



Rochford District Council

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY  
PLANNING SERVICES COMMITTEE 28th June 2001**

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

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

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

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

**PLANNING SERVICES COMMITTEE 28th June 2001**

**DEFERRED ITEMS**

**REFERRED ITEMS**

**SCHEDULE ITEMS**

- |   |   |                   |         |
|---|---|-------------------|---------|
| 1 | 01/00112/ful<br>Conversion of existing stables<br>(including the provision of two<br>storey extensions) into 2(no)<br>dwellings and the erection of<br>2(no) detached garages<br>Kings Head Stables Back Lane<br>Rochford | Lee Walton        | PAGE 3  |
| 2 | 01/00090/OUT<br>Outline Application For The Erection Of A Dwelling ( Replacement of a 3 Unit Mobile Home)<br>Willow Pond Farm Lower Road Hockley  | Mark Mann         | PAGE 9  |
| 3 | 01/00388/DP3<br>Layout Tarmac Basketball Court Install Two<br>Basketball Goals (Approx 4 Metres High)<br>Fairview Playing Field Victoria Road Rayleigh  | Kevin Steptoe     | PAGE 16 |
| 4 | 01/00352/FUL<br>Erect 2-Bed Detached Bungalow with Detached<br>Garage Layout Two Additional Parking Spaces<br>Land Rear Of 83 Grove Road Rayleigh   | Kevin Steptoe     | PAGE 20 |
| 5 | 01/00345/COU<br>Change of Use from Light/General Industry (Classes<br>B1/B2) to Storage/Distribution (Class B8)<br><br>7-12 Eldon Way Industrial Estate Eldon Way Hockley   | Christopher Board | PAGE 28 |

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TITLE	01/00112/FUL CONVERSION OF EXISTING STABLES (INCLUDING THE PROVISION OF TWO STOREY EXTENSIONS) INTO 2(NO) DWELLINGS AND THE ERECTION OF 2 (NO) DETACHED GARAGES KINGS HEADS STABLES, BACK LANE, ROCHFORD
APPLICANT	MR AND MRS DREWITT
ZONING	SECONDARY SHOPPING AREA, CONSERVATION AREA, RESIDENTIAL
PARISH.	ROCHFORD PARISH COUNCIL
WARD	ROCHFORD ROCHE
WARD MEMBERS	Cllr D M Ford

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**1 1 PLANNING APPLICATION DETAILS**

The applicant seeks planning permission to convert the Kings Head Stables into two residential dwellings. This involves the retention of the existing brick façade and entrance gate to Back Lane. The existing timber façade will be replaced and backed by block work.

- 1 2 The works involve an increase in the overall height of the walls, raising the roofs in the process. All roofs will follow the existing stepped pattern taking their lead from the gatehouse's mansard – which will remain at its existing height. The window openings to the front wall will be enlarged on the advice of the conservation advisor so that their overall appearance are in keeping. The dormer windows to the front will take their lead from similar types commonly found in Rochford.
- 1 3 Access to the development will be via the existing coach entrance. It is proposed to replace the timber doors with a large iron gate(s). The main entrances to the dwellings are located (1) within the gatehouse access area, (2) from Back Lane, to the western end of the façade.
- 1 4 Two, two storey extensions are to be constructed with the western 'wing' being twice the depth of that placed towards the eastern end of the existing buildings (nearest the gatehouse). It is proposed to site garages to the rear. There will be provision for four parking spaces.
- 1 5 The site plan shows that the proposal makes full use of the existing range, adapting and extending so that the integrity of the rear courtyard is preserved.

## RELEVANT PLANNING HISTORY

- 1 6 A number of planning applications have been made for this site. The most recent and relevant are
- 1 7 **F/0016/95** Withdrawn. Erect single storey dwelling incorporating restored gateway building with detached garage (following demolition of existing stable)
- 1 8 **CA/0046/95** Approved. Demolish existing stables
- 1 9 **0524/98/FUL** Withdrawn. Erect detached 2 bedroom chalet and convert existing stable building to office
- 1.10 **0565/98/FUL** Withdrawn. Demolish Part of existing stable building (in association with proposed 2 bedroom chalet and conversion of stables to office)

## CONSULTATIONS AND REPRESENTATIONS

- 1 11 **Rochford Parish Council** – Members expressed concerns that the correct materials would be used, and that the development will be sympathetic with the historical context of Back Lane, also, Members were unhappy with the proposed fascia on the elevated section (This has since been revised)
- 1 12 **Neighbour notification** – one letter of objection, opposed for the following reasons:
  - 1 This is a commercial area, not residential. The adjoining property deal mainly in spraying, welding and panel work, involving noise and smell. Other adjoining establishments generate late night drinking and occasional loud music.
  - 2 The erection of dwellings would be detrimental to the adjoining business.
- 1 13 **Rochford Hundred Amenities Society** – It would be appropriate to replace any trees removed from the site.
- 14 **County Planner (Archaeology)** – advise that a condition be attached to cover the presence of any archaeology
- 1.15 **Anglian Water** – advise they have no objection subject to an informative to be attached
- 1 16 **Housing, Health and Community Care** – advise they do not have any adverse comment to make subject to conditions being attached
- 1 17 **Parks and Woodlands** – the two sycamore trees are attractive but it is debateable whether they are sufficiently attractive to warrant refusal of the application. Suitable replacements could be planted to the rear of the site
- 1.18 **County Planner (Historic Conservation)** – In favour of extending the existing stables back into the yard, in principle. The proposal is acceptable subject to some fine-tuning. The design of the windows is still to be accepted.

- 1 19 **County Surveyor (Highways)** - no objection subject to standard conditions being attached
- 1 20 **Building Control** – Fire resistant timber cladding for external walls required Escape windows required to the two first floor bedroom, and ground floor study windows

## MATERIAL PLANNING CONSIDERATIONS

- 1 21 **Conservation Area**  
Notwithstanding the relevant planning considerations the Local Planning Authority has a 'duty' (section 72 Planning (Listed Buildings and Conservation Areas) Act 1990) imposed on it to consider the conservation aspect of this proposal.
- 1 22 The site lies within the Rochford Conservation Area Planning issues to be considered are the presence of commercial activities, any concerns raised by the Highways authority, and the character and appearance of the proposal on the conservation area
- 1 23 In terms of the conservation aspect and the scheme's appearance and layout this is the best proposal received and considered by the planning department in more than five years. Previous proposals sought the retention of the existing buildings fronting Back Lane, on a number of occasions using these as ancillary buildings to the main structure. In the recent past permission has also been granted for the demolition of these buildings. Their present and future state if left to further deteriorate will in all probability lead to another application for demolition If this were to happen an important local building in the historic streetscape would be lost to Rochford
- 1.24 The comments received from Building control can be dealt with by attaching a planning condition to finalise window appearance
- 1 25 This proposal sets out to conserve the existing layout and all of the brick built structures on the site, in the process reinforcing the current and existing historic range of buildings, conserving the façade for the future
- Highways**
- 1 26 The Highways' authority cannot consider the access on to Back Lane as this already exists and access is established. It should be noted that although Back Lane is narrow at this point the actual opening to the site is wide (4 3 metres) The Essex Design Guide gives access widths for parking spaces from 2.9 metres (recessed back from the footpath) to 5 4 metres (set on the footpath). There is no footpath in Back Lane Pedestrians tend to walk towards the centre of the road.
- 1.27 Comment has also focused on the existing use of Back Lane in terms of a regular drop by the brewery lorry to the Kings Head Public House that parks up and blocks the road. Other users sometime park in the road and this has a tendency to block the road off. In essence the fact that the road is blocked from time to time is not a relevant planning objection Other legislative frameworks are available to deal with these concerns The Highway Authority have received revised plans for the on-site arrangements, following initial objections They are now satisfied that there is sufficient space provided

