



Rochford District Council

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY
PLANNING SERVICES COMMITTEE 7th March 2002**

All planning applications are considered against the background of current Town and Country Planning legislation, rules, orders and circulars, and any development, structure and locals plans issued or made thereunder. In addition, account is taken of any guidance notes, advice and relevant policies issued by statutory authorities.

Each planning application included in this Schedule is filed with representations received and consultation replies as a single case file.

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

If you require a copy of this document in larger print, please contact the Planning Administration Section on 01702 – 318098.

PLANNING SERVICES COMMITTEE - 7 March 2002 Item R1

TITLE : **00/00565/FUL
SITE PORTABLE BUILDING FOR STORAGE OF
AGRICULTURAL MATERIALS (GOODS, PRODUCE AND
IMPLEMENTS)
HIGH HOUSE BARLING ROAD GREAT WAKERING**

APPLICANT: **MR H C SCOOT**

WARD: **BARLING AND SUTTON**

This application was included in Weekly List no. 613 requiring notification of referrals to the Head of Planning Services by 1.00pm on Tuesday 26th February 2002, with any applications being referred to this Meeting of the Committee. The item was referred by Cllr R S Allen.

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

- 1.1 **Barling Magna Parish Council** - no objection, as it is a temporary building suggest a two year consent.

NOTES

- 1.2 High House Farm benefits from a conditional planning permission granted in 1991 for a change of use of redundant farm buildings to Class B1 (Business) and Class B8 (Storage or Distribution) Uses.
- 1.3 This application seeks to regularise the retention of a portable building on-site used for storage in association with a turf stripping business which is probably an agricultural use. It measures 6m x 2.6m and is 2.7m overall in height. It is positioned against the flank wall of a much larger former agricultural building such that when viewed from any distance it is the larger building that is noticeable. It's size and floor space is minimal compared to the converted former agricultural buildings on the site.
- 1.4 The portable building has been the subject of an Enforcement investigation (but not any complaint). Authorisation to take action was given at Planning Committee in July 2000 but deferred subject to consideration of this application as well as further clarification of the breach involving loss of parking area. In terms of parking it is doubted that the location of the portable building was ever turned over to car parking, nor is car parking (or any lack of it) an issue on this site. Which was submitted at the time of that Committee Meeting.

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- 1.5 It is considered that the portable building is acceptable when assessed visually and in relation to car parking provision available on the site. Furthermore, in Green Belt terms it would be difficult to resist in the light of the circumstances and the 1991 permission for change of use.
- 1.6 **County Surveyor** - No objection.
- 1.7 Rochford Hundred Amenities Society - support the views of the Parish Council.
- 1.8 One neighbouring resident by letter supports the proposal, confirming that it will not be visible to them nor cause any problems.

APPROVE

- 1 This permission shall be limited to a period expiring on 26 February 2007 at which time, the portable building hereby permitted shall be completely removed from the site and the land restored to its former condition (see Informative below) on or before the expiry date, unless a 'renewal' of this permission has been sought and obtained. Furthermore, the buildings shall only be used for the purposes described in the application description (as above) in association with the applicants Turfing operation and for no other use whatsoever.

Relevant Development Plan Policies and Proposals:

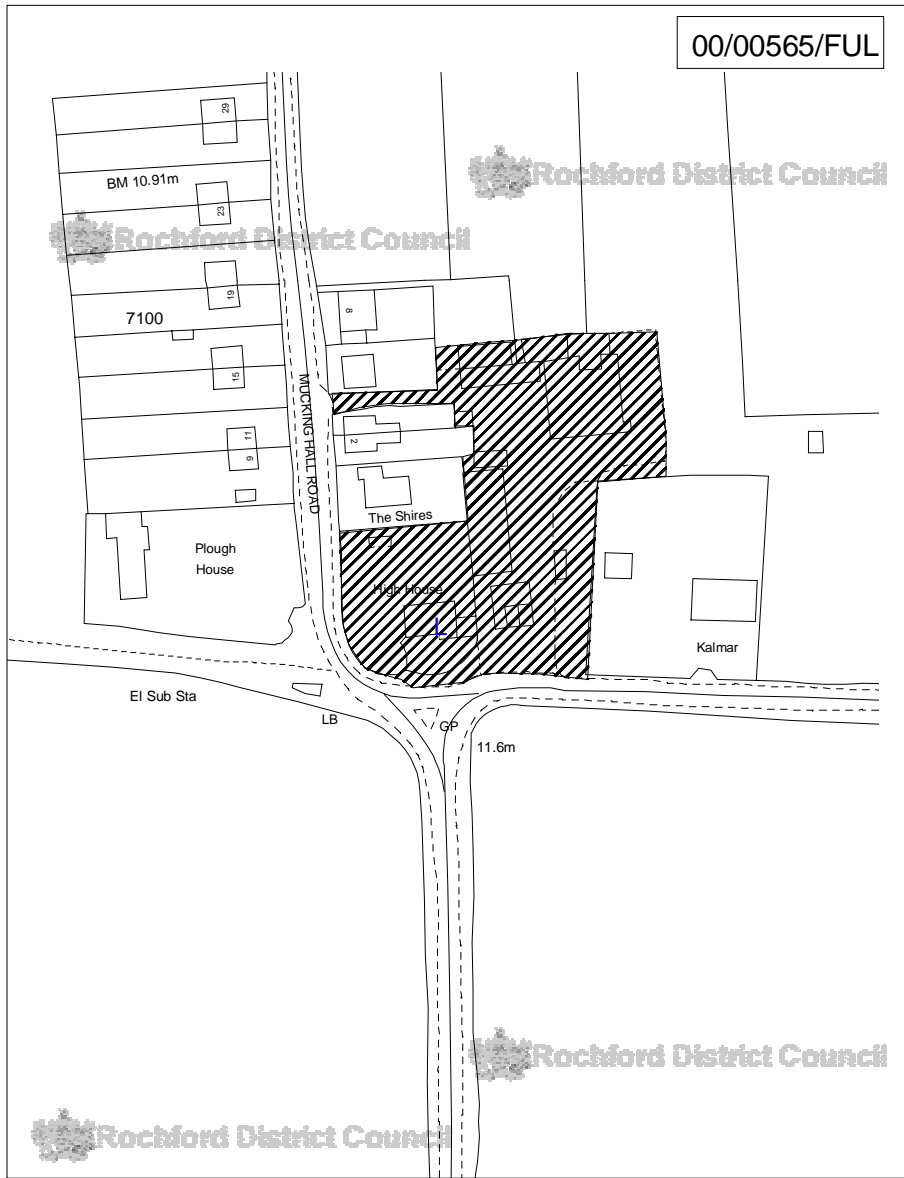
GB1, GB4 of the Rochford District Local Plan First Review



Shaun Scrutton
Head of Planning Services

The local Ward Member for the above application is Cllr R S Allen

For further information please contact John Whitlock on (01702) 546366.



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PLANNING SERVICES COMMITTEE - 7 March 2002 Item 2

TITLE : 02/00040/OUT
OUTLINE APPLICATION TO ERECT 29 HOUSES
67 VICTOR GARDENS, HAWKWELL

APPLICANT : ESTUARY HOUSING ASSOCIATION

ZONING : PART RESIDENTIAL/ PART METROPOLITAN GREEN BELT

PARISH: HAWKWELL PARISH COUNCIL AREA

WARD: HAWKWELL WEST

SITE AREA: 0.71Ha **SITE DENSITY:** 41 (approx) per hectare

PLANNING APPLICATION DETAILS

- 2.1 As indicated above this application is in outline form. The Authority is not requested to consider any of the matters of detail at this stage. This application relates only to the principle of development on the site and therefore even matters such as access and siting are not for consideration at this stage.
- 2.2 Plans have been submitted with the application however it has been confirmed with the applicants that these are purely indicative and for information purposes only. The only other information available at this stage is that the applicants have stated on the application form that the development proposed is houses (rather than single storey development).
- 2.3 The applicants have referred to a supporting statement to follow. This has not been received. A written request was made for the supporting statement to be made available. In response, the applicants have made a request that consideration of the matter be held over until the April meeting of this Committee.

RELEVANT PLANNING HISTORY

- 2.4 An application for 13 dwellings was made in 1978, this was refused. During the early 1980s there were a number of applications for extensions to the existing property, which were permitted. An application for replacement stables was permitted in 1986 but one for a detached double garage was refused in 1989.

CONSULTATIONS AND REPRESENTATIONS

- 2.5 **Essex County Council Planning Officer** comments that, in the absence of any supporting documentation making the case for exceptional circumstances, it is assumed that the application warrants refusal in line with the presumption against inappropriate development in the Green Belt (Structure Plan policy C2).
- 2.6 **Essex County Council Urban Design Officer** comments that insufficient information is supplied for detailed analysis. It is considered that the layout is unsatisfactory with inadequate frontage to Victor and Clements Gardens. There is a failure to provide a sense of place and crime prevention implications are not sufficiently addressed. The layout is car dominated. It is considered that a better layout can be achieved, with the same number of units. Recommended that the application be refused. (Note – these comments appear to have been made on the basis of the indicative plans. Members must bear in mind that the applicant has requested consideration on the basis of the principle only).
- 2.7 **Anglian Water** has no objections, but requests that the following conditions be applied to any permission:
- no building within 3m of a sewer which crosses the site:
 - details of foul and surface water drainage to be submitted to and agreed by the Authority.
- 2.8 The Essex Amphibian and Reptile Group holds records for Slow Worms and grass snakes within the area of Victor Gardens. Considers that further information demonstrating the impact of the proposals on protected animal species should be required from the applicants
- 2.9 The **Highways and Buildings Maintenance Manager (Engineers)** confirms that there is a surface water sewer near to the northern boundary of the site and that the layout would need to take this into account. The area has unmade roads and relies on ditch systems to drain land. Foul sewers in the area are under stress in peak conditions.
- 2.10 The **Essex Wildlife Trust** objects on the basis that the proposals represent inappropriate development in the Green Belt. It would destroy unimproved grassland and 2-300yds of valuable hedge. The land is of great value to birds, insects and small mammals, although no survey work has been carried out.
- 6.11 **Hawkwell Parish Council** strongly objects on the grounds that most of the site is in the Green Belt and the proposal is out of keeping with the rural character of the area and the street scene.

