



Rochford District
Council

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY
PLANNING SERVICES COMMITTEE 24th April 2003**

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

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

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

If you require a copy of this document in larger print, please contact the Planning Administration Section on 01702 – 318191.

PLANNING SERVICES COMMITTEE - 24 April 2003

ASHINGDON AND CANEWDON

Cllr Mrs T J Capon

Cllr T G Cutmore

FOULNESS AND GREAT WAKERING

Cllr T E Goodwin

Cllr C G Seagers

Cllr Mrs B J Wilkins

HOCKLEY WEST

Cllr Mrs L Hungate

HULLBRIDGE

Cllr Mrs R Brown

Cllr D F L Flack

Cllr C R Morgan

WHEATLEY

Cllr J M Pullen

Cllr Mrs M J Webster

PLANNING SERVICES COMMITTEE 24th April 2003

DEFERRED ITEM

D1 03/00005/FUL Mr John Whitlock PAGE 4
Erect 3-Bed Detached Bungalow with Attached
Garage Demolish and Provide Replacement Garage
to 41 Hawthorne Gardens to Create Access to New
Bungalow
Land Rear Of 26 High Road Hockley

REFERRED ITEM

R2 03/00072/ADV John Wood PAGE 13
Display Internally Illuminated Doorhead and
Externally Illuminated Projecting Sign
27 High Street Rayleigh

SCHEDULE ITEMS

3 03/00098/FUL Mr Peter Whitehead PAGE 16
Use of Existing Office Building as Bar/Restaurant,
Together with Two Storey Extension and Balcony
Essex Marina Creeksea Ferry Road Canewdon

4 03/00117/COU Mr Lee Walton PAGE 22
Change Of Use Of Agricultural Land To Garden (inc.
Hardstanding)
Land At The Rear Of 15 Malyons Lane Hullbridge

5 03/00105/DP3 Miss Lorna Maclean PAGE 26
Part Single/Part Two Storey Side Extension
(Demolish Existing Store Building)
103 Twyford Avenue Great Wakering

6 03/00324/REM Mr John Wood PAGE 29
Erect Six 3-Bed Semi-Detached Dwellings, Layout
Access and Parking Areas (Resubmission Following
Ref 02/00455/REM)
Westview Church Road Hockley

**PLANNING SERVICES COMMITTEE - 24 April 2003 Item D1
Deferred Item**

TITLE : **03/00005/FUL**
ERECT 3-BED DETACHED BUNGALOW WITH ATTACHED
GARAGE. DEMOLISH AND PROVIDE REPLACEMENT
GARAGE TO 41 HAWTHORNE GARDENS TO CREATE
ACCESS TO NEW BUNGALOW
LAND REAR OF 26 HIGH ROAD AND ADJACENT 41
HAWTHORNE GARDENS, HOCKLEY

APPLICANT : **F WITHRINGTON AND SONS LTD**

ZONING : **RESIDENTIAL**

PARISH: **HOCKLEY PARISH COUNCIL**

WARD: **HOCKLEY WEST**

- 1.1 This item was deferred from the last Committee for discussion with the applicant regarding access and turning arrangements.
- 1.2 The applicant has took heed of the comments made by Members and has included a bollard beside the access to aid discipline. A turning head has also been included within the plot of the new bungalow.
- 1.3 The original report and recommendation is reprinted below.

PLANNING APPLICATION DETAILS

- 1.4 These proposals represent development largely on land which previously formed part of the curtilage of 26 High Road. Members may recall that permission was granted for the development of two dwellings on that site, placed on the frontage to High Road, in the place of the single bungalow. The remainder of the plot to no 26 was to be subdivided between the two new bungalows.
- 1.5 During the development however, the plot was divided such that the area to the rear was not to constitute part of the garden areas of the two new dwellings. It is on that land which the new bungalow dwelling is now proposed.
- 1.6 To create access to the new dwelling, it is proposed that the existing garage to no 41 Hawthorne Gardens is demolished. An entrance porch to the existing dwelling will be provided. Access will then be created in the location of the existing garage to both the new bungalow and to the new garage to be provided for the existing dwelling. Some of the land which previously formed part of the curtilage of no 26 High Road will be joined to the existing garden of 41 Hawthorne Gardens.

- 1.7 The remainder will form the curtilage of the new bungalow. The dwelling will have a habitable floorspace of 116sqm approx. It is to have an attached garage. The height to the eaves of the property will be 2.4m and to the ridge of 5.3m.

RELEVANT PLANNING HISTORY

- 1.8 Application 02/00113/FUL related to the development of the 26 High Road plot. Two dwellings were proposed (on land to include this current application site) and permission was granted.
- 1.9 Application 99/00558/OUT proposed the development of one bungalow on the site accessed via High Road. This application was refused on the basis of unsatisfactory access arrangements, garden privacy and fire appliance access.
- 1.10 Application OL/0695/98 outline application to develop two bungalows on the plot to the rear of 26 High Road again with access from High Road. This was refused due to backland nature, noise and disturbance due to the access arrangements and parking.

CONSULTATIONS AND REPRESENTATIONS

- 1.11 Essex County Council **Highway Authority** considers the proposals are de-minimis.
- 1.12 **Hockley Parish Council** considers that access is contrived and represents a poor standard of development as there is the requirement to relocate the existing garage. The area is at maximum density and this backland development is totally inappropriate given that it gains access from the current minimal hammerhead turning area. This will be lost if development is allowed to proceed. It is noted that the proposals are the result of the subdivision of the two plots which were originally to constitute the redevelopment of 26 High Road
- 1.13 The **Head of Housing, Health and Community Care** has no adverse comments.
- 1.14 The **Property Maintenance & Highways Manager (Engineers)** comments that drainage may be a problem as there are no public foul or surface water sewers in Hawthorne Gardens. (Comment: the Engineer clarifies that the Hawthorne Gardens area is served by a private system).
- 1.15 18 responses have been received from neighbouring occupiers raising, in the main, the following issues:-
- Backland/out of character and over-development. Unacceptable change in character and density of area;
 - Difficult to achieve access arrangement;
 - exacerbate existing traffic, parking, congestion, safety and access problems in this area (including those occurring on High Road);
 - poor access for emergency vehicles;
 - drainage and infrastructure supplies inadequate/ existing problems exacerbated;

