



**Rochford District  
Council**

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY  
THE DEVELOPMENT CONTROL COMMITTEE – 28 May 2009**

All planning applications are considered against the background of current Town and Country Planning legislation, rules, orders and circulars and any development, structure and local 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 and Transportation, Acacia House, East Street, Rochford and can also be viewed on the Council's website at [www.rochford.gov.uk](http://www.rochford.gov.uk).

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

Ward Members for Committee Items

**ASHINGDON AND CANEWDON**

Cllr Mrs T J Capon

Cllr T G Cutmore

**ROCHFORD**

Cllr J P Cottis

Cllr K J Gordon

Cllr Mrs G A Lucas-Gill

**SCHEDULE ITEMS**

- |   |  |                    |         |
|---|--|--------------------|---------|
| 1 | 09/00173/FUL<br>Application to Remove Condition 1 of Planning<br>Permission Granted Under Application 08/00275/FUL and<br>to Site on a Permanent Basis One Mobile Home and Two<br>Touring Caravans for a Gypsy/Traveller Family<br>The Pear Tree 750 New Park Road Hockley | Mr Mike Stranks    | PAGE 4  |
| 2 | 09/00155/FUL<br>Construct First Floor Rear/Side Extension and Make<br>Alterations to Convert Pub into Four x Two Bedroomed<br>Flats and Construct Two x One Bedroomed Bungalows at<br>Rear with Parking and Amenity Areas.<br>The Chequers Inn High Street Canewdon        | Miss Katie Simpson | PAGE 14 |
| 3 | 09/00182/COU<br>Change Use of Building and Carry Out Internal Alteration<br>to Provide One x Two Bedroomed and One x Three<br>Bedroomed Flats<br>28 Stambridge Road Rochford   | Mr Mike Stranks    | PAGE 29 |

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**SCHEDULE ITEM 1**

**TITLE: 09/00173/FUL  
APPLICATION TO REMOVE CONDITION 1 OF PLANNING  
PERMISSION GRANTED UNDER APPLICATION  
08/00275/FUL AND TO SITE ON A PERMANENT BASIS ONE  
MOBILE HOME AND TWO TOURING CARAVANS FOR A  
GYPSY/TRAVELLER FAMILY  
THE PEAR TREE 750 NEW PARK ROAD HOCKLEY**

**APPLICANT: MRS HANNA DORAN**

**ZONING: METROPOLITAN GREEN BELT**

**PARISH: ASHINGDON PARISH COUNCIL**

**WARD: ASHINGDON AND CANEWDON**

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**PLANNING APPLICATION DETAILS**

**The Site**

- 1.1 This application is to a site on the western side of New Park Road 85m south of the junction made with Lower Road. The site is rectangular in shape having a frontage of some 12m and depth of approximately 50m. The site is fully covered in a hard core and chippings surface. The site is contained within wall and fencing to the side and rear boundaries with a wall to the front. A stable building exists across the back of the site which is occupied as a day room. Two touring caravans are currently sited on the middle part of the site alongside the northern boundary. A further motor home is also on the site.
- 1.2 New Park Road is unmade. The area is generally part of plotland and located within the Green Belt. The site is adjoined on both sides by existing dwellings set a good distance back from the road in generous frontages. The site is opposite a meadow.

**Planning History**

- 1.3 The site had been used by a previous occupier who was a gypsy and since June 2003, resulting in the following history and enforcement background.
- 1.4 Application No. 03/00621/COU Change of use of land to residential and stationing of one mobile home, which was refused permission on 22 August 2003 for Green Belt reasons.

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- 1.5 Appeals against the refused Planning Permission and Enforcement Notice were dismissed as such but the ground (g) appeal that the period of compliance for the enforcement notice falls short of what should reasonably be allowed was allowed with the period for compliance extended to two years. This was due to uncertainty at the arrangements for providing gypsy and traveller sites within the District.
- 1.6 On the expiry of the enforcement period application no. 06/00338/FUL was made for the continuing use of the land for the stationing of a caravan for residential use, together with storage of a second caravan and the retention of hardstanding, stables and existing ancillary buildings and fences. This application was refused permission on 14 June 2006 for Green Belt reasons and failure to demonstrate that alternative sites had been considered outside of the Green Belt. Permission was granted on appeal on 21 March 2007.
- 1.7 In allowing the appeal the Inspector agreed the proposal to be inappropriate development within the Green Belt. The Inspector also noted that the wording of Policy HP20 to the Council's adopted Local Plan accepted that if applicants have first given consideration to non-Green Belt sites as required, a possibility of the loss of some openness would be implied from the consideration of Green Belt sites.
- 1.8 The site was cleared and vacated by the previous owner in March 2007 and in doing so the permission allowed in appeal had lapsed.
- 1.9 A new gypsy owner moved onto the site around January 2008 and submitted an application to site on a permanent basis one mobile home and two touring caravans. This application reference 08/00275/FUL was granted planning permission on 20 November 2008 subject to conditions requiring details to be provided for the foul and surface drainage of the site, limitation to the proposed one mobile home and two touring caravans and the clearance of the site following the cessation of occupation.
- 1.10 Condition 1 of the permission limited the site use to the applicant and her resident dependants and for a temporary period as set out below:-
1. The occupation of the site hereby permitted shall be limited to the family of the applicant, Mrs Hanna Doran and her resident dependants and for a temporary period expiring on 28 October 2011.

REASON: In view of the very special circumstances of the applicant and the shortage of sites available to provide for the unmet demand for gypsy site provision within the District, the review of site provision in the Council's emerging Local Development Framework and given the restricted size of the site.

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**SCHEDULE ITEM 1**

**The Proposal**

- 1.11 The proposal seeks to vary the existing permission by removing condition 1 which currently limits the site personally to the applicant, her resident dependants and for a temporary period. The effect would be to grant permanent permission for the use of the site for residential purposes for one mobile home and two touring caravans.
- 1.12 The applicant acknowledges the Green Belt situation. The applicant, however, argues that such personal permissions are not recommended by Government advice. The site already had a lifetime permission for a gypsy family as imposed by a previous planning Inspector. The Council has not yet provided gypsy sites as required. The applicant further explains that even when sites are found there will need to be consultations and further applications for funding and this will also take a long time. Any gypsy site that will be provided will not be in the area.
- 1.13 The applicant is critical that the existing permission requires the expense of providing drainage that could, however, be removed under the current permission after only three years.
- 1.14 The applicant describes that her children are currently settled in school and that moving from the site and into new schools can be stressful for those children. This stress can be avoided by a permanent consent and the continuity in education for her children.
- 1.15 The applicant states that if permission is refused for the current application consultants have been instructed to take the decision to appeal and claim costs because of the waste of time and money involved.
- 1.16 In the latest approved application the applicant set out the following very special circumstances:-
- a) The applicant was previously illegally stopping on a friend's land in the Bromley area. The applicant acquired the site in the belief it had planning permission for a Romany gypsy family.
  - b) The applicant has a large family. The applicant states the need for a permanent address to register with a health centre. The applicant's mother has health problems and is receiving treatment at Southend Hospital. Of the five children on the site, two were established at St. Teresa's school, Rochford, with an elder boy having transferred to the Deanes School in September 2008.
  - c) The need for a permanent address is linked to the importance of continued education for the children on the site.

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- d) The applicant submits that the requirements of the Children's Act 2004 requires that every child of whatever background needs to be healthy, stay safe, enjoy and achieve, make a positive contribution and achieve economic well-being and it is required that all organisations involved with providing services to children must work together to protect children and the young from harm. Leaving children on the side of the road with no place to stay would be contrary to this act.
- e) The applicant considers the site to be sustainable, having already benefitted from permission and enjoying good access to the A129, A130, M11 and M25.
- f) The applicant states there is a general lack of affordable sites and understands that many sites are being approached by authorities across the country with a view to extending the number of pitches.
- g) The applicant also includes an undated report from Essex County Council believed to be compiled in spring 2008 which is in response to the single issue review of the Regional Spatial Strategy relating to gypsy and traveller caravan sites which, amongst other things, concludes that over the development of policy and the provision of sites within housing allocations, an equivalent policy for the retention of existing accommodation is essential. The loss of existing accommodation should be specifically prevented unless replacement stock is part of the proposal.

