



Rochford District Council

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY
PLANNING COMMITTEE 24th October 2002**

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.

PLANNING COMMITTEE 24th October 2002

DEFERRED ITEM

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REFERRED ITEM

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DOWNHALL AND RAWRETH

Cllr C I Black

Cllr R A Oatham

HULLBRIDGE

Cllr Mrs R Brown

Cllr D F L Flack

Cllr C R Morgan

LODGE

Cllr C C Langlands

Cllr T Livings

ROCHFORD

Cllr R A Amner

Cllr Mrs L Barber

Cllr Mrs M S Vince

WHEATLEY

Cllr J M Pullen

Cllr Mrs M J Webster

TITLE : **0200496/OUT
OUTLINE APPLICATION TO ERECT NEW SPORTS
PAVILION WITH FIRST FLOOR OFFICES (DEMOLISH
EXISTING PAVILION)
KING GEORGE V FIELD
EASTWOOD ROAD/WEBSTERS WAY
RAYLEIGH**

APPLICANT : **RAYLEIGH TOWN COUNCIL**

ZONING : **EXISTING PUBLIC OPEN SPACE**

PARISH: **RAYLEIGH TOWN COUNCIL AREA**

WARD: **WHEATLEY**

PLANNING APPLICATION DETAILS

- 1.1 Members will recall that this application was initially reported to the August meeting of this committee following the referral of the matter from the Weekly List. The application is in outline form with all matters reserved at this stage. The proposal is that the existing sports pavilion be demolished and replaced with a new sports pavilion building which will have office space at first floor level.
- 1.2 At the August meeting the matter was deferred to allow Officers to discuss with the applicant whether it would be willing to enter into a legal agreement which would:
- not allow it to raise any revenue from the use of the site;
 - not to sell the land or buildings without the agreement of this Council; and
 - not to make any alterations to the use of the buildings or land without the agreement of this Council.
- 1.3 The applicant has considered this proposal and has responded to indicate that it is not willing to enter into such an agreement. Its reasons for not doing so are expanded in the material issues section of this report.

RELEVANT PLANNING HISTORY

- 1.4 None

CONSULTATIONS AND REPRESENTATIONS

- 1.5 Essex County Council **Highway Authority** has no objections.
- 1.6 The **Head of Housing, Health and Community Care** suggests a condition prohibiting the burning of waste on the site.

- 1.7 The Property Maintenance and Highways Manager (**Engineers**) has no objection.
- 1.8 The National Playing Fields Association is content that the proposal does not compromise the use of the field and will indeed enhance the facilities.
- 1.9 Rayleigh Town Council makes no comments being the applicant in this case.

MATERIAL PLANNING CONSIDERATIONS

Principle of Use

- 1.10 In planning policy terms the site is designated as an existing public open space. It is considered that the proposals do not compromise the spirit of the supporting Local Plan policy (LT1) or any practical application of it. Whilst the development does not represent an 'open space' it does represent a positive investment to allow greater use and enjoyment of the existing space. The active open space elements (bowling green and playing field) are not encroached upon. Positive support is given to the proposals by policy LT3 which indicates that the Authority will support indoor and outdoor sports clubs and similar facilities. It is considered that the benefits of the proposal outweigh any harm which is caused by the introduction of some office space into this project.
- 1.11 In addition, it is the express desire of the applicant to make public conveniences available in the new building. This is more promising than the current situation where the existing toilets are closed to the general public, though management arrangements would need to be carefully considered.
- 1.12 Some concern was expressed by Members at the August meeting that the development may represent a precedent that the Authority would find difficult to resist in the future. It is difficult to see that this is the case. There are particular characteristics to the proposals involved here. Firstly they involve the redevelopment of an existing sports pavilion, do not encroach on the land for the sports use that they are associated with and are located very close to the town centre where, it is considered, the additional activity by virtue of the office space will be unnoticeable. There are unlikely to be more than a very few, if any situations, where these particular circumstances are repeated.

Legal Agreement

- 1.13 The applicant sets out its reasons for being unable to enter into the proposed agreement as follows:

In relation to the requirement to raise no revenue from the use of the site the applicant points out that this would not be possible in any event. The land forms part of the King George V Field which is within the jurisdiction of the National Playing Fields Association Charity Commission Scheme. This requires that any income that results from the use of the buildings and land must go to the Trust that is charged with the upkeep and maintenance of the site. It could not go direct to the Town Council. Indeed, the Town Council points out that it will also have to negotiate with the Trust with regard to its terms for the occupation of the building. Therefore, not only will it not be in a position to raise revenue from the site, but it will be required to negotiate its terms of occupation which may well involve making payments for its use.

With regard to the trusteeship of the site, the applicant points out that the restrictions which apply are known to this Council as it was the former local manager of the site and bound by the same regulations.

In relation to the restriction on sale the applicant responds to indicate that it believes that the Authority is acting beyond its powers. The applicant believes that it is unreasonable for the Authority to place this restriction on land which is not within its control.

Lastly, in relation to the control over the use, the applicant points out that any such change would need the benefit of a planning application in any event. The applicant considers that there is no reason why it should not be able to enjoy the building, within the controls of the planning system, as any other occupier would have.

- 1.14 The points that the applicant makes are valid ones. Of most concern to Members appeared to be the issue of the revenue raising potential of the building. Given the restrictions placed by the charitable status of the land it does indeed appear that Members concerns were misfounded. In any event, a restriction over financial gain would appear a most unreasonable restriction for a Planning Authority to place on an applicant, without any clear view of the harm that would be caused by it.
- 1.15 The same has to be said for any control over the sale of the land. As above it would be considered most unreasonable of the Authority to seek to control the sale of land. Land ownership has been held not to be a material consideration in planning terms. The Authority must restrict itself to the impact of the proposed development which would be the case regardless of the owner or controller of the land.
- 1.16 Lastly, with regard to the use of the site, some limited options are available to the applicants within the controls placed by the planning system. If an office use were to be permitted this could be occupied by any person. Some limited changes of use are permissible without the benefit of a planning permission, namely to a B8 (storage and distribution) use. Whilst this appears unlikely in this case, if Members are minded to grant a permission here a condition could be applied removing this normally permitted right.

1.17

The concerns of Members are dealt with here by other controls in force over the use and operation of the land. It would be unreasonable of the Authority to seek to impose an agreement of the nature specified on the applicant in this case, though in any event the Town Council has clearly indicated their unwillingness to sign such an agreement.

Visual Impact

1.18

The site is in an area of two, three and four storey development. It is considered that the visual impact is acceptable and that there is no harmful amenity impact.

Parking provision

1.19

Whilst this is an outline application, the indicative footprint indicates that some 480sqm of space may be created. This would attract a requirement for 16 parking spaces. None are to be provided, as indeed, none are available for the current pavilion use. Given the town centre location immediately adjacent to the car park the impact is not considered to be unacceptable.

CONCLUSION

1.20

The concerns Members had in relation to the revenue raising capabilities of the development are addressed by the charitable status of the land and the control that this places on beneficiaries. In other respects it is considered that the controls sought do not flow from any identifiable harm and that it would be unreasonable of the Authority to seek to impose them. The development is not considered to have any harmful impact in any other respect.

RECOMMENDATION

1.21

It is proposed that this Committee **RESOLVES** to **GRANT** planning permission for the proposed development subject to the following heads of condition.

- 1 SC1 Reserved Matters – standard
- 2 SC3 Time Limits – standard
- 3 SC9A Removal of existing building prior to development
- 4 SC14 Materials to be used
- 5 Prohibition on the burning of waste.
- 6 Condition ensuring that any office use falls within class B1 only and that no change to B8 use is permitted.

PLANNING SERVICES COMMITTEE - 24th October 2002 Item D1
Deferred Item

Relevant Development Plan Policies and Proposals:

LT1, LT3 of the Rochford District Local Plan First Review

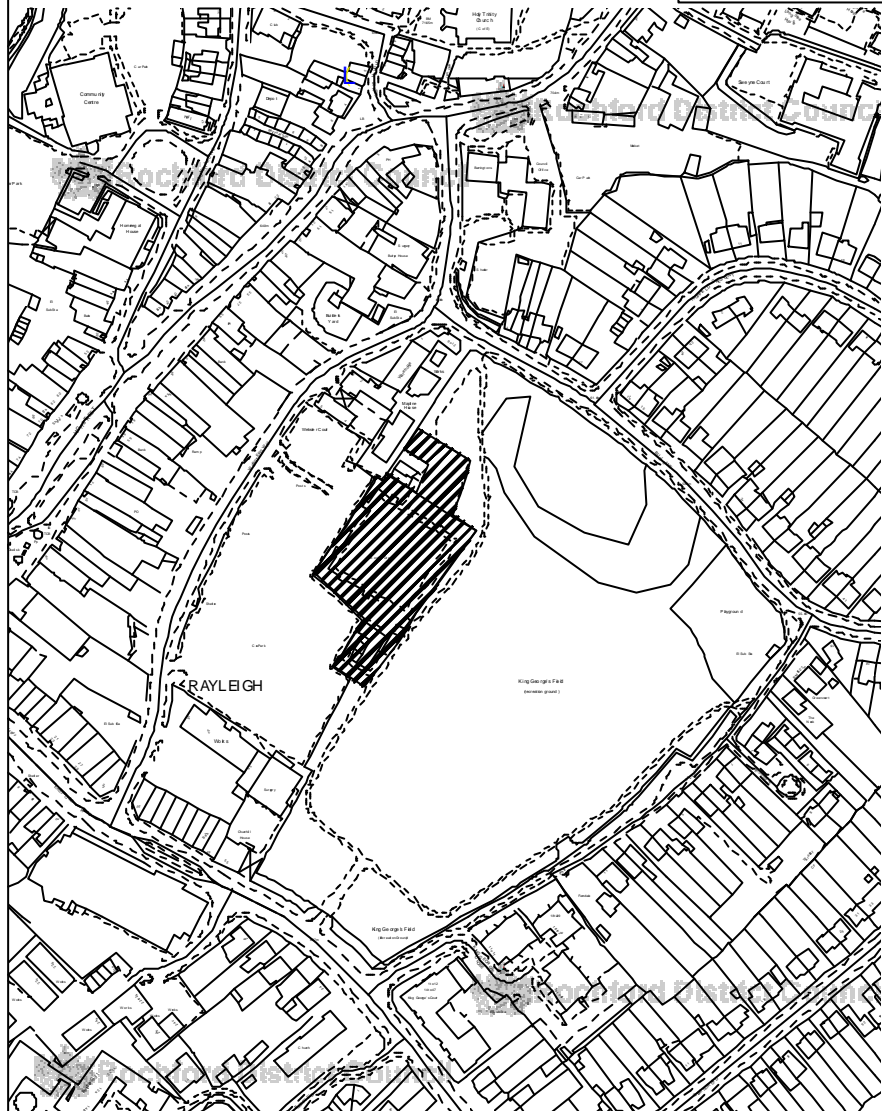
CS1, CS2, CS4, BE1, BE2, BE3, BE4, TCR3 of the Essex and Southend on
Sea Replacement Structure Plan



Shaun Scrutton
Head of Planning Services

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

02/00496/OUT



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NTS



Referred

**TITLE : 02/00662/OUT
ERECTION OF TWO STOREY BLOCK OF 4. NO. FLATS
(OUTLINE APPLICATION)
137-139 FERRY ROAD HULLBRIDGE**

APPLICANT: HOT GOSSIPS

ZONING: NEIGHBOURHOOD SHOPPING PARADE

PARISH: HULLBRIDGE PARISH COUNCIL

WARD: HULLBRIDGE

This application was included in Weekly List no. 643 requiring notification of referrals to the Head of Planning Services by 1.00pm on Tuesday 1st October 2002, with any applications being referred to this Meeting of the Committee. The item was referred by Cllr D F L Flack.

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

2.1 Hullbridge Parish Council – No objections.

NOTES

2.2 This application seeks outline planning permission for the erection of a two-storey block of 4(no) flats located to the rear of number 137 Ferry Road, a parcel of land currently overgrown and unused.

2.3 Policies relevant to consideration of this item include; policy H19 (Development of small sites) that encourage 'in principle' development of small sites for housing purposes. Policy H20 (Backland development) that considers impact whether the proposal is tandem and will adversely affect the amenity of neighbouring properties with particular reference to overlooking private zones. Policy H16 (Purpose Built Flats.) This last policy states that regard should be paid to:

- The impact of traffic on the amenities of surrounding dwellings
- The relationship of storage and communal areas to surrounding dwellings and private garden areas
- Compatibility of the proposed scheme with its surroundings in terms of height, bulk and spaciousness of the site

- 2.4 The site is part of a Neighbourhood Shopping Parade (Policy SAT4), but set back behind one of the units fronting Ferry Road, thus retaining the shopping unit fronting Ferry Road.
- 2.5 The parade features a mix of individual styles set back from the road interspersed with open areas forming side access ways. The applicant's site forms the northern end of a short run of single storey units. The adjoining unit (139 - 143) to the north represents a much larger building of some depth and of two stories. Its mass and scale is repeated in the next unit along and is seen further to the south of the applicant's site several units away. There is a bungalow (number 135) set back behind the adjoining shop at number 133. Sited to the south of the site it is largely unaffected by loss of direct sunlight, and its orientation is regarded as away from the applicants site.
- 2.6 In principle the proposal is acceptable. Located within a central area close to shops and the public transport route through the area. Should this outline application be approved a Reserved Matters application will be required that deals with the actual details. The most important issues will be the proposed building's relationship and treatment to the existing single storey shop fronting Ferry Road; how it fits into the streetscene and the existence of the single storey bungalow adjoining the southern boundary to the rear.
- 2.7 One householder letter concerned that the proposal will cause traffic problems and overlooking.
- 2.8 **Anglian Water** - advisory comment re: foul and surface water drainage. **County Surveyor (Highways)** - advisory comments dealing with surface treatment of drive, width of drive, parking spaces, visibility splays. **Environment Agency** - Advisory comments concerned with watercourse, capacity of foul and surface water sewer and surface water discharge.

APPROVE

- 1 SC1 Reserved Matters - Standard
- 2 SC3Time Limits Outline - Standard
- 3 The reserved matters details to be submitted pursuant to Condition 1 shall illustrate a building, whose height shall not exceed no. 139-143 Ferry Road. Also of particular importance will be the emphasis on the treatment of details at first floor level and how it meets no. 137 to the front of the site and defers to no. 135 to the rear.
- 4 Details of a bound surface material to be used in respect of the driveway and parking areas shall be submitted to and agreed in writing by the Local Planning Authority. Such surfacing materials as is agreed, shall be provided prior to first occupation of the dwellings hereby approved and shall, thereafter, be permanently maintained to the satisfaction of the Local Planning Authority.
- 5 SC22APD Restricted - Windows
- 6 SC14Materials to be Used (Externally)

-
- 7 A vehicle access to be constructed to a minimum width of 4.1m with a suitable splay from the highway boundary to the dropped kerb crossing.
 - 8 A pedestrian visibility splay of 1.5m x 1.5m, as measured from the back of the footway shall be provided either side of the access with no obstruction above 600mm within the area of the splay.
 - 9 The amenity area shown on the approved drawing HG/IME-1 dated 8th August 2002 shall be set out concurrently with the erection of the block of flats and shall be ready for use prior to the first flat being occupied and shall be retained thereafter to the satisfaction of the Local Planning Authority for the shared use of the occupants of all the flat units.
 - 10 The parking area shown on the approved drawing HG/IME-1 dated 8th August 2002 shall be laid out concurrently with the erection of the block of flats and shall be ready for use before the first flat is occupied and shall be retained thereafter to the satisfaction of the Local Planning Authority for use by occupants of all the flat units.

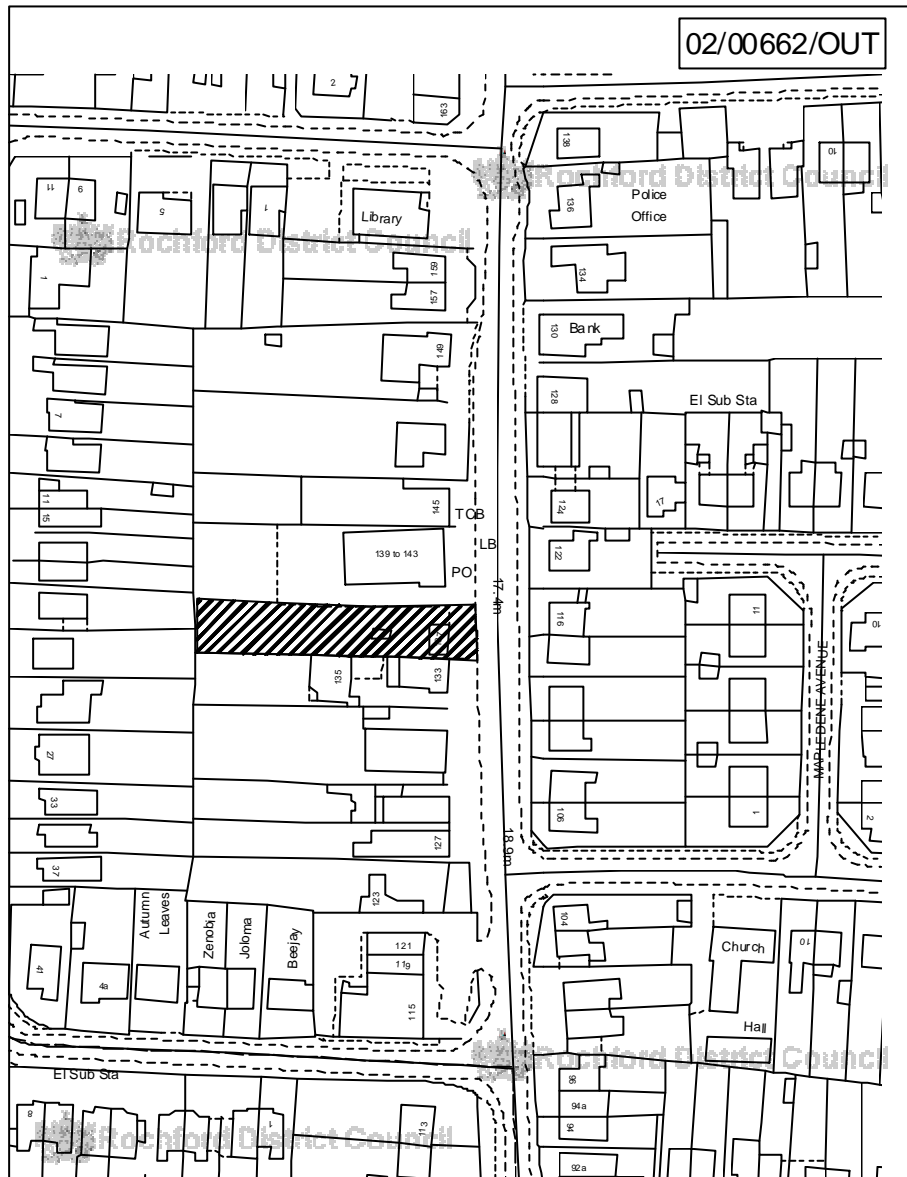
Relevant Development Plan Policies and Proposals:

H19, H20, H16, SAT4 of the Rochford District Local Plan First Review



Shaun Scrutton
Head of Planning Services

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



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NTS



TITLE : **01/00762/OUT**
OUTLINE APPLICATION FOR A MIXED USE DEVELOPMENT
COMPRISING HOUSING, NEIGHBOURHOOD CENTRE,
PUBLIC OPEN SPACE, PRIMARY SCHOOL AND LEISURE
CENTRE
PARK SCHOOL RAWRETH LANE RAYLEIGH

APPLICANT : **ESSEX COUNTY COUNCIL**

ZONING : **SECONDARY SCHOOL ANNOTATION**

PARISH: **RAYLEIGH TOWN COUNCIL**

WARD: **DOWNHALL AND RAWRETH**

PLANNING APPLICATION DETAILS

- 3.1 The application, which is in outline form, relates to the redevelopment of the former Park School on Rawreth Lane, Rayleigh.
- 3.2 The site occupies an area of some 10 hectares (25 acres) on the south side of Rawreth Lane. In terms of adjacent land uses, it is noted that industrial and warehousing development lies to the east (Imperial Park) and also to part of the west boundary (Rawreth Industrial Estate). Residential development lies to the west and south, and also to the north, on the opposite side of Rawreth Lane. Sweyne Park, an extensive area of public open space, abuts the site to the south/south-east.
- 3.3 The complex of existing buildings on the site are located to the north of the site, fronting Rawreth Lane. These comprise two storey and single storey buildings, occupying approximately 2.3 hectares (6 acres), whilst playing fields to the south, account for the remaining 7.7 hectares (19 acres).
- 3.4 The site is generally flat, although there is an obvious fall in the land immediately to the south of Rawreth Lane; the existing buildings being set at an appreciably lower level relative to the road. The boundaries of the site are generally fenced. A line of attractive trees runs along the west and south boundaries, and also to the frontage of the site. There is also a scatter of trees within the site itself .
- 3.5 The application proposes the demolition of the complex of existing school buildings, and the redevelopment of the site for a variety of uses. The following details accompany the application:

- 3.6 'Residential development - 7 acres net (2.83 hectares) of residential development to include 1 acre (0.4 hectares) reserved for affordable housing to be provided by a registered social landlord, for keyworkers in the local area. The residential development would be to the minimum density standards recommended in PPG3: Housing that is 30 dwellings per hectare.
- 3.7 Playing fields/public open space - 9.5 acres (3.84 hectares) of the site would be dedicated to playing fields and open space use, and this area would include provision for a new leisure centre. The open space would be transferred to the District Council to be maintained in perpetuity.
- 3.8 Leisure Centre - a new multi-purposes sports hall/leisure centre is proposed.
- 3.9 Primary School - a 4 acre (1.62 hectare) site is reserved for future primary school provision by Essex County Council as Education Authority.
- 3.10 Neighbourhood centre - a new neighbourhood centre is proposed which would act as a centre for both existing and proposed residential development in north west Rayleigh. This would be well-connected to surrounding areas by means of footpaths and cycleways. It is proposed that the neighbourhood centre would accommodate a range of mixed uses both commercial and community facilities such as neighbourhood retail units, a nursery, a pub/restaurant, a local health centre and other associated facilities including car parking. The total site area of the proposed neighbourhood centre is 4 acres (1.62 hectares).'
- 3.11 The application is, however, in outline form and the precise layout and relationship of uses cannot be considered at this stage. The only matter of detail that can be considered at this stage is the access to the site off Rawreth Lane. The submitted plans illustrate the formation of a new vehicular access off Rawreth Lane, together with works within the existing highway comprising the provision of a ghosted right turn lane and two pedestrian crossings. A pedestrian crossing is also proposed at the junction of Rawreth Lane with the new access road.
- 3.12 Besides the above plans and particulars, the application is accompanied by a full travel assessment, together with a flood risk assessment. The conclusions of these reports are discussed in main body of this report.