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- loss of security;
 - disturbance to protected animal species located on this site and in adjacent gardens;
 - inadequate parking provision for the existing and new dwellings;
 - not anticipated as part of the original development of 26 High Road;
 - previous proposals for the development of three dwellings on the site of 26 High Road were resisted;
 - existing access to no 41 Hawthorne Gardens is inadequate;
 - damage and disruption during development;
 - existing problems of land drainage in the area revealed during the construction of 37, 39 and 41 Hawthorne Gardens;
 - potential unstable ground on the application site due to the infilling of a previous swimming pool;
 - disturbance to the residents of existing 41 and 22 Hawthorne Gardens due the possible retention of the foundations of the garage and raft foundation arrangement associated with the dwelling;
 - precedent/ similar proposals have been rejected elsewhere;
 - noise and vehicle emission pollution, loss of light/ privacy;
 - loss of trees
 - contrary to appropriate local plan policies;
 - plans submitted do not show the full extent of the development now taking place to the High Road frontage;
 - development contrary to possible private covenants restricting higher density development

MATERIAL PLANNING CONSIDERATIONS

Principle, Character and Density

- 1.16 This proposed development is located in the residential zone for Hockley, as established in the Local Plan. As such the principle of residential development is acceptable. It is necessary then to confine the consideration of the proposal to the impact of the proposed form of development and to reach a view as to whether that impact is of such harm that the weight that can be attached to it outweighs the established principle of development.
- 1.17 The decision should not revolve around the impact of the development proposals that are now being implemented on the frontage of 26 High Road (although their combined impact can be taken into account). Neither should weight be given to any fears as to what forms of development may come forward in the future either here or elsewhere.
- 1.18 The government has set out in PPG3, Housing, that Local Planning Authorities should strive towards the efficient use of land. It has set out that it sees the reuse and intensification of use of existing developed land as a preference to the development of Greenfield land. This Council, in its Local Plan which predates that national objective, has stated that it supports in principle the intensification of development (policy H19).

- 1.19 The consideration of this application must take place against these broad parameters. In PPG3 the government has also set out its view that different forms and densities of development are not considered to be bad neighbours, simply because they are different.
- 1.20 In terms of density, when the plot of the former 26 High Road property is considered, the density of development which now results (with the three new units) is 16 dwellings per hectare. This is well below the governments desired density of 30 per hectare, but is clearly a move much closer toward it than the original density on the site (approx 5 per hectare).
- 1.21 The density of a typical section of the adjoining High Road development is 13 units per hectare. That of the existing Hawthorne Gardens development is around 28 units per hectare. It is not considered that any convincing argument can be put then that the density which will result, if this development is allowed to proceed, will be either uncharacteristic of the general area, or harmful to it.
- 1.22 Whilst the development is located on land which formed part of the original plot to 26 High Road it will be practically imperceptible from the High Road frontage due to the development which is now taking place there. From Hawthorne Gardens the development would be more evident. Currently the existing development of two storey properties 'wraps' around the end of the road with only a significant gap in the development between the frontage of no 18 and the adjacent garage block.
- 1.23 The development will result in the opening up of another gap by the removal of the existing garage to no 41 and the provision in its place of the driveway to serve both that property and the new bungalow. Whilst this will have a visual impact on the current situation, it is not considered that it would in any way have a harmful impact. What remains will be an entirely pleasant modern residential environment.

Amenity and Inter-relationship Issues

- 1.24 A single storey property is proposed. The inter-relationship of it to the existing properties is a matter that is considered by policy H20 of the Local Plan and the associated guidance in appendix 1 to the plan. To the north and east are the existing two storey properties of 22 and 41 Hawthorne Gardens. No 22 is a conventional two storey semi detached dwelling with a single storey rear projection and its main windows front and back. There will be views from no 22 toward the new dwelling, but only over the frontage area of it. Frontages of dwellings are normally open to public view.

- 1.25 The closest windows in the single storey dwelling proposed which face onto the side garden of no 22 will be approx 9.5-10m distant. In considering recent appeals, it has been indicated by Inspectors that, because of the government's desire to increase the density of development, the parameters set on in the Essex Design Guide should not be slavishly followed. In the Design Guide it is set out that new dwellings should not have windows set at a distance less than 15m when facing onto existing gardens. However, given that these are at ground floor windows, and given the comments of the previous Inspector referred to, it is not considered that any sustainable argument that loss of amenity occurs could be made. It is not considered that the proposed dwelling has any dominance impact because of the distance of the majority of it from the side boundary with no 22.
- 1.26 The access to the new property will run along the south flank wall of no 22. The garage to the new property will be located such that vehicles run the full length of the garden to no 22 to access it. Whilst this will result in the introduction of some activity and noise in this location it is not considered that the activity associated with one dwelling, and the use of the garage to the second, is a sound basis on which to resist the proposals. There are significant numbers of the examples around the district where new access close to the side boundaries of existing dwellings have been permitted, some serving up to 5 or so new dwellings.
- 1.27 No 41 to the east is also a two storey dwelling. This dwelling would have its garage relocated from its frontage (north side) to the west side, as part of these proposals. The relationship between no 41 and the new dwelling is little different from any conventional residential relationship between two neighbouring dwellings. There will be views from no 41 over part of the private garden of the new dwelling, but this is no different to the situation which currently occurs between no 41 and the neighbour at no 39. Indeed it may be lessened due to the separation created by the new garage.
- 1.28 To the south are the new and existing dwellings on the High Road frontage at 24, site of 26 and 32 (which wraps round the site to the west also). The closest of these dwellings (the new properties on the site of 26 High Road) will be some 25m approx from the rear boundary of the new plot. Whilst these new properties are located on higher ground (raises by some 2-2.5m) it is considered that the separation distance is sufficient to allow adequate privacy to be achieved.
- 1.29 The property at 24 High Road is located to the south east of the site. There may be a small length of common boundary between the properties. The dwelling itself would seem to be some 29m approx from the boundary to the site and some 40m from the closest new building works. Given the separation distances, and the fact that a single storey development is proposed, it is considered that any argument that the development has an unacceptable impact on the amenity, privacy or other interest of the occupiers of this property could not be sustained.

