
REFERRED ITEM R4

**TITLE: 09/00458/FUL
DETACHED FOUR BEDROOMED BUNGALOW SHOWING
CONSTRUCTED VOID/CELLAR AS FOUNDATION
REQUIREMENTS
WILLOW POND FARM LOWER ROAD HOCKLEY**

APPLICANT: MR MARK VENNEEAR

ZONING: METROPOLITAN GREEN BELT

PARISH: HULLBRIDGE

WARD: HULLBRIDGE

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

This application was included in Weekly List no. 1000 requiring notification of referrals to the Head of Planning and Transportation by 1.00 pm on Tuesday, 22 September 2009, with any applications being referred to this meeting of the Committee. The item was referred by Cllr K J Gordon.

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

4.1 **Hullbridge Parish Council:** No objections or comments.

NOTES

- 4.2 This application is to a site on the northern side of Lower Road immediately to the east of 'The Dome' and 'Hockley Park' mobile home estates. The site overall covers some 5.6ha (14 acres) and is mostly laid to grass but with a barn and mobile homes to the north eastern corner and stables under construction nearer the main road along the eastern boundary.
- 4.3 The planning history of the site has previously accepted the need for a dwelling based upon an equestrian business on the site. Planning permission was granted to replace the existing mobile homes on the site with a new bungalow approved in outline under application 01/00090/OUT and with reserved matters granted under application 06/00412/REM. An alternative application for a four-bedroomed bungalow was granted planning permission on 24 July 2007 under application reference 07/00514/FUL.

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- 4.4 Planning permission has also been granted for replacement stables under application 07/00103/FUL and these are being implemented on the site.
- 4.5 In implementing the permission for the bungalow as granted under application 07/00514/FUL the applicant constructed an extensive basement to the whole footprint of the approved bungalow. This was noted by the Council's enforcement officer and the applicant advised that the construction of the basement and thus a new dwelling required fresh planning permission. Construction of the bungalow has stopped.
- 4.6 An application for an alternative bungalow to that approved but including a basement formed from an alternative design to the foundations and proposed as non-habitable floor space was refused planning permission on 7 October 2008 under application reference 08/00693/FUL.
- 4.7 An amended application was made featuring minor changes to substitute the cant style brick for a York stone plinth and to show the basement area to be accessed solely from an external staircase and not within the building, as previously. The application was supported by a new design and access statement, which set out the circumstances as to how the foundation and basement came about whilst the dwelling was under construction; the applicant found buried mobile homes beneath the approved siting position requiring a revised "box" type foundation, as opposed to alternative deep piling. That application was refused permission under application reference 09/00130/FUL on 5 May 2009 and for the following reason:-
- 4.8 1) The site is within an area of Metropolitan Green Belt, as defined in the Rochford District Replacement Local Plan (2006). The proposal, by way of the provision of a basement, would result in an oversized and disproportional building considered to be inappropriate development and contrary to Policies R1 and R3 of the Local 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 or for the change of use or extension of existing buildings (other than reasonable extensions to existing buildings, as defined in Policies R5 and R6 of the Local Plan). Any development that is permitted shall be of a scale, design and siting such that the appearance of the countryside is not impaired.
- 4.9 The resultant building would undermine the consistent approach followed by the Local Planning Authority in the consideration of new dwellings proposed within the Metropolitan Green Belt and would, if allowed, make the established approach more difficult to sustain potentially resulting in further harm to the Green Belt by way of further provision of oversized dwellings. The details of the application do not, in the opinion of the Local Planning Authority, provide very special circumstances to outweigh the normal presumption against inappropriate development within the Metropolitan Green Belt.

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- 4.10 The current application is identical to the last application considered under application 09/00130/FUL but the applicant has included in the current application submissions in the form of a supporting letter from the manager of the adjoining "The Saltings" caravan park and function suite complimenting the applicant upon the improvements he has made to the site appearance. Also included in the current application is a petition of 77 signatures from residents of the adjoining Dome Village and Hockley Park and who express strong support requesting sympathetic consideration to the applicant, given the hard work and improvements made to the appearance of the site.

Material Considerations

- 4.11 The site is located within the Metropolitan Green Belt where the reasonable sized replacement of existing dwellings is permitted provided it does not result in being disproportionate to the original building it replaced. Policy R3 to the Council's saved Adopted Local Plan (2006) states that permanent dwellings for agricultural workers and which is also applicable to equine dwellings should be of a size commensurate with the established functional requirement of the unit in that the income from the business can support the costs of the building. The history of this site has established this to be the case. As such, equine dwellings are also exceptionally permitted within the Green Belt and Policy R3 to the saved Local Plan allows for such dwellings to have a floor space of up to 175 square metres. The bungalow, as approved under earlier applications, has a main floor area of 174 square metres with additional floor area of the bay windows giving an overall floor area of 178.65 square metres. The dwelling approved on this site is considered acceptable at the ground floor area shown but the effect of the extensive accommodation possible within the basement area more or less doubles that amount and is in excess of the policy allowance.
- 4.12 The proposal would have the same general appearance as that previously approved under application 07/00514/FUL as essentially the matter at issue concerns the below ground building size relevant to the policy considerations.
- 4.13 The applicant argues the circumstances around the construction of the foundation and the reduced need for external storage and heating fuel storage amount to very special circumstances that overcome previous objections.