to manoeuvre on site to enable vehicles to leave the site in first gear.

### **Contaminated Land**

- 1 28 As a site of former stables the likelihood of the land being contaminated has been raised. The work of blacksmiths and farriers may have left behind contamination by lead waste, etc. Housing, Health and Community Care have identified the need to survey the site in advance of development. This can be accomplished via an appropriate condition.

### **Commercial Activities**

- 1 29 The major planning issue to be considered is the presence of the car repairs' workshop that adjoins the site of the proposed residential dwellings. Concern has been expressed in terms of the impact this development would have on the existing workshop, as much as the effect the presence of the workshop would have on the residential dwellings.
- 1 30 The appeal at nearby 6 - 8a South Street, resisted development on the basis of the adjoining commercial premises. In essence the planning inspector took the view that
- The discharge of fumes was limited
  - The effect of such a business in the town centre should not hamper development on adjacent sites.
  - The hours of business and the times of occupation of the new houses would not overlap
- 1 31 Central Government planning guidance and advice stress the importance of mixed use in town centres. It advises of the need to adapt policy in the light of proposals for town centre sites. In short, good planning practice encourages this proposal.
- 1 32 The emphasis on the impact of the car repairs business on the proposed development should not be over-stated. Equally the impact of the proposal on the existing use will be covered by the appropriate environmental health legislation. This would ensure that the existing commercial use conforms to current legislation.

### **CONCLUSION**

- 1 33 In terms of the conservation area the proposal is considered as one of the better design proposals for the site. The outward appearance and general layout of the proposal respects the historic character of the site, as well as Back Lane.
- 1 34 Central government guidance and advice stress the importance of town centres as appropriate places for mixed development, and the need for local policies to be more flexible to meet the requirements of sustainability and sustainable development. Issues raised in relation to commercial activities are dealt with via alternative legislation and regulation.

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**RECOMMENDATION**

1.35 It is proposed that this Committee **RESOLVES to APPROVE** the application subject to the following planning conditions:

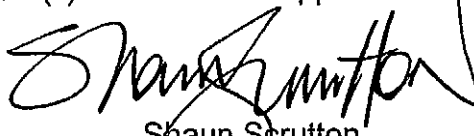
- 1 SC4 Time Limit Full –Standard
- 2 SC15 Materials to Match
- 3 SC14 Materials to be Used
- 4 SC30 Use of Outbuildings (Restriction on habitable floor area)
- 5 SC96 Archaeological Works
- 6 SC87 Contaminated Land
- 7 Details of the windows and doors shall be supplied to the local planning authority and their written consent obtained prior to the installation of the windows and doors
- 8 Details of the surface finish of the driveway and back yard court area shall be supplied to the local Planning authority and their written consent received prior to the laying out of the surface finish

**Relevant Development Plan Policies and Proposals:**

UC3, TP15 of the Rochford District Local Plan First Review

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The local Ward Member(s) for the above application is Cllr D M Ford

  
Shaun Scrutton  
Head of Planning Services

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

01/00112/FUL



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TITLE : 01/00090/OUT  
 OUTLINE APPLICATION FOR THE ERECTION OF A  
 DWELLING (REPLACEMENT OF A3 UNIT MOBILE)  
 WILLOW POND FARM, LOWER ROAD, HOCKLEY

APPLICANT : BARRIE TAYLOR

ZONING : METROPOLITAN GREEN BELT

PARISH: HULLBRIDGE PARISH COUNCIL

WARD: HULLBRIDGE SOUTH

WARD MEMBERS Cllr W. Stephenson  
 Cllr R Brown

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#### PLANNING APPLICATION DETAILS

- 2 1 This application, for outline planning permission, relates to the erection of a permanent dwelling to replace the existing temporary dwelling which consists of 3 interconnected mobile units. Members may be aware that this is a resubmission of a previous application for the erection of a permanent dwelling on this site, which was refused at the Planning Services Committee of the 23rd November 2000, against Officer's recommendation.
- 2 2 That application was primarily refused on green belt grounds as it was considered by Members that the proposal did not fall into any known exemption to the general policies of restraint such as agriculture, forestry etc. The reason for the resubmission is that whilst the applicant's agent acknowledges the right of Members to disagree with the recommendations of officers, they must have good reasons to do so as advised by PPG1. Having looked at the report provided by the Council's own independent advisor, the applicant has concluded that there was no justification for Members to depart from the advice of Officers. Whilst an appeal is an option, the applicant considers that a more reasonable approach at this stage is to resubmit the application and allow Members an opportunity for reconsideration of their decision

#### RELEVANT PLANNING HISTORY

- 2.3 **ROC/527/74.** Outline application for the erection of a dwelling house Refused.
- 2 4 **ROC/163/90.** Application for temporary permission for the retention of a mobile home, the construction of two stable blocks and the use of an existing barn for the shoeing of horses. Approved.
- 2.5 **F/0353/94/ROC.** Continued retention mobile home Refused on the basis that insufficient evidence had been produced to demonstrate the viability of the holding.