- 2.12 Of the local schools consulted the following responses have been received:
- Ashingdon School is filled to over capacity and additional children could not be accommodated without new classrooms. The overall situation is very tight and it is understood that other local schools are also full.
 - King Edmund believes that additional students would be limited and could be accommodated but this would be by a reduction in the out of catchment area students.
- 2.13 The Jones Family Doctors Practice points out that the area is 'under doctored' and the practice caters for between 50% and 100% more than the recommended list size. The list is currently closed and the practice sees no prospect from improvement if further new homes are to be built in the area.
- 2.14 Ashingdon Medical Centre indicates that it would not be able to accommodate any new residents on its list.
- 2.15 The London Green Belt Council objects as the site is part of the Green belt and because the cramped development would destroy the rural nature of the area.
- 2.16 Over 120 occupiers of property in the vicinity of the site and others have raised and objection to the proposal in the main, on the following issues:
- the site is primarily Green Belt and the development is neither a form which is appropriate or for which there are very special reasons to allow;
 - the development is of an inappropriately high density and out of keeping with the character of the area;
 - services and infrastructure in the area is unable to deal with additional demands;
 - development will create and exacerbate existing traffic and road safety conditions;
 - will result in the loss of wildlife and trees/ hedges;
 - the existing dwelling on the site is of historical interest;
 - noise and disruption;
 - other sites are available for development and there is no need to release Green Belt land;
 - development will upset the social mix in the area and have impact on community safety.
 - Precedent.
- 2.17 The above comments include those of a local MP.
- 2.18 A petition has been received which contains 511 signatures in objection to the proposals.

MATERIAL PLANNING CONSIDERATIONS

- 2.19 It is necessary to consider the acceptability of the development in relation to Green Belt policies and the impact of the development on the character and amenity of the area.

Green Belt

- 2.20 The greatest majority of the site comprises land which is within the Green Belt. Only that part of the site most closely associated with the existing property, The Cottage, is within the residential zone. Within the Green Belt, national, strategic and local policy is that only certain limited forms of development should be allowed to proceed.
- 2.21 Any type of development which falls outside of this narrowly defined group is termed as inappropriate. In such cases, very exceptional circumstances have to be justified by the applicant, and these have to outweigh the normal presumption against development, for any proposals to be permitted.
- 2.22 These proposals do constitute inappropriate development and, despite an indication to the contrary by the applicant, no supporting statement has been submitted justifying the development. It is an assumption that, if any supporting case is advanced, it will revolve around the provision of affordable housing by the Housing Association applicant. No such assessment of housing needs, which would be met by the development has been advanced and there can be no argument that very special circumstances have been demonstrated. In any event, if affordable housing is the form of development being advanced in this case. It is not clear why this in itself would provide very special circumstances to override Green Belt policy. In addition the Green Belt there must be concerns with regard to the location of the proposal in relation to local services and facilities and the sustainability of them.
- 2.23 As indicated, a small part of the application site is within the residential zone. The application is in outline form with all matters reserved. It is conceivable that some residential unit(s) could be developed within the confines of the residential zone. Elsewhere, when tested at appeal, Inspectors have been willing to issue split decisions (partly refused and partly allowed) where an application site (for which the application is wholly in outline form) lies partly within and partly outside a residential zone.
- 2.24 That could be the approach to be followed in this case if there were no other issues to be considered. Below however, the impact of the proposals in relation to the character and amenity of the area has been considered and this leads to the conclusion that a split decision would not be appropriate here.

Character and Amenity

- 2.25 The area displays different but distinct characters. To the south and west of the site is the existing residential area which displays a typical suburban character. To the north and west, and including the majority of site itself, is the Green Belt area which has a rural character. The dividing line between these areas of different character can be very clearly drawn at the extent of the residential curtilages in Victor Gardens and Harrow Gardens.

- 2.26 Some of the existing suburban residential development in the area has densities which approach 30 dwellings per hectare. Notwithstanding that it is considered that the proposed development will represent a significant increase on this at 40 units per hectare and will have a detrimental impact on the existing visual character of the area. It will also push the area which has a residential character much further into the Green Belt and blur the clear distinction which currently exists here between the residential and Green Belt zones.
- 2.27 In relation to the issue of a split decision, it is considered that it is the proposed density of development which tells against the possibility of this. Notwithstanding that a small part of the site is in the residential zone (and on which residential development is acceptable in principle) the development of even this small part is considered to have a detrimental impact on visual character if it were to be developed at the density proposed. As a result it is not considered that a split decision (with an approval forthcoming for the area within the residential zone) would be appropriate.

Other Issues

- 2.28 Many of those who have responded to consultations have raised other issues. In relation to the possible historical interest of the existing building on the site, it appears that this was investigated in the early 1990s. The conclusion at that time was that there was no significant interest.
- 2.29 Wildlife issues have not been investigated by the applicant at this stage. It would not be reasonable to require the applicant to fully investigate this matter when there are fundamental other issues which are likely to lead the Authority to reject the proposals. This matter would be identified as one that the applicant would need to fully explore, if it were minded to pursue the proposals.
- 2.30 Other issues relate mainly to the ability of infrastructure to cope with the proposed development. Members will be aware that, in many instances it is the responsibility of other organisations to respond to the demand for services and it is not appropriate for this Authority to refuse development permissions on the basis of perceived current shortcomings. In addition, because of the outline nature of the proposals, it is not appropriate, at this stage to reach conclusions in relation to, for example, the indicative layout shown for car parking.

CONCLUSION

- 2.31 These proposals represent a form of inappropriate development in the Green Belt for which no case has been advanced in relation to very special circumstances to justify them. The Authority can assume that the proposals will represent a form of affordable housing, given the applicant. However there is no explicit explanation of this, or of the particular type of affordable housing proposed. In addition it would be unsafe of the Authority to base its judgements on assumptions in a case where the arguments for the development should be clearly argued.

- 2.32 The proposals, whilst in outline form, represents a form of development which, in density terms, is out of keeping with the character of the area. Given that no explicit case has been made in support of the inappropriate development to allow such out of character development would not be acceptable.
- 2.33 The development of the area of the site within the residential zone would equally have a detrimental impact on the character of the area, given the proposed density.

RECOMMENDATION

- 2.34 It is proposed that this Committee **RESOLVES** that this application be **REFUSED** for the following reasons:

- 1 The Rochford District Local Plan First Review shows that the majority of the site to be located within the Metropolitan Green Belt. The proposal is considered to be contrary to policy GB1 of the Local Plan and to policy C2 of the Essex and Southend on Sea Replacement Structure Plan. Within the Green Belt, as defined in these policies, planning permission will not be given, except in very special circumstances, for the construction of new buildings.

In this case no information has been submitted with the application justifying the proposals or setting out any case in support of them. It is considered then that no very special circumstances have been demonstrated which would weigh in favour of granting permission for the development proposed.

- 2 The proposals involve a density of development which is considered to be out of keeping with the character and appearance of the area. To allow the development to proceed, even within that part of the site within the residential zone, would represent a form of inappropriate over-development and be harmful to visual character and amenity of the area.

Relevant Development Plan Policies and Proposals:

H2, H14, H24, GB1, RC10 of the Rochford District Local Plan First Review

CS1, CS2, CS4, C2, H2, H3, H5 of the Essex and Southend on Sea Replacement Structure Plan

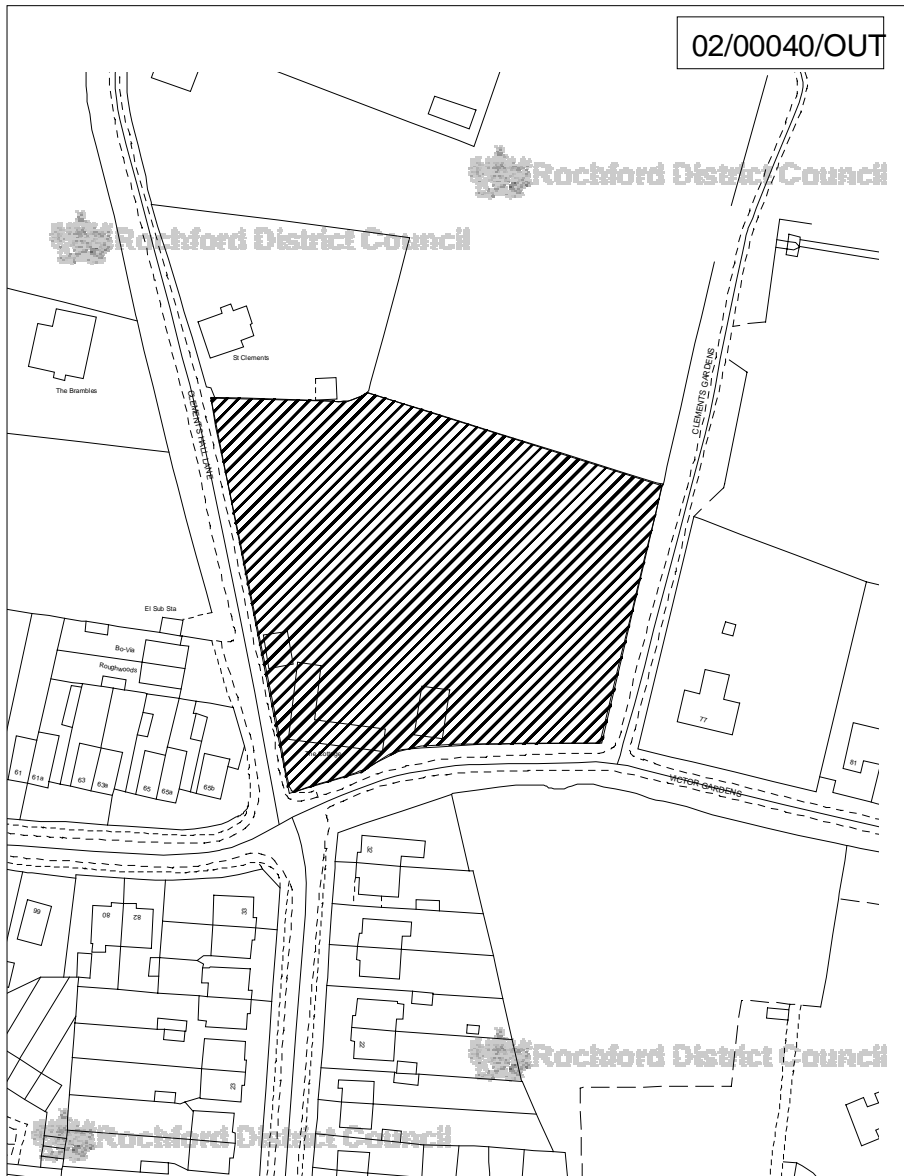


Shaun Scrutton
Head of Planning Services

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The local Ward Members for the above application are Cllr Mrs M A Weir. Cllr J R F Mason.