**MATERIAL CONSIDERATIONS**

- 1.17 The history of this site has established that the development is harmful to the Green Belt in conflict with Policy R1 to the Council's adopted Local Plan (2006). Two Inspectors have consented to the use of the site, firstly, temporarily extending the period for compliance with an enforcement notice and then personally for as long as the applicant required it due to the personal circumstances of the previous occupier.
- 1.18 The planning history is a material consideration and may also be taken into account against an assessment of very special circumstances applicable to this site. Of relevance are the decisions by two different planning Inspectors who each allowed a period of continued occupation, taking into account the lack of suitable alternative sites in the District.
- 1.19 The current applicant has failed to demonstrate the search for an alternative site outside of the Green Belt. In the previous appeal the Inspector concluded that the items on the site detracted from the sporadic development in the locality and Green Belt openness, particularly the presence of the caravans. However, the Council was unable to suggest an alternative location for the family to move to despite the applicant being required to first consider

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alternative sites. Land outside of Green Belt allocation within the District on Foulness Island was not acceptable to the contractors administering the Ministry of Defence establishment.

Turning to Policy HP20 Gypsy Sites:-

- The proposal would not clear an unauthorised site but could regularise it;
- Amongst the representations received there is not strong evidence of disturbance affecting neighbouring land. The matter of adequate drainage that was conditioned as part of the previous consent is ongoing. A cess pit has been installed but details of surface water and the drainage of the caravans are still outstanding at the time of writing;
- In the previous appeal the limited size of the site was not considered to offer or require screening over and above the fencing around the site that currently exists;
- The site is not and was not for a number of years prior to this application used in agriculture. It is not therefore considered that the site would result in the loss of the best and most versatile agricultural land;
- The access and parking arrangements within the site are not materially different to those considered in the two previous appeals and were not considered inadequate by either of the two Inspectors; and
- The site is not understood to be required for seasonal occupation.

The application therefore generally meets the criteria set out in policy HP20 to the Council's adopted Local Plan (2006) and such was the conclusion reached by the previous Inspector.

- 1.20 In allowing the previous appeal, the Inspector gave weight to the uncommon extent of Green Belt allocation which dominates this District and whereby no alternative sites could be found in the District other than in the Green Belt.
- 1.21 Whilst it might be considered premature to approve the application ahead of the consideration of existing sites as part of the work involved in the preparation of the Local Development Framework, no significant progress has been made in respect of actually achieving the provision of sites on the ground. In these circumstances the Inspectors on appeal have drifted away from granting a temporary consent, by varying compliance with the enforcement notice, to the consideration of a personal consent as for the previous site owner.



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- 1.22 The East of England Regional Assembly is at an advanced stage leading to publication in the summer of 2009 of the gypsy and traveller accommodation needs single issue review. This plan allocates the provision of 15 pitches (circa 2 caravans per pitch) be provided in Rochford District by 2011.
- 1.23 The policy was considered at a meeting of the Council's Executive Board on 26 March 2008 and it was concluded that the proposal for 15 pitches would not be subject to an objection by the Council and that a review should be undertaken of all unauthorised sites within the District with a view to determining whether they might make a contribution to the pitch requirement. The Council's Core Strategy Preferred Options document published in October 2008 reaffirms the commitment to 15 pitches but can be given little weight as it is not yet an adopted Local Development Document. Consultation on the Allocations Development Plan Document which will include gypsy and traveller sites will take place in October 2009. Meeting the requirements in a planned way is thus progressing realistically and within acceptable timescales. With this in mind officers consider that a time horizon with regard to the temporary permission to the current application site of October 2011 is realistic by which time sites may be in place or committed and the site could be vacated or reassessed in light of this provision.
- 1.24 In allowing the last appeal the previous Inspector took account of the personal circumstances of the previous applicant by way of the progress of his children within local schools and in particular the importance that further upheaval would be detrimental to their education given problems at previous schools. Their continued education at their current schools were of significant benefit and beyond ordinary educational needs. In considering the current permission, the applicant did not demonstrate a long association with this District and moved onto the site in January 2008. There were no specific details of difficulty experienced by the children or that any special needs were being provided. Similarly, no specific details of the applicant's mother's health problem were given to ascertain if the treatment requires continuity of care locally. However, the appeal history of this site clearly shows that the absence of alternative sites and the consideration of the need to provide education for children on the site and a settled base has twice been given weight by different Inspectors as clearly outweighing the harm to the Green Belt.
- 1.25 The advice contained at paragraphs 45 and 46 to circular 01/2006 advises that a temporary consent may be justified where there is unmet need and there is a reasonable expectation of the planning circumstances changing at the end of the period of the temporary permission. It is clear that progress is being made in the provision of gypsy and traveller sites for the District and through the formal planning process. Allocations will be consulted upon at the end of 2009. There is therefore a reasonable expectation that by the expiry of the temporary consent either sites will be provided or are significantly close to provision to further inform any decisions. In these circumstances the existing temporary permission is justified.

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**CONSULTATIONS AND REPRESENTATIONS**

- 1.26 **Head of Environmental Services:** No adverse comments to make.
- 1.27 Two letters have so far been received in response to the public notification and which in the main make the following comments and objections:-
- Object and see this application as the start of much more development
  - The site is Green Belt and does not allow for habitable dwellings other than for agricultural use
  - The site appears to be over-used with a motor home, mobile home, stable block and two caravans
  - Occupiers should be relocated in accordance with the planning requirements for 15 pitches by 2011.
- 1.28 The previous Inspector considered the development totally inappropriate in the Green Belt and that this should be upheld as the site and surrounds remain unchanged.

**RECOMMENDATION**

- 1.29 It is proposed that this Committee **RESOLVES** to **REFUSE** the application for the following reason:-
- 1 The site is located within an area of Metropolitan Green Belt as defined within the Rochford District Replacement Local Plan 2006. Within the Green Belt, as defined in policy R1, 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 R2 and R5 of the Local Plan), for purposes other than agriculture, mineral extraction or forestry, small scale facilities for outdoor participatory sports and recreation, cemeteries or similar uses which are open in character. Any development that is permitted shall be of a scale, design and siting such that the appearance of the countryside is not impaired.

The proposal for the development of this site does not fall into any of the above categories and it is the opinion of the Local Planning Authority that no evidence has been presented to sufficiently justify overriding the strong presumptions against the construction of new dwellings in the Green Belt.

The proposal by way of seeking to make permanent the existing temporarily authorised residential development is considered to be inappropriate development. Furthermore the Local Planning Authority is

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committed to meeting the required provision of gypsy and traveller sites within a realistic timescale in accordance with the requirements of the East of England Plan and the Council's emerging Local Development Framework. As such, the Local Planning Authority does not consider there is the need to extend or make permanent the development and therefore the proposal has failed to demonstrate that very special circumstances exist to outweigh the harm caused by the development to the openness of that part of the Metropolitan Green Belt in which the site is situated.

**Relevant Development Plan Policies and Proposals**

Rochford District Replacement Local Plan (Adopted 16 June 2006)  
R1, HP20

Supplementary Planning Document 5 – Vehicle Parking Standards  
(January 2007)



