotel was approved and built with 36 bedrooms and only 33 are currently being used as the other rooms are being used for other uses such as storage accommodation and offices.
 - Operating with only 33 bedrooms affects operational viability.
 - That there is a need for tourism accommodation in this part of Essex.
 - There is a need to provide for a proper administration office, the existing arrangements are very cramped and take up valuable bed space.
 - The use of the loft space for offices does not require planning permission.
 - The proposed dormers, which face into the enclosed courtyard, cannot be seen from the outside and will not create any additional floorspace. The effect on the Green Belt will therefore be nil.
- 4.10 In addition to the above it should be noted that the use of the loft space will not require planning permission by virtue of Section 55(2)(a) of the Town & Country Planning Act 1990. In fact, the applicant considers that because the dormers can only be seen from the enclosed courtyard, no material alteration to the appearance of the building is proposed and therefore the actual dormers do not require planning permission. Whilst this may help to show that the dormers will cause very little harm in terms of their appearance, it is still considered that planning permission is required.

- 4.11 In the previous hotel appeal, the Inspector considered that the proposed two-storey extension was not dissimilar to a typical four bedroom house in terms of its scale, form and bulk and had to be considered a significant addition to the total built development of the hotel. Although at the rear of the hotel it could be seen from the rear car park and it would appear prominent because of its 3 metre projection forward from the hotel and its different roof design and height. At the appeal this harm was weighed against the benefits of the development, such as improved office accommodation and the need to provide tourism accommodation and it was found that these operational and economic benefits to the hotel and the local economy did not clearly outweigh the harm which would be caused by the proposed extension.
- 4.12 The current proposal will have no impact in terms of the openness of the Green Belt, being hidden from view and involving only minor external alterations. Further, the additional floorspace created in the roof does not require permission and only the dormers actually require permission. The two dormers primarily provide light and ventilation to the proposed floorspace rather than headroom to the floorspace itself. This reduction in the harm of the development effectively alters the balance in favour of the development compared to the previous application due to it greatly scaled down size. It is therefore considered that, in this instance, very special circumstances do exist.

CONCLUSION

- 4.13 Compared to the previous proposal for this site, the current application is of a greatly reduced scale and will not affect the openness of the Green Belt as it will be hidden from public view, only being capable of being seen from an enclosed courtyard within the hotel complex.
- 4.14 The benefits of the proposal, in terms of improved office accommodation and the benefits to the local economy, etc., remain largely unaffected. With the harm of the proposal being significantly reduced, the balance of harm versus benefit now tips in favour of the development and very special circumstances are considered to exist. In line with Policy GB1, LT15, and the advice given in PPG2 and PPG4 the proposal is considered acceptable.
- 4.15 In order that the number of bedrooms do not exceed that approved originally, ie 35, which would encourage more people into the Green Belt, it is proposed to attach a condition limiting the number of bedrooms to that number.

RECOMMENDATION

- 4.16 It is proposed that this Committee **RESOLVES to GRANT** Planning Permission subject to the following condition heads:

-
- 1 SC4 Time Limits.
 - 2 SC15 Materials to Match.
 - 3 The total number of bedrooms shall not exceed 35.
 - 4 The accommodation hereby approved shall only be used for a purpose ancillary to the hotel use as annotated on the approved plans drawing number CHB/10, ie as offices.

Relevant Development Plan Policies and Proposals:

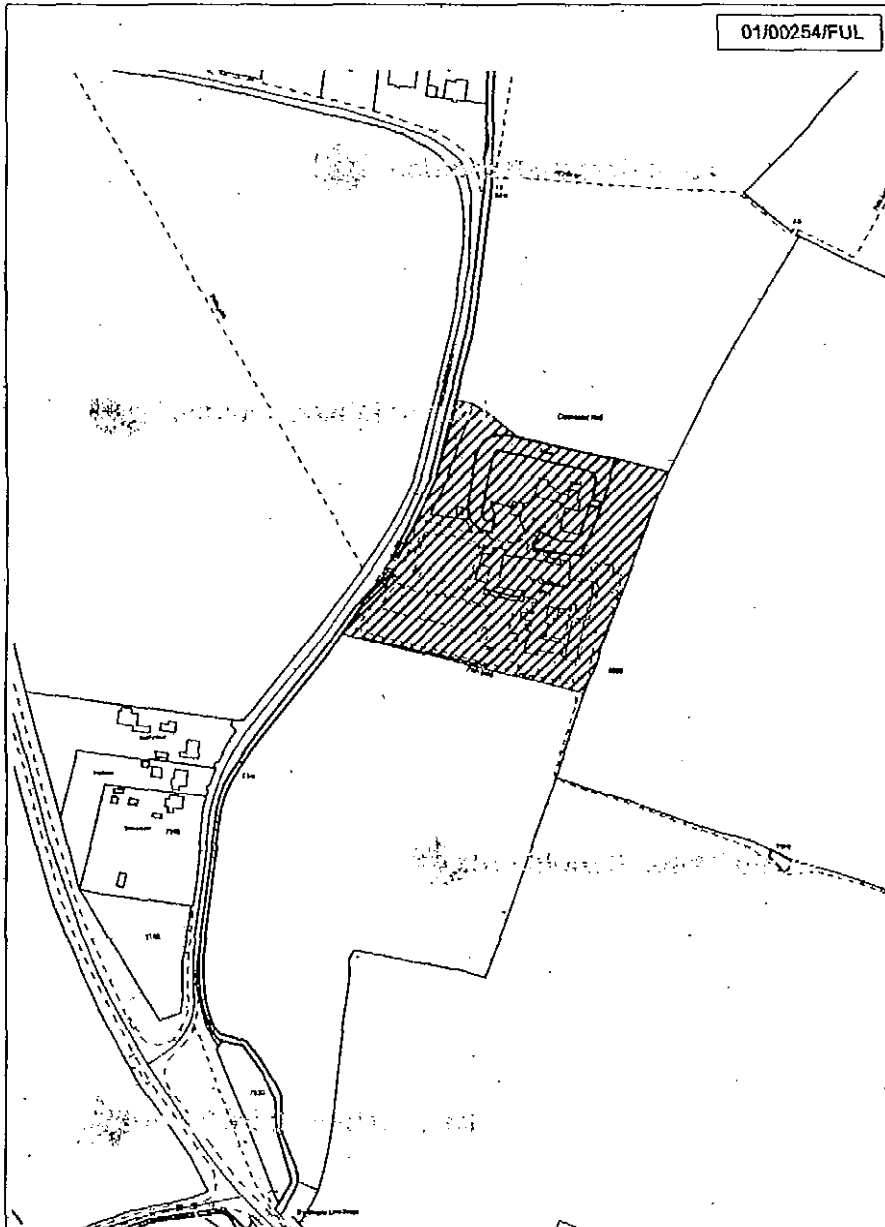
GB1, LT15 of the Rochford District Local Plan First Review


Shaun Scrutton
Head of Planning Services

The Ward Members for the above application are Cllr P J Morgan, Cllr G A Mockford

For further information please contact Mark Q Mann on (01702)318092.

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TITLE : 00/00005/OUT
 OUTLINE APPLICATION FOR MIXED COMMERCIAL (USE
 CLASSES B1, LIGHT INDUSTRIAL AND B8, STORAGE AND
 DISTRIBUTION) CAR SHOWROOMS, CAR PREPARATION
 AND MAINTENANCE UNITS AND PETROL FILLING
 STATION
 LAND BETWEEN CHERRY ORCHARD WAY AND
 WESTERN APPROACHES, ROCHFORD.

APPLICANT : LAINDON HOLDINGS LTD

ZONING : PROPOSED AREA PRIMARILY FOR B1 AND B8 USE, POST
 1995

PARISH: ROCHFORD PARISH COUNCIL AREA

WARD: ROCHFORD ST. ANDREWS

SITE AREA: 11Ha approx

PURPOSE OF THIS REPORT

- 5.1 The application relating to the development of this site was first received by the Council early last year. Consultations took place at that time with all the relevant consultees and the neighbouring occupiers. As Members will be aware, the site is located on the boundary of the district with Southend. The neighbouring occupiers to the west and south of the site are residents of Southend. In addition to the surrounding occupiers Southend Borough Council was also notified.
- 5.2 As the proposals constitute an employment generating form of development the matter was initially reported to Members at the meeting of the committee of 10 February 2000 as a fast track item.
- 5.3 Subsequent to that report, the issues identified in the report as concurred by the Members at that time were referred back to the applicants, Essex County Council. There was no action taken by the applicants at the time due to negotiations concerning the scale of this site and no further progress was made on the application.
- 5.4 Revised and updated details of the application have now been received (10 July) from the new owners of the site and the proposals have been revised in their scope and extent.

- 5.5 Following the receipt of the revised scheme full consultation has been undertaken again. In addition to the neighbouring occupiers adjacent to the site, all those who wrote individually in relation to the scheme as it was first submitted, have been notified of the proposals. Southend Borough Council and the relevant statutory consultees have all been re-consulted.
- 5.6 As the scheme has been reactivated and as it continues to constitute a major employment generation proposal, it was considered that a report should be submitted to the first available meeting of this committee. This would ensure that Members are advised of the current position and provide an opportunity for all the relevant issues to be identified.