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



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PLANNING SERVICES COMMITTEE - 7 March 2002 Item 3

TITLE : 01/00791/FUL
**ERECT TWO STOREY BLOCK OF 27 2-BED AND TWO 1-BED SHELTERED HOUSING UNITS (TOTAL 29) WITH COMMUNAL FACILITIES, LAYOUT PARKING. (DEMOLISH EXISTING ON SITE BUILDINGS).
LAND REAR OF 23A SOUTHEND ROAD, HOCKLEY (HOCKLEY TIMBER YARD)**

APPLICANT : RYAN DEVELOPERS LTD

ZONING : RESIDENTIAL

PARISH: HOCKLEY PARISH COUNCIL AREA

WARD: HOCKLEY CENTRAL

SITE AREA: 0.36Ha

PLANNING APPLICATION DETAILS

- 3.1 A single new building is proposed. The building is to be located to the rear of Southend Road and between it and the residential development on Woodpond Avenue and Hillcrest Road. The land is currently occupied by the land and buildings associated with the operational Hockley Timber Yard and adjacent parts of a residential garden which is taken into the site.
- 3.2 The building is to have a 'dog-leg' shape with total overall depth of 59m approx and width of 36m approx. As indicated, the building is to be two storey in height, the measurements being 5.7m approx to the eaves and 9.5m to the highest ridge. There are to be no rooms in the roofspace.
- 3.3 Within the building at ground floor, as well as the residential units there is to be a communal lounge and conservatory and a laundry room. At first floor there is to be a guest room and a room which could be let for hairdressing, chiropody or other related and appropriate uses.
- 3.3 The remaining parts of the site outside the building are to be landscaped apart from the provision of 15 occupiers parking spaces (two for disabled persons), two for staff, a bin store area and the access. The access will be laid out over that which currently exists for the site and which also serves the adjacent Holly Court parking and garage area and the shop and residential units to the west.

RELEVANT PLANNING HISTORY

- 3.4 In 1997 an application was made for the development of a 3-bed detached chalet on land directly to the rear of 23 Southend Road and which constitutes a small part of this site. This application was refused on the basis that it was adjacent to land in light industrial use, close to the vehicular access serving that use, represented over-development and would prejudice a larger scale residential development in the future.

CONSULTATIONS AND REPRESENTATIONS

- 3.5 The **Highway Authority** has no objections subject to the application of conditions as follows:
- the access is laid out and constructed in materials to be agreed with the Planning Authority;
 - that a 1.8m footway is provided on the western side of the access between the entrance to the building and the parking court and that there a crossing is provided to the other side;
 - spaces are provided within the site, as appropriate, for parking.
- 3.6 The **County Archaeological Officer** comments that no archaeological recommendations are made on this proposal.
- 3.7 The **Environment Agency** has no objections but comments as follows. Foul and surface water should be discharged to the main sewers. Measures should be taken to ensure the prevention of pollution from surface water from car parking areas. Water efficiency measures should be incorporated within the building.
- 3.8 **Anglian Water** has no objections in principle. It suggests that conditions be applied requiring details of the means of foul and surface water drainage to be submitted and agreed prior to development. The maximum discharge rate of surface water to the sewer is specified.
- 3.9 The **Woodlands and Environmental Specialist** comments verbally that there is no protected animal sett habitat on the site and that, even though the site may be traversed by these animals it is of limited use for foraging in its current state as it is all hard surfaced. Any further comments on the impact of the proposals on the trees on the boundary of the site will be reported in the addendum.
- 3.10 The **Head of Housing, Health and Community Care** has no adverse comments and suggests that the following conditions be applied:
- details of ventilation equipment and openings in the building be submitted and approved;
 - details of the lift be submitted and approved.
- 3.11 The **Highways and Buildings Maintenance Manager (Engineers)** has no observations.

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- 3.12 **English Nature** has written responding to advice given following a visit to the site by a licensed bat worker. It is noted that the visit shows no sign of bat presence. The agency comments that, if any are found during works, they should cease and further advice be sought.
- 3.13 15 responses have been received from the occupiers of adjoining property or others interested in the proposals. These include a response from the general medical practitioners at Southend Road, Hockley. The issues raised in these responses are, in the main, as follows:
- loss of privacy;
 - damage to and loss of TPO trees;
 - making up of the access road welcomed but responsibility and future maintenance should be identified;
 - use of the access will displace existing residential and customer parking (of the shop and flat units at 23/25 Southend Road, or, if not displaced, this will cause obstruction ;
 - provision of footway may reduce access;
 - Southend Road is busy and dangerous, this will exacerbate and should require traffic calming measures;
 - Should be fewer on site units and more parking;
 - Will introduce more disturbance and activity on site;
 - Demolition/ alteration to current site boundaries (some of which are substantial walls) will reduce security and privacy;
 - Site contains protected animal habitat or route;
 - Medical and educational resources are stretched, GP has a closed list which is unlikely to change;
 - Confirmation of type of residential use is required;
 - Current buildings contain asbestos;
 - National policy to increase densities should not be applied.

MATERIAL PLANNING CONSIDERATIONS

- 3.14 It is necessary to consider the following as part of the consideration of this development:
- access, road and traffic issues;
 - design and impact on privacy/ amenity, etc;
 - impact of the existing use; and
 - wildlife and trees

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Access, roads and traffic

- 3.15 Access to the site is to be gained by the existing accessway which leads to the current timber yard use, the garage and parking area at Holly Court and which provides servicing to the shop units at no 23 and 21 and the residential uses above. The accessway is in a poor state of repair and, it appears, the responsibility for maintenance rests with the owner of the timberyard site and a number of adjoining landowners and others.
- 3.16 Along one side of the access, from the Southend Road frontage to the Holly Court parking area, is a footway segregated from the carriageway by bollards and which is generally in a good state of repair. The carriageway currently varies between 4m and 5m approx in width. Commonly, there are vehicles parked on the access. A gate is provided to the Holly Court parking area to prevent access to that by other than residents.
- 3.17 The applicants propose to repair and generally improve this access (to a specification which could be required by condition). This, and the removal of the traffic from the access which is currently drawn to the timber yard use, should be seen as a benefit. On the down side, those vehicles which currently use the access for parking will either be displaced or will continue to do so potentially causing access problems.
- 3.18 The legal right of those who park on the access to do so is not clear. In a similar situation elsewhere, an Inspector has held that, if those who park have no right to do so, then their displacement cannot be seen as a reason to withhold a planning consent. If they do have a right to park as existing then the question to be considered is whether the inconvenience which may be caused is sufficient to refuse permission.
- 3.19 If development were to take place it will remove the narrowest part of the access referred to above such that it is not likely then to be below 4.7m in width. Highway Authority parameters allow developments of up to 25 conventional dwellings to be accessed from carriageways of 4.8m width. Given that sheltered housing is proposed here (for which the Authority sets lower parking standards than conventional housing) and that vehicles can pass along the access with parked vehicles in place, albeit that there may be some inconvenience on occasion, this is not considered to be sufficient grounds on which to withhold a permission.
- 3.20 In addition, the applicants have offered, informally, that three spaces within the site, closest to the Southend Road frontage can be assigned to those that currently park on the accessway. This would reduce that availability of spaces to the site, but the offer has been forwarded to the Highway Authority to seek its opinion. It is not considered by that Authority that the reduction in the number of spaces would lead it to raise objection to the proposals and indeed, would go a long way to resolving any inconvenience caused to those accessing the site. This arrangement can be formalised if the Authority is minded to support the proposals. The applicant cannot require those that park on the accessway to use new spaces provided but these would seem to be at least as convenient as the current parking arrangements.

- 3.21 Within the site 15 parking spaces are proposed for residents and 2 for staff (these are total figures and include the three referred to above). The Local Plan standard, in policy H17 is that there should be one space for each two units (total 14.5) and 2 for the staff. This standard is met but clearly would be reduced if three are assigned solely for the adjacent users. As indicated however, the Highway Authority has raised no objection to an arrangement of this nature. The policy also calls for an ambulance turning/ parking area. A turning head of some 13m depth is provided which should comfortably accommodate turning ambulances.
- 3.22 No concerns have been raised by the Highway Authority in relation to the impact of the proposals on road conditions in Southend Road. It does however ask for the provision of an access side footpath within the site which is not shown to be provided. Following discussions with the applicants and Highway Authority this requirement is now met by the removal of some of the bay windows to the building (hence allowing more room for an accessway side walkway).

Design, Privacy, Amenity etc.

