



**Rochford District
Council**

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1999

January - December

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**Rochford District
Council**

ROCHFORD DISTRICT COUNCIL MINUTES

1999

November (Part 2)

ROCHFORD DISTRICT COUNCIL

Minutes of the Council

At an Extraordinary Meeting held on 23 November 1999. Present: Councillors D R Helson (Chairman), R Adams, R S Allen, G C Angus, D E Barnes, P A Beckers, C I Black, J M Dickson, D F Flack, D M Ford, Mrs J E Ford, G Fox, K A Gibbs, Mrs J M Giles, J E Grey, Mrs J Hall, N Harris, Mrs E M Hart, Mrs J Helson, A Hosking, Mrs A R Hutchings, V D Hutchings, C C Langlands, V H Leach, Mrs S J Lemon, G A Mockford, C R Morgan, R A Pearson, P D Stebbing, Mrs. W M Stevenson, Mrs M S Vince, R E Vingoe, Mrs M J Webster, P F A Webster, D A Weir and Mrs M A Weir.

Apologies: Councillors Mrs H L A Glynn and T Livings.

Members extended their best wishes to Councillor T Livings for a speedy recovery from current illness

457. THE MODERNISING AGENDA – POSSIBLE NEW POLITICAL STRUCTURE

Council received a presentation from the Chief Executive on a possible new Political structure for the Council in the context of the forthcoming Local Government (Organisation and Standards) Bill. The presentation included:-

- The Current Committee structure (including common observations)
- The Central Government context and agenda
- The content and timing of legislation and possible options
- Examples from other authorities
- The views of the Council's Structural and Procedural Review Working Group
- A possible revised Committee structure and its advantages and disadvantages
- Other changes which may need to be considered and a possible way forward

During debate comment was made on the value which Rochford District placed on recognising the equality of Members and the application of pro rata rules to enable all Groups input to the decision making process. A Member wished to emphasise the importance of ascertaining the views of the electorate. Reference was made to the likelihood that elements of the forthcoming Bill would be either changed or dropped prior to becoming legislation and to the importance of the authority's views being submitted to Government as appropriate.

It was clearly important for the Council to provide sufficient time to consider fully all aspects of the modernising Agenda. Reference was made to potential changes in the Member/Officer relationship which could emanate from new legislation and to the value of being able to learn from the successes and failures of other authorities in their implementation of change

Responding to questions, the Chief Executive advised that:-

- Publication of the Bill was imminent.
- Work to date on possible revised structures maintained provision for political direction to be initiated and developed within the Committee structure
- High standards of transparency, efficiency and effectiveness were key themes within paperwork received to date

1258

Johny
7 Dec 1999

- There may be some advantages in working with other authorities in establishing a probity/standards committee
- Little precise information was available on the cost experience of authorities that had introduced a modernised structure, although it appeared that initial high set up costs could balance out over a period of time (with important factors including levels of public consultation and decisions on Member Allowances).
- References to probity related to the integrity of processes.
- On current indications Councils would be expected to change and public consultation would be a key element.
- Government paperwork setting out the criteria for Beacon Councils had included a question about whether the applicant had commenced the modernising process.
- At this stage it was difficult to ascertain changes which may need to be in place in advance of the conclusion of the electoral review process. Legislation was also imminent covering other aspects of elections.

On a Motion moved by Councillor D E Barnes and seconded by Councillor P F A Webster it was:-

Resolved

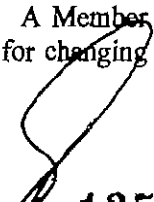
That, following publication of the Local Government (Organisation and Standards) Bill, an Extraordinary Council Meeting be convened to determine the way forward in terms of public consultation and the provision of initial direction to the Council's Structural and Procedural Review Working Group. (CE)

458 PROCEDURES FOR THE ADMINISTRATION OF MEETINGS AND SUPPORT FOR MEMBERS

Council considered the report of the Head of Administrative and Member Services on procedures for the administration of meetings and support for Members.

During debate it was agreed that, whilst detailed consideration would need to be given to the resource implications of introducing new Member support arrangements, many of the proposals within the report could probably be introduced with immediate effect. The suggestion of increasing document typeface size was favoured as was the inclusion of staffing implications within the section on resource implications in reports (perhaps broken into elements rather than a global sum). Comment was made on Member preference for retaining the signed approval of reports by officers and to the inclusion of previous committee history where this had been the reason for report production. Given the importance of providing Political Groups with as much time as possible to consider committee reports, the suggestion that late reports must be an exception could be endorsed.

Responding to questions, the Head of Administrative and Member Services confirmed that, if preferred, a tinted recycled paper could be used for minutes. It was noted that officers were reviewing the possibility of using couriers for proposed despatch arrangements. On Standing Orders, Members endorsed the importance of following substitute arrangements. A Member commented on the need to ensure appropriate checks and balances were in place for changing the dates of meetings and cancelling meetings (Standing Order 13)


1259

On a Motion moved by Councillor P F A Webster and seconded by Councillor Mrs J Helson it was -

Resolved

That the report of the Head of Administrative and Member Services on procedures for the administration of meetings and support for Members be referred to the meeting of the Financial and General Purposes Committee scheduled for 30 November 1999 to enable further consideration by the Political Groups (HAMS)

Meeting closed at 10 03pm

Chairman . *J. Helson*
Date 7 Dec. 1999

ROCHFORD DISTRICT COUNCIL

Minutes of the Compulsory Competitive Tendering Panel

At a Meeting held on 25 November 1999. Present: Councillors Mrs J Helson (Chairman), D E Barnes, G Fox, V D Hutchings and P F A Webster

77 MINUTES

The Minutes of the Meeting held on 13 October 1999 were approved as a correct record and signed by the Chairman

78. EXCLUSION OF THE PUBLIC AND PRESS

In view of the need to discuss detailed proposals for inclusion in the Council's new IT contract, it was:

Resolved

That under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the Meeting for the following item of business on the grounds that it involved the likely disclosure of Exempt Information as defined in Paragraph 9 of Part 1 of Schedule 12A of the Act.

79. IT CONTRACT

The Panel considered the confidential report of the Head of Administrative and Member Services which invited Members to consider the strategy for letting a new IT facilities management contract. It also requested Members to consider the companies to be included on the select list of contractors.

At its last meeting, the Panel had requested that the Council's IT consultants, Vantagepoint, produce a paper on the strategic issues to be covered by the new IT facilities management contract. Members also agreed to invite expressions of interest in the contract from potential contractors. Mr Steven Watson, from Vantagepoint, was welcomed to the Meeting, to give a presentation covering the main points contained within their paper, a copy of which was appended to the Head of Service's report (and is attached at the exempt appendix to the signed copy of these minutes).

In addition to Vantagepoint's paper, the following documentation was tabled at the Meeting:

- "Rochford District Council – IT Service Procurement" This outlined the basis of Mr Watson's presentation.
- Project Plan and Progress Report, which gave a timetable for the selection and appointment of a new supplier, together with a report on progress to date
- An assessment of IT Service Contract expressions of interest. Copies of the submissions that had been received to date had been made available for Members' inspection prior to the Meeting

Following the presentation, which was noted by the Panel, Members considered in detail Vantagepoint's report on the strategic issues to be covered by the new IT facilities management

contract, and the recommendations contained therein. During discussion, the following main points arose.

- It was agreed that the Council should prepare an "in-house" price comparator, against which bids could be assessed. Mr Watson estimated that production of the comparator should take approximately two or three days, so would not require substantial Officer time. Given this decision, it was suggested that the Council's own IT Services Manager could be involved where appropriate in future consideration of this matter by the Panel, although clearly there was the need to ensure that the necessary element of competition required by Best Value was retained within the tendering process.
- The IS/IT strategy should, Mr Watson suggested, include an input from the new supplier, and commended the recommendation of the Corporate Resources Sub-Committee that its production be deferred until Autumn 2000
- Service assessment. It was explained that the strengths and weaknesses outlined in the report reflected the perceptions of service users, as obtained in surveys. Some users were unclear as to the division of responsibilities between client side manager/contractor and user. Issues arising from this would be addressed in the proposed further report from Vantagepoint.
- The current contract provided for support between 8.30am and 5.00pm. This had not caused difficulties to date and services were available outside these hours although unsupported. Officers considered that cost outweighed benefit in amending the current contract but this would be considered a part of the revised specification.
- Mr Watson confirmed whilst network cabling was sufficient to meet current demands, an expansion of capacity would require improved cabling for the future.
- It was recognised that consultation with the community on Services provided to them was a legal requirement, but that careful consideration would be required of how IT Services might support this.
- The Corporate Director (Law, Planning and Administration) informed Members that the external auditors had agreed that in principle a ten year contract was acceptable.
- The use of alternative suppliers, if more economical, for certain services outside the core contract would be possible, checking alternative prices would ensure that maximum value was being obtained.
- Existing staffing resources would, it was confirmed, be sufficient to carry out the "client side" functions identified in the report.
- A number of minor, individual user systems were currently unsupported. This was estimated at approximately 5% of the Council's IT systems..
- At the end of the new contract, the Council would have the option of purchasing the equipment at the current secondhand market value, the contractors having supplied new equipment during the period of the contract, as required.
- The contractor should be given a choice as to the location of its service, which did not necessarily need to be on site as at present. The contract should incorporate sufficient flexibility to allow any future change in location.

It was unanimously agreed by the Panel to recommend to Finance and General Purposes Committee that all the recommendations contained within the Best Value and IT Contract

Strategy should be adopted.

Members then considered the project plan and progress report, in particular the proposed timetable for the selection process.

In view of the importance of the IT contract the Panel felt that notwithstanding the provisions of Contract Standing Orders, Members should be involved with the key stages of letting the contract.

It was recognised that the key dates identified by the consultants for obtaining approval to various stages of the process did not correspond well with the schedule programme of Committee Meetings. In order to ensure full Member involvement whilst at the same time avoiding any delay in achieving the various target dates, Members agreed to recommend to Finance and General Purposes Committee that the Panel be delegated executive authority to examine the tenders and make all the necessary decisions on stages up to the appointment of the supplier. That particular decision would be made on the basis of a recommendation from this Panel to the Meeting of Finance and General Purposes Committee on 11 April 2000. A Motion to this effect by Councillor Mrs J Helson and seconded by Councillor P F A Webster was agreed unanimously and is shown in Recommendation (2) below.

Mr Watson then explained the criteria that had been prepared to carry out evaluation of the tenders, which were set out in more detail in the tabled report, together with information concerning the expressions of interest that had so far been received. During consideration of the criteria, the following points arose:


- "References" could be obtained from other Authorities for whom the applicants had worked, for use in the tender evaluation process.
- It was considered that firms that lacked experience in carrying out public sector work should not automatically be excluded from consideration or be deterred from submitting an interest. It was therefore agreed that the selection criteria should be amended to state that Local Government experience would be preferred rather than considered essential.
- To assist in preparing the contract documentation meetings would be held with all the companies included on the select list. The suggest terms of the contract set out in the report from Vantagepoint and elsewhere in these Minutes would be discussed to ensure their appropriateness prior to the contract documentation being finalised. It was noted that the consultation stage of the process would include presentations by the shortlisted suppliers, and Members agreed that it would be appropriate for Officers/representatives from Vantagepoint to receive these without Member involvement.
- The operation of the Client side function by an external company was an option that was considered to be worth investigating.
- In view of the Panel's recommendation in respect of examination of the expressions of interest and the selection of the shortlist of suppliers, it was agreed that this be undertaken at the Panel's next Meeting on 2 December 1999.

RECOMMENDED

- (1) That the Recommendations contained within the Best Value and IT Contract Strategy document, as considered by the Panel, be adopted.
- (2) That executive authority be delegated to the Compulsory Competitive Tendering Panel to consider and make decisions upon the various stages of the tendering process up to the point at which the appointment of the supplier is to be determined.

- (3) That the shortlisted suppliers make presentations to Officers/representatives of Vantagepoint concerning their bid.
- (4) That the selection criteria as considered by the Panel be agreed subject to an amendment that "Local Government experience would be preferred"

The Meeting closed at 12.10pm

Chairman 

Date 2/12/99

ROCHFORD DISTRICT COUNCIL

Minutes of the Member Budget Monitoring Group

At a Reconvened Meeting held on 25 November 1999. Present: Councillors D E Barnes (Chairman), C R Morgan and R E Vingoe.

Apologies: Councillors V H Leach and P F A Webster

Substitutes: Councillors T G Cutmore and Mrs J Helson

66 LEISURE ASSETS – IDENTIFICATION OF OPTIONS

Having received presentations from F P D Savills on the Leisure Assets and from the Leisure Contractor on the Leisure Contract, Members gave further consideration to the issues associated with future use of the former Rayleigh Sports and Social Club building, the Leisure Contract and the Council's leisure assets/buildings.

In discussing the former Sports and Social Club building, Members recognised the importance of a flexible approach to enable consideration of all possible options, including demolition and the achievement of alternative site access. Dependent on future decision-making, there could also need to be debate on possible appropriation of monies achieved from the Sports and Social Club site towards enhancement of the Mill Hall building.


The Group agreed that, at this stage, it would assist deliberations if site sketch plans could be provided relating to site access/egress possibilities and the potential car parking arrangements. A financial breakdown relating to the impact of various approaches and monies which may be available for re-appropriation would also be useful

In discussing the Leisure Contract, a Member commented that the Council's approach should include consultation aimed at identifying the public's view on Leisure facilities provision. Comment was also made at the need for a cautious approach so that decisions are not made about provision which the Council could later regret.

The Group felt that, given cost levels associated with leisure facility provision and the ongoing planned maintenance programme, it would be cost-effective for the Authority to investigate the possibility of appointing consultants to provide specialist professional advice on the issues.

It was agreed to further adjourn the Meeting until 2 December 1999 to enable the provision of site sketch plans/other information on the former Sports and Social Club site and information on possibilities for the appointment of specialist professional consultants to advise Council on the issues associated with the Leisure Contract.

The meeting adjourned at 7.11pm


Chairman
3/2/2000

ROCHFORD DISTRICT COUNCIL

Minutes of the Planning Services Committee

At a Meeting held on 25 November 1999 Present. Councillors R E Vingoe (Chairman), R Adams, R S Allen, G C Angus, D E Barnes, C I Black, T G Cutmore, J M Dickson, D F Flack, D M Ford, Mrs J E Ford, G Fox, Mrs J M Giles, J E Grey, Mrs J Hall, N Harris, D R Helson, Mrs J Helson, Mrs A R Hutchings, V D Hutchings, C.C Langlands, V H Leach, C R Morgan, R A Pearson, P D Stebbing, Mrs M S Vince, Mrs M J Webster, D A Weir, and Mrs M Weir.

Apologies: Councillors P A Beckers, K A Gibbs, Mrs H L A Glynn, A Hosking, T Livings, G A Mockford, Mrs W M Stevenson and P F A Webster

459A

457

COUNCILLOR MRS H L A GLYNN

Members were advised by the Chairman of Councillor Mrs H L A Glynn's absence and the Committee wished it placed on record they passed on their best wishes to Councillor Mrs Glynn for a speedy recovery.

459B

458

MINUTES

The Minutes of the meeting of 28 October 1999 were approved as a correct record and signed by the Chairman.

459C MEMBERS' INTERESTS

Members interests relating to the schedule of development applications and recommendations (Minute 464) were received as follows -

Para 3 - Councillor T G Cutmore declared a non pecuniary interest by virtue of being Chairman of Ashingdon Parish Council.

Para 4 - Councillor J M Giles declared a non pecuniary interest by virtue of being an immediate neighbour of the applicant

Para 5 - Councillor Mrs J M Giles declared a non pecuniary interest by virtue of her son's employment in the telecommunications industry

Para 6 - Councillor Mrs A R Hutchings declared a non pecuniary interest by virtue of being Chairman of Hockley Chamber of Trade

460 OUTSTANDING ISSUES

The Committee considered all necessary action had been taken, Minute 307/98 Para D1 and 129/99 Para D1 (HLS) were carried forward

461. UNAUTHORISED WORKS TO PRESERVE TREE AT 61 CHEAPSIDE WEST, RAYLEIGH

The Head of Corporate Policy and Initiatives reported that works had been carried out to a preserved tree at 61 Cheapside West, Rayleigh without the benefit of consent from the Local Planning Authority



Noting the background to the Tree Preservation Order on a horse chestnut tree at the above site and the unauthorised works which involved the removal of two major stems and a minor stem, with only one major stem remaining, reducing the size of the tree by at least 60%, Members concurred with the Officers recommendation and it was

Resolved

That the Head of Legal Services be authorised to take all necessary action to prosecute both the contractor and the owner of the property for contravention of the Tree Preservation Order (HLS)

462 CONSULTATIONS FROM SOUTHEND ON SEA BOROUGH COUNCIL

The Committee considered the report of the Head of Planning Services concerning a consultation from Southend on Sea Borough Council on three related planning application proposals. Members noted the details of the proposals, namely:

1. Site north of Prince Avenue (adjacent Tesco Store). Construct non food retail warehouse (9,575 sq.m, 103,000 sq.ft) including garden centre, builders yard and ancillary coffee shop. Associated car parking, access arrangements and landscaping (application SOS99/0655).
2. Site north of Queensway, Southend Town Centre, existing B & Q store. Construct two non food retail units (total 3484 sq m, 37,500 sq ft.) with associated landscaping and car parking. (Application SOS/99/0656)
3. Site at Fossetts Farm, Sutton Road. Construct industrial units (10,220 sq.m), 110,000sq.ft) landscaping, car parking and access arrangements (application SOS/99/0657)

Noting the details of these proposals and the Officer's recommendation, concern was expressed by Members at the possible adverse affect that the Fossetts Farm proposal could have on the retention of jobs and employment within the Rochford District. Members further considered that the objection in relation to the Prince Avenue proposal should be made much stronger.

Resolved

That the response to the consultation on the planning applications from Southend on Sea Borough Council be as set out below:-

1. Non food retail units at Queensway, Southend

No objection.

2. Industrial unit at Fossetts Farm

Objection.

3. Non food retail unit, Prince Avenue, (adjacent Tesco Store)

Strong objection to the proposals, as outlined in the report. (HPS)



463 DEVELOPMENT CONTROL STATISTICS – PLANNING APPLICATIONS AND PLANNING

The Committee noted the report of the Corporate Director (Law, Planning and Administration) which detailed the percentage of applications determined within eight weeks for the quarter ending June 1999

464. SCHEDULE OF DEVELOPMENT APPLICATIONS AND RECOMMENDATIONS

The Head of Planning Services submitted a schedule of applications for consideration and a list of planning applications and building regulation applications decided under delegation since 28 October 1999.

Para D1 – 99/00209/FUL – Land rear of 2 Thorpe Road, Hawkwell

Proposal – Erect detached four bed chalet bungalow with detached garage and separate detached single garage.

Consideration of this application was deferred for a Member's site visit.

Resolved

That a Member site visit be arranged (HAMS)

Para D2 – 99/00537/CM – Barling Landfill Site, Barling Magna

Proposal – Installation of plant and machinery within compounds to utilise landfill gas for electricity generation.

In agreeing with the Officers recommendation to raise no objection, Members considered the following amendments should be included within any response to the County

Condition 1 – To continue “or sooner if the combustible gas is fully utilised beforehand”

Add Condition 4 – 4m bund to south and west

Add Condition 5 – Haul Road not to be used outside normal working hours and Haul Road should remain locked in accordance with the original consent at other hours.

Concerns were raised by Members at Paragraph 2.24 – again paraphrased by “strongly” and the request for an underground installation of electricity supply to be worded “must be underground”.

Extra caveat added “should any medical or scientific evidence suggest that the exhaust emissions should be modified, then this be done immediately”.

Resolved

That the comments outlined in the schedule, as amended above, be sent to the County Planning Authority in response to the consultation on this planning application.



Para 3 – 99/00610 – Land rear (east) of Golden Cross Road, Ashington

Proposal – Erect 73 dwellings with garages, estate roads and associated infrastructure including public open spaces.

Resolved

- 1 That the information contained within the schedule be noted and that Officers continue to discuss the proposals with the applicant in liaison with Ward Members, Vice Chairman and Chairman with a view to seeking satisfactory resolution of the issues set out in the Council's statement of case in relation to the appeal made against the non determination of the earlier proposals (99/00175), and seeking satisfactory resolution of the other matters referred to within the report in relation to the same planning application.
- 2 That the matter be brought back to this Committee when the outcome of this further period of discussion is apparent.

Para 4 – 98/00763/OUT – Land rear of Victoria Avenue (between David Wilson Homes and Crest Homes Developments, Rayleigh)

Proposal – Outline application to erect 1 4-bed detached dwelling with integral garage.