PLANNING APPLICATION DETAILS

- 5.7 The application remains in outline form with all matters reserved for subsequent approval. An indicative layout plan and supporting statement have been submitted. In addition the applicants have submitted:
- a reptile and botanical assessment
 - a survey of badger activity, and,
 - a traffic and transportation report.
- 5.8 In the supporting statement the presentation made by the applicants to the 6 June 2001 meeting of the Council's Planning Policy Sub-Committee is referred to. It is set out that the development concept remains as originally envisaged, that is the development of car showrooms to enable the costs of the provision of infrastructure to the site to be justified. This is now costed at £2.8m, a substantial increase over the estimate of 1.3m provided in 1997.
- 5.9 It is anticipated that there will be 36,230sqm (approx) of floorspace which will be put to the uses of B1 (70%) and car related uses (30%). The design is to incorporate 'contemporary buildings'.
- 5.10 Employment generation is considered to be in excess of 1,800 jobs generating an estimated excess of £8m of salaries.
- 5.11 The indicative plan submitted shows a total of 6 car dealership buildings on the site. There are to be two body shop buildings and a petrol filling station. These buildings are located on the east half of the site onto Cherry Orchard Way. The west half of the site would be occupied by 12 commercial units which are shown to vary in size from 450sqm to 4000sqm.
- 5.12 Vehicular access to the site is shown to be created from the existing roundabout on Cherry Orchard Way which already has a spur road leading into the site.

- 5.13 When the application was initially submitted the proposals were considered under the terms of the Town and Country Planning (Environmental Assessment) (England and Wales) Regulations 1999, which govern the need for an Environmental Impact Assessment. It was concluded at that time that a formal assessment was not required in this case. That remains the conclusion.

RELEVANT PLANNING HISTORY

- 5.14 None

CONSULTATIONS AND REPRESENTATIONS

- 5.15 As indicated all relevant consultations have been undertaken including extensive neighbouring occupier consultations. Responses to this second round of consultation will be provided when the application is reported to Members for a decision.

MATERIAL PLANNING CONSIDERATIONS

- 5.16 The issues that are relevant to the proposals were identified during the early consideration of the application after its submission last year. It is not considered that the revised proposals raise significantly different issues. Those identified previously were:

Impact on residential amenity

- 5.17 The acceptability of the proposed use given the proximity of the dwellings to the west and south of the site. Allied with this is the issue of the boundary treatment to be applied to the site, both because of the proximity of residential uses but also because of the existence of public footpaths on the perimeter of the site and the considerable views which can be had of the site.
- 5.18 Members will note that there has been significant feedback from residents in the Western Approaches area who are concerned with regard to the impact of the proposed development on residential amenity by virtue of noise, disturbance and visual impact. A local representative group has been formed by residents to voice their concerns. It is anticipated that there will be significant further response from neighbouring residents on the basis of this issue. Southend Council raised concern in relation to the application as initially submitted in relation to this issue.
- 5.19 The submitted illustrative layout plans show that the new buildings would be placed a distance of 15m from the sensitive west and south boundaries of the site. This results in them being placed within 20m of some of the existing dwellings. The plan shows the implementation of the planting in the intervening space.

Ecology Issues

- 5.20 During the Initial consideration of the proposals local residents pointed out the potential wildlife interest of the site and surroundings. This was identified to the applicants as an issue which needed to be fully explored. The reports referred to above have now been prepared by consultants working for the applicants and have been forwarded to the Councils Woodlands and Environmental Specialist and external advisory bodies including English nature) for comment.
- 5.21 The impact of this issue on the formulation of the proposals will depend to a large degree on the feedback received.

Acceptability of Proposed Uses

- 5.22 The car showroom and preparation/ maintenance uses and the petrol filling station uses do not fall within the primary use identified for the site (Classes B1 and B8). The Authority will need to reach a view with regard to the extent and acceptability of these 'non policy compatible' uses given the identified costs of servicing the site and bringing development forward.

Traffic and access.

- 5.23 Local residents have previously raised a concern in relation to the potential of the development to draw more traffic to the site and exacerbate existing difficult road conditions. A traffic report has now been submitted by the applicants and has been forwarded to the County Highway Authority for it to formulate a view.
- 5.24 Associated with this issue is that of foot access to the site. Public footpaths follow the north and west boundaries of the site, but no connection is shown to be made in the proposals. Such a connection would allow ease of access to the site by residents in the Western Approaches area and may encourage journeys to be made by other than private vehicles. The provision of alternatives in this way would be very much in accordance with government guidance in PPG13 Transport.
- 5.25 Providing connections in this way can raise concern however amongst local residents that it will result in additional disruption for them, possible parking congestion (as drivers park in areas away from the site) and possible criminal activity. It is nevertheless an issue that should be considered during the processing of the application.

CONCLUSION

- 5.26 There are clearly a number of issues that need to be fully considered before the Authority can be in a position to come to a decision on the application. Not least, of course, is the requirement for the consultations to run their course and the outcome from that to become apparent.

- 5.27 At this stage, the issues set out above appear to be those on which the merits of this scheme should be judged. However, Members are invited to identify any other issues which they consider should receive further and fuller consideration on the proposals.

RECOMMENDATION

- 5.28 That subject to additional views and comments from Members, the matters outlined in this report form the basis for the consideration of these proposals.