- 3.23 The building will be a substantial one, but relief to the elevations is provided by design features, gables, hipped roofs and the configuration of the building. The ridge height is raised by the wide span of the building but, even with this it is retained at 9.5m, which is in line with the height of many single dwellings. This is achieved by using a pitched roof with a very low angle of construction. There are to be no rooms in the roof space. Overall it is considered that the design of the building is an acceptable one.
- 3.24 With regard to privacy and impact on amenity, the generous plot has allowed the building to be positioned such that the impact is kept to the very minimum. On the east side, where the new building is closest to the Hillcrest Road property boundaries (approx 6m) it is in an area where there are significant boundary trees, some of which are TPO protected, see below, and which are to remain. The properties to Hillcrest Road have very significant garden depths of between 35m and 40m. Therefore, despite the proximity of the building to the boundary here there is unlikely to be any significantly harmful overlooking.
- 3.25 To the south west are the existing properties in Woodpond Avenue. These have more limited garden depths, some no more than 11m to 12m. This has been compensated for by placing the building such that, within the application site, it is no closer than 18m between the boundary and the closest window. This exceeds the 15m separation called for in the Design Guide.
- 3.26 To the west, the site is bounded by the properties 37 and 39 Southend Road and 36 Woodpond Avenue. These properties generally have substantial gardens and, although the building is close to some of the boundaries here, 6m to the closest window facing the boundary, these are generally at locations well away from the sensitive parts of the adjoining gardens. No 36 Woodpond has implemented a tall conifer screen to their boundary which is likely to remove any overlooking here.

- 3.27 In terms of amenity space for residents of the proposed units, the provision exceeds that of 25sqm per unit which is required by virtue of the guidelines in the appendix to the Local Plan.
- 3.28 Some adjoining residents have commented on the provision of boundary enclosure to the site, either in terms of privacy, or in terms of the poor nature of the existing boundaries. Discussions with the applicants have indicated that they are amenable to the provision of new boundary treatments and to retaining current privacy. This can be ensured by means of the implementation of a condition.

Impact of Existing Use

- 3.29 A positive impact of the proposals will be the removal of the timber yard from the site. Currently the activity associated with this does not appear to be extensive. However this could be increased by either the current, or a new operator, to the significant detriment of residential amenity in the area by virtue of noise, traffic generation, dust etc. The current use would appear to be most accurately described as one which falls into the general industrial group, which would potentially allow re use of the buildings, with considerable additional activity, without the need for further planning permissions.
- 3.30 The residential use proposed however is likely to cause little disturbance to the area. It seems appropriate to weigh in the balance then the potential beneficial impact of the proposals, albeit that the development phase will cause some disruption.

Wildlife and Trees

- 3.31 It has been noted that the habitat of a protected animal species is located close to the south of the site. At present the entire surface of the site is covered either by hard surfacing or buildings. It appears that these animals may enter and cross the site however, there will be no benefit to them in foraging terms, due to the total nature of the current surfacing to the site.
- 3.32 The development proposed will result in the removal of significant parts of the current surfacing and the replacement with turfing or other soft landscaping. It appears that this will be of benefit, in wildlife terms, in that there will be greater scope for the site to provide foraging. Of course, given that no subdivision of the site is proposed, there will be no problem of the retention of access to the majority of the site for animals. Consideration of the boundary treatment, required under the condition suggested above, would ensure the provision of access to the site by animals.
- 3.33 There are a number of trees on the boundary of the site. Some five of these on the south east boundary of the site are subject to TPO. The consideration of the impact of the development on these trees must be tempered by the fact that four of them currently already have buildings which are located within the spread of their canopies. All of these buildings and the hard surfacing which otherwise forms the surface of the site, would be removed. The impact of the development on the trees has been identified in a report submitted by the applicants.

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- 3.34 The new building will be located such that, for two of the TPO trees, the footway around the building will be located partly under the canopies and a small part of a single storey conservatory will also be so located. Some pruning to these trees will be required. It is considered that the position which is being reached in this case is a beneficial one with regard to the trees. Hard surfacing and structures are being removed from beneath four of them. In return a very limited area of footway and building is being placed beneath two of them. The pruning can be subject to a condition requiring that details be submitted and agreed prior to the implementation of the work.
- 3.35 Two trees to the west are located outside of the boundary of the site but overhang it to the extent that pruning will also be required here. These trees are not subject to TPO and again only a very small extent of the building or footway around it will be located such that it is under the canopy of the trees.

CONCLUSION

- 3.36 The proposed development is not considered to have unacceptable impact in terms of its visual appearance, affect on amenity, wildlife or traffic generation or circulation impacts. Although there will be some impact on protected trees on and around the site this needs to be balanced against the positive impact of the proposals in relation to these trees. What could be an incompatible use in the area will be removed.

RECOMMENDATION

- 3.37 It is proposed that this Committee **RESOLVES** to **APPROVE** this application subject to the following heads of agreement
- 1 SC4 Time limits full
 - 2 SC8 Use and buildings removed
 - 3 SC14 Materials to be used
 - 4 SC50 Means of enclosure
 - 5 SC59 Landscape design
 - 6 SC60 Tree Protection
 - 7 Requirement for accessway to be constructed to agreed standard
 - 8 Requirement for additional footway and foot crossings to be provided
 - 9 Parking spaces 11, 12 and 13 to be made available for those businesses and residents which currently park in the accessway.
 - 10 Details of any pruning to TPO trees to be agreed
 - 11 SC76 Parking and turning
 - 12 SC84 Slab levels
 - 13 SC90 Surface water drainage
 - 14 SC91 Foul water drainage
 - 15 Details of ventilation equipment
 - 16 Details of proposed lift
 - 17 Restriction on occupancy to those over 55 years in age

PLANNING SERVICES COMMITTEE - 7 March 2002 Item 3

Relevant Development Plan Policies and Proposals:

H1, H2, H11, H17 and H20 of the Rochford District Local Plan First Review

CS1, CS2, H2 and H3 of the Essex and Southend on Sea Replacement Structure Plan

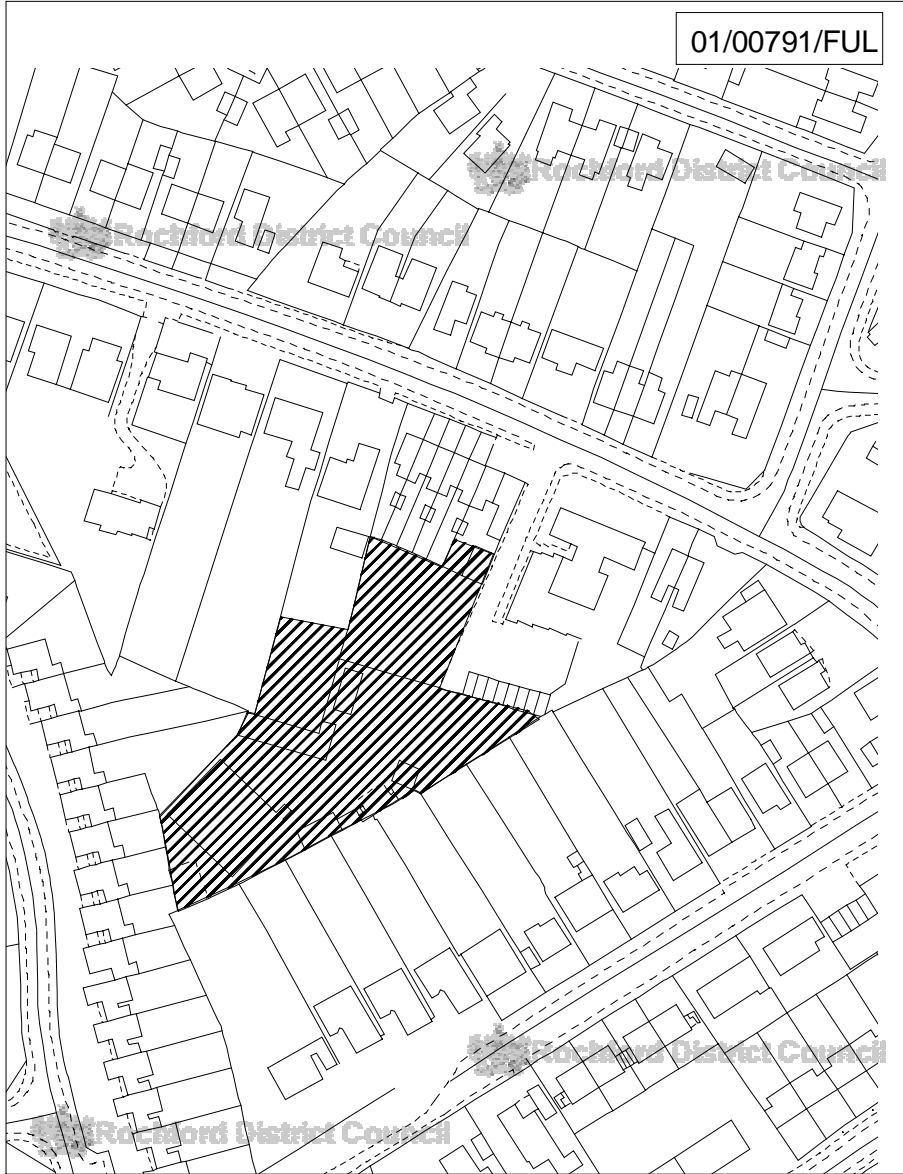


Shaun Scrutton
Head of Planning Services

The local Ward Member for the above application is Cllr P A Capon.