Resolved

That the application be refused for the reason set out in the schedule

Para 5 – 99/00631/DPDP24 – BT Telephone Exchange Ridgeway, Rayleigh

Proposal – Determination with regard to prior Approval, Siting and Appearance of 12 Metre High Radio Mast, 0.3 Metre Diameter Dish and Equipment Module.

Resolved

That the prior approval be refused for the reason set out in the Schedule

Para 6 – 99/00420/FUL – 6 East Street, Rochford

Proposal – Installation of a New Shop Front for the Rochford Great Wall Restaurant.

Resolved

That the Head of Planning Services be instructed to determine the application on expiry of the re-consultation period and subject to the conditions set out in the Schedule.

Para 7 – 99/00554/FUL – 6 East Street, Rochford

Proposal – Variation of a Condition to allow a Home Delivery Service.

Mindful of the Officers' recommendation for approval, Members considered nevertheless that the application should be refused and on a show of hands, it was

Resolved

That the application be refused for the following reasons

- (1) The proposed home delivery service activity would result in an increase in the number of trips being generated from the site and lead to an unacceptable level of traffic utilising the access road known as Quys Lane. This access road is situated on a bend of East Street, Rochford which narrows at this point and it is considered that an increase in the level of traffic here would be to the detriment of highway safety, given the nature of Quys Lane surface finish and car parking thereon, as well as the poor visibility at its junction with East Street.
- (2) This home delivery service, particularly in the evenings, would result in an unacceptable level of commercial activity at the site resulting in an increase in the general level of noise and disturbance to nearby and adjoining residents, to the detriment of the general character and amenity of the area as a whole

Para 8 – 99/00596/FUL – 15 The chase, Rayleigh

Proposal – Demolish Existing Dwelling and Erect Two Four Bedroom Houses with Integral Garages

Resolved

That the application be approved subject to the conditions set out in the Schedule

Para 9 – 99/00597 – 15 The Chase, Rayleigh

Proposal – Demolish Existing Dwelling – Sub-Divide Plot and Erect One Four Bed House with Integral Garage (Plot 1 of 2)

Resolved

That the application be approved subject to the condition set out in the Schedule

Para 10 – 99/00598 – 15 The Chase, Rayleigh

Proposal – Demolish Existing Dwelling, Sub-Divide Plot and Erect One Four Bed House with Integral Garage (Plot 2 of 2)

Resolved

That the application be approved subject to the conditions set out in the Schedule



Para 11 – 99/00564/COU – Fairways Garden Centre, Hullbridge Road, Rayleigh

Proposal – Change of Use of a Unit to Ornamental Stone Mason/Engraver

Consideration of this application was deferred for a Members' site visit, at which a comprehensive report will be presented, indicating the various buildings on the site, their existing uses and that of the land and the planning status of such uses

Resolved

That a site visit, as detailed above, be arranged. (HAMS)

Para 12 – 99/00565/COU – Fairways Garden Centre, Hullbridge Road, Rayleigh

Proposal – Extension of Caravan Sales Area

Concurring with the Officer's recommendation for refusal, Members requested that a report be submitted without delay to the Planning Services Committee on the breaches of planning control occurring on the site overall.

Resolved

That the application be refused for the reasons set out in the Schedule and that a report on the breaches of planning control at this site be brought to a future Meeting of the Planning Services Committee

The Meeting closed at 9 45pm

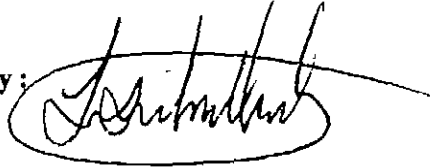
Chairman ..  ..

Date .. 16. Dec. 1999 ..

SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY

PLANNING SERVICES COMMITTEE 25th November 1999

The enclosed reports have been approved by :



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 and any attached list of application which have been determined under powers delegated to the Corporate Director (Law, Planning and Administration) is filed with all papers including representations received and consultation replies as a single case file.

All building regulation applications are considered against the background of the relevant Building Regulations and approved documents, the Building Act 1984, together with all relevant British Standards

The above documents can be made available for inspection as Committee background papers at the office of Planning Services, Acacia House, East Street, Rochford

PLANNING SERVICES COMMITTEE 25 NOVEMBER 1999

DEFERRED ITEMS

- | | | | |
|----|---|---------------|---------|
| D1 | 99/00209/FUL | Kevin Steptoe | PAGE 4 |
| | Erect Detached 4-Bed Chalet Bungalow with Integral Garage | | |
| | Erect Detached Double Garage | | |
| | Land Rear Of 2 Thorpe Road Hockley | | |
| D2 | 99/00537/CM | Kevin Steptoe | PAGE 10 |
| | Installation of Plant and Machinery within a Compound to | | |
| | Utilise Landfill Gas for Electricity Generation. | | |
| | Barling Landfill Church Road Great Wakering | | |

SCHEDULE ITEMS

- | | | | |
|---|--|---------------|---------|
| 3 | 99/00610/FUL | Kevin Steptoe | PAGE 15 |
| | Erect 73 Dwellings with Garages, Estate Roads and Associated | | |
| | Infrastructure Including Public Open Spaces | | |
| | Land Rear Of Golden Cross Road Rochford | | |
| 4 | 98/00763/OUT | Kevin Steptoe | PAGE 21 |
| | Outline Application to Erect 4-Bed Detached House with | | |
| | Integral Garage | | |
| | Land Rear Of 65 Victoria Avenue Rayleigh | | |
| 5 | 99/00631/DPDP24 | Kevin Steptoe | PAGE 26 |
| | Determination as to Whether Prior Approval (with Regard to | | |
| | Siting and Design) is Required for the Erection of 12m Pole | | |
| | with One 0.3m Diameter Radio Dish and Equipment Module | | |
| | BT Telephone Exchange Ridgeway Rayleigh | | |
| 6 | 99/00420/FUL | Julie Morgan | PAGE 31 |
| | Installation of New Shopfront | | |
| | 6 East Street Rochford Essex | | |
| 7 | 99/00554/FUL | Julie Morgan | PAGE 35 |
| | Variation of a Condition to Allow Home Delivery Service | | |
| | 6 East Street Rochford Essex | | |
| 8 | 99/00596/FUL | Kevin Steptoe | PAGE 40 |
| | Demolish Existing Dwelling and Erect Two Four Bed Two | | |
| | Storey Houses with Integral Garages | | |
| | 15 The Chase Rayleigh Essex | | |
| 9 | 99/00597/FUL | Kevin Steptoe | PAGE 44 |
| | Demolish Existing Dwelling Subdivide Existing Plot and Erect | | |
| | One Four Bed Two Storey House with Integral Garage on Plot 1 | | |
| | (of Two) | | |
| | 15 The Chase Rayleigh Essex | | |

- | | | | |
|----|---|---------------|---------|
| 10 | 99/00598/FUL | Kevin Steptoe | PAGE 48 |
| | Demolish Existing Dwelling Sub Divide Existing Plot and Erect
One Four Bed Two Storey House with Integral Garage on Plot 2
(of Two).
15 The Chase Rayleigh Essex | | |
| 11 | 99/00564/COU | Mark Mann | PAGE 52 |
| | Change of Use of a Unit to Ornamental Stone Mason
Fairways Garden Centre Hullbridge Road Rayleigh | | |
| 12 | 99/00565/COU | Mark Mann | PAGE 56 |
| | Extend Area of Caravan Display & Storage
Fairways Garden Centre Hullbridge Road Rayleigh | | |

Committee Report Deferred Report

D1



Rochford District Council

To the meeting of. **PLANNING SERVICES COMMITTEE**

On . **25TH NOVEMBER 1999**

Report of **CORPORATE DIRECTOR (LAW, PLANNING & ADMINISTRATION)**

Title . **ERECT DETACHED 4 BED CHALET BUNGALOW WITH
DETACHED GARAGE AND SEPARATE DETACHED SINGLE
GARAGE
LAND REAR OF 2 THORPE ROAD, HAWKWELL**

Author **Kevin Steptoe**

Application No **99/00209/FUL**

Applicant . **Mr B J FINCH**

Zoning . **RESIDENTIAL**

Parish **HAWKWELL PARISH COUNCIL**

Planning Application Details

- 1.1 This application was reported to the 30 September 1999 meeting of the Planning Services Committee. The item was deferred from consideration at that meeting due to the submission of revised plans immediately prior to that meeting. The revised plans were submitted in response to concerns in relation to the proposal and the recommendation, in the report to the 30 September meeting of the Committee, that the application be refused.
- 1.2 The following report is based on the assessment of the revised plans.

Deferred Report

- 1.3 The chalet bungalow proposed is a form of backland development located to the rear of no 2 Thorpe Road and a property to the west known as Fir Tree Lodge. As well as some of the rear garden of no 2, the proposals would utilise land which has previously formed part of the plots of nos 116, 118 and 120 Main Road. The bungalow would be 14m wide with a height to the eaves of 2.8m and to the highest part of the roof, 5.8m. The property has a footprint, measured externally and excluding the detached garage of 144sqm. A rear balcony at first floor level on the original proposal has now been deleted.

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- 1.4 To gain access to the new property a driveway between no 2 Thorpe Road and Fir Tree Cottage is proposed to be utilised. The driveway already exists, allowing access to the rear of no 2, however it will be widened slightly at its narrowest point by the demolition of an existing utility extension to no 2. As well as a garden and storage area, the site of the application currently provides parking facilities for no 2. The alternative arrangements proposed include the new separate detached single garage and the creation of two new car parking spaces to the frontage of no 2, to which access would be gained by a new vehicular crossover.

Relevant Planning History

- 1.5 An application was submitted in 1998 for the development of two bungalows on the majority of the current application site (ref F/0718/98). The application was withdrawn prior to a decision being reached.

Consultations and Representations

Consultations on the earlier proposals:

- 1.6 **Essex County Council (County Surveyor)** suggests the addition of conditions dealing with parking and access matters.
- 1.7 **The Environment Agency and Anglian Water** have no objections.
- 1.8 **Hawkwell Parish Council** indicated that it has no objections to the initial submission, subject to none being received from the residents of Fir Tree Lodge. (An objection has been made by the residents of Fir Tree Lodge). That scheme was amended and the Parish Council raised no objections to the amended plans.
- 1.9 **The Head of Housing, Health and Community Care** suggests the addition of standard informative SI16 to any permission.
- 1.10 One neighbouring occupier has raised concerns which relate, in the main, to the following issues:
- the scale and size of the proposed dwelling is considered to be excessive,
 - the proposed access is unsatisfactory and would cause disturbance and create traffic hazards
 - the proposals have an unacceptable impact on privacy
 - the parking arrangements proposed for no 2 Thorpe Road are not satisfactory and are unlikely to be used potentially leading to parking hazards on Thorpe Road,
 - the proposals will potentially lead to the loss of trees on the site

Consultation on the latest revision:

- 1.11 **The County Surveyor** suggests the addition of conditions dealing with visibility splays, construction of hardstandings and parking arrangements. Minimum distances in front of garages (7.3m for the separate single and 8m for the garage associated with the new dwelling) are also suggested to allow vehicles to enter and leave the site in forward gear.
- 1.12 **Hawkwell Parish Council** has no objections.
- 1.13 **The Head of Health, Housing and Community Care** suggests the addition of SI16 to any permission.
- 1.14 Five letters from neighbouring occupiers have been received and, in the main, they raise the following issues:

- the development will result in the loss of privacy
- the proposals are incompatible with the character of the area in terms of size and height. They are therefore dominant and represent over development,
- car parking problems may be exacerbated,
- development will result in increased noise and disturbance,
- the development represents a tandem layout, too close to the neighbouring properties to the north.

- 1.15 One of the five respondents asks that the previous concerns, outlined above, remain under consideration.

Material Planning Considerations

- 1.16 As this is a form of backland development, the material considerations in this case are the impact that the proposals will have on the existing development in the area, by virtue of loss of privacy, overlooking and activity, and the compatibility of the proposals to the existing character of development in the area. In policy H20 of the Local Plan, the criteria by which backland development will be considered acceptable or not are set out.

Impact on privacy and activity in the area.

- 1.17 The land is currently used as a garden, for vehicle parking and garaging and as an ad hoc storage area. There is an existing access between no 2 Thorpe Road and Fir Tree Lodge. Because of that, and the use of the site, there is already a degree of vehicular movements on the site and general activity. The applicant indicates that, until the 1980's, the site provided vehicular access to some of the properties on Main Road, to the west.
- 1.18 The requirements of policy H20 and Appendix 1 of the Local Plan have been taken into account, and it is considered that because of the current level of use and activity on the site the proposals do not have an unacceptable impact in relation to additional vehicular or general activity.
- 1.19 The revised plans show the creation of two parking spaces on the site, in addition to the provision of a garage for the new property and a further single garage. The spaces are to the rear (south) of the curtilage of Fir Tree Lodge. The location may lead to the appreciation, by the residents of Fir Tree Lodge, of additional vehicular activity on the site. However, as above, this is not considered to be sufficiently detrimental to prohibit approval on these grounds.
- 1.20 The proposed property is bungalow style, with rooms in the roofspace with velux windows only. There are no windows at first floor level on the frontage which faces Fir Tree Lodge. There already exists close boarded fencing between the properties and considerable planting on the application site adjacent to this boundary. Although some of this will be lost, it is considered that the lack of windows at first floor and the ability to strengthen the existing landscaping ensure that there are no unacceptable overlooking or privacy implications in this direction.
- 1.21 Policy H20 of the Local Plan and the guidance in Appendix 1 set out the considerations in relation to proposals of this type, wherein it is considered that tandem relationships are normally unacceptable because of the harm caused by the loss of privacy by virtue of one property looking to the rear of another. That harm does not happen in this case. The new property does not overlook the rear of the existing by virtue of its single storey height and intervening enclosure which already exists or which could be implemented. It is considered that the identifiable harm of tandem relationship does not occur. The guidance in the Essex Design Guide has also been considered. This is related mainly to situations where there is a parallel relationship between the rear sides of properties. That does not occur in this instance.
- 1.22 To the rear there are only rooflight windows proposed. The location is sufficiently distant from other existing properties that again there should be no unacceptable overlooking problems.

Impact on character.

- 1.23 The area comprises established residential development, with more modern residential development on Thorpe Gardens to the south east of the site. The properties are of varying styles with bungalow and two storey both represented in the area. The revised proposals represent an attempt to accommodate reasonable floorspace whilst avoiding a property which has unacceptable scale and bulk. In particular, the detaching of the previously integral garage has allowed the frontage and overall height of the property to be reduced from the initial proposals and produce a property which is not considered to be out of scale with its plot or the surroundings, and is compatible with Local Plan policy

Alteration from earlier scheme

- 1.24 Members will recall that when this application was previously reported it was recommended that the proposals should be refused. Consideration was given, however, to the principle of development in this location. On that matter, it was set out in the earlier report, that some form of development was considered to be acceptable. It was recommended that the proposals be resisted specifically because of the scale and floorspace arrangement of the proposed dwelling and the resulting bulk of the proposed property
- 1.25 These revisions have seen the floorspace arrangement of the property changed with the detaching of the garage from the proposed dwelling and the resulting reduction in the single long built frontage and the roof scale and overall height. Additionally, a rear balcony proposed has been omitted from the plans. As a result it is considered that the specific concerns, in relation to the proposals as originally submitted have been overcome and that the development can now proceed.

Conclusion

- 1.26 The proposals are considered to be acceptable in terms of their impact on the character and appearance of the area and on the privacy and amenity of existing residents. They have been considered against the relevant Local Plan policies and guidance and it is not considered that any of the potential harmful impacts identified in the policies and guidance will result from these revised proposals
- 1.27 This conclusion is different to that reached on the earlier submission, due to the revised floorspace arrangements and the reduction in the frontage and height of the proposed dwelling. Officers set out, in the earlier report, that in principle, the construction of one dwelling on this plot was considered to be acceptable. This would reflect the existing development of Thorpe Gardens which, whilst of a different scale, is a form of backland development that has been permitted in the past.

Recommendation that this Committee resolves

- 1.28 That the application be **APPROVED** subject to the following conditions:

- 1 SC4 Time limits
- 2 SC9A Removal of existing buildings
- 3 SC14 Materials
- 4 SC22A Permitted development restriction – windows at first floor
- 5 SC50 Means of enclosure
- 6 SC59 Landscaping
- 7 SC64A Visibility splays
- 8 SC75 Parking and turning

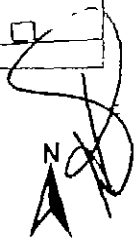


- 9 SC17 Permitted development restriction -- extensions at first floor
- 10 SC20 Permitted development restriction -- dormer windows on frontage and side elevations

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Committee Report DEFERRED REPORT

D2.



Rochford District Council

To the meeting of: **PLANNING SERVICES COMMITTEE**

On **25 NOVEMBER 1999**

Report of **CORPORATE DIRECTOR (LAW, PLANNING & ADMINISTRATION)**

Title : **INSTALLATION OF PLANT AND MACHINERY WITHIN
COMPOUND TO UTILISE LANDFILL GAS FOR ELECTRICITY
GENERATION
BARLING LANDFILL SITE, BARLING MAGNA**

Author **Kevin Steptoe**

Application No **99/00537/CM**

Applicant **EDL OPERATIONS (BARLING) LTD**

Zoning : **METROPOLITAN GREEN BELT, ROACH VALLEY NATURE
CONSERVATION ZONE, COASTAL PROTECTION BELT, SPECIAL
LANDSCAPE AREA.**

Parish **BARLING MAGNA PARISH COUNCIL**

Deferred Report

- 2 1 This application was reported to the meeting of the Committee on 30 September 1999. The matter was deferred to enable further information to be gathered in relation to the proposals and so that a visit to a similar installation, which is already operational, could take place. That visit was carried out on 2 November 1999 to a site at Ware, Hertfordshire. The following report is that which was submitted to the meeting of 30 September, with additions, to include the additional information which has become available since that time.

Planning Application Details

- 2 2 This is an application that is being determined by the County Planning Authority. The County Council has consulted this authority and asked it to comment on the proposals.
- 2 3 A landfill gas utilisation facility is proposed. The facility will use collected landfill gas which will be combusted to provide electricity. The components of the facility include two generator modules, an oil storage tank and an electrical switchroom. These will be enclosed within a 1.8m fenced compound. To the south of the compound will be an earth bund to a height of 3m. The maximum height of the structures, including the exhaust ports, is 7m. The bulk of the structures will not be more than 4.8m in height.

- 2.4 It is intended that the facility will operate 24 hours a day, every day. Staff will only attend the site to carry out maintenance or repairs. The operational life of the facility is anticipated as 30 years. This is the time span over which landfill gas is likely to be generated at the site. It will be dependant on the particular circumstances of the site however. It is anticipated that the facility now proposed will serve the whole of the extraction and landfill site as it develops.

Relevant Planning History

- 2.5 There is planning permission on the site for the extraction of sand and gravel, the use of the resulting excavations for landfill and construction of the haul road.

Consultations and Representations

- 2.6 In this case consultations have been carried out by the County Council. This authority has also consulted the Parish Council and placed a site notice.
- 2.7 The **Environment Agency** comment that, in its view, installations such as this do not require licensing under the Environmental Protection Act 1990.
- 2.8 The **Head of Housing, Health and Community Care** indicates that there is no objection, in principle, to the development, subject to the plant being installed and maintained in accordance with technical details submitted by the applicant.
- 2.9 **Barling Magna Parish Council** makes the following comments:
- agree in principle with the installation, in preference to the current situation,
 - suggest the implementation of 4m bunds to the south and west, to be landscaped,
 - the haul road not to be used at weekends or outside of normal working hours, instead access to be gained by other routes,
 - that the plant should be upgraded, if necessary in the future, to meet any changes in statutory regulations,
 - that the plant is removed when landfill gas is no longer available and that the site is subject to suitable restoration,
 - that an underground electrical connection is made.
- 2.10 Responses have been received individually from five local residents. They have raised, in the main, the following issues

- the location is within the green belt;
- that the facility may be unsafe due to emissions produced;
- that it will cause visual harm, or affect wildlife,
- that it will create noise and amenity problems,
- that alternative methods of disposal have not been considered,
- that the time period for this application extends beyond that of the landfill site; and,
- that the electrical connection is not yet defined

Material Planning Considerations

- 2.11 As a result of further discussions with the applicants and the site visit, the key issues with regard to this application can be defined as:

- the impact of the installation in visual terms and its appropriateness in a green belt location,
- any health implications of the proposals, and,
- noise generation

Visual and Green Belt Impact

- 2 12 The applicants have discussed the location of the facility with County Planning Officers prior to the submission being made. It is sited such that it is remote from most public locations (roads, public footpaths etc.). Some views of the facility will be available. It is accepted that the stacks on the installations are built to a height of 7m and will be noticeable in the generally flat landscape of the area. With appropriate colour treatment however, as was seen at the Ware installation, because the majority of the installation is no higher than 4-5m, because of the bunding proposed and the significant distances over which views will be had, it is considered that the proposals are acceptable with regard to this aspect.
- 2 13 The location is in the green belt, where Local Plan policies and government guidance is that new buildings and structures should only be favoured in particular limited circumstances. However, government guidance also indicates that, development normally considered inappropriate, can be permitted if it has beneficial implications which outweigh the harm and mineral developments are a form of development which can be permitted in green belt locations.
- 2 14 The beneficial impacts of the development are referred to below. The development is clearly allied with the minerals extraction and landfill operation currently taking place on the site.
- 2 15 A link with the local energy supply network is required to allow the electricity generated on the site to enter the grid. Precise details of this have not yet been formalised, but it is envisaged that an underground link will be created. Again, this was the case with the Ware installation.