Shaun Scrutton

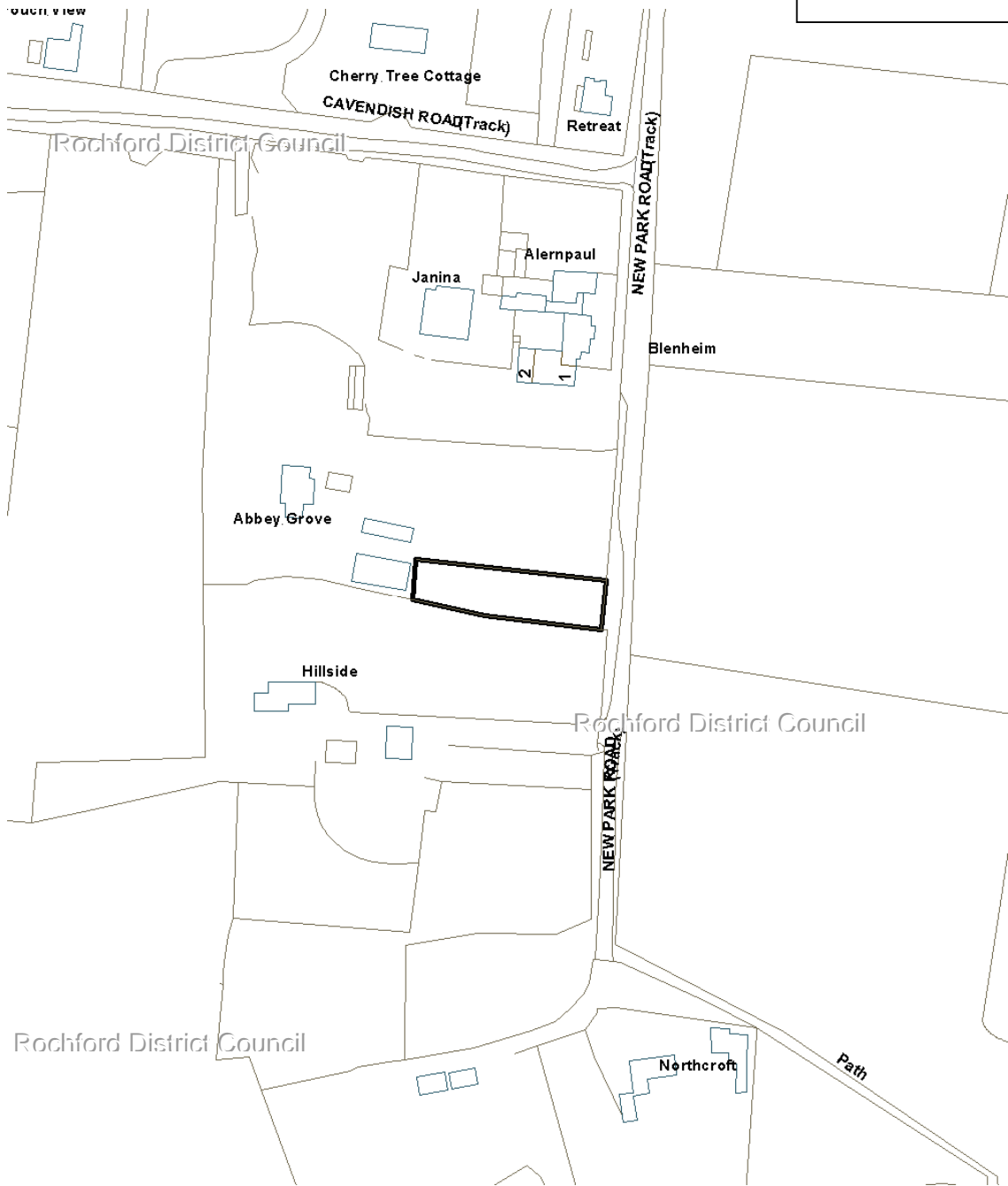
Head of Planning and Transportation

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

**SCHEDULE ITEM 1**

09/00173/FUL



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**SCHEDULE ITEM 2**

**TITLE: 09/00155/FUL  
CONSTRUCT A FIRST FLOOR REAR/SIDE EXTENSION AND  
MAKE ALTERATIONS TO CONVERT THE PUB INTO 4 NO.  
TWO-BEDROOMED FLATS AND CONSTRUCT 2 NO. ONE-  
BEDROOMED BUNGALOWS AT THE REAR WITH PARKING  
AND AMENITY AREAS  
THE CHEQUERS INN HIGH STREET CANEWDON**

**APPLICANT: C AND M OLIVER**

**ZONING: RESIDENTIAL**

**PARISH: CANEWDON PARISH COUNCIL**

**WARD: ASHINGDON AND CANEWDON**

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**PLANNING APPLICATION DETAILS**

**The Site**

- 2.1 The application site is to the southern side of The High Street opposite the junction to Canute Close.
- 2.2 The immediate area comprises dense residential development, with an eclectic mixture of both old and new properties. Within close proximity to the site are several Listed Buildings, these being Russell House directly next to the application site, Whinfell and The Anchor Pub on the corner of the High Street and Anchor Lane. The Old Post Office and Canute House are also Listed, to the northern side of the High Street approximately 25m and 100m respectively from the application site. Newer housing developments, as seen in Canute Close, Birch Close and Chequers Court, surround the site.
- 2.3 A Conservation Area runs in a strip along part of the High Street, incorporating The Chequers Inn Pub. The Conservation Area, however, cuts through the middle of the site and hence the existing car park for the Chequers Inn is not located within the designated Conservation Area.
- 2.4 The application site has a frontage on to the High Street of 19m and an average depth of 48m.
- 2.5 The site currently comprises a public house which fronts the High Street and an associated outbuilding directly behind this to the eastern boundary of the site. An area to the south of the site provides approximately 14 car parking spaces for the pub customers.

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**SCHEDULE ITEM 2**

**PLANNING APPLICATION DETAILS**

- 2.6 The application is to construct a first floor rear/side extension and make alterations to convert the public house into 4 no. two-bedroomed flats and construct 2 no. one-bedroomed bungalows at the rear and revised parking layout and amenity areas.
- 2.7 The public house would be converted into four flats; a first floor rear extension approximately 6.1m in depth and 4m in width would be included to achieve this.
- 2.8 The two detached bungalows would be situated to the very south of the site, each with a single allocated parking space. The bungalows would have an overall ridge height of 4.9m, being approximately 10.2m in depth and 6.3m in width exclusive of a slight roof overhang either side.

**RELEVANT PLANNING HISTORY**

- 2.9 Application 08/00613/FUL – Construct first floor rear/side extension and make alterations to convert into 4 no. two-bedroom flats and construct 2 no. one-bedroomed bungalow at rear with revised parking layout and amenity areas.
- 2.10 This application was refused at the Development Control Committee in August 2008 for the following reasons:-
1. The proposal would result in an over-development of the site, failing to provide sufficient private amenity space for the flats and bungalows proposed. If allowed, the development would provide insufficient private amenity space for sitting out. Limited open storage, drying and limited recreation for future occupiers of these dwellings detrimental to the expectations those future occupiers ought reasonably expect to enjoy.
  2. The proposed bungalows by reason of their design are considered to be inappropriate and unsympathetic to the Conservation Area, ignoring the established character of the area. Bungalows of hipped slated roofs and white rendered walls are considered to be more suitable. The proposal is therefore considered to be contrary to Policy BC1 of the Rochford District Replacement Local Plan (2006).
  3. The proposed loss of the public house is contrary to Policy R9 of the Local Plan and, in particular, paragraphs (iv) and (vii) and would amount to a serious loss to the social life of the village of Canewdon; no reasonable attempts have been made to secure a continuation of the business use prior to the submission of the application.
- 2.11 This application aims to overcome the above reasons for refusal.

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**CONSULTATIONS AND REPRESENTATIONS**

- 2.12 **Canewdon Parish Council** – Little seems to have changed from the previous application. We do not think that all of the previous reasons for refusal have been satisfactorily addressed.
- 2.13 **Essex County Highways** – No Objection.
- 2.14 **County Councillor** – Over-development in a Conservation Area. Concerns that refuse vehicles will have problems collecting waste and recycling from properties. This development will have an adverse impact on surrounding properties and will result in parking problems for existing homeowners.
- 2.15 **Conservation and Historic Buildings Officer** – This revised application for the conversion of the pub and the creation of two bungalows in the Conservation Area is much as discussed with the agent. The bungalows follow my suggestions as to an acceptable building form.
- 2.16 I have no objections to the works in principle, but the details of the proposal require improvements, these I consider could be taken care of by condition. I therefore recommend permission, with the following conditions:-
- 2.17 All external materials and finishes to the pub and the bungalows shall be agreed before works begin. The use of uPVC for the rainwater goods or any other purpose shall not be permitted anywhere on the buildings.
- 2.18 Large scale detailed designs shall be agreed for all new windows, French window and door types. Casement windows in the bungalows shall be of symmetrical design with matching frames on both sides, with no visible trickle vents. They also require deeper sills. The outer lights of the glazed units on the rear elevations of the bungalows shall have heavier frames to match those of the French windows.
- 2.19 **Head of Environmental Services** - The Head of Environmental Services has no adverse comments in respect of this application, subject to the Standard Informative SI16 (Control of Nuisances) being attached to any consent granted.
- 2.20 **Engineers** – No objections. Surface water drainage needs consideration
- 2.21 33 letters have been received as a response to the neighbour notification, which make the following comments and objections:-
- In principle this is the same request that was ultimately rejected previously. Do not see any reason why the decision should be different this time
  - Will constitute a fundamental change to the High Street

**SCHEDULE ITEM 2**

- Detrimental effect on heritage
- Access to and from the High Street will be difficult
- Will have a negative impact upon the Conservation Area
- Constitutes inappropriate back land development
- The Chequers is a focal point in the village and the location of numerous community activities
- Parking in the High Street is limited. The provision of parking for the residents of the proposed conversion is inadequate
- Over-development of the location and out of keeping with the immediate surroundings
- The current owners should do everything possible to ensure the Chequers remains as a much needed asset to the village
- Object to the changes to the façade of the building.
- Flats are out of character with the surrounding cottages and houses and will have a detrimental impact on the surrounding property prices and quality of life of neighbouring houses
- Premises has clearly been offered for sale at well over market value to deter potential buyers
- Broader impact of the development needs to be considered
- Will reduce evening light to rear garden of 9 Birch Close
- Further development upon local services, drainage and parking will put strain upon them
- This development will destroy community spirit
- The cellars are of historical importance, the development plans take no account of these or try to protect them
- To allow this development would not be in keeping with the views and thoughts of most of the residents of Canewdon
- Cannot see why a thriving business should be shut down
- Canewdon not served well by public transport, lack of parking provided will further increase parking problems in the village
- Customers travel from far and wide to visit the Chequers
- This development may make the Listed Buildings unstable
- Local pub adds to character of area
- Flats out of keeping with the housing in Canewdon
- Bungalows unsuitable for the types of families attracted to Canewdon
- Could current utilities cope with extra residents
- Would not be adequate space for refuse bins
- Will cause major overcrowding
- Design of bungalow incongruous and incompatible with surroundings
- Question adequate daylight/ventilation for lounge in ground floor flat
- Access for construction and maintenance to flank wall of pub not considered
- Cycle storage not shown
- Demand for housing low in current market and local demand does not outweigh the long term detrimental harm to the community
- Object to further development being carried out in Canewdon



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**SCHEDULE ITEM 2**

- Negative impact on village life – many people meet at pub on a regular basis.