- 2 6 **Breach of Condition Notice** served on the 4th November 1994 in respect of non compliance with a condition requiring the removal of the mobile home imposed on permission ROC/163/90 Appeal dismissed and notice upheld in June 1995
- 2 7 **F/0693/94ROC.** Application for the retention of mobile unit Refused
- 2 8 **F/0502/96/ROC.** Application for the retention of the mobile unit for occupation by one gypsy family and the use of the land for the breeding, sale and training of horses. Approved in January 1997 against Officer's recommendation.
- 2 9 **00/00043/FUL** Renewal of temporary permission for the siting of a 3 unit mobile home Approved following detailed examination of the viability of the equestrian business
- 2 10 **00/00588/OUT.** Application for the replacement of a 3 unit mobile home with permanent dwelling Refused

#### CONSULTATIONS AND REPRESENTATIONS

- 2 11 **Hullbridge Parish Council.** Concern was raised about the unknown size and height of the proposed dwelling and the impact it may have on the countryside
- 2 12 **County Surveyor.** No objections
- 2 13 **Anglian Water** No objections in principle.
- 2 14 **English Nature.** The proposal is not likely to have a significant effect on the sites of nature conservation interest in the area.
- 2 15 **Head of Housing, Health & Community Care** Has previously investigated a number of complaints relating to the emission of dark smoke from this site. It would be helpful if the applicant delineates the domestic curtilage of the property so that appropriate action can be taken against any future incidents

#### MATERIAL PLANNING CONSIDERATIONS

- 2.16 This application relates to the creation of a new, permanent dwelling in the Green Belt justified on the grounds that it is essential to the needs of an equestrian use, as opposed to the more 'normal' justification on the grounds of agriculture. Whilst there is nothing in national planning guidance, the Essex Structure Plan or the Local Plan to suggest that residential accommodation to serve an equestrian use is acceptable, this has Authority has in the past accepted it and in respect of this site, the original mobile units were allowed to

be retained in order that the applicant could establish and prove the viability of his equestrian business, prior to seeking permission for a permanent dwelling in much the same manner as an agricultural enterprise would.

- 2 17 Whereas equestrian uses do not fall under the definition of agriculture, they are widely accepted as activities which would reasonably be expected in the countryside, including the Green Belt. As such the functional and financial tests contained within Annex 1 of PPG7 relating to the countryside have been *acknowledge at appeal as not only a useful guide, but also as relevant and applicable*. Furthermore, in approving previous applications at the site, the business use and the existence of residential buildings on the site has been accepted by this Committee. In doing so Members accepted that very special circumstances existed and that these special circumstances outweighed the normal presumption against development and that the development should be considered in the same manner as an agricultural enterprise. Therefore, in considering an application for either the permanent retention of the existing units, or their replacement by a permanent dwelling, the Authority needs to be assured that the following tests are met in accordance with national and local guidance/policy contained in PPG7 and GB3 which are normally used to assess agricultural related development.
- 2.18 **That there is an established existing functional need** The equestrian business involves the keeping and breeding of livestock (horses) which require constant supervision in case of emergency and especially during foaling. The Council's consultant considered that: *"there is a clearly established functional need for a knowledgeable person to be available on the holding at most times to provide the necessary supervision."*
- 2.19 **The need relates to a full-time worker.** The applicant is the manager and his family supply additional labour. He considers him and one daughter to be full-time and other family members part-time. At the time of the consultants report there were 15 horses at the premises which equates to a daily input of 31 man-hours using labour data supplied by the Equine Business Guide. It is clear, therefore, that this business does require at least one full-time worker and the Council's own consultant concluded that the business required two full-time workers.
- 2 20 **That the unit has been established for at least three years, that it has been profitable in at least one of those years, that it is currently financially sound, and that it has clear prospects of remaining so** Detailed financial information was provided with the previous application and these included the last three years of certified accounts. The business has been running for at least 10 years and therefore it meets the 3 year test. The accounts show that the business has increased its net worth each year and that a net profit has been made each year. The Council's consultant considers that the enterprise is currently sound and in his view there seems every chance that the business can continue to be at least as profitable as the present for the foreseeable future. Additionally he looked at the question of whether or not the business could afford the costs of erecting a new home. He concluded that it could afford both the costs associated with the construction of a new home but can also support two full-time workers and was therefore viable.

- 2 21 **The functional need could not be met by another dwelling.** Other than the existing mobile units there are no other dwellings within site and sound of the stables and land and therefore none to fulfil the need
- 2 22 **Other normal planning requirements such as siting, design and access.**  
This application is in outline and no details other than the siting and access are to be considered at this stage. However, at appeal it has been determined that the size of the dwelling should also be considered at the outline stage. The siting of the proposed dwelling will be set back from Lower Road a considerable distance, located adjacent to the existing units and some of the existing buildings. Other existing buildings will be forward of the proposed dwelling and these will help to screen it, together with appropriate landscaping which will be the subject of a condition if approved. The siting in this location of a single storey building will not have a significant impact on the surrounding landscape and will be located appropriately to fulfil the functional need of the enterprise
- 2 23 With regard to the size of the proposed dwelling PPG7 advises that this should be of a size that can be sustained by the enterprise and it is the needs of the enterprise rather than the needs of the owner which are relevant. The existing units amount to approximately 1800sq. ft. which is roughly 170sq. metres. In discussions with the applicants agent they are considering a replacement building of around 230-250sq. metres. Whilst this is more than the existing, it is in-line with approvals elsewhere in the District for farm managers dwellings. For example Rochelles Farm was approved with a floor area of 270sq. metres, La Vallee Farm with 233sq. metres and Leyland Farm with 258sq. metres.
- 2 24 Bearing in mind these and that the dwelling will provide for two full-time workers (Mr Taylor and one of his daughters) the proposed size is considered reasonable. However, PPG7 does require that the size of the dwelling is sustainable in terms of the enterprise being able to afford it.
- 5 Whilst the report by the Council's consultant did look into whether the business could afford a new dwelling he has had to make a number of assumptions about the costs of the dwelling. For example he has estimated that the cost of construction would be a certain amount and then he has amortised this amount at 8% over 25 years, giving an annual amount to be paid off. With no details of the proposed dwelling and therefore no costs it is not possible to carry out a thorough test as envisaged by PPG7 at this stage. It is suggested that an informative be placed on any subsequent planning permission for this development advising the applicant that the Authority would need to have evidence accompanying any application for reserved matters showing that the equestrian enterprise can sustain the proposed dwelling in terms of its costs. This approach is more refined than one based purely on size and is more in-line with the guidance in PPG7

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**CONCLUSION**

- 2 26 The proposal relates to an established equestrian business which has planning approval and has a temporary permission for an existing mobile home. The principle of justifying a dwelling on the grounds of the equestrian business has already been accepted by this Authority. This included an acceptance to treat it in the same manner as an application justified on the grounds of agriculture. Having adopted this arrangement it would be considered unreasonable for the Authority to change its approach to this business.
- 2.27 Following a detailed appraisal of the enterprise including details of its accounts, it is considered to meet all the tests as set out in the Council's own policies and those in PPG7. Namely there is an existing functional need for a full-time worker to be on site most of the time, the unit is viable and has every likelihood of remaining so; there is no other dwelling available, and the siting and other matters are considered acceptable. That being the case, it is considered that there is no justification to refuse this application.

**RECOMMENDATION**

- 2 28 It is proposed that this Committee **RESOLVES** that the application be **APPROVED** subject to the following matters being included in a section 106 Agreement:
- (i) to ensure the removal of the existing 3 unit mobile home in its entirety from the site within three months of the dwelling being first occupied,
  - (ii) to ensure that the ownership of the dwelling hereby approved and the equestrian enterprise including its land and buildings remain together and not separated.