Noise and Disturbance

- 2 16 A supporting statement submitted with the application gives details of vehicular activity associated with construction and operation. It also details any noise impact and the safeguards that are in place during the operation of the facility. In terms of vehicle movements it is indicated that there will be 2 heavy vehicles and 10 light vehicles per day during the construction phase and 2 light vehicles per day once the facility is operational. It is anticipated that construction will take 8 – 10 weeks and a further 2 to 4 weeks to fit out, subject to weather conditions. The applicants suggest construction times of 7am to 6pm Mon to Fri, 7am to 12.30pm Saturdays and no Sundays. Vehicles will use the haul road to gain access to the site.
- 2 17 A noise survey and report has been carried out by the applicants. The summary of the report is that the operation of the facility is unlikely to generate noise, which will be sufficiently at odds with the current background noise at the site and its surroundings, such that perception and complaints are likely. Members who were present on the recent site visit will recall the noise levels generated by the plant (with 4 turbines) at the various distances at which the installation was viewed. Members and Officers were also informed, at that visit, of working practices, such as the self closing of insulating doors, that are used to ensure that noise is kept to a minimum.
- 2.18 Given the circumstances set out in the supporting statement, in terms of vehicular activity and noise generation, and the experience from the site visit, it is considered that the facility will not have unacceptable implications in terms of any disturbance it may cause.

Beneficial Impacts

- 2.19 The facility is likely to have some beneficial impact. It will utilise landfill gas which otherwise can have a harmful impact in relation to fire and explosion hazard, odour problems or dieback of vegetation. In addition, as well as utilising the gas, which could simply be flared off, the facility provides a usable energy supply. Overall it is claimed to have a beneficial impact on greenhouse gases entering the environment. Clearly, these benefits of the proposals should weigh in its favour.

Conclusion

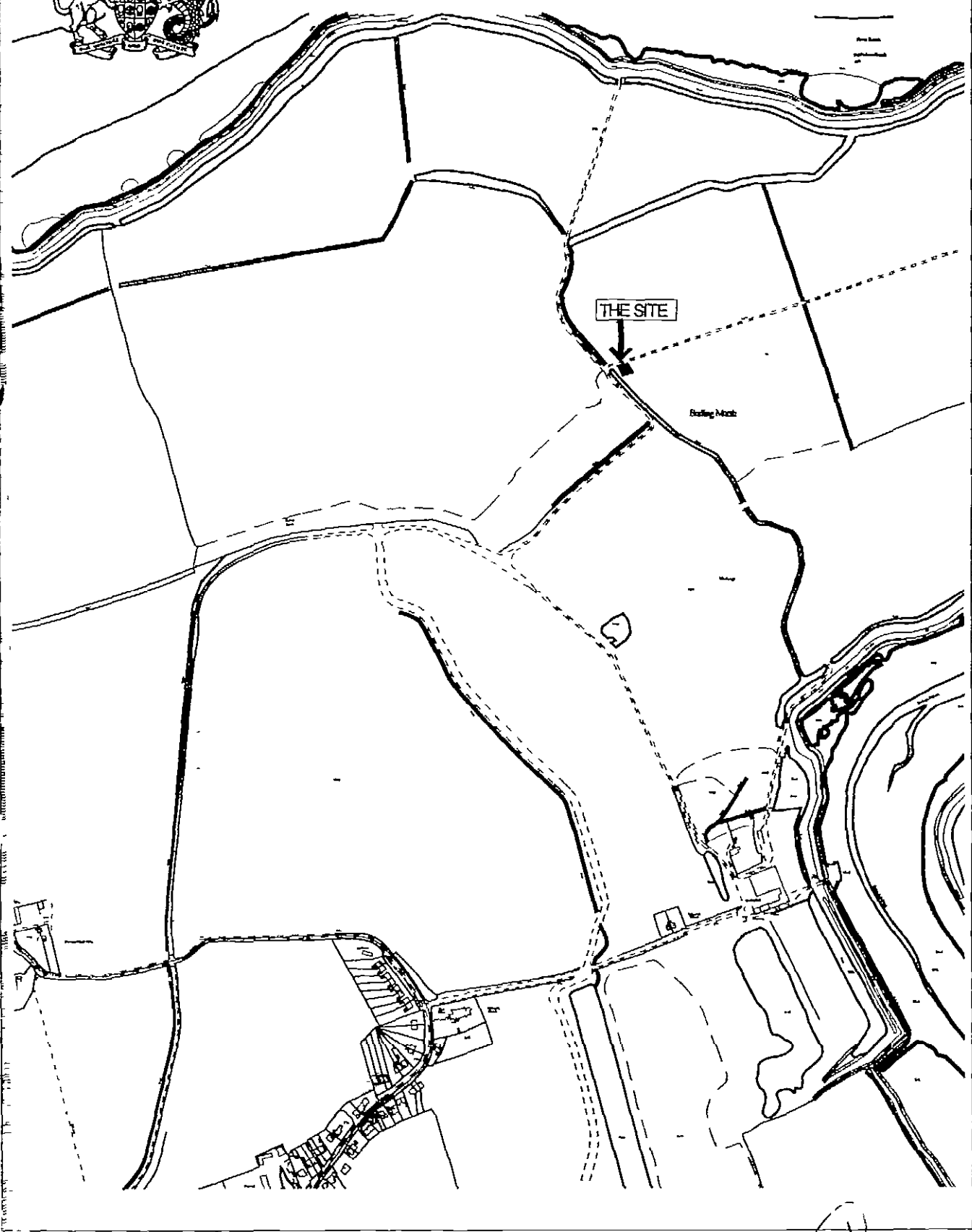
- 2.20 The facility itself is clearly not an attractive feature. However, given the distances over which views will be had it is considered that it will have minimal harmful impact in terms of appearance or on the character of the area. With regard to the green belt location, whilst there is a presumption against development in the green belt, the operation of the facility clearly has some beneficial impacts and its siting is constrained by the location of the landfill site.
- 2.21 It is not considered that the development and operation of the facility would cause identifiable unacceptable harm in terms of noise or other disturbance. Emissions from any plant such as this remain a concern. Air quality standards are in place and are monitored regularly by the appropriate agencies. The applicants argue that these are not breached by the installation proposed. The benefits of the facility, in terms of the utilisation of an otherwise potentially harmful waste product, and the generation of usable energy must be weighed in the balance when coming to a decision on this form of development.

Recommendation that this Committee resolves:

- 2.22 The following comments are forwarded to the County Planning Authority in response to the consultation on this planning application.
- 2.23 The District Planning Authority has **NO OBJECTIONS** in principle to raise to the proposals subject to the conditions covering the following matters:
- 1 That the time limit during which the facility can remain on the site be 30 years
 - 2 That an appropriate colour treatment be applied to the structures
 - 3 That measures be put in place to ensure the restoration of the land to its former state after the removal of the facility.
- 2.24 Furthermore, that the applicants:
- ensure that the connection between the installation and the electrical supply network is provided underground,
 - be reminded of their responsibilities in relation to ensuring that emissions from the proposed installation meet appropriate quality standards at all times, that appropriate monitoring and recording takes place and that all necessary steps to remedy any failing in this regard, including the shutting down of the facility, if appropriate, are carried out immediately any problem arises.



99/00537/CM



THE SITE

Boiling Marsh

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Committee Report

3.



Rochford District Council

To the meeting of: **PLANNING SERVICES COMMITTEE**

On **25 NOVEMBER 1999**

Report of **CORPORATE DIRECTOR (LAW, PLANNING & ADMINISTRATION)**

Title . **ERECT 73 DWELLINGS WITH GARAGES, ESTATE ROADS AND ASSOCIATED INFRASTRUCTURE INCLUDING PUBLIC OPEN SPACES**
LAND REAR (EAST) OF GOLDEN CROSS ROAD, ASHINGDON

Author : **Kevin Steptoe**

Application No: **99/00610**

Applicant : **WILCON HOMES EASTERN LIMITED**

Zoning . **RESIDENTIAL**

Parish. **ASHINGDON**

Site Area: **2.7Ha (approx)** Density **27 Dwellings/Ha**
6.1 Acres (approx) **11 Dwellings/Acre**

Planning Application Details

- 3 1 Members considered planning application 99/00175/FUL at the last meeting on the 28 October 1999 in the light of a non-determination appeal lodged. The Committee requested that a report be brought to this meeting of the Committee on the second application submitted for the development.
- 3.2 The application to which this report relates was submitted at the time that the appeal was made against the non determination of the earlier application. The proposals are identical to the earlier application at the time the appeal was made. Again 73 dwellings are proposed, with associated infrastructure and five undeveloped amenity spaces. Two access are to be created from Golden Cross Road, one utilising the existing Nelson Road and extending it, the other involving the demolition of a property on Golden Cross Road. There are to be 5 two-bed properties, 39 three-bed properties and 29 four-bed properties.
- 3 3 As before, the proposals are supported by additional information as follows
- preliminary ecology report
 - access and highways statement
 - surface and foul water drainage options
 - tree survey.

- 3 4 This application was registered on 8 October 1999. Normal neighbouring occupier and statutory consultees have been notified and a number of responses have been received. Members will recall that the issues raised by these proposals were discussed at the last meeting of the Planning Services Committee.

Relevant Planning History

- 3 5 Planning application 99/00175/FUL, the subject of the report to the 28 October 1999 meeting of the Planning Services Committee for the same development. That application is currently the subject of an appeal on the basis of non-determination. A public inquiry is to be arranged for which the date is currently unknown.

Consultations and Representations

- 3 6 **County Surveyor** – No objections are raised with regard to the principle of the proposals. Detailed comments are made with respect to .

- the specification of the access road junctions,
- the requirement for an overhang strip adjacent to some of the on site roads;
- the widths and orientation of private access drives;
- sight splays, and,
- the conditions which should be applied to any permission.

- 3 7 The **County Head of Planning (Design Advice)** makes detailed comments in relation to the layout and the house types proposed, in summary these are:

- in one situation an adequate back to back separation distance is not achieved,
- in four locations the properties are such that continuity of frontage is not provided,
- some properties should be moved closer to the highway,
- one of the areas of open space is likely to be car-dominated,
- some areas of adoptable highway can be reduced,
- questions the status of the emergency access,
- comments in relation to the footprint, layout and appearance of a number of the proposed house types for the site

- 3.8 **Anglian Water** has no objections, in principle, and no comments to add to those made in relation to application 99/00175

- 3 9 The **Environment Agency** has no objection in principle and notes the deletion of the balancing lake (as compared with application 99/00175)

- 3 10 **English Nature** notes that a protected species has been identified on the site. It is pointed out that the decision to translocate species rather than retain them on site should be justified. It also points out that the authority will need to be satisfied of the measures to be taken in relation to government guidance

- 3 11 The **Essex Police Crime Prevention Officer** raises concerns in relation to apparently straightforward access to the rear of many of the properties proposed with the associated risk of criminal activity. He is also concerned about the unsupervised nature of some of the private driveways on the layout submitted

- 3 12 **Rochford Parish Council** supports comments made by Ashingdon Parish Council (Ashingdon PC has not yet submitted comments in relation to this application but members will recall strong objections made in relation to the earlier application) It is concerned in relation to traffic impact, the minimum garden sizes of the properties and that they may not accord with the guidance of the Essex Design Guide Comments that smaller affordable properties are required
- 3 13 The **Head of Client and Leisure Services** indicates that foul and surface water drainage details should be controlled by means of a condition
- 3 14 The **Head of Housing, Health and Community Care** has no adverse comments, but suggests the addition of conditions to any permission relating to the need for a method statement and for a scheme to control the suppression of dust. It is also that SI16 is attached to any permission
- 3.15 Six local residents have responded to consultations on this latest application. In the main, they raise the following issues:
- local infrastructure, including schools and doctors, is inadequate;
 - traffic congestion and access,
 - impact on wildlife and trees;
 - proposals are not in keeping with the surroundings and have poor inter-relationship with existing development,
 - proposals do not adhere to guidance in relation to garden areas and side separation,
 - unclear that central open space will be retained;
- 3.16 The operators of Baltic Wharf have raised the issue of the ability of HGV's to negotiate any improved road junctions.

Material Planning Considerations

- 3.17 This report is presented as an information report in the light of the Committee's decision at the last meeting and on-going negotiations on the proposal.
- 3.18 The material planning considerations were set out in full in the report to the last meeting in relation to planning application 99/00175/FUL. Basically the key issues were considered to be:
- Access and Highway implications
 - On site design issues
 - Impact on tree cover on site
 - Impact on existing wildlife on site
 - Surface and Foul drainage
 - Educational and Health Service Provision
 - Amenity open space provision
- 3 19 Members will recall that the site is allocated for residential development in the adopted Local Plan and that therefore, in principle, residential development is acceptable
- 3 20 The resolution of the Committee in relation to the earlier application was that the Councils Statement of Case should indicate that it would have been unable to reach a favourable decision on the application, if it still had the jurisdiction to do so, on the basis that:
- 1) the survey and information supplied in relation to the wildlife interest on the site is inadequate to enable an informed decision to be reached;

2) the proposals do not meet the minimum guidelines set out in the Appendix to the Local Plan in relation to garden sizes and side separation distances and fail to adequately address the issues raised by the Essex Police Crime Prevention Officer

3) In addition, the case for the authority should include the need that, if permission were to be forthcoming, a legal agreement should be in place to deal with the following issues

- financial provision for off site road improvements;
- financial provision for educational requirements; and,
- ensuring that the undeveloped spaces on the site are managed and maintained.

- 3.21 The Statement of Case, which has now been submitted to the Planning Inspectorate, was prepared on the basis of this previous resolution of the Committee.
- 3.22 The applicants are aware of the position of the authority and have indicated a willingness to discuss the concerns of the authority to see if these can be resolved to the satisfaction of all parties. Indeed, members will recall that revised plans on the first application had been submitted immediately prior to the last meeting, in an attempt to meet some of the concerns of the consultees. (In that case the revisions were targeted particularly at the comments of the County Highways and Design Officers) The County Surveyor indicates that these revisions meet the majority of his previous concerns, and those that remain can still be met by minor alterations to the proposals
- 3.23 In the earlier report Members were also advised that there were other matters, which did not go to the heart of the proposals, but in relation to which Officers should continue to seek improvements to the scheme. These are also being pursued with the applicants
- 3.24 Officers have met with Ward Members, Vice Chairman and Chairman and considered in detail the applicants initial revised plans submitted in response to the Council's position on the appeal
- 3.25 The applicants have also commissioned further ecological survey and other work which is currently being undertaken. In relation to concerns raised regarding archaeological interests, the applicants consultants advise the site could be of interest and recommend imposition of the normal watching brief condition (which is acceptable to the applicants)
- 3.26 The applicant has indicated a willingness to continue to negotiate and a meeting is being organised between Officers, Members and the applicants. This too is likely to take place before the next Committee Meeting and its results shall be reported within the addendum report.

Conclusion

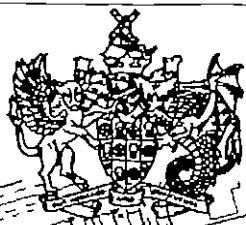
- 3.27 As with the earlier application (now subject of the appeal) there are a number of matters that prevent a favourable decision being reached on these proposals at this stage. These are the same issues that form the basis of the Council's Statement of Case in relation to application 99/00175. The willingness of the applicants to continue to discuss these issues as set out above indicates progress can still be made hopefully towards a satisfactory resolution of this application.
- 3.28 Given that an appeal has been made on the earlier application it is considered most appropriate, in relation to this application, to continue to negotiate with the applicants, on the basis of the same issues, to seek satisfactory resolution of them.
- 3.29 If this is not possible after a reasonable period of discussion and negotiation the matter will be reported back to this Committee with a recommendation for a way forward.



Recommendation that this Committee resolves:

- 3.30 That, in relation to this application, 99/00610/FUL that Members note this information, and that Officers will continue to discuss the proposals with the applicant in liaison with Ward Members, Vice Chairman and Chairman with a view to
- seeking satisfactory resolution of the issues set out in the Council's Statement of Case in relation to the appeal made against the non determination of the earlier proposals (99/00175), and
 - seeking satisfactory resolution of the other more minor matters referred to in the report in relation to planning application 99/00175,
- 3.31 and that the matter be reported back to this Committee when the outcome of this further period of discussion is apparent.

99/0000610/FUL



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Committee Report

4.



Rochford District Council

To the meeting of: **PLANNING SERVICES COMMITTEE**

On **25 NOVEMBER 1999**

Report of **CORPORATE DIRECTOR (LAW, PLANNING & ADMINISTRATION)**

Title : **OUTLINE APPLICATION TO ERECT ONE 4-BED DETACHED DWELLING WITH INTEGRAL GARAGE LAND REAR OF VICTORIA AVENUE (BETWEEN DAVID WILSON HOMES AND CREST HOMES DEVELOPMENTS), RAYLEIGH.**

Author **Kevin Steptoe**

Application No **98/00763/OUT**

Applicant . **MR S WELSH**

Zoning ' **PROPOSED RESIDENTIAL DEVELOPMENT**

Parish **RAYLEIGH TOWN COUNCIL AREA**

Site Frontage **11m** Site Area. **570sqm**

Planning Application Details

- 4.1 This is an outline application with siting, means of access and landscaping issues to be considered at this stage. The proposal is that one new house is developed on land that is located between the developments of David Wilson Homes (Victoria Avenue) and Crest Homes (Cheapside West) Rayleigh.
- 4.2 Plans have been submitted which show the proposed plot to have a width of 11m approx at the frontage tapering down to 8.5m approx at the rear. The depth of the plot is over 50m. The indication in the application is that access is intended to be gained from the David Wilson Homes site to the north and Victoria Avenue.

Relevant Planning History

- 4.3 None on this site

Consultations and Representations

- 4.4 The **County Surveyor** raises no objections in principle and suggests conditions to deal with the provision of visibility splays and the layout of vehicle parking areas.

- 4 5 The **Environment Agency** and **Anglian Water** have no objections.
- 4 6 The **Rayleigh Town Council** consider the proposals represent a form of over development and are not in keeping with the character of the area.
- 4 7 The **Head of Housing, Health and Community Care** suggests the addition of SI16 to any permission.
- 4 8 Eight local residents have responded to consultation letters raising, in the main, the following issues in relation to the proposals
- the proposals represent over development and are out of character with the area They will restrict daylight and lead to loss of privacy and amenity. They represent development in excess of total numbers of dwellings allowed for in the area.
 - the land has TPO trees located on it, these would be lost and the wildlife on the site damaged,
 - access cannot be achieved or will be created over land designated as a bridleway,
 - the proposed site may , or is not, owned by the applicant
- 4 9 In addition a 14 name petition has been submitted in objection to the proposals on the basis of the above points.

Material Planning Considerations

- 4.10 The main impact to consider, in relation to these proposals, is the affect that they will have on the character of the area and on existing residential amenity Also relevant is the impact on the preserved trees on the site and the access issue

Character and amenity.

- 4.11 The proposals represent the development of a strip of land which is left undeveloped and separates the two estate developments of David Wilson and Crest Homes. Whilst in outline form, siting is to be considered at this stage and the proposals indicate a dwelling which is approx 10m in depth and has a width of 8m This is a reasonable, though modest size for a modern detached dwelling, particularly as it is intended to have an integral garage.
- 4.12 In terms of the existing dwellings in the area, the David Wilson Homes site, where it is adjacent to the planning application site, consists of detached dwellings with a footprint that is slightly larger than that proposed here The Crest Homes development to the south consists of much smaller terraced properties The location of the proposed dwelling is certainly somewhat incongruous between the two areas of planned and cohesive development. Given the existing forms of development in the vicinity however it is not considered to be out of character in terms of scale
- 4.13 In relation to amenity however it is quite likely that the proposals will have a detrimental impact. To the north, the location shown is such that the proposals are likely to have a considerable impact on the daylight received in the garden of the immediately adjacent plot. Also the location is such that clear views are likely from the upper windows of the proposed dwelling into the rear garden area of two further existing plots



- 4 14 To the south, the impact is likely to be more significant due to the limited nature of the existing plots. The proposed dwelling will be located only 12m away from the rear elevation of two to three units in the Crest Homes terrace and it is considered that it would have a significant over dominant impact on the perception and enjoyment of the garden areas to those units. Again the location is also likely to result in overlooking, at close proximity, to at least a further three of the Crest Homes units. Taking account of the policies and guidance in the Local Plan (particularly policies H11, H19 and H24) and the Essex Design Guide, the relationship problems are considered to be unacceptable.