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

01/00791/FUL



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PLANNING SERVICES COMMITTEE - 7 March 2002 Item 4

TITLE : **02/00086/CM
REMOVAL OF TELEPHONE BOX CONSTRUCT DISABLED
RAMP ACCESS INTERNAL ALTERATIONS TO FORM
TOILET
34 WEST STREET ROCHFORD**

APPLICANT : **ESSEX COUNTY COUNCIL**

ZONING : **PRIMARY SHOPPING FRONTAGE AREA; CONSERVATION
AREA; LISTED BUILDING**

PARISH: **ROCHFORD PARISH COUNCIL**

WARD: **ROCHFORD ROCHE**

PLANNING APPLICATION DETAILS

- 4.1 Essex County Council has sought this Authority's views on two planning applications relating to works to one of its buildings. The applications have been brought to Planning Services Committee to seek Members' views as to the acceptability, or otherwise, of the proposals. The views of this Committee will be forwarded to the County Council to be given due consideration when the applications are determined.
- 4.2 The applications propose planning permission (this item) and listed building consent (the following item on the Schedule) for the construction of a ramp to provide access to people with disabilities to 34 West Street, a Grade II Listed Building occupied by the County Council's Social Services Department. The alterations proposed result from the need for the building to conform with the Disability Discrimination Act 1995 requiring the improvement of access for people with disabilities to buildings used by the public.
- 4.3 The ramp is proposed to the right (as approached) of the front door of the building. Railings are to be provided alongside the ramp and on the level platform with the front door. A low wall of red brick capped with a stone coping is proposed on which the railings will stand. The provision of the ramp to the right side of the door requires the removal (demolition) of the existing red telephone kiosk, which is itself a Grade II Listed Building.
- 4.4 A letter from the County Planner dated 15th February 2002 observed that the 'overall consensus is that it would be preferable to find alternative solutions so that the kiosk could remain in situ.' The County Planner also referred to a consultation response by British Telecom that identified the kiosk's re-siting on the opposite side of the pavement, facing the Nat West Bank, on the cobbled paved area adjacent to the cycle racks in the market square.

- 4.5 This said, the Committee is obliged to consider the proposals in their current form. The possible changes noted in the County Planner's letter do not form part of these applications.

RELEVANT PLANNING HISTORY

- 4.6 There is no applicable site history.

CONSULTATIONS AND REPRESENTATIONS

- 4.7 **Rochford Parish Council** - Feel there should be alternative ways of dealing with this access, without removal of the telephone box.
- 4.8 **County Surveyor (Highways)** - is responding directly to the County's planning committee
- 4.9 **County Planner (Historic Conservation)** - The proposal is entirely unacceptable. I could not condone the demolition of the listed telephone kiosk in principle, and do not consider that a ramp would be anything other than detrimental to the character and appearance of the Listed Building, and to the Conservation Area. Any such ramp should preferably be located to the rear of the building.
- 4.10 Neighbour notification - one letter of objection at the loss of the telephone kiosk.

MATERIAL PLANNING CONSIDERATIONS

- 4.11 The main considerations are the impact caused by the removal of the telephone kiosk, changes to the setting of the listed building (no.34 West Street) caused by the provision of the access ramp, and the overall effect of these changes on the character and appearance of the conservation area.
- 4.12 The Local Planning Authority has a duty under the Planning (Listed Buildings and Conservation Areas) Act 1990:
- Paragraph 66 (Listed Buildings) 'to have regard to the desirability of preserving the building or its setting or any special features of special architectural or historic interest that it possesses'
 - Paragraph 72 (Conservation Areas) 'to pay special attention to 'the desirability of preserving or enhancing the character and appearance of that (conservation) area'.
- 4.13 The telephone kiosk, a type K6, designed in 1935 by Sir Giles Gilbert Scott and made of cast iron was replicated many times over. This is a grade II listed building and was listed for its group value - a painted red telephone kiosk common to many a traditional townscape. Having considered the application it appears that an appropriate argument for the removal of the kiosk has not been put forward.

PLANNING SERVICES COMMITTEE - 7 March 2002 Item 4

- 4.14 There have been suggestions that a possible solution might be to re-site the telephone kiosk elsewhere in the Market Square. However, no detailed investigation has been carried out to ascertain whether this is feasible, and, in any event, the re-siting of the telephone kiosk does not form part of these applications. This application simply proposes the removal (demolition) of the telephone kiosk. Planning Policy Guidance 15 (Planning and the historic environment) states that demolition of a listed building should be resisted. This is a matter of some gravity. If the County Council is mindful to approve the demolition of the telephone kiosk, the application will need to be forwarded to the Secretary of State for consideration.
- 4.15 Another consideration is the effect of the proposals on the setting of 34 West Street, which is itself a listed building. The list description dates the building to the 18th century (1700s). Its appearance is of an off centre right entrance door with an imposing surround of doric columns, tri-glyph frieze, and dentilled soffits to pediment. The list description includes the 'step approach'. This type of imposing historic residence almost demands a step up - and imposed at a right angle to the door - its loss would be likely to have an impact on the character of the building. The façade with its steps and the imposing door surround make an important contribution to the attractiveness and interest of the streetscene and acts as an important focus within the market square.
- 4.16 It is considered that the loss of the steps should be resisted until such time that all possible alternatives have been fully considered.
- 4.17 It is also considered that insufficient thought have been given of the railings proposed to enclose the ramp.
- 4.18 Since submission of the applications, the County Planner has asked the applicant to provide evidence that other options for access have been looked at. For example, it has been suggested that disabled access might be gained to the rear of the building. It has also been suggested that the ramp be sited to the left of the building (as approached), since this would avoid the need to remove the telephone kiosk. It is suggested that these options should be fully evaluated from a planning perspective before further applications are made.
- 4.19 Listed building consent is also sought for the remodelling of the existing toilet area and the realignment of partition walls within 34 West Street. The works are of a minor nature and would not affect the character or integrity of the building. No objection is raised to these works.

CONCLUSION

- 4.20 The applications propose the demolition of a listed telephone kiosk and the provision of a ramped access to the front of a listed building. Both proposals are considered unacceptable in listed building terms and would, in addition, have a detrimental effect upon the character and appearance of the conservation area.

- 4.21 It is considered that other options may exist that would allow for the provision of an access to the building for disabled persons, in compliance with the requirements of the Disability Discrimination Act, but without having a detrimental effect upon listed buildings, or the character of the conservation area. The County Council is urged to explore these options.

RECOMMENDATION

- 4.22 It is proposed that this Committee **RESOLVES** to **OBJECT** to the applications for the following reason:-

- 1 The applications propose the construction of a ramp to the frontage of 34 West Street, Rochford, a Grade II Listed Building, in order to provide access to the building for disabled persons, in compliance with the Disability Discrimination Act 1995. The provision of the access involves the demolition of a Grade II Listed telephone kiosk.

Whilst the benefits of providing an access for disabled persons must be granted some weight, these benefits do not equate to the harm the proposals would cause. The proposals would result in the demolition of a Grade II Listed telephone kiosk, a building of architectural and historical interest which, additionally, adds to the character and appearance of the Rochford Conservation Area in which it is situated. In addition, the provision of the ramp would result in the removal of the 'step approach' to 34 West Street; this 'step approach' up to the imposing front door is an integral part of the building's architectural character and interest. Moreover, the ramp itself would be alien to the character and historical integrity of the building.

The County Council has not indicated that other options to provide access to the building to disabled persons have been investigated. It is considered that alternative means of accessing the building might exist that do not involve the demolition of the telephone kiosk, or alterations to the frontage of the building. It is considered that all options should be fully considered.

Relevant Development Plan Policies and Proposals:

UC1, UC5, UC7, of the Rochford District Local Plan First Review

HC3, HC2, HC1, of the Essex and Southend-on-Sea Replacement Structure Plan



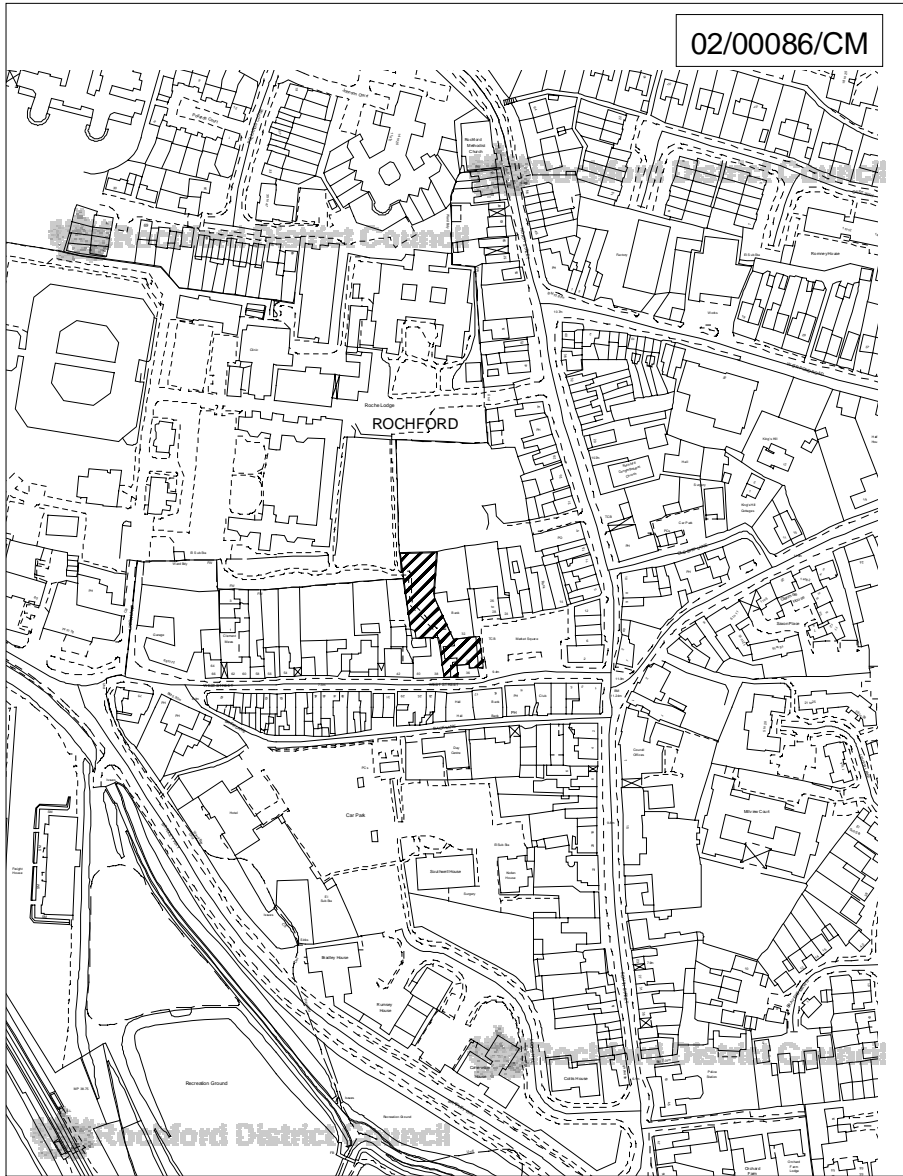
Shaun Scrutton
Head of Planning Services

PLANNING SERVICES COMMITTEE - 7 March 2002 Item 4

The local Ward Member for the above application is Cllr Mrs M Vince.