Relevant Development Plan Policies and Proposals:

H24, EB1, EB3, EB4, EB5, RC10, TP10, TP15 and PU3 of the Rochford District Local Plan First Review

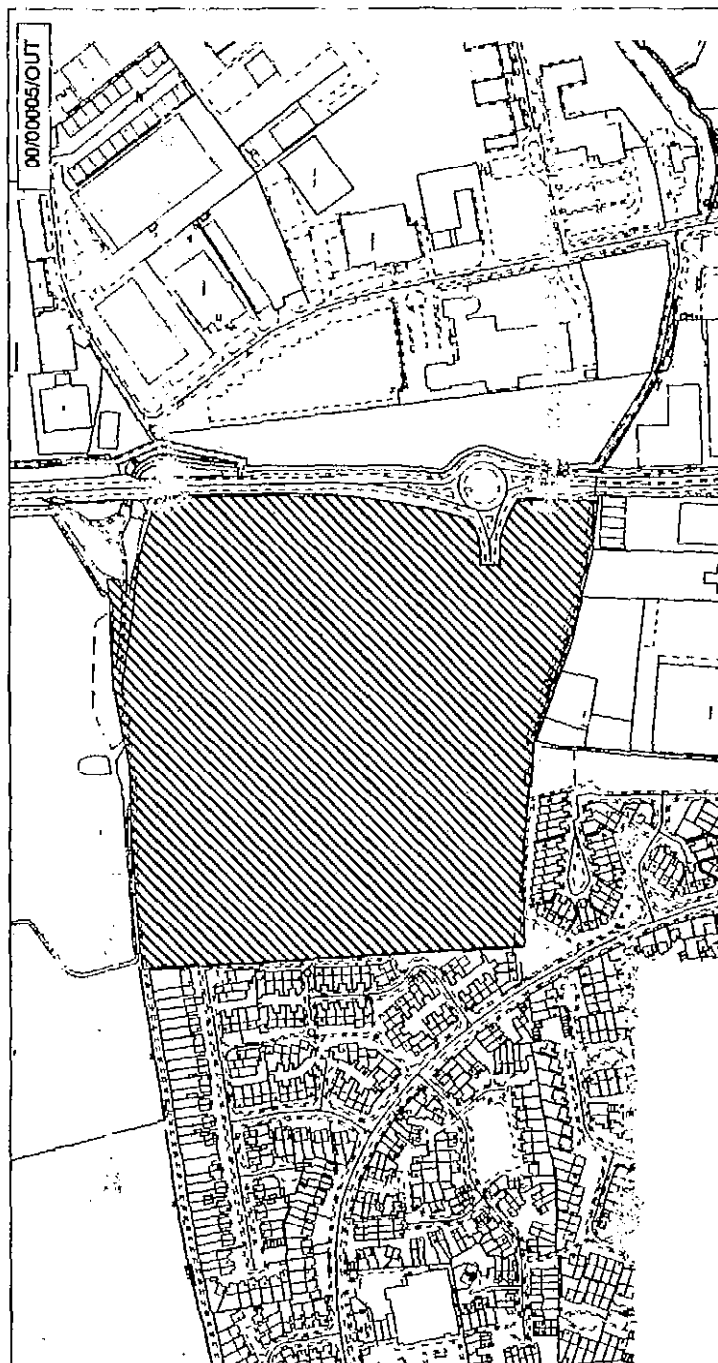
CS1, CS3, CS4, NR1, BE2, BE6, BIW1, BIW5, T1, T3, T6 and T12 of the Essex and Southend on Sea Replacement Structure Plan



Shaun Scrutton
Head of Planning Services

The local Ward Member(s) for the above application are Cllr R A Amner. Cllr D A Weir

For further information please contact Kevin Steptoe on (01702) 546366.



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TITLE : 01/00323/FUL
 PARTIAL DEMOLITION AND REFURBISHMENT OF
 EXISTING AGRICULTURAL BUILDINGS (INCL. RE
 ROOFING) FOR USE AS STABLES
 LUBBARDS LODGE FARM HULLBRIDGE ROAD RAYLEIGH

APPLICANT : MR A PINKERTON

ZONING : METROPOLITAN GREEN BELT

PARISH: RAYLEIGH TOWN COUNCIL

WARD: DOWNHALL

PLANNING APPLICATION DETAILS

- 6.1 This application relates to the physical division of five identical mushroom propagation buildings with the creation of an open accessway across the middle of them. The stables conversion will occupy the northern half of the mushroom buildings in the north east corner of the Lubbards Lodge complex. These buildings are clearly visible from Hullbridge Road.
- 6.2 Each of the five will contain a tack room and seven stables. The conversion works will include the replacement of the existing insulated tunnel roof with a more traditional pitched roof with traditional tile effect sheeting. The walls will also be raised by just over a metre to accommodate the new roof. The overall dimensions of the buildings will remain unaltered.
- 6.3 It should be noted that in 1998 planning permission was granted for the conversion of the buildings into 30 stables, 5 tack room and 5 hay and storage areas. Whilst that permission was never implemented, it retained the original external appearance of the tunnel buildings and remains extant.