Trees

- 4 15 The land which comprises this application site does fall within an area covered by TPO 1/82. It is identified as an area of mixed woodland consisting of young Oak, Ash and Hawthorn. The applicant has submitted a plan which shows a number of the trees on the site to be removed, and those which could be accommodated around the proposed development.
- 4 16 Given that development has proceeded to the south (the Crest Homes site), on land which also falls within the TPO area, and which has involved the loss of a significant number of the trees on that site, it is considered that it would be inconsistent to now resist these proposals on the basis of loss of young trees on this site. A similar approach could be taken whereby trees are retained around the proposed development to soften the visual impact of it and to give it an immediately established character especially in the rear garden where most trees can be retained.

Access

- 4.17 The applicant has requested that means of access be considered at this stage. The submitted drawings indicate that this is to be achieved via the David Wilson site from Victoria Avenue to the north. The land over which access is shown to be created is at present partially utilised as a bridleway link between the David Wilson and Crest Homes sites and partially as a vehicular access to plots 46 and 47 on the David Wilson site.
- 4 18 Correspondence with David Wilson Homes has indicated that the land which comprises vehicular access to plots 46 and 47 has been conveyed to the purchasers of those plots. At present the bridleway area remains within the control of David Wilson Homes. In its view, there are no other rights of access over this land (save as would be granted by designation as a bridleway) and specifically no rights of access for the applicant. The indication is that these will not be granted.
- 4.19 Whilst ownership and private access rights are not matters with which the authority should concern itself, the likelihood that acceptable access can be achieved is a valid consideration. If development of the site is to be pursued it would appear that the applicant needs to negotiate further with the owners of the land to establish rights of access. However, this is a private matter, should access rights be established the views of the County Surveyor are noted, raising no objection subject to conditions.

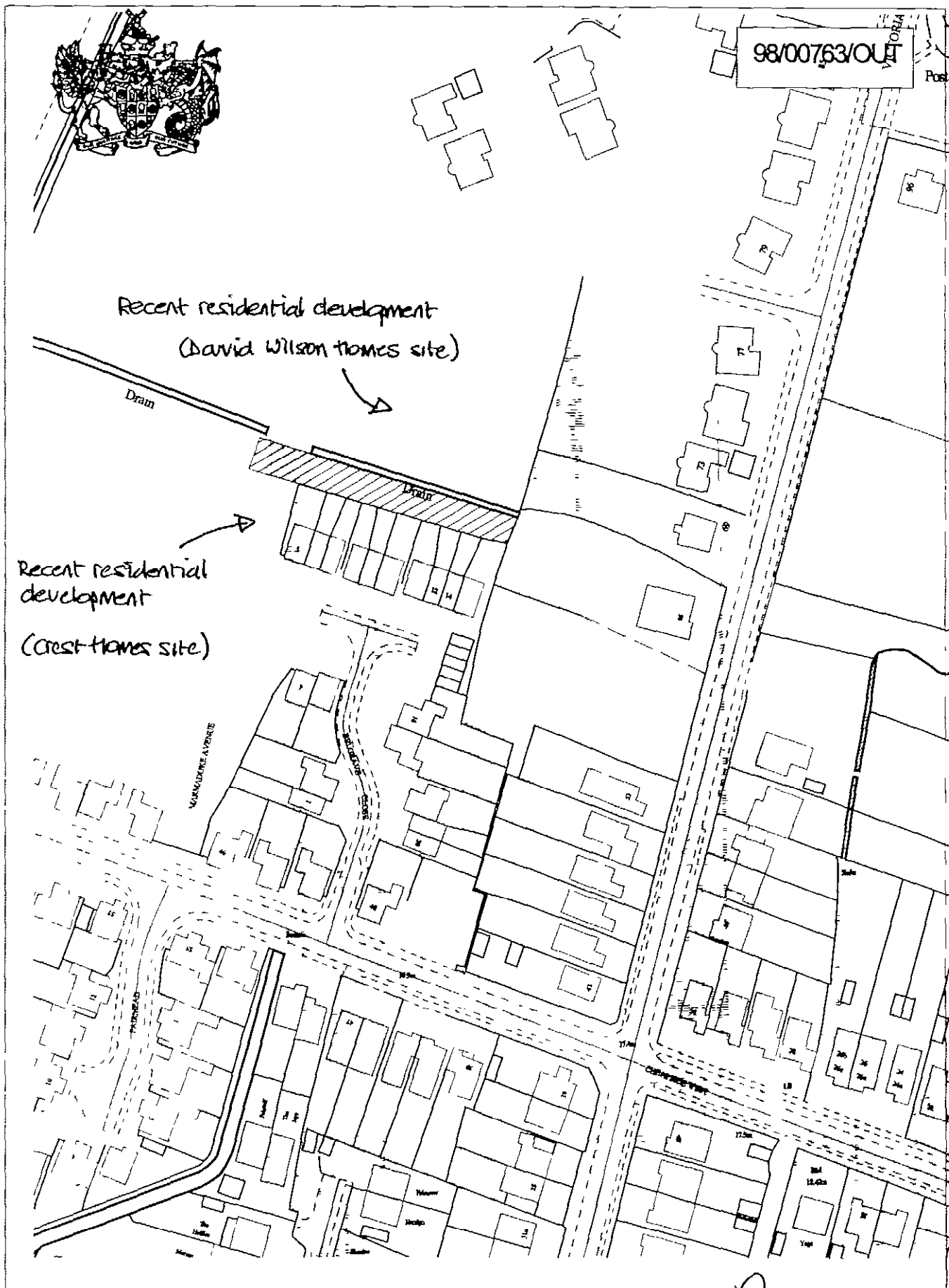
Conclusion

- 4 20 Whilst in terms of scale and character, the development is considered to be similar to that which already exists in the area, it is considered that a two storey house will have significant harmful impacts on residential amenity of existing occupiers. This is due to the proposals not forming a part of the overall planned and cohesive development in the area and the poor relationship that results.

Recommendation that this Committee resolves

- 4.21 That this application be **REFUSED** for the following reason

- 1 The development proposed, by virtue of its scale and location relative to existing residential development is likely to have the harmful impacts of, significant loss of daylight to existing residential garden areas; the perception of an over dominant and intrusive element of new development, and, significant over looking and loss of privacy to existing residential curtilages. These affects represent an unacceptable impact on the amenity of existing residents and are contrary to the advice and guidance in the Rochford District Local Plan and the Essex Design Guide for Residential and Mixed Use Areas.



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Committee Report

5.



Rochford District Council

To the meeting of: **PLANNING SERVICES COMMITTEE**

On **25 NOVEMBER 1999**

Report of **CORPORATE DIRECTOR (LAW, PLANNING & ADMINISTRATION)**

Title **DETERMINATION WITH REGARD TO PRIOR APPROVAL, SITING AND APPEARANCE OF 12m HIGH RADIO MAST, 0.3m DIAMETER DISH AND EQUIPMENT MODULE.
BT TELEPHONE EXCHANGE, RIDGEWAY, RAYLEIGH**

Author **Kevin Steptoe**

Application No **99/00631/DPDP24**

Applicant **BRITISH TELECOMMUNICATIONS PLC**

Zoning **RESIDENTIAL**

Parish **RAYLEIGH TOWN COUNCIL**

Prior Notification Details

- 5.1 This proposal represents an application for 'Prior Approval' made under Part 24 of the Town and Country Planning (General Permitted Development) Order 1995, as amended. By virtue of these regulations telecommunications operators have permitted development rights to place masts and structures up to 15m in height without the need for planning permission. They do however have to gain the prior approval of the Local Planning Authority in relation to siting and appearance only.
- 5.2 This proposal relates to the siting of a pole of 12m in height. One dish, which would have a diameter of 0.3m, is to be mounted at the top of the pole and an equipment module is to be placed towards the ground. This proposal is instead of an earlier proposal, now withdrawn, for a 15m pole with the same dish and equipment module. Both proposals are sited within the car park (albeit in different locations) to the BT telephone exchange at Ridgeway, Rayleigh. The proposed pole, which is the subject of this report, is located on the eastern side of the car park.
- 5.3 The applicants in this case advise that the proposed installation is a short wave low powered microwave radio link to a particular user. It is being proposed to avoid the need for a fibre cable link. It is a 'line of sight' installation. Because it is intended to serve one user only, the higher powered facilities, associated with mobile phone masts in general, are not required as the installation is not required to pick up signals from a wide coverage area. The proposals do not constitute a general purpose mobile telephone communications mast.

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- 5.4 Authority has been delegated to the Corporate Director (Law, Planning and Administration) to deal with these notifications. Until recently, the regulations required that a decision should be made within 28 days of the receipt of the proposals. More importantly, if no decision was made within that timescale, permission to proceed with the installation was automatically granted 'by default'.
- 5.5 The regulations have recently been changed such that, now, for certain types of proposal, the authority now has 42 days in which to make a determination. The proposal dealt with here is one of those types to which the 42 day decision period applies. As there are 42 days in which to make a determination in this case, and given the Committee cycle it is possible to bring this matter before the committee.
- 5.6 Members should bear in mind, however, that the determination period expires on 1 December 1999. This requires that either a decision is made at this meeting, or that Officers exercise their delegated authority to determine the submission before the 1 December. There is no opportunity to defer this matter as this will result in the applicants gaining a deemed approval.

Relevant Planning History

- 5.7 99/00593/DPDP24 was the prior notification application in relation to the 15m pole, referred to above. These proposals are now withdrawn.

Consultations and Representations

- 5.8 **Rayleigh Town Council** indicates that it supports the concerns of local residents on aesthetic grounds and considers it to be out of character with the area. Whilst it recognises that these proposals are not for a mobile phone transmitter, its view is that, whilst there are any safety doubts in relation to such installations, they should not be permitted. If consent is given only the one dish proposed should be permitted.
- 5.9 One letter of objection has been received raising, in the main, the following issues
- the mast will be obtrusive, dominant and out of character with the residential area,
 - it represents a potential health hazard,
 - it will have a detrimental impact on property prices,
 - it may lead to future proliferation of such installations in the area,
 - similar proposals in neighbouring Castle Point district have recently been refused.
- 5.10 (Whilst, at the time of drafting this report only one response had been received to the proposals, it is pertinent to bear in mind that 16 letters and a 302 name petition were received in objection to the earlier proposals, 99/00593, now withdrawn)
- 5.11 The **Head of Housing, Health and Community Care**, in relation to the earlier proposals, indicated that SI28 should be applied to any consent.

Material Planning Considerations

- 5.12 In this case the authority must concern itself only with the issues of the siting and appearance of the structure. With regard to appearance, the proposals represent a simple pole with a top mounted receiving dish. In this case neither a bulky lattice tower or a multiplicity of antennae of different sizes on a substantial headframe are proposed. Nevertheless, the height of the facility, at 12m, will be greater than the existing adjacent house (at approx 8-9m).

- 5.13 Apart from the telephone exchange itself, which is a rather innocuous single storey building, the area has an established residential character which, despite its simplicity, the proposed mast is at odds with although it is screened to a certain degree by relatively mature trees on and about the application site. This inappropriateness is further heightened by the views that would be had of the facility both from Ridgeway, but particularly from Burrows Way. From here, due to land levels, the mast would be viewed as a prominent feature located on higher ground
- 5.14 Despite the apparent incongruity of the proposed structure in a residential area, Members will want to bear in mind decisions that have been made, at appeal, in relation to other locations. For instance at the Hockley Telephone Exchange a 15m lattice tower with 6 sector antennas was proposed in a residential area. Despite a refusal from this authority, these proposals were granted at appeal. That proposal is far more visually damaging than this current proposal. In those proposal the applicants made an assessment of the alternative locations available, and formed an argument as to why that proposed was required. Similarly an appeal was allowed for a monopole adjacent to Rochford Station
- 5.15 In this case no assessment of alternative locations or options have been presented in which case, it is reasonable to argue that the impact of the proposals on the character and appearance of the area is unacceptable. However, it is considered that if such justification were demonstrated then the case on visual impact is unlikely to be sustainable
- 5.16 With regard to siting, as indicated above, the applicants have supplied no information to support the requirement for the identified location. They point out that radio links of this nature are made in response to customer orders that are unpredictable and therefore cannot be planned for in a comprehensive manner. Despite this unpredictability, it is considered that a basic assessment of alternative locations or options is possible, with some reasoning as to why any alternative locations are not available, or suitable
- 5.17 Many local residents who responded to the earlier application, and the response received so far in relation to these proposals, raise concerns in relation to the health implications of the proposals. The government's advice on this matter remains that there are no proven health impacts from installations that are required to allow for the expansion of mobile phone technology. Despite that, research into the matter is ongoing. In the meantime, the government does not consider that there is sufficient evidence to require that a precautionary approach be adopted. However, the Local Planning Authority control in this case is restricted to siting and appearance only, not to matters of principle or matters relating to health.

Conclusion

- 5.18 Whilst constituting a simple design, it is considered that the proposed installation will be at odds with and therefore harmful to the established residential character of the area. However, in the light of experience elsewhere it is considered a refusal will only be tenable on appeal on the basis that inadequate justification for the site proposed, and/or information in relation to an assessment of alternative sites, has been supplied. It is therefore not possible to be conclusive as to whether alternative sites, which will have less harmful impacts, are possible

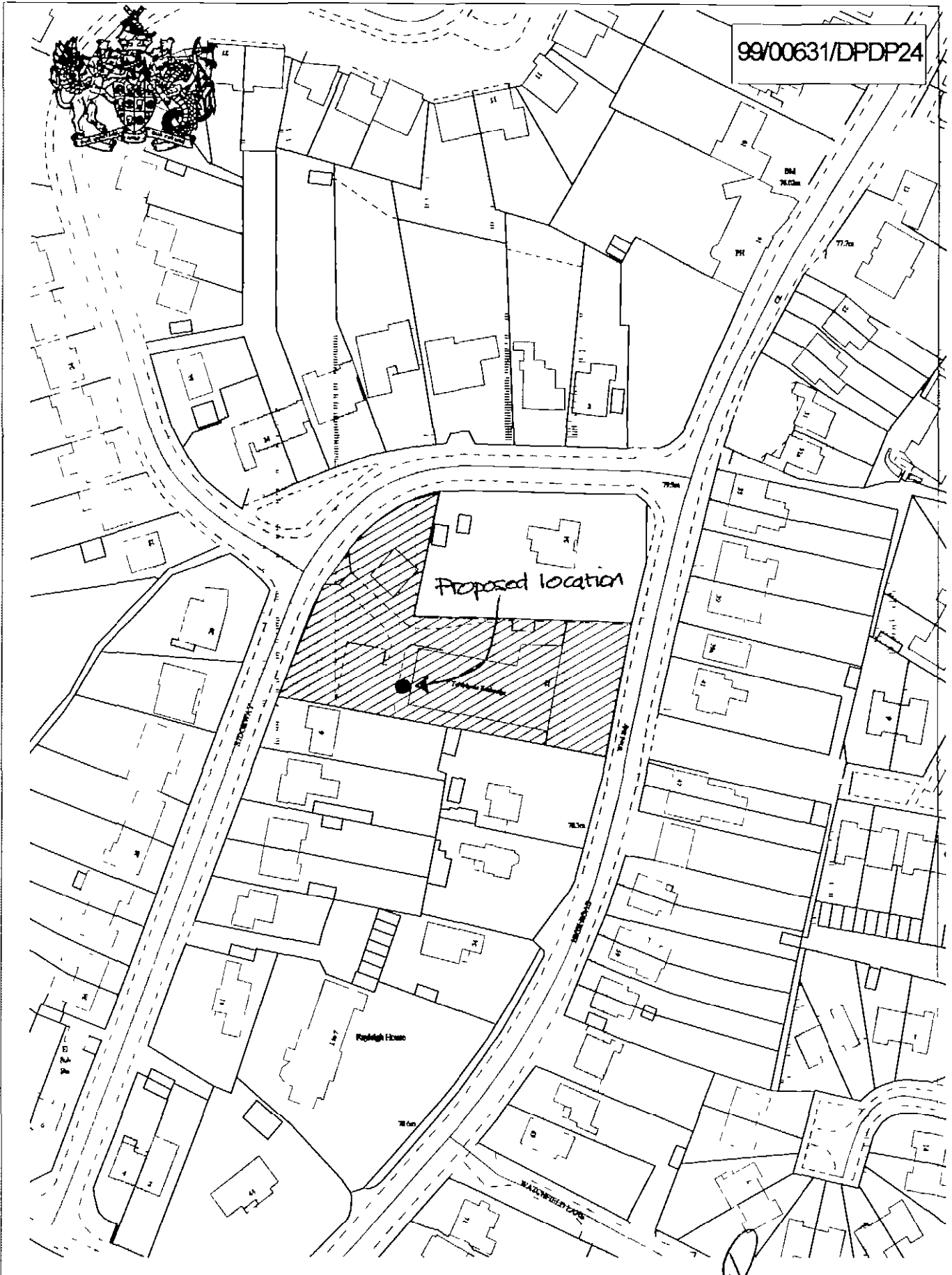
Recommendation that this Committee resolves:

- 5.19 That prior approval is **REFUSED** for the following reason



- 1 The proposed installation is located in an area that has an established predominantly residential character. The installation is considered to be at odds with and harmful to that character by virtue of its height and its alien nature in comparison with the existing character of the area. No information has been supplied with the application with regard to the assessment of alternative locations for the installation proposed with reasons why such alternative locations are not acceptable or appropriate. Without such assessment it is considered that alternative, possibly more acceptable locations will not have been identified or considered.

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Committee Report

6.



Rochford District Council

To the meeting of **PLANNING SERVICES COMMITTEE**
On : **25 NOVEMBER 1999**
Report of **CORPORATE DIRECTOR (LAW, PLANNING & ADMINISTRATION)**
Title **INSTALLATION OF A NEW SHOPFRONT FOR THE ROCHFORD
GREAT WALL RESTAURANT
6 EAST STREET, ROCHFORD**
Author . **Julie Morgan**

Application No **99/00420/FUL**
Applicant **MR M. CHEUNG & MR M. CHAN**
Zoning : **RESIDENTIAL
CONSERVATION AREA**
Parish. **ROCHFORD PARISH COUNCIL**

Planning Application Details

- 6.1 This is an application for the installation of a new shop front to the front elevation of the Great Wall Restaurant in Rochford, to be achieved by adapting alterations previously carried out to the premises. This planning application is one of three planning applications that have been submitted recently in relation to this site, as a result of planning enforcement negotiations and informal planning advice.
- 6.2 The proposal includes retaining the cement rendering to the external face of the ground floor with the insertion of new traditional timber window frames to match those as existing on the first floor. The glass in the windows is to be clear. The first floor external weather boarding finish is to remain untouched. The existing balcony feature that runs along the entire frontage of the building is also to be kept in its present form. A fascia board is to be retained the width of the two storey building.
- 6.3 The site is located within the Rochford Conservation Area.

Relevant Planning History

- 6.4 The relevant and most recent planning permissions granted in relation to this site are listed below:
- CU/0586/96/ROC
Planning permission for the change of use from retail outlet to restaurant use granted by Appeal, reference number T/APP/B1550/A/97/278929/P8

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- F/0317/98/ROC

Planning permission granted for a ground floor side and rear extension. The proposal has been implemented This permission is subject to six conditions.

- 99/00322/ADV

A proposal to display an externally illuminated fascia sign at 6 East Street, Rochford This proposal is under consideration awaiting determination of the application subject of this report

- 99/00554/FUL

A proposal to vary a condition to allow a home delivery service to operate from 6 East Street, Rochford. This application is the following item on the Schedule.

Consultations and Representations

- 6.5 **The County Surveyor** raises no objection
- 6.6 **The County Planner (Archaeological Advice)** confirms that no archaeological condition is required
- 6.7 **Rochford Parish Council** objects to the original proposal, as it is not compatible with the street scene and/or Conservation Area. Any views received regarding the revised plans will be reported verbally to the Committee
- 6.8 **The County Planner (Listed Building and Conservation Advice)** advises that these revisions (to the proposal) are an improvement, in as much as the large windows are sub-divided, and look much more attractive and appropriate for the building.
- 6.9 **The Head of Corporate Policy and Initiatives** has no comment,
- 6.10 **Rochford Hundred Amenities Society** – Our Committee has discussed and obtained the opinion of David Charles A R I B A who lives in East Street We considered that the original proposal design and colour scheme are unsympathetic to the Conservation Area. Any views received regarding the revised plans will be considered in due course.