And subject to the following conditions.

- SC1 Reserved Matters
  - SC3 Time Limits Outline
  - SC10 Removal of Buildings
  - SC18 PD Restriction - Outbuildings
  - SC49 Means of Enclosure
  - SC58 Landscape Design Details
- 2 29 The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly working or last working in the locality in the established equestrian business at Willow Pond Farm or in agriculture or forestry, or a widow or widower of such a person, and to any resident dependants.

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**Relevant Development Plan Policies and Proposals:**

GB1, GB3, RC9 of the Rochford District Local Plan First Review

S9 of the Essex and Southend-on-Sea Replacement Structure Plan



Shaun Scrutton  
Head of Planning Services

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The local Ward Member(s) for the above application is/are Cllr Mrs W Stephenson Cllr Mrs R Brown

For further information please contact Mark Mann on (01702) 546366



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TITLE . 01/00388/DP3  
LAYOUT TARMAC BASKETBALL COURT, INSTALL TWO  
BASKETBALL GOALS (APPROX 4M HIGH).  
  
FAIRVIEW PLAYING FIELD  
VICTORIA ROAD, RAYLEIGH  
  
APPLICANT ROCHFORD DISTRICT COUNCIL  
  
ZONING . EXISTING PUBLIC OPEN SPACE  
  
PARISH RAYLEIGH TOWN COUNCIL AREA  
  
WARD. TRINITY RAYLEIGH  
  
WARD MEMBERS Cllr K A Gibbs  
Cllr J E Grey

#### PLANNING APPLICATION DETAILS

- 3 1 These proposals involve the laying out of a tarmac basketball playing area and the installation of two pole mounted goal baskets with backing boards

#### 3 2 RELEVANT PLANNING HISTORY

None

#### CONSULTATIONS AND REPRESENTATIONS

- 3 3 The **County Surveyor** indicates that the proposals are de-minimis in highway terms.
- 3 4 **Rayleigh Town Council** makes the following comments
- there is considerable local opposition on the grounds of noise nuisance,
  - there is an absence of toilet facilities at the location
- 3.5 Rayleigh Civic Society has no other comment other than to ask whether there is any intention to use this court at night and therefore install floodlighting
- 3 6 The **Crime Reduction Officer** comments verbally that he is not aware of any existing problems in this area (having reviewed crime event statistics). His suggestions to avoid problems include:
- avoid floodlighting or only install that which can be activated by legitimate users for a preset period of time,
  - provide fencing to avoid unauthorised access.



- 3 7 The consultation period for neighbouring occupiers expires on 25 June. At the time of writing the following comments have been received
- 3 8 Two neighbouring occupiers object on the basis of, in the main, the following
- will add to existing noise to the detriment of amenity,
  - the use will be unsupervised and encourage noisy and anti social activities until late in the night, (this will exacerbate existing problems, lockable gates to the Nelson Road access, as well as Victoria Road, are suggested to help avoid this),
  - Those wishing to play/train will use existing supervised sports halls or home facilities,
  - There could be conflict between groups of people who want to use the court at the same time (asks how this will be monitored)

### **MATERIAL PLANNING CONSIDERATIONS**

- 3 9 In this case the main issue would appear to be the possibility of the impact on the use of the proposed court on the amenity of adjacent occupiers of the site by virtue of the creation of noise or other impact.
- 3 10 As Members will be aware, the site is located within the existing public open space. Generally the area consists of open grass. To the south east corner of the open space there are tennis courts set out. Immediately to the north of the proposed basketball site is an area set out with seating and a children's play area.
- 3.11 To the south of the proposed site is the car parking area and access from Victoria Road. To the west, the land is outside the public open space. There are a number of very significant trees in this location and other screening such that views between the site and the land to the west are mostly blocked.
- 3 12 The closest residential property is 36m approx from the boundary of the site. The closest residential curtilage is 18m approx, although the dwelling within that plot is actually 58m approx from the site.
- 3 13 The land is currently a designated, well established and well used public open space where some measure of noise and activity must be expected. The separation between the site and the closest residential occupiers is quite considerable and there are some significant intervening trees and other planting. On the basis of those factors, it is considered that, when weighing up the benefit of an additional recreational facility against the impact on residential amenity, there is no significant basis of harm on which to resist the proposals.

### **CONCLUSION**

- 3 14 The proposals are located in a designated public open space which would appear to be an appropriate location. Whilst it is anticipated that there will be some additional noise and activity associated with the use of the facility, it is not considered that this would be so significant as to form a basis on which these proposals should be resisted.

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**RECOMMENDATION**

3.15 It is proposed that this Committee **RESOLVES** that this application be **APPROVED** subject to the following condition