RELEVANT PLANNING HISTORY

- 6.4 Members may recall that Lubbards Lodge Farm has a complex and involved planning history including a major Enforcement Inquiry in 1990. However, a series of planning applications have been granted relating to the non-agricultural use of many of the original farm buildings including stabling and equestrian uses, sound recording studios, animal feed stores and a tack shop. The most relevant application F/98/00417/FUL, relates to the same buildings and this was for a change of use to provide 30 (No.) stables. That application was granted as it was considered to comply with the advice given in PPG7 and the Council's own Policy GB5, which relates to the re-use of buildings within the Green Belt.

CONSULTATIONS AND REPRESENTATIONS

- 6.5 **Rayleigh Town Council.** No objections.
- 6.6 **Environment Agency.** Only advisory comments made regarding the need to dispose of wastes properly to avoid contamination of the water courses.
- 6.7 **Essex County Council (Highways).** Recommends that conditions be attached to any permission requiring that the main access to the site is from the south and that adequate car parking is provided within the site.
- 6.8 **Anglian Water.** No objections.

MATERIAL PLANNING CONSIDERATIONS

- 6.9 The material considerations in respect to this application are Policies GB5, GB1 and LT10 of the Local Plan, the advice given in PPG2 and PPG7, and the 1998 approval for the use of the buildings as stables.
- 6.10 The mushroom tunnel buildings the subject of this application whilst a little unconventional in their construction and appearance, do nevertheless represent substantial permanent structures and this is confirmed by the approval for their change of use in 1998 at which time their degree of permanence and life span was investigated and confirmed by the Building Inspector as being permanent.
- 6.11 With the proposed changes to the roof of the building, removing the semi-circular roof construction and replacing it with a more traditional pitched roof construction, the development will not fully comply with the requirements of Policy GB5. One of the criteria of that policy requires that no significant alterations are necessary for the proposed new use and the roof alterations are considered significant. Although more stables are proposed, an additional one for each block of stables, the overall size of the footprint of the building remains the same. The additional stables are created by removing the hay store from each block, which was shown on the previously approved plans and replacing it by an additional stable. In the context of the overall site and the land available to exercise horses, this is considered an acceptable increase. Further, it is considered that the proposed alterations to the external appearance of the development is much improved compared with the look of the existing buildings, which would have remained largely unaltered under the previous approval. Bearing in mind that the floor area and the overall size of the building will not alter, with this improvement in appearance the alterations are considered acceptable.
- 6.12 Policy GB1 prohibits the change of use of existing buildings except in very special circumstances. It is considered that with respect to Policy GB5 and the improved appearance of the development, that in this particular case very special circumstances do exist and therefore the proposal will comply with policy.

CONCLUSION

- 6.13 The proposal is very similar to that already approved under F/00417/98/FUL, the only differences relating to an increase the number of stables and the improvement in the appearance. These modifications are considered acceptable.
- 6.14 It should be noted that the existing Section 106 Agreement relating to this site will need to be updated to take into account this application. The Section 106 Agreement requires the retention of access to bridleways and the display of warning notices.

RECOMMENDATION

- 6.15 It is proposed that this Committee **RESOLVES to GRANT** planning permission subject to the following condition heads and subject to the applicant updating the existing Legal Agreement
- 1 SC4 Time Limit
 - 2 SC76 Car Parking
 - 3 SC28 Use Class restriction
 - 4 SC90 Surface Water Drainage
 - 5 SC91 Foul Water Drainage
 - 6 SC14 Materials

Relevant Development Plan Policies and Proposals:

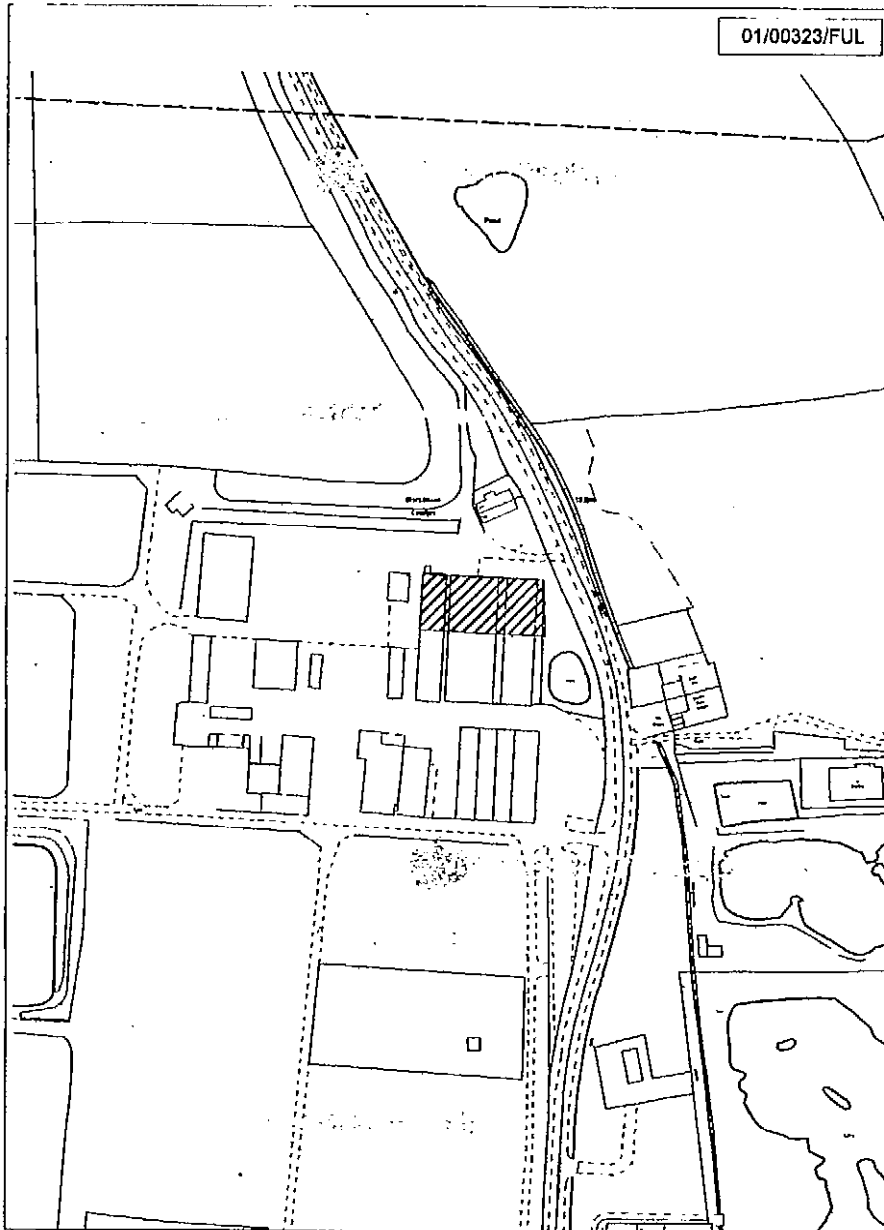
GB1, GB5 of the Rochford District Local Plan First Review


Shaun Scrutton
Head of Planning Services

The Ward Members for this application are Cllr Mrs S J Lemon. Cllr C I Black

For further information please contact Mark Q Mann on (01702) 318092.

01/00323/FUL



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TITLE : 01/00351/FUL
 VARIATION OF OPENING HOURS IMPOSED BY CONDITION
 3 OF PERMISSION ROC/700/84 (AND LATER PERMISSIONS)
 TO ALLOW OPENING:
 MON – THURS 12 NOON TO 11.30PM
 FRI AND SAT 12 NOON TO 2.30AM (NEXT DAY)
 SUN 12 NOON TO 11.30PM
 26 HIGH STREET
 RAYLEIGH

APPLICANT : MR M GOZLUGOL

ZONING : PRIMARY SHOPPING ZONE, CONSERVATION AREA

PARISH: RAYLEIGH TOWN COUNCIL AREA

WARD: WHEATLEY

PLANNING APPLICATION DETAILS

- 7.1 The change of use of this unit from a retail one to a takeaway was permitted by virtue of permission ROC/700/84. At that time hours of opening were restricted to Monday to Saturday 9am to 11.30pm and closed on Sundays.
- 7.2 A number of applications have been made in the intervening period to change these opening hours (see history details below) such that the current permitted opening times are Monday to Saturday 9am to 11.30pm (as original) and Sunday 5pm to 10.30pm.
- 7.3 The additional hours now sought are to increase the opening hours on Friday and Saturday nights to 2.30am the following morning and to increase the Sunday opening to 11.30pm. The proposed opening time for each day would be 12noon, therefore relinquishing 3 hours of opening time on Monday to Saturday (current permitted opening time 9am) but drawing back the opening time on a Sunday from 5pm to noon.