Material Planning Considerations

- 6.11 In considering this planning application, the material planning considerations to regard are Planning Policy and the external appearance of the development as proposed
- Planning Policy**
- 6.12 The site is located within the Rochford Conservation Area In this particular location there is a need for an appropriate and sympathetic design to be sought in order to protect and enhance the appearance and character of the area.
- 6.13 The original application was submitted retrospectively for the current shop front design which was installed without planning permission at the same time as the extensions granted permission under ref. F/0317/98/ROC were built. However, this design was not considered appropriate in the Conservation Area, and so revised proposals have been negotiated, which are now considered to be suitable for this location.

- 6 14 Notwithstanding the revised details submitted for the proposed shopfront, the glazing bars proposed in the ground floor windows, the glaze, and the window frames details shall all be covered by condition. In order to secure details which are acceptable and achieve continuity and symmetry between the remainder of the building frontage and that proposed The overall impact of the external appearance of the whole building will therefore be compatible.
- 6 15 These revised proposals have regard to Policy UC1, and Policy UC3 of the adopted Local Plan. These policies contained within the Local Plan require the development to improve the appearance of buildings, and have regard to design policies as listed and those contained in Appendix 7 of the adopted Local Plan.

Conclusion

- 6 16 After considerable liaison between the Agent and the specialist advisor the County Planner (Listed Building and Conservation Advice), and revisions to this shopfront scheme proposal, the revised planning application now meets with the approval of the Specialist Advisor The proposal also meets the design criteria for Shopfront Design in Conservation Areas, as contained within the policies of the Essex County Council supplementary planning advice and the adopted Local Plan.

Recommendation that this Committee resolves

- 6.17 That the Corporate Director (Law, Planning and Administration) be instructed to determine the application on the expiry of the re-consultation period and the following Conditions
- 1 The shopfront hereby approved including the requirements of the other conditions hereby imposed shall be completed in full on the premises within 4 months of the date of this permission
 - 2 The thickness of the glazing bars as proposed, are not to exceed the size of those glazing bars as existing on the first floor windows to the street frontage
 - 3 Notwithstanding the details indicated on the submitted plan hereby approved, the windows shall be of timber construction to match those existing at first floor level in accordance with details previously submitted to and agreed in writing by the Local Planning Authority. The windows shall be painted black, again to match the existing units and thereafter retained as such.
 - 4 The glazing to the ground floor windows of the shopfront hereby approved, shall be of a clear glaze and thereafter retained as such.





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Committee Report

7.



Rochford District Council

To the meeting of **PLANNING SERVICES COMMITTEE**
On **25 NOVEMBER 1999**
Report of **CORPORATE DIRECTOR (LAW, PLANNING & ADMINISTRATION)**
Title **VARIATION OF A CONDITION TO ALLOW A HOME DELIVERY SERVICE**
6 EAST STREET, ROCHFORD
Author **Julie Morgan**

Application No **99/00554/FUL**
Applicant **MR CHEUNG & MR CHAN**
Zoning **RESIDENTIAL CONSERVATION AREA**
Parish **ROCHFORD PARISH COUNCIL**

Planning Application Details

- 7.1 This planning application is the most recent of three planning applications that have been submitted recently in relation to this site, as a result of planning enforcement negotiations and informal planning advice.
- 7.2 This planning application, reference 99/00554/FUL, is a proposal to vary a condition to allow a home delivery service from the existing restaurant. The relevant condition attached to the current permission which was allowed on appeal restricts the sale of hot food for consumption off the premise and is set out below.

Relevant Planning History

- 7.3 The relevant and most recent planning permissions granted in relation to this site are listed below:
- CU/0586/96/ROC
Planning permission for the change of use from retail outlet to restaurant use granted by Appeal, reference number T/APP/B1550/A/97/278929/P8. The Planning Inspector attached six conditions to the permission granted, which has been implemented. Conditions 5 and 6 are relevant to this application;

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Condition 5 – “The premises shall not be open for customers outside the following hours –
08.00 – 23.30 Monday to Saturday
10.00 – 23.00 Sundays”

Condition 6 – “The premises shall not be used for the sale of hot food for consumption off the premises ”

Reasons for conditions 5 & 6 - The Planning Inspector attached these two conditions in the interests of residential amenity and to avoid unauthorised on-street parking.

- F/0317/98/ROC

Planning permission granted for a ground floor side and rear extension. The proposal has been implemented. This permission is subject to six conditions, and Condition No 6 is relevant to this application. It indicates an area of the site that shall be kept available at all times for refuse bin storage, in the interests of residential amenity. This condition has been observed in the consideration of this application, in the light of adequate provision for parking within the site.

- 99/00322/ADV

A proposal to display an externally illuminated fascia sign. This proposal is being held pending the decision on the details of the new shopfront proposed under planning application 99/00420/FUL.

- 99/00420/FUL

A proposal to install a new shopfront This application is the preceding item on the schedule

Consultations and Representations

- 7.4 The County Surveyor (Highways) considers this to be de-minimis,
- 7.5 The Head of Housing & Community Care has no adverse comments, but in the circumstances advise appending a condition to any permission granted to prohibit the operation of any home delivery service outside of the current opening hours of the restaurant,
- 7.6 The County Planner (Historic Buildings and Design Advice) does not wish to comment,
- 7.7 The Head of Corporate Policy and Initiatives has no comment,
- 7.8 Three letters of objection were received from local residents and a local business, on the grounds of increased traffic movement, car parking and cooking fumes.

Material Planning Considerations

- 7.9 In the light of this proposal uniquely for a delivery service of hot food ancillary to the operation of the restaurant, and not for a general take-away, the policies and material planning considerations must be considered with their appropriate weighting. The reasons given for attaching the current condition restricting the take-away operation from these premises, are in the interests of residential amenity and highway safety. The Inspector in imposing this condition considered any application to seek take-away use could be considered on its merits, the question of a delivery service did not figure in his deliberation or justification for the condition. However, given the wording of the condition, the proposed home delivery services also requires planning permission.
- 7.10 The application site, is one of 3 commercial units on this side of East Street to the east of Qurys Lane, two restaurants and an off-licence with a public house opposite

- 7 11 The other Restaurant at 8 East Street is also subject of a similar condition. An application to delete the condition was submitted on the basis of a proposed take-away use. That application was refused and on appeal dismissed, the Inspector considered the take-away use would involve unacceptable levels of traffic generation given the limited public parking nearby and the trend of take-away customers of parking their vehicles as close as possible to the food premises. The Inspector however, noted the nature of the commercial premises nearby and did not think it would result in an unacceptable level of disturbance. The question of a home delivery service did not arise.
- 7 12 Similar, an appeal to allow a take-away use at the Restaurant at 45 North Street was dismissed on appeal. However, again the question of a home delivery service was not at issue.
- 7 13 **Planning Policy**
The site is located within the Rochford Conservation Area. The proposal complies with all of the relevant policies contained within the adopted Local Plan in terms of Town Centre and Conservation Area proposals albeit that no specific policy relates to the use applied for.
- 7 14 **Residential Amenity**
To the east of the site, is another A3 (food and drink) use at the adjacent unit along this frontage. Further along the road adjacent to this, is a residential development of flatted accommodation, known as 'Saxon Place'. The flats in closest proximity to the site are No.'s 6 - 15 Saxon Place.
- 7 15 The proposal is unlikely to generate a significant increase in traffic to the site, nor proposes to attract crowds of customers to the area as take-away uses frequently do. The applicant explains that the deliveries would operate from a single vehicle between the existing hours of operation of the restaurant which would be parked in the small staff car park to the rear of the premises accessed via Quys Lane. This is unlikely to cause any significant harm to the amenity of residents in the vicinity of the site.
- 7 16 **Highway Safety**
The site has existing space adequate for the provision of two vehicle parking space within the site, the use of which does not pose any detriment or hazard to highway safety. This proposal is unlikely to have any significant impact in this regard and is considered in the light of material planning considerations irrespective of the parking situation along Quys Lane. This is a small access road running alongside the rear of the site and there is sufficient access along it to allow access to and from the site onto East Street.
- 7 17 The delivery service would not attract additional customers to the site, as the operation of the service would rely on a single delivery vehicle operating from the site, and thus no increase in potential traffic hazards is proposed.

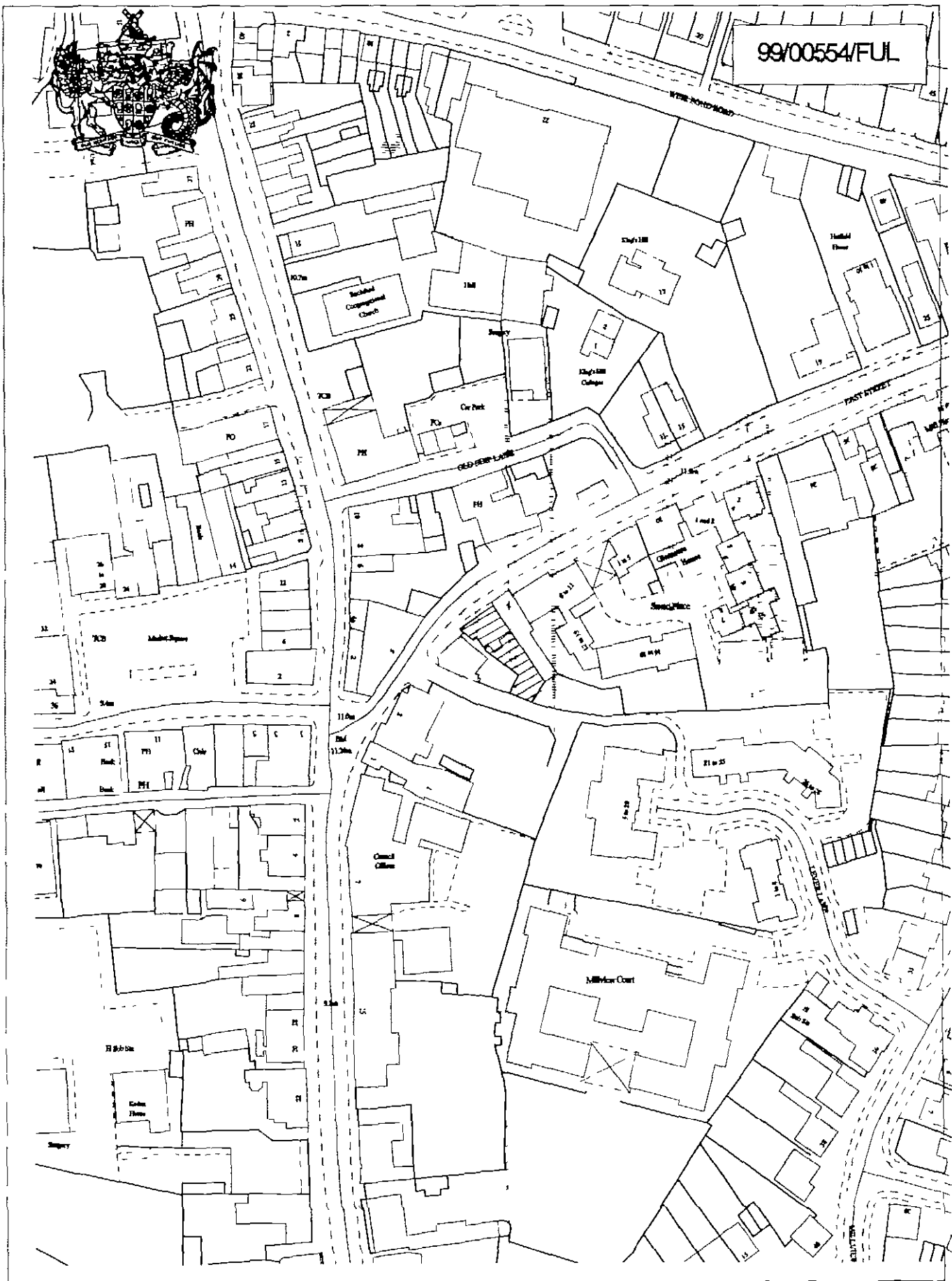
Conclusion

- 7 18 This application is specifically for the operation of a home delivery service to operate from the site. No proposal for a take-away use has been put forward and is not being considered in this application. The two different uses do raise different considerations and the appeals mentioned above in relation to take-away use do not make a case to resist the proposed home delivery service.
- 7.19 As stated, this application is to vary an existing condition that restricts the use of this site from the sale of hot food for consumption off the premises. The reasons given for the condition attached to the current planning permission are in the interests of residential amenity and highways safety.
- 7.20 However, this application for a delivery service, as a distinct operation from a 'take-away', and is unlikely to significantly affect the amenity of residents nor highways safety.

Recommendation that this Committee resolves

721 That the Corporate Director (Law, Planning and Administration) recommends that this application be **APPROVED** subject to the following Conditions:

- 1 SC34 Floodlights - Prohibited
- 2 SC76 Parking and Turning Space
No home delivery service shall operate before provision has been made within the site for the parking of two vehicles, in accordance with the details shown on approved drawing no. 7535b, revised plan dated 7 July 1998 on application F/0317/98/ROC one space to be marked out and used for the delivery vehicle the other space to be used for staff car parking. Thereafter, such areas of the site shall be retained and maintained in the approved form and used for no other purpose which would impede the parking of vehicles.
- 3 The home delivery service, namely food taken off the premises for consumption elsewhere, hereby permitted shall not operate outside the hours of 08.00 – 23.30 Monday to Saturday, and
- 4 10.00 – 23.00 on Sundays
The home delivery service hereby permitted shall relate only to the delivery of food for consumption off the premises via a delivery vehicle operating from the site. At no time whatsoever does this permission allow a take-away service including customers visiting the premises for purposes of placing food orders, the collection of food orders, or other purposes relating to the sale of hot food for consumption off the premises



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Committee Report

8.



Rochford District Council

To the meeting of. **PLANNING SERVICES COMMITTEE**
On : **25 NOVEMBER 1999**
Report of **CORPORATE DIRECTOR (LAW, PLANNING & ADMINISTRATION)**
Title : **DEMOLISH EXISTING DWELLING AND ERECT 2 FOUR BED
HOUSES WITH INTEGRAL GARAGES
15 THE CHASE, RAYLEIGH**
Author **Kevin Steptoe**

Application No **99/00596/FUL**
Applicant . **F WITHRINGTON & SONS**
Zoning : **RESIDENTIAL**
Parish. **RAYLEIGH TOWN COUNCIL AREA**
Site Frontage. **19.95m** Site Depth. **40m** Site Area: **798sqm**

Planning Application Details

- 8.1 This application is one of a group of three applications that have been submitted in relation to this site. The first of those three applications (this one) proposes the demolition of an existing bungalow on the site and its replacement by two new two storey dwellings. The other two applications deal with each of the plots individually, each proposing the demolition of the existing bungalow, and the building of the replacement dwellings in its place.
- 8.2 The main difference between the applications is with regard to the width of the dwellings proposed, even then the changes are only slight. The two dwellings in this application are 7.15m and 8.8m wide respectively for plots 1 and 2, (with 1m separation either side gives plot widths of 9.15m and 10.8m). On the individual dwelling applications the dwelling widths are both 7.15m.
- 8.3 The two dwellings proposed here both have fully hipped roofs. The narrower dwelling has a front gabled projection and integral single garage. The wider of the two dwellings also has an integral, but more generous, single garage. There is a slightly projecting front gable and, at the ground floor, there is a side projection accommodating the garage and rear lounge.

Relevant Planning History

- 8.4 An application for the demolition of the existing bungalow and the replacement with two new dwellings was made in May 1999. That application was withdrawn.

Consultations and Representations

- 8 5 The **County Surveyor** recommends the addition of conditions to any permission dealing with the construction of a vehicular access splay, the material to be used for the vehicle parking area and to ensure that sufficient space is provided within the site for vehicles.
- 8 6 The **Environment Agency** and **Anglian Water** have no objections
- 8 7 The **Head of Leisure and Client Services** has no objections
- 8.8 **Rayleigh Town Council** has no objections.
- 8 9 The Rayleigh Civic Society comment that one of the dwellings proposed here is wider than that proposed under the separate applications and, as a result, will present a more cramped appearance than if the two separate applications were implemented. Also comment in relation to materials.
- 8.10 Letters of objection have been received from four residents and, in the main, the following points are raised:
- the proposed dwellings are out of character with, or will have a detrimental impact on the character of the area, including increasing density and representing overdevelopment,
 - the existing mixed form of development in the area will be lost,
 - inadequate parking will be available,
 - infrastructure, for example drainage, is insufficient, or will not be available,
 - there will be unacceptable impact on the amenity of neighbouring occupiers,
 - existing vegetation at the rear should be retained

Material Planning Considerations

- 8.11 In this case the material issues are considered to be
- the impact of the development on the character of the area,
 - the impact of the development in relation to neighbouring amenity, and,
 - the adequacy of the development in relation to Local Plan guidelines

Character

- 8 12 The Chase is an area of mixed forms of development. There currently exists bungalows, chalets and houses. The frontage widths of the plots vary, but none are exceptionally generous. There are many examples of dwellings in the street with plot widths of 9 or 10m and up to around 15m. Those proposed here are 9.15m and 10.8m. Frontage treatment and garaging arrangements in the street are mixed, there being examples of frontage area hardstandings and integral garages. There is a fairly uniform set-back distance between dwellings and highway of 6-8m. That is followed in this development.
- 8.13 In terms of building heights, these too vary along the road. The new property currently under construction at 11a, is to have a height of 8.5m to the ridge. The proposed dwellings are to have a height of 9m, whilst the existing established dwelling to the north has a ridge height of 9.4m approx.

Amenity

- 8.14 Both of the proposed properties have windows to ground floor rooms to the sides although these are not principle windows to main rooms. Any inter-relationship problem between them and the surrounding properties however, can be mitigated by fencing. 6ft fencing already exists to the northern boundary of the site (adj. no. 17) and the property to the south is currently under construction. At first floor level obscure glazing is to be used to avoid any poor inter-relationship between windows which in any case only serve bathrooms, en-suites or landings.
- 8.15 To the north, no17 has blank gables facing the site so there is no overlooking from that aspect. To the rear is an existing property at 54 Leslie Road. Again this has a blank gable facing the site. This gable is approx. 25m from the rear of the proposed dwellings. Given this separation, which is as set out in the Essex Design Guide, and the intervening planting, which is substantial, together with the existing pattern of development that exists here already it is considered that the relationship here is also acceptable.

Local Plan Guidelines.

- 8.16 Both of the proposed properties are to be provided with gardens which are in excess of the minimum 100sqm guideline. Similarly both properties are to have the full 1m separation to both sides without any intervening protrusions. Each will also have three car parking spaces in accordance with the minimum guidelines.