1.30 To the south and west is no 32 High Road. The existing dwelling on no 32 is some 25m approx from the new plot and 35m approx from the new building. Likewise to no 24, it is considered that any impact will be safety within the realm of acceptability. To the west are the dwellings on Fountain Lane. No 12 has a common boundary with the plot. The closest dwelling to the plot however appears to be some 29m distant. Again, it is considered that the distances involved ensure that the impact of the proposed dwelling is well within acceptable tolerances.

1.31 Considering all the relationships then, it is not considered that the proposed development falls foul of any of the criteria set out in policy H20 or the additional guidance in the Local Plan appendix (access issues are considered below). The scale of the development, being single storey, is considered appropriate and will not be obtrusive. It is not considered that any of the harmful impacts of overlooking or loss of privacy occur, as highlighted in the Local Plan appendix guidance.

Access and parking

1.32 The new dwelling is proposed to share an existing access to the Hawthorne Gardens roadway. Much concern has been expressed about the existing congestion and poor parking situation on that road. Whilst that situation is acknowledged, it is not uncommon to many of the streets in the district.

1.33 This proposal does not seek to open up any new accesses to that road. It seeks instead to share one which already exists. There is no requirement then that additional roadside is lost to parking. The requirement to maintain the accessway free and open to allow the passage of vehicles to this site is that same as it is at present.

1.34 Effectively a private drive is being created to serve two dwellings. The existing access to the road of some 2.4m minimum is to be used for this purpose. The Highway Authority have made no comment on the proposals. The specification in the Essex Design Guide for private drives however are that, where they gain access from a road such as Hawthorne Gardens (a type 4-8 road) the private drive shall be 2.4m in width. There are no other specifications for a driveway of this nature.

1.35 The dwelling is located within 25m of the adopted carriageway edge and as such there is no additional requirement in terms of bin collection points or access for fire tenders. Three (or more) parking spaces are provided for both the existing (no 41) and the proposed dwelling. This provision adequately meets the appropriate requirements.

1.36 Bearing the above in mind and the lack of objection from the Highway Authority, it is difficult to conceive of an objection to the proposals on the basis of road, parking or access issues. Whilst the concern of residents with regard to road congestion and safety issues is acknowledged, it is not considered that this additional development would unacceptably exacerbate those matters where they do occur.

Other Issues

- 1.37 Some concern has been raised that current drainage systems are inadequate. Hawthorne Gardens is served by a private drainage system for surface and foul water. Effectively then control over this rests with the existing land owners and occupiers in the area.
- 1.38 The developers propose a soakaway system for surface water, which has been employed with regard to the two new properties to the High Road frontage. No connection to the existing system will be required therefore.
- 1.39 With regard to foul drainage, it is proposed that it will connect to the existing public system in High Road. This will require a pumped system that has already been installed and which will run via the developers frontage plots to the High Road.
- 1.40 A concern has been expressed that protected animal species may be present on the site or nearby. A similar concern was expressed when the proposals for the redevelopment of 26 High Road came forward (which included this site). At that time the Councils Woodlands and Environmental Specialist visited the site and found no sign of such species on the site. Subsequently the site has been cleared. In the absence of any compelling evidence, it would not be acceptable to attach any weight to these claims.
- 1.41 With regard to the raft foundation for the current building at no 41 Hawthorne Gardens the Building Control Officer has confirmed that the laying of a driveway over this, without its removal, could cause problems of vibration within the property. This would only be the case however if the raft foundation under the garage remains in situ and it was constructed as one single element with the foundations to the house.
- 1.42 To overcome this if it is a problem, the developer proposes to cut the foundation so that the part which was placed for the garage becomes detached from the remainder (if it was one piece) and is removed. The Building Control Officer comments that this may need to be the subject of further investigation, as the cutting process may have implications for the remainder of the foundation. In any event however, the treatment of the foundation would be a matter of consideration and decision at the Building Control stage.

CONCLUSION

- 1.43 This proposal represents a form of development which is located in an area where residential development is acceptable in principle. It meets with the aims of the government and of this Council to intensify development in the existing residential areas.

- 1.44 Whilst legitimate concerns have been expressed with regard to the impact of the proposals, it is not considered that any significant weight can be attached to these, and certainly none so significant that the principle of development is outweighed.

RECOMMENDATION

- 1.45 It is proposed that this Committee **RESOLVES** to grant **APPROVAL** to this application subject to the following heads of condition:

- 1 SC4 Time Limits (standard)
- 2 SC14 Materials to be used (external)
- 3 SC17 Restriction to permitted development – extensions
- 4 SC18 Restriction to permitted development – outbuildings
- 5 SC20 Restriction to permitted development – dormers
- 6 SC23 Restriction to permitted development – obscure glazing
- 7 Location of new proposed garage to allow sufficient room to park in front without blocking access to bungalow
- 8 SC76 Parking and Turning space
- 9 SC84 Slab Levels

Relevant Development Plan Policies and Proposals

Rochford District Local Plan First Review: H1, H2, H11, H19, H20, H24, TP15, PU2, PU3

Essex and Southend-on-sea Replacement Structure Plan: CS1, CS2, CS4, BE1, H2, H3, T12



Shaun Scrutton
Head of Planning Services

03/0005/FUL



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PLANNING SERVICES COMMITTEE - 24 April 2003 Item R2
Referred Item

TITLE : **03/00072/ADV**
DISPLAY INTERNALLY ILLUMINATED DOORHEAD AND
EXTERNALLY ILLUMINATED PROJECTING SIGN
27 HIGH STREET RAYLEIGH

APPLICANT: **HALIFAX PLC**

ZONING: **SECONDARY SHOPPING**

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. 667 requiring notification of referrals to the Head of Planning Services by 1.00pm on Tuesday 25 March 2003, with any applications being referred to this Meeting of the Committee. The item was referred by Cllr R A Oatham.

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

- 2.1 **Rayleigh Town Council** – object to the application as it does not conform with SAT8 of Rochford District Local Plan. Request Rochford Council Officers to liaise with the applicant to negotiate an externally illuminated sign.