RELEVANT PLANNING HISTORY

- 3.13 The Park School closed in 1997 following a merger with another secondary school within Rayleigh, and the County Council then declared the site as being surplus to its requirements.
- 3.14 The sports facilities (squash courts, badminton, netball, weight-training/gym, five-a-side football, etc) on the site continued in use until the end of March 2002 when the Council surrendered its agreement with the County Council to use the site for leisure purposes.

CONSULTATIONS AND REPRESENTATIONS

- 3.15 Two rounds of consultation have taken place, the first when the application was first received in September 2001, and the second in August 2002 following receipt of revised plans relating to the vehicular access to the site.

FIRST ROUND

- 3.16 **Rayleigh Town Council** strongly oppose this application for the following reasons. The area is designated within the Rochford District Local Plan as a School Site. The outline application proposes a further 7 acres of residential development, the Town Council consider that a further increase in the density of housing in this area is inappropriate and will, in turn, produce additional pressures on the already over burdened traffic congestion in Rawreth Lane, London and Downhall Roads. These areas are subjected to traffic congestion on a daily basis. Members feel that the provision of additional commercial units in this area would create an unnecessary over provision of such premises as several exist within this area, a number of which are vacant.
- 3.17 **Essex County Council Transportation & Operational Services** - states that the traffic assessment has been reviewed and it is the view of the Highway authority that the assumptions it makes are robust. The trip generations provided for the residential development, the primary school and the leisure centre are reasonable. Having reviewed all the correspondence it has been agreed that when detailed applications are submitted further traffic analysis will be submitted.
- 3.18 The Highway Authority raises no objection, subject to conditions relating to the works within the highway including pedestrian crossings and refuge islands, the submission of a Travel Plan at reserved matters stage, encouraging travel to the site via sustainable means of transport, etc.
- 3.19 **Rawreth Parish Council** - raise the following comments and observations relating to the application:
- Not happy with the position chosen for the school, feel that it should have a more-semi rural location, such as bordering Sweyne Park
 - Fear that the new school could grow, and would like some assurance that its size would be restricted
 - Have concerns relating to the drainage of the site, which has historically caused problems for riparian land owners and further development will worsen this problem
 - Concerns relating to extra traffic -request that approval is linked to provision for improvements in pedestrian crossings in Rawreth Lane
 - There are no access points to the site, other than via Rawreth Lane. Access from three sides might be appropriate.
 - There has only been provision for landscaping on the road frontage, is it not more desirable to allocate more of the area to be landscaped?
 - Questions were raised regarding the necessity for the commercial development.

3.20

Essex County Council Specialist Archaeological Advisor - notes that the site is within an area of archaeological interest, close to where Roman pottery has been found. There is also evidence of Medieval occupation in the area to the north in the form of medieval moated farmsteads. It is therefore possible that Roman or medieval deposits will be disturbed during groundworks for the proposed development. A field evaluation is recommended.

3.21

Rayleigh Civic Society are pleased to note the proposals for the redevelopment of the site. We have one comment to make, which concerns the road layout. We consider there should be a separate road to the commercial area from Rawreth Lane. This would separate school, housing and sports traffic from the heavy vehicles associated with the commercial area.

3.22

Anglian Water - originally objected to the scheme on the basis that Rayleigh West Sewage Treatment Works did not have spare capacity to accept the increase in flow arising from the development. Following this, discussions took place between the applicants and the sewerage authority as a result of which the latter accepted that the development could take place provided that the amount of flow did not exceed that arising from the existing school (when fully occupied). It was calculated that the flow arising from the school would equate to that produced by 140 dwellings. The sewerage authority also noted that a plan of improvement works were tabled for Rayleigh West Sewerage Treatment Works, which would increase its capacity.

3.23

Environment Agency - consider that the proposal has not fully satisfied the provisions of Paragraph 42 of PPG25. This paragraph advises that a developer works closely with the LPA in consultation with the Environment Agency to ensure that surface water run-off be controlled as near to source as possible. We are also aware that this site does not lie within the flood plain of a 'main river' under the Agency's jurisdiction, however para 72 of PPG25 does note that a developer or their experts should provide information on local flooding conditions and flood risk. Overall this Agency would be agreeable for you to condition the drainage, provided it emphasises a "SuDS" scheme in preference to other conventional drainage schemes i.e. sewers, and there is a submission and approval of a Flood Risk assessment prior to development on site.

3.24

Essex County Council Learning Services - will not be seeking a developer contribution for the residential part of this scheme as it is intended that the re-location of Rawreth St Nicholas C of E Primary School to the former Park School site will be funded by the County Council using part of the receipt from the sale of this land. If outline consent is given for mixed use for the Park site, a discussion needs to take place with Rochford District Council as to where the school will be located within the overall site.

3.25

Sport England - have considered the Council's Playing Pitch Assessment, and object to the loss of the existing playing fields, as follows:

'It is clear from the study that the major demand for pitches within Rochford district is for adult football, and that demand peaks heavily on Sunday mornings during the football season. In the Rayleigh sub-area the supply of adult pitches in community use (17, 15 of which are in "secured community use") is just sufficient to meet the current peak demand of 15 pitches on Sunday mornings.

3.26

I remain of the view that the assessment carried out does not indicate a clear surplus of pitches in the "catchment" of the application site. A deficiency of pitches could easily occur if football participation was to grow due to sports development programmes, or an upsurge in national interest. The current growth in mini-soccer for the under 10 age group, for example, may result in more adults playing football in 10-15 years time, compared to current participation rates.

3.27

The current situation in Rochford in general, and Rayleigh in particular, is that supply just meets demand and could not be classed as an "excess of playing field provision in the catchment". This view is supported by comparison of overall provision with other study areas and the national NPFA standard.

3.28

I acknowledge that the application presents certain opportunities/benefits for sport, with a proposed new sports centre and the securing of the proposed playing pitches for community use. However, I do not consider that these benefits outweigh the detriment that would be caused by the loss of playing fields overall. Even though they do not currently contribute to the public stock of playing pitches, the potential for them to do so clearly remains.

3.29

Advice contained within PPG17 (July 2002) states that local authorities should not consider playing fields as "previously developed land", as defined in Annex C of PPG3. Paragraph 15 states that local authorities should give very careful consideration to any planning application involving development on playing fields. The exception criteria identified closely mirrors Sport England's own policy on playing field applications. PPG17 also gives further advice on "surplus to requirements" (para 10), which states that this includes an assessment of all the functions that open space can perform.

3.30

I conclude that, notwithstanding the potential benefits to sport of the proposals put forward, these would not outweigh the detriment caused by the loss of playing fields, the protection of which remains a key planning priority for the Government. The assessment submitted by Rochford District Council does not, in my view, demonstrate a clear surplus of playing field provision in the catchment. Therefore, the proposal remains contrary to our policy relating to the protection of playing fields, as well as central Government policy contained within PPG17.

3.31

I therefore wish to maintain Sport England's OBJECTION to this proposal, which would result in the permanent net loss of existing playing fields.'

3.32

Essex Bridleways Association - object to the application on behalf of horse riders in the area. Rawreth lane is already a very busy road for horse riders and to increase traffic on it again would be very dangerous. Essex has the worst horse related traffic accidents of any county, and Rochford has only 14.13km of bridleways. The County Structure Plan policy LRT5 reads 'the existing network of public rights of way will be safeguarded. Where appropriate, new footpaths, bridleways and cycle routes will be created as opportunities and resources permit.' I would suggest that a bridleway must be incorporated into the plan for Park School to get horse riders off the busy Rawreth Lane. Many riders come from Rawreth and Hullbridge and could come from Parkhurst Drive directly across from the Park School site along the Western boundary and could then join the riding route in Sweyne Park, cutting out a very busy part of Rawreth Lane.

3.33

St Nicholas C of E Primary School - had expressed a wish to the LEA for the new school to be located so as to have a rural aspect, e.g. adjacent to the open space of Sweyne Park as far away from Rawreth Lane as possible. The proposed plans show the school opposite the commercial area, which could be detrimental to the health and well-being of the children. The District Council should be mindful of current government thinking which encourages children to walk to school, and discourages the use of cars. Therefore, pedestrian access to the school should be provided from the surrounding residential estates. The size of the school should be determined having regard, not only to the number of children relocating from the existing school, but also coming from the proposed new housing on the site. Has thought been given to providing areas for parents wishing to drop off and pick up their children, as well as space for vehicles visiting the school, to avoid problems of congestion in surrounding residential roads?

3.34

Woodlands and Environmental Specialist - notes that the site outside the building area is amenity grassland, which would contain nothing of ecological importance. There are a number of trees on the site, however, which have amenity value and are worthy of protection through the serving of a TPO. There is evidence of large mammal activity, a survey should be completed to determine the absence/presence of protected species.

3.35

A survey of the site was subsequently carried out, and the Woodlands and Environmental Specialist has indicated that this is acceptable, although further work would need to be carried out to produce a successful mitigation/strategy methodology for these animals, to enable the development to take place. He also requests that a bat survey of the existing buildings be carried out prior to their demolition.

3.36

English Nature - welcome the ecological assessment's proposals for the retention of habitat and a buffer strip retained around the site's perimeter, and recommend that these matters be part of the masterplan for the development. It notes the existence of a mammal earth in one part of the site, though is conscious that the main mammal earth in the area has yet to be located. It recommends a further assessment/survey and mitigation measures to accompany any subsequent planning application.

3.37

Housing, Health and Community Care -

General:

- Require approval of a scheme of measures for the control and suppression of dust during the construction phase
- Require details of any external equipment or openings in the external walls or roofs of buildings, and the approval of such
- No burning of waste materials during construction or at any time on the area of the site developed for residential purposes
- Standard Informative SI16 (Control of Nuisances)
- Standard Informative SI25 (Contaminated Land)

3.38

Commercial Use:

- Restriction on hours for deliveries or items dispatched from site
- Approval of any mechanical extract system serving kitchen areas
- Approval of any facility for teaching music or using amplified sound
- No burning of waste

3.39

Light Industrial Use:

- Restriction on hours that plant/machinery could be operated
- Restriction on hours for deliveries or items dispatched from site
- Approval of any fume extract/ventilation system
- No burning of waste

3.40

Local Plans - No policy within the extant Local Plan covers the eventuality of the school's closure, or specifically indicates what other uses the site might be suitable for. [In this regard attention is drawn to the replacement Structure Plan, which is more up-to-date than the LP in many respects, and includes a number of policies relevant to the consideration of this application, viz: CS1, CS4, BE1, BE3, BE4, BE5, H2, H3, H5 and, T6]. Attention is also drawn to the Council's urban capacity study, carried out, in particular, to inform the housing chapter of the replacement Local Plan - although material to the consideration of this application. In terms of the sequential approach set out in PPG3, Park School is an area of previously developed land (in part) within an existing urban area, and is highlighted in the study as a site that can contribute to meeting the Structure Plan housing allocation to 2011. The study concludes that the redevelopment of the site should comprise a mix of uses, including retailing, leisure/sports and small scale employment, as well as housing, to ensure the sustainability of the scheme and, indeed, of West Rayleigh in general.

3.41

It is also appropriate to consider the issue of phasing. PPG3 para 33 notes that LPAs should manage the release of sites over the Plan period to control, inter alia, the pattern and speed of urban growth, and states that this should be achieved by the use of appropriate phasing policies.

3.42

In Rochford's case, approx. 2400 dwellings out of the total Structure Plan allocation of 3,050 have already been built, leaving approx. 600 dwellings to be built between now and 2011. Given the modest number of houses to be provided over the next 10 years, and the lead-in time before this development (if permitted) would occur, it is not considered that a phasing policy would serve a useful purpose.

3.43

A petition has been received, with a total of 73 signatories. Many of the signatories have not provided addresses, and many would appear to be children. The petition states, "Park School development - we the undersigned are against the development of houses and commercial units on the above site. We would much rather see it used for development of leisure/sports and after school facilities, nursery/primary schools or further education, swimming pool, running/athletics tracks and many more activities to encourage sport and play."

3.44

A total of 25 letters of representation have been received, which object to the proposal broadly on the following planning grounds:

- Loss of existing well-used leisure/sports facilities at Park School
- Many new homes being built without improvements being made to infrastructure; schools, roads, doctors, shops, etc
- Roads in the area becoming increasingly congested
- Continued development in this area is destroying the character of the area, and turning it into a New Town
- The school should be kept open as a school because of overcrowding in all the schools in Rayleigh
- Overlooking of existing residential properties
- Existing drains cannot cope with surface water, resulting in the gardens/land of properties downstream, particularly to the north of Rawreth Lane, being flooded
- Existing sewers cannot resulting, on occasion, in pipes backing up and overflowing into gardens, etc
- Development of this site plus Reads Nursery would mean that Imperial Park Industrial Estate would be ringed by housing development - is this good planning?
- Will the new infrastructure (leisure centre, school and shops, etc) be provided before the new houses are occupied?
- A swimming pool should be incorporated into the leisure centre
- Possible loss of trees
- The land is designated for educational/recreational purposes. The use of the site for other purposes is in breach of this, and the make-up of the scheme should be reviewed to reflect the designated use
- The scheme should be designed with pedestrians and cyclists in mind
- A ditch to the western boundary of the site commonly floods in the winter, flooding the gardens of properties in Laburnum Way. Who would maintain this ditch?
- More houses will put more strain on railway infrastructure, due to the lack of car parking at Rayleigh Station

SECOND ROUND

3.45

Essex Bridleways Association - emphasises that whatever plans are agreed, it is vital that a bridleway is adopted through the public open space to link to the bridleway in Sweyne Park.

3.46

A total of seven letters have been received from local residents. These largely reiterate concerns raised in the earlier representations but do, however, raise these additional concerns:

- Fumes from additional traffic causing asthma
- A pub restaurant could attract a rowdy element
- Concerns regarding the type of person would live in the affordable housing, and how this would be controlled

MATERIAL PLANNING CONSIDERATIONS

3.47

Consideration of this application should turn upon the policies of the operative development plan, which comprises the Rochford District Local Plan First Review (1995), together with the Essex and Southend-on-Sea Replacement Structure Plan (2001).

3.48

It is considered that the key considerations in this case may be summarised as:

- Local Plan allocation of the site, and the principle of the development
- The loss of a proportion of the existing playing fields
- Highway and traffic implications
- Other infrastructure implications
- Compatibility with surrounding land uses
- Drainage implications - surface and foul water
- Trees and wildlife

The following discussion, therefore, considers the above issues in turn.

3.49

Local Plan allocation of the site, and the principle of the development

In the Local Plan, the site is annotated as a Secondary School, but is not covered by any specific land allocation. At the time the Local Plan was adopted (1995), the site was still in use as a school, and there was no clear indication that the premises were soon to close. Accordingly, no policy or allocation was considered necessary to direct the redevelopment of the site.

3.50

Moreover, whilst Policies H8, H11, H14, LT2 and LT3 are of some relevance in considering the details of the scheme, no specific policy within the plan directly relates to the broad principle of redeveloping large sites such as this. For this, attention needs to be focused on more up-to-date guidance published by central government - particularly Planning Policy Guidance Note:3 (Housing), and the policies of the Replacement

- 3.51 Planning Policy Guidance Note:3 (Housing) (PPG3) published in 2000 fundamentally changes the way in which local planning authorities should identify land for development in their local plans. In order to promote more sustainable patterns of development, the guidance introduces a 'sequential approach' to site selection, prioritising the use of land within urban areas, before the use of land beyond urban areas which, in Rochford's case, would mean land falling within the Green Belt. (The government's policy to promote sustainable development and reduce car use is reiterated in PPG6 (Town Centres and Retail Development), which introduces a sequential approach to the selection of sites for retail/commercial/leisure development, favouring town centre and urban sites above out-of-town sites.)
- 3.52 PPG3 requires that local authorities carry out Urban Capacity Studies to highlight major sites that might be capable of development/redevelopment for housing purposes, and to calculate the theoretical capacity of new houses that their urban areas can reasonably accommodate.
- 3.53 In Rochford's Urban Capacity Study the following comments are made with regard to the Park School site:
- 3.54 "The gross area of the site, if developed would need to comprise a mixed use development, including local open space, possibly related to the existing open space to the south. In addition to open space, provision would need to be made for local retailing facilities and leisure/sports facilities, to replace those previously provided in association with the school. Small-scale employment uses that are suitable in residential areas would assist in achieving a more sustainable, contained and mixed use community. Whilst access to town centre facilities for non car users is not good, a development of this scale could assist in contributing towards public transport infrastructure thereby enhancing the sustainability of the site and the areas of recent development in the vicinity. Improving the general accessibility of this part of the town, and increasing the level of local facilities/employment opportunities would be critical criteria that would need to be satisfied if this site were to come forward for comprehensive development. Subject to the above, a major development in this location would be appropriate..."
- 3.55 It should be noted that PPG3 also favours the use of previously developed land within urban areas ahead of greenfield sites within urban areas. However, from the conclusions of the Council's Urban Capacity Study it is apparent that whilst there is theoretically sufficient land within existing urban areas to meet housing needs over the next ten years, meeting such needs relies upon the use of both previously development and, where appropriate, greenfield sites. This is particularly important to note in the case of the Park School site, because the site is a mixture of previously developed (the complex of school buildings, etc) and greenfield (the associated playing fields) site. (An added complexity in policy terms is that policies generally seek to afford protection to open space and playing fields. However, such protection is not absolute, and this issue will be dealt with below.)

- 3.56 In terms of general principles then, the site lies within an existing urban area and is favoured for redevelopment, subject to certain caveats, in the Urban Capacity Study. Development of the site would, it is concluded be compliant with PPG3 and PPG6.
- 3.57 In terms of the development plan, Policies CS1 (Achieving sustainable urban regeneration), CS4 (Sustainable new development), BE1 (Urban intensification) and H2 (Housing development - the sequential approach), H3 (Location of housing) and H4 (Development form of new residential developments) of the Replacement Structure Plan all closely follow the guidance of PPG3, and it is considered that a mixed used development as proposed in the current outline application would comply with the general criteria of these policies.
- 3.58 **Loss of a proportion of the existing playing fields**
The application proposes the loss of a 5ha (12 acres) of the existing playing fields, but playing fields totalling 2.63 hectares (6.5 acres) would be retained, together with a 1.21ha (3 acre) site for a new leisure centre.
- 3.59 PPG17 (Planning for Open Space, Sport and Recreation) sets out the government's stance with regard to sport and recreation. Paragraph 10 states that existing open space, sport and recreational buildings and land should not be built upon unless an assessment has been undertaken which has clearly shown the open space or the buildings and land to be 'surplus to requirements'.
- 3.60 Paragraph 12 goes on to say that 'Development of open space... may provide an opportunity for local authorities to remedy deficiencies in provision. For example, where a local authority has identified a surplus in one type of open space or sports and recreational facility but a deficit in another type...'
- 3.61 Paragraph 16 states that 'In considering planning applications, either within or adjoining open space, local authorities should weigh any benefits being offered to the community against the loss of open space that will occur.'
- 3.62 Although predating the publication of PPG17, Policies BE3 and BE4 of the Replacement Structure Plan echo the general thrust of this guidance, seeking to protect, where appropriate, existing areas of open space/sports grounds and playing fields. Policy LT2 of the Local Plan also seeks to encourage the retention of open space.
- 3.63 To inform the Local Plan review process, the Council has carried out a Playing Pitch Assessment, to ascertain whether existing provision is sufficient to cope with existing/future demand, and to highlight areas of deficiency or surplus.
- 3.64 In the District as a whole, the Assessment demonstrates that pitch provision is above the National Playing Fields Association standard.

- 3.65 At the Rayleigh sub-area level, the Assessment demonstrates that 17 pitches are currently available, against a peak demand for 15 pitches. This figure does not take account of the fact that the current application proposes the provision of a further 6.5 acres of land for playing fields, which would equate to a further 4 pitches. Moreover, a further pitch is likely to become available at Sweyne school, as a result of an Essex County Council lottery bid. Therefore, in total, it can be concluded that the sub-area would have a total of 22 pitches, against a current peak demand for 15 pitches.
- 3.66 Having regard to these factors, it is concluded that the area of existing playing fields to be lost can be concluded to be 'surplus to requirements', having regard to the wording of PPG17.
- 3.67 Moreover, the fact that the proposal seeks to provide a leisure centre on the site, and facility currently and notably absent in Rayleigh at the present time, must be accorded significant weight, having regard to paragraphs 12 and 16 of PPG17.
- 3.68 Taking these two conclusions together, the local planning authority concludes that the proposals accord with the advice of PPG17.
- 3.69 Sport England, on the contrary, take the view that existing pitch provision in the Rayleigh sub-area is barely adequate to meet demand, and places significant store against its view that that provision would not be able to cope, should there be an increase in demand. It concludes that the area of playing fields to be lost could not be considered to be 'surplus to requirements.'
Sport England have considered the provision of the leisure centre as a positive move, but do not consider that this would outweigh the loss of the playing fields. However, Sport England does, in its covering letter, describe this as 'a finely balanced case'.
- 3.70 Whilst Sport England's objection is noted, it is not considered that this objection could realistically form the basis of a reason for refusal. It is considered that the Council's figures show a clear surplus of pitches, particularly when the additional 6.5 acres is factored into the equation.
- 3.71 Given Sport England's objection, however, subject to the Committee's resolution, the authority is required to notify the Secretary of State of its intention to approve the application, which could result in the application being 'called in' and determined by the Secretary of State.
- 3.72 **Highway and Traffic Implications**
Relevant government guidance is found in PPG13: Transport. This seeks to reduce the need to travel, especially by car and seeks to promote development in urban locations with good accessibility and good public transport links.

- 3.73 Policies T3 (Promoting Accessibility) and T6 (Walking and Cycling) of the Replacement Structure Plan are pertinent to consideration of this application. These policies seek to ensure that new development is designed to make appropriate provision for all forms of transport (including pedestrians and cyclists), and to ensure high standards of highway safety. Major developments, such as the current application, are required to be accompanied by Traffic Impact Assessments to demonstrate, amongst other things, how movements generated by the development will be properly accommodated on the surrounding highway network and how the development will encourage movement by transport modes other than cars.
- 3.74 The application is accompanied by a Traffic Assessment, the broad conclusions of which may be summarised as follows:
- The site is well located in terms of its accessibility to the local bus routes and the proposals are considered to offer genuine alternatives to travel modes other than the car
 - A 'Green Travel Plan' submitted at the detailed planning stage would offer a package tailored to this site, promoting sustainable transport methods whilst seeking to minimise car travel
 - Vehicular access to the site will be via a main access onto Rawreth Lane (this forms part of the current application). A secondary access for pedestrians/cyclists would be provided onto Rawreth Lane. A third access for pedestrians/cyclists, and emergency vehicles, would be situated to the southern boundary. (NB: Although it is not stated in the Travel Assessment, a fourth access could be provided to the east, through to any development on the Reads Nursery site). The provision of these accesses provides a permeable environment for non-car users, and promotes maximum accessibility.
 - The application is in outline form, and the precise make-up of the scheme is not known. It is not therefore possible to provide calculations of actual traffic movements, but predictions can be made and a general traffic profile produced. This indicates that the development as a whole could be expected to produce a total of +131 arrivals / +118 departures from the site during the morning peak from 08:00-09:00hrs and +106 arrivals / +92 departures from the site during the afternoon peak from 17:00-18:00hrs.
 - The traffic generated by the proposed development must be compared to that generated by the secondary school. A survey of another secondary school has been carried out. From this it can be interpolated that Park School, if still active as a secondary school, would produce significant traffic movements at peak times. The Traffic Assessment indicates that some 120 car movements (arriving and departing) and 12 bus movements could be expected at peak times.
 - The completion of the A130 dualling and upgrading will significantly alter traffic conditions at the junction of Rawreth Lane with the old A130, and along Rawreth Lane generally.
 - Further traffic assessment/survey work should be undertaken at the detailed planning stage, when the precise make up of the development is known, by which time the upgrading of the A130 will have likely been completed.