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- 4.14 The site was found on excavation, to contain the burnt remains of two large mobile homes and a further touring caravan that were buried on the site by the previous owner. The need to remove all the buried material created a large hole in the ground. This required an alternative design solution for the foundation, which is corroborated by a letter in August 2007 included in the Design and Access Statement by the applicant's consultant engineer and who confirms that the depth of the excavation means that traditional foundation design methods are not available. The engineer advises that the construction should be built from a raft with concrete retaining walls beneath which would leave a large void beneath. The engineer suggests this could be used as a cellar. It seems the alternative piled foundation would not have been possible or at least much more difficult due to the extent of excavation carried out before the problem could be assessed.
- 4.15 The applicant argues that the unusual finding of the buried caravans and the consequent revised foundation design, together with the use of the cellar to provide extensive storage to avoid the visual impact of residential paraphernalia such as sheds and fuel storage, in this case amount to very special circumstances that would in this case justify the grant of permission.
- 4.16 The current application duplicates the ground floor layout as a cellar. The applicant argues that the cellar would provide non-habitable space below the existing structure able to store refuse/waste and recyclables, garden furniture, fuel for the heating system, and the location for the ground source heat pump with necessary servicing and commissioning access points to the associated pipe work and pipe entry points. The only externally visible feature would be a spiral staircase in the centre of the rear elevation leading from the garden area to the cellar. Light well grilles would be located beneath the main windows to the ground floor of the building. Internally the layout of the bungalow at ground floor and above the basement is identical to that approved under application 07/00514/FUL.
- 4.17 Officers consider that the use of the basement for these purposes does not amount to very special circumstances to allow an oversized dwelling. Furthermore no specific details have been provided to demonstrate the essential needs in space terms for the operation of the heating system. Whilst some basement space would be essential it is likely that that system requires substantially less than the whole basement area constructed and now at issue in the current application.
- 4.18 The applicant argues that the cellar would not be accessed internally and therefore cannot be considered habitable floor space.

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- 4.19 Members will be aware that out buildings capable of providing accommodation are relevant to the consideration of overall habitable floor space and the basement, compared to such out buildings, would serve to double the accommodation, as approved. Furthermore, officers consider that, if approved, it would be relatively easy to provide internal access to the basement from the ground floor study area. It would not be practical to condition against this without invading the future occupiers, privacy from time to time.
- 4.20 The central issue is the assessment of the basement feature and its impact upon the Green Belt. There is limited advice or appeal history to the consideration of this issue. However, the issue of the provision of basements has challenged inspectors on appeal with the overall conclusion that such enlargement of dwellings remains inappropriate development in the Green Belt that should be refused planning permission.

Basement Cases

- 4.21 CASE A. An Inspector allowed an appeal relating to the refusal of an application to remove a condition from a new bungalow in the Green Belt (Bosworth Road) that sought to restrict the use of a basement to be ancillary space only.
- 4.22 In this appeal the Inspector reasoned that the grant of permission to include a cellar, albeit controlled by a condition to prevent habitable use, nonetheless allowed for a building of a larger physical extent in excess of policy limits for appropriate development. In common to the current application the cellar was accessed by an external staircase and with external lighting grilles and with similar room arrangement to the ground floor of the building. The Inspector found the condition to be unsatisfactory and lacking precision, and reasoned that, given the Council's concerns at increased floor space over and above policy limits, permission would have been better refused rather than seeking to control the use of it by an imprecise, unclear and difficult to enforce condition that effectively sought to prevent the authorised use. The Inspector took the view that since the rooms were below ground and the external stair not visible to the wider public views of the site, it would be difficult to detect if such a condition were in breach. Therefore the condition was not considered reasonable by the Inspector and the appeal was allowed on 12 April 2002.

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- 4.23 CASE B. An appeal against an enforcement notice for the construction of a basement to a replacement dwelling in the Green Belt in the Seven Oaks District, Kent. In this application foundation difficulties on infilled land favoured a preferred design by both engineer and Council building control officer to create a concrete raft foundation and the void created had been utilised as a basement. The Local Planning Authority policy limited the floor space increase by no more than 50% over and above that of the original dwelling. The basement at issue exceeded this limitation. It is stated that if the basement were completely subterranean with no exterior walls exposed, such a design would have been acceptable. The development at issue, however, had an exposed wall.
- 4.24 The previously unknown subsoil conditions were put forward by the appellant as very special circumstances.
- 4.25 The Inspector concluded that given the welcome, flexible approach by the Local Planning Authority in accepting the increase if solely below ground (as in a previous appeal decision within that LPA area) the issue of floor space increase was not of great concern but the inspector went on to consider the effect of the exposed wall on the appearance and character of the area and duly allowed the appeal in February 2008.
- 4.26 CASE C. Alfoxton House 217 Hockley Road in the Rochford District. This dwelling is located in the Residential Area but the Green Belt boundary is within some 3m of an existing rear extension of the house. The established 'urban' garden of the dwelling extends well into the Green Belt.
- 4.27 In the appeal for an extension to be built partly into the Green Belt by some 0.8m and 1.7m and a basement entirely in the Green Belt the Inspector noted the very particular circumstances, rarely to be repeated of the house being in the residential area and the basement being beneath the 'urban' garden. Given this unusual circumstances he felt the Green Belt policy position was not clear cut and that his decision must be based on a pragmatic view. He concluded it was appropriate development and allowed the appeal.