RELEVANT PLANNING HISTORY

- 7.4 Application ROC/700/84 permitted the change of use of the retail unit to a restaurant and takeaway with the opening hours Monday to Saturday 9am to 11.30pm and closed on Sunday.
- 7.5 Application ROC/061/90 to vary the opening times to allow opening Monday to Wednesday 12noon to 11.30pm and Thursday to Saturday 12noon to 2am (next day) and closed Sunday. This was refused.
- 7.6 Application ROC/732/90 to vary the opening times to allow opening Monday to

- 7.7 Thursday 9am to 11.30pm, Friday and Saturday 9am to 12.30am (next day) and closed on Sunday. This was refused.
- 7.8 Application ROC/629/91 to vary the opening times to allow opening Monday to Thursday 9am to 11.30pm, Friday and Saturday 9am to 12.30am (next day) and Sunday 5pm to 11pm. This was permitted for an experimental 1 year period to expire 9 Jan 1993.
- 7.9 Application ROC/195/94 to vary the opening times to allow opening Monday to Thursday 9am to 11.30pm, Friday and Saturday 9am to 2.30am (next day) and closed Sunday. This was permitted for an experimental period for 1 year to expire 27 June 1995 and was personal to the then applicant.
- 7.10 Application ROC/340/95 to vary the opening times to allow opening Monday to Thursday 9am to 11.30pm, Friday and Saturday 9am to 2.30am (next day) and closed Sunday. This was permitted on a permanent basis but personal to the then applicant.
- 7.11 Application ROC/428/96 to vary the opening times to allow opening Monday to Thursday 9am to 11.30pm, Friday and Saturday 9am to 2.30am (next day) and Sunday 5pm to 11.30pm. This was permitted for new operators and made personal to them with a 1 year experimental period expiring on 3 October 1997.
- 7.12 Application ROC/589/97 to vary the opening times to allow opening Monday to Thursday 9am to 11.30pm, Friday and Saturday 9am to 2.30am (next day) and Sunday 5pm to 11.30pm on a permanent basis. This was refused and an appeal made against the refusal dismissed.
- 7.13 Application ROC/029/98 to vary the opening times to allow opening Monday to Thursday 9am to 11.30pm, Friday and Saturday 9am to midnight and Sunday to 10.30pm. This was permitted but was restricted by condition to Monday to Saturday 9am to 11.30pm and Sunday 5pm to 10.30pm. This gives the current permitted opening hours.

CONSULTATIONS AND REPRESENTATIONS

- 7.14 The **County Surveyor** has no objection.
- 7.15 The **County Council Historic Buildings and Conservation Advisor** indicates that there are no conservation issues attached to this application and he raises no objection.
- 7.16 The **Essex Police Crime Reduction Officer** is of the view that the request for additional opening hours at this location should be rejected. It is considered that there would be an increased risk of crime and disorder as a consequence of groups gathering and remaining in the vicinity of this use. This is a consistent approach taken to all similar such applications.

- 7.17 **Local Plans** are of the view that amenity impact is the crucial issue in this case and that a decision should be based on the potential amenity impact and a comparative study of opening hours at similar establishments in the area.
- 7.18 The **Head of Housing, Health and Community Care** considers that there is the potential for greater noise and disturbance than already exists at these premises due to the proposed opening hours. It is unlikely that this could be dealt with under current environmental health legislation.
- 7.19 **Rayleigh Town Council** object to this application on the basis of the disregard that has been shown to opening hours restrictions for a considerable period. Opposed to any relaxation on Friday and Saturday nights.
- 7.20 The Rayleigh Civic Society consider that it would not be in the interest of public order to allow opening to the 2.30am time, as requested.

MATERIAL PLANNING CONSIDERATIONS

- 7.21 It is clear that the main issues in this case are the effect of the proposed additional opening hours on the amenity and living conditions of residents in the area and crime prevention issues. These were the matters discussed by the Inspector who dealt with an appeal against the refusal of similar opening hours in 1999.
- 7.22 In PPG6 Town Centres and Retail Developments the Local Planning Authority is encouraged to develop policies that support the leisure and evening economy. This approach is to address the need for uses such as restaurants, cafes and pubs. It is noted however that leisure uses may disturb nearby residents and the amenity of those residents should be fully considered.
- 7.23 In PPG24 Planning and Noise, it is noted that uses such as fast food restaurants can pose particular difficulties because of the late night nature of the noise caused and the potential that it occurs both within the premises and in the vicinity. The Planning Authority is reminded also not to underestimate the potential for traffic and car parking noise.
- 7.24 Circular 5/94 Planning Out Crime indicates that crime prevention is capable of being a material consideration when planning applications are submitted. It also indicates, in line with the advice in PPG6, that the encouragement of a night time economy assists in crime prevention.
- 7.25 The Design out Crime approach is endorsed as a primary objective in the Rochford District Crime and Disorder Strategy with particular regard to reducing criminal damage.
- 7.26 The relevant policies in the Structure Plan (CS1, BE6 and TCR3) follow through the approach set out in central government guidance indicating that a leisure and night time economy should be encouraged but that the impact this has, in terms of amenity or for other reasons, should be assessed.