3.75

The consultation response of the Highway Authority is set out above. This concludes that the Traffic Assessment is reasonable and that the assumptions it makes are robust. It agrees that when detailed applications are submitted further traffic analysis, including the submission of a Travel Plan encouraging travel to the site via sustainable means of transport will be required.

3.76

The vehicular access to the site is not a reserved matter, and the full details of this form part of the current application.

3.77

The submitted plans show the provision of a ghosted right turn lane in Rawreth Lane, and the provision of 3 refuge islands and pedestrian crossings. Two of these enable the crossing of Rawreth Lane, the other relates to crossing the proposed access road. County Highways. County Highways has confirmed its approval of these details.

3.78

Other Infrastructure Implications

Many of the representations received in respect of this application refer to the lack of infrastructure in Rayleigh West; the fact that schools and doctors are full, the absence of local shopping facilities, etc.

3.79

The current application includes the provision of a new primary school, together with a neighbourhood centre which, the applicant advises, could include such facilities as retail units, a nursery, pub/restaurant and a local health centre (although land for the latter has been earmarked in respect of an application on adjoining land at Reads Nursery). A leisure centre is also proposed, which would provide a much-needed facility to serve Rayleigh as a whole.

3.80

The application therefore proposes the means with which current deficiencies in infrastructure can be addressed. This said, a mechanism needs to be employed to ensure that the development is undertaken in its entirety and within a reasonable time period. It may not be considered acceptable if the housing element was to be wholly completed ahead of the neighbourhood centre or, indeed, if the neighbourhood centre failed to provide facilities and services useful to the local community, e.g. if the whole site was taken up by a retail warehouse, etc. Similar concerns relate to the time scale for the building of the new school.

3.81

These concerns will have to be fully covered by planning conditions/legal agreement relating to the current application, to be followed through at detailed stage when the precise make-up of the scheme is known.

3.82

Compatibility with surrounding land uses

The application is accompanied by indicative plan, indicating one possible way that the various land uses proposed could be accommodated on the site. It is important to note, however, that this plan is merely illustrative, and does not 'set in stone' the general layout of uses.

3.83

3.84

This said, the general layout does demonstrate a certain logic, given the surrounding land uses. This indicates that the neighbourhood centre would abut Imperial Park Industrial Estate to the east, whilst the new residential development would abut existing residential development to the west. The new school is shown to the centre of the site, and the leisure centre and playing fields to the south.

3.85

It is concluded that the general package of uses can be reasonably accommodated on the site in accordance with the Council's normal standards and policies, and that such uses can be located so as to be fully compatible with the uses on the land surrounding the site.

3.86

Drainage Implications - Surface and Foul Water

Anglian Water originally objected to the scheme on the basis that Rayleigh West Sewage Treatment Works did not have spare capacity to accept the increase in flow arising from the development. Following this, however, they have accepted that the development could take place provided that the amount of flow did not exceed that arising from the existing school (when fully occupied). The sewerage authority also noted that a plan of improvement works were tabled for Rayleigh West Sewerage Treatment Works, which would increase its capacity.

3.87

Until the details of the scheme are known, it is impossible to accurately calculate the sewerage requirements arising from the site. The applicants have suggested that this matter could appropriately be dealt with via the imposition of a condition preventing development of the site until formal arrangements for foul drainage of the site have been approved by Anglian Water. This approach is considered sensible and reasonable.

3.88

A Flood Risk Assessment has been provided but, given the outline nature of the proposal, this is not as comprehensive as one would expect with a full application. In particular, given that details of the scheme are not known and robust figures relating to the amount of impermeable surface, etc, cannot be provided, it has also proved impossible to conclude what the implications of surface water run-off might be or to provide a detailed scheme to deal with surface water run-off in an acceptable way.

3.89

This has caused some difficulty for the Environment Agency. However, the Agency does concede that the site does not lie within the flood plain of a 'main river' under the Agency's jurisdiction, and it accepts that the matter of site drainage can be acceptably dealt with at the detailed planning stage. It requests that a condition be imposed on any approval granted, emphasising the use of sustainable drainage in preference to other conventional drainage schemes i.e. sewers, and the submission and approval of a further Flood Risk Assessment prior to development taking place on the site.

3.90

Wildlife and Trees

The existing playing fields do not accommodate protected species but such species do forage on the site. An assessment of this matter has been provided, and has been accepted by the Council's expert. Further work would need to be carried out, but this could be completed prior to the submission of the detailed planning application, and a

condition can be imposed to this end. This would also accord with English Nature's view.

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- 3.91 The Council's expert also requires the submission of a bat survey, given the possibility that bats might roost in the existing school buildings. Again, the submission of a bat survey can be made the subject of a condition, requiring such to be completed prior to the demolition of any buildings on the site.
- 3.92 There are a significant number of attractive trees on the site, particularly to the west/south boundaries. A number of more modest trees are situated to the site frontage. All trees on the site are the subject of a Tree Preservation Order.
- 3.93 Whilst a small number of the trees situated on the Rawreth Lane frontage will need to be removed to accommodate the new access to the site, the majority of the trees to this should be able to be retained. It is considered that there is ample scope to allow for the trees situated within the body of the site when detailed proposals are drawn up.

CONCLUSION

- 3.94 The current application, which is in outline form, relates to a mixed use development of a site lying within the existing urban area. The development of the site 'in principle' is considered to comply with the relevant national guidance, together with the policies of the Replacement Structure Plan and Local Plan.
- 3.95 The application is accompanied by a Travel Assessment that seeks to quantify the impact of the scheme, and the capability of the existing highway network to accommodate movements arising the scheme. Given the outline nature of the scheme, it is impossible to prejudge the actual movements that will arise from the development, however County Highways are content that the figures provided are robust. A complication with any traffic analysis is that the opening of the new A130 will radically alter traffic movements on Rawreth Lane. County Highways raise no objection to the scheme, subject to conditions.
- 3.96 The matters of foul and surface water drainage can be dealt with at the detailed planning stage.
- 3.97 Matters relating to wildlife concerns have been satisfactorily met. Trees on the site are the subject of a Preservation Order.
- 3.98 The proposal offers the opportunity to provide a new primary school, leisure centre and neighbourhood centre. It is considered that such facilities would greatly improve local infrastructure in this part of Rayleigh, and Rayleigh generally. However, for the scheme to be successful, a comprehensive development package will be required to avoid particular element, housing for example, from being developed in isolation. To this end, a number of clauses on the accompanying legal agreement relate to the phasing of various parts of the development.
- 3.99 On the basis of the details provided it is considered that an acceptable detailed scheme can be designed, and outline approval is therefore recommended.

RECOMMENDATION

3.100 It is proposed that this Committee **RESOLVES** to **APPROVE** this application, subject to the completion of a Section 106 Agreement to cover the following broad matters and subject to the heads of condition set out below. Subject to this resolution, the application will be referred to the Secretary of State. Subject to the Secretary of State advising that this application can be determined by the authority, the application will then be so determined.

- Requiring the submission of a 'masterplan' prior to the submission of the detailed application(s) to allow consideration of the general layout of the site, nature, disposition and level of land uses, access arrangements, details of the internal road layout including footpaths, cycleways and bridleways, provision of landscaped road frontage as indicated on the submitted indicative plan, etc
- To secure the provision of the affordable housing, and its retention as such in perpetuity
- To secure the funding of all works to the highway in Rawreth Lane, including the pedestrian crossings
- To ensure the provision of the access and main spine road through the site within a specified period after the approval of the reserved matters/or full planning permission being granted for development of the site
- To ensure the phasing of the development, to limit the extent of provision of new housing, dependent upon the provision of a proportion of the development of the neighbourhood centre
- To ensure the District Council and County Council jointly undertake the marketing of the neighbourhood centre part of the site for a specified period
- To ensure the transfer of 9.5 acres of the site to the District Council upon the grant of this outline approval for the purposes of a leisure centre and playing fields
- To ensure, upon sale of the site by the County Council, that a sum of £500,000 be paid to the District Council towards the erection of a leisure centre on the site
- To undertake a bat survey of the existing school buildings prior to their demolition, and put into place such mitigation measures are required as part of that survey.

1 SC2 Reserved Matters - Specific

2 SC3 Time Limits Outline - Standard

- 3 The outline permission hereby granted relates to the general uses and proportions thereof indicated on the submitted land use plan, drawing no. Ah6830/L/02, and elaborated upon in the accompanying Planning Application prepared by WS Atkins Planning Consultants, and dated September 2001. Specifically, this outline approval relates to the uses of the site as follows:
- a) residential development - 2.83 ha, 0.4ha of which is to be affordable housing provided by a registered social landlord, for keyworkers in the local area
 - b) playing fields/public open space - 3.84ha
 - c) primary school - 1.62ha

- d) leisure centre - 1.21ha
- e) neighbourhood centre - 1.62ha

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The neighbourhood centre shall accommodate a range of uses valuable to the local community and falling into the following Use Classes: Class A1(Shops), Class A3 (Food and Drink) and Class D1 (Non Residential Institutions). Though not exhaustive, the following uses would be appropriate in principle: local convenience shops (food store, newsagent, post office, etc) a children's nursery, eating/drinking establishment(s) and a local health centre. Any application for development of the neighbourhood centre should be accompanied by a clear statement setting out the benefits of the proposal to the local community.

- 4 SC9A Removal of Buildings
- 5 SC49A Means of Enclosure
- 6 SC58 Landscape Design - Details
- 7 SC60 Tree & Shrub Protection
- 8 SC91 Foul Water Drainage
- 9 Reserved matters applications shall be accompanied by an ecological assessment / mitigation strategy, building upon the conclusions of the submitted survey, document ref: af6717/102/6gen, in respect of protected species on the site. No development shall take place on this site until approval of a suitable mitigation strategy has been given in writing by the local planning authority, and development shall thereafter be carried out in strict accordance with the approved strategy.
- 10 Vehicular access to the site shall be provided in accordance with the details illustrated on Drawing No. 4437/T/11 Rev.B, including the ghosted right turn access off Rawreth Lane. The closure and reinstatement of the existing accesses into the site from Rawreth Lane shall be carried out concurrently with the provision of this new vehicular access. The new junction shall include pedestrian refuges, lighting, associated dedicated visibility splays and new footways leading to the access road into the site. The approved drawing, ref. 4437/T/11 Rev.B, shall be subject to further safety audits at the reserved matters stage. Minor amendments will be required to take into account Parkhurst Drive.
- 11 Reserved matters applications shall be accompanied by a Travel Plan tailored to this site, promoting sustainable transport methods whilst seeking to minimise car travel. This should include measures to encourage cycling, walking, car sharing and the use of public transport. A separate School Travel Plan shall be submitted concurrently with the reserved matters application for the school site, promoting sustainable transport methods in terms of travel to/from the new primary school.
- 12 Reserved matters applications shall be accompanied by a Travel Assessment providing further traffic impact analysis, relating to the specific development to be provided. Approval of the reserved matters applications shall, in part, be dependent upon the results of this analysis being considered acceptable by the local planning authority in conjunction with the local highway authority, in terms of the number of traffic movements arising from the development and the capability of the highway network to absorb those movements without demonstrable detriment to the convenience or safety of highway users.
- 13 Reserved matters applications shall be accompanied by full details:

- a) demonstrating that satisfactory provision will be made within the site for cycle and motorcycle parking in safe, secure and visible locations;

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- b) illustrating car parking arrangements, pedestrian and cycle access routes, bridleways, and bus/coach dropping off facilities within the site.
- 14 There shall be no beneficial occupation of any element the development until all highway works in its respect have been completed in accordance with the approved details, including the relevant part of the internal road network and access onto Rawreth Lane.
- 15 Reserved matters applications shall be accompanied by a Flood Risk Assessment, reflecting the requirements of Paragraphs 42, 60 and 72 of PPG25. The Assessment shall fully explore the implementation of sustainable drainage systems (SuDS) in preference to conventional sewers. Such a scheme of drainage as is approved by the local planning authority, having fully considered the Flood Risk Assessment, shall be fully implemented concurrently with the development.
- 16 Reserved matters applications shall be accompanied by the results of a field evaluation, carried out to establish the nature and complexity of any surviving archaeological deposits on the site. This evaluation will enable due consideration to be given to the archaeological implications of the development, and, subject to the findings of the evaluation, will lead to proposals for mitigation of disturbance and/or the need for further investigation.

Relevant Development Plan Policies and Proposals:

CS1, CS4, BE1, BE3, BE4, BE5, H2, H3, H4, H5 of Essex and Southend-on-sea Replacement Structure Plan



Shaun Scrutton
Head of Planning Services

For further information please contact Peter Whitehead on (01702) 546366.



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NTS



TITLE : **02/00710/FUL
ERECTION OF 118 (NO.) DWELLINGS, INCLUDING 24 (NO.)
AFFORDABLE UNITS, ESTATE ROADS, CAR PORTS AND
OTHER ASSOCIATED WORKS, 4M HIGH FENCE/WALL TO
WEST SIDE BOUNDARY WITH IMPERIAL PARK
INDUSTRIAL ESTATE
READS NURSERY RAWRETH LANE RAYLEIGH**

APPLICANT : **COUNTRYSIDE RESIDENTIAL (NORTH THAMES) LTD**

ZONING : **AREA OF SPECIAL RESTRAINT/NO ZONING (But Annotated
Nursery)**

PARISH: **RAYLEIGH TOWN COUNCIL**

WARD: **DOWNHALL & RAWRETH**

PLANNING APPLICATION DETAILS

- 4.1 This application follows the recent refusal of an application proposing the erection of a total of 118 dwellings on the site, ref. 01/00876/FUL. This application is similar to the earlier application in many key respects, but incorporates a number of amendments intended to overcome the reasons for refusal.
- 4.2 As previously, the application proposes the erection in 118 units. These would be provided in a variety of dwelling types ranging in size from two-bed terraced dwellings and flats to three and four bed detached properties. 24 of the properties would be affordable dwellings.
- 4.3 The properties facing towards Rawreth Lane are all two storey. The properties to the Downhall Park Way frontage comprise a mixture of two storey houses and three storey town houses. Within the site, towards the western boundary, six blocks of three storey flats are proposed - four of these comprising the affordable dwellings. The flats would be served by communal car parking/car ports. All other parking would be provided within the curtilages of the respective dwellings. All vehicular access would be gained via Downhall Park Way.
- 4.4 Given the site's location adjacent to an industrial estate where general industrial activities take place, an acoustic barrier has been proposed to the Western site boundary. Depending upon the housing layout the barrier varies in style and height between a 4m high fence/wall at the southern end of this boundary to a 2.5m high fence to the northern end at its junction with Rawreth Lane.

- 4.5 In addition to the affordable housing element of the scheme, the applicants have offered the following as part of the application:
- A site for a doctor's surgery and £75,000 towards the provision of this facility. (NB: the contribution offered in the previous application was £50,000. In the current application, whilst the site is offered as part of the application package, the land is excluded from the application site, and permission 'in principle' for the use of the land is not, therefore, sought.)
 - The sum of £101,768 towards the cost of making provision for further children at Downhall Park School (In the previous application, the educational contribution offered was £76,768, which accorded with the sum required by ECC Learning Services)
 - The sum of £64,900 towards highway improvements
- 4.6 All of these contributions would need to be secured via a planning obligation under Section 106.
- 4.7 An appeal has been lodged by the applicants against the refusal of the earlier application. The applicants state that they reserve the right to withdraw both the offer of a financial contribution towards the construction of a doctors surgery , and indeed the offer of the site itself for a surgery, should the appeal need to be pursued. They also state that, given County Council Learning Services acceptance of a lower financial contribution in the earlier application, they reserve the right to reduce the financial contribution to the original figure should the appeal need to be pursued.
- 4.8 As previously, the application is accompanied by a full Travel Assessment. An ecological assessment has also been completed to ascertain impact upon protected species.

RELEVANT PLANNING HISTORY

- 4.9 0499/96/ROC - Demolish dwellings, kennels and nursery, erect 102 dwellings and garages, estate road, etc. This application was refused for the following reason:
- 4.10 *'Sufficient housing land has already been identified for development in Rochford District up to 2001, through the Residential Land Availability and Local Plan process, in accordance with the Essex Country Structure Plan Housing Allocation.*
- 4.11 *The development of this site at the present time for housing purposes for which it is not allocated is not required to contribute to Rochford District's residential land supply for the above period. In accordance with current Planning Policy Guidance, the development proposed is considered to be unacceptable and potentially prejudicial to the forthcoming review of the Rochford District Local Plan.'*

4.12 01/00876/FUL sought full permission to erect 118 dwellings including 24 affordable units and associated works and doctors surgery, together with 4m high fence/wall to west site boundary with Imperial Park Industrial Estate. The application was refused at the meeting of Planning Services Committee on 25th July 2002, for the following reasons:

1. Change of use to residential without adequate provision of phasing of necessary education and health care facilities, contrary to Policy H4 of the Structure Plan and H8 of the District Local Plan
2. Unacceptable layout resulting in:
 - Unacceptable access to the indicated Doctor's surgery site
 - Proximity of the indicated Doctor's surgery site to the earth work of protected species
 - Some amenity areas (gardens) are below Council standards
 - Layout of some parking areas contrary to Policy H15 in Appendix 10 of the District Local Plan aiding the possibility of auto crimes
 - The proximity and exposure of some dwellings to sources of noise pollution

CONSULTATIONS AND REPRESENTATIONS

4.13 **Rayleigh Town Council** object to the proposed development for the following reasons:

- Lack of facilities incorporated in the infrastructure
- Potential problems of drainage in the area
- Large number of vehicles accessing onto an exceptionally busy road
- Housing needs in this vicinity being at saturation point, and these can be met at other locations in the District
- Could be potentially prejudicial to the review of the Rochford District Local Plan

4.14 **Essex County Council (Highways)** has had full regard to the application, and to the Travel Assessment accompanying the application. In its response, the highway authority states that it does not wish to raise an objection, subject to a Section 106 Agreement to cover the following:

- Highway Access. The provision of the accesses off Downhall Parkway must be constructed prior to the commencement of development.
- Financial contribution of £50,000 to enable the County Council to improve the existing bus stops with the provision of bus shelters, raised kerbs, bus timetables, hardstanding and real time information on Rawreth Lane.
- Financial contribution of £85,000 to enable the County Council to provide a Puffin pedestrian crossing and a Pegasus crossing at the traffic signal junction of Rawreth Lane.

4.15 Highways also recommend a number of planning conditions, to ensure compliance with the Essex Design Guide for residential roads and mixed uses, and to ensure that visitor cycle parking within the development is conveniently located near to the entrances of buildings, is adequately lit, well signed and is not hidden from view.

- 4.16 With regard to the issue of the Doctor's surgery, the highway authority notes that if a future application is received for the Doctor's surgery, the Highway Authority would object to the access being via the internal estate access roads. A doctor's surgery is a high traffic generator often attracting a large number of vehicle borne clients. Access via the estate roads would be likely to cause inconvenience and congestion on the access road. This is unacceptable to the highway authority.
- 4.17 An option would be the use of the far end of the Sweyne Park Car Park (nearest to the proposed doctors surgery) with the provision of a footpath link to the surgery.
- 4.18 **County Planner's Archaeological Advisor** - the Essex Heritage and Conservation Record shows that the proposed development is unlikely to disturb known archaeological deposits. Therefore no archaeological recommendations are being made on this proposal.
- 4.19 **Anglian Water** - no objection, subject to conditions
- 4.20 **Head of Housing, Health and Community Care** reports that the location of the proposed development gives rise to significant potential for noise nuisance arising from the adjacent industrial estate. Should members be minded to approve the application, he recommends the imposition of a number of conditions/clauses in the accompanying S106 Agreement requiring the approval of: a scheme of measures for the control and suppression of dust emissions generated during the construction of the proposed development; prohibiting the burning of waste materials on the site during construction; the approval and installation of appropriate noise attenuation, the monitoring of noise to ensure the efficacy of such solutions and, if necessary, the ability to require that further works be carried out; the developers be held to maintain any acoustic ventilation system installed in the affordable housing implemented in the approved form and, similarly, the acoustic barrier. The imposition of Standard Informatives SI16 (Control of Nuisances) and S125 (Contaminated Land). Having regard to the issues identified by the Council's Housing Needs Study, the Head of Housing, Health and Community Care supports the inclusion of a section 106 agreement to provide affordable housing on this site as part of any planning permission which may be issued.
- 4.21 **Buildings and Technical Support (Engineering)** - surface water drainage difficulty, attenuation may be required, ditch through or piped ditch through site.
- 4.22 **Environment Agency** - object to the application on the basis that a flood risk assessment has not been provided. Whilst the Environment Agency also originally objected to the earlier scheme, discussions subsequently took place between the applicants and the Environment Agency, and a scheme for the drainage of the site was agreed in principle. It is anticipated, therefore, that the current objection will be withdrawn following discussions between the applicant's engineers and the Environment Agency.