NOTES

- 2.2 This application is to replace similar existing signs with new corporate designs but whereas both of the existing signs are externally illuminated, only the replacement projecting sign is to be so illuminated, with the lettering on the doorhead sign being internally illuminated. The present hanging sign which the proposed projecting sign is to replace is currently suspended from an attractive wrought iron bracket which it would be desirable to retain.
- 2.3 Whilst the proposed doorhead sign is contrary to Local Plan Policy SAT8 by virtue of being internally illuminated in the Rayleigh Conservation Area, it is considered that it would be difficult to justify refusal in view of its small size, the building is not historic, the successful appeal that was allowed in Rayleigh Town Centre and the fact that only the 180mm. high letters are illuminated.

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- 2.4 **County Highways** – 1. The maximum luminance for the internally illuminated sign should not exceed the standards laid down in the APLE Technical report No. 5 (Second Edition) which in this case is 2000cd/m².
- 2.5 2. The lighting for the externally illuminated signs should be suitably positioned and shielded so as to avoid unnecessary glare and dazzle to drivers on the main road.
- 2.6 **County Planner (Historic Buildings and Conservation Advice)** – Hanging sign would be acceptable but bracket should be more like existing one. Sign over door would be undesirable because of internal illumination. A flat sign of similar design, with frame and external illumination would be considered appropriate. For the above reasons, I could not recommend permission.

APPROVE

- 1 SAC1 Advert Time Limit (5 Years)
- 2 SAC3 Advert - Standard Condition
- 3 SAC7 Maximum Luminance
- 4 The projecting sign shall be hung from the existing hanging sign bracket or a replacement of similar design.
- 5 The lighting for the externally illuminated signs shall be suitable positioned and shielded so as to avoid any unnecessary glare and dazzle to drivers on the Main Road.

Relevant Development Plan Policies and Proposals:

SAT8 of the Rochford District Local Plan First Review



Shaun Scrutton
Head of Planning Services

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

TITLE : **03/00098/FUL
USE OF EXISTING OFFICE BUILDING AS
BAR/RESTAURANT IN ASSOCIATION WITH YACHT CLUB,
TOGETHER WITH TWO STOREY EXTENSION AND
BALCONY
ESSEX MARINA CREEKSEA FERRY ROAD CANEWDON**

APPLICANT : **ROBIN LEVY**

ZONING : **METROPOLITAN GREEN BELT**

PARISH: **CANEWDON**

WARD: **ASHINGDON AND CANEWDON**

PLANNING APPLICATION DETAILS

- 3.1 The application relates to the extension and change of use of an existing two storey building.
- 3.2 The building is situated at the northern end of the Essex Marina site, and to the west of the Wardroom.
- 3.3 The building currently provides the marina's offices at first floor and toilets and showers at ground floor. It is intended to extend the building eastwards by some 5m at ground and first floor, and provide a balcony area to the northern elevation facing the River Crouch.
- 3.4 The building as extended would provide a bar and restaurant at first floor, for use by the yacht club. In the short term, however, the applicant has requested that the bar/restaurant be open to the general public. He explains that the condition of the Wardroom now prevents its use and that until such time as it is refurbished there will be no other such facility on the site.
- 3.5 The toilets and showers at ground floor would remain. The ground floor of the extension would largely be open, and supported on pillars. A small area would, however, provide a bottle store.
- 3.6 The applicant has offered to demolish the existing yacht club building, to offset the mass and floorspace of the extension hereby proposed. The existing yacht club building is a single storey structure located just to the south of the marina office building. It has a floorspace of some 75.25sq.m. The proposals seek to create 27.5sq.m of floorspace at first floor and 6sq.m at ground floor (as indicated above, the bulk of the ground floor would remain open). In addition, an open balcony is proposed to the north elevation of the building.

- 3.7 The application as originally submitted also related to the extension and change of use of the Wardroom. However, these elements of the scheme were subsequently withdrawn by the applicant, due to Officer concerns relating to the lawful use(s) of the Wardroom as it currently stands, given that the use of the building has varied since its erection in the 1960s. The applicant is currently seeking evidence of the building's past uses and will, it is understood, be resubmitting the plans relating to the Wardroom once this issue has been resolved.

RELEVANT PLANNING HISTORY

00/00173/FUL - Alterations to Existing Building (Including its Roof Structure) - Approved

01/00727/FUL - New Pitched Roof to Wardroom Building; Enclosure of Openings on the Ground Floor and Provision of Two Verandas

CONSULTATIONS AND REPRESENTATIONS

- 3.8 **Canewdon Parish Council** - raise concern relating to the intended use of self-catering units in the Wardroom. (NB: As indicated above, the Wardroom no longer forms part of this application.) The Parish Council made no comment in respect of the proposed extension/use of the office building.
- 3.9 **Essex County Council (Highways)** - *de minimis*
- 3.10 **Essex County Council (Planning)** - no strategic comments to make
- 3.11 **Maldon District Council** - no objection
- 3.12 **Essex Police (Crime Reduction Officer)** - no objection

MATERIAL PLANNING CONSIDERATIONS

- 3.13 In the existing Rochford District Local Plan First Review, the site lies within the Metropolitan Green Belt wherein development is restricted to specific categories. Whilst outdoor participatory sport is an appropriate use, and ancillary buildings essential to such a use could be justified, the provision of an extension to provide a bar restaurant cannot be said to be an essential requisite to yachting, and therefore falls to be considered as inappropriate development. Policy GB1 of the Local Plan is therefore relevant.
- 3.14 Policy LT11, which deals with the expansion of existing water recreation facilities and/or the provision of new facilities is also of some relevance. This allows the expansion of existing water recreation facilities, subject to four basic criteria:
- That nature conservation interests would not be harmed;
 - That any conflict with other Local Plan or Structure Plans policies can be resolved;
 - That the development would not cause congestion on the water; and,
 - That access arrangements are met