- 1 SC4 Time limits full – standard

**Relevant Development Plan Policies and Proposals:**

LT3 of the Rochford District Local Plan First Review

LRT1 of the Essex and Southend on Sea Replacement Structure Plan

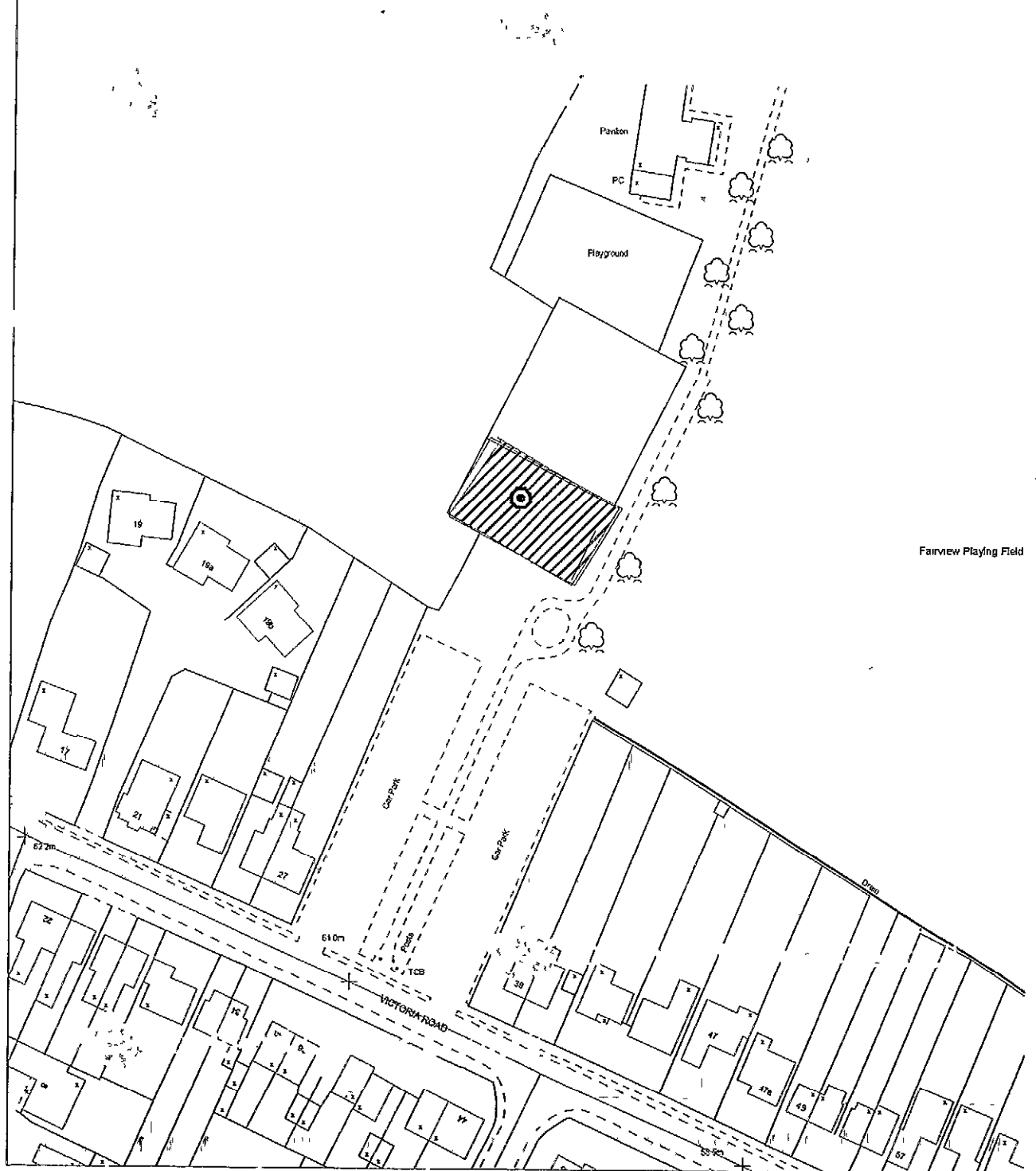


Shaun Scrutton  
Head of Planning Services

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The local Ward Member(s) for the above application is/are [Cllr J E Grey Cllr K A Gibbs]

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



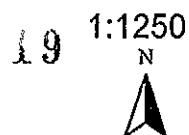
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<b>TITLE</b>	<b>01/00352/FUL ERECT 2-BED DETACHED BUNGALOW WITH DETACHED GARAGE, LAYOUT 2 ADDITIONAL CAR PARKING SPACES.  LAND REAR OF 83 GROVE ROAD, RAYLEIGH</b>
<b>APPLICANT :</b>	<b>MRS M TAPPENDEN</b>
<b>ZONING</b>	<b>NEIGHBOURING SHOPPING PARADE</b>
<b>PARISH</b>	<b>RAYLEIGH TOWN COUNCIL AREA</b>
<b>WARD.</b>	<b>RAYLEIGH LODGE</b>
<b>SITE AREA</b>	<b>365 sqm (approx) within the new residential plot</b>

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#### **PLANNING APPLICATION DETAILS**

- 4 1 The new bungalow dwelling proposed here is to gain access from the existing accessway between the shopping parade and the new house constructed south of 110 The Chase. This access serves as a parking area for the residents in the flat above the shop unit (no 92A) and for the tenant of the shop unit. It does not serve any other purpose at present. To accommodate some of the displaced parking, the applicant proposes to provide two parking spaces within the confines of the site for use by the residents of the flat.
- 4 2 The bungalow proposed is to have a floorspace (measured externally) of 87sqm approx. It will have a height to the eaves of 2.4m and to the ridge of the roof of 5.1m. It will be located towards the north boundary of the site with the private garden area on the south side of the plot adjacent to the rear garden of 83 Grove Road.

#### **RELEVANT PLANNING HISTORY**

- 4 3 Application F/0041/98/ROC, Childrens Day Care Centre, refused  
Application F/0399/98/ROC, for the house now erected on the frontage to The Chase adjacent to no 110.  
Application 99/00008/OUT, outline application for two bungalows, withdrawn.  
Application 99/00219/OUT, outline application for a bungalow with access from the service area to the rear of the shop units on The Chase, refused and dismissed at appeal.  
Application 00/00547/OUT, outline application for a bungalow with access arrangements as now proposed, refused and currently subject to an appeal

**CONSULTATIONS AND REPRESENTATIONS**

- 4 4 The **County Surveyor** comments that the proposals are de minimis in highway terms
- 4 5 The **Environment Agency** comments in relation to the requirement for consents for culverting works (if necessary) and on the nature of consultations that should be carried out (these requirements are complied with).
- 4 6 **Anglian Water** has no objections
- 4 7 The **Woodlands and Environmental Specialist** refers to comments made in relation to the most recent previous application on this site. These were that the trees on the site need management attention and, whilst they are not unpleasant, they do not have the quality worthy of TPO. There is some evidence of fox activity on site but none of badgers.
- 4 8 The **Head of Housing, Health and Community Care** has no adverse comments
- 4 9 The **Property and Highways Maintenance Manager (Engineers)** has no observations
- 4 10 **Rayleigh Town Council** object in principle as this is believed to be backland development
- 4 11 Rayleigh Civic Society are of the opinion that the reasons for refusal given to previous applications should apply here. However it is considered that there is no serious problem regarding overlooking except possibly from the new dwelling adjacent to 110 The Chase. Believe that there may be difficulties for access by large service vehicles which could be overcome by removing the proposed front wall to the property.
- 4 12 In relation to the application the following responses have been received from local occupiers
- 13 68 copies of two forms of 'standard letter' have been received, in which the following issues, in the main, have been raised:
- agree with position of Town Council;
  - out of character, cause conflict and loss of privacy,
  - loss of orchard and buffer zone between Sheridan Road houses and shops, and,
  - traffic congestion as the occupiers of the shop unit at 92 use the current access to park and unload vehicles.
- 4.14 In addition a separate individual response has been received which, in addition to the above, raises the following issues:
- the close proximity to adjacent property will lead to loss of light and deterioration of quality of life,
  - Inspector dealing with a previous appeal here considered that an acceptable relationship would be difficult to achieve,
  - Application for development on this site was refused previously in November 2000 when alternative forms of development on the site were considered,

### MATERIAL PLANNING CONSIDERATIONS

- 4 15 The material considerations in this case have been identified as a result of the previous applications on the site. They are:
- access and parking, and
  - relationship between the new dwelling and those that exist and which surround the site (with regard to amenity, overlooking and privacy considerations).
- 4 16 It is appropriate to consider these issues bearing in mind the changes that have been made to the scheme subsequent to the earlier submissions
- 4.17 The site is located in a neighbourhood shopping zone in terms of Local Plan zoning. However, the land is away from the frontage with new residential development between it and The Chase. In the earlier applications the non-compatibility of the proposed use has not been raised as an issue when considering the proposals.