- 4.23 **Essex County Council (Learning Services)** - would wish to see the enhanced developer contribution (i.e. £ 101,768) being used for providing educational facilities at either Down Hall Primary School, Rayleigh, or at a primary school on the former Park School site, Rayleigh. As you will know, the outline application for mixed use of the former Park School site is the subject of a planning application and if it is approved by your Council will enable Rawreth St Nicholas C of E Primary School to re-locate to this site. As to which school admits children from the new development at Reads Nursery, this will be dependant on the timing of both the Reads Nursery development and the primary school opening on the former Park School site. Countryside Homes are happy with this approach and I am arranging with our solicitor for the Section 106 Agreement to be drawn up on this basis.
- 4.24 **Local Plans** - within the Rochford District Local Plan First review, part of the site is annotated as a Nursery and part of the site is zoned as an Area of Special Restraint but there are no specific policies that apply to the allocations. This notation has been carried over from the RDLP (1988). At that time the land was excluded from the Green Belt and zoned as an Area of Special Restraint, 'to ensure that adequate provision is provided for future urban uses, particular the provision of land for housing.' (Para 2.7.2). This notation is somewhat of an anachronism, given the extent of new development that has taken place along Rawreth Lane and in west Rayleigh generally. The Local Planning Authority is currently preparing a replacement Local Plan, during which the planning status of both the nursery and kennels sites fall to be reconsidered. In the Council's Urban Capacity Study carried out to inform the Plan process, both sites are flagged up as being capable of contributing to the Structure Plan allocation for housing to 2011. This would appear the most appropriate use for the land.
- 4.25 **Essex Police (Architectural Liaison Officer)** - raises no objection to the development, but makes certain comments about specific design features. These comments relate to suggestions to improve the surveillance of garage courts and driveways, to secure alleyways through the use of gates and locks and provide boundary treatments between some blocks and garage courts, again to inhibit criminal movements.
- 4.26 **Seven letters of objection have been received from local residents.** The grounds for objection are broadly as follows:
- Increased traffic congestion on Rawreth Lane
 - More housing cannot be provided before a new surgery and primary school are built
 - Sewers and drains are already overloaded
 - Affordable houses should be placed nearer the town centre
 - Insufficient parking

MATERIAL PLANNING CONSIDERATIONS

- 4.27 In considering this application particular attention is drawn to Policies H2, H8, H11, H13, H14, H15 and H16 of the Rochford District Local Plan. In terms of key issues, consideration of the proposals may be appropriately be broken down as follows:
1. Local plan allocation
 2. Design and layout issues, inc. crime prevention density/mix, affordable housing
 3. Impact of the Industrial Estate upon the living conditions of residents
 4. Highway issues
 5. Protected species
 6. Drainage and Flood Risk
 7. Infrastructure
- 4.28 **Local Plan allocation**
As indicated above, in the current Local Plan part of the site is zoned as an Area of Special Restraint and part of the site is annotated as a Nursery, and there are no specific policies that apply to these allocations. The original Local Plan makes clear that the site was set aside as an Area of Special Restraint to ensure that adequate provision was provided for future urban uses, particular the provision of land for housing. Indeed, application ref. 499/96/ROC which sought permission to erect 102 houses on the site was not refused for reasons relating to the fact that the site was not specifically designated for housing purposes, but for reasons of prematurity - the application was made at a time when sufficient land was available to meet the housing allocation up to 2001, and no allocation had been set for the period up to 2011.
- 4.29 A number of factors have changed since the previous application, which mean that the current application cannot reasonably be considered premature. Firstly, the housing allocation for the period up to 2011 is now known. Secondly, the Council's urban capacity study specifically identifies the site as one that can contribute to the meeting this housing allocation. The fact that the site is highlighted is not surprising.
- 4.30 Government guidance relating to the provision of new housing (PPG3) requires that local authorities take a sequential approach to site selection, promoting the development of sites within the boundaries of existing urban areas ahead of sites adjoining but outside existing areas and entirely new freestanding settlements. The site clearly falls into the first category. Moreover, government guidance also promotes the use of previously developed land ahead of Greenfield sites. Again, the site does accommodate several dwellings and a number of other buildings and therefore falls into the former category. Accordingly, whilst the site is not currently allocated for housing development, (though it would be in the forthcoming replacement local plan), it is not considered that a reason for refusal on grounds of prematurity could now be sustained.
- 4.31 Indeed, prematurity was not a reason for refusal in respect of the recent application.

4.32 Design/layout issues

One of the key points to establish when considering an estate layout is whether the scheme makes the most efficient use of land (having regard to the advice of PPG3) but, at the same time, is compatible with existing development both in terms of its density and character.

- 4.33 The net density of this scheme is approximately 41 dwellings per hectare (15.7 per acre), which complies with the policy aim of PPG3 that developments should not normally be constructed at densities less than 30 dwellings per hectare, and should be encouraged to build at densities of 30-50 dwellings per hectare (12-20 per acre).
- 4.34 The number of units able to be accommodated is, in part, achieved by the introduction of a number of three storey town houses and flats.
- 4.35 Existing residential development in the general area is largely two storey. However, this does not mean that the introduction of three storey development is fundamentally wrong in design terms. The Essex Design Guide, which the Council has adopted as Supplementary Planning Guidance, promotes the enlivening of street scenes by the provision of buildings of various heights - to avoid the construction of regimented and uniform estates that hold little visual interest. In this particular case, a number of three storey town houses are proposed fronting Downhall Park Way, and a number of three storey blocks of flats are proposed within the estate, towards the western boundary with Imperial Park industrial estate. These are considered entirely appropriate in street scene terms.
- 4.36 Such an approach was supported on appeal by the Inspector in allowing the Ashingdon Heights development, and three storey development has more recently been approved in a number of estate developments across the District. It is noted that this part of the scheme is identical to that previously proposed, and no objection to was raised to this introduction of three storey development in respect of that application.
- 4.37 As a whole, the scheme comprises a limited number of house types, with a general design theme running throughout - from the two bed terraced houses to the four bed detached houses and the three storey flats and town houses. This, it is considered, gives the development a sense of identity and place. The application also includes a number of landscaped public areas, which will be dominated by trees. These will reinforce the sense of place. Hedges are also proposed to the front/side boundaries of most properties, which will contribute to the estate's identity, as well as providing a pleasant character.
- 4.38 In terms of the relationship of the dwellings to one another, the layout generally complies with the normal 'back to back' and 'back to flank' distances to provide appropriate remoteness between opposing houses and avoid overbearing relationships, with two exceptions where 'back to flank' distances are 11m, as opposed to the usual standard of 15m. Given that the units in question are on corner plots and thereby benefit from the open aspect this creates, this relationship is considered satisfactory.

- 4.39 One of the reasons the previous application was refused related to the fact that several of the units had gardens that were below the Council's minimum garden size. In the current application all gardens comply with the Council's normal standards.
- 4.40 In terms of crime reduction, it should be noted that the Police Architectural Liaison Officer raises no objection to the proposal. He has, however, made some positive comments regarding measures to further reduce the likelihood of crimes on the estate, which the applicants are willing to take on-board. These matters can be covered through very minor changes to the existing site layout/boundary treatment, and the applicants are currently preparing an amended layout plan to this end.
- 4.41 In terms of car parking, it is noted that the scheme meets the Council's adopted standards. Parking is generally provided in a mixture of carports/garage blocks and open car parks in respect of terraced units and flats and garages, and garages/spaces within the curtilages of detached/semi-detached houses.
- 4.42 **Impact of the Industrial Estate**
Within the Local Plan Imperial Park industrial estate is allocated for light and general industrial use, together with storage and distribution-type uses. Indeed, many of the existing occupiers of units/yards closest to the application site fall within these categories. It is clear that such uses can result in a significant amount of noise and activity, and these could impact upon the amenities of the occupiers of the proposed dwellings. Indeed, the proximity and exposure of some of the proposed dwellings to sources of noise pollution constituted a reason for refusal in respect of the previous application.
- 4.43 At the time of the last application, the applicant produced a noise report to investigate the noise issue, and provide suggestions as to the most effective way of dealing with it. Noise attenuation measures included the provision of an acoustic fence along the boundary with the industrial estate, being 3m high for much of the boundary, atop a 1m high retaining wall.
- 4.44 (In terms of visual impact, this height was considered appropriate as viewed from the industrial estate, where normal standards of amenity are not applied. In terms of impact from residential gardens, changes in ground level and terracing were proposed so that the overall height of fencing to the end of private gardens would not exceed 2.5m. This element of the scheme was considered acceptable in visual terms in respect of the previous application, and remains unchanged in the current application.)
- 4.45 However, in terms of noise attenuation, whilst the acoustic fence would reduce noise from the industrial estate, particularly to the ground floor of properties, it would not provide effective noise attenuation, to the second floor flats. Accordingly, the internal layout of the flats is such that no bedroom or living room windows face towards the industrial estate.

- 4.46 These measures are as tabled in respect of the previous application. It is acknowledged that the previous application was refused, inter alia, on the basis of the effect of noise pollution upon the residents of the proposed dwellings/flats, and that in refusing the application Members were mindful of these measures. However, Officers remain of the view that, whilst the dwellings and flats situated towards the boundary with the industrial estate would be affected by noise, the noise levels would not be such that a reason for refusal could be effectively substantiated on appeal.
- 4.47 **Highways Issues**
The application is accompanied by a travel assessment, which has been fully considered by Essex County Council (Highways). The highway authority is satisfied by the Traffic Assessment. Indeed, issues of additional traffic movements arising from the development and the capability of the existing highway network to absorb this did not constitute a reason for refusing the previous application.
- 4.48 Except in relation to the issue of access to the Doctor's surgery, the highway authority's consultation response remains as previously. The highway authority requires that the applicants make a contribution of £85,000 to enable the provision of a Puffin and Pegasus crossing (the former being designed for pedestrians, the latter for horse-riders) at the junction of Downhall Park Way and Rawreth Lane, in lieu of the existing traffic lights. (The travel assessment does raise the possibility that a controlled crossing might be required). The highway authority further requires that a financial contribution of £50,000 be made to improve existing bus stops with the provision of shelters, hardstandings, etc.
- 4.49 The applicants have offered a payment of £64,900 to fund a Puffin crossing, since they accept that this is related to the development and will have wider benefits, but do not consider that further payment to fund a Pegasus crossing can be justified. With regard to the bus-stop, the applicants do not consider that the provision of a bus shelter will make the scheme any more sustainable, given that the bus stops already exist. They also query the justification for the inclusion of computerised real-time information in the shelter, since such a facility is not to be found in any other shelter in Rayleigh.
- 4.50 As Local Planning Authority the criteria for the payment of financial contributions has to be based on the conclusion that the works, etc., for which the money is required are reasonably necessitated by the development. It is accepted that the provision of a pedestrian crossing at the junction of Downhall Park Way is a reasonable requirement to ensure highway/pedestrian safety, given the increase in traffic/pedestrian movements at this junction. However, the highway authority's view that such a crossing should also be designed to cater for riders, whilst laudable in principle, is considered difficult to justify, given the number of riders it would serve (though the bridleway in Sweyne Park is noted). Equally, the provision of bus shelters is considered difficult to justify. Put another way, it is not considered that the absence of these facilities could constitute a reason for refusing the application.

- 4.51 The previous application was not refused due to the absence of a financial contribution towards the Pegasus crossing or bus stops, and it is not considered that it would be sustainable to now raise this as an objection to the current scheme.
- 4.52 The final issue raised by the highway authority relates to its statement that it would object, should a future application indicate vehicular access to the doctor's surgery being provided via the internal estate roads.
- 4.53 The surgery does not form part of the current application. Whilst it is implicit that access would be gained via the estate roads, the highway authority suggests that a possible alternative would be to upgrade the car park serving the Swayne Park playspace, and provide with a footpath link to the surgery. Another possibility would be to access the site from the former Park School site to the West, should permission to develop that site be granted. In any event, given that the surgery does not form part of this application, a reason refusal relating to a hypothetical access to it would be difficult to substantiate.
- 4.54 **Protected Species**
An updated ecological assessment has been received but, at the time of drafting this report, no responses have been received either from English Nature or the Council's Woodland and Environmental Specialist. Any issues arising from the responses once received will be reported in the Addendum.
- 4.55 **Infrastructure and Phasing**
One of the reasons for refusal of the previous application related to concerns that the development could take place ahead of the necessary educational and health care facilities. Such concerns are also voiced in the representations received from both the Town Council and local residents.
- 4.56 Particular reference was made in the previous reasons for refusal to Policy H8 of the Local Plan and Policy H4 of the Structure Plan. Policy H8 provides that the Local Planning Authority will explore all means to ensure that there is provision, where appropriate, of suitable infrastructure. In this case, contributions are being provided by the developer towards highway improvements, affordable housing, School provision and a Doctors Surgery/Clinic. Therefore, it is considered the terms of the policy have been fulfilled.

- 4.57 Policy H4 of the adopted Structure Plan is a strategic housing policy which seeks to set some guidelines for the form of new residential developments. The policy includes seven clauses, the seventh of which deals with the appropriate provision for phasing of residential development with the provision of public highways, utility works, passenger transport facilities, education, health care and other community facilities. Of course, not all residential schemes will require the full range of infrastructure improvements listed, but the policy is specific in saying that residential development should be phased WITH infrastructure provision. It does not say, nor would it be sensible to apply the policy in this way, that all infrastructure requirements should be fulfilled in advance of any residential development commencing. The main aim of this clause of the policy would be to provide for the phased development of larger residential sites so that particular improvements to infrastructure could be implemented as the overall scheme proceeded.
- 4.58 The arrangement followed for schemes of the size of this application is to identify the need for infrastructure improvements and then to seek suitable contributions from a developer, with these being tied to a Legal Agreement. The Legal Agreement would specify either that the developer must make a financial contribution towards infrastructure or carry out the required works to a set timetable. For example, highway improvements might be 'phased' for implementation in advance of the occupation of any dwellings.
- 4.59 With regard to the issue of school provision, the County Council's Learning Services Division was consulted and confirmed that there is no objection to the proposed development subject to a financial contribution of £76,768 to cover the increase in children arising from the development. In fact, the applicants have offered a sum of £101,768 towards education improvements. Given that the financial contribution is required to deal with the extra children arising from the development and that it is for the education authority to plan for and implement this provision, it is considered that there is no justification to seek to prevent any development from taking place until those arrangements are in place. The fact of the matter is that if there is no development, there will be no upgrade to the schools. The only way that improvements can be made is through the provisions of a planning consent and related section 106 agreement.
- 4.60 To summarise, Learning Services consider that school provision issues can be satisfied by targeting the financial contribution from the applicant at improvements to Downhall Primary School or at the new school on the Park School site, and therefore raise no objection to the application. It is considered that it would not be possible to substantiate a refusal of consent on the basis that local schools could not cope with the children arising from this development or that the development should be resisted until the improvements have been implemented.

- 4.61 The statutory framework for considering the provision of new healthcare facilities is less clear than for school provision. The Primary Care Group was consulted on this application, but no response has been received. However, the response to the previous application was that the Primary Care Group welcomed the inclusion of a site and a financial contribution and that it would wish to work with all parties to bring a scheme forward.
- 4.62 The applicant has offered a site and a financial contribution towards the provision of a new surgery/clinic in West Rayleigh. There is no doubt that the overall ratio of GPs in Rochford District per head of the population is not satisfactory. However, the question then is whether there is justification to refuse any further residential development until this situation changes?
- 4.63 The development of new facilities depends on a range of factors, but it is understood that economic issues are a key consideration. There is little to suggest that, at the moment a new surgery/clinic will be provided in West Rayleigh unless there is some mechanism to trigger the process. The offer of a site and a contribution to construction costs can be considered as a catalyst and the positive comments from the Primary Care Group suggest that progress will be made if this is forthcoming. It must also be borne in mind that the scale of the residential development proposed on the application site in no way justifies in itself the provision of a new surgery to serve the whole of West Rayleigh.
- 4.64 Whilst the concerns related to the phasing of the development to allow education and healthcare facilities to be provided are understood, the application and the contributions arising from it provide the mechanism through which improvements can be provided. The provision of contributions to infrastructure through the planning process is an appropriate and entirely acceptable way to fund improvements on a development site of this size.
- 4.65 It is considered that a reason for refusal related to phasing of the development to enable improvements to be carried out, would not be reasonable and capable of being defended on appeal.

CONCLUSION

- 4.66 This application follows the refusal of a recent application for 118 dwellings/flats on the site. The current scheme is essentially the same scheme, but has been amended in order to overcome the previous reasons for refusal.
- 4.67 Garden sizes have been amended to comply with the Council's standard. Although the Police Architectural Liaison Officer raised no objection to the application as submitted, the layout has been amended to take on-board his comments, and further improve the scheme from a crime protection angle.

- 4.68 With regard to the issue of potential noise nuisance caused by the adjacent industrial estate, the proposal remains as before. However, it is noted that the Head of Housing, Health and Community Care does not object to the proposal. It should also be noted that a similar relationship was approved by the Council in respect of the development built in Victoria Avenue, which abuts Rawreth Industrial Estate.
- 4.69 The Doctor's surgery does not form part of the current application and, therefore, a reason for refusal based on unsatisfactory access to it being gained through the estate could not reasonably be substantiated. Alternative means of access to the proposed surgery site can be explored.
- 4.70 Similarly, one of the reasons for refusal on the previous application related to the proximity of the Doctor's surgery to the earthworks of protected species. The applicant's ecologists have continued to monitor these earthworks since the last application. They report that there has been no activity during the period of their study. Whether the earthworks are now vacant or are occupied on a seasonal basis, it is too soon to tell. However, given that the current application specifically excludes the area of the site relating to the surgery and given that there is no evidence of protected species within the application site, it is considered that the previous reason for refusal is no longer tenable.
- 4.71 Finally, with regard to the matter of education and healthcare provision, it must be re-emphasised that, with regard to the former, the contribution offered is in excess of the sum originally asked for by ECC Learning Services. Learning Services has stated that this money will be targeted at Downhall Primary School or at a new school within the Park School site. The ability to provide the necessary infrastructure within the necessary time period is thus within the hands of the County Council.
- 4.72 With regard to the Doctor's surgery, as stated above, the applicant's have offered a significant contribution towards its provision which, it is considered, should act as a catalyst to ensure the provision of the facility.
- 4.73 Having regard to the above, it is considered that the proposal is reasonable, and merits approval, subject to the completion of a Section 106 Agreement.

RECOMMENDATION

- 4.74 It is proposed that this Committee **RESOLVES to APPROVE this application**, subject to the completion of a Section 106 Agreement to cover the following matters and subject to the heads of condition set out below:
- To secure the transfer (in the interim) of the land to which the Doctor's Surgery relates to this Council;
 - To secure the payment of £75,000 towards the construction of the surgery;
 - To secure the payment of £64,900 towards highway improvements;
 - To secure the payment of £101,768 towards education provision

- To secure the provision of the affordable dwellings, and their maintenance as such in perpetuity (likely via a Housing Association);
- To secure the retention of the acoustic fence, and such maintenance as may be required in perpetuity;
- To secure the retention of any mechanical ventilation system as may prove necessary in respect of the flats, and such maintenance as may be required in perpetuity;
- To secure the carrying out of a survey of the efficacy of the noise attenuation mechanisms upon their provision, but prior to the occupation of the dwellings, and to secure the completion of further works of noise attenuation as necessary;
- To restrict the hours/days during which the construction of the development may take place;
- To secure the provision of wheel-washing facilities on-site to serve construction vehicles;
- To prevent burning on site during the construction period;
- To require the LPA's approval of a scheme to suppress dust during the construction period; and,
- To secure the maintenance of public landscaped areas.

- 1 SC4 Time Limits
- 2 SC9A Removal of Buildings
- 3 SC14 Materials to be Used
- 4 SC22A PD Restricted - Windows
- 5 SC23 PD Restricted - Obscure Glazing
- 6 SC50A Means of Enclosure Full
- 7 SC59 Landscape Design
- 8 The proposed bellmouth junctions with the county road, inclusive of cleared land necessary to provide the sight splays, must be formed and constructed prior to the commencement of any other development.
- 9 The carriageways of the proposed estate roads shall be laid out and constructed up to and including at least road base level, prior to the commencement of the erection of any residential development intended to take access therefrom. Furthermore, the carriageways and footways shall be constructed up to and including base course surfacing in order to ensure that prior to occupation each dwelling has a properly consolidated and surfaced carriageway and footway between the dwellings and an existing highway which shall thereafter be maintained in good repair until the final surface is laid. Until such time as the final surfacing is completed, footway base course shall be provided and maintained in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths commensurate with the frontage of each dwelling shall be fully completed with final surfacing within twelve months from the occupation of the dwelling.

- 10 Details of the proposed finished surfaces of the independent footpaths, shall be submitted to and approved in writing by the Local Planning Authority, and thereafter constructed in accordance with such approved details. All statutory undertakers equipment and services shall be laid prior to the commencement of any works within the access way and thereafter the footpaths shall be constructed up to and including base course surfacing. The final finished surfaces of the footpaths, as approved by the Local Planning Authority shall be laid within three months or within any such extended period that may be agreed by the Local Planning Authority.
- 11 A 1.5 metre x 1.5 metre pedestrian visibility sight splay, relative to the back of the footway/overhang margin, shall be provided on both sides of all vehicular accesses prior to their operational use. There shall be no obstruction above a height of 600mm (from the finished surface of the access) within the area of the pedestrian visibility sight splays and which shall be retained thereafter in this form.
- 12 The first six metres of any private accessway as measured from the proposed highway boundary, shall be treated with a bound surface dressing as approved in writing by the Local Planning Authority and thereafter retained in that form.
- 13 SC73 Accessways - Surface Finish
- 14 SC74 Driveways - Surface Finish
- 15 SC76 Parking & Turning Space
- 18 SC81 Garage & Hardstandings
- 19 SC83 Site Levels
- 20 SC84 Slab Levels Specified
- 21 SC90 Surface Water Drainage
- 22 SC91 Foul Water Drainage
- 23 The internal road system shall in all respects comply with the guidance set out in the Essex Design Guide for Residential and Mixed Use Areas (1997);
- 24 SC89 Oil Interceptor
- 25 Prior to the commencement of the development hereby approved, measures to provide satisfactory noise attenuation to necessary dwellings shall be submitted to and be approved in writing by the local planning authority. Construction of the development shall thereafter be carried out in accordance with the agreed details, and such measures as are considered necessary shall be retained throughout the life of the development.
- 26 Prior to the commencement of the development hereby approved, precise details of the acoustic fence to be provided along the boundary with the Imperial Park industrial estate shall be submitted to and approved in writing by the Local Planning Authority. None of the dwellings hereby approved shall be occupied prior to the provision of the fence in strict accordance with the approved details. Such a fence as is agreed (including its replacement as necessary) shall thereafter be retained throughout the life of the development.

- 27 Prior to the demolition of any of the existing buildings on the site, a bat survey shall be carried out to establish the presence, or otherwise, of bats in the existing buildings on the site. The survey shall also include a mitigation strategy providing full details of the measures to remove the species from the site, and translocate them to a suitable alternative location. The survey and accompanying mitigation strategy shall be submitted to the local planning authority for its approval in writing, prior to the commencement of the development and the demolition of any of the existing buildings on the site; and the removal of species from the site shall be carried out in strict accordance with the approved details.
- 28 Prior to the commencement of the development hereby approved, details of the provision to be made for visitor cycling parking shall be submitted to and approved in writing by the local planning authority. Such provision as is approved in writing shall be provided prior to the occupation of any of the dwellings hereby approved, and shall thereafter be permanently retained and maintained free of any impediment to its use for the parking of bicycles.