- 3.15 As indicated in relation to Green Belt policy, it is difficult to conclude that a bar restaurant is essential to allow yachting to take place. It is a desirable facility, perhaps. It is not an essential facility. Accordingly, the proposal does conflict with Local Plan policy GB1 and cannot, therefore, comply with Policy LT11.
- 3.16 As far as the other criteria of Policy LT11 are concerned, at the time of writing this report no response has been received from English Nature. However, it is difficult to see that this application would harm wildlife interests. It would be similarly difficult to conclude that the proposal would raise highway concerns, given the existing use of the site (Indeed, the highway authority considers the proposal *de minimis*). Moreover, it would not lead to congestion on the river.
- 3.17 So, looking at the application strictly in relation to Green Belt policy, it can be concluded that very special circumstances need to be demonstrated if an exception to policy is to be made.
- 3.18 In this regard, attention needs to be focused on the character and appearance of the site and, indeed, Baltic Wharf, immediately to the West.
- 3.19 Essex Marina and Baltic Wharf constitute a significant mass of buildings in the countryside. The hangar-sized buildings and associated cranes etc. are visible for some considerable distance across the flat landscape that typifies the eastern part of the District. Whilst there are many commercial sites in the Green Belt, these sites are unique by virtue of their size, and the visual impact of the buildings within them.
- 3.20 In recognition of this, in the forthcoming Replacement Local Plan, the sites will be designated as Major Developed Sites, where replacement buildings and some limited extension of them may be considered acceptable in principle, notwithstanding the sites' Green Belt status. The logic is that the sites already make a significant visual impact in the landscape and that the rationalisation of existing facilities can be used as a mechanism to improve the sites in terms of the massing and general appearance of buildings. Moreover, the employment implications of the sites are also important to the District.
- 3.21 It should be noted that several applications have been considered at Essex Marina in the past few years with this broad logic in mind. One of these related to the provision of a pitched roof and balcony area to the Wardroom (ref. 01/00727/FUL), the other related to alterations to the roof of an existing boat-building shed (ref. 00/00173/FUL).
- 3.22 The office building forming the subject of the current application is situated to the northern end of the site, to the west of the Wardroom. The existing building measures 10.8m x 5.5m x 8.2m in height; modest dimensions compared to those of the boat sheds further to the south.

- 3.23 In terms of its visual impact, the building is visible from the public footpath running along the sea wall. When viewed from across the River Crouch to the north, the ground floor of the building would be hidden by the sea wall, and the first floor seen against the backdrop of the larger boat sheds. The building is not visible from outside the site to the south, or west, being obscured by the boat sheds and sheds at Baltic Wharf.
- 3.24 The application proposes to extend the building by some 5m at ground and first floor, and provide a balcony area to the northern elevation facing the River Crouch. The scale of the extension is modest in relation to the building, and the building modest in relation to the scale of other buildings on the Marina and Wharf sites. The impact of the extension is lessened still further taking into account the loss of openness caused by yachts stored in the open, and plant and machinery which is part and parcel of the marina use.
- 3.25 The applicant has also offered to demolish the existing yacht club building, to offset the mass and floorspace of the extension hereby proposed. As indicated above, the existing yacht club building has a floorspace of some 75.25sq.m. The proposals seek to create a total of 33.5sq.m of floorspace. Taking the mass of the proposed balcony into account, this is considered to be a reasonable quid pro quo.
- 3.26 In terms of its use, the building as extended is to provide the yacht club's bar/restaurant, to replace facilities currently provided in an adjoining building. However, as indicated above, because the Wardroom has had to close, the applicant is concerned that the Marina will have no bar/restaurant to serve the general public this coming tourist season. Therefore, he proposes that the building be available to the general public for the time being.
- 3.27 In planning terms, given that the Wardroom has closed, the situation proposed by the applicant seems comparable with the situation as it has been in previous years, with one facility serving the yacht club and one facility serving the general public. Any concern that two licensed premises open to the general public might exist on the site if/when the Wardroom is renovated and comes back into operation can be covered by a planning condition to prevent both premises operating at the same time.

CONCLUSION

- 3.28 The application proposes an extension to the marina's existing office building, and its use as the yacht club's bar/restaurant, although in the short term the building would be available to the general public.
- 3.29 The site lies within the Green Belt wherein, under the existing Local Plan policy regime, such an extension would be considered inappropriate development. The applicant has offered to demolish the existing yacht club building in exchange for the proposed extension. Moreover, while the extension to the building would add to its visual mass, the effect of this would not be pronounced in the landscape, given that the building is viewed against the background of far larger buildings on a significantly industrialised site, and is partly concealed from the north by the sea wall.

- 3.30 In conclusion, the loss of openness to the Green Belt will not be affected as it would in respect of a similar extension to a building situated on an open and undeveloped site.
- 3.31 Taking these points into consideration, the proposal is considered reasonable, and approval is recommended.

RECOMMENDATION

- 3.32 It is proposed that this Committee **RESOLVES** to **APPROVE** the application, subject to the following conditions:
- 1 SC4 Time Limit Full - Std
 - 2 SC14 Materials to be Used
 - 3 The food and drink facilities to be provided within the first floor of the building hereby approved shall be available to the general public as an alternative (and not in addition) to those provided within the 'Wardroom' or any other building on the site. When any food and drink facilities are made available to the general public in the 'Wardroom' or any other building on the site, the building hereby approved shall cease to be available to the general public and shall solely be available for use by members of the yacht club and invited guests.
 - 4 The existing yacht club building hatched BLACK on the submitted plan returned herewith shall be demolished, and all materials arising from such demolition be permanently removed from the site within 12 months of the date of this permission, or when any food and drink facilities are made available to the general public in the 'Wardroom' or any other building on the site, whichever is the sooner.