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

02/00086/CM



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PLANNING SERVICES COMMITTEE - 7 March 2002 Item 5

TITLE : 02/00087/CM
REMOVAL OF TELEPHONE BOX CONSTRUCT DISABLED
RAMP ACCESS INTERNAL ALTERATIONS TO FORM
TOILET (LISTED BUILDING CONSENT)
34 WEST STREET ROCHFORD

APPLICANT : ESSEX COUNTY COUNCIL

ZONING : PRIMARY SHOPPING FRONTAGE AREA; CONSERVATION
AREA; LISTED BUILDING

PARISH: ROCHFORD PARISH COUNCIL

WARD: ROCHFORD ROCHE

PLANNING APPLICATION DETAILS

- 5.1 This is the Listed Building application associated with the preceding planning application.
- 5.2 The report for that item also covers the Listed Building aspects, including the internal changes which are not controversial and relate solely to this application - see paragraph no. 4.19.

CONCLUSION

- 5.3 Accordingly, the conclusion and recommendation for this item is the same as for the preceding one.
- 5.4 The applications propose the demolition of a listed telephone kiosk and the provision of a ramped access to the front of a listed building. Both proposals are considered unacceptable in listed building terms and would, in addition, have a detrimental effect upon the character and appearance of the conservation area.
- 5.5 It is considered that other options may exist that would allow for the provision of an access to the building for disabled persons, in compliance with the requirements of the Disability Discrimination Act, but without having a detrimental effect upon listed buildings, or the character of the conservation area. The County Council is urged to explore these options

RECOMMENDATION

- 5.6 It is proposed that this Committee **RESOLVES** to **OBJECT** to the applications for the following reason:-

PLANNING SERVICES COMMITTEE - 7 March 2002 Item 5

- 1 The applications propose the construction of a ramp to the frontage of 34 West Street, Rochford, a Grade II Listed Building, in order to provide access to the building for disabled persons, in compliance with the Disability Discrimination Act 1995. The provision of the access involves the demolition of a Grade II Listed telephone kiosk.

Whilst the benefits of providing an access for disabled persons must be granted some weight, these benefits do not equate to the harm the proposals would cause. The proposals would result in the demolition of a Grade II Listed telephone kiosk, a building of architectural and historical interest which, additionally, adds to the character and appearance of the Rochford Conservation Area in which it is situated. In addition, the provision of the ramp would result in the removal of the 'step approach' to 34 West Street; this 'step approach' up to the imposing front door is an integral part of the building's architectural character and interest. Moreover, the ramp itself would be alien to the character and historical integrity of the building.

The County Council has not indicated that other options to provide access to the building to disabled persons have been investigated. It is considered that alternative means of accessing the building might exist that do not involve the demolition of the telephone kiosk, or alterations to the frontage of the building. It is considered that all options should be fully considered.

Relevant Development Plan Policies and Proposals:

UC1, UC5, UC7, of the Rochford District Local Plan First Review

HC3, HC2, HC1, of the Essex and Southend-on-Sea Replacement Structure Plan

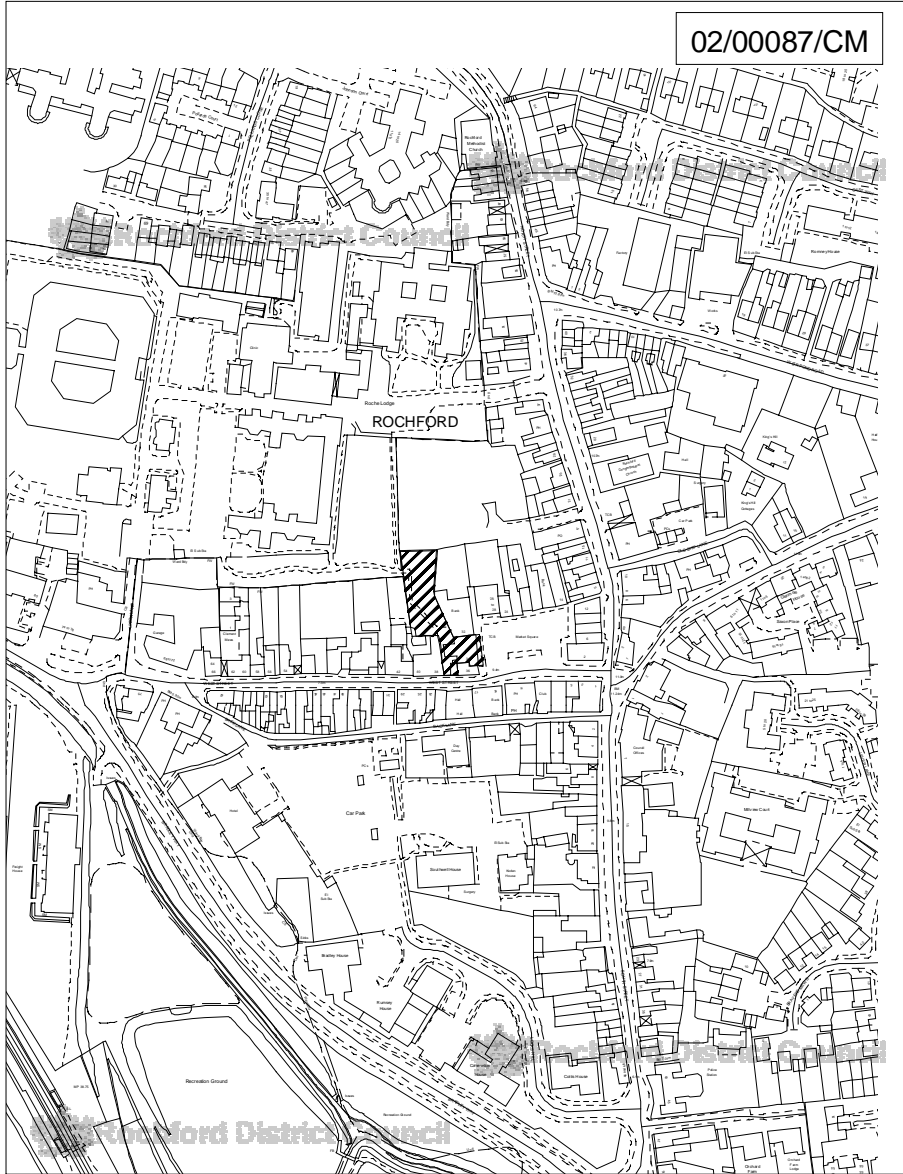


Shaun Scrutton
Head of Planning Services

The local Ward Member for the above application is Cllr Mrs M Vince.

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

02/00087/CM



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TITLE : **02/00064/FUL**
VARIATION OF CONDITION 3 OF ROC813/86 TO ALLOW
USE OF 138B AS PUBLIC HOUSE IN ASSOC'N WITH 138.
TWO STOREY REAR EXTENSION, BEER GARDEN (within
ENCLOSED WALL) SIDE BALCONY FEATURE. NEW UNIT
AND ENCLOSED LANDSCAPED FRONTAGE. DEMOLITION
OF EXISTING GARAGES.
138 HIGH STREET RAYLEIGH

APPLICANT : **JD WEATHERSPOON PLC**

ZONING : **SECONDARY SHOPPING FRONTAGE AREA**

PARISH: **RAYLEIGH TOWN COUNCIL**

WARD: **WHEATLEY**

PLANNING APPLICATION DETAILS

- 6.1 This application is brought to member's attention following the fastrack procedure. The application form identifies 8 jobs created, these are acknowledged to be management and supervisory positions. Speaking with the applicant's agent has determined that the overall figure will be in excess of 10 when all additional auxiliary staff are included.
- 6.2 The application is at an early stage of consultation and is reported to members to explain the proposals and to provide initial guidance as to the likely implications for the development. The application is a dual track application and runs alongside Application No 02/00063/FUL.
- 6.3 The proposed development includes renovation and conversion works to the previous Oriental Inn restaurant at High Street Rayleigh, and the provision of a large rear extension. Overall the new development is proposed to occupy all of the available site area.

RELEVANT PLANNING HISTORY

- 6.4 Unit 138B was granted permission for A3 (Food and Drink) use under application number 813/86/ROC with condition restricting the use of the building to restaurant only.

- 6.5 Unit 138 was allowed A3 (Food and Drink) use at planning appeal under application reference CU/0523/90/ROC and is unrestricted in the type of A3 use permissible. The Inspector's report was clear in identifying the need for retail uses and diversification within the secondary shopping location but stated that the shop unit had previously been vacant for over a year, noting at the time a general down-turn in retail business, and therefore making a clear case in support of an additional A3 use attracting pedestrians to the location. He did not impose any restrictive conditions on the permission.
- 6.6 The surrounding location is in a similar situation to that of 1990 with 2 long-term vacant units in addition to the application site. A further unit is also pending a closing down sale.