Relevant Development Plan Policies and Proposals:

H2, H8, H11, H13, H14, H15, H16 of the Rochford District Local Plan First Review



Shaun Scrutton
Head of Planning Services

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NTS



TITLE : **02/00589/FUL**
SINGLE STOREY BUILDING TO COMPRISE 35 BED HOME
FOR THE ELDERLY MENTALLY INFORM, TOGETHER WITH
ACCESS AND PARKING
LAND ADJOINING THE LODGE, RAWRETH LANE,
RAYLEIGH

APPLICANT : **RYHURST LTD**

ZONING : **PROPOSED AREA PRIMARILY FOR B1 (LIGHT**
INDUSTRIAL) AND B8 (STORAGE AND DISTRIBUTION)

PARISH: **RAYLEIGH TOWN COUNCIL**

WARD: **DOWNHALL AND RAWRETH**

PLANNING APPLICATION DETAILS

- 5.1 The application proposes the erection of a single storey building comprising a 35 bed home for the elderly mentally infirm, including associated facilities.
- 5.2 The applicants advise that, 'Clinically the new home is designed to meet the needs of older people suffering a range of mental illnesses. The vast majority will suffer from Alzheimers disease, dementia and other degenerative brain disorders. A minority may require treatment for functional disorders such as acute depression, bipolar affective disorder and schizophrenia.
- 5.3 The home will provide 24 hour palliative care for up to 29 older people suffering severe and enduring mental illness as well as respite care for 6 patients whose long-term care needs require evaluation. All patients will be local people and for many the home will be their final residence. This underlines the importance of basing such accommodation within a community setting.'
- 5.4 In terms of staff, the staff will work on a shift system, with nursing staff changing morning, afternoon and evening. Medical, catering, domestic, laundry and property maintenance staff will also attend the building.
- 5.5 It is essentially rectangular in plan, and of simple external design. The building will be set back from the road, with a car parking area accommodating 29 spaces plus bus bay and service area to the front. There is an appreciable fall in ground level from Rawreth Lane, such that the slab level of the building will be situated approximately 1.5m lower than the level of the road.
- 5.6 Imperial Park Industrial Estate lies directly to the south and east of the site. Given this, the application is accompanied by a noise report.

- 5.7 Moreover, given the overgrown nature of the site at present, and its potential to accommodate protected species, an ecological assessment has been prepared.

RELEVANT PLANNING HISTORY

- 5.8 Planning permission for a 30-bed nursing home on the site was granted on 7th January 1999, ref. F/0671/98/ROC. The design of the building is somewhat different to that now tabled, being a cruciform building with a raised atrium feature at its centre.

CONSULTATIONS AND REPRESENTATIONS

- 5.9 **Rayleigh Town Council** - no objections
- 5.10 **Essex County Council Transportation and Operational Services** - no objection, subject to conditions
- 5.11 **Anglian Water** - no objection, subject to approval of foul and surface water drainage
- 5.12 **Environment Agency** - advisory comments
- 5.13 **Police Crime Reduction Officer** - notes the existence of considerable hedging to the east and a fence to the south, which he considers should be retained for crime reduction reasons.
- 5.14 **The Head of Housing, Health and Community Care** has considered the submitted noise report, and accepts its findings. Subject to the measures outlined in the report being integrated in the proposed building, he is of the view that the proposal is acceptable. Conditions are also recommended requiring a scheme for the suppression of dust emissions during construction and prohibiting the burning of waste on site.
- 5.15 **The Council's Woodland and Environmental Officer** considers that the submitted survey is sufficient to confirm the absence of the reptiles on the site, but with reference to the mammal earth considers that a licence is required from English Nature to close the earth. English Nature have verbally agreed with this conclusion, but no written response has been received at the time of drafting this report.
- 5.16 Rayleigh Civic Society - no comment.

MATERIAL PLANNING CONSIDERATIONS

- 5.17 The key material considerations in the case are considered to be as follows:
- Local Plan allocation
 - Highways implications
 - Layout and Design
 - Wildlife implications

5.18 Local Plan Allocation

Within the Local Plan, the site is allocated as a Proposed Industrial Area for Class B1 and B8 purposes. Whilst this is so, permission was granted for a 30-bed nursing home on the site in 1999, and that permission remains valid until 7th January 2004. The use of the site for non-industrial purposes has thus been established, and no concern is raised in this regard.

5.19 Highways Implications

The application as originally submitted illustrated the proposed access towards the east of the site, which could have caused a conflict given its proximity to the access serving the industrial estate. The access has now been moved to the centre of the site's frontage to accord with the Highway Authority's wishes, and the application is considered acceptable in this regard.

5.20 Layout and Design

In terms of its siting, the building now proposed is to be sited in broadly the same position as the nursing home previously approved.

5.21 In terms of its design, the building is of simple appearance. The height of the main roof is consistent across the whole building, with no change in height to add interest. Moreover, the roof is of fairly shallow pitch. Whilst several elements are articulated out from the main bulk of the building to provide some relief, it has to be said that the visual impact of the building is less positive than it might have been. Indeed, in visual terms, the original cruciform design is considered preferable.

5.22 This said, the applicants have advised that the building has been designed to provide for ease of movement within it and that, 'the external design is intended to be homely and unobtrusive, whilst blending seamlessly into the local landscape.'

5.23 All in all, whilst a more vernacular or visually exciting building might have been tabled, it is not considered that a reason for refusal could be substantiated on design grounds.

5.24 Wildlife Implications

The application is accompanied by an ecological assessment. Survey work carried out in relation to this found no protected reptiles on the site, but did establish the presence of a protected mammal earth, effectively where the building is to be constructed.

5.25 The Council's Environmental Officer is satisfied that the survey work carried out is sufficient to confirm the absence of reptiles. With regard to the mammal earth, there is only minimal evidence that this is being actively used, but nevertheless the conclusion of both English Nature and the Council's expert is that the applicants will require a licence from English Nature in order to implement such a scheme. Such a licence cannot be granted until planning permission has been granted for the development in question.

- 5.26 Permission has already been given for a nursing home on the site. However, in view of the current ecological report's findings, a licence would be required from English Nature to implement that permission too. Given that this permission could be implemented subject to English Nature's granting of a licence, it is considered that there is no justification to resist the current application on this issue.

CONCLUSION

- 5.27 The application proposes the erection of a 36-bed nursing home. Permission has previously been given for a 30-bed nursing home on the same site, and this permission remains valid.
- 5.28 In highway, layout and design terms the proposal is considered acceptable.
- 5.29 A complication has been discovery on the site of a mammal earth, the disturbance of which requires a licence from English Nature. However, such a licence would also be required in respect of the extant permission. Ultimately, it is considered that this issue is in the hands of English Nature to control.

RECOMMENDATION

- 5.30 It is proposed that this Committee **RESOLVES** to **APPROVE** the application, subject to the following conditions. Subject to this resolution, the application will be referred to the Secretary of State. Subject to the Secretary of State advising that this application can be determined by the authority, the application will then be so determined.

- 1 SC4 Time Limits Full - Standard
- 2 SC6 Alternative Development
- 3 SC14 Materials to be Used
- 4 SC50A Means of Enclosure
- 5 SC55A Hedgerow to be Retained
- 6 SC59 Landscape Design
- 7 SC60A Tree & Shrub Protection
- 8 The entrance to be provided shall have 6m radius kerbs, and a 1.8m footpath either side of the access for a minimum of 6m into the site from the highway boundary. Such details shall be incorporated in the access during its construction. No occupation of the building shall take place until the access has been provided in this approved form.
- 9 SC73 Accessways - Surface Finish
- 10 SC74 Driveway - Surface Finish
- 11 SC76 Parking and Turning Space
- 12 SC84 Slab level
- 13 SC90 Surface Water Drainage
- 14 SC91 Foul Water Drainage

- 15 All windows to the building shall be fitted with thermal double glazing, and shall be so glazed throughout the lifetime of the development. Details of the form of ventilation to be installed to bedrooms in the east and south elevations of the building facing towards the industrial estate shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. Such a scheme of ventilation as is approved shall be incorporated in the building during its construction, and shall remain in operational throughout the lifetime of the development.
- 16 A scheme of measures for the control and suppression of dust emissions generated during the construction of the proposed development shall be submitted to and agreed in writing by the Local Planning Authority. Such agreed works shall be implemented in the approved form prior to the commencement of the proposed development and shall be maintained in the approved form for the duration of the construction of the proposed development.
- 17 There shall be no burning of waste materials on any part of the site during the construction of the development hereby permitted.

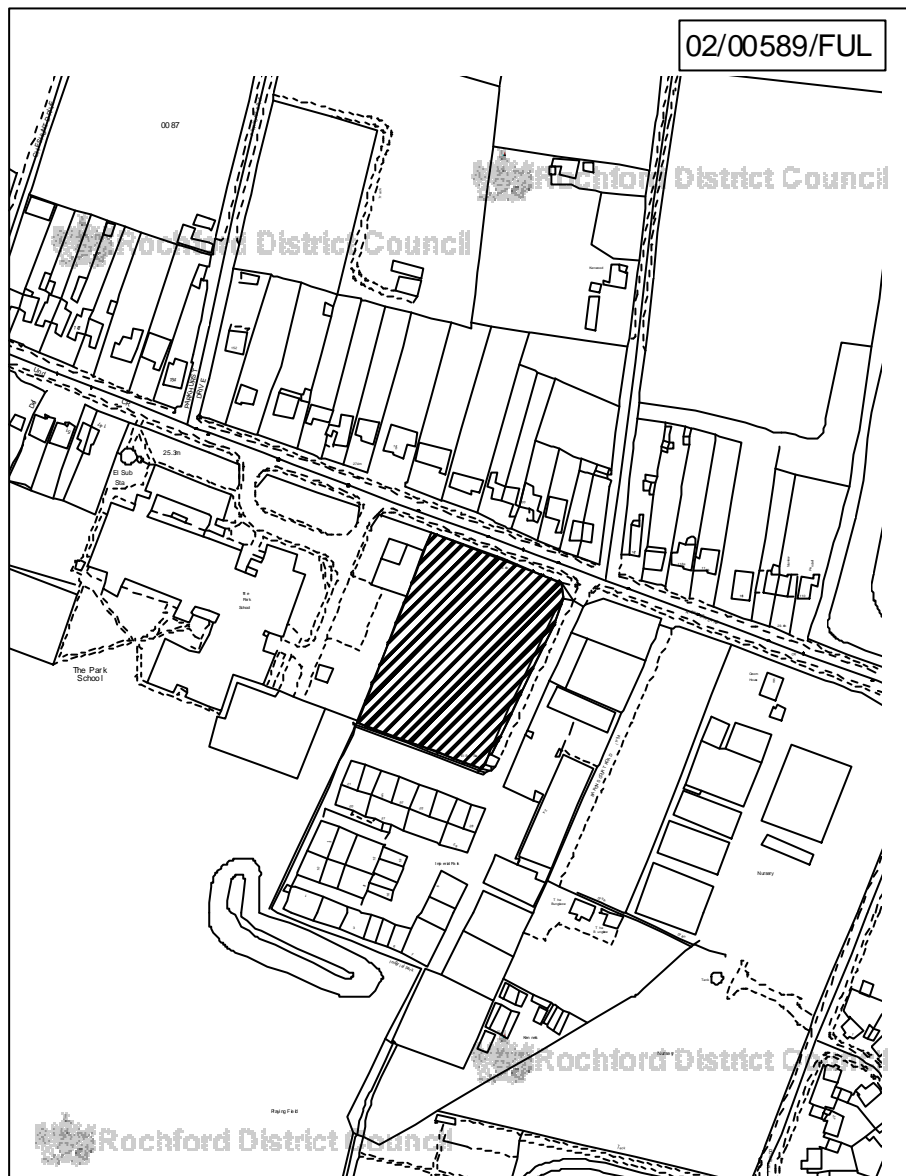
Relevant Development Plan Policies and Proposals:

EB3 and PU4 of the Rochford District Local Plan First Review



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Head of Planning Services

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NTS



TITLE : 01/00033/FUL
ERECT THREE 5-BED AND TWO 4-BED DETACHED
HOUSES WITH ATTACHED OR DETACHED GARAGES.
CHANGE USE OF FORMER RESIDENTIAL HOME TO
DWELLING (DEMOLISH EXISTING OUTBUILDINGS AND
EXTENSIONS) LAYOUT NEW PRIVAT DRIVE, PARKING
AND IMPROVE JUNCTION TO RAYLEIGH AVENUE
EASTWOOD LODGE 61 RAYLEIGH AVENUE, EASTWOOD

APPLICANT : SPECIALIST BUILDING SERVICES

ZONING : RESIDENTIAL/ PART GREEN BELT

PARISH: RAYLEIGH TOWN COUNCIL AREA

WARD: LODGE

SITE AREA: 0.76Ha

PLANNING APPLICATION DETAILS

- 6.1 This proposal envisages the change of use of the former elderly person's home on the site to a single dwelling. As part of this alteration, additions which have been made to the building in the past, which include a range of single storey and flat roofed side extensions, will be removed.
- 6.2 In addition to the change of use, five new dwellings are proposed, located in what is currently the rear garden and amenity area to the elderly persons home. These new dwellings will be serviced from a new private drive that will enter the site to the north side of the existing building.

REASON FOR THIS REPORT

- 6.3 Some Members may recall that these proposals were first reported to the December 2001 meeting of this committee. At that time the Committee resolved that planning permission should be granted, subject to the completion of a Legal Agreement which would require the payment of £20,000 be made to the Highway Authority to assist in local highway improvements. (The sum of £20,000 being the figure put forward by the Highway Authority).

- 6.4 Since that time discussions have continued between the applicants and the Highway Authority. The applicant has raised objection to the level of payment required, and agreement has now been reached between those parties with regard to a revised, and lower level of payment. Currently authority only exists for this Council to enter into an Agreement specifying the higher level of payment and the purpose of this report is to seek authority with regard to the revised payment.
- 6.5 No other new issues are raised by this report or should be subject to re-consideration as a result of it. To assist Members however in relation to the background to this matter the report that was presented to the December 2001 committee meeting is appended to this for information.

REVISED PAYMENT

- 6.6 A financial contribution has been sought in relation to this development given that traffic to and from it will utilise the sub-standard junction of Rayleigh Avenue with Eastwood Road. The contribution will be used, together with those from the Rayleigh Avenue/ Eastwood Rise Design Brief area, to secure improvements to that junction.
- 6.7 When challenged in relation to the initial request for a payment of £20,000, the Highway Authority felt unable to justify this level of payment. This was on the basis that the former use of the Eastwood Lodge (for an elderly persons home) would have generated a reasonable amount of traffic to and from the site. It was felt therefore that the traffic levels generated by the new use (the conversion of Eastwood Lodge to one house and the erection of five new ones) would not be sufficiently in excess that the contribution requested was reasonable.
- 6.8 On further analysis of the traffic levels likely to be generated by the new use as opposed to the former one it has been agreed between the Highway Authority and the applicants, that a contribution of £10,000 would be appropriate and reasonable.

CONCLUSION

- 6.9 These two parties to the Agreement have now reached agreement that a payment of £10,000 is an appropriate level of financial contribution to the Highway Authority required as a result of this development. This level of payment, although reduced, relates well to those received for the Design Brief area and would seem to be one that is justifiable, given the location and type of development. It is concluded that it would be appropriate to grant permission on the basis of a Legal Agreement which secured this level of contribution as now put forward by the Highway Authority.

RECOMMENDATION

- 6.10 It is proposed that this Committee **RESOLVES** that planning permission be **GRANTED** for the development as set out in application 01/00033/FUL, subject to the completion of a Legal Agreement which:

- requires the payment of an amount as agreed between the principle parties be made by the applicant to the Highway Authority to assist in the improvement of the Rayleigh Avenue/ Eastwood Road junction

6.11 and subject to Heads of Condition as set out in the report to the Planning Services Committee of 13 December 2001.

Relevant Development Plan Policies and Proposals

The policies and proposals that are relevant to this planning application are those which are set out in the report to the Planning Services Committee of 13 December 2001.



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NTS



TITLE : 02/00304/FUL
VEHICLE DISMANTLING AND RECYCLING WORKS,
COMPRISING OPEN STORAGE AREAS, COVERED
VEHICLE PARKING, OFFICE AND WORKSHOP, ACCESS
ROADS AND PARKING.
LAND NORTH OF PURDEYS INDUSTRIAL ESTATE,
BRICKFIELD WAY, ROCHFORD.

APPLICANT : NEVENDON SOUTH EAST CARS

ZONING : INDUSTRIAL/OPEN STORAGE

PARISH: ROCHFORD PARISH COUNCIL

WARD: ROCHFORD

PLANNING APPLICATION DETAILS

- 7.1 The applicant proposes a modern vehicle dismantling and recycling facility. The proposed development is intended to cover all aspects of the processes involved in these works. This ranges from the receipt of vehicles, the removal of all salvagable and harmful parts to the reuse and resale of any useful parts, where practicable.
- 7.2 The layout of the site is to accommodate an office/workshop building, under cover car and lorry storage/ parking, open areas for vehicle storage and vehicle parking.
- 7.3 The application was initially reported for Members attention at the May Committee following the fastrack procedure. Subsequent consideration allowed the matter to be returned to the July meeting of the committee
- 7.4 As a result of additional information a second round of consultation was undertaken and now the proposal is in a form on which a decision can be taken.

RELEVANT PLANNING HISTORY

- 7.5 Previous application number 01/00763/FUL was retrospective for the erection of a palisade fence to the perimeter of the site, this application was requested following an enforcement complaint with respect to the location of a new fence. That application has been refused due to obstruction of a designated public bridleway, and the matter is now subject of enforcement discussion in consultation with Essex County Council Highways.

CONSULTATIONS AND REPRESENTATIONS**First Round:**

- 7.6 Essex County Council **Highway Authority** recommend conditions in relation to on site parking and the placing of fences, gates, etc. A reference is made to the continuing objection to the placing of security fences to the north side of the site. (**Note** – that issue is not addressed by this application and is related to the previous application referred to above in the history section).
- 7.7 Essex County Council **Planning Officer** raises no objection subject to suggested conditions dealing with:
- hours of operation;
 - vehicle numbers;
 - noise control;
 - pollution prevention measures.
- 7.8 **Civil Aviation Authority** has no aerodrome safeguarding objection to the proposal but advises that the Department of Transport be consulted with regard to Public Safety Zone issues.
- 7.9 **London Southend Airport** confirms that it has no aerodrome safeguarding objection but objects to the proposal on the basis of additional persons working in the public safety zone.
- 7.10 The **Environment Agency** advise that a scheme for the regulation of surface water flows will need to be devised and implemented. Advice is also given with regard to measures which can be implemented (and which are controlled by other legislation) to prevent contamination and water pollution. The EA notes that the applicant has been made aware of the need for a waste management licence and has been sent a copy of all this advice. The Agency suggests a condition requiring the implementation of a surface water drainage system.
- 7.11 **Anglian Water** has no objections to the proposal subject to conditions being attached which would require details of foul and surface water drainage and pollution prevention measures.
- 7.12 **Rochford Parish Council** No objection raised.
- 7.13 **Rochford Hundred Amenity Society** No comment made.
- 7.14 **Essex Police** have no objection to development but recommend that the status of 'Secured by Design' be sought and be a condition on any approval. The LPA is reminded of its obligation to consider the impact of development on crime and disorder and to consider the scarce resources of the police service when coming to a decision.

- 7.15 The **Head of Housing Health & Community Care** notes that the site is within 250m of a former landfill site and suggests conditions to address this and other matters. Subject to this he has no adverse comments.
- 7.16 The Property Maintenance & Highways Manager (**Engineers**) has no observations or objections raised.
- 7.17 With regard to the occupiers of neighbouring commercial units, two responses have been received which raise, in the main, the following issues:
- should be requirement for buffer landscaping strip, as required for other sites;
 - proposed use is untidy, dirty, unsightly;
 - possible (additional) land and watercourse contamination;
 - harmful competition for existing neighbouring business.

Second Round:

- 7.18 The **Civil Aviation Authority** comments, verbally, that it has no safeguarding objection as per its previous comment.
- 7.19 **London Southend Airport** indicates that it is appreciative of the efforts that have been made to reduce the number of people working in the public safety zone. However it is pointed out that it is a basic objective of the government in Circular 1/2002 that there should be no increase and indeed the number should be reduced. The objection is therefore maintained.
- 7.20 The Property Maintenance & Highways Manager (**Engineers**) repeats previous comments.
- 7.21 The **Head of Housing, Health and Community Care** repeats previous comments.
- 7.22 The occupier of one adjoining commercial unit has responded commenting that:
- repeats earlier comments re the impact of business competition and contamination of additional land.

MATERIAL PLANNING CONSIDERATIONS

- 7.23 It is considered that the issues to be considered are as follows:

Principle of Use Proposed

- 7.24 The proposed development is within a location recognised and designated for (partly) industrial use and (partly) open storage. The site is bordered by an existing scrapyard to the south (Kirbys); land to the east is utilised for a variety of industrial/storage uses including a Waste Transfer Station and coach/transport depot. The area to the West of the site is undeveloped and lies outside the approved industrial designated area. It is considered that the proposed use is appropriate in policy terms for the location identified.

Pollution prevention

- 7.25 The applicant indicates that initial discussions have taken place with the Environment Agency (EA) at which its requirements for measures to be put in place for the site were set out. It should be stressed that this facility represents a very modern approach to the increasing problem that is being presented by the need to safely reuse and dispose of private vehicles. The workshop area is to be fitted out with extensive and sophisticated equipment that is designed to render the vehicles treated in it inert in terms of any threat they may present to the environment.
- 7.26 The equipment proposed will be utilised to remove all liquids from the vehicles. This will include petrol, diesel or other fuel, oils (including gear box and shock absorber oils), brakefluid and coolants. The result is that the vehicles that are stored at the site (unless repairable) will comprise shells only with no threat of fluid contamination to the water environment.
- 7.27 Where vehicles are beyond economic repair, or contain components that may be reusable (but are not road worthy) they are received into the workshop in the first instance. It is there that the process of removing any harmful material from the vehicle is undertaken. The remaining shell (with reusable components) is transferred to storage area A/B on the site. Despite the absence of any harmful liquids in the vehicles, this area is to be fitted with appropriate drainage mechanisms and interceptors (all to EA approval and covered by condition) to prevent any harmful surface water discharge. These drainage mechanisms include interceptors which will remove fuel and oil from any drained water.
- 7.28 Vehicles which can be salvaged and repaired are initially assessed in the workshop. As above, any that are in a condition that are potentially harmful, are worked on before they are placed in storage area C/D. This area is to have a permeable surface with no engineered drainage involved. As all potentially harmful components are removed this should have no harmful implications for contamination. However, the final control over the requirement for active drainage will rest with the EA, if it is considered necessary.
- 7.29 All other hard surfaced and operational areas (lorry parking and cleaning, scrap area, selling compound, stripping area and the customer car park) are to be fully drained with interceptors and pollution prevention to the standard of Area A/B referred to above.
- 7.30 It is considered that this proposal should not be viewed as a conventional 'scrap yard'. The proposals, as indicated above, represent a very modern installation, to deal with unwanted vehicles and those which have reached the end of their lives. In terms of pollution prevention these proposals would appear to represent the best of current practice and a model for other vehicle dismantlers to adopt.