#### Access and Parking.

- 4 18 There has been concern that the use of the access will displace vehicles that currently park there, causing congestion and additional parking problems on The Chase and the services road. However, the applicants propose that two parking spaces will be provided within the curtilage of the site, dedicated for the use of those that currently park in the accessway.
- 4 19 Otherwise it is not considered that the use of the access to service an additional property will have an unacceptable impact on the road safety and traffic situation at The Chase road frontage. It is considered therefore that an adequate and satisfactory means of access is provided in terms of Policy H20 of the Local Plan. It is this policy which deals with backland development. It should be noted that the most recent previous application which related to this site, and which contained the same access arrangement, was not refused on the basis of this issue.

#### Relationship

- 4 20 This issue was the basis of the previous reason for refusal. It was considered that a new property would be difficult to implement here which did not either result in overlooking of the existing properties to the north or was not itself overlooked.
- 4 21 This latest proposal has been judged afresh in relation to this issue and bearing in mind the guidance set out in the Local Plan Policy H20 and the Local Plan appendix.
- 4.22 The front elevation of the dwelling now proposed faces west, towards The Chase. This means that the garage, parking and front area of the new dwelling is the part which will be overlooked from the new dwelling adjacent to no 110 The Chase. As this is the frontage area of the dwelling it is not considered to be sensitive to overlooking. If it were fronting onto a street in the conventional way, it would be subject to normal overlooking from the street and properties opposite. The previous application

arrangement showed that some of the garden of the new dwelling was to be placed in this current frontage area. Therefore the previous application resulted in the more sensitive private garden being subject to overlooking and hence the concern in relation to the lack of amenity.

- 4 23 To the rear (east) of the proposed dwelling is 38 Sheridan Close. This property is set at an angle to the new dwelling so that views are not direct from the existing to the new. Again the previous arrangement showed the private garden space to wrap around the east and south side of the new plot so that it was adjacent to no 38 Sheridan and again subject to potential overlooking.
- 4 24 This time, the proposed bungalow is adjacent to the boundary with no 38 Sheridan (1m distant) and the private garden area is located to the south. There will be some views of the new private garden from no 38 Sheridan Close but these will be over a greater distance than before and elements of the roof of the new bungalow will intervene. It is considered that, overall, this time an acceptable private garden space can be created here.
- 4 25 With regard to views from the new property, the previous submission was in outline form, but it was considered that there was scope for windows to be placed in the north elevation of the proposed bungalow, resulting in overlooking of the dwelling to the north (no 110 The Chase).
- 4 26 The current submission is made in full form and details of the elevations are provided. These show that only one window is to be directly north facing and this is to be to an en-suite room so can be conditioned to be obscure glazed. As a result it is considered that there are no harmful implications for overlooking from the proposed bungalow with the current arrangement.
- 4.27 Guidance in the Local Plan cautions against tandem development (where one dwelling faces the rear of another). It is set out in the plan that this is because it will lead to privacy and amenity problems. Whilst there is a relationship akin to a tandem one here, as set out above, it is considered that no significant problems of loss of privacy and amenity occur, particularly given the distance involved. The form of the development and the intervening double garage.
- 4 28 The Local Plan guidance also sets out that development should be of an appropriate scale. Given the modest footprint of the proposed bungalow and its single storey nature in an area characterised by two storey development, it is considered that the scale is acceptable.
- 4.29 As well as overlooking it is necessary to consider the impact of the proposed dwelling, in visual terms, on the occupiers of the adjacent properties. It is located at a distance from The Chase frontage properties. The impact, if any, then is to the Sheridan Close property. There is some difference in the level of the land between the site and the level of no 38 Sheridan, with the Sheridan Close property being lower. The Sheridan Close property has a wedge shaped garden such that it tapers off from the house to a point at the far end of the garden. Measuring from the closest corner of the house on Sheridan Close to the new property, to the end of the garden is 30m approx. The new bungalow will enclose this for a distance of 12m approx.

- 4 30 The occupier of the Sheridan Close property will have views of the roof of the new bungalow, if implemented. Following the submission of the plans, the applicant now proposes that the roof of the bungalow be hipped to all sides which is a beneficial change. Because of the angle at which views of the roof will be had, and the fact that there remains a large part of the garden of no 38 Sheridan which is not enclosed by the new bungalow, it is not considered that the impact here is so significant that the proposals should be resisted on this basis
- 4 31 The hipped roof scheme has been received shortly prior to the completion of this report. The only other change proposed, other than to the roof, is to introduce an obscure glazed window to rear elevation to give further light to the kitchen. It is considered that these amendments are acceptable and indeed reduce the bulk and scale of the dwelling. They are currently the subject of reconsultation.
- 4 32 There is some concern that the bungalow will result in the loss of light to the existing property at 38 Sheridan. Guidelines used by the Authority relating to the intrusion of two storey extensions within a line drawn at 45 degrees from the closest window at ground floor of the neighbouring affected property, may help by analogy. In this case the development is single storey only and, despite being at a slightly higher level than the Sheridan Close property, does not breach this guidance. In any event, the presence currently of trees on the application site, which are higher than the proposed bungalow, will have a significantly greater impact on the light received in the neighbouring property than the proposed dwelling is likely to do. These trees will be removed to make way for this proposal and as noted above they are not noteworthy specimens.

#### **Previous Appeal Decision**

- 4.33 The application for development on this site which has been the subject of an appeal that has been decided, was proposed to take access via the service road which leads to the garage blocks to the rear of the shops on The Chase. The Inspector concluded that this access was unacceptable but that the access now proposed would be more suitable.
- 4.34 When dealing with the previous outline appeal, the Inspector also indicated that it was not possible to be sure that a satisfactory relationship between the new and existing development could be achieved. In particular there was a concern that the garden to the new dwelling would be overlooked at close proximity by the occupiers of no 38 Sheridan Close. That application was submitted in outline form with only the matter of access to be considered at that stage.
- 4 35 Given that the application now being considered constitutes a full application and the question of overlooking of the new property has been addressed, it is considered that the concerns expressed by the appeal Inspector previously have been overcome.



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**CONCLUSION**

- 4 36 Previous schemes for development on this site have been resisted either due to the uncertainty with regard to the impact or because there was a concern about amenity and privacy issues.
- 4 37 This current scheme has produced a different layout on the site which has attempted to resolve these identified problems. Uncertainty has been removed because of the full nature of the application rather than outline. Issues of privacy and amenity have been addressed by the relocation on site and re-orientation of the proposed bungalow. It is considered that the proposals as they now stand do not have an unacceptable impact with regard to these issues.
- 4 38 As indicated above revised plans have been received which are currently the subject of re-consultation. In any event they are considered to be an improvement to the scheme as initially submitted and one on which an approval can be recommended. However, as the reconsultation period is yet to conclude, it is proposed that, Member delegate authority to the Head of Planning Services to determine the application at the conclusion of the reconsultation period.