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- 4.28 CASE D. A more recent case concerning the replacement of a dwelling in the Cheshire Green Belt is of new relevance. In this case the replacement dwelling had been built contrary to the approved plans exceeding the agreed floor space by 601 square metres, providing two additional floors incorporating a basement and rooms in the roof space. Although this case was concerned with other matters such as a three metre increase in height, the Inspector made comment on the basement feature. The Inspector cited the judgment in *Heath and Hampstead Society v Viachos and London Borough of Camden* (2008) in which the court of appeal stated that the emphasis should be on relative size rather than visual impact when assessing whether a dwelling is materially larger for the purposes of the Green Belt policy and guidance contained in PPG2. This requires an assessment of floor space, footprint, built volume, height and width. The Inspector opined that the claim that the visual impact was not materially greater took the wrong approach. The fact that a basement lay below ground did not remove the need to consider this aspect and as a result the resultant dwelling was an inappropriate form of development and thus undermined the openness of the area.
- 4.29 Rochford District Council's policies do not currently apply the flexibility as in the Seven Oaks District Council (CASE B) where basements within Green Belt areas completely below ground are considered acceptable by that Council.
- 4.30 In the case of the earlier Rochford appeal (CASE A) the Inspector rightfully considered the oversized nature of the floor space issue best addressed by refusing permission for the floor space increase rather than seeking to limit the use of the area to storage or other purposes by an inappropriate condition. This earlier appeal case (CASE A) more directly compares to the current application which would result in a substantial increase in floor space to the building approved and as such be inappropriate development. To condition its use to be limited to storage only would not prove effective in enforcement as was the case for the Bosworth Road decision considered above (CASE A). This position is endorsed by CASE D where the Inspector considered that to overlook the extent of below ground accommodation is the wrong approach in Green Belt terms.

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- 4.31 In addition to the harm caused by way of the inappropriateness of the development, the consideration of other harm also falls to be considered. The basement apart from the external stair would not impact by itself upon the openness of the area. The Council has, however, for many years exercised a policy based upon floor space considerations for either the extension or replacement of existing dwellings in the Green Belt or, as in this case, the size of equine or agriculturally related dwellings. The approach has been consistent and well supported also on appeal. The granting of planning permission for the basement now proposed would greatly exceed the floor space limitation expressed through established policy. Despite the consideration of each application on its merits, the effect of allowing the floor space considerations to be exceeded in this way would make the established approach more difficult to sustain resulting in further harm to the Green Belt by way of future oversized new dwellings.
- 4.32 The applicant has been in discussions with officers for some time regarding the situation and the commencement of the unauthorised basement. The applicant has been advised that some essential limited basement facility required for the ground source heat pump would be acceptable in principle. If this space was also used for limited storage or as a wine cellar this would be acceptable. Officers anticipate that such space would be very limited and barely large enough to provide a reasonable room. Officers have advised that the remaining basement should be filled with concrete or some material that could not be removed at a later date to allow future conversion. The current application does not follow this advice and although including details of the heating system generally does not set out the amount of space required in floor space terms but instead makes a general argument for the retention of the basement as a whole and which officers find to be unacceptable when assessed against the Council's current policies.

Other Matters

- 4.33 The application is accompanied by the previously submitted preliminary wildlife assessment that accompanied the application for the approved dwelling and which relied upon a survey carried out on 31 January 2007. This accompanying survey argues further survey work to determine the presence of great crested newts to be undertaken on the site. A further survey was actually undertaken to support the application submitted and approved for the stables (Ref : 07/00103/FUL) to be constructed on the site and which was carried out on 18 April and 9 May 2007 and found no great crested newts or their eggs to be present in the ponds on the site.
- 4.34 The site has since been extensively reformed as part of the landscaping to the approved stables and the site of the current proposal extensively excavated to provide the foundation design at issue in this application.

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- 4.35 The requirements of the Council's Ecological Officer have previously been met. The land has also been disturbed such that officers did not consider that further ecological work was required. Natural England has no objection to raise on the application. In these circumstances officers consider that the site will have been unlikely to have been populated by protected species, particularly in the vicinity of the development to which the application relates. It would be unreasonably harsh to seek further survey work and officers do not support the advice given by the Council's ecologist.
- 4.36 The proposal is an alternative to an existing approval and it will therefore be necessary to condition any approval that might be given to specify the consent as an alternative as well as the removal of the existing mobile homes.
- 4.37 **Essex County Council Highways and Transportation:** No objection.
- 4.38 **Environment Agency:** Assess as having low environmental risk and no objection to the proposal.
- 4.39 **Natural England:** Note that have previously commented on the ecological reports submitted with previous applications. Are not aware that this most recent application contains any further ecological information or that changes proposed to the development are significant in ecological terms. Therefore do not wish to provide further comments.
- 4.40 **Woodlands Section:** No comments to raise in respect of trees.
- 4.41 The ecological survey was produced in February 2007 and not August 2009. It is out of date. Furthermore, it had originally identified the possible presence of legally protected fauna.
- 4.42 These presence/absence surveys have not been addressed. No consideration given. Ecological side wholly inadequate and recommend refusal.
- 4.43 **Head of Environmental Services:** No adverse comments to make, subject to Standard Informative SI16 (Control of Nuisances) being attached to any consent granted.