Airport Safeguarding

- 7.31 Initial responses have indicated that the CAA has no concerns in relation to aerodrome safeguarding. It has been confirmed, verbally, that this is also the case in relation to the revised proposals. This aspect deals with any threat that new development presents to the safe operation of aircraft.
- 7.32 The other aspect to consider is whether the proposals would introduce further people working in the public safety zone (PSZ). The issue here is whether these persons would be at risk as a result of any aircraft accident. The north western part of the site falls within the recently revised PSZ. The revision to the plan has been to the effect that all built development on the site has been located outside of the PSZ. Previously the lorry parking shed was within that zone.
- 7.33 Details from the applicant are as follows. Parts of the storage areas A/B, C/D the scrap area and the general car storage area fall within the PSZ. One operative will service areas A/B and C/D. There would be a further single operative in the general storage area and occasionally, one in the scrap area. The public are excluded from all these areas. If any component is to be retrieved from a vehicle, that vehicle is brought to the workshop for the work to be undertaken. Members of the public cannot wander amongst the vehicles as is the case with conventional operations. Therefore there is a maximum of three workers introduced into the PSZ.
- 7.34 The operator of Southend Airport initially objected to the proposals on the basis that 43 persons would be introduced to the site. There was no investigation as to the location of these persons on the site. Apart from the three referred to above, the remaining 40 are located outside of the PSZ. The Airport maintains their objection, pointing to the overall objective of the government that the number of people who work in the zone should not be increased, but indeed, should be reduced.
- 7.35 Government advice is contained in Circular 1 of 02. This advises that there is a general presumption against new development in PSZs. But, it is made clear that there can be exceptions to this general presumption. It appears then that the Airport has taken a rather prescriptive view of the guidance. A specific part of the guidance sets out which developments are permissible within the PSZ and various employment and public uses are deemed to be acceptable. The principle must be that some additional activity, involving the presence of persons, is possible in the zone.
- 7.36 One such use which is indicated to be permissible is an open storage use in which a very small number of people are likely to be present within a sizable site. Sorting depots would not be allowed. It is considered that the advice in relation to storage uses most closely relates to the form of development anticipated here. Within the PSZ, the vehicles effectively represent storage, with very few operatives involved, here 3.

- 7.37 The main built element of the development (the office and workshop) is clearly not appropriate in a PSZ, but is, of course, located outside of it. Whilst the site is split, partly within and partly outside the PSZ it is considered that it is appropriate to judge the proposals only on the basis of those parts of the development that fall within the zone. On this basis, the view is taken that, despite the objections from the Airport the development is one which is acceptable within the terms of the governments guidance. However, given the disparity of views, an additional input is being sought from the Department for Transport. It is that element of government which has crafted the guidance and it is indicated within it that, where there are uncertainties, its view can be sought. Any final decision is recommended to be based on the view of that department.

Visual and Amenity Impact

- 7.38 The most substantial building on the site will be the office/ workshop. This has a footprint of some 750sqm approx. The building will have the appearance of a conventional commercial building with brick construction at the base and profile metal sheeting above. It will have a height to the eaves of 8m and to the ridge of 9.3m.
- 7.39 The other buildings on the site comprise an under cover car parking area and a lorry parking area. The former consists of an open sided building with a monopitched roof. It is to have a length of some 37m but with greatest height of 4m approx. The lorry parking building will be higher, at 6.6m to the ridge, but have a smaller footprint of 10.2 by 20.2m. Other than the buildings, the other elements of the development which are likely to lead to visual impact are the stored cars and the crane used in the scrap area. Stored cars, where they are available for spares re-use, will be stored on a racking system, rather than placed directly on top of each other. It is anticipated that this will be some 6-7m in height, taking a loading of three cars vertically. The crane in use in the scrap area will have a jib height of 5m.
- 7.40 Clearly, the proposals represent a considerable operation, which will be evident from anyone who was to visit the area. The location is within the commercial area of Purdeys Way, of course, where many of the buildings are of a considerable size. Longer distance views will be limited by the existing planting at the northern side of the site. The development is likely to be no more visible from the Stambridge Road area of Rochford than the existing commercial development in this vicinity. It is not considered that there will be any unacceptable amenity impact.

Other Issues

- 7.41 It is not considered that there should be a requirement for noise control or any restriction on the number of vehicles at the site, as the County Planner suggests. In this commercial area noise control is considered to be unnecessary and a limit on vehicle numbers would simply be unenforceable.

- 7.42 One neighbouring occupier raises the issue of the impact of the proposed operation on their business (which carries on a similar trade). It is not the role and function of the planning system to protect private business interests and it would be inappropriate to restrict the proposals on this basis.

CONCLUSION

- 7.43 The development proposed would appear to represent an opportunity to secure a use which deals with the salvage of vehicles in an environmentally sound way. It is considered that this aspect of the proposals should carry significant weight. Full compliance will be required with regard to the stipulations of the EA to ensure that contamination to groundwaters is avoided. The applicants have already initiated discussions with the EA in this respect.
- 7.44 In terms of airport safeguarding, public safety, visual impact, amenity and other issues raised, it is considered that the proposals do not have unacceptable consequences. However, as set out above, the response to consultation with the Department for transport is to be received before the final decision is made in this matter.

RECOMMENDATION

- 7.45 It is proposed that this Committee **RESOLVES** to delegate authority to the Head of Planning Services to **GRANT** planning permission subject to the receipt of a favourable response to consultation with the Department for Transport and to the inclusion of the following heads of condition:-

- 1 SC4 Time Limits Full – standard
- 2 SC14 Materials to be Used
- 3 SC59 Landscape Design – Details Full
- 4 SC90 Surface Water Drainage
- 5 SC91 Foul Water Drainage
- 6 SC94 Provision of Booth Area
- 7 Requirement for methane mitigation measures.
- 8 Prohibition on the burning of waste except in agreed circumstances
- 9 Requirement for the site to be laid out and operated as shown on the plan submitted and the additional operational detail

Relevant Development Policies and Proposals:

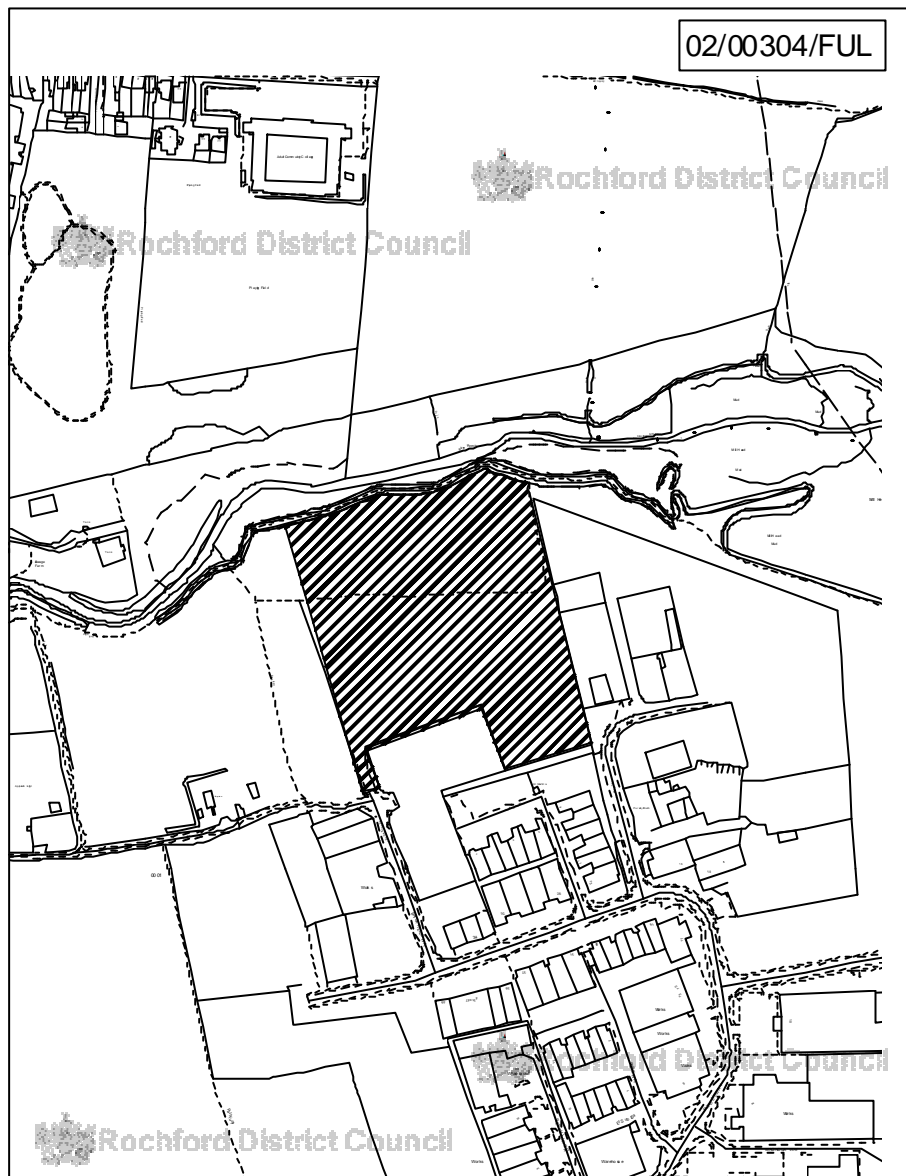
EB1, EB2, of the Rochford District Local Plan First Review

CS3, BE6, BIW1 of the Essex and Southend-on-Sea Replacement Structure Plan



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NTS



TITLE : 02/00553/FUL
ERECT SPLIT LEVEL 3-BED DETACHED BUNGALOW
LAND ADJACENT 4 THE BAILEY, RAYLEIGH

APPLICANT : MR AND MRS DRISCOLL

ZONING : RESIDENTIAL

PARISH: RAYLEIGH TOWN COUNCIL AREA

WARD: WHEATLEY

PLANNING APPLICATION DETAILS

- 8.1 Members will recall that this application was reported to the August meeting of this committee. The matter was deferred at the request of the applicant on the basis that there were inaccuracies in the submitted plans as a result of the lack of details in relation to the slope of the land on the site. Revised plans have now been submitted and the details set out below are based on these revisions.
- 8.2 The proposed bungalow is to have a hipped roof to all sides. The bungalow is split level with a difference between the two levels of approx 0.6m. It would be located on the plot such that its front elevation is slightly behind that of the adjacent (newly built) property at no 4 (by about 1.5m) and have a depth of some 16m.
- 8.3 The north eastern portion of the dwelling is to be located at the higher level. The slope of the land (down towards the south west towards Crown Hill) means that the height of the proposed dwelling in relation to it will vary. In addition, the submitted drawings show the dwelling to be located such that it is cut into the level of the ground. For the north eastern portion the height to the eaves is between 2.7 and 3.1m (this is the height above the level of the ground as reduced). The roof here is hipped and the height of the location of the highest point is 5.4m. For the south westerly portion the height to the eaves varies between 2.6 and 2.8m and to the ridge between 4.9 and 5m (again to the level of the ground as reduced). All measurements are approximate.
- 8.4 The width of the proposed dwelling is shown to be 7.3m, giving a clearance of minimum 1.3m to the boundary adjacent to the Mount Close properties and 1m to the boundary adjacent to 4 The Bailey. No garage is proposed. There is a stepped access from the rear of the dwelling down to its garden area. It must be stressed that the clearance to the Mount Close side of the side is quoted as a minimum – it will be greater for part of the side of the dwelling.

- 8.5 There will be two rooflight windows to the dwelling which are to face in the north westerly direction (direction of Mount Close). Those windows and a door constitute the only openings in that direction.

RELEVANT PLANNING HISTORY

- 8.6 Application 00/00453/FUL was for the development of a split level 3-bed bungalow. Refused on the basis of impact on amenity (of both the existing and new properties) and dominance.
- 8.7 Application 00/00240/FUL. Split 3-bed detached bungalow which was to be placed further to the north east. Refused on the basis of amenity and dominance.
- 8.8 Application 99/00758. Detached 2-bed bungalow with detached single garage. An appeal was lodged on the basis of non-determination and it was subsequently resolved that the Authority would have refused the application on the basis of amenity and the impact of the proposals on the integrity of the Mount. The appeal was dismissed on the same grounds.
- 8.9 Application ROC/751/77 outline application for two dwellings. Refused on the basis of impact on character, amenity and the loss of trees and hedges.
- 8.10 Application ROC/374/79 outline application for one detached house and two garages. Refused on the basis of the same matters as the application above and an appeal was dismissed.
- 8.11 Application ROC/395/85 outline application for a house with detached garage. This was refused due to the impact on amenity and the loss of trees and hedges.
- 8.12 Application ROC/247/86 outline application for a bungalow. This was refused due to the impact on character, appearance and amenity and on the basis of the loss of foraging for protected animal species. This was the subject of an appeal, which was dismissed, although it was noted that the foraging issue was not considered to be a determining factor.

CONSULTATIONS AND REPRESENTATIONS

First Round:

- 8.13 Essex County Council **Highway Authority** advises that the proposals are de-minimis in highway terms.
- 8.14 Essex County Council **Historic Buildings and Conservation Area** advisor does not consider that the proposals will have a significant affect on the character or appearance of the conservation area. Recommends that details of materials to be used are agreed.

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- 8.16 Essex County Council **Archaeological Officer** considers that the development would be unlikely to disturb any area of known deposits.
- 8.17 The **Environment Agency** makes comments in relation to culverting, consulting the water company and measures to ensure no pollution to ground waters. No objection is raised.
- 8.18 **Anglian Water** has no comments.
- 8.19 **Rayleigh Town Council** supports the neighbours comments (set out below) and requests that an archaeological dig be made given the proximity of the Mount.
- 8.20 **English Heritage** has no objections in terms of the setting of the scheduled ancient monument (the Mount).
- 8.21 **English Nature** comments that the proposals are unlikely to affect any site of special scientific interest but are adjacent to the Mount where protected animals are known to be present. It notes the protection that these animals receive and comments that, if animals are suspected of being present on a site then additional ecological information should be provided before a decision on the matter is reached.
- 8.22 The **National Trust** comments that the site is within the curtilage of the scheduled ancient monument and will add further modern development in that area, detracting from its setting. It is close to the slope where protected animals are present and the development will no doubt reduce foraging area for these animals. (Note – the location of the site and proposed development has been checked against the records held here in relation to the extent of the ancient monument and it has been determined that the site is **NOT** within its curtilage).
- 8.23 Rayleigh Civic Society notes that the most recent application on this site was refused and it still supports the reasons given for that decision.
- 8.24 The **Head of Housing, Health and Community Care** has no adverse comments.
- 8.25 The **Property Maintenance & Highways Manager (Engineers)** has no objections but indicates that drainage may be a problem due to the topography of the site. The application of an appropriate condition is suggested.
- 8.26 Comments have been received from the occupiers of **8 neighbouring properties**. The issues raised comprise, in the main, the following:
- inappropriate and incompatible form of development in relation to the existing properties on the Bailey;
 - over development;
 - dominate the outlook of and overlook the properties to Mount Close;
 - reduction in light and increase in noise;
 - removal of trees and shrubs;

- impact on wildlife;
- additional traffic on the Bailey exacerbating problems there and on Crown Hill;
- no information given about the treatment of the grounds;
- disruption during construction;
- good relationship with the properties on the Bailey;
- Mount Close properties are chalets;
- Ambiguities with regard to differences between this and earlier applications on site.

Second Round:

8.27 Rayleigh Civic Society repeats its previous comments.

8.28 Responses have been received from **three** neighbouring occupiers raising, in the main, the following issues:

- incorrect relationship with 4 The Bailey shown;
- cutting into land does little to assist;
- dominating impact remains as a result of views to the side of the gardens of the properties in Mount Close, due to the lack of foliage cover and in particular from the main living area of the property at 7 Mount Close;
- property continues to be dominated by 4 The Bailey;
- impact on amenity by virtue of the parking/ driveway area;
- existing dwellings not correctly represented, extension to the rear of 7 Mount Close brings it closer to the application site;
- previous report inaccurate with regard to foliage cover to rear of 34 Crown Hill;
- exacerbate traffic congestion on The Bailey unless sufficient attention paid to the requirement for parking on site;
- previous objections remain.

MATERIAL PLANNING CONSIDERATIONS

8.29 In this case the material considerations which fall to be considered are broadly the same as those which related to the previous recent applications. They are set out in this report as:

- principle;
- any impact on amenity;
- impact on the character of the area and on the Mount;
- any impact on protected and other animal species;
- impact on trees and shrubs on the site.

Principle

- 8.30 The development proposals are located in an area of land which is zoned in the Local Plan as residential and where such development is acceptable in principle. Policies in the Local Plan indicate the support of this Authority for the intensification of development given that this reduces the pressure for development in areas where it is not acceptable in principle.
- 8.31 Since the consideration of the earlier proposals for this site the government has indicated, by the decisions that it has made on planning issues, that the advice in PPG3, Housing, is seen as of considerable importance. In particular it is of the view that densities of development should increase and that planning authorities should strive for the efficient use of land. Notwithstanding this, of course, the detailed impacts of any development proposal are to be considered and they are set out below. It is also clear that, despite the requirement for the efficient use of land, weight should be attached to ensuring that residents, existing and new, have an adequate level of amenity.

Amenity

- 8.32 This proposal sees the location of the bungalow moved some 1.5m approx further to the south west on the site from the previous applications, and positioned such that it covers 4m approx of the rear garden boundary of the existing dwelling at 7 Mount Close. Some residents have questioned the accuracy of the submitted plans on the basis that the incorrect relationship is shown with the newly constructed dwelling at 4, The Bailey. Whilst that is the case, it does not follow that the identified location of the proposed dwelling on the site is incorrect. Indeed, if permission were granted, it would be on the basis of the identified location of the building within the site.
- 8.33 In any event, the assessment of the proposed development has taken place with the benefit of the knowledge of the location of 4 The Bailey, both on the basis of the approved plans which allowed the redevelopment of that dwelling, and on the basis of on site inspection and measurement.
- 8.34 The Mount Close properties have been constructed as chalet style dwellings with a variety of adapted dormer windows at rear first floor. These dwellings do have limited rear garden depths. The submitted plans are inaccurate in that they do not show extensions to some of the Mount Close properties, and continue to show outbuildings which have been removed. The assessment set out here is on the basis of an inspection of the site from the rear gardens of those properties at the invitation of the residents.

- 8.35 On the side of the proposed dwelling facing the Mount Close direction there are to be two rooflight windows and a side door. The positioning of the proposed dwelling is now such that these openings will not be located adjacent to any of the gardens to the Mount Close properties but will be adjacent to the long rear garden of 34 Crown Hill. Whilst there is to be a separation of minimum 1.3m (and measurements on site show that this can be achieved) it is considered that, as before, much of the existing shrub growth adjacent to the side boundaries of the plot would have to be removed. This is considered to be especially so, given that access will have to be created to the rear door.
- 8.36 The roof light windows are to bathroom and en suite areas and can be required to be obscure glazed. Despite the closest separation distance of 17m from the first floor dormer windows to no 7 Mount Close it is considered that the angle of the window (rooflight) and the requirement for obscure glazing are sufficient to offset any unacceptable impact on the occupiers of the new dwelling. This is notwithstanding the fact that the windows could, of course, at times be opened. In reverse, given that the windows are rooflights it is not considered that there will be unacceptable impact .
- 8.37 The side door is to a utility area and could also be required to be obscure glazed. This door is located at the lower level of the dwelling but, despite this, due to the floor height of the property there is likely to be some opportunity, when the door is open, for occupants to look out across the top of the adjacent existing fencing. However, this location is adjacent to the long rear garden to no 34 Crown Hill, some 55m from the rear elevation of that dwelling and far removed from the most sensitive part of the garden. The opportunity for the reverse to occur is very limited. No 9 Mount Close has no dormer at first floor and the location of the door is some 18m from the first floor dormers of no 7.
- 8.38 The frontage of the new dwelling is to have two windows to bedrooms. Given that the property is to be cut into the ground here and planting beyond the frontage of the dwelling could be retained, there appears almost negligible opportunity to look out of these windows and overlook the gardens of the dwellings at 5 or 7 Mount Close.
- 8.39 In reverse, the angle of the new dwelling to no 7 and 5 (90 degrees) does much to reduce the possibility of views from the existing to these front windows of the new. There will be some possibility for views to be had, but it is considered that intervening planting (substantial silver birch within the garden of no 7) and the distance of the views (min 16m) also reduces these to an acceptable level. This is despite, of course, the fact the screening impact of planting is reduced in the winter months.
- 8.40 To the side adjacent to 4 The Bailey, the harmful impact will be felt by the occupants of the new dwelling. There is to be a side bedroom and kitchen windows facing this side. Due to the cutting in of the dwelling into the site the building is likely to be located below the level of the newly constructed dwelling at no 4. There is clear potential for views to be had by the occupants of no 4, over the intervening fencing and down into the rooms of the new dwelling.

- 8.41 This situation is exacerbated to the rear of the new dwelling. Here there is to be a large area of glazing to the rear of the lounge dining area. The adjacent dwelling at 4 The Bailey has a raised conservatory and patio area to the rear, extending beyond the dwelling. This is located some 2.5m approx above the level of the land on the application site. When permission for this was granted, it was to be adjacent the land at the far end of the existing property at no 32 Crown Hill, and therefore not the most sensitive part of the garden. If the development proceeds however, it will now be adjacent to the immediate rear of the new dwelling and allow overlooking of the entirety of its rear garden area. Whilst views into the new dwelling are probably limited, this inability to create any private space would have a serious impact on the amenity of any new residents.
- 8.42 Initially there was a concern that there may be a harmful impact on amenity by virtue of the possibility for overlooking from the rear of the new dwelling to the garden of 32 Crown Hill and 4 The Bailey. The corrected plans however show that the rear of the new dwelling is elevated by only 0.6m approx the level of the land. As a result, whilst some overlooking will still occur, it is now considered not to be so extensive that it will result in identifiable harm.
- 8.43 With regard to previous submissions, the dominating impact of the new dwelling, with regard to the Mount Close properties has been considered to be an issue. The differences to be taken into account here between this application and the most recently refused are that the dwelling is proposed to be cut into the level of the site and it has been moved further to the south west. It is this cutting into the ground which reduces the impact of the development. Although the 'cutting in' is limited, it does have a beneficial impact and, where there are differences between this report and the ones which have preceded it, this is the basis for them. It should also be borne in mind that the separation between the new dwelling and the side of the site is quoted above as a minimum. There are parts of the site where the separation will be greater.
- 8.44 Now, rather than covering 6m of the width of the rear garden of no 7 Mount Close, the coverage as a result of the new development is reduced to 4m. Previously the ridge height was to peak within the length of the new building which covered the extent of that existing garden area at 7 Mount Close. Now, the peak of the ridge height is marginally lower and occurs at the end of the length of garden covered. The views of the occupants of that dwelling are not confined to those which are had directly to the rear of the dwelling, of course. Views are also had to each side and these all form part of the perception of the impact that any new development will have. Despite that, and overall, it is considered that there has been sufficient reduction in the impact of the proposed dwelling that an argument based on the dominating impact of the development is unlikely to be sustainable.