**RECOMMENDATION**

- 4 39 It is proposed that this Committee **RESOLVES** that authority be delegated to the Head of Planning Services to **DETERMINE** this application, on conclusion of the re-consultation period, and on the basis of the following heads of conditions:

SC4 Time limits full – standard

SC14 Materials to be used

SC16 PD Restricted – restricting extensions, installation of windows, roof alterations (including dormers) and outbuildings

SC23 PD Restricted – obscure glazing

SC50A Means of enclosure

Condition requiring the provision of the additional parking spaces on occupation of the dwelling

SC83 Site levels

SC84 Slab Level

**Relevant Development Plan Policies and Proposals:**

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

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



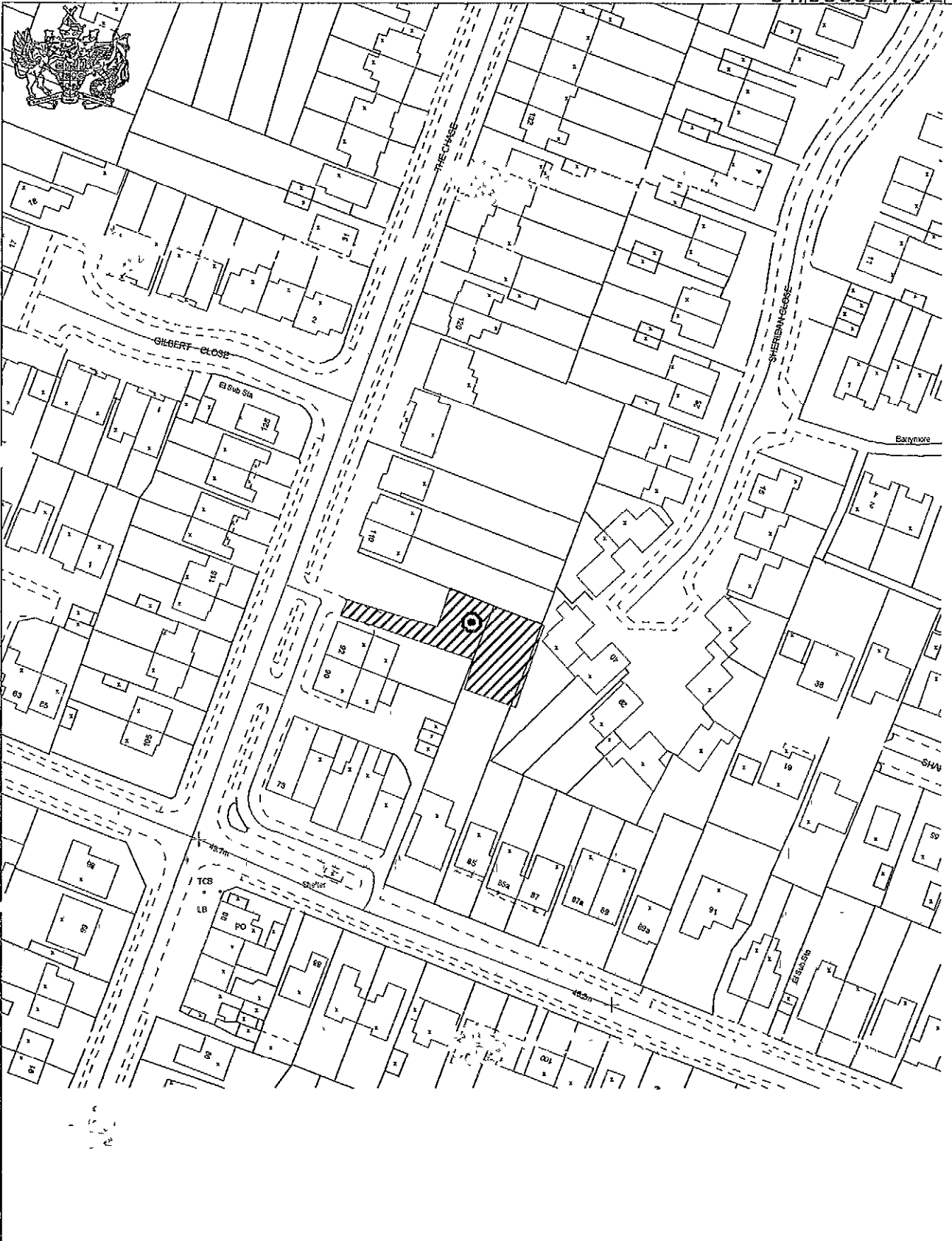
Shaun Scrutton  
Head of Planning Services

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The local Ward Member(s) for the above application are Cllr D R Helson Cllr T  
Livings Cllr S P Smith

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

01/00352/FUL



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TITLE	01/00345/COU CHANGE OF USE FROM LIGHT/INDUSTRIAL (CLASSES B1/B2) TO STORAGE /DISTRIBUTION (CLASS B8) UNITS 7-12 ELDON WAY, HOCKLEY
APPLICANT	W J WOOD & SON LIMITED
ZONING	EXISTING INDUSTRIAL/CLASS B1 (BUSINESS CLASS) POLICY EB2
PARISH	HOCKLEY PARISH COUNCIL
WARD	HOCKLEY CENTRAL

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### Application Details

- 5.1 This application was brought to the May Committee as part of the Council's 'fast track' procedure for employment generating proposals. The application is for the Change of Use of the unit 7-12 to be utilised for storage and distribution of tyres. If the application were to be implemented, it would have the capacity to create in the order of 24 jobs within the existing building, which stands vacant.
- 5.2 The application is before this committee following a member's site visit and receipt of further consults from interested parties. At the May committee members raised concern on the following issues to be taken into consideration when considering the application.
- Hours of operation
  - Delivery times
  - No retail sales
  - Police consultation re security
  - Consultation with Fire Authority
  - Smell/odour concerns
  - Concern over highways comments

### Planning Application Details

- 5.3 This is a full application for the change of use of the unit from light/general industry to storage/distribution. The proposal site is a large unit located on the Western boundary of the industrial estate, situated behind existing houses of Bramerton Road. The unit has until recently been utilised for furniture construction, storage and retail purposes.
- 5.4 A supporting letter supplied with the application advises that the proposal would bring approximately 24 jobs into the Rochford district as the applicant is relocating from existing premises in Southend. The proposed use is for a tyre distribution business. Correspondence with the applicant has found that the operation will consist of new tyres being delivered in bulk, with distribution of smaller loads to the surrounding area.

There will be a minimal amount of second hand/used tyres associated with this use.