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REFUSE

- 1 The site is within an area of Metropolitan Green Belt, as defined in the Rochford District Replacement Local Plan (2006). The proposal, by way of the provision of a basement, would result in an oversized and disproportionate building considered to be inappropriate development and contrary to Policies R1 and R3 of the Local 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 or for the change of use or extension of existing buildings (other than reasonable extensions to existing buildings, as defined in Policies R5 and R6 of the Local Plan). Any development that is permitted shall be of a scale, design and siting such that the appearance of the countryside is not impaired.
- 2 The resultant building would undermine the consistent approach followed by the Local Planning Authority in the consideration of new dwellings proposed within the Metropolitan Green Belt and would, if allowed, make the established approach more difficult to sustain, potentially resulting in further harm to the Green Belt by way of further provision of oversized dwellings. The details of the application do not, in the opinion of the Local Planning Authority, provide very special circumstances to outweigh the normal presumption against inappropriate development within the Metropolitan Green Belt.

Relevant Development Plan Policies and Proposals

R3, R6, of the Rochford District Council Adopted Replacement Local Plan
As saved by Direction of the Secretary of State for Communities and Local
Government in exercise of the power conferred by paragraph 1(3) of schedule 8 to
the Planning and Compulsory Purchase Act 2004. (5th June 2009)

Supplementary Planning Document 5 (Vehicle Parking Standards)



Shaun Scrutton
Head of Planning and Transportation

For further information please contact Mike Stranks on (01702) 318092.

The local Ward Members for the above application are Cllrs Mrs R Brown,
P R Robinson and Cllr Mrs L A Butcher.

REFERRED ITEM R5

**TITLE: 09/00477/FUL
CONSTRUCT DETACHED FOUR BEDROOMED BUNGALOW
WITH DETACHED GARAGE AND ACCESS DRIVE
16 EASTERN ROAD RAYLEIGH**

APPLICANT: PAGE ESTATES

ZONING: RESIDENTIAL

PARISH: RAYLEIGH TOWN COUNCIL

WARD: WHEATLEY

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

This application was included in Weekly List no. 1000 requiring notification of referrals to the Head of Planning and Transportation by 1.00 pm on Tuesday, 22 September 2009, with any applications being referred to this meeting of the Committee. The item was referred by Cllrs J M Pullen and Mrs M J Webster.

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

-
- 5.1 **Rayleigh Town Council:** objects as it considers it to be an unacceptable form of backland development

NOTES

- 5.2 This application seeks approval to erect a single dwelling on land to the rear of 16 Eastern Road currently forming the rear garden of that property. An application to erect two dwellings on the site is also in consideration (Ref 09/00478/FUL).
- 5.3 The site is located in a residential area to the south side of Rayleigh. The site has an area of 920m² of which circa 800m² is usable space for the placement of a dwelling and the remainder is a strip of land to be used for access from Eastern Road. The site is bounded by the rear gardens of properties in Eastern Road and Kingswood Crescent. The properties to the north, east and south are detached two storey houses. Beyond the rear boundary to the west are a row of bungalows. The medium to large gardens characteristic of the area have resulted in a low density of below 15 dwellings per hectare. A single dwelling on the site would be in accordance with this prevailing density pattern.

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- 5.4 The principle of this form of backland development is not unacceptable, given the residential designation of the site, providing that such development is in accordance with the character of the area and does not impinge on the amenities of existing residents. Of relevance to this application is a permission granted on appeal to build two detached bungalows on a larger plot of 0.25 hectares to the rear of 16-24 Kingswood Crescent (08/00403/FUL) and the recent dismissal of an appeal to build a further bungalow on that site (09/00085/FUL). The Inspectors took the main issues to be the effect on the character and appearance of the area and the living conditions of neighbouring residents with particular regard to loss of outlook.
- 5.5 The proposal is for a four bedroom bungalow sited within the centre of the plot with a detached double garage in the north east corner. The principal elevation would face the east with a separation in excess of 35 metres to the rear elevations of properties in Eastern Road. The southern side elevation would be set back 3 metres from the boundaries of the properties at Nos. 2 to 6 Kingswood Crescent. The rear garden depth of these properties was around 15 metres when the houses were originally built although a two storey rear extension at No. 6 has reduced this distance somewhat. As the proposed property would be single storey it is not considered that the outlook from these properties would be unduly affected or that overlooking from the proposal would occur. The furthestmost protruding part of the rear elevation would be 10 metres from the side elevation of No. 8. It is not considered that the outlook from this property would be compromised and that rear garden privacy would be maintained by the proposed boundary treatments. A condition requiring precise details of the proposed fencing, hedges and tree planting is considered necessary to protect the privacy of neighbouring residents.
- 5.6 The bungalow would have a width of 13.5 metres and a depth varying between 12 metres in the central section and the 17.2 metres of the southern elevation. It would feature a pyramid style roof over the majority of the property with a maximum height of 6.5 metres. In addition there would be two gable ended front projections and a hipped rear projection with ridge heights of 4.2 metres. The fenestration pattern is mostly orientated towards the front and rear. There would be a single side window belonging to a bathroom on the northern side elevation with a bathroom and kitchen window on the southern side. The general design and appearance of the proposed bungalow would be similar to those under construction at the rear of 16 Kingswood Crescent and would not conflict with the character of the area.
- 5.7 As a precaution to protect the interests of the occupiers of neighbouring properties it is considered necessary to impose a condition removing permitted development rights to insert dormers or other roof openings in the property.