Character of the area and The Mount

- 8.45 The proposed dwelling is different in character from the others in the vicinity. Those on The Bailey are two storey whilst those on Mount Close have been built as chalet style. It is not considered that the area is so strongly characterised by a particular form of development that the introduction of a bungalow would be unduly harmful. Neither is it considered that the proposals will appear unduly cramped in appearance. This is largely due to the substantial area of land that will be available to the frontage of the dwelling.
- 8.46 As proposed, the dwelling is a considerable distance from the outer bailey of the Mount (min 30m). Despite the comments of the National Trust, the property is not located within the area of the scheduled ancient monument and none of the site falls within that area. It is not considered that the proposals have any harmful impact on the setting or the integrity of the Mount.

Protected Animals

- 8.47 There is a known protected animal habitat in close proximity to the application site. Comments made by expert advisors in relation to the earlier applications were that, even though foraging may be affected, this impact could be reduced by the use of particular types of fencing, and was not considered to be so detrimental that the development should be refused on that basis. Given that the proposed development location is now further from the protected animal location, it is likewise considered that resisting the proposals on that basis would not be appropriate.

Trees

- 8.48 Only the far north eastern part of the site is within an area covered by a group TPO. The dwelling is located well away from this part of the site and therefore there are no implications for any protected trees. It is acknowledged that shrubs and trees on the side boundaries of the site would require pruning or removal to allow the development and that there will be pressure to remove any that remain if development is allowed to proceed. It is also accepted that a fruit tree on site would be required to be removed.
- 8.49 These trees and shrubs, whilst visually pleasant, are not so significant to be worthy of protection and it is not considered that their loss provides a cogent reason on which to resist these proposals.

CONCLUSION

- 8.50 Changes that have been made to these proposals, when compared with earlier schemes for the site, go some way toward reducing their impact. It is considered that reasons for refusal based on dominance are overcome. There remains the difficulty of producing an acceptable level of amenity for the occupiers of the property, if it were to be built which is particularly acute due to the raised conservatory and patio area of the new dwelling at no. 4. Whilst, it could be argued that this amounts to a 'buyer beware' situation for the market to decide given the severity of the loss of amenity incurred it is concluded that this is unacceptable.
- 8.51 It is considered that the impact of the proposals on the character of the area, the Mount, on site protected trees and any protected animal species is acceptable.

RECOMMENDATION

- 8.52 It is proposed that this Committee **RESOLVES** that this application be **REFUSED** on the basis of the following reasons:-
- 1 The Local Planning Authority is of the view that an unacceptable degree of amenity will be afforded to the residents of the new dwelling, as proposed, as a result of the extent of overlooking of its rear garden area, and of its side windows adjacent to No 4 The Bailey, from the side access way to that existing property (4 The Bailey) and from its rear raised seating/ patio/ conservatory area. This impact is accentuated by reason that almost none of the rear garden area will be unaffected by this potential overlooking.

This impact is detrimental to the privacy and amenity of the potential new occupiers and contrary to the policies of the Rochford District Local Plan first review and the Essex Design Guide for Residential Areas.

Relevant Development Plan Policies and Proposals:

H1, H2, H11, H19, H20, TP15, UC12, UC13, PU3 of the Rochford District Local Plan First Review

CS1, HC5, BE1, H2, H3, H4 of the Essex and Southend-on-Sea Structure Plan



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

The map displays a network of roads and buildings. Key features include:

- Streets:** Labeled streets include 'The Willows', 'The Pines', 'The Oaks', 'The Maples', 'The Birch', 'The Elm', 'The Ash', 'The Holly', 'The Ivy', 'The Rose', 'The Tulip', 'The Daisy', 'The Sunflower', 'The Poppy', 'The Marigold', 'The Zinnia', 'The Petunia', 'The Geranium', 'The Fuchsia', 'The Begonia', 'The Impatiens', 'The Verbena', 'The Salvia', 'The Lavender', 'The Echinacea', 'The Calendula', 'The Chrysanthemum', 'The Aster', 'The Gladiolus', 'The Iris', 'The Lilac', 'The Hydrangea', 'The Camellia', 'The Azalea', 'The Rhododendron', 'The Magnolia', 'The Crape Myrtle', 'The Hibiscus', 'The Bougainvillea', 'The Mandarin Orange', 'The Tangerine', 'The Grapefruit', 'The Lemon', 'The Lime', 'The Citrus', 'The Peach', 'The Apple', 'The Pear', 'The Cherry', 'The Plum', 'The Nectarine', 'The Apricot', 'The Mango', 'The Pineapple', 'The Watermelon', 'The Cantaloupe', 'The Honeydew', 'The Strawberry', 'The Raspberry', 'The Blackberry', 'The Blueberry', 'The Elderberry', 'The Currant', 'The Gooseberry', 'The Loganberry', 'The Boysenberry', 'The Mulberry', 'The Fig', 'The Kiwifruit', 'The Avocado', 'The Olive', 'The Walnut', 'The Pecan', 'The Cashew', 'The Pistachio', 'The Almond', 'The Hazelnut', 'The Brazil Nut', 'The Macadamia Nut', 'The Coconut', 'The Pineapple', 'The Mango', 'The Papaya', 'The Guava', 'The Passion Fruit', 'The Dragon Fruit', 'The Jackfruit', 'The Rambutan', 'The Lychee', 'The Longan', 'The Pomelo', 'The Grapefruit', 'The Lemon', 'The Lime', 'The Citrus', 'The Peach', 'The Apple', 'The Pear', 'The Cherry', 'The Plum', 'The Nectarine', 'The Apricot', 'The Mango', 'The Pineapple', 'The Watermelon', 'The Cantaloupe', 'The Honeydew', 'The Strawberry', 'The Raspberry', 'The Blackberry', 'The Blueberry', 'The Elderberry', 'The Currant', 'The Gooseberry', 'The Loganberry', 'The Boysenberry', 'The Mulberry', 'The Fig', 'The Kiwifruit', 'The Avocado', 'The Olive', 'The Walnut', 'The Pecan', 'The Cashew', 'The Pistachio', 'The Almond', 'The Hazelnut', 'The Brazil Nut', 'The Macadamia Nut', 'The Coconut', 'The Pineapple', 'The Mango', 'The Papaya', 'The Guava', 'The Passion Fruit', 'The Dragon Fruit', 'The Jackfruit', 'The Rambutan', 'The Lychee', 'The Longan', 'The Pomelo'.
- Central Area:** A rectangular area in the center-left of the map is filled with diagonal hatching, indicating a specific zone of interest or development.
- Water Features:** A large body of water labeled 'Rayleigh Murt' is located on the right side of the map. Other smaller features include 'Pond' and 'Cassie Bank'.
- Grid System:** The map is overlaid with a grid system consisting of horizontal and vertical dashed lines, used for location referencing.

TITLE : 02/00551/FUL
**CHANGE OF USE OF EXISTING BUILDINGS AND ADDITION
OF NORTHERN EXTENSION TO CREATE BUSINESS
CENTRE
THE YARD, CROUCHMANS LANE, POYNTERS LANE,
GREAT WAKERING.**

APPLICANT : MR D ALFORD

ZONING : METROPOLITAN GREEN BELT/ LANDSCAPE
IMPROVEMENT AREA (periphery of)

PARISH: GREAT WAKERING PARISH COUNCIL

WARD: FOULNESS AND GREAT WAKERING

PLANNING APPLICATION DETAILS

- 9.1 Members will recall that this application was initially reported to the August meeting of this committee under the 'fast-track' procedure. A site visit was requested and took place on 9 October. The matter is now reported back for a determination. The report which follows is largely based on that submitted to the earlier meeting, however there are some additions to reflect the latest position.
- 9.2 The development involves the conversion of a range of existing buildings. At present these are undergoing refurbishment with repairs being made to the walls and roofs. The buildings are arranged in a courtyard fashion completely enclosing a central hard surfaced area, which is shown to be used for car parking. Access is achieved by means of a gate to the east side of the range of buildings. Once renovated, the buildings would be sub-divided into a number of different units and let to occupiers. Approximately 600sqm of internal floorspace would be converted (including the addition, see below) as a result.
- 9.3 A small addition is proposed to be made to the existing buildings (currently under construction). This will have the dimensions of 2.9 by 5.5m. It will have a height to the eaves of 3.2m and to the ridge of 5.3m. This is no higher than the existing buildings on the site set out below in the material consideration section of this report below is the view of the applicant that this element of the works is restoring something which previously existed on the site.
- 9.4 As indicated car parking is shown to the central area of the buildings and 14 spaces are currently shown. Discussions with the planning agent indicate that some further land to the east and north of the buildings could also be used for parking.

RELEVANT PLANNING HISTORY

- 9.5 Application F/0281/91 for the conversion of the buildings to two dwellings was refused on the basis of the location in the Green Belt and due to substandard access.

CONSULTATIONS AND REPRESENTATIONS

- 9.6 Essex County Council **Highways Authority** recommends that permission be refused on the basis that there appears to be inadequate land to provide sufficient visibility splays on the junction of the access track to Poynters Lane. This, and the additional traffic drawn to the site has the potential to cause additional danger and hazard.
- 9.7 The **Environment Agency** comments that the proposed use of a Septic tank should only be considered when other options have been discounted. Such an assessment should include a report supporting the conclusion that it is the only means of providing foul drainage. No such report is currently available. It also comments in respect of the provisions to be followed in the event of culverting, to ensure that surface water drainage functions satisfactorily and measures to ensure that pollution to ground waters is avoided.
- 9.8 **Anglian Water** has no comments
- 9.9 The **Head of Housing, Health and Community Care** comments that there is the potential for additional noise and disturbance as a result of the proposed development. If an approval is forthcoming then conditions are suggested to deal with ventilation, outside working, prohibition of burning, hours of use and the provision of spray booths.
- 9.10 Two neighbouring occupiers have responded to consultation raising, in the main, the following issues:
- noted that the buildings which were in a state of disrepair are being restored;
 - no details of what would be manufactured or the proportion that would relate to offices or shops or opening hours;
 - impact on amenity by virtue of noise, pollution, traffic, manufacturing processes, potential increase in criminal activity and litter;
 - insufficient parking for workers and/or visitors leading to overflow on adjacent land;
 - exacerbates current problems of the narrow width of the access, its unmade status and poor visibility/ flooding on Poynters Lane;
 - no guarantee that retail uses will be ancillary.

MATERIAL PLANNING CONSIDERATIONS

- 9.11 The site is located in the Metropolitan Green Belt and constitutes the reuse of existing buildings with a small element of new build. The issues which fall to be considered are those which relate to the re-use of buildings in the Green Belt.

Principle of Use and Amenity Impact

- 9.12 Government policy is set out in PPG2, Green Belts and PPG7, The Countryside etc. In PPG2 it is noted that the reuse of buildings should not prejudice the openness of the Green Belt and that the alternative is a building left prone to vandalism and dereliction. It is certainly clear that the renovation works undertaken so far have improved considerably the character and appearance of the buildings. The applicant has also undertaken considerable land management improvements (removing stockpiled debris). There is also a point to be made that the proposed use will replace a former one which was less conforming, in terms of impact on amenity (builders yard and storage) and which may have operated unlawfully in planning terms for some time.
- 9.13 In the government guidance there are set out a number of tests to establish whether the development is not inappropriate and these concern:
- whether the proposals have any material greater impact on openness;
 - that strict control is exercised over any extensions and uses around the building;
 - whether the buildings are permanent and in keeping with their surroundings.
- 9.14 In PPG7, the government sets out that there are no reasons for preventing the conversion of rural buildings for business re-use subject to a number of similar tests.
- 9.15 In the Structure Plan, it is set out that the re-use of buildings will be permitted if they:
- are of a permanent and substantial construction and capable of conversion without complete reconstruction;
 - do not damage the amenity of the countryside or introduce additional activity likely to materially and adversely affect the character of the area or place unacceptable pressure on the surrounding road network;
 - the economic activity is not on a scale that any town or village centre is prejudiced.
- 9.16 Local Plan policy was formulated prior to all of the above guidance and it must be accepted that, in those circumstances, the weight that can be attached to it must be reduced when compared to the national and strategic guidance.
- 9.17 The issues raised in the relevant Local Plan policy relate to:
- the need for any extensions or significant additions;
 - visual and residential amenity;
 - access and traffic generation;
 - parking and the impact of this on amenity;
 - type of use and sales of goods;
- 9.18 Subsequent to this, and as part of the review of the Plan, a new policy approach to this type of proposal is being developed. This approach is that the principle of conversion is accepted (in line with the national and strategic guidance). The detail of the proposal, with regard to visual impact, the requirement for any reconstruction works, the need for extensions, the impact on openness and traffic generation then fall to be considered.

- 9.19 In this case the buildings are of a permanent nature and capable of conversion without any significant rebuilding. Although an extension is being made, this is minimal and not significant in terms of the overall scale of the buildings. It would not appear that this would contravene the Local Plan policy (by virtue of which small scale extensions can be permitted) or the national guidance (as the impact on the Green Belt is unlikely to be materially greater).
- 9.20 Indeed, the applicant points out that the 'new works' are no more than the restoration of a previously existing building. A photo has been submitted which does indeed show the presence of a built element on that part of the site previously. Nevertheless, the work which is now taking place does amount to the rebuild of that element of the buildings from the foundations upward.
- 9.21 The type of uses proposed is currently unclear. The applicants have previously referred to professional services (architects and building surveyors) and craft uses such as textile design, graphic design, antiques restoration and mosaic design. The applicants are not in a position to clarify precisely the type of uses that are likely to come forward at this stage. This is primarily because marketing of the site, although it has taken place on an informal basis, will not commence in earnest until the question of planning permission is resolved.
- 9.22 Uses which fall within the B1 use group are deemed to be those which can take place in a 'residential area' without unacceptable impact. The professional type uses referred to above fall into the A2 use group. Whilst these are also quiet, they have the potential to generate customer trips to the site. This can have an additional impact in terms of activity and parking requirements. Where sales of goods are involved, this also has the potential to increase the activity at the site and the traffic to and from it.
- 9.23 There is an existing residential use immediately to the south west of the buildings being converted. This is located some 25m from the proposed access however and is well enclosed by on site outbuildings and planting. There are two further dwellings to the south east of the buildings. These have a generally open aspect between them and the site, the closest point of which is approx some 18m distant from the nearest of the dwellings.
- 9.24 Some Members may recall that permissions have been given for the change of use of other buildings in the countryside and indeed, in the vicinity of this site. At New House Farm, to the south of Poynters Lane, permission has been given for B1 uses. At Mucking Hall Road, Barling, a similar permission has been forthcoming.
- 9.25 Given the improvements to the building, the potential beneficial impact to the local economy and the control that can be maintained over the use of the buildings, it is considered that a change of use is acceptable in principle and does not fall foul of the range of policy advice. This is on the basis that the uses are restricted however to those that fall within the B1 use group and that on site retail sales are prohibited. It is necessary however to consider the detailed impact of the proposals and this is set out more fully below.

- 9.26 The amenity impacts that are raised by local residents are wide ranging. It is considered that the direct impacts of the operation of the uses at the site and the activity it generates are the ones that can be considered by the planning authority. The restriction of the use of the site to B1 uses ensures that the operation of the site does not have a harmful amenity impact. The operation of the site will result in some additional activity in the area, but it is not considered that this is so significant that the proposals should be resisted on that basis.

Access and parking

- 9.27 Access to the site is via an unmade track which is limited in width. The junction of this track with Poynters Lane is in a position where the national speed limit applies and visibility does not appear excessive. Indeed, existing planting appears to extend to the very edge of the road carriageway. Members will note that the Highway Authority recommends that the application be refused.
- 9.28 Subsequent to that recommendation the issue of the control over the roadside planting has been explored. It appears, from highway records, that a depth of land of some 4m from the edge of the carriageway is controlled by the Highway Authority. Shrub clearance can be undertaken within this area, with the necessary approvals of the Highway Authority. In addition, the applicant has discussed the matter with the adjoining landowner (beyond the highway boundary) who has confirmed, in writing, a willingness for further clearance to be undertaken on his land. Given those circumstances it appears quite feasible that the necessary visibility splays can be achieved (to be secured by condition).
- 9.29 The other aspect of the highway reason for refusal is the very fact of the additional turning movements associated with the new use. Whilst this is clearly a matter to be considered it has to be decided whether the weight that can be attached to this aspect is sufficient that the application should be refused for this reason, or any others that are set out below. In this respect the track serves a number of residential properties and farmland, and therefore already supports a level of traffic.
- 9.30 As indicated, the proposal is set to provide some 600sqm of floorspace. At the prescribed standard of one space per 30sqm, this would require 20 spaces to be provided. The submitted layout shows the provision of 14 spaces within the courtyard, although it is difficult to see that the spaces proposed are in fact all viable in terms of accessibility. Nevertheless, it would seem that a differing layout to that proposed would provide usable spaces which would number approx 14. The applicants also indicate that additional spaces could be provided on land that they control but outside the courtyard. These may not be all independent, but an additional 5/6 spaces could be provided. This, of course, effectively meets the standard requirement.

Landscape

- 9.31 Given that the location is on the periphery of a landscape improvement area the impact that the proposals have on the appearance of the area is a material issue which is accorded greater weight. The general renovation works to the buildings which are to be carried out (currently underway) can only be beneficial to their appearance. Inspection of the site shows that these are being carried out in a sympathetic and appropriate way. It is unlikely that there will be potential for tree planting and landscaping given the limited area of land controlled by the applicant. There is some potential however if land to the north of the buildings is not used for vehicle parking. It is considered that the improvement to the appearance of the buildings however satisfies the requirements of the appropriate Local Plan policy.

Flood Risk

- 9.32 The site is located such that a small part of it is within an area identified as being at risk of tidal flooding. In this case no new building is proposed in the flood risk area (the small additional building being outside the flood risk area). Government guidance (in PPG25) sets out the approach to be taken to planning proposals in areas at risk of flooding. The applicant has approached the Environment Agency which considers that the building and area is adequately protected. Advice has been taken however with regard to the technical specification of the works at the site and measures such as the high location of electrical wiring have been taken on board. This ensures that the impact of flooding, should it occur, is not as damaging to the building as it may otherwise be.
- 9.33 Given that the site is located on the periphery of the flood risk area and that a commercial reuse (not residential) is proposed here it is considered that the proposals do not fall foul of the requirements for risk assessment as set out in the governments guidance.

Drainage

- 9.34 Members will note the comments of the Environment Agency with regard to foul water drainage. The applicant points out that a 'septic tank' is not now the method of drainage proposed and indeed, a package treatment plant is now to be used. This can be secured by condition.

CONCLUSION

- 9.35 The principle of the proposed re use of these buildings accords with the most recent guidance and advice on this matter as set out in the Structure Plan and national guidance. The actual use of the buildings can be controlled by condition to those uses which are deemed not to have a harmful impact on residential amenity.

- 9.36 Whilst access to the site remains an issue, it seems that some benefit can be secured that will serve not only the proposed use, but the existing users of the track, in terms of better visibility on the exit to Poynters Lane. This can be secured by condition. It is not considered that the other issue of additional traffic flow is of such weight that the proposal should be refused on that basis.

RECOMMENDATION

- 9.37 It is proposed that this Committee **RESOLVES** to **APPROVE** this planning application subject to the following heads of condition:-

- 1 SC4 Time Limits
- 2 Provision of visibility splays to the junction of the access track to Poynters Lane.
- 3 SC28 Use Class Restriction – B1 uses only, including prohibition on works based on motor vehicles
- 4 SC35 Floodlighting only by agreement
- 5 SC36A Hours of use restricted to 8am to 6pm Mon to Fri and 8am to 1pm Saturday. No opening Sundays or Bank Holidays.
- 6 SC36B External storage prohibited outside courtyard area
- 7 Prohibition of the display of goods for sale, or advertising to generate speculative visits to the site
- 8 Provision of parking areas
- 9 SC91 Foul water drainage
- 10 Details of any ventilation or associated equipment and openings to the buildings required
- 11 SC94 Provision of booth
- 12 Prohibition on work on the open areas of the site and no burning of waste unless otherwise agreed.

Relevant Development Plan Policies and Proposals:-

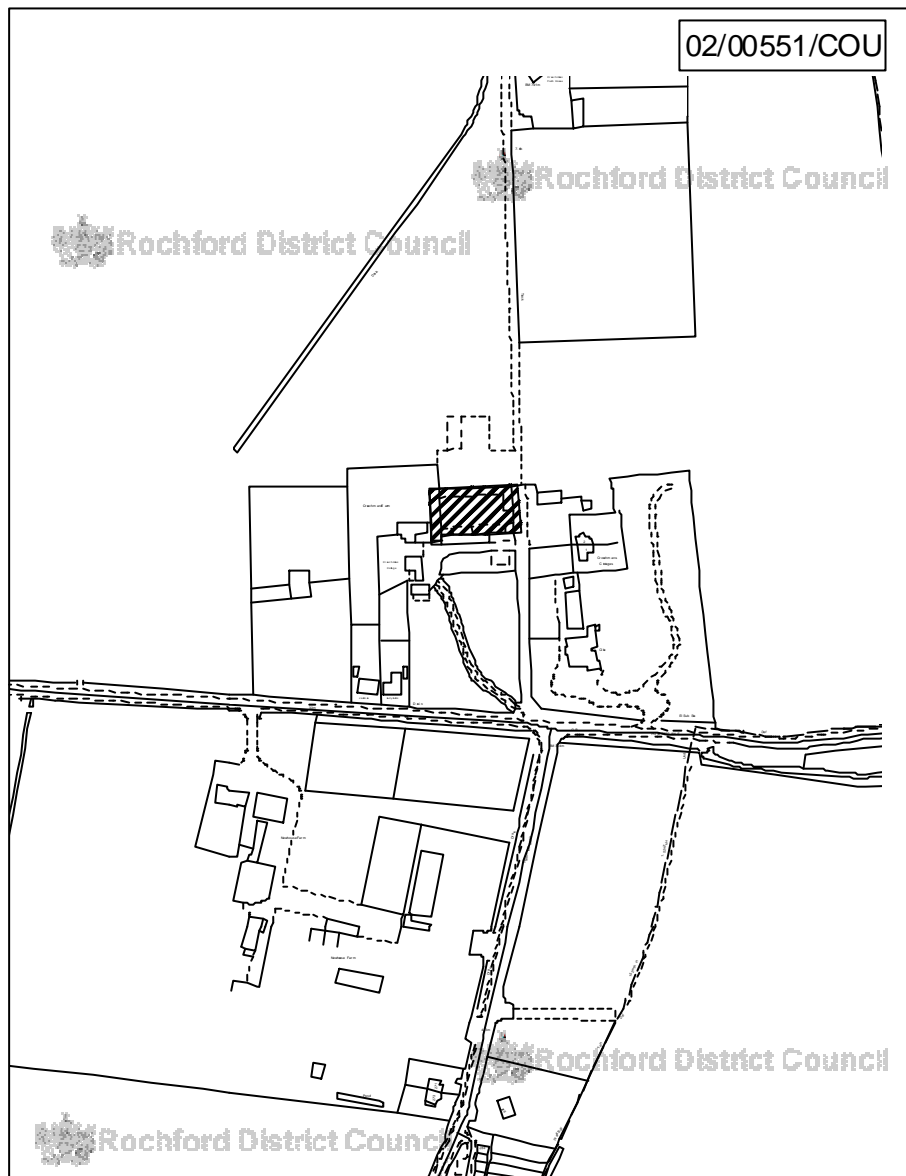
GB1, GB5, GB10, EB1, EB5, RC8 of the Rochford District Local Plan First Review

CS1, CS2, CS3, C2, BIW3, BIW6, RE2, T12 of the Essex and Southend-on-Sea Replacement Structure Plan.