**MATERIAL PLANNING CONSIDERATIONS**

**2.22 Previous Reasons for Refusal**

The previous application (08/00613/FUL) was refused for three reasons; this application aims to overcome these reasons for refusal to secure a planning approval.

**2.23 Reason for Refusal 1**

The first reason for refusal states that the development resulted in an over-development of the site, failing to provide sufficient private amenity space for the flats and bungalows. The amenity space for four flats should equate to 100m<sup>2</sup> (25m<sup>2</sup> per flat). On the revised application the amenity space equates to 102.1m<sup>2</sup>. This area is of a useable shape and is in accordance with amenity space specifications set out within Council guidance.

2.24 The amenity space for the one-bedroomed bungalows should be at least 50m<sup>2</sup>. On the revised application the amenity space for the bungalows is 56.7m<sup>2</sup> for bungalow no. A and 51.1m<sup>2</sup> for bungalow B. These areas are of a useable shape and are consistent with the amount of amenity space as specified in Council guidance.

2.25 It is considered therefore that reason 1 of refused application 08/00613/FUL has been successfully overcome and would no longer constitute a justifiable reason for refusal.

**2.26 Reason for Refusal 2**

The second reason for refusal considered the design of the bungalows to be inappropriate and unsympathetic to the Conservation Area; bungalows of hipped roofs and white rendered walls were considered to be more suitable.

2.27 The boundary of the Conservation Area cuts through the middle of the site, approximately the land south of the access to Chequers Court is not designated as within the Conservation Area. Consequently the proposed location of the two bungalows is not within the Conservation Area. Despite this it must be considered the impact these bungalows may have on the adjoining Conservation Area, and to the public house building and consequently their design is significant.

2.28 The two bungalows to the south of the site are of a simple form, single storey in height (4.9m) with a pitched roof and outlooks only to the north and south. Due to the low storey height there is no scope for rooms to be incorporated within the roof space.

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- 2.29 Consultation with the Historic Buildings and Conservation Officer has highlighted that the bungalows are an acceptable building form for this location and indeed the design includes the hip roof and white rendered walls suggested in the earlier reason for refusal. The Officer has no objections to the scheme in principal, but, however, suggests some minor changes which would improve the appearance of the pub and the bungalows. The improvements include changes to restrict the use of Upvc rainwater goods being used on any of the buildings, the casement windows shall be of symmetrical design with matching frames, with no visible trickle vent and deeper sills. The Officer recommends permission be granted, subject to conditions with regard to the suggested improvements.
- 2.30 Overall it is considered that the proposed bungalows are now presented to a design sympathetic to their location just outside a designated Conservation Area and are presented comfortably within their surroundings. The development is unlikely to adversely affect the established character and appearance of this Conservation Area or the locality.
- 2.31 It is considered therefore that reason for refusal two of application 08/00613/FUL has been effectively overcome and can no longer justifiably constitute a reason for refusal.
- 2.32 **Reason for Refusal 3**  
The previous application (08/0061/FUL) was refused on the basis of guidance contained within Policy R9 of the Local Plan, in particular part (iv) and (vii). The proposal was thought to amount to a serious loss to the social life of the village and no reasonable attempts had been made to secure a continuation of the business use.
- 2.33 Policy R9 is located within the rural chapter of the Local Plan and as such considers policies for Green Belt locations. This site is not within the Green Belt. The village is, however, a residential inset within a great expanse of Green Belt, rural uses of which are predominantly farmland. In consideration of the issues within this application there is a resulting clear concern around the loss of the Public House which serves the village community, a limited tourist demand as well as providing a small contribution to economic diversification of this part of the District which is predominantly agricultural.
- 2.34 Policy R9 provides criteria for the assessment of proposed rural diversification schemes and particularly the more common re-use of redundant agricultural buildings. Supplementary tests to policy R9 argues in favour of economic benefits. In this case R9 helps to show the principles of encouraging diversification as more normally applied.

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**SCHEDULE ITEM 2**

- 2.35 In Green Belt areas the extension of the building would strongly conflict with Green Belt policy and would thus conflict with the more typical application of part (iv) of R9. However, as the application site is not within the Green Belt, the extension of the building is not contrary to this policy.
- 2.36 R9 part (vii) establishes that residential use is acceptable in Green Belt situations where there is no useful or viable alternative. This approach guards against the normal more profitable choice and therefore favours conversion of Green Belt buildings to commercial re-use, which would have greater public benefits in terms of supporting economic activity.
- 2.37 The site is not within the Green Belt, however the Canewdon settlement is relatively remote and distant from services. In more typical circumstances an application for the re-use of existing buildings in the Green Belt must satisfy the test at part (vii) of policy R9 that every reasonable attempt has been made to secure a suitable business re-use and for a period of 2 years prior to the application. The application site has been for sale since May 2007 and as such has now been on the market for almost two years.
- 2.38 Although there has been further passage of time (8/9 months) since the previously refused application on 28<sup>th</sup> August 2008, the applicant is reliant on the same information previously presented concerning the advertising of the pub for sale. 131 requests for information were received, which resulted in three viewings. An offer was made for the pub at £595,000, which was not pursued. No further information with regard to the viability of the business has been presented in this application. The applicant has indicated that the pub is no longer financially viable as a business and a bank loan of £20,000 was sought to enable trade to continue. However, regardless of this assessment, as the site is not in the Green Belt the proposal is not contrary to Policy R9 (vii).
- 2.39 Within the previous application Members took a view regarding the merits of the proposal as failing under the wider considerations presented by Policy R9. Whilst there is some help in the assessment of the material issues raised in this application, Policy R9 is clearly of direct relevance only in the case of redundant agricultural buildings or other rural buildings located within the Green Belt. This is not the case for this application and its site, which is at the heart of the residential settlement of Canewdon.
- 2.40 Since the site is within a residential envelope and not in the Green Belt, Policy R9 is not a relevant material consideration. Officers do not therefore give any material weight to the assessment of the application against this policy and the interpretation of the merits of the application against its criteria.

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- 2.41 Nonetheless, the underlining concern raised by Members of loss of the public house on the social life of the village is a relevant consideration, but not the use of Policy R9 to do so. The difficulty arises that there is no Local Plan policy or supplementary guidance addressing this matter.
- 2.42 **National and Local Planning Policy**  
PPS1 promotes sustainable development, objectives of PPS1 strive to protect and enhance the natural and historic environment, the quality and character of the countryside and existing communities. PPS1 states that Local Authorities should ensure development supports existing communities and contributes to the creation of safe, sustainable, liveable communities with good access to jobs and key services for all members of the community. In preparing development plans Local Authorities should recognise the needs and broader interests of communities to secure a better quality of life. The broader aims of PPS1 can be acknowledged and should be evident within policies at a local level.
- 2.43 Of more direct relevance to the determination of this application is advice contained within PPS7. PPS7 states that the Local Authorities should support the retention of local facilities and should set out within Local Development Documents the criteria they will apply in considering planning applications that will result in the loss of an important village services, for example, the result of a conversion to residential use. PPS7 also states that people who work in rural areas should have reasonable access to a range of services and facilities. There are, however, no policies within the current Local Plan that support PPS7 with regard to the retention of public houses.
- 2.44 PPS1 and PPS7 broadly aim to support existing community facilities, however, they are not supported at a local level. Released in 2005 and 2004 respectively the contents/aims of these national policies with regard to the retention of existing facilities, such as post offices and public houses, were not incorporated into the current Local Plan which was adopted in 2006. As such there is no development plan policy or supplementary guidance at the local level which directly supports the retention of this existing facility. It is considered that the broad aims of PPS1 and PPS7 without policy development at local level (which post dates the PPGs) would be difficult to develop to support such a reason for refusal, though the contents of planning policy statements should not need to be duplicated in local policies.
- 2.45 Policy SAT6 of the Local Plan, although it cannot be applied directly to this application, seeks to retain retail uses and protect local shops and facilities, except in circumstances where a lack of demand for a retail use can be demonstrated. This policy relates directly to village shops. Were this policy to be applied to the determination of this application, the proposal would be contrary to part (ii) as a residential use would not serve the day to day needs of local residents, however, with regard to part (i) a period of 12 months has passed where it has been demonstrated to an extent that the current business

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is not financially viable and a buyer has not been found for the business. Policy SAT 6 is the most relevant policy within the Local Plan that shows support for the retention of village facilities, however, only directly relevant to village shops. This policy does not extend to incorporate other community facilities i.e. public houses and if it were applied the viability test within it of 12 months vacancy period would be passed.