CONSULTATIONS AND REPRESENTATIONS

- 6.7 Consultations received to date include the following;
- 6.8 **Rayleigh Town Council** raise no objections or observations on this application.
- 6.9 **Environment Agency** has no objections to the proposal as submitted.
- 6.10 **Anglian Water** have no comments on this application.
- 6.11 **Rochford District Access Committee for the Disabled** provides comments with respect to provisions for disabled access.
- 6.12 Neighbour Objections have been received to date from one neighbouring occupier raising questions of access rights, parking and pub users. Vulnerable, frail and nervous social service users may be inhibited from attending their premises. Objection is also raised as to the scale of the extensions behind the High Street frontage.
- 6.13 Neighbour support letter has been received from one local business.

MATERIAL PLANNING CONSIDERATIONS

EXISTING LAWFUL USES

- 6.14 The relevant planning history shows unit 138B as having received permission for an A3 use of one shop unit under application reference 813/86/ROC, under this application the permission was restricted to restaurant use only. The planning appeal for the second A3 unit at 138 resulted in an open A3 permission that is not restricted to restaurant only use. Under the appeal the Inspector clarified the situation that an A3 use is appropriate for such a Town Centre location.

- 6.15 PPG6 is clear in objectives and uses for Town Centre locations; Encouragement must be given to retail, job creation and other key uses. The secondary shopping area of Rayleigh Town Centre is such a location that diversification and a variety of uses should be encouraged, Public Houses being one such appropriate use.
- 6.16 Therefore following this, the principle of a public house is established as a appropriate Town Centre use and given existing consents could be implemented on 138 without any further permission. The remaining consideration is in respect to the variation of condition to allow public house use (as opposed to restaurant) at 138b and consideration of the rear extension.

CONSULTATION

- 6.17 Initial consultation has been extensive to include surrounding businesses and occupiers. It is recognised that two of the three flats at first floor, above the proposed development are currently vacant, and the applicant explains these will be tied management units. The remaining flat being in residential occupation.

DEVELOPMENT DETAILS

- 6.18 The application proposes to utilise the two units formally occupied by the Oriental Inn at ground floor providing a new frontage with full height opening windows for summer use to a new patio area fronting the pavement and High Street. The frontage to the High Street currently suffers from vehicles parking adjacent to the pavement; a patio in this location would resolve this issue.
- 6.19 To the rear of the property the proposal will include the demolition of existing garage units and the construction of a single storey unit connecting the front to the large rear extension. The rear extension is of a similar ridge height to that of the existing building, thus the resultant structure will be a prominent construction in the immediate vicinity. However, in the context of the surrounding uses and location of the site it is considered appropriate in terms of scale and bulk to surrounding development.
- 6.20 The extension being proposed with a first floor element to the rear, incorporating staff and toilet facilities. The rear extension is to provide a conservatory and beer garden/courtyard area to the side elevation facing the Library. The applicant's agent has confirmed that it is acceptable to view the courtyard area as designated pub garden with no access to the pub from the side road except for emergency fire escape access only.

ACCESS AND PARKING

- 6.21 As stated above, the access to the side and rear of the building is potentially sensitive and the developer is encouraged to eliminate public access to the development from this area. To avoid conflict with Library and Social Services users as well as any conflict with the side entrance to the flats above the High Street frontage.

- 6.22 Access for deliveries is proposed from the communal entrance road between the site and the Library. Bin, Refuse and Bottle storage is identified to the side and rear elevations with the access road. The Social Services team based at the premises raise objection as to the capability of the service road to service this new unit and those existing.
- 6.23 No parking is proposed for this development and Essex County Highways considerations have been requested in respect to this issue and possible implications. Although again latest PPG advice is pertinent here. It is noted that the carpark adjacent the site, though unaffected in terms of loss of spaces is intensively used by Library and Social services staff in addition to the Mobile Library being based to the rear of the Library.

POSSIBLE REVISIONS

- 6.24 Revisions discussed with the applicant's agent with regard to the application as submitted to date include the deletion of the rear projecting balcony for reasons of safety to high sided vehicles. The alteration/infill of space under the first floor access stairs in order to remove a left over space with the potential to create unwanted behaviour. The applicant's agent has confirmed that a full external Closed Circuit Television System (CCTV) would be fitted should the application receive a favourable decision in addition to addressing the issue of denying public access to the side and rear of the building.
- 6.25 The applicant's agent is also investigating the viability of the remaining third shop unit (disused bakers) being incorporated into the scheme; subject to this there could be scope for a revision to the scheme to allow a revised rear extension.

CONCLUSION

- 6.26 The application is brought to Members attention at an early stage for information and views are welcomed. Although, Members will sense from the tone of this report that consideration so far suggests a favourable conclusion will be brought back to Members in the normal way subject to full consultation responses and assessment.

Relevant Development Plan Policies and Proposals:

SAT3, SAT16 of the Rochford District Local Plan First Review

TCR3, TCR2 of the Essex and Southend-on-Sea Replacement Structure Plan



Shaun Scrutton
Head of Planning Services

The local Ward Members for the above application are Cllr C C Langlands.
Cllr Mrs M J Webster.

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

PLANNING SERVICES COMMITTEE - 7 March 2002 Item 7

TITLE : **02/00001/FUL
ERECT DETACHED BUNGALOW WITH DETACHED
GARAGE. LAYOUT TWO ADDITIONAL PARKING SPACES

LAND REAR OF 83 GROVE ROAD, RAYLEIGH**

APPLICANT : **MRS M TAPPENDEN**

ZONING : **NEIGHBOURING SHOPPING PARADE**

PARISH: **RAYLEIGH TOWN COUNCIL AREA**

WARD: **LODGE**

SITE AREA: **365 sqm (approx) within new
residential plot**

PLANNING APPLICATION DETAILS

- 7.1 The new dwelling proposed here is located to the rear of 83 Grove Road, but is accessed from an existing accessway located between the shop unit at 92 The Chase and a further new dwelling that has been constructed on the frontage of The Chase, adjacent to no 110.
- 7.2 The accessway currently serves as a parking area for the residents above the shop unit (no 92A) and for the tenant of the shop on a favour basis. It serves no other purpose at the present time. To accommodate some of the displaced parking, the applicant proposes the provision of two parking spaces as part of the development and in addition to those to be associated with the new residential unit.
- 7.3 The proposed bungalow is to have an externally measured footprint of 76sqm approx. It will have a height to the eaves of 2.5m and to the highest part of the ridge of 4.5m. It will be located towards the northern boundary of the site with the private garden on the south side of the plot adjacent to the existing rear garden of 83 Grove Road.

RELEVANT PLANNING HISTORY

Application F/0041/98/ROC, Childrens day care centre, refused.
Application F/0399/98/ROC, for the house now erected on the frontage to The Chase adjacent to no 110.
Application 99/00008/OUT, outline application for two bungalows, withdrawn.
Application 99/00219/OUT, outline application for a bungalow with access from the service area to the rear of the shop units on The Chase, refused and dismissed at appeal.

PLANNING SERVICES COMMITTEE - 7 March 2002 Item 7

Application 00/00547/OUT, outline application for a bungalow with access arrangements as now proposed, refused and dismissed at appeal.

Application 01/00352/FUL, full application for a 2-bed bungalow, with detached garage, additional parking spaces and the same access arrangement as that now proposed. This application was refused and dismissed at the same joint appeal as application 00/00547/OUT above.

CONSULTATIONS AND REPRESENTATIONS

- 7.4 The County **Highway Authority** comments that the proposals are de-minimis in highway terms, but that the garage shown may not be usable.
- 7.5 The **Environment Agency** comments in relation to consultation to be undertaken and consents to be gained in general terms to allow development. There are no objections to this particular proposal.
- 7.6 **Anglian Water** has no objections.
- 7.7 The **Head of Housing, Health and Community Care** has no adverse comments.
- 7.7 The **Property and Highways Maintenance Manager (Engineers)** has no objections
- 7.8 **Rayleigh Town Council** objects on the basis that the proposals are inappropriate backland development and would reduce amenity enjoyed by existing residents.
- 7.9 Rayleigh Civic Society believes that the proposals will still be visually intrusive to the residents of Sheridan Close and would not overcome privacy.
- 7.10 66 households in the area have signed up to a copy of a standard letter objecting to the application, in which the following issues, in the main, have been raised:
- out of character and result in the loss of privacy;
 - loss of orchard buffer zone between Sheridan close and shop units;
 - new access and loss of existing parking for shop and flat occupiers (at unit 92 The Chase) pushing parking and unloading into The Chase;
 - agreement with Rayleigh Town Council.
- 7.11 In addition letters have been received from two other residents and a local MP, in which, in addition to the above, the following issues are raised:
- exacerbate existing parking and traffic problems;
 - visually intrusive and dominant to 38 Sheridan Close;
 - detrimental impact on amenity and living conditions

MATERIAL PLANNING CONSIDERATIONS

- 7.12 The issues to be considered are as per those raised by the earlier applications on this site. They are:
- access and parking;
 - relationship between the new dwelling and those that exist surrounding it (with regard to amenity, dominance, overlooking and privacy).
- 7.13 In each case the conclusions reached by the Inspector in relation to the recent appeal decisions should be taken into account.
- 7.14 The site is located in a Neighbourhood Shopping Zone in the Local Plan. However, the land is away from the frontage, with new residential development between it and The Chase. In all earlier applications the non-compatibility of the proposed use has not been raised as an issue when considering the proposals. The same approach should be followed now.