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- 5.8 This access driveway to the property is approximately 40 metres in length, 2.5 metres in width increasing to 4.1 metres at the junction with eastern road and is located between Nos.16 and 18 Eastern Road. The distance of the proposed property would be in excess of 50 metres from the highway and the width of the access would be unsuitable for fire tenders. Reasonable provision of access and facilities to aid fire fighters are the subject of Building Regulations and alternative technical solutions are available eg. sprinkler systems. The Local Highways Authority has raised no objection to the proposal subject to the existing property having suitable access and parking facilities for two cars. The proposed new bungalow features a detached double garage 5.5 metres in width, 5 metres in depth with a height of 4 metres forward of the property in the north east corner. A turning head with further parking space would be in front of the garage.
- 5.9 The new property would have a usable rear garden area of 200m². The existing property would maintain a rear garden in excess of 100m². This complies with the standards required by the Authority.
- 5.10 The application has been accompanied by an ecological assessment and an arboricultural report. Officers of the Council's woodlands section have no objections to the proposal although have requested further information regarding the access driveway which is within the root protection area of three beech trees in a neighbouring garden. This can be achieved by a planning condition.
- 5.11 It is considered that the plot would be suitable, in terms of size and location, for a single storey dwelling. Such a development would not be harmful to the living conditions of the occupants of neighbouring dwellings or be unsympathetic to the prevailing character of the area.
- 5.12 **Environment Agency:** No comment.
- 5.13 **Essex County Council Highways:** No objection subject to recommended conditions regarding:
- The provision of two parking spaces splayed to a suitable dropped kerb and 1.5 metre pedestrian visibility splays.
 - Driveway to be completed in suitable bound materials
 - Construction vehicles and materials to be stored clear of highway

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5.14 Woodlands Section:

Ecology - No ecological concerns.

Trees - The Beech trees referenced as T1-T3 in the neighbouring garden are to be protected as per the tree protection plan supplied with the arboricultural survey. The protective barrier/fencing is to be constructed using the profile/method as supplied with the arboricultural survey.

Further information is required for the access road/driveway that will be within the RPA of T1-T3. This should include method statement and construction profile of the driveway. This should include measures to avoid soil compaction, allow continued root activity whilst providing adequate resistance for applied load. This may be supplied as a condition of planning consent if the development is permitted.

- 5.15** Further information is required for tree planting arrangements. This may be supplied as a condition of planning consent if development is permitted. This should include details of species to be planted, planting method statement, aftercare arrangements. This should be in accordance with industry best practice and relevant British Standards

- 5.16** Neighbours: Objections have been received from a total of 13 properties of which all but one are in the Eastern Road/Kingswood Crescent area

Main points:

- loss of outlook;
- overdevelopment;
- out of character;
- invasion of privacy;
- increased traffic;
- on street parking;
- noise and disturbance;
- awkward and narrow access on corner.

APPROVE

- 1 SC4B Time Limits Full - Standard
- 2 SC14 Materials to be Used (Externally)
- 3 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class B and/or Class C, of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) no dormers, rooflights or any other openings; shall be inserted, or otherwise erected, within the roof area of the dwelling hereby permitted.

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- 4 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The scheme shall include details of all existing trees, including trees on adjacent plots with root protection zones extending onto the site, shrubs and hedgerows on the site and details of any to be retained, together with measures for their protection in the course of development. Details shall include species, size and spacing of all trees, shrubs and hedgerows to be planted, grasses and hard surfaced areas. All planting, seeding and turfing in the approved scheme shall be carried out in the first planting season following the completion of the development, or such arrangement as may be agreed in writing by the local planning authority. If within a period of 5 years from the date of planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies or becomes seriously damaged or diseased, another tree of the same species and size as that originally planted shall be planted in the same space in the first available planting season following removal.
- 5 Prior to the start of works, a hardstanding for two parking spaces shall be provided within the curtilage of No.16 Eastern Road (outlined in blue on submitted plans). The hardstanding shall be paved in bound materials and splayed to a suitable dropped kerb crossing. In addition 1.5m x 1.5m pedestrian visibility splays, as measured from the back of footway shall be provided either side of the new access with no obstruction above 600mm within the area of the splay.
- 6 Prior to the beneficial use of the development commencing the driveway shall be constructed and completed in bound materials to the satisfaction of the Local Planning Authority.
- 7 No occupation of the dwelling shall commence before precise details of a 2m high means of enclosure between Points A and B and between Points B and C; marked on the approved drawing, have been submitted to and approved by the Local Planning Authority and erected in accordance with the agreed details. Thereafter, the said means of enclosure; shall be retained and maintained in the approved form, notwithstanding the provisions of Article 3, Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification).

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REASON FOR DECISION

The proposal is considered not to cause significant demonstrable harm to any development plan interests nor harm to any other material planning consideration.