Relevant Development Plan Policies and Proposals:

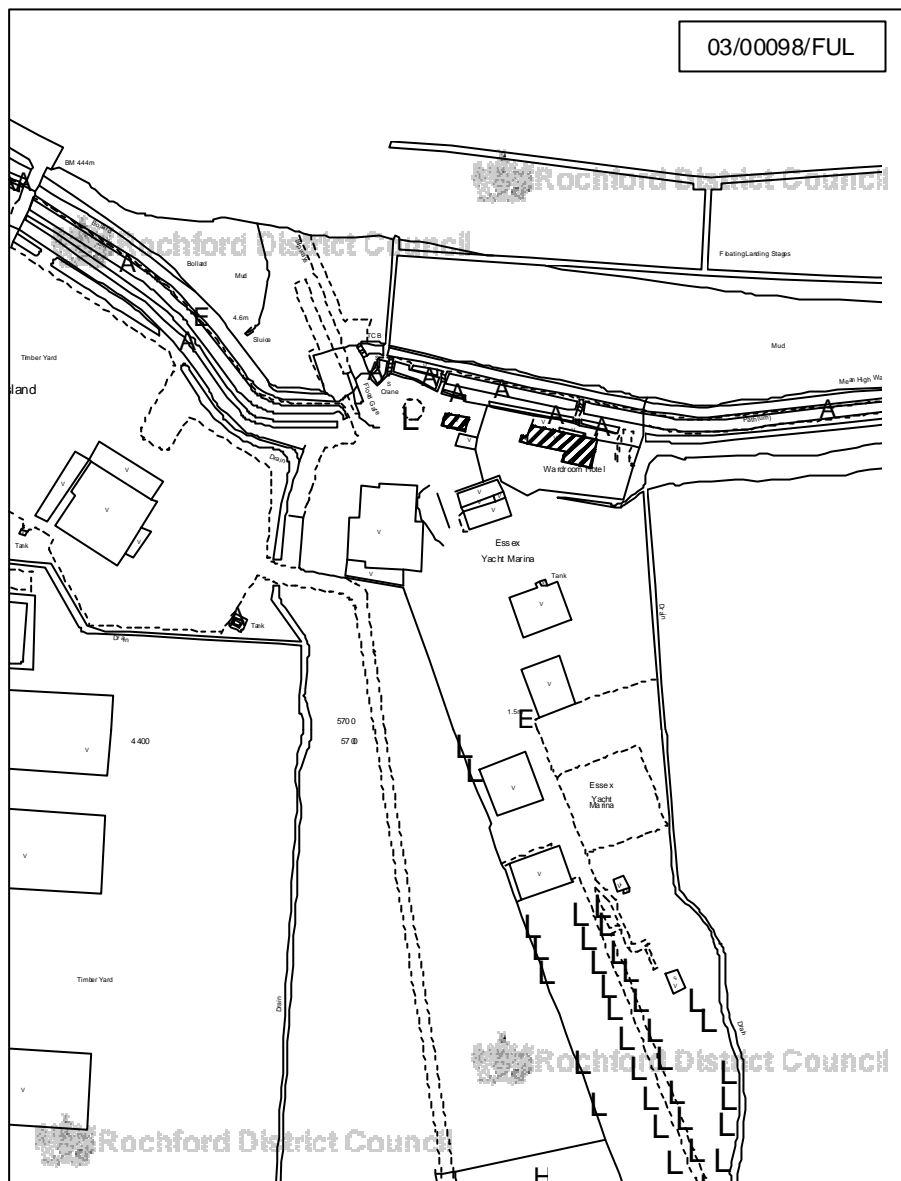
GB1, LT11 Rochford District Local Plan First Review



Shaun Scrutton
Head of Planning Services

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

03/00098/FUL



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TITLE : **03/0117/COU**
CHANGE OF USE OF AGRICULTURAL LAND TO GARDEN
(INCLUDING HARDSTANDING)
LAND AT REAR OF 15 MALYONS LANE, HULLBRIDGE

APPLICANT : **J WRATTEN**

ZONING : **METROPOLITAN GREEN BELT**

PARISH: **HULLBRIDGE PARISH COUNCIL**

WARD: **HULLBRIDGE**

PLANNING APPLICATION DETAILS

- 4.1 This application seeks change of use of agricultural land to garden, surfaced with a material to provide a hardstanding. The application follows a previous refusal (01/0732/FUL) concerned with a more extensive strip of land involving several neighbours who wished to extend their gardens. That proposal was refused by the Council on Green Belt grounds, and subsequently dismissed on appeal. This proposal relates to land to the rear of No. 15 and a case for very special circumstances is presented.

RELEVANT PLANNING HISTORY

F/0167/98/ROC – Erect 6 (no.) 3 bedroom bungalows with integral garages.
APPROVED.

ROC/98/0736/COU – Change of Use of land to the rear of plots 1 – 6 to incorporate into garden of plot 3. REFUSED.

01/0732/FUL – Use of agricultural land as an extension to residential curtilage. Sought to extend the curtilages of individual properties. REFUSED. DISMISSED on Appeal.

CONSULTATIONS AND REPRESENTATIONS

- 4.3 **Three letters supporting the proposal have been received** from: Essex County Council (Social Services), Kingsdown School, Southend and Barts and the London NHS (Children's Orthopaedic Service). Their general comments corroborate the need for the boy to have access to a hard surface and sufficiently large garden area that would allow freedom to play using his specially adapted tricycle.
- 4.4 **Hullbridge Parish Council** – It was agreed this land should be allowed a change of use but for the personal use only of the disabled child who resides at the property.

4.5 **County Surveyor (Highways) – De Minimus.**

MATERIAL PLANNING CONSIDERATIONS

- 4.6 The land subject of this application forms part of the Green Belt and represents an important fringe area adjacent to the residential area of Hullbridge that was the subject, with an adjoining strip of land, of an appeal that was dismissed following refusal of planning application 01/0732/FUL.
- 4.7 The application before Members is for the use of part of the land that was previously refused, to extend the existing garden to provide sufficient space to provide for a hard standing area in which the applicant's disabled son can participate in outdoor games using his special adapted tricycle. This is an activity that he is able to pursue with some degree of independence, partaking in play on a relatively equal footing with other able-bodied children. In addition the activity helps his medial condition, keeping him active, etc.
- 4.8 The dwelling has been fitted out in accordance with the medical and physical needs identified and it is probable that the needs of the disabled child and his ability – and desire - to play out of doors was not apparent at the time that the applicant moved to the dwelling. The proposal is supported by the child's school and health representatives and on the basis of the information before officers it is considered that the case presented does justify the very special circumstances required to justify this development in the Green Belt and notwithstanding Local Plan Policy GB9 on garden extensions.
- 4.9 Planning Policy Guidance 1 (General Principles) refers to the personal circumstances of the occupier that may be material to the consideration of the application. In such circumstances a planning permission may be made subject to a condition that is personal; to the applicant (para.38 of PPG1).

CONCLUSION

- 4.10 Given the personal circumstances presented with this application, it is considered that a temporary and personal consent for the change of use of the land is appropriate.