Access and Parking

- 7.15 Concern has been raised that the use of the access for the new development will displace vehicles that currently park there causing congestion and additional parking problems on The Chase and the service road. The applicants propose that two parking spaces be provided, on the accessway, dedicated for the use of those that currently park in the accessway.
- 7.16 This issue was considered by the Inspector at the recent appeal. He found that, because those that currently park in the accessway have no legal right to do so, that is they park there on a favour basis, they could be displaced at any time by the owner of the land. There was therefore no requirement for the developer to be bound to provide the parking facilities they are offering and that, if he had been minded to allow the appeal, he would not have applied a condition requiring the provision of the spaces. In the event the appeal was dismissed, but not on the basis of the access arrangements.
- 7.17 The Highway Authority raises no objection to the proposed access and its use has been found acceptable in principle by an appeal Inspector. It is not considered then that the use of the access to serve one additional property will have an unacceptable impact on the road safety and the traffic situation in the area. In this respect, the proposals are considered to meet the test of Policy H20 (dealing with backland development) and the additional advice in Appendix 1 to the Local Plan.

PLANNING SERVICES COMMITTEE - 7 March 2002 Item 7

- 7.18 It should be noted that, where this Authority has refused permission for development at this location, and where the access arrangements proposed have been as they are now, those earlier refusals have not been on the basis of access issues. Given the recent Inspectors comments, it is most unlikely that a refusal on access grounds could be sustained and indeed, it is likely that the benefit offered by the developer (the additional parking spaces) would not be ensured if the matter were referred to a further appeal.
- 7.19 An issue has been raised that the garage shown to the proposed dwelling is unusable due to the layout on the site. It would certainly appear to be a difficult layout to negotiate. This however could be eased by opening up the gated access to the site (which can be achieved without moving the dwelling, or any other re-arrangement on the site). In any event, despite the possible difficulty of the garage, parking for two vehicles can be accommodated at the site, and therefore the arrangements proposed meet the parking standards required by the Authority.

Relationship

- 7.20 The layout of the development proposed on the site has changed from the recent submission and appeal decision by moving the proposed bungalow approx. 2.5m to the west (away from the boundary with 38 Sheridan Close) and approx. 1m to the south (away from the boundary with 110 The Chase). The ridge height of the property has been lowered by some 0.6m to 4.5m.
- 7.21 As set out in Policy H20, the proposed dwelling should be acceptable with regard to scale, appearance and relationship to existing dwellings. With regard to scale, the proposed dwelling is a bungalow, modest in terms of floorspace. The scale and size of the building is less than any others that currently exist in the area.
- 7.22 In terms of privacy and overlooking, the garden area of the new property would be subject to overlooking from 108 The Chase, the flats above the shops at 90 and 92 and from 38 Sheridan Close. Whilst the closest views are from 38 Sheridan Close, these are blocked by the intervening position of the new property and only 40 to 50% of the garden area would be subject to view at a minimum distance of approx. 12.5m. These possible views do not take into account the provision of boundary planting which could be accommodated now that the proposed bungalow is 3.5m rather than 1m only from the eastern site boundary.
- 7.23 The Inspector considered that arrangements for private amenity space for the proposed bungalow in its different configuration at the appeal. Bearing in mind that it is considered that the arrangements now proposed are a marginal improvement in privacy terms for the occupants of the new property, the Inspector considered that the previous arrangements were acceptable. It is not considered that an argument can be sustained now then that privacy for the occupants is unacceptable.

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- 7.24 In terms of the impact on existing residents, the proposed development is a bungalow which is surrounded by two storey development. The provision of obscure glazing (to be required by condition) and boundary treatments are considered to acceptably control the minimal impact the property is likely to have in this respect.
- 7.25 Based on the previous submission, two windows to bedrooms will face onto the rear of the existing dwelling at 108 The Chase. It is not considered that this arrangement is sufficient to claim a 'tandem relationship' in terms of the advice in Appendix 1 to the Local Plan and, in any event, there is to be a 1.8m wall, a garage and a further existing fence between the properties. All these are considered to have the effect of avoiding any harmful inter-relationship here. The Inspector who dealt with the recent appeal considered the issue of impact on adjacent privacy as a result of the similar form of development. He found there to be no identifiable harm.
- 7.26 Lastly, it is necessary to consider whether the proposals have an unacceptably obtrusive or dominant impact on the adjoining residents at 38 Sheridan Close. This was the reason why the appeal Inspector dismissed the previous full application (01/00352/FUL) for the site.
- 7.27 Site inspection reveals that the lowest part of the appeal site is some 0.5m higher than the site of the dwelling at 38 Sheridan Close. The appeal site then raises, unevenly, by some further 0.5 to 1m in height upwards towards its south western end. If Members are minded to grant permission a condition could be applied requiring the slab level of the new dwelling to be set at the lowest part of the application site and hence keep the impact to a minimum. This form of condition was indicated to be acceptable to the applicant at the recent appeal.
- 7.28 The height of the proposed bungalow (to the ridge) has been reduced by some 0.6m. Its proximity to the side boundary with no 38 Sheridan has changed (become more distant) by 2.5m. Whilst the short move of the dwelling to the south (by 1m) lengthens its presence in views from the Sheridan Close property, it is considered that the reduction in height and proximity to the 38 Sheridan Close boundary act so as to make the proposals now acceptable in this respect. The increased distance from the boundary makes the implementation of planting here (to break up the visual appearance of the side of the roof) more realistic.

CONCLUSION

- 7.29 With regard to the access arrangements of the proposed dwelling or its impact on privacy, the proposals are considered to be of a similar standard or an improvement to the recent application on the site which was refused. At appeal however, the appeal Inspector found that the earlier proposals on these aspects would not lead to demonstrable harm with regard to these aspect. It is considered then that the current proposals are equally as acceptable in this regard.

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- 7.30 With regard to the question of dominance or visual intrusion of the development to the residents of 38 Sheridan Close, the sole reason for the refusal of the recent appeal, the current proposals represent an improvement due to decreased height and increased separation. They are considered now to be acceptable with respect to this aspect.

RECOMMENDATION

- 7.31 It is proposed that this Committee **RESOLVES** to **APPROVE** this planning permission subject to the following conditions:
- 1 SC4 Time limits full – standard
 - 2 SC14 Materials to be used
 - 3 SC16 PD restriction, restricting extensions, installation of additional windows, roof alterations (including dormers) and outbuildings.
 - 4 SC23 PD restriction, obscure glazing
 - 5 SC50A Means of enclosure
 - 6 Condition requiring the provision of the additional parking spaces on occupation of the dwelling
 - 7 SC83 site levels
 - 8 SC84 slab levels, indicating that the bungalow has to be set towards the lowest level of the site.
 - 9 SC59 Landscape design, full
 - 10 Requirement for details of the garage to be submitted prior to its construction.

Relevant Development Plan Policies and Proposals:

H11, H19, H20, TP15 and SAT2 of the Rochford District Local Plan First Review

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



Shaun Scrutton
Head of Planning Services

The local Ward Members for the above application are Cllr D R Helson. Cllr T Livings. Cllr S P Smith

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

02/0001/FUL



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NTS



TITLE : **02/00028/FUL**
REPLACEMENT GARAGE AND SHED AT SIDE
14 EASTVIEW DRIVE, RAYLEIGH

APPLICANT : **MR & MRS GREEN**

ZONING : **RESIDENTIAL**

PARISH: **RAYLEIGH TOWN COUNCIL**

WARD: **DOWNHALL**

PLANNING APPLICATION DETAILS

- 8.1 This application has come to the Planning Services Committee, as the applicant is an employee within the Planning Division of Rochford District Council. It would otherwise have been a delegated matter.
- 8.2 The applicant seeks to replace the existing garage and shed. The proposal would be similar to that existing but with an improved appearance being a brick built garage with plain tiled roof rather than a pre-fabricated garage. Its measurements are slightly larger with the length increasing by 0.5m, the width by 0.3m and the height by 0.7m. The proposal would also have a hip roof to the rear rather than gable, as exists.

RELEVANT PLANNING HISTORY

- 8.3 None

CONSULTATIONS AND REPRESENTATIONS

- 8.4 **Rayleigh Town Council** does not raise any objections to or observations on the application.
- 8.5 **County Surveyor (Highways)** considers the application to be de Minimis.
- 8.6 **The Environment Agency** provides advisory comments as the site lies with 250 metres of a current/former waste disposal site.
- 8.7 **County Planner (Archaeology)** state that the Essex Heritage and Conservation Record shows that the proposed development is unlikely to disturb known archaeological deposits. In view of this no archaeological recommendations are made on this proposal.

MATERIAL PLANNING CONSIDERATIONS

- 8.8 The proposal would not have a detrimental impact on the street scene. The site is set back from the main highway, into the corner of Eastview Drive, and fronts onto a private access way that serves numbers 12, 14 & 16. The neighbouring property, number 12 has a garage of a similar style to that proposed. Indeed as explained above this purpose built proposal with an attractive plain tiled roof under an increased pitch will be an improvement over the existing structure.
- 8.9 It is considered that the proposal would not have a detrimental impact on the neighbouring dwellings. The key relationship to consider is that with number 12, as the proposal would run along the common boundary with this property. As the garage for number 12 also runs along this boundary it is considered that there would not be an issue. Although the proposal would increase in both length and height it is thought that this is not to such an extent that there would be a loss of amenity to the adjacent dwelling.
- 8.10 The property has a substantial rear garden, averaging some 25m in length, and as such the proposal would not impact upon dwellings situated to the rear of the site.

CONCLUSION

- 8.11 The proposal is of a design, scale and form that is appropriate to its locality in a residential area. It would not result in a loss of amenity to neighbouring dwelling nor create a detrimental impact on the street scene.

RECOMMENDATION

- 8.12 It is proposed that this Committee **RESOLVES** to **APPROVE** this application subject to the following conditions.
- 1 SC4 Time Limits Full – Std
 - 2 SC15 Materials to Match (Externally)

Relevant Development Plan Policies and Proposals:

H11 of the Rochford District Local Plan First Review



Shaun Scrutton
Head of Planning Services

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The local Ward Member(s) for the above application are Cllr Mrs S J Lemon.
Cllr C I Black.

For further information please contact Deborah Seden on (01702) 546366.