Relevant Development Plan Policies and Proposals

HP14, of the Rochford District Council Adopted Replacement Local Plan
As saved by Direction of the Secretary of State for Communities and Local
Government in exercise of the power conferred by paragraph 1(3) of schedule 8 to
the Planning and Compulsory Purchase Act 2004. (5th June 2009)

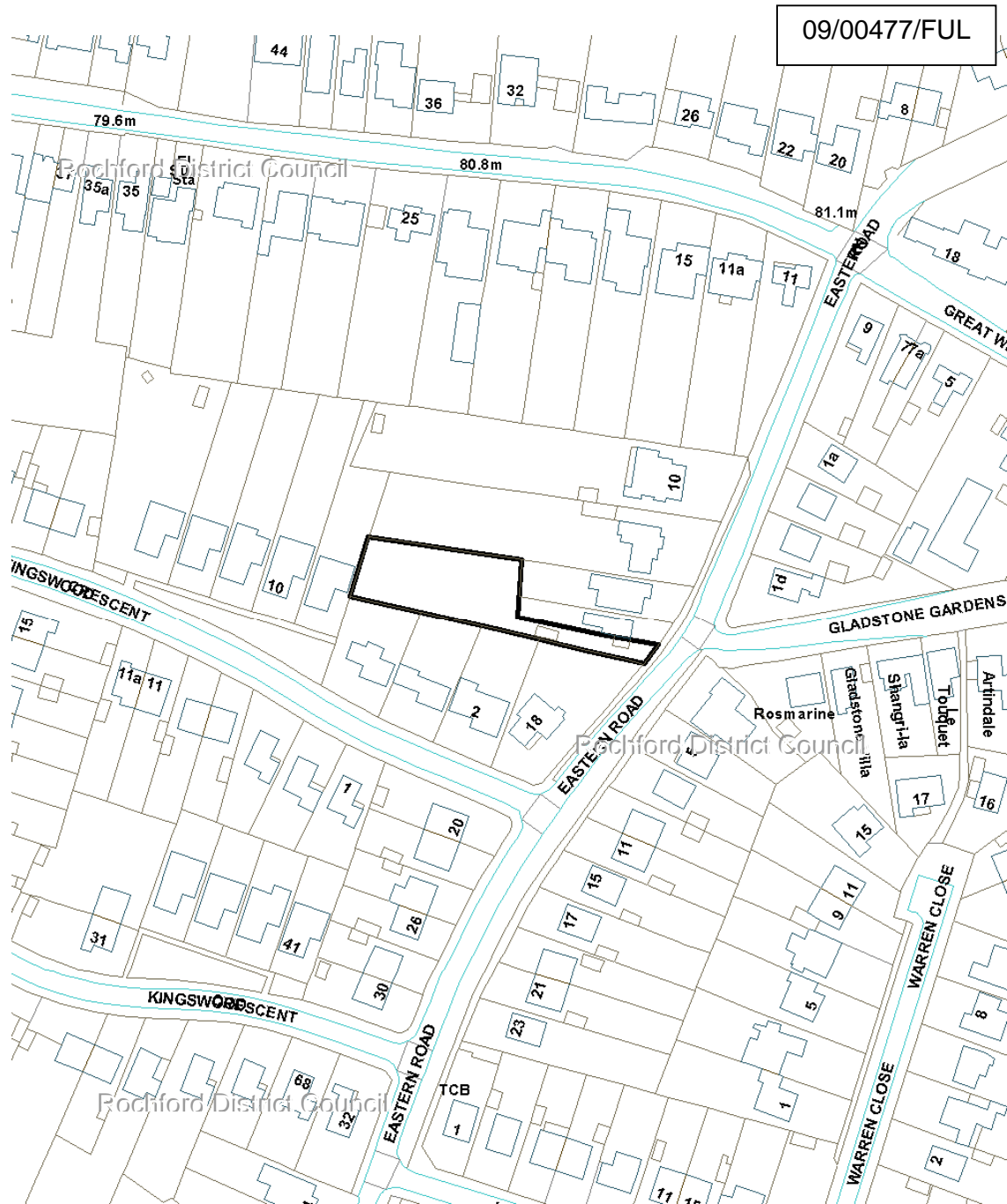


Shaun Scrutton
Head of Planning and Transportation

For further information please contact Robert Davis on (01702) 318095.

The local Ward Members for the above application are Cllrs J M Pullen and Mrs M J Webster.

REFERRED ITEM R5



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NTS



REFERRED ITEM R6

TITLE: 09/00282/FUL
RETAIN STORAGE CONTAINER AND THREE PORTACABIN
CHANGING FACILITIES
LAND NORTH OF SUNNYVIEW OLD LONDON ROAD
RAWRETH

APPLICANT: MR BRIAN HORNE

ZONING: METROPOLITAN GREEN BELT

PARISH: RAWRETH PARISH COUNCIL

WARD: DOWNHALL AND RAWRETH

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

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

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- 6.1 **Rawreth Parish Council:** Object on the basis that the portacabins and containers are detrimental to the character of the countryside, they are an eyesore and are completely opposite to the rural aspect of this setting and destroy the rural aspect of the area contrary to policy R1 and more than minimal impact on Green Belt (GB2).
 - 6.2 Site operators and owner have been acting against the current planning conditions for some time. If permission granted will encourage them to act in this way. The Parish already know that further applications will be made to have them plumbed in and this will be the start of a complex for increasing the facilities on the site.
 - 6.3 The neighbours have been able to enjoy peace and quiet of the rural area in the same context as when Rayleigh Cricket Club licence extension was presented.
 - 6.4 Stress previous correspondence be taken into consideration.