RECOMMENDATION

- 4.11 It is proposed that this Committee **RESOLVES** to **APPROVE** this application subject to the following conditions:-
- 1 SC4 Time Limits - Standard
 - 2 SC45 Personal/Temporary Permission - 10 Years
 - 3 The form of enclosure of the garden area, subject of this permission, shall be chain link.
 - 4 No structure is permitted to be erected within the garden area, subject of this permission

Relevant Development Plan Policies and Proposals:

GB1, GB9 of the Rochford District Local Plan First Review

A handwritten signature in black ink, reading "Shaun Scrutton". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Shaun Scrutton
Head of Planning Services

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



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TITLE : **03/00105/DP3**
PART SINGLE/PART TWO STOREY SIDE EXTENSION
(DEMOLISH EXISTING STORE BUILDING)
103 TWYFORD AVENUE, GREAT WAKERING

APPLICANT : **ROCHFORD DISTRICT COUNCIL**

ZONING : **RESIDENTIAL**

PARISH: **GREAT WAKERING PARISH COUNCIL**

WARD: **FOULNESS AND GREAT WAKERING**

PLANNING APPLICATION DETAILS

- 5.1 The application would normally be a delegated item but as it is a District Council application it needs to be considered by Committee.
- 5.2 The proposal is for a part single/part two-storey side extension at 103 Twyford Avenue, Great Wakering it is in a designated residential area. The property currently has a small store building to the side, which will be demolished.

RELEVANT PLANNING HISTORY

- 5.3 There is no relevant planning history relating to this site.

CONSULTATIONS AND REPRESENTATIONS

- 5.4 **Essex County Council (highways)** – de-minimus
- 5.5 **Environment Agency** – has no objection

MATERIAL PLANNING CONSIDERATIONS

- 5.6 The key material considerations in this case are considered to be: the impact of the extension on adjacent properties and the street scene and compliance with local plan policies.
- 5.7 The first floor element of the extension will be stepped in by 1m to comply with local plan policy H11, Appendix A1.4.8 which states that “side extensions shall be located a minimum of 1 m from the plot boundaries at first floor level”.

- 5.8 The extension will be adjacent to number 105. Number 105 has no windows on the flank and has a single storey side element which comes right up to the boundary. The proposal would have minimal impact on adjacent properties.
- 5.9 No. 103 is one of a number of semi-detached houses, the design of the extensions are sympathetic to the existing appearance of the semi-detached properties and given the size of the extension it would not appear visually prominent in the street scene.

CONCLUSION

- 5.10 The proposal complies with local plan policies and would have minimal impact on the amenity of adjacent properties and the street scene.

RECOMMENDATION

- 5.11 It is proposed that this Committee **RESOLVES** to **APPROVE** the application subject to the following Conditions:-
- 1 SC4 – Time Limits Full – standard
 - 2 SC15 – Materials to Match (Externally)

Relevant Development Plan Policies and Proposals:

H11 Rochford District Local Plan First Review



Shaun Scrutton
Head of Planning Services

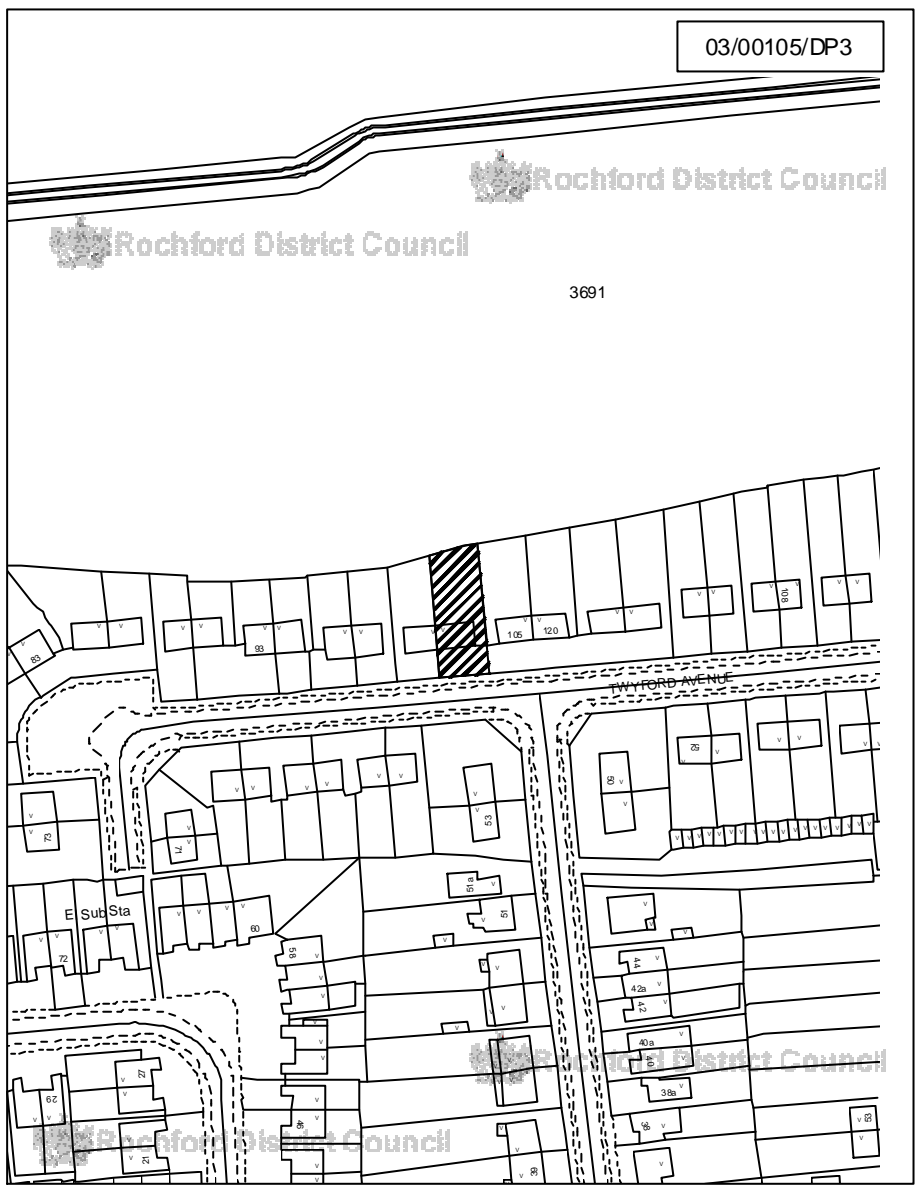
For further information please contact Lorna Maclean on (01702) 546366.