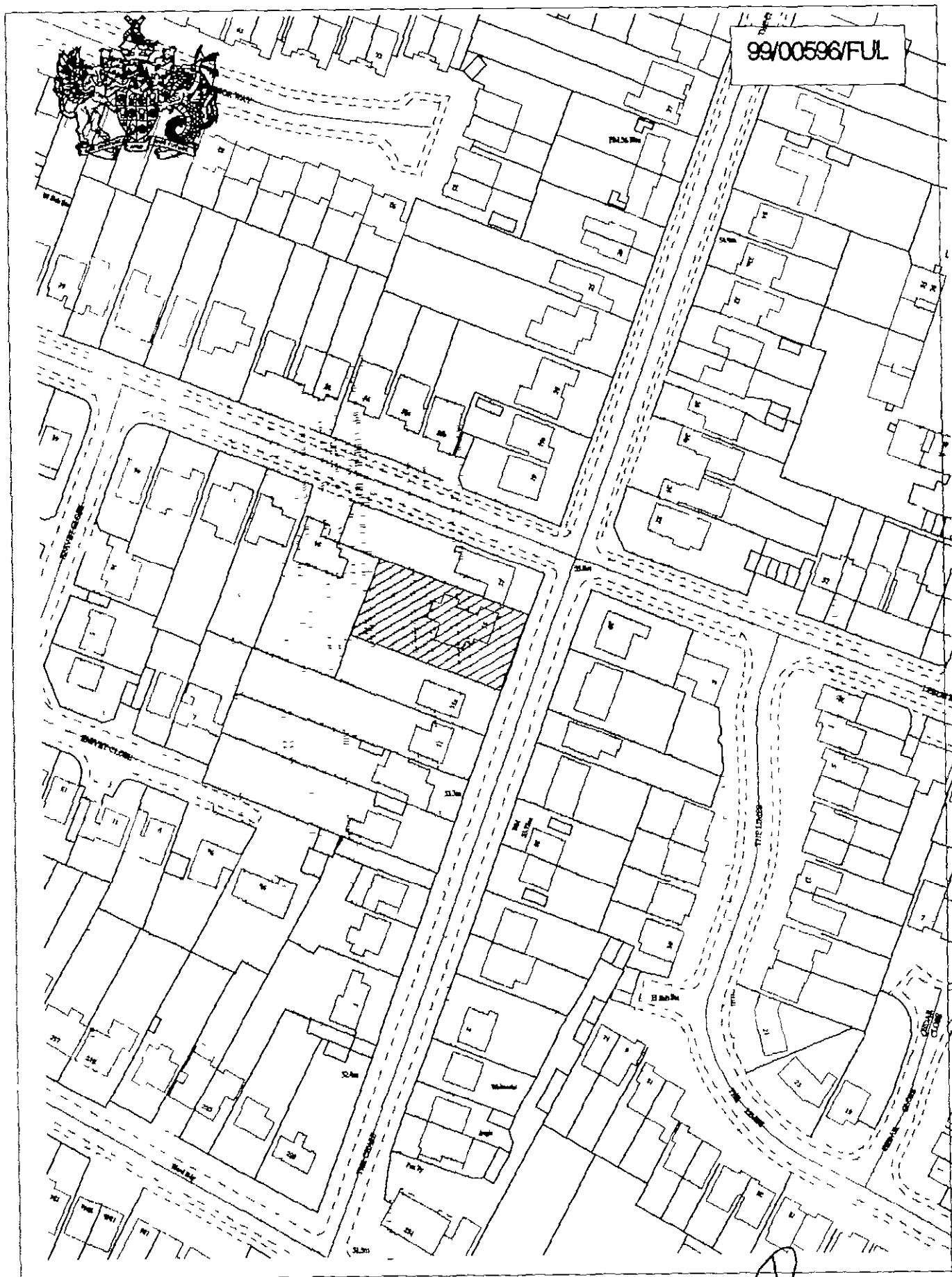
Conclusion

- 8.17 The proposals are considered acceptable both in meeting the minimum guidelines laid down in the Local Plan for dwellings of this type, and in relation to the impact they have on the character of the locality and the amenity of existing and future residents.

Recommendation that this Committee resolves:

- 8.18 That this application be **APPROVED** subject to the following conditions:

- 1 SC4 Time limits
- 2 SC9A Removal of existing building
- 3 SC14 Materials to be used
- 4 SC22A Permitted development restriction – windows to side elevations
- 5 SC23 Permitted development restriction – obscure glazing
- 6 SC50A Means of enclosure
- 7 SC64A Visibility Splays
- 8 SC81 Garage and hardstand
- 9 SC75 Parking and turning



99/00596/FUL

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Committee Report

9.



Rockford District Council

To the meeting of: **PLANNING SERVICES COMMITTEE**

On **25 NOVEMBER 1999**

Report of . **CORPORATE DIRECTOR (LAW, PLANNING & ADMINISTRATION)**

Title . **DEMOLISH EXISTING DWELLING, SUB DIVIDE PLOT AND
ERECT ONE FOUR BED HOUSE WITH INTEGRAL GARAGE (PLOT
1 OF 2).
15 THE CHASE, RAYLEIGH**

Author . **Kevin Steptoe**

Application No **99/00597**

Applicant **F WITHRINGTON & SONS**

Zoning **RESIDENTIAL**

Parish **RAYLEIGH TOWN COUNCIL AREA**

Site Frontage **9.15m** Site Depth **40m** Site Area **366sqm**

Planning Application Details

- 9.1 This application is one of a group of three applications that have been submitted in relation to this site. This application proposes the demolition of the existing bungalow, the sub-division of the plot and the erection of one new two storey dwelling. Both other applications also proposed the demolition of the existing bungalow. One puts forward the two new properties on the site together, the other deals with only one (which would be a second to accompany that of this application).
- 9.2 The main difference between the applications is with regard to the width of the dwellings proposed, even then the changes are only slight. The dwelling in this application is to be 7.15m in width (with 1m separation to either side taking the plot width to 9.15m). The other single dwelling application is also one of 7.15m width, but with wider side separation. The application dealing with the two dwellings proposes that they be one of 7.15m width and one of 8.8m width. The dwelling proposed here has a fully hipped roof, apart from a front gabled projection. It has an integral single garage.

Relevant Planning History

- 9.3 An application for the demolition of the existing bungalow and the replacement with two new dwellings was made in May 1999. That application was withdrawn.

Consultations and Representations

- 9 4 The **County Surveyor** recommends the addition of conditions to any permission dealing with the construction of a vehicular access splay, the material to be used for the vehicle parking area and to ensure that sufficient space is provided within the site for vehicles.
- 9 5 The **Environment Agency** and **Anglian Water** have no objections
- 9 6 The **Head of Leisure and Client Services** has no objections.
- 9.7 **Rayleigh Town Council** has no objections
- 9.8 The Rayleigh Civic Society comment that the approval of the two individual dwelling proposals would be preferable to that which deals with both of them as a greater distance would be achieved between the dwellings on plot 2 and the existing no17
- 9 9 Letters have been received from four households objecting in the main, the following points are raised:
- the proposed dwelling is out of character with, or will have a detrimental impact on the character of the area, increasing density and representing overdevelopment,
 - the existing mixed form of development in the area will be lost,
 - inadequate parking will be available,
 - infrastructure, for example drainage, is insufficient, or will not be available,
 - there will be unacceptable impact on the amenity of neighbouring occupiers,
 - existing vegetation at the rear should be retained

Material Planning Considerations

- 9 10 In this case the material issues are considered to be:
- the impact of the development on the character of the area,
 - the impact of the development in relation to neighbouring amenity, and,
 - the adequacy of the development in relation to Local Plan guidelines.

Character

- 9 11 The Chase is an area of mixed forms of development. There currently exists bungalows, chalets and houses. The frontage widths of the plots vary, but none are exceptionally generous. There are many examples of dwellings in the street with plot widths of 9 or 10m and up to around 15m. That proposed here is 9.15m. Frontage treatment and garaging arrangements in the street are mixed, there being examples of frontage area hardstandings and integral garages. There is a fairly uniform set-back distance between dwellings and highway of 6-8m. That is followed in this development
- 9 12 In terms of building heights, these too vary along the road. The new property currently under construction at 11a, is to have a height of 8.5m to the ridge. The proposed dwelling is to have a height of 9m, whilst the existing established dwelling to the north has a ridge height of 9.4m approx. Even if only this application were to be allowed, the existing bungalow would have to be demolished.

Amenity

- 9.13 The proposed property does have windows at ground floor rooms to the sides although these are not principle windows to main rooms. Any inter-relationship problem between it and the surrounding properties however can be mitigated by fencing. At first floor level obscure glazing is to be used to avoid any poor inter-relationship between windows which in any case only serve a bathroom, ensuite and landing.
- 9.14 To the rear is an existing property at 54 Leslie Road. This has a blank gable facing the site. This gable is approx. 25m from the rear of the proposed dwelling. Given this separation, which is as set out in the Essex Design Guide, and the intervening planting, which is substantial, together with the existing pattern of development that exists here already, it is considered that the relationship here is also acceptable.

Local Plan Guidelines.

- 9.15 The proposed property is to be provided with a garden which is in excess of the minimum 100sqm guideline. The property is to have the full 1m separation to both sides without any intervening protrusions. It will also have three car parking spaces in accordance with the minimum guidelines.

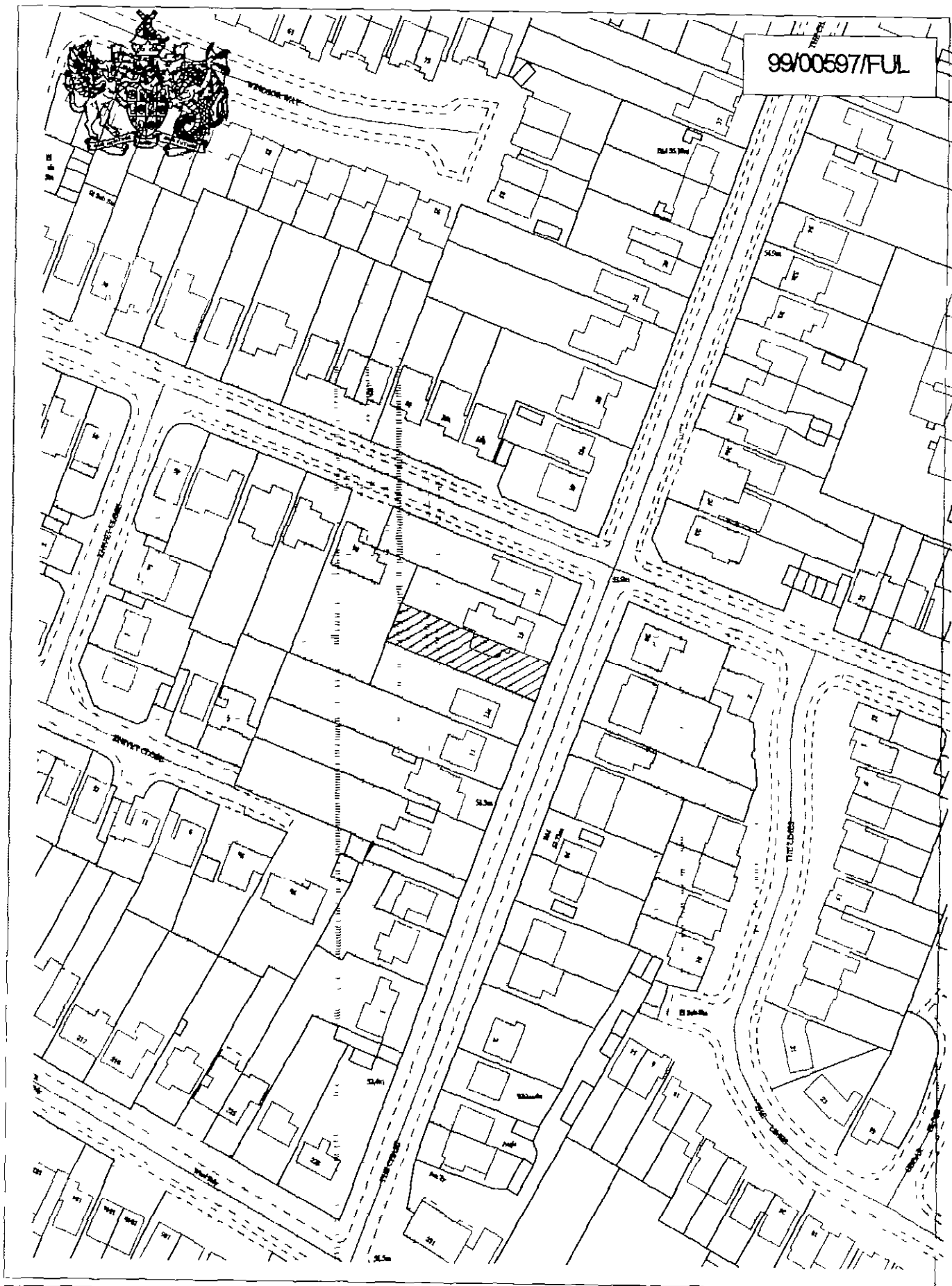
Conclusion

- 9.16 The proposals are considered acceptable both in meeting the minimum guidelines laid down in the Local Plan for dwellings of this type, and in relation to the impact they have on the character of the locality and the amenity of existing and future residents.

Recommendation that this Committee resolves

- 9.17 That this application be **APPROVED** subject to the following conditions:

- 1 SC4 Time limits
- 2 Non standard – demolition of existing dwelling
- 3 SC14 Materials
- 4 SC22A Permitted development restriction – windows
- 5 SC23 Permitted development restriction – obscure glazing
- 6 SC50A Means of enclosure
- 7 SC64A Visibility splays
- 8 SC81 Garage and hardstand
- 9 SC75 Parking and turning



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Committee Report

10.



Rochford District Council

To the meeting of **PLANNING SERVICES COMMITTEE**
On **25 NOVEMBER 1999**
Report of **CORPORATE DIRECTOR (LAW, PLANNING & ADMINISTRATION)**
Title **DEMOLISH EXISTING DWELLING, SUB DIVIDE PLOT AND
ERECT ONE FOUR BED HOUSE WITH INTEGRAL GARAGE.
(PLOT 2 OF 2).
15 THE CHASE, RAYLEIGH**
Author **Kevin Steptoe**

Application No **99/00598**
Applicant **F WITHRINGTON & SONS**
Zoning : **RESIDENTIAL**
Parish **RAYLEIGH TOWN COUNCIL AREA**
Site Frontage **10.8m** Site Depth **40m** Site Area **432sqm**

Planning Application Details

- 10.1 This application is one of a group of three applications that have been submitted in relation to this site. This application proposes the demolition of the existing bungalow, the sub-division of the plot and the erection of one new two storey dwelling. Both other applications also proposed the demolition of the existing bungalow. One puts forward the two new properties on the site together, the other deals with only one (which would be a second to accompany that of this application).
- 10.2 The main difference between the applications is with regard to the width of the dwellings proposed, even then the changes are only slight. The dwelling in this application is to be 7.15m in width (with 1m separation to one side and 2.65m separation to the other, taking the plot width to 10.8m). The other single dwelling application is also one of 7.15m width, but with only 1m side separation to both sides. The application dealing with the two dwellings proposes that they be one of 7.15m width and one of 8.8m width. The dwelling proposed here has a fully hipped roof, including that to the front gabled projection. It has an integral single garage.

Relevant Planning History

- 10.3 An application for the demolition of the existing bungalow and the replacement with two new dwellings was made in May 1999. That application was withdrawn.

Consultations and Representations

- 10.4 The **County Surveyor** recommends the addition of conditions to any permission dealing with the construction of a vehicular access splay, the material to be used for the vehicle parking area and to ensure that sufficient space is provided within the site for vehicles
- 10.5 The **Environment Agency** and **Anglian Water** have no objections
- 10.6 The **Head of Leisure and Client Services** has no objections.
- 10.7 **Rayleigh Town Council** has no objections
- 10.8 The **Rayleigh Civic Society** comment that the approval of the two individual dwelling proposals would be preferable to that which deals with both of them as a greater distance would be achieved between the dwellings on plot 2 and the existing no17
- 10.9 Letters have been received from four households objecting, in the main, the following points are raised:
- the proposed dwelling is out of character with, or will have a detrimental impact on the character of the area, increasing density and representing over development,
 - the existing mixed form of development in the area will be lost,
 - inadequate parking will be available,
 - infrastructure, for example drainage, is insufficient, or will not be available,
 - there will be unacceptable impact on the amenity of neighbouring occupiers,
 - existing vegetation at the rear should be retained.

Material Planning Considerations

- 10.10 In this case the material issues are considered to be:
- the impact of the development on the character of the area,
 - the impact of the development in relation to neighbouring amenity, and,
 - the adequacy of the development in relation to Local Plan guidelines

Character

- 10.11 The Chase is an area of mixed forms of development. There currently exists bungalows, chalets and houses. The frontage widths of the plots vary, but none are exceptionally generous. There are many examples of dwellings in the street with plot widths of 9 or 10m and up to around 15m. That proposed here is 10.8m. Frontage treatment and garaging arrangements in the street are mixed, there being examples of frontage area hardstandings and integral garages. There is a fairly uniform set-back distance between dwellings and highway of 6-8m. That is followed in this development
- 10.12 In terms of building heights, these too vary along the road. The new property currently under construction at 11a, is to have a height of 8.5m to the ridge. The proposed dwelling is to have a height of 9m, whilst the existing established dwelling to the north has a ridge height of 9.4m approx. Even if only this application were to be allowed, the existing bungalow would have to be demolished

Amenity

- 10 13 The proposed property does have windows in ground floor rooms to the sides although these are not principle windows to main rooms. Any inter-relationship problem between it and the adjacent property to the south can be mitigated by fencing 6ft fencing already exists to the northern boundary of the site (adj. no. 17) At first floor level obscure glazing is to be used to avoid any poor inter-relationship between windows which in any case only serves a bathroom, en-suite and landing
- 10 14 To the north, no 17 has blank gables facing the site so there is no overlooking from that aspect. To the rear is an existing property at 54 Leslie Road. This has a blank gable facing the site. This gable is approx. 25m from the rear of the proposed dwelling Given this separation, which is as set out in the Essex Design Guide, and the intervening planting, which is substantial, together with the existing pattern of development that exists here already it is considered that the relationship here is also acceptable.

Local Plan Guidelines.

- 10,15 The proposed property is to be provided with a garden which is in excess of the minimum 100sqm guideline. The property is to have the full 1m separation to both sides without any intervening protrusions Indeed, on the northern side it will be a separation distance of 2.65m It will also have three car parking spaces in accordance with the minimum guidelines

Conclusion

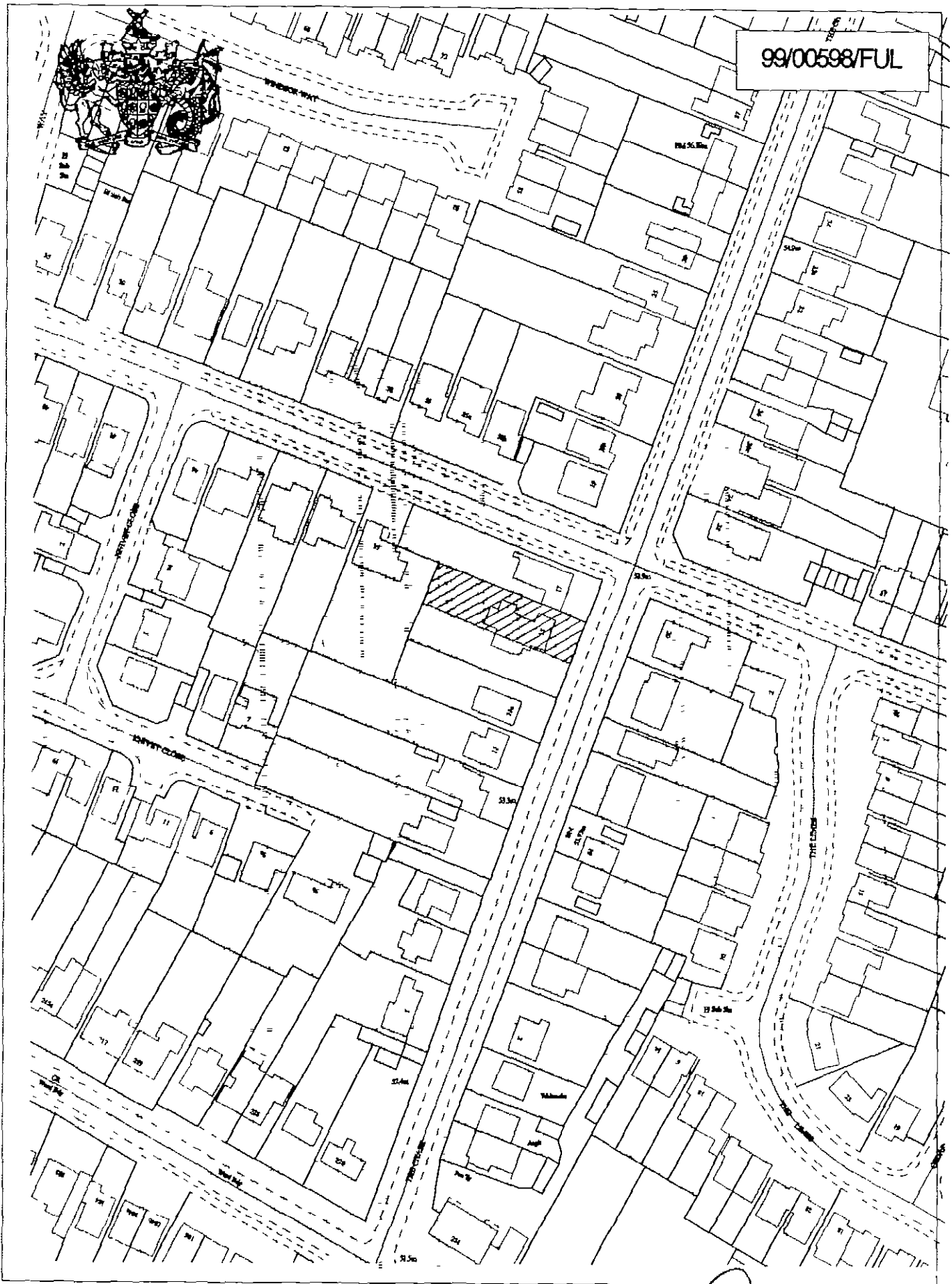
- 10,16 The proposals are considered acceptable both in meeting the minimum guidelines laid down in the Local Plan for dwellings of this type, and in relation to the impact they have on the character of the locality and the amenity of existing and future residents

Recommendation that this Committee resolves:

- 10,17 That this application be **APPROVED** subject to the following conditions.