Shaun Scrutton
Head of Planning Services

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



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NTS



TITLE : **02/00420/DP3**
CHANGE OF USE OF AGRICULTURAL LAND TO FORM
COUNTRY PARK, EXCAVATE LAKE
LAND AT BLATCHES FARM. BLATCHES CHASE
ROCHFORD

APPLICANT : **ROCHFORD DISTRICT COUNCIL**

ZONING : **METROPOLITAN GREEN BELT**
ROACH VALLEY NATURE CONSERVATION ZONE
SPECIAL LANDSCAPE AREA

PARISH: **ROCHFORD PARISH COUNCIL**

WARD: **ROCHFORD**

SITE AREA: **42Ha (approx)**

PLANNING APPLICATION DETAILS

- 10.1 The proposed development is the creation of an informal countryside open space on an area of land within the Roach Valley. The land is located to the north of the urban area of Southend and to either side (but does not include) of the Blatches Farm property.
- 10.2 Treatment to the land (much of which does not require planning consent) will include the creation of woodland areas, open parkland and new water habitat. There is to be specific infrastructure by provision of bridleways, to allow horse access. The new water habitat will be created by the excavation of a lake towards the northern side of the site.

RELEVANT PLANNING HISTORY

- 10.3 None

CONSULTATIONS AND REPRESENTATIONS

- 10.4 Essex County Council **Highway Authority** raises no objections but is concerned that maintenance vehicles may use existing public rights of way to access the site. It is noted that Byway 2 (to the west of the site) has an order prohibiting all vehicular traffic. If works interfere with other rights of way then temporary closure orders may be required.
- 10.4 Essex County Council **Planning Officer** has no strategic comments to make

- 10.5 Essex County Council **Archaeological Officer** considers that the proposed works are unlikely to disturb any known archaeological deposits.
- 10.6 The **Environment Agency** welcomes work to improve the ecological value of the watercourse on the northern boundary of the site. It points out the requirements to be met if culverting works are proposed.
- 10.7 **Southend on Sea Borough Council** supports the principle of this proposal and will consider any detailed specific developments (access, ancillary buildings etc) as they come forward.
- 10.8 **Rochford Parish Council** has no objections
- 10.9 **English Nature** notes that the site is close to identified wildlife sites and is of the opinion that the decision should be informed by the results of ecological survey. Further benefit could be achieved by the establishment of a Biodiversity Action Plan.
- 10.10 The Property Maintenance & Highways Manager (**Engineers**) has no objections
- 10.11 The **Civil Aviation Authority** has no safeguarding objection
- 10.12 Essex Police **Crime Reduction Officer** has no objections but requests to be consulted further on the details of access/ buildings etc.
- 10.13 The Rochford Hundred Amenity Society only has reservations on the basis that the proposals will only benefit residents of Southend, otherwise no comment.
- 10.14 One occupier of land in the area has responded to consultation indicating that the principle of the use is supported, in general terms, but raising, in the main, the following issues:
- how will access be achieved, the site advertised and who will use it. (Existing problems with inappropriate access in the area);
 - what future plans for the site, or links to other areas are there?
 - How will weed growth be managed?
 - Have works taken place in advance of a planning consent?
- 10.15 A **second round** of consultation is currently underway and any further responses will be reported on the addendum sheet. Members will note that delegated authority is sought to make the final decision on this application given that the period for this second round of consultation extends beyond the date of the committee.

MATERIAL PLANNING CONSIDERATIONS

- 10.16 The main issues in this case revolve around the principle of the use of the site and the visual and ecological impact that it will have. There are a number of other issues also addressed below.

Principle

- 10.17 The site is located in the Metropolitan Green Belt, the Roach Valley Nature Conservation Zone and a Special Landscape Area. Green Belt policy, in national terms, is set out in PPG2, Green Belts. The guidance is that inappropriate development should be resisted, unless there are very special circumstances which outweigh this normal restrictive presumption.
- 10.18 When dealing with the types of development which may be inappropriate, it is set out in the guidance, that the making of a material change in the use of land is inappropriate unless it maintains the openness of the area and does not conflict with the purposes of including land in the Green Belt. In terms of the purposes, it is considered that the proposals here have a significant beneficial role to play in relation to three of a total of five purposes. These three are that:
- the unrestricted sprawl of built up areas is checked;
 - neighbouring towns are preventing from merging; and
 - the countryside is safeguarded from encroachment.
- 10.19 The other two purposes relate to the preservation of the character of historic towns and assisting urban regeneration by encouraging the recycling of derelict land.
- 10.20 Advice which is set out in PPG7, The Countryside etc, is also relevant. The guiding principle is that development should both benefit the rural economy, and maintain or enhance the environment. In general terms, subject to this guiding principle, the guidance encourages the use of the countryside for recreational purposes. Where the urban fringe is addressed in the guidance, reference is made to the need to improve public access and cater for leisure and recreation facilities to avoid pressure on the wider countryside.
- 10.21 The policies of the Structure Plan very much follow the thrust of national guidance with regard to the appropriateness of development in the Green Belt. The use of land which fulfils the objectives of Green Belt is a permissible form of development in terms of the structure plan policies.
- 10.22 The use proposed fits well with a number of the positive policy objectives of the Structure Plan. The development would result in landscape conservation and enhancement (NR1), would promote biodiversity (NR7) and increase woodland cover (NR9). It comprises an example of the enhancement of the urban fringe (NR11). In particular, the proposals go some way to addressing the shortfall in terms of unrestricted public access to the countryside, noted in the Structure Plan at policy LRT4.
- 10.23 Local Plan policies in relation to development in the Green Belt again follow the approach set out in national guidance and the Structure Plan approach. Both of the latter were set in place after the Local Plan policy however and these must be afforded greater weight in the consideration of this issue.

- 10.24 In policy LT9 the positive approach that the Authority will take to the provision of increased use of the countryside is set out. The qualifications are that there should be no adverse impact on agriculture or on the landscape, nature conservation or archaeology.
- 10.25 The approach of the Authority to development in the Nature Conservation Zone is set out in policy RC5. Development must not be prejudicial to the management of the habitat. Given that these proposals will result in the cessation of intensive agricultural use and the introduction of significant forms of new habitat, it is considered that the requirements of that policy are met.
- 10.26 In the Special Landscape Area (policy RC7), there is a presumption against development unless it accords with the character of the area. Given that no physical built form is anticipated here it is considered that this policy requirement is also complied with.

Visual and Ecological Impact

- 10.27 The proposals, as indicated above and at this stage, do not involve any physical built form. Instead, significant tree planting is proposed. The majority of the site is removed from the main location of residential development in the area, that is the urban area of Southend to the south. It has to be acknowledged that the occupiers of property will be affected by the change of use of the site and that it does immediately about the Southend residential area in the Repton Grove/ Fastnet areas.
- 10.28 It is not considered that there will be any visual impact. The planting of trees on the site being the only significant physical manifestation of the use at this stage. The use of the site will generate activity in the area with the encouragement of visitors to the site, but it must be borne in mind that many visitors were actively encouraged to the site when it was operated as a 'Pick your own' facility for soft fruits. Use of the site is of course a generally 'quiet' activity. It is not considered overall that there will undue or widespread harmful impact on residential amenity.
- 10.29 In terms of ecological impact, the applicant has submitted a bat survey. The findings of this are that the site, in its current form, does support a population of bats. It is concluded that there is scope to enhance the habitat, and hence the population and a number of measures are suggested to offset any harmful impact of the works to implement the use of the land.
- 10.30 The implementation of the lake is particularly beneficial in terms of the water environment. As the Environment Agency notes, above, the watercourse is currently poor in terms of the environment that it provides and the introduction of shallow, limited flow water would have the potential to significantly improve this habitat.

Other Issues

- 10.31 Other issues which have been raised include the potential for inappropriate access to the land and surroundings to be increased, and the lack of detail in relation to the future visitor facilities or operation of the site.
- 10.32 It can be the case that inappropriate public access to farmland does cause a problem to land managers as a result of the degradation and vandalism that can occur. Whilst there is no explicit confirmation, an argument can be advanced that dedicated access (such as is proposed here) can reduce inappropriate access by the virtue that those who are seeking countryside recreation are drawn to this site. Whilst it may increase the numbers overall of those who seek access to the countryside in this area, it is not considered that this harmful impact, if it does occur, is sufficient to outweigh the benefits of the proposals.
- 10.33 Future operation of the site is not detailed at this stage, including any details of access. It has been stated that access is to be gained over the existing public routes to the site. It is clear that the use of the land may draw people to it who do not live in the immediate area, and hence are likely to drive to the site, and therefore result in some parking pressure. This issue will need to be addressed if operation of the land does result in any problem in this respect.
- 10.34 Operation of the site may, in addition to the above, require the provision of other facilities on the site in due course. These could comprise toilets, visitor interpretation buildings etc. None are proposed and, if they were to come forward, would have to be subject to separate planning applications and scrutiny at that time.

CONCLUSION

- 10.35 The principle of the use proposed here fits with national guidance for the uses of land in the Green Belt. Structure and Local plan policies provide positive support for it. Whilst there may be some minimal harm as a result of additional activity on the site and the encouragement of additional people to the site (and area generally) it is not considered that sufficient weight can be attached to these concerns that permission should be withheld.

RECOMMENDATION

- 10.36 It is proposed that this Committee **RESOLVES** that authority be delegated to the Head of Planning Services to **APPROVE** this application subject to the completion of the second round of consultation and subject also to the following conditions:-
- 1 SC4 Time Limits Full - Standard
 - 2 Tree removal shall be carried out in accordance with the mitigating approach set out in the report submitted with the application regarding bats.
 - 3 Details of the means of disposal of excavated material from the creation of the lake shall be submitted to and agreed in writing with the Local Planning Authority.

Relevant Development Plan Policies and Proposals

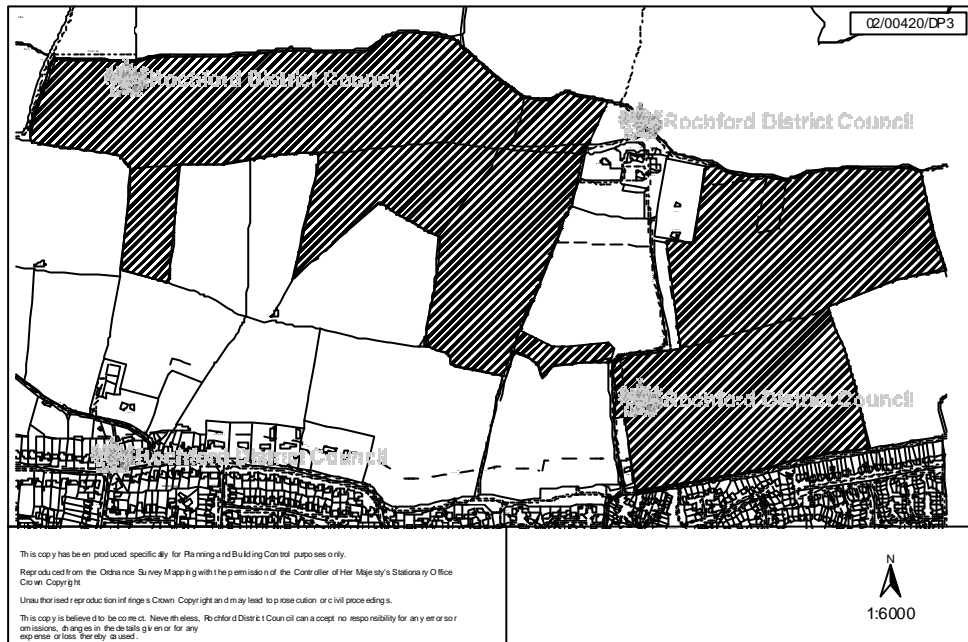
GB1, LT9, RC1, RC5, RC7, RC10 of the Rochford District Local Plan First Review

CS2, C2, NR1, NR7, NR8, NR9, NR11, LRT4, LRT5 of the Essex and Southend-on-sea Replacement Structure Plan.



Shaun Scrutton
Head of Planning Services

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



TITLE : **02/00359/FUL
ERECTION OF 4 NO. TWO STOREY DETACHED
DWELLINGS AND ASSOCIATED ACCESS ROAD
50 HULLBRIDGE ROAD RAYLEIGH**

APPLICANT : **MR DAVID CLAY**

ZONING : **RESIDENTIAL**

PARISH: **RAYLEIGH TOWN COUNCIL**

WARD: **DOWNHALL AND RAWRETH**

PLANNING APPLICATION DETAILS

- 11.1 The application proposes the erection of 4no. detached dwellinghouses on land at 50-56 Hullbridge Road. The site comprises the former curtilage of 50 Hullbridge Road (a bungalow which has now been demolished) together with part of the existing rear garden of 56 Hullbridge Road.
- 11.2 Dwellings along this part of Hullbridge Road are generally two storey. The application site extends back some 120m from the road. For most of its depth the side boundaries of the application site abut the rear garden boundaries of properties in Ferndale Road and Mortimer Road which lie to the north and south, respectively. Again dwellings in these roads are also two storey.
- 11.3 As originally submitted, the application proposed four substantial dwellings, three of which had rooms in their roofs, effectively making them three storey dwellings. The overall height of the dwellings varied between 9-9.4m, dependent upon their type.
- 11.4 Revised plans have been received which illustrate house types of lesser scale, varying in height from 7.9m-8.7m.
- 11.5 The application also proposes the provision of a vehicular access off Hullbridge Road, together with the necessary driveway and turning areas to serve the dwellings. Two of the units would have integral garaging. The other two will be served by free-standing double garages.
- 11.6 At the time the original bungalow was demolished, the site, particularly to the rear was generally overgrown with shrubs and trees. The vast majority of the trees have been removed, and the site has effectively been cleared. Two trees on the site as the subject of a TPO, a Chestnut towards the rear and an Oak to the front boundary. The side boundary with Mortimer Road to the south is largely bounded by substantial hedges. The boundary with properties in Ferndale Road is bounded by a mixture of hedging and fences.

- 11.7 An ecological assessment/mitigation strategy has been submitted to accompany the application.

RELEVANT PLANNING HISTORY

- 11.8 None

CONSULTATIONS AND REPRESENTATIONS

- 11.9 Two rounds of consultation have taken place, the first on receipt of the application, the second on receipt of the revised plans.

First Round

- 11.10 **Rayleigh Town Council** - object to the application due to the scale and appearance of three storey houses dominating the street scene to the detriment of the amenities of adjoining properties. The proposed access road would exasperate the existing traffic problems in the area and be detrimental to local properties.
- 11.11 **Essex County Council Highways** - recommend standard conditions on any permission granted, relating to sight splays, surfacing details and provision of parking/turning areas.
- 11.12 **Environment Agency** - advises that a condition should be imposed requiring the approval of surface water drainage details. The Agency notes that the site does not lie within the flood plain of a main river. The Agency also notes that the submitted plans indicate that surface water will be discharged to soakaways. Having been made aware of residents' concerns relating to existing localised flooding and the possibility of a spring on the site (or an unusually high water table), the Agency advises that the drainage details should include a percolation test.
- 11.13 **Police Architectural Liaison Officer** - raises no objection, but comments on the proposal to trim the boundary hedge and queries whether a further boundary fence is to be provided to secure the rear of adjoining properties.
- 11.14 **Council's Woodlands and Environmental Specialist** - comments on the TPO's trees, and notes the need for these, and the hedgerows in the site, to be protected during construction. He notes the presence of protected species within the site, and requests an ecological assessment.
- 11.15 **Essex County Council Archaeologist** - the development is unlikely to disturb archaeological deposits, and no recommendation is made.
- 11.16 **Head of Housing, Health and Community Care** - recommends a condition preventing the burning of waste of the site during construction, in addition to Standard Informative SI16 (Control of Nuisances).

11.17 A total of 20 letters (from 17 addresses) have been received, which object to the proposal. The grounds of objection are broadly as follows:

- Three storey houses not in keeping with the area
- Houses will be overbearing
- Overshadowing
- Loss of privacy
- Loss of hedge
- Access road would be hazardous
- Drainage problems in area
- Traffic congestion
- No more development is required in this area
- Object to back garden development
- Loss of wildlife
- Loss of outlook

Second Round

11.18 **Rayleigh Town Council** - echoes its earlier response

11.19 **Essex County Council Archaeologist** - reiterates earlier response

11.20 **Head of Housing, Health and Community Care** - reiterates earlier response

11.21 Eight letters have been received from local residents that broadly reaffirm the original objections.

MATERIAL PLANNING CONSIDERATIONS

11.22 Within the Rochford District Local Plan, the site lies within an area allocated for residential purposes. It is considered that the proposal should be considered against Policies H11, H19 and H20 of the Local Plan.

11.23 In terms of key issues, it is considered that due attention should be paid to the following matters:

- Compatibility of the proposed houses with the surrounding development
- Highway Issues
- Wildlife and Tree Issues
- Drainage Issues

Compatibility of the Proposal with the Surrounding Development

11.24 The application site comprises a deep roughly rectangular site, situated between Ferndale Road and Mortimer Road. One of the proposed houses would front Hullbridge Road, the other three properties would be situated to the rear.

- 11.25 In terms of orientation, the properties have been sited such that none of them would directly face towards the rear of properties abutting the site. In terms of spatial separation the Council's standards are met in full. It is not considered that the proposed dwellings would give rise to overlooking, or be overbearing or over-dominant by reason of their scale/siting. Indeed, in terms of their scale and height, the revised plans illustrate properties of 7.9m-8.7m in height, which are consistent with standard two storey houses, and would be compatible with development in the surrounding roads.
- 11.26 The proposed access onto Hullbridge Road would be situated between the existing property known as 56 Hullbridge Road and the proposed dwelling fronting Hullbridge Road. The access road from this would run down the centre of the site. It is considered that this road would be sited sufficiently distant from the rear of surrounding properties to avoid a loss of amenity by reason of noise and disturbance.
- 11.27 In terms of general principles then, it is considered that the proposal represents a reasonable infill development that accords with the basic criteria of the policies listed above.
- 11.28 **Highway Issues**
A new access is proposed onto Hullbridge Road. It is noted that the highway authority raises no objection to the proposals, subject to the imposition of standard conditions.
- 11.29 **Wildlife and Tree Issues**
Two trees on the site are the subject of a Tree Preservation Order, an Oak and a Chestnut. Neither are threatened by the proposal development, and the Council's Woodland and Environmental Specialist raises no objection in this regard.
- 11.30 The application is accompanied by an ecological assessment, given the presence of protected species noted on the site. The Council's Woodland and Environmental Specialist considers that this is sufficient in scope and depth to allow a successful mitigation exercise to take place in the spring of next year. At the time of drafting this report, no response has been received from English Nature in this regard. However, given the Council's expert's response, it is not anticipated that any issues of consequence will be raised in this. English Nature's response will be covered in the Addendum.
- 11.31 **Drainage Issues**
A number of residents have drawn attention to local flooding in the area, and the fact that a well is situated on the application site. Some residents raise the possibility that there may be a spring on the site.

- 11.32 The Environment Agency has been made aware of residents concerns, but raises no objection to the scheme in principle. It notes that the site does not lie within the floodplain of a main river, and questions therefore whether flooding might therefore arise as the result of an unusually high water table. The Agency recommends the imposition of a condition requiring the Council's approval of surface water drainage. It notes that soakaways are shown on the submitted plans, and comments that if the water table is indeed high in this area, these may not function correctly. It therefore recommends a percolation test.
- 11.33 Subject to a condition to these ends, it is consider that the matter of drainage can be satisfactorily dealt with.

CONCLUSION

- 11.34 The application proposes the erection of four houses on a substantial plot. The proposal complies with all of the normal standards in terms of spatial separation, garden size and car parking provision. It is considered that the scale and height of properties proposed is reasonable, and compatible with other properties in the surrounding area.
- 11.35 Whilst the issues raised in the many letters of objection are noted, it is concluded that the proposal is in accordance with the Council's normal policies relating to infill development within existing residential areas, and it is not considered that refusal of the proposal could be substantiated.
- 11.36 The proposal allows for the retention of two preserved trees within the plot, and for the translocation within the site of any protected species. No objection is raised by the Council's environmental expert.
- 11.37 In terms of highway implications, a single access is proposed onto Hullbridge Road. The highway authority is satisfied with this arrangement, subject to conditions.

RECOMMENDATION

- 11.38 It is proposed that this Committee **RESOLVES** to **APPROVE** this application, subject to the following conditions:-
- 1 SC4 Time Limits Full
 - 2 SC14 Materials to be Used
 - 3 SC22A PD Restricted Windows
 - 4 SC23 PD Restricted - Obscure Glazing
 - 5 SC50A Means of Enclosure
 - 6 SC55A Hedgerow to be Retained
 - 7 SC59 Landscape Design
 - 8 SC60 Tree and Shrub Protection
 - 9 SC60A Tree & Scrub Protection
 - 10 SC64 Visibility Splays

- 11 SC66 Pedestrian Visibility Splays
- 12 SC73 Access Ways - Surface Finish
- 13 SC74 Driveways - Surface Finish
- 14 SC76 Parking & Turning Space
- 15 SC81 Garage & Hardstand
- 16 SC90 Surface Water Drainage
- 17 SC91 Foul Water Drainage
- 18 Prior to the commencement of the development hereby approved, the mitigation strategy relating to the collection and translocation of protected species to the new habitat areas within the site shall be carried out in strict compliance with the measures set out in the accompanying Reptile Survey dated August/September 2002. During construction of the development, these new habitat areas shall be suitably protected to prevent incursion of materials, equipment, etc.

Relevant Development Plan Policies and Proposals:

H11, H19, H20 of the Rochford District Local Plan First Review

Shaun Scrutton
Head of Planning Services

For further information please contact Peter Whitehead on (01702) 546366.

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