- 2.46 It is reasonable to suggest that the pub trade is suffering at the current time. There is no policy provision in rural areas or town centres that argue for the retention of public houses, however, it is appreciated that, once lost, the probability of this building returning to a public house use is unlikely. The Chequers Inn is one of two public houses within Canewdon; as such the loss of this pub will not leave the village without public house provision. The village also has two local shops and a primary school.
- 2.47 There is no doubt that the loss of amenities, including public houses, post offices, shops and so on, is of great concern for residents in rural communities. The question is, though whether there is a planning policy framework in place that is capable of successfully resisting the loss of such facilities.
- 2.48 It is in most instances an economic decision to close a pub or village shop, though of course such decisions can be taken for other reasons. The Local Plan recognises the challenges presented by closures in rural areas and seeks to support in appropriate cases, opportunities for business uses that will support rural communities. In this instance policies R9 and R10 of the Local Plan, as stated above, are not directly relevant to this application as the site is not within the Green Belt. As such the determination of this application cannot be reliant upon these policies.
- 2.49 The assessment of the suitability of The Chequers for conversion to residential has been carefully considered and found to be acceptable in principle – there is no policy in the Local Plan that specifically promotes the retention of village pubs as a local amenity in rural areas.
- 2.50 Research into planning applications and decisions with regard to the loss of rural pubs has drawn limited cases, mainly from CAMRA, the Campaign for Real Ale. This indicates support from Government Inspectors for the retention of rural pubs. The factors behind these decisions consisted of the relevant development plan policy, proven viability of the pub and the impact of the conversion on community and social facilities. It must be highlighted, however, there will be examples of appeals that have been allowed. Although recent appeal decisions can assist in gauging the stance of the Inspectorate on particular issues, it must be appreciated that the applications will present very different circumstances and as such reasons for decisions will vary considerably.

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- 2.51 It is appreciated that public houses are a valuable community and social facility that serve a number of local residents. However, as previously discussed, these facilities are not specially highlighted for retention at a local level and the revision to the Local Plan in 2006 did not develop a specific policy that captured the broader aims of PPS1 and specifically PPS7 with regard to the preservation of public houses as a community facility.
- 2.52 **Other Material Considerations**  
The following contents of this report discusses further material considerations relevant to the determination of this application. These details have been highlighted to Members within the previous report and were considered acceptable. It is considered that the material considerations have not changed such that a different conclusion could be reached on the application.
- 2.53 **Density**  
The application site has an area of 0.9 ha. The proposed six units would equate to a density of 66.6 units per hectare. Taking the site area by itself the proposal would exceed the density of 30-50 dwellings per hectare advocated within Local Plan Policy HP3 and would indicate an over-development of the site.
- 2.54 By way of comparison, a typical sample area of 1 hectare, around the application site, has a density of 38 dwellings per hectare. The proposal would increase the density of this sample area to 43 units. Although the site itself has a higher density than preferred, the proposal would fit comfortably within the prevailing density of the area and conforms to Council guidance.
- 2.55 **Compatibility of the Development with the Site Surroundings**  
The neighbouring property to the east of the site fronting the High Street (Russell House) is a Listed Building. The proposal's impact upon this dwelling is a significant consideration. The proposed first floor rear extension to the public house would be sited close to the boundary with this neighbour. This side elevation does not include any windows/openings and hence overlooking is not considered to be a concern. Notwithstanding the first floor extension, the Chequers will remain as existing in bulk, form and design.
- 2.56 Although it is realised that the first floor extension will result in an increase in the bulk of the building as seen from the adjacent property, the application is not considered to unreasonably harm the setting or character of the adjacent Listed Building as to justify refusing the application.
- 2.57 The first floor addition would also bring about a concern for impact upon and loss of light to Russell House. The Chequers is already a dominant structure next to the modest sized Russell House and will already reduce slightly the amount of late afternoon sun that reaches the property and garden. It is considered that due to the already significant bulk of the Chequers the first floor extension proposed would not result in an unreasonable increase in the

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loss of light to Russell House. The 45 degree guideline is not breached.

- 2.58 To the north east of the site, the Old Post Office is also a Listed Building. As no change will occur to the front elevation of the public house, no material harm is said to be caused to the setting or character of this property.
- 2.59 The Chequers building will remain visually the same as viewed from the street, with the exception of the removal of the pub signs and associated advertisements/hanging baskets/external lighting. The Chequers will not appear to be flats when viewed from the street and will retain its character and appearance appropriate within the Conservation Area and sympathetic to the eclectic nature of its surroundings. All windows and doors are kept in the original openings and new windows will respect the design and character of the existing. The change of use of the public house to four residential units is therefore considered to cause no material harm to the established nature of the Conservation Area. These observations are also agreed by the conservation officer who sees no objection to the conversion of the pub in conservation terms.
- 2.60 **Residential Amenity**  
The change of use of the pub is unlikely to bring about unreasonable loss of amenity to surrounding neighbours. The first floor rear extension extends 6.7m in depth from the existing first floor element and matches the existing height at 5.6m from ground floor. The roof design is such that it extends as flat roofed for 5.6m to a ridge and then is angled to match the appearance of the front elevation. This angled roof reduces the presence of this extension upon Russell House. It is considered that this first floor addition is designed to respect the character of the public house.
- 2.61 Undoubtedly this first floor addition will be more prominent from Russell House but it is considered that it is of a design and form that will not cause unreasonable harm to this neighbour. With Russell House located east of the application site, the public house will already slightly overshadow this property in the early evening. The introduction of the first floor addition, although will somewhat change the outlook from the rear windows of Russell House, this is not considered to be to a detrimental degree. No side elevation windows are proposed to this eastern elevation.
- 2.62 The raised decking amenity area for the flats does extend to the boundary with Russell House. An increase in noise and disturbance is not expected to be material or an increase upon the current activities associated within the public house business which would result in a detriment to the amenity currently enjoyed by the residents of Russell House.
- 2.63 The proposed bungalows reach a maximum ridge height of 4.9m. It is therefore unlikely that the development will result in unreasonable overlooking or loss of privacy to adjoining neighbours. Overshadowing is also highly unlikely. The

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bungalows have been designed with no side elevation windows so as to prevent any possibility of overlooking to sites either side of the development. A refusal based upon direct overlooking could not be substantiated.

- 2.64 The incorporation of the bungalows will certainly change the outlook from some of the properties in Birch Close and Church Green, however, with the modest form of the proposed dwellings, limited fenestration and adequate height fencing on the rear boundary will offset any unreasonable loss of amenity to the occupiers of the dwellings south of the site in Birch Close and Church Green.
- 2.65 **Parking/Increased Traffic Movements**  
The site already has an existing crossover and access. It is considered that the traffic movements into the application site would not change significantly and are unlikely to result in an increase in movements seen in and out of the site now with regard to the pub trade and use of the car park for visiting clientele.
- 2.66 Each of the bungalows has one off street parking space which is seen to be adequate for the size of these dwellings. There are 7 parking spaces for the four flats. This equates to 1.75 parking spaces per flat. The nine parking spaces represent 1.5 car parking spaces per residential unit (flats and bungalows).
- 2.67 Supplementary Planning Document 5 states that in rural or suburban locations where services are poor, for smaller dwellings (less than three bedrooms) at least one space will be required to maintain an acceptable level of highway safety. The car parking provided meets requirements specified in Council policy and policy applied by Essex County Highways. Car parking provision is therefore deemed satisfactory for this development in this location.
- 2.68 The Highways Authority does not raise an objection to the application.