03/00105/DP3

 Rochford District Council

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RECOMMENDATION

- 6.6 It is proposed that this Committee **RESOLVES** that authority be **DELEGATED** to the Head of Planning Services to determine the application, in accordance with the terms of the resolution of this Committee on 20 March 2003, following expiry of the consultation period.

Relevant Development Plan Policies and Proposals:

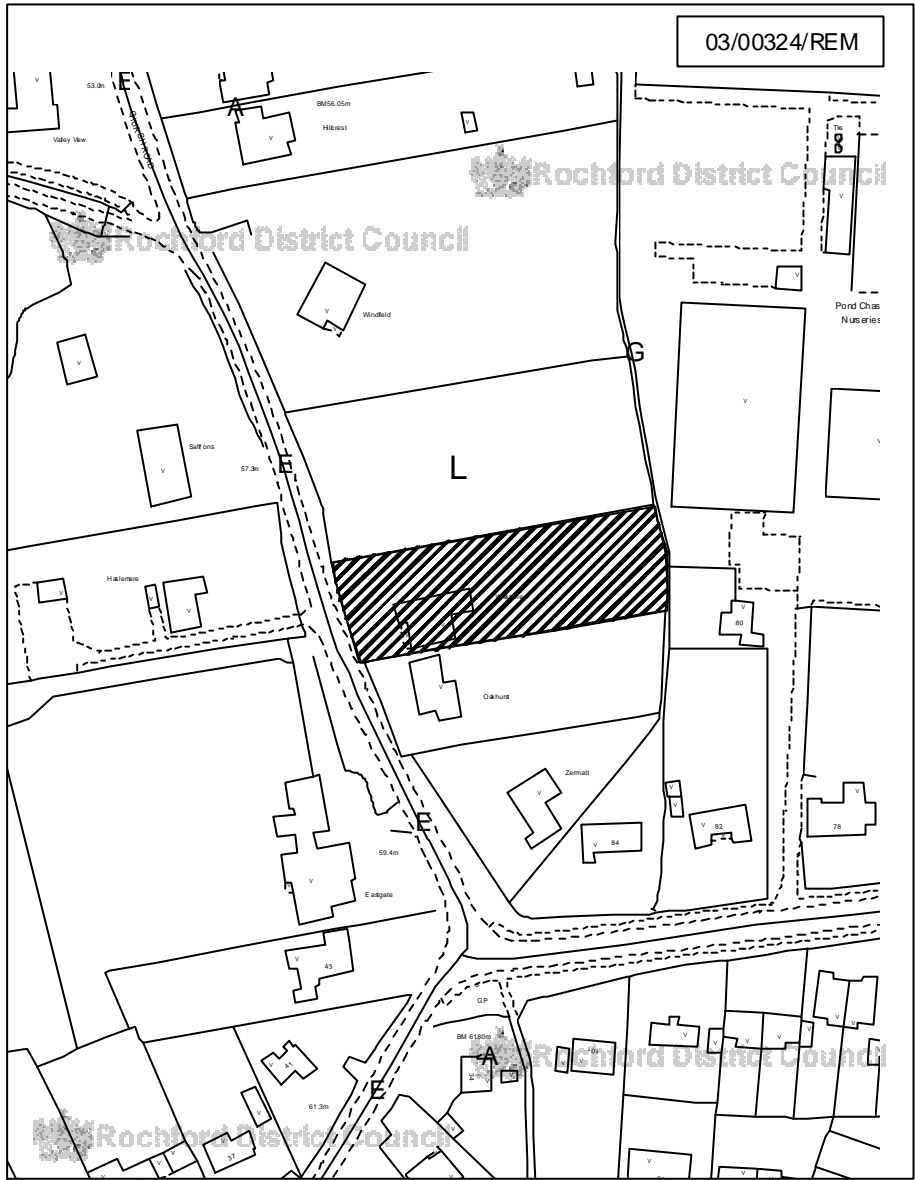
H1, H2, H11, H19, H20, H24, TP15, RC10, PU3 Rochford District Local Plan First Review

CS1, CS2, CS3, CS4, NR6, BE1, H1, H2, H3, H4, T12 Essex and Southend-on-sea Replacement Structure Plan



Shaun Scrutton
Head of Planning Services

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



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CODE OF CONDUCT FOR PLANNING MATTERS

GENERAL PRINCIPLES

Members and Officers must:-

- **at all times act within the law and in accordance with the code of conduct.**
- **support and make decisions in accordance with the Council's planning policies/Central Government guidance and material planning considerations.**
- **declare any personal or prejudicial interest.**
- **not become involved with a planning matter, where they have a prejudicial interest.**
- **not disclose to a third party, or use to personal advantage, any confidential information.**
- **not accept gifts and hospitality received from applicants, agents or objectors outside of the strict rules laid down in the respective Member and Officer Codes of Conduct.**

In Committee, Members must:-

- **base their decisions on material planning considerations.**
- **not speak or vote, if they have a prejudicial interest in a planning matter and withdraw from the meeting.**
- **through the Chairman give details of their Planning reasons for departing from the Officer recommendation on an application which will be recorded in the Minutes.**
- **give Officers the opportunity to report verbally on any application.**

Members must:-

- **not depart from their overriding duty to the interests of the District's community as a whole.**
- **not become associated, in the public's mind, with those who have a vested interest in planning matters.**
- **not agree to be lobbied, unless they give the same opportunity to all other parties.**
- **not depart from the Council's guidelines on procedures at site visits.**
- **not put pressure on Officers to achieve a particular recommendation.**
- **be circumspect in expressing support, or opposing a Planning proposal, until they have all the relevant planning information.**

Officers must:-

- **give objective, professional and non-political advice, on all planning matters.**
- **put in writing to the committee any changes to printed recommendations appearing in the agenda.**