- 5 5 The agent has informed that the unit requires substantial investment to bring it up to a usable standard, within which they will be looking to alter the main doors to the unit, thus allowing articulated lorries to pull into the building for delivery purposes. All deliveries and loading will take place on land clear of the carriageway

### Consultations and Representations

- 5 6 **Hockley Parish Council** raises concern that there may be night deliveries and there would clearly be an increase in traffic on already congested local roads
- 5 7 **Essex Police Crime Reduction Officer** advises that in terms of crime and disorder there needs to be some fail safe remedial measures put in place such as fire proof letter boxes etc. Also the management of waste and debris needs to be maintained
- 8 **Essex County Council (Highways)** has no objection to this application
- 5 9 **Letters of Objection** have been received from two local employers outlining fears of safety with regard to increased traffic and the use of articulated lorries and forklifts

### Material Considerations

- 5.10 The issues raised by members at the May committee have been considered as part of this application. The applicants have indicated that they are willing to accept restrictions to the trading and working hours of the unit in the interests of the nearby residential properties and local amenity, the same restrictions can be applied to the delivery times for the unit. In connection with this, the applicant has confirmed that no retail sales will take place on site, as the intended operation is purely wholesale. These matters can be enforced by way of conditions on a decision notice
- 11 Following the members site visit, Essex County Council were able to confirm that there is no Highways objection to the proposal. Types of traffic movements connected with the site have also been confirmed, in that deliveries will take place via large lorries, some articulated, outgoing dispatches will be via smaller lorries and vans. The impact of these vehicles upon the Hockley centre is not ideal, though the hours of use restrictions will aid this situation
- 5.12 Consultation with Essex Police has been received and is included within this report. Essex Fire Authority have been informed of this application, but their comments are outstanding at this stage as are those from the HHHCC
- 5.13 The proposed change of use will have no significant detrimental impact on the local amenity; this is even more so when considering the intensity of the existing use. The development will modernise a unit requiring substantial investment, whilst providing further employment for the area.
- 5.14 This proposal is in accordance with adopted policies and principles of the Rochford

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District Local Plan and Essex & Southend on Sea Replacement Structure Plan

**Conclusion**

- 5.15 The proposed change of use constitutes a form of development which is appropriate for the Industrial Estate location providing a regeneration of a unit which requires substantial investment having no significant detrimental impact on the amenity of the adjoining area in comparison with the existing approved use

**Recommendation that this Committee resolves:**

- 5.16 It is proposed that this Committee **RESOLVES** that this application be **APPROVED** subject to the following heads of condition

SC4 Time Limits Full

SC28 Use Class Restriction

SC36A Hours of Use Restricted

8am to 6pm Monday to Friday/8am to 12noon Saturday

SC36B External Storage Limit

SC41 Hours of Deliveries (As Above)

NSC1 No Retail Sales

**Relevant Development Plan Policies and Proposals**

EB1, EB2 of the Rochford District Local Plan First Review

CS1, BIW4 of the Essex and Southend-on-sea Replacement Structure Plan



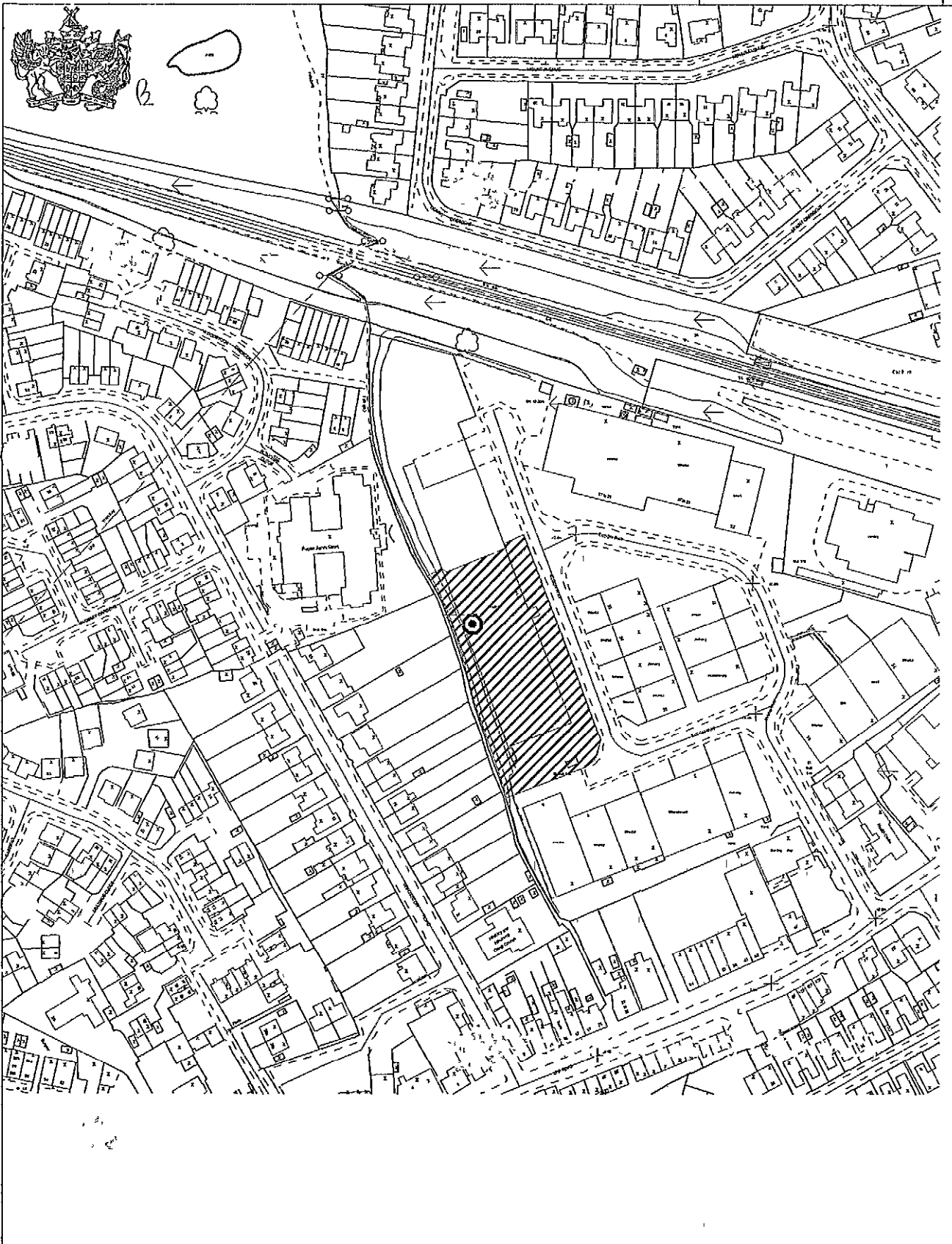
Shaun Scrutton  
Head of Planning Services

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The local Ward Member(s) for the above application is Cllr P A Capon

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

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