**CONCLUSION**

- 2.69 Notwithstanding the reason for refusal placed on the previous application in relation to the proposal being contrary to Policy R9, it is considered as detailed within the above report that this policy is not material to the determination of this application as the site is not within the Metropolitan Green Belt. Although it could be argued that a loss of a rural pub is contrary to the broader social and community aims, a refusal reliant upon Policy R9 is considered unreasonable. There is no local policy which strives to protect or retain public houses in rural or town centre locations, although it is appreciated that once the pub use is lost the building is unlikely to return to a pub use in the future.
- 2.70 This considered, Canewdon does have two local pubs within very close proximity to each other and as such one public house will remain within the



## SCHEDULE ITEM 2

village. Two local shops and a local school are also provided within the village. The broader aims of PPS1 and more specifically PPS7 identify the need to retain community facilities especially in rural areas. Notwithstanding this, as detailed within the report, the aims of PPS1 and PPS7 have not been incorporated into policy at a local level which purposely strives to retain public houses. There is therefore no local development plan policy framework which protects conversion of this public house to residential use.

- 2.71 The pub building will change only very slightly in visual appearance and as such no harm is thought to occur to the character of the Conservation Area. The proposed development, especially with the incorporation of the bungalows to the rear of the site, will undoubtedly change the appearance and use of the site; this is, however, not considered to be to a detrimental or unacceptable degree.
- 2.72 It is considered that with regard to the conversion of the public house to four flats the proposal is considered acceptable. The proposal is seen to be satisfactory in conservation terms and is unlikely to result in an unreasonable loss of residential amenity to surrounding neighbours. The bungalows, now to an improved design, are considered appropriate for this particular location. Both the flats and the bungalows are proposed with adequate private amenity space, as specified within Council guidance contained within SPD2.
- 2.73 No material loss of amenity is considered likely to occur with regard to overlooking, loss of privacy, loss of light or overbearing developments which would adversely affect the amenities of the immediate surrounding neighbours.
- 2.74 It is considered that there are no material planning considerations that justify refusing the application, furthermore there is no policy provision within the Local Plan that strives specifically to preserve rural public houses. The proposal is considered to be in accordance with relevant policies of the Local Plan, namely, HP3, HP6, HP14, BC1 and associated supplementary guidance.

## **RECOMMENDATION**

- 2.75 It is proposed that the Committee **RESOLVES** to **APPROVE** the application, subject to the following conditions:-
- 1 SC4B Time limits standard
  - 2 SC14 Materials to be used (externally)
  - 3 Prior to development commencing large scale detailed drawings at a scale of 1:20 shall be submitted to and approved by the Local Planning Authority of all new windows and door types to both the bungalows and the pub building. The casement windows in the bungalows shall be of symmetrical design with matching frames on both sides, with no visible trickle vents. The outer lights of the glazed units on the rear elevations of the bungalows shall have heavier frames to match those of the French

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- 4 windows.
- 5 SC17 PD restricted extensions
- 6 SC20 PD restricted dormers
- 7 SC22A PD restricted windows
- 8 SC23 Obscure glazing
- 9 SC80 Parking provision
- SC50 Means of Enclosure – Full (including PD restriction)

**REASON FOR DECISION**

The proposal is considered not to cause undue demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers in neighbouring streets.

**Relevant Development Plan Policies and Proposals**

Rochford District Replacement Local Plan (Adopted 16 June 2006)  
HP3 HP6 HP14 BC1

Supplementary Planning Document 2 Housing Design (January 2007)  
Supplementary Planning Document 5 Vehicle Parking Standards (January 2007)  
Supplementary Planning Document 6 Design Guidelines for Conservation Areas (January 2007)



Shaun Scrutton

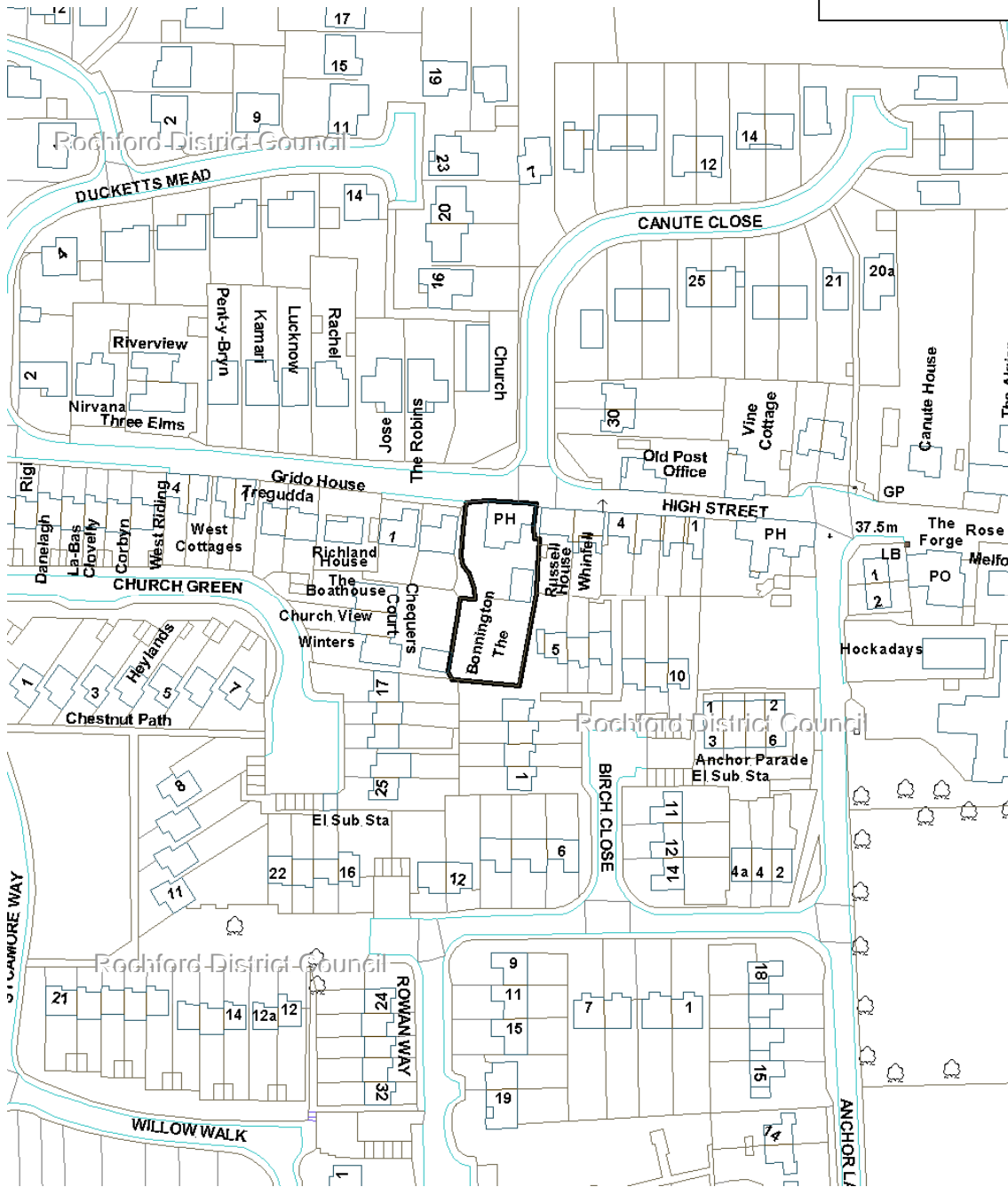
Head of Planning and Transportation

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For further information please contact Katie Simpson on (01702) 546366.

**SCHEDULE ITEM 2**

09/00155/FUL



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**SCHEDULE ITEM 3**

**TITLE: 09/00182/COU  
CHANGE USE OF BUILDING AND CARRY OUT INTERNAL  
ALTERATIONS TO PROVIDE 1 No. TWO-BEDROOMED AND  
1 No. THREE BEDROOMED FLATS  
28 STAMBRIDGE ROAD ROCHFORD**

**APPLICANT: WILSON AND WELLS PROPERTY LTD.**

**ZONING: EXISTING RESIDENTIAL DEVELOPMENT**

**PARISH: ROCHFORD PARISH COUNCIL**

**WARD: ROCHFORD**

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**PLANNING APPLICATION DETAILS**

**The Site**

- 3.1 This application is the site of a semi-detached house located opposite the junction made with Malting Villas. The dwelling is vacant and the garden area overgrown.
- 3.2 The dwelling currently enjoys Permitted Development rights that exist for semi detached houses. The applicant has already provided a flat roofed rear extension, the conversion of the gable end from the original hip roofed design and the provision of a flat roofed rear dormer. The rear garden area has an extensive block paved area in the rear garden. All of these works are at an advanced stage of construction and do not require Planning Permission from the Local Planning Authority.