- 1 SC4 Time limits
- 2 Non standard – demolition of the existing dwelling
- 3 SC14 Materials
- 4 SC22A Permitted development restriction – windows
- 5 SC23 Permitted development restriction – obscure glazing
- 6 SC50A Means of enclosure
- 7 SC64A Visibility splays
- 8 SC81 Garage and hardstand
- 9 SC75 Parking and turning

99/00598/FUL



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Committee Report

11.



Rochford District Council

To the meeting of **PLANNING SERVICES COMMITTEE**

On : **25 NOVEMBER 1999**

Report of . **CORPORATE DIRECTOR (LAW, PLANNING & ADMINISTRATION)**

Title **CHANGE OF USE OF A UNIT TO ORNAMENTAL STONE
MASON/ENGRAVER
FAIRWAYS GARDEN CENTRE**

Author . **Mark Mann**

Application No. **99/00564/COU**

Applicant **FAIRWAYS GARDEN CENTRE**

Zoning . **METROPOLITAN GREEN BELT/LANDSCAPE IMPROVEMENT
AREA**

Parish: **RAYLEIGH TOWN COUNCIL**

Planning Application Details

- 11.1 This retrospective application relates to the use of an existing unit as an ornamental stone mason/engraver. This is the first of two applications relating to Fairways Garden Centre.

Relevant Planning History

- 11.2 There has been a number of applications relating to this site over the years the most relevant being .

ROC/681/76 Planning permission granted for use of the site as a garden centre, subject to a number of conditions restricting the storage and display of goods to certain areas of the site.

ROC/681/79. Provision of a storage compound for the storage LPG cylinders. Planning permission granted subject to the use remaining ancillary to the garden centre use.

CU/0185/92/ROC Permission was refused for use of part of the site for the storage and display of caravans. This application was retrospective and was refused and at the same time Members of the Planning Services Committee authorised enforcement action. Subsequently the use was allowed on appeal provided the caravans were kept wholly within a compound area to the rear of the site. In allowing the appeal the Inspector was mindful that. "Granting approval would also help you [the applicant] to diversify your business operation, add in a small way to employment opportunities and provide a wider range of leisure products available to customers "

CU/0612/98/ROC This application related to the use of an existing building within the garden centre as a café. This was retrospective and was refused by Members of the Planning Services Committee at their meeting on the 2nd September 1999. The reasons for refusal were:

“Due to the hours of opening, the scale (including outside seating areas), the location and consequent impact upon the openness of the green belt between Rayleigh and Hullbridge, the café is contrary to Policies GB1 and GB5 of the Rochford District Local Plan.”

Consultations and Representations

- 11.3 **Essex County Council Highways.** No objections.
- 11.4 **Head of Housing, Health and Community Care.** Concerned about the potential for such a use to cause problems in terms of dust and noise. Suggest conditions to suppress noise and dust.
- 11.5 **Rayleigh Town Council** No objections provided it does not affect neighbours
- 11.6 **Neighbour Notification** A letter from the agents representing the Hanover Golf and Country Club has been received objecting to the proposal on the grounds that the proposal is:
- The proposed commercial activity is inappropriate in the green belt.
 - The proposal would intensify the use of the site to the detriment of highway safety

Material Planning Considerations

- 11.7 **Policy**
The material planning considerations are the relevant policies in the Development Plan. With respect to this application these are Policy GB1 and GB5 of the Local Plan and Policy S9 of the Essex Structure Plan. The above policies reflect national policy and advice contained within PPG2 Green Belts. Within the green belt, there is a presumption against any new building or change of use, subject to limited exceptions as stated in the Local Plan and PPG2. One of the exceptions is the change of use of buildings, which is generally permitted under Policy GB5, subject to certain conditions. A change in use of an existing building will not generally adversely affect the green belt as it will not have any impact on the openness of the green belt. However, such development should not include significant external works as they could have detrimental impact on the openness of the green belt.
- 11.8 In respect of the use as a ornamental stone mason/engraver, whilst not commonly associated with a garden centre use (and therefore requiring planning permission) it is of a such a modest scale that it is not considered to be inappropriate in this location. The size of the unit (5m x 7m) is small being about the size of the average double garage and this will limit the impact of the use, especially if conditions are attached to any permission to limit the use of power tools. The occupier of the unit will generally use a hammer and chisel for lettering the stone (generally headstones but also including garden ornaments and barbecues etc) with a small-scale sandblaster for the production of ornate patterns/pictures onto stone. With the nearest residential property being at least 60 metres away, the use will not pose a problem in terms of its impact on residential amenity. Another aspect that could effect the open character of the green belt is the traffic generated by the proposed use and this obviously has highway safety implications as well. However, the scale of the proposal is minor and bearing in mind the nature of the use and the existing uses within the garden centre site, it is not considered significant in highway safety terms. This view is echoed by the County Council (Highways) who raise no objections to the proposal.

11.9 **Planning History/Appeal Decision**

Another material consideration is the appeal decision allowing the use of part the garden centre site for the storage and display of caravans. In his decision letter the Inspector considered that the use of part of the site for the display and sale of caravans was in conflict with Policy GB1. However, he accepted that not all development proposals which are in conflict with this policy necessarily cause harm to the functioning of the green belt or to the appearance and character of the area, and there may be very special circumstances why such development should be allowed. He considered that there would be no harm done to the objectives of the green belt policy or to the appearance of the landscape or the character of the area if the caravans were kept wholly within the compound area which would screen them from view. Such a view is in accordance with green belt policy as detailed above. Similarly, in much the same way, this application will have little impact on the green belt as it will be contained within the existing building and the activities associated with it (customers coming and going, deliveries to the premises) would be insignificant compared to the rest of the activities on the site. Nevertheless, in order to ensure this remains the case, it is proposed to attach appropriate conditions to any subsequent permission. Lastly, the Inspector considered that on granting approval it would help the applicant to diversify his business operation, add in a small way to employment opportunities and provide a wider range of products available to customers. The approval of this application will do likewise.

Conclusion

- 11.10 The change of use of this unit to an ornamental stone mason/engraver is considered acceptable in terms of green belt policy. In addition, in the light of the Inspector's decision in relation to the caravan sale and display area, it will not cause any harm to the green belt and will help to diversify the business.

Recommendation that this Committee resolves:


- 11.11 That this application be **APPROVED** subject to the following conditions:

- 1 Details of a dust and noise suppression scheme shall be submitted to and approved in writing within one month of the date of this permission. Within 3 months of the date of this permission the approved suppression scheme shall be provided in full accordance with the approved scheme.
- 2 No machinery shall be operated outside the hours of 08:00 to 18:00 Monday to Saturday, nor any time on Sundays and Bank or Public Holidays. The premises shall not operate outside the hours of the garden centre.
- 3 Details of the sand blasting equipment shall be submitted to and approved in writing by the Local Planning Authority within one month of the date of this permission. The use of any additional power tools is prohibited unless the prior written consent of the Local Planning Authority is obtained.
- 4 SC28 Use Class restriction

99/00564/COU



7



Walford's Farm



2 1

—HULLBRIDG—

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Committee Report

12.



Rochford District Council

To the meeting of **PLANNING SERVICES COMMITTEE**
On **25 NOVEMBER 1999**
Report of **CORPORATE DIRECTOR (LAW, PLANNING & ADMINISTRATION)**
Title : **EXTENSION OF CARAVAN SALES AREA
FAIRWAYS GARDEN CENTRE HULLBRIDGE ROAD
RAYLEIGH**
Author **Mark Mann**

Application No **99/00565/COU**
Applicant **FAIRWAYS GARDEN CENTRE**
Zoning **METROPOLITAN GREEN BELT, LANDSCAPE IMPROVEMENT
AREA**
Parish **RAYLEIGH TOWN COUNCIL**
Site Area **3600m²**

Planning Application Details

- 12.1 This retrospective application relates to the extension of an existing caravan sales and display area, into an open area to the rear of the Fairways Garden Centre.
- 12.2 The existing sales area was granted on appeal, following the refusal of planning permission and the authorisation of enforcement action by this Committee, in 1992. The enforcement notice related to a larger area than that eventually approved by the Inspector. This current application includes all of the larger area and more. The area allowed on appeal was a compound area to the rear of some existing buildings, surrounded by a high fence. The Inspector considered that such a use in this area would not harm the objectives of green belt policy or the appearance and character of the area. He specifically excluded from his approval the remaining part of the area covered by the enforcement notice on the grounds that this area was open in character and should be kept as such in order to preserve the appearance of the garden centre and its impact on the green belt.

Relevant Planning History

- 12.3 There has been a number of applications relating to this site over the years the most relevant being:
- ROC/681/76** Planning permission granted for use of the site as a garden centre, subject to a number of conditions restricting the storage and display of goods to certain areas of the site.

ROC/260/80 Planning permission was refused for the use of part of the garden centre site for the storage of up to 15 caravans.

CU/0185/92/ROC. Permission was refused for use of part of the garden centre site for the storage and display of caravans. This application was retrospective and was refused and at the same time Members of the Planning Services Committee authorised enforcement action. Subsequently, the use was allowed on appeal provided the caravans were kept wholly within a compound area to the rear of the site. The Inspector specifically excluded part of the area the subject of this application as "to do so would encroach upon parts of the site which should be kept open to preserve the appearance of the garden centre and its impact upon the green belt and the rural area". The Enforcement Notice, insofar as it relates to part of the area the subject of this application, was upheld.

Consultations and Representations

- 12.4 **Essex County Council Highways.** No objections
- 12.5 **Rayleigh Town Council** No objections provided it does not affect neighbours.
- 12.6 **Head of Housing, Health and Community Care.** No adverse comments provided no caravan on the site is used for residential purposes unless a licence has been granted under the provisions of the Caravan Sites and Control of Development Act 1960
- 12.7 **Neighbour Notification.** A letter from the agents representing the Hanover Golf and Country Club has been received objecting to the proposal on the grounds that the proposal is
- The proposed commercial activity is inappropriate in the green belt
 - The proposal would intensify the use of the site to the detriment of highway safety.

Material Planning Considerations

- 12.8 **Planning policy**
The material planning considerations are the relevant policies in the Development Plan. With respect to this application these are Policy GB1 of the Local Plan and Policy S9 of the Essex Structure Plan. Government advice in the form of PPG2 (Green Belts) is largely reflected in the above policies. Within the green belt, there is a presumption against any new building or change of use, subject to only limited exceptions as stated in the Local Plan and PPG2. In essence, "The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the most important attribute of Green Belts is their openness." The use of the land outside the compound area for the sale and display of caravans has resulted in the loss of its open character and such a use is not considered to be an exception to the general presumption against inappropriate development in the green belt, i.e. such as that given to agricultural development
- 12.9 **History/Appeal Decision**
Another material consideration is the appeal decision allowing the use of part of the garden centre site for the storage and display of caravans. In his decision letter the Inspector considered that the use of part of the site for the display and sale of caravans was in conflict with Policy GB1. However, he accepted that not all development proposals which are in conflict with this policy necessarily cause harm to the functioning of the green belt or to the appearance and character of the area, and there may be very special circumstances why such development should be allowed
- 12.10 Permission was granted in 1976 for the garden centre, subject to a number of conditions. Condition 1 of that permission reads:

"1 No buildings, including greenhouses, garden sheds, fencing, building materials, paving slabs or gardening implements shall be stored or displayed for sale on any part of the application site except within the existing buildings or within the area hatched green on the plan returned herewith, unless previously agreed in writing by the local planning authority "

- 12.11 The reason given was in the interests of the visual amenities and rural character of the locality. The Inspector took the view that certain bulky items could be stored in this hatched area without causing harm to the green belt and that this was implicit in the Council's decision in 1976. He concluded that caravans if kept wholly within this area would likewise not cause any harm. The rest of the area was to remain open in character "adding to its spaciousness and providing a pleasant feature between the buildings and the countryside". Although the Inspector allowed the appeal insofar as it related to the small compound area, he upheld the enforcement notice in respect of the much larger area (which is covered entirely by the even larger area of this application site). He considered that to approve this area for such a use "would encroach upon parts of the site which should be kept open to preserve the appearance of the garden centre and its impact upon the green belt and rural area."

Conclusion

- 12.12 This application relates to an area that has already, in part, been the subject of enforcement action, which has been upheld at appeal. Whilst PPG2 has been revised since the appeal, along with the review of the Local Plan in 1995, the aim and objectives of green belt policy in respect of this application have not materially altered since then, and it is, therefore, still considered to be in conflict with Policy GB1 of the Local Plan, Policy S9 of the Structure Plan and the advice given in PPG2. Further, as the Inspector pointed out in 1993 the extension of the sales and display area into this open area "would encroach upon parts of the site which should be kept open to preserve the appearance of the garden centre and its impact on the green belt and the rural area."
- 12.13 As the application is retrospective, if Members concur with this recommendation a report will be brought forward to a subsequent meeting of this Committee to consider the expediency of Enforcement Action.

Recommendation that this Committee resolves:

- 12.14 That this application be **REFUSED** for the following reasons:

- 1 The Rochford District Local shows the site to be within the Metropolitan Green Belt and the proposal is considered to be contrary to Policy GB1 of the Local Plan and to Policy S9 of the Essex Structure Plan. Within the green belt planning permission will not be given, except in very special circumstances, for the construction of new buildings or for the change of use or extension of existing buildings, or for purposes other than agriculture, mineral extraction or forestry, small scale facilities for outdoor participatory sport and recreation, and cemeteries or similar uses which are open in character.

The extension of the caravan sales and display area into an area of open character would be detrimental to the appearance of the garden centre and its impact upon the green belt and rural area and contrary to Policy GB1 of the Local Plan and to Policy S9 of the Essex Structure Plan.



ROCHFORD DISTRICT COUNCIL

Minutes of the Local Review Board

At a Meeting held on 30 November 1999. Present: Councillors R S Allen, Mrs H L A Glynn and Mrs M A Weir.

Apologies: Councillors Mrs J M Giles and P FA Webster.

4. APPOINTMENT OF CHAIRMAN

Councillor Mrs H L A Glynn was appointed Chairman for the meeting.

5. EXCLUSION OF THE PUBLIC

Resolved

That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 7 of part of schedule 12A of the Act

6. APPLICATION TO SET ASIDE REVIEW BOARD DECISION ON BENEFIT CLAIM NO. 200961106

The Review Board received an application on behalf of the claimant to set aside its decision taken on the 6 October 1999 relating to the above claim.

The Board considered the written submissions made by the claimant's Solicitors dated 22 October and 17 November 1999. It also had before it the documents, comprising witness letters and photographs submitted by the claimant's Solicitors on the 29 November 1999.

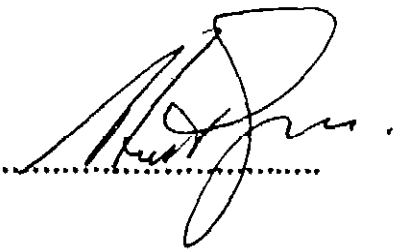
The Board did not accept that the Ward Members' attendance would have been necessary to verify the information which had been given by the claimant regarding their visit to the premises, nor that this evidence in itself was sufficient to make a difference to the Board's decision. The Board were however concerned that the witness letters could have been presented at the Hearing on the 6 October had the claimant wished to rely on these, but had failed to do so. Nevertheless, mindful that the claimant was not legally represented at the hearing and that the further evidence which had subsequently been produced was relevant to the facts in issue, the Board considered that it was in the interest of justice that the matters should be re-examined in the light of this evidence.



Resolved

That the decision of the Board on the 6 October 1999 relating to the benefit claim number 200961106 be set aside and a new Hearing be arranged to determine the claim.

The meeting commenced at 7.00pm and closed at 8.00pm.



Chairman

20.1.00

Date

DISTRICT COUNCIL

Minutes of the Finance & General Purposes Committee

At a Meeting held on 30 November 1999. Present. Councillors C R Morgan (Chairman), R Adams, D E Barnes, T G Cutmore, D F Flack, G Fox, D R Helson, Mrs J Helson, V D Hutchings, V H Leach, Mrs S J Lemon, G A Mockford, Mrs W M Stevenson, R E Vingoe, P F A Webster, D A Weir and Mrs M A Weir

Apologies: Councillors Mrs J M Giles, Mrs H L A Glynn and T Livings.

Substitutes: Councillors P A Beckers, N Harris and C C Langlands.

Visiting Councillor Mrs M J Webster.

465 MINUTES

The Minutes of the Meeting held on 12 October 1999 were approved as a correct record and signed by the Chairman.

466 MEMBERS' INTERESTS

The interests recorded in the Minutes to be received and considered were taken as read.

Councillor D E Barnes declared an interest in grants by virtue of his role as Chairman of Rayleigh Age Concern and did not take part in discussion or voting thereon.

467. OUTSTANDING ISSUES

The Committee was satisfied that all necessary action had been taken. Minutes 326/97 and 319/99 (as it relates to a Building Condition Survey) were carried forward.

468 BLATCHES FARM

NOTE: Councillor V H Leach declared an interest in this item by virtue of his role as Chairman of the Rochford Cory Trust.

The Committee considered the report of the Head of Administrative and Member Services which provided an update on the work of the Blatches Farm Working Party and made recommendations for the possible development of a country park on the land formerly known as Blatches Farm.

A motion was moved by Councillor D E Barnes and seconded by Councillor P F A Webster that, in the first instance, proposals be submitted to the Member Budget Monitoring Group to enable a review of financial implications prior to consideration by Full Council.

During debate the Chairman confirmed that the following questions, submitted by Councillor Mrs J Helson as Chairman of the Compulsory Competitive Tendering Panel, could be included within the review of Working Party proposals:-

- "1. Could Members be reminded what purpose the formation of this country park would serve. Is it -
- a) to provide a buffer strip between the Rochford District and Southend Borough or
b) to provide the residents of Rochford District access to public open space?
- If the answer is "a", then is it somewhat illogical for us to bind this Authority in partnership with the Southend Borough and, if we do, are we going to hold the so called 'golden vote' as this seems to be extremely important to some Members? If the answer is "b", are we going to consult the public before committing this Authority to a spend of over half a million pounds bearing in mind that it is the residents of Southend that will derive the most benefit, as acknowledged by a Borough Councillor recently in the Evening Echo?
- 2 Is it the intention of this Authority to give the land in trust to another body and is it conceivable that, under Best Value, the County Council will be able to lease free of charge the land to Rochford for this purpose?
- 3 Is it not true to say that this District is at the present time trying to relieve itself of revenue costs? Is not the Member Budget Monitoring Group working on reducing the amount of land it currently maintains? Is it not, therefore, difficult to reconcile this with taking on such a huge new burden?
- 4 Am I, as Chairman of the Compulsory Competitive Tendering Panel, going to be instructed to include this land in the new grounds maintenance budget, as I see no provision for this in the six year revenue forecast?
- 5 When purchase of Blatches Farm was first considered by this Council the Liberal Democrat Group asked for a report on the viability of this area being used as a country park and was informed that the land was unsuitable. Can I, therefore, ask what has changed since then, particularly regarding access?
- 6 I can see from the extensive work carried out so far that a lot of Officer time has been taken up. Can you tell me, therefore, what work has not been progressed due to this and to which Officer will the next fifteen days identified in the report be allotted to?
7. I note that £50,000 for consultants has not been included in the financial summary. Can I ask.-
- a). Should it have been?
b). How many days will that amount buy as I do not believe we have the spare capacity in-house to do this work if other policy areas are not to suffer?
c). Which year's revenue budget should it be included in as I see from the report that 63 days of work will fall in 2000/2001?
- 8 Will this project incur any rates or utility costs?
- 9 Has Best Value criteria been applied to this project? I seem to hear of little else and would be interested to know.
- 10 Is it really possible to achieve toilets at a cost of £35,000? This seems remarkably low compared to the recent debates over provision in our town centres.
- 11 What is the amount being requested from the Capital Programme and are there any revenue implications for this year's 2000/2001 budget?"

A number of Members commented on the potential value of investigating public subscription possibilities. The importance of providing the public with clear information on the difficult nature of decisions facing the Council and the financial perspective was also highlighted.

The Chairman wished to emphasise that the District needed to be in a position to negotiate with the County during March 2000 and commented on the partnership nature of recent work with the County Council.

Responding to questions, the Chief Executive confirmed that a response was awaited on the possibility of funding from Europe and that the identification of outline proposals would assist tentative consultation with bodies who may be able to provide funding assistance.