- 7.27 In the Local Plan, the site falls within the primary shopping zone for the town. Policies indicate that development which is likely to damage residential amenity will not normally be permitted (policy H24). Local Plan retail and conservation area policies are not directly applicable to these proposals as they do not constitute a change of use or change of building appearance.
- 7.28 A balance is to be struck then between the desire to generate and maintain the evening economy and the need to protect residential amenity and prevent crime. As the Inspector noted, when dealing with the appeal in 1999, there are a number of residential properties in the area for which residential amenity is reduced by virtue of the opening hours now sought. He also took the view that on balance, and in the light of the police evidence, the additional opening hours were detrimental to rather than assisted crime prevention.
- 7.29 It is considered that the same weight should now be applied to these issues and that there has been no change in circumstances sufficient to take a differing view on this matter.

CONCLUSION

- 7.30 It is considered that, notwithstanding the advice of the government to encourage and diversify the leisure and evening economy, in this instance greater weight should be applied to the impact of the proposals on residential amenity and crime prevention issues. Accordingly it is recommended that this proposal be refused.


RECOMMENDATION

- 7.31 It is proposed that this Committee **RESOLVES** that this application be **REFUSED** for the following reason:
- 1 The extension to the opening hours now sought would consolidate, extend and increase the already significant detrimental impact on amenity being experienced by both surrounding property occupiers, by virtue of extreme late night noise, activity and public disorder and by more distant and outlying residents by virtue of extreme late night noise and disturbance.

Relevant Development Plan Policies and Proposals:

H24, SAT2 and SAT16 of the Rochford District Local Plan First Review

CS1, BE6 and TCR3 of the Essex and Southend on Sea Replacement Structure Plan

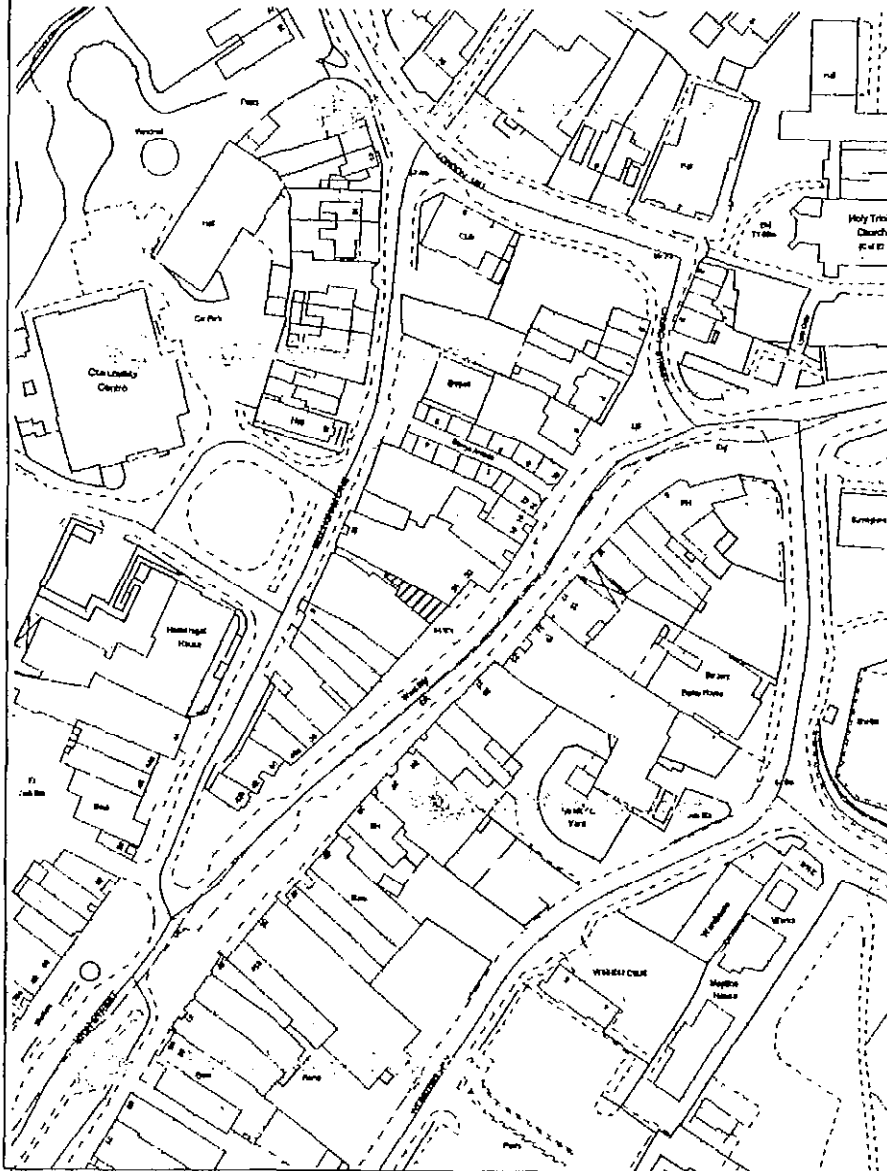


Shaun Scrutton
Head of Planning Services

The local Ward Member(s) for the above application Cllr C C Langlands. Cllr Mrs M J Webster.

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