**The Proposal**

- 3.3 The proposal is to convert the resulting semi-detached house, the subject of current extensions described above, to provide a two-bedroomed flat at ground floor and three-bedroomed flat split between the first floor and second floor accommodation being formed in the roof space. The layout of the site would take advantage of the block paved hardstanding provided to the rear garden to provide four car parking spaces and turning area.
- 3.4 The application is accompanied by a Bat Survey which found no evidence of Bat roosting or potential roosting for Bats at the site.

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**SCHEDULE ITEM 3**

**RELEVANT PLANNING HISTORY**

- 3.5 Planning Application No. 08/00705/FUL  
Construct single storey flat roofed rear extension, construct pitched roofed dormer to side with roof lights to front and rear and convert building to 2 No. self contained flats.

Permission refused 23 October 2008. for the following reasons:-

1. The proposal, by way of the increased intensity in use of the upper floor room to a kitchen to serve the first floor flat proposed, would result in unacceptable conditions of overlooking from the resultant kitchen window detrimental to the reasonable expectations of privacy and amenity that ought reasonably be expected to be enjoyed by residents adjoining the site and contrary to part (viii) to Policy HP6 and part (iii) to Policy HP16 to the Rochford District Replacement Local Plan (2006)
  2. The proposal, by way of the layout conflict between the lounge to the first floor flat proposed and the adjacent bedroom areas to the adjoining dwelling No. 30 Stambridge Road, would result in a loss of residential amenity detrimental to the expectations of quiet that ought reasonably be expected to be enjoyed by those adjoining residents and contrary to part (iv) to Policy HP16 to the Rochford District Replacement Local Plan (2006).
  3. The proposal, by way of the proposed car parking layout, fails to provide adequate parking and manoeuvring of vehicles within the site to ensure vehicles regularly visiting the site could enter and exit the site in forward gear. If allowed, the proposal would result in difficult manoeuvring movements within the site and possible reversing out onto the highway to the detriment of pedestrian and vehicular safety.
  4. The proposal, by way of the provision of car parking and turning to the rear of the site, would be detrimental to the quiet character of the rear garden areas adjoining the site to the detriment of the amenity that those adjoining occupiers and occupiers of the flats proposed ought reasonably expect to enjoy and contrary to part (iii) to Policy HP16 to the Rochford District Replacement Local Plan (2006).
- 3.6 An appeal against this decision was dismissed on 16 March 2009.

**MATERIAL CONSIDERATIONS**

**Density**

- 3.7 The site has an area of 0.0441ha. The proposal would equate to a density of 45 units per hectare in accordance with Policy HP3.

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**SCHEDULE ITEM 3**

**Accessibility and Car Parking Provision**

- 3.8 The proposal is reasonably close to Rochford town centre which enjoys good transport links. The proposed two car parking spaces per flat would meet the Council's parking standard.
- 3.9 The previous proposal provided for a similar layout but with a turning area in front of the dwelling to allow vehicles to enter and exit the site in forward gear. Essex County Highways department had no objection to raise against this layout but considered that such a manoeuvre would be difficult and instead favoured a turning facility to the rear of the building.
- 3.10 In considering this issue the Inspector was not critical of the parking provision but considered that the inclusion of a front garden turning area would require a difficult manoeuvre not practical for many drivers and which would result in vehicles backing down the side of the building over a long distance, giving rise to unacceptable noise and disturbance as well as being causing a backing manoeuvre onto the highway. There was no criticism of the number of spaces.

**Loss of Privacy and Overlooking Issues**

- 3.11 The rear garden would be to a depth unchanged at some 33.5m so the windows to dwellings backing onto the site would be more than the 35m distance recommended in the Essex Design Guide to safeguard overlooking.
- 3.12 The side window to the gable end provided as part of the existing extensions is obscure glazed and overlooks the adjoining dwellings to No. 26 and any future re-development of that site.
- 3.13 In dismissing the appeal, the Inspector considered the Council's concerns that the rear facing first floor kitchen window would give rise to loss of privacy given the likely increase in use of this particular room. He, however, concluded that this was not reason enough to warrant refusal of permission.

**Physical Layout Considerations**

- 3.14 The amenity area to the side and rear of the proposed car parking area would measure some 113 square metres and would be in excess of the 50 square metres required to comply with the Council's standards.
- 3.15 The area is relatively narrow at some 3.7m wide and runs for most of the length of the garden. The extent of hardstanding is greater than that required solely for car parking and would provide an alternative surface for all weathers in addition to the lawned areas in excess of the figure measured. Account can also be taken of informal public open space at Millfields and formal public open space at Doggetts, both a short walk from the site.

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**SCHEDULE ITEM 3**

- 3.16 In a more recent appeal decision for the site of 36 The Approach Rayleigh, an inspector was critical of the effect that parking provision closely adjoining such amenity areas had upon the usability of such provision. In this comparable case, however, that inspector was considering a scheme for six units and to a difficult and narrowing site shape which intensified and constrained the use of the amenity area available even though it was also in excess of the size requirements. In the case of the current application the amenity area provision would only serve two households. The vehicle movements would also only arise from the habit from two households and as a result the effects are not as intense or directly similar.
- 3.17 In dismissing the recent appeal on the current application site, the Inspector did not make comment on the effect of the similar layout to provide parking at the rear of the site and its effect upon the usability of that amenity space provision. In these circumstances no material objection can be raised at the provision and layout of the amenity space now proposed.

**Residential Amenity Considerations**

- 3.18 In the previously refused application the Council reasoned that the incompatible internal layout providing lounge living areas to the first floor flat adjacent neighbouring bedrooms to the adjoining house through the party wall, would give rise to unacceptable noise and disturbance. In dismissing the appeal the Inspector noted the appellant's arguments that such noise insulation could be conditioned. The Inspector observed that the dwelling is of an age where sound insulation between properties of this type is poor. No details of the sound insulation were submitted for him to consider and he agreed with the Council that there was a real possibility that neighbouring residents would be adversely affected by noise between the proposed living room at first floor and the adjoining bedrooms to the attached neighbouring dwelling No. 30.
- 3.19 The current application also includes the lounge at first floor to the upper floor three bedroomed flat and adjoining the party boundary. The application particulars now include details which state the existing party wall to be 225mm (9") thick and having a rating of 50dB which is in excess of the minimum 45 dB required by part E of the Building Regulations. The applicant proposes further insulation to achieve 60 dB. All such conversions will be required to achieve compliance with part E. If the work fails the tests it would have to be removed and replaced with even better insulation in order to pass and receive the certificate of completion in order that the resultant flats can be occupied. These details can be conditioned as part of any approval that might be given in order to ensure an acceptable safeguard against noise transfer. In these circumstances the applicant has now overcome the Inspector's previous misgivings.

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**SCHEDULE ITEM 3**

- 3.20 In the previously refused application the Council reasoned that the rear car parking arrangement would be detrimental to the quiet character of the rear garden areas adjoining the site. In dismissing the appeal, the Inspector concluded that the proposed flats would generate more car parking movements than the single household. The Inspector gave significant weight to the manoeuvring and backing out inherent in that previous layout and which in his view would give rise to a long backing out manoeuvre alongside the building that would be longer and more noisy than driving out in forward gear, further compounded by difficulties with tandem parking and occasional manoeuvring within the site to allow vehicles parked deeper into the site to leave.
- 3.21 The tandem arrangement is still a feature of the proposed parking layout but the current application now includes a turning area to the rear of the building as well as a more extensive hardstanding than shown. The arrangement now proposed will still give rise to some disturbance but vehicles will exit the site in forward gear and with less noise, as noted by the Inspector. Furthermore the layout as now shown provides the car parking areas deeper into the site which in turn moves the disturbance further away from the area immediately to the rear of the neighbouring dwellings by some 6 metres. The current layout now features the turning area some 6 metres from No. 30 but this would only be used briefly in each manoeuvre. The resultant effect of the revised layout would greatly reduce the noise that would be experienced by adjoining residents, as anticipated by the Inspector. The revised layout as now proposed in the current application therefore overcomes the previous Inspector's objections on this issue.
- 3.22 The applicant describes the current works and layout as existing to provide extension and modifications that will potentially allow for the extended dwelling to be used for student/migrant worker housing. This would be an alternative to the current application and would not be dependant upon the current application being approved. It is possible that the resultant dwelling can be used in this way for up to and including six persons which live as a single household. This area of planning control is complex but such a use will not require planning permission depending on the degree that facilities such as bathrooms, kitchens, lounges and communal eating were shared. It is not necessary for the future occupiers to be living as blood related family.
- 3.23 In dismissing the previous appeal, the Inspector was critical of the design of the building as then proposed and which featured a side dormer to the retained roof hip. The building has since been altered to form a gable end and rear dormer very similar to the attached neighbouring dwelling No. 30 Stambridge Road. Officers therefore consider that the Inspector's concerns on design have also been overcome by the works and extensions that have not required express planning consent.