REFERRED ITEM R6

NOTES

- 6.5 This application is to a site 110m north of the junction between London Road A129 and Old London Road. The site comprises a grassed playing field and is contained to the east and north by the alignment of Old London Road, Rawreth.
- 6.6 The site boundaries are essentially hedged to varying degree. The site is crossed North East – South East by a public footpath No. 16.
- 6.7 On the site exists a car park with a storage container 2.5m wide, 12m long and 2.6m high towards the north western edge of the site. Further south along the same boundary exists two portacabin type buildings fixed together to form one structure 3m wide, 18.3m long and 2.6m high understood to be used for changing rooms.
- 6.8 The proposal seeks permission to retain the existing container and portacabins and add one further portacabin 3m wide, 9m long and 2.6m high not present on the site.
- 6.9 The existing container and portacabins together with that proposed are each painted dark green in colour.

Relevant Planning History:

- 6.10 Application No. 05/00432/COU
Change of Use From Agriculture to Provision of Four Junior and One Full Size Football Pitches, Access and Parking Areas.
Permission refused 16th August 2005
- 6.11 Application No. 05/01043/COU
Change Of Use From Agriculture to Provision of Two Junior and One Full Size Football Pitches, Access and Parking Areas.
Permission granted 28th March 2006.
- 6.12 Application No. 09/00417/FUL
Provide Additional Storage Container and Additional Eight Youth Football Pitches.
This application is current and yet to be determined.
- 6.13 Application No. 09/00486/ADV
Two Non-Illuminated Hoarding Signs
This application is current and yet to be determined.
- 6.14 The current application has arisen in response to enquiries in the Council's Enforcement Team.

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6.15 The site has also been the subject of enquiries by the Council's Enforcement Officer concerning the breach of conditions restricting the number of days used over the weekend and the laying out of the site for a greater number of pitches than authorised. These enquiries have resulted in the applications yet to be determined.

6.16 Most recently, a portable toilet block has been provided on the site and which is now also the subject of enquiries by Enforcement Officers.

Material Planning Considerations

6.17 The site is located within the Metropolitan Green Belt and where the use of the site for playing field is generally permissible within the Green Belt policy and as reflected in the consent for the site. The consent however restricts the use to football and for one day per weekend either Saturday or Sunday. Both these constraints are imposed in the interests of visual and residential amenity.

6.18 Small scale facilities essential for outdoor sport and recreation and for uses of land which preserve the openness of the Green Belt are one of few exceptions of acceptable development within the Green Belt as set out at paragraph 3.4. to Planning Policy Guidance Note 2: Green Belts (1995).

6.19 The playing field essentially keeps the land open but for the impact of goal posts, the car park and any such buildings that can be considered essential.

6.20 The Council endorses the guidance of Sport England in seeking the provision of changing facilities. At paragraph 2.11 to the Council's Supplementary Planning Document 3 Playing Pitch Strategy (January 2007) it is stated that within the Green Belt the minimum Sport England Standard should be followed of 40 square metres per pitch to allow for two teams, sports officials and storage but that toilets may be additional provision over this figure.

6.21 The site is authorised for use by two junior and one full size pitches. This would therefore require changing room capacity of 120 square metres overall and preferably with a 40 square metre facility allocated to each pitch. The layout of the portacabins as proposed to provide changing and toilet facilities would equate to an overall floorspace of 82.5 square metres. Included within this figure are toilets and therefore the actual changing area is significantly less than would accord with the Council's standard.

6.22 The applicant has advised that the toilets within the existing portacabins at present are not connected and therefore not used. The connection is pending until the planning situation is resolved. If permission is granted the applicant would seek to provide a Klargest type septic tank to deal with foul drainage.

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- 6.23 It would be reasonable to expect that playing pitches need storage space for site care as well as equipment such as posts and goal netting. The storage container meets this requirement.
- 6.24 The container and portacabins are clearly of a functional and industrial type appearance but they are modest in size for the purpose proposed. They are to a colour that blends best in the backdrop of the hedged field margins and appear in relatively good and tidy condition. Clearly these structures represent small scale facilities that can be considered essential to provide limited changing and toilet facilities to serve the pitches as approved and acceptable therefore within the Metropolitan Green Belt.
- 6.25 An issue has been raised in the representations received and concerning the applicant's business. The applicant has confirmed that he does run a company called Sporting Events Ltd. This company provides a service in supplying pitch facilities for local football teams and leagues. This is a small business and this is the only site used. It is not intended to work outside the existing permission. The application seeks to improve the existing facility with changing rooms. The business is run for profit as most businesses aim to do, including the farming of the adjacent land. The applicant considers this point raised is irrelevant to the consideration of the application.
- 6.26 **Essex County Council Environment Sustainability and commerce –**
- 6.27 **Specialist Archaeological Advice:** No recommendations to make.
- 6.28 Five letters have been received in response to the public notification and which in the main raise the following comments and objections:
- Applicants should have known the facilities required on their initial application and applied accordingly
 - Given blatant disregard of the permission for three pitches have a genuine concern that applicants will seek more pitches and possibly more storage without permission
 - Not suitable for intended purpose
 - Land is accessible and vandalism and damage will occur
 - Might encourage travellers to occupy the site
 - No facility for drainage of any waste or foul water
 - No need for changing facilities as players go home to shower and change
 - Granting permission will inevitably lead to further applications for facilities for permanent buildings
 - Green Belt and visual intrusion
 - Portacabins on this site for 2/3 years but never used
 - They were broken into and used by drug takers
 - Suspect ulterior motive as site is restructured to use one day a week