The Committee concurred with the Chairman that it would be appropriate for a meeting of the Blatches Farm Working Party to be convened in advance of Full Council to enable that body to consider the views of the Member Budget Monitoring Working Group and the above questions

Resolved

(1) That the proposals of the Blatches Farm Working Party set out in the report of the Head of Administrative and Member Services, together with the above questions, be referred to the Member Budget Monitoring Group to enable consideration of the financial implications in advance of the next meeting of Full Council .

(2) That the recommendations of the Member Budget Monitoring Working Group, together with the above questions, be referred for consideration to a meeting of the Blatches Farm Working Party in advance of the next meeting of Full Council.

(3) That all proposals be referred to the next meeting of Full Council for consideration (HAMS)

469. RECOMMENDATIONS OF PARENT COMMITTEES

The Committee considered the recommendations of the Parent Committees.

Transportation and Environmental Services Committee - 18 November 1999

Minute 448 – Contaminated Land

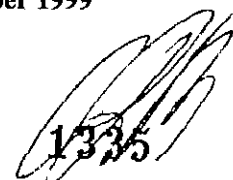
Resolved

That a sum of £9,000 be included within the draft budget for 2000/01 to cover the initial costs of producing the Council's contaminated land strategy (HHHCC)

470. MINUTES OF SUB-COMMITTEES

The Committee considered the Minutes of the following Sub-Committees and the recommendations contained therein

- (i) **LOCAL REVIEW BOARD – 6 October 1999**
- (ii) **COMPULSORY COMPETITIVE TENDERING PANEL – 13 October 1999**
- (iii) **MEMBER BUDGET MONITORING WORKING GROUP – 14 October 1999**
(adjourned) and 21 October 1999 (reconvened)
- (iv) **CORPORATE RESOURCES SUB-COMMITTEE – 20 October 1999**



Minute 276 – IT Year 2000 Strategy – Interim Report

Resolved

That the interim report of the Chief Executive on the implementation of the IT Year 2000 Strategy be noted (CE)

- (i) **URGENCY SUB-COMMITTEE – 10 November 1999**
- (ii) **MEMBER BUDGET MONITORING WORKING GROUP – 11 November 1999**
- (iii) **CORPORATE RESOURCES SUB-COMMITTEE – 11 November 1999**

Minute 282 – Grants to Outside Bodies

During debate of Minute 282, a Member referred to the possibility that the proposed formulae would not necessarily result in actual financial assistance for some key groups. Other Members referred to the indication within the Minute that, under both the old criteria and those newly proposed, the Citizens Advice Bureau would be eligible for, and receive, high priority in consideration of the award of grants. Similarly, areas of social need had in the past and would continue in the future to meet the highest criteria for grant aid.

The following motion, moved by Councillor Mrs J Helson and seconded by Councillor V H Leach was lost on a show of hands -

‘That the criteria for assessing grant applications should be prioritised as follows.-

- (i) Citizens Advice Bureau
- (ii) The five Old Age Person Centres within the District
- (iii) The remaining groups identified under recommendation 1 of Minute 282 ’

Resolved

(1) That the criteria for assessing grant applications should be as follows.-

A. Service Delivery Priority

1. Provide a cost effective community-focused service that complements the Local Authority’s statutory priorities
2. Provide a cost-effective, community-focused service that complements the Local Authority’s discretionary priorities.
3. Provide a local service either solely or mainly for the following priority groups’

Elderly
Handicapped
Children
Other groups identified through the Council’s policies

B. Funding Priority

1. Applications must be made each year Any organisation not submitting an application will not receive funding.
2. Totally dependent on Rochford District Council’s funding.
3. Rochford District Council’s funding represents greater than 50% of total funding.
4. Rochford District Council’s grant is a valued contribution towards funding, and represents 10% or more of the organisation’s total funding
5. Rochford District Council’s grant is notional funding towards the service and

- represents less than 10% of the organisation's total funding.
- 6 The remainder of the Grants budget not awarded by the end of the financial year to be carried forward to the following financial year

Any applications received during the year will be judged solely against the above criteria.

- (2) That the availability of grants be advertised in the December issue of Rochford District Matters
- (3) That determination of any organisations that will be requested to give a presentation concerning their application be deferred pending the receipt of all applications. (HFS)

Minute 283 – Grants to Outside Bodies – Royal British Legion

Resolved

That a one-off donation of £300 be made to the Royal British Legion (HFS)

Minute 285 – Information Strategy

Resolved

- (1) That the Corporate Director (Law, Planning and Administration) be requested to prepare an Information Strategy for consideration in Autumn 2000
- (2) That consideration be given by the Member Budget Monitoring Working Group to the extension of the contract for the post of GIS/Data Operator. (HAMS)

Minute 286 – Communications and Media Strategy

Resolved

That the draft Communications and Media Strategy be adopted and put into operation, and that monitoring reports be prepared with a review after the strategy has been operational for six months (HCPI)

Minute 287 – Best Value – Rolling Programme of Service Reviews

Resolved

That the revised programme of service reviews be agreed as amended. (CE)

Minute 289 – Relocation Expenses

Resolved

That the Chief Executive allows the extension for a further six months from 17 November 1999 of the payment of a lodging allowance, subject to none of the other requirements being altered. (HPS)

Minute 290 – Out of Hours Service Provision

Resolved

- (1) That the internal provision of an out of hours noise service be not pursued at this time.

(2) That a bid for £25,000 be made for inclusion in the 2000/01 budget and, if successful, quotations be obtained from external contractors. (CD(F&ES))

Minute 291 – Compulsory Purchase of 35, 37 and 39 West Street, Rochford

Resolved

(1) That the Repairs Notice served on the owner of 35, 37 and 39 West Street, Rochford under the provisions of Section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 on 27 July 1996 be withdrawn

(2) That the District Valuer and a Surveyor be instructed to inspect the premises for the purpose of compiling a Full Repairs Notice and determining the value of such repairs and the fair market value of the property taking into account the alternative possible future uses of the property.

(3) That in the event of the owner not allowing access to the premises for the purpose of inspection then the Council exercise its powers under Section 88 of the Planning (Listed Building and Conservation Areas) Act 1990 to gain entry for this purpose.

(4) That the Head of Legal Services be authorised to complete a conditional contract with the Southend and District Building Preservation Trust Ltd for the acquisition and repair of the buildings.

(5) That the Head of Corporate Policy and Initiatives compile a list of repairs necessary for the preservation of the buildings at 35, 37 and 39 West Street and that these be included in a Full Repairs Notice.

(6) That a revised Full Repairs Notice be served under the Provisions of Section 48 of the Planned (listed Buildings and Conservation Areas) Act 1990 requiring the buildings at 35, 37 and 39 West Street, Rochford to be repaired in accordance with the detailed schedule of repairs referred to above.

(7) That in the event that the owner does not take reasonable steps to secure the proper preservation of the buildings in accordance with the details specified in the Full Repairs Notice, to proceed with compulsory acquisition of the properties under the provisions of Section 47 of the Planning (Listed Building and Conservation Areas) Act 1990

(8) That a sum of £90,000 additional spend be allocated in the Capital Programme for the project as detailed in the report, subject to any capital receipt arising therefrom being applied in full to the project, thereby giving a net impact on the capital programme of £35,000.

(9) That expenditure incurred in the compulsory purchase be regarded as part of the overall package of proposals for the regeneration of Rochford Town Centre. (HLS/HCP1)

Minute 294 – Citizens Advice Bureaux(CAB)

Resolved

(1) That notice be given to both Bureaux that, from April 2001, the Council will fund a single CAB organisation only.

(2) That the Head of Financial Services co-ordinates negotiations with both Bureaux to achieve a single rationalised management structure for the provision of a CAB service, having first relinquished his position on the Management Board of the Rayleigh CAB.

- (3) That a further report be submitted to the Sub-Committee in three months' time. (HFS)

Minute 295 – Confidential Staffing Issues

Resolved

- (1) That Messrs Wollastons be appointed to represent the Council at Tribunal, the cost to be included in the 2000/01 budget estimates
- (2) That Messrs Wollastons be asked to report back on the merits of any counter claim and application for costs together with the advisability to negotiate settlement to avoid unnecessary legal costs and use of officer time. (CD(LPA))

Minute 296 – IT Year 2000 Strategy

Resolved

- (1) That the additional expenditure requested in respect of PC acquisition, cabling and virus software totalling £18,000 be agreed, to be funded from the Year 2000 IT capital budget.
- (2) That the virement of £43,000 from the Year 2000 IT capital budget to revenue be agreed.
- (3) That the IT consultants be requested to expand their existing brief to examine the client side and project management aspect, at a total additional cost of £4,000, with approximately £2,000 being funded from balances at this stage, and the remainder from the £2,000 overall project savings.
- (4) That the Chief Executive's actions in respect of the budget book presentation, the internal financial monitoring, client side linkages with SEMA, and contract preparation be endorsed
- (5) That Officers be authorised to approach those suppliers who have caused problems to the Authority with a view to attempting to secure some recompense for the additional costs incurred (CEX)

(viii) CORPORATE RESOURCES SUB-COMMITTEE – 17 November 1999

(ix) MEMBER BUDGET MONITORING WORKING GROUP – 18 and 25 November 1999

It was noted that the meeting of the Working Group which had commenced on 18 November 1999 was still convening and that the Minutes would be submitted to Full Council for consideration.

(x) COMPULSORY COMPETITIVE TENDERING PANEL – 25 November 1999

Minute 79 – IT Contract

Resolved

- (1) That the Recommendations contained within the Best Value and IT Contract Strategy document, as considered by the Panel, be adopted.
- (2) That executive authority be delegated to the Compulsory Competitive Tendering Panel to consider and make decisions upon the various stages of the tendering process up to the point at

which the appointment of the supplier is to be determined.

(3) That the shortlisted suppliers make presentations to Officers/representatives of Vantagepoint concerning their bid

(4) That the selection criteria as considered by the Panel be agreed subject to an amendment that "Local Government experience would be preferred" (HAMS)

471 SETTING THE COUNCIL TAX BASE 2000/2001

The Committee considered the report of the Corporate Director (Finance and External Services) on the setting of the Council Tax Base 2000/2001. The Corporate Director reported that, since agenda despatch, a direction had been received from the Department of Education, Transport and the Regions relating to disabled relief for people in "A" banded dwellings. This direction did not alter the calculations set out in the report.

Resolved

(1) That the report of the Corporate Director (Finance and External Services) for the calculation of the Council's Tax base for the year 2000/2001 be approved

(2) That pursuant to this report and in accordance with the Local Authorities (calculation of Tax Base) Regulations 1992 the amount calculated by the Rochford District Council as its Council Tax Base for the year 2000/2001 should be in the following parts:-

ASHINGDON	1,125 87
BARLING MAGNA	621 60
CANEWDON	549 45
FOULNESS ISLAND	68.88
GREAT WAKERING	1,971.34
HAWKWELL	4,413.63
HOCKLEY	3,652 41
HULLBRIDGE	2,334.20
PAGLESHAM	103 78
RAWRETH	427.95
RAYLEIGH	11,707 48
ROCHFORD	2,683 55
STAMBRIDGE	237.10
SUTTON	55 08
	<hr/>
	29,952 32
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472. THIRD STAGE AIR QUALITY REVIEW

The Committee considered the report of the Head of Housing, Health and Community Care on indications that there may well be a necessity for this Council and other Councils locally to proceed to Third Stage Air Quality Reviews.

Resolved

That the submission of a Joint Authority bid for supplementary Credit Approval for Air Quality Management be supported. (HHHCC)

473. **BUSINESS RATES - DISCRETIONARY RATE RELIEF**

The Committee considered the report of the Head of Revenue and Housing Management on the annual review of discretionary rate relief cases being granted in accordance with Sections 47/48 of the Local Government Finance Act 1988

Members noted that two bodies listed in the report were elderly persons organisations and that it may be appropriate to defer a decision pending the forthcoming review of grants policy

Responding to questions, the Corporate Director (Finance and External Services) indicated that in accordance with legal requirement, organisations in receipt of Discretionary Relief received annual notice that the Council may adjust arrangements.

A Motion moved by Councillor R E Vingoe and seconded by Councillor D A Weir that the Council holds a decision on any case in abeyance pending a report on implications and the provision of further notice to the organisations was lost on a show of hands.

On a Motion moved by Councillor Mrs J Helson and seconded by Councillor P A Beckers, it was

Resolved

(1) That Discretionary Relief decisions relating to the Hockley and Hawkwell Old Peoples Welfare Committee and the Rochford OAP Welfare Committee be held in abeyance pending the outcome of the review of the Council's grants policy.

(2) That Discretionary Rate Relief be withdrawn from April 2000 as follows.-

Hockley Bowling Club, Highams Road, Hockley	Relief to be withdrawn in view of large capital fund and continued annual surpluses
Rayleigh Lawn Tennis Club R/o 71 High Road, Rayleigh	Relief to be withdrawn in view of large capital fund and continued annual surpluses
War Memorial Hall, High Street, Gt Wakering	Relief to be withdrawn in view of large bank balances and continued annual surpluses.
Great Wakering Community Association, High Street, Great Wakering	Relief to be withdrawn as a result of continuing surpluses and large value in capital fund

474 **NATIONAL NON-DOMESTIC RATING – MANDATORY/DISCRETIONARY RATE RELIEF**

The Committee considered the report of the Head of Revenue and Housing Management on an application received for Mandatory/Discretionary Rate Relief under the provisions of Sections 43, 47 and 48 of the Local Government Finance Act 1988

The Committee concurred with a view of a Member that, as the organisation had only been in existence for five months and accounts had yet to be submitted, it would not be appropriate to grant Discretionary Relief at this stage



Resolved

(1) That 80% Mandatory Relief be granted to the Olive Tree Centre, Rooms 33/37, Philpot House, Rayleigh from 1st July 1999

(2) That Discretionary Relief not be granted to the Olive Tree Centre as accounts have yet to be submitted. (HRHM)

475. TOWN & COUNTRY FINANCIAL ISSUES GROUP – BETTER OUTCOMES FOR LOCAL COMMUNITIES.

The Committee considered the report of the Corporate Director (Finance and External Services) on the case which the Town & Country Financial Issues Group (TACFIG) is making for a fairer deal from the Local Government Grants systems. TACFIG had asked the Council to support a model resolution.

Members agreed that the model resolution should be adopted and it was:-

Resolved that Rochford District Council supports the case which TACFIG, the all party group of 70 "Middle England" Shire Districts from all parts of the Country, is making for a fairer deal from the Local Government Grant system.

Rochford District Council believes that the current central grant system now fails everyone in Local Government. It does not promote Community leadership, it discriminates against Middle England communities and it concentrates on financial inputs rather than service outcomes.

Rochford District Council welcomes the proposals which TACFIG have submitted to the DETR's review of central grants systems, which are intended to shift Local Governments focus towards better service outcomes for local communities. The key elements are:-

- a fairer and simpler grant system.
- a grant of £250,000 to help boost the capacity of authorities, particularly smaller Councils, to modernise their services and promote best value.
- establishing a new community plan and resources bidding process, under which Councils would bid for additional Government grants for three year community plans drawn up through extensive local consultation.
- the inclusion of capital finance in the Government's grant review, so that Councils can develop a joined-up approach to all aspects of community and resource planning.

Rochford District Council believes that TACFIG's proposals will benefit Local Government as a whole, leading to a fairer grant system, with a stronger emphasis on community consultation and community planning. It therefore resolves to promote these proposals locally and nationally.

476 **CHAIRMAN'S CHAIN OF OFFICE.**

The Committee considered the report of the Head of Corporate Policy and Initiatives on proposed alterations to the Chairman's Chain of Office for the year 2000 onwards.

On a motion moved by Councillor D E Barnes and seconded by Councillor P F A Webster it was:-

Resolved

That the Chairman's Chain of Office be adapted as per option 1 outlined in the report (a new half inner circle of pendants attached to the existing chain and hanging from shoulder to shoulder) and that provision of £600 be made in the draft estimates for 2000/2001 (HCPI)

477 **HOLOCAUST REMEMBRANCE DAY**

The Committee considered the report of the Head of Administrative and Member Services on a consultation paper received from the Home Office about the Government's proposal for a Holocaust Remembrance Day.

Following debate on various aspects of the consultation document, a motion in support of the proposals was moved by Councillor Mrs W M Stevenson and seconded by Councillor N Harris.

On a requisition pursuant to standing order 24 (2), a recorded vote was taken on the motion as follows:-

For (20) Councillors R A Adams, D E Barnes, P A Beckers, T G Cutmore, D F Flack, G Fox, N Harris, D R Helson, Mrs J Helson, V D Hutchings, C C Langlands, V H Leach, Mrs S J Lemon, G A Mockford, C R Morgan, Mrs W M Stevenson, R E Vingoe, P F A Webster, D A Weir and Mrs M A Weir

Against (0)

Abstentions (0)

The motion having been unanimously carried it was:-

Resolved

That the Government be advised that this Council:-

(1) Supports the proposed aims and objectives set out in the Holocaust Remembrance Day consultation paper, particularly as they relate to the education of subsequent generations about the Holocaust and the continued relevance of the lessons that are learnt from it

(2) Accepts the recommended date of 27 January.

(3) Considers that appropriate activity would include consultation with the Jewish Community to formulate proposals for Remembrance Services on the day. (HAMS)

478. **PROCEDURES FOR THE ADMINISTRATION OF MEETINGS AND SUPPORT FOR MEMBERS**

The Committee considered the report of the Head of Administrative and Member Services on procedures for the administration of Meetings and support for Members which had been referred to this Meeting by Council at its Extraordinary Meeting on 23 November to enable further consideration by the Political Groups

During debate it was noted that it would be appropriate for the tax situation in respect of Member allowances to be considered in the context of debate on the Local Government (Organisation and Standards) Bill.

Following consideration of the views of each of the Groups it was -

Resolved

(1) That the following be introduced:-

- (i) The use of 12 point type face with ragged edge for the Council's Agenda, Minutes and Reports
- (ii) The production of Agendas on the basis set out in the report, subject to -
 - (a) The summons sheet providing meeting details, with membership set out on the second page.
 - (b) Sub-Committees and Working Parties being grouped in date order.
 - (c) The resource implication elements of reports including detail on total costs, ongoing costs and existing budget figures
 - (d) Strict adherence by officers to the agenda distribution timetable to avoid "to follow" reports on agendas. Should a "to follow" item be absolutely necessary reports should give clear reasons as to why.
- (iii) The use of recycled white paper for agendas with a coloured paper for minutes. Confidential reports to remain on purple paper.
- (iv) Minutes to be formatted on the basis set out in the report, subject to the inclusion of officers present at each meeting
- (v) Maintenance of the arrangement whereby senior officers give signed approval to reports.
- (vi) The "Chief Executive's Newsletter" to be renamed "Members' Bulletin" and to include items of note (brief reference on the bulletin with main papers submitted to the Members' Lounge, Rayleigh).
- (vii) Re-inforcement to all Officers of the importance of ensuring Ward Councillors are advised of work to be undertaken within their Ward
- (viii) Members to be able to continue to request copies of any reports required during the Committee process.

(2) That no change be made to the Council's Standing Orders but that the courtesy which should be afforded to Chairmen in complying with Standing Order 12(13) (Substitute Members) be noted

(3) That further reports be submitted on -

- (i) Methods and frequencies available for the Member despatch, including costings of each possibility.
- (ii) The possibilities, including costs, for introducing Member Support Services in the following areas -
 - Secretarial/typing
 - The provision of Information Technology, including computers and fax machines
 - Photocopying arrangements.
 - The provision of handbooks summarising Council policies and other useful information
 - Library and information services.
 - Research assistance.
 - Ward profiles summarising data about the Ward
 - Accommodation for surgeries.
 - Arrangements for child care (including the possibility of assisting with carer expenses)

479. EXCLUSION OF THE PUBLIC

Resolved

That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the Meeting for the following item of business on the grounds that it involves the likely disclosure of Exempt Information as defined in Paragraph 9 of Part 1 of Schedule 12A of the Act.

480 PARK SCHOOL JOINT MEMBER LEVEL MEETING

The Committee considered the confidential addendum report of the Chief Executive which provided an update on the Park School Joint Member Level Meeting held on 22 November 1999.

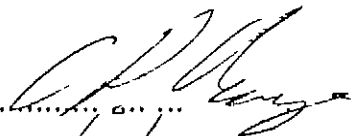
Responding to questions, the Chief Executive advised on the nature of the different approaches between the County and the District and the need to balance any gain which the County Council may wish to achieve with benefits for the District.

In view of the importance of this subject, the Committee concurred with the view of a Member that it would be appropriate to establish a District Council Working Party.

Resolved

That a District Council Working Party be set up comprising seven Members (appointed on a pro rata basis) to review the design briefs and options relating to the Park School site and submit recommendations to the Member Budget Monitoring Group as appropriate. (CE)

The Meeting closed at 10.30pm

Chairman 
Date 4/2/2000