### SCHEDULE ITEM 3

#### CONSULTATIONS AND REPRESENTATIONS

3.24 **Rochford Parish Council:** Object on the basis of:-

- Inadequate parking and amenity space (although note that the rear garden has been block paved prior to the submission of the application)
- No clear footway between the building and the vehicle access.
- Highway concerns, especially due to the location of the development opposite the junction of Stambridge Road and Malting Villas Road.
- Over-development of the site.
- Out of keeping with the street scene.
- The development will have a detrimental effect on the neighbouring properties

3.25 **Head of Environmental Services:** No averse comments to make, subject to the Standard Informative SI16 (Control of nuisances) being attached to any consent granted.

3.26 29 letters have been received in response to the public notification and which in the main make the following comments and objections:-

- Safety concerns with the site being opposite a busy junction where multiple occupancy will add to traffic visitor and trade parking and will combine with the access arrangements for the adjoining site with heavy traffic crossing a footpath used by many school children
- Inadequate access and parking with no visitor parking causing on-street parking and congestion
- rear garden area has never been used for Increased traffic
- No segregated access to the garden area for occupiers of the larger upper floor flat which may reasonably provide a home for a family with children
- Tandem parking will cause manoeuvring difficulties within the site.
- Site inadequate in size to achieve the required turning
- Use of the garden for car parking will affect the quality of air and quiet for those who enjoy adjoining gardens and rear rooms as well as adding noise and light interference at night and noise and disturbance degrading the quality of life for existing residents
- problem of noise transfer through party wall to neighbour's bedroom
- effect of rear parking arrangements in giving rise to disturbance to future occupiers of the flats
- Increased pollution
- Noise transfer through party wall will disturb adjoining resident's sleep pattern and who is a fire fighter where it is important such operators are not fatigued and get good rest and sleep
- Poor design so inhabitants will be given minimum privacy and space to relax and sit out

### SCHEDULE ITEM 3

- Introducing flats into this residential area will set an unwelcome precedent. We do not wish to see our family orientated and friendly neighbourhood irrevocably spoilt with loss of family housing for scruffy flats as in Southend
- previous application for the conversion was dismissed on appeal
- no need in this area for flats but always will be a demand for family housing
- loss of gardens to hard surfaces
- Over-development
- Loss of privacy
- Area already catered for with flats in the town centre
- Out of character with family dwellings and long well established gardens to adjoining dwellings
- The resultant extensions are not in balance with the attached neighbouring dwelling No. 30 which has a gabled conversion not flush with the wall and which also has a small hip end to the roof
- Incorrect statement in application particulars that adjoining site is the subject of an application for 13 flats because all previous applications have been refused permission.
- Turning area immediately adjacent the ground floor flat French windows will be a risk to children accessing the amenity area
- Three storey is totally absurd
- No mention of fire precautions given number of people cooking, laundering and waste disposal
- works already carried out
- Developer showing no consideration for the existing community and is deliberately blighting the area to force the Council's hand and intimidate residents into accepting proposals
- Devaluation of property

and the following comments in support:-

- 3.27 ○ No objection to the views of the building as externally still in character with other buildings in the area

### **RECOMMENDATION**

- 3.28 It is proposed that the Committee resolves to **APPROVE** the application, subject to the following conditions:-
- 1 SC4B Time limits full - standard
  - 2 The parking provision and layout of the rear garden area as shown on the plans to which this application relates shall be retained for the parking and manoeuvring of vehicles for the duration of the use hereby permitted.

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**SCHEDULE ITEM 3**

- 3 Prior to the first occupation of the development hereby approved the first floor party wall shall be sound insulated to 60db in accordance with the details as set out at section 4 to the Design and Access Statement accompanying the application and as received on 6 April 2009 or such other standard as shall first be submitted to and agreed in writing by the Local Planning Authority.

**REASON FOR DECISION**

The proposal is not considered to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area, to the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers in neighbouring streets

**Relevant Development Plan Policies and Proposals**

HP3, HP6, HP16 of the Rochford District Replacement Local Plan (Adopted 16 June 2006)

Supplementary Planning Document 2 – Housing Design (January 2007)

Supplementary Planning Document 5 – Vehicle Parking Standards (January 2007)



Shaun Scrutton

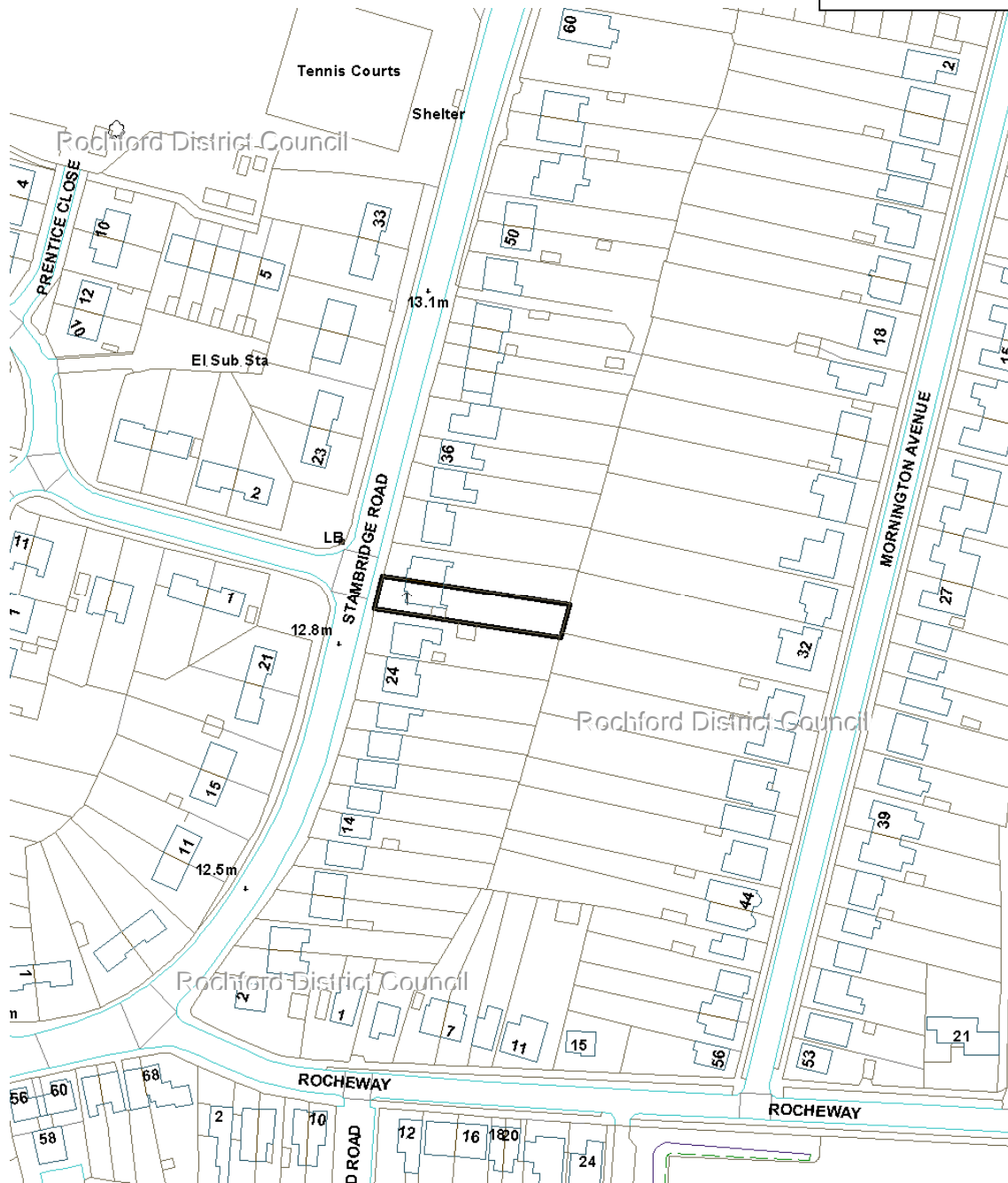
Head of Planning and Transportation

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

**SCHEDULE ITEM 3**

09/00182/COU



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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.**