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- Applicant is proprietor for a company called Sports Events Ltd and runs the site for profit, which must be against the spirit of sports on Green Belt
- Would have no problem with a proper club on the site because all problems could be discussed with a committee.
- Insufficient drainage
- Loss of view

APPROVE

- 1 SC4B Time Limits Full - Standard
- 2 The portacabins and storage container hereby approved shall be used solely ancillary for the purposes of playing football at the site as granted planning permission and for no other purpose including any use otherwise permitted within Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (including any Order revoking or re-enacting that Order, with or without modification) or such uses ordinarily incidental to the use hereby permitted.

REASON FOR DECISION

The proposal is considered not to cause significant demonstrable harm to any development plan interests nor harm to any other material planning consideration.

Relevant Development Plan Policies and Proposals:

None.



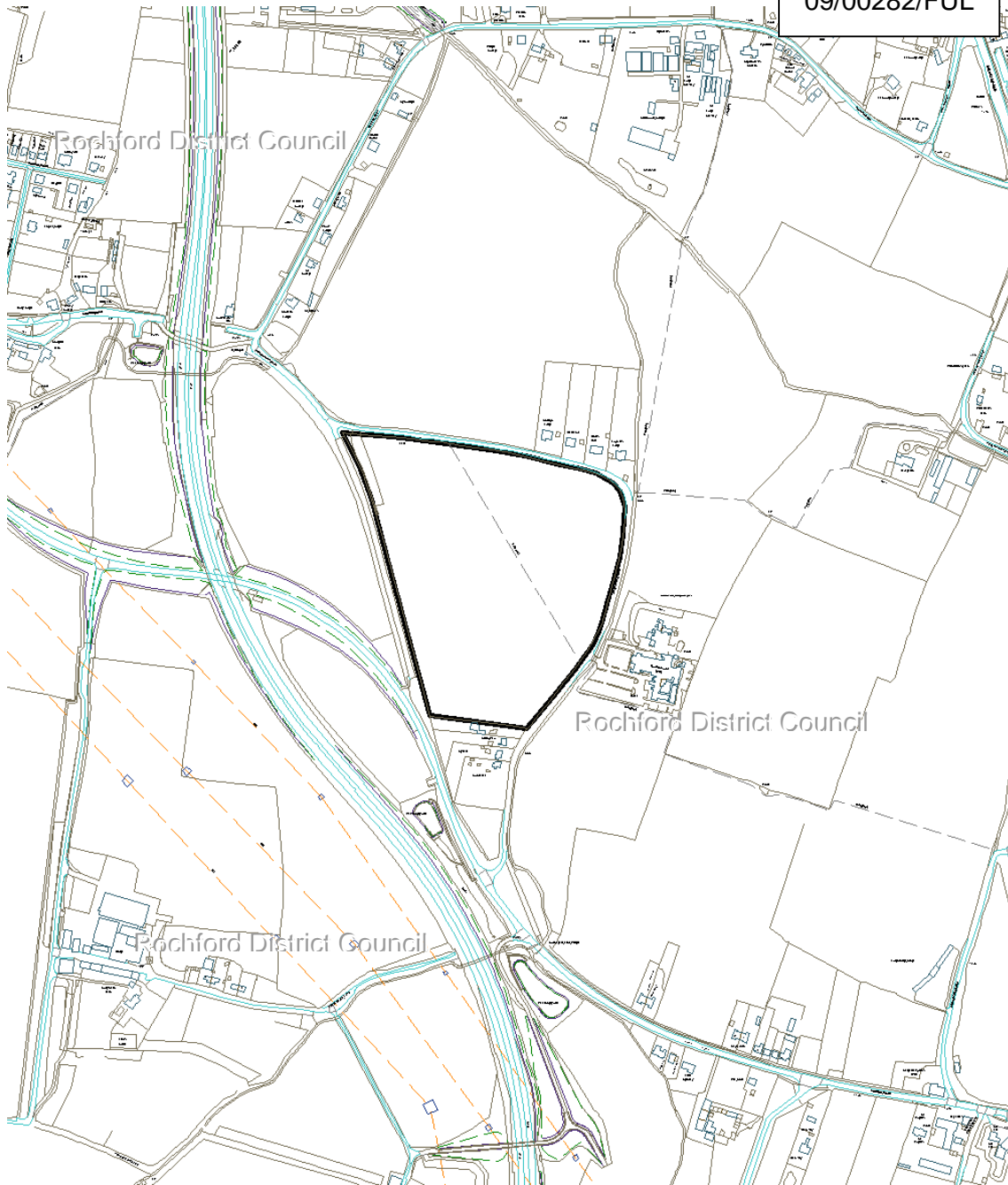
Shaun Scrutton
Head of Planning and Transportation

For further information please contact Mike Stranks on (01702) 318092.

The local Ward Member(s) for the above application are Cllrs C I Black and R A Oatham.

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09/00282/FUL



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