



Rochford District
Council

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY
PLANNING SERVICES COMMITTEE 28th August 2003**

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

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

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

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

PLANNING SERVICES COMMITTEE - 28 August 2003

GRANGE

Cllr C J Lumley

Cllr Mrs J R Lumley

TRINITY

Cllr K A Gibbs

Cllr J E Grey

WHITEHOUSE

Cllr S P Smith

Cllr P F A Webster

PLANNING SERVICES COMMITTEE 28th August 2003

REFERRED ITEM

- | | | |
|----|---|------------------------------|
| R1 | 03/00473/FUL
Two Storey Building Containing 4 x 1 - Bed Flats
(Demolish Bungalow)
14 The Approach Rayleigh | Mr Peter Whitehead
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SCHEDULE ITEMS

- | | | |
|---|---|----------------------------|
| 2 | 03/00537/GD
Erection of Three Fire Escapes to Wings A, C and F
Bullwood Hall Prison Bullwood Hall Lane Hockley | Mr Leigh Palmer
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| 3 | 03/00109/FUL
Install Above Ground LPG Storage Tank Within
Walled (2M High) and Pallisade Fence (1.8M High)
Enclosure. Install LPG Dispenser
Rayleigh Garage 113 -115 High Road Rayleigh | Mr Leigh Palmer
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PLANNING SERVICES COMMITTEE - 28 August 2003 Item R1 Referred Item

TITLE : 03/00473/FUL
TWO STOREY BUILDING CONTAINING 4 X 1 - BED FLATS
(DEMOLISH BUNGALOW)
14 THE APPROACH RAYLEIGH

APPLICANT: MR N ROGERS

ZONING: RESIDENTIAL

PARISH: RAYLEIGH TOWN COUNCIL

WARD: GRANGE

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

This application was included in Weekly List no. 686 requiring notification of referrals to the Head of Planning Services by 1.00pm on Tuesday 5th August 2003, with any applications being referred to this Meeting of the Committee. The item was referred by Cllr C J Lumley.

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

- 1.1 **Rayleigh Town Council** – objects to this application as it is believed to be an over-development of the site and visually intrusive.

NOTES

- 1.2 Permission was refused last year for the demolition of the existing bungalow on the site, and the erection in its place of a building containing 4 no. 1-bed flats, ref.02/00559/FUL. The building was two storey with mezzanine accommodation provided in the roofspace. The building measured 7m wide by 15.5m deep by 8.8m in height. The Council's refusal related to the conclusion that the proposed building, by reason of its visual bulk and height would constitute a cramped over-development of the site, out of character and scale with the existing development and detrimental to the visual amenities of the area.
- 1.3 The current application proposes a two storey building measuring 9m wide by 12.2m deep by 8.6m in height. As before, the building would accommodate 4 no. 1-bed flats. However, no accommodation is now proposed within the roofspace. 4 no. parking spaces are proposed to the front.

- 1.4 The site itself sits between two bungalows/chalet bungalows 6-6.5m high, and lies in a section of the road in which bungalows and chalets predominate. This said, two storey office buildings lie on the opposite side of the road, and the road as a whole has a very mixed character, comprising broadly equal numbers of houses and bungalows. It should be noted the juxtaposition of bungalows next to houses already exists in The Approach and, indeed, the surrounding area.
- 1.5 Whilst the building would accommodate flats, not dwellings, government guidance promotes the creation of mixed communities, including different accommodation types and tenures. The fact that the building accommodated flats was, however, not a reason for refusal in respect of the previous submission. Moreover, there are existing flats in the road.
- 1.6 Looking at the building in terms of its scale and height though, the building is comparable to that of a two storey house. The height of the building has been reduced from 8.8m in respect of the previously refused application, to 8.6m. Having regard to the scale of the property, it is considered that it can be distinguished from the building for which permission was refused. Indeed, it is considered difficult to articulate an argument that it is out of scale, given development of a similar scale in the road, and similar relationships of bungalows/chalets next to two storey properties.
- 1.7 The building complies with the Council's normal spatial criteria to prevent cramming and loss of light. The first floor rear elevation of the flats includes French doors and a balustrade detail to 2no. flats. However, the balustrade does not project, and could not be stood upon. On reflection it is considered that it can be distinguished from a balcony enclosure that could demonstrably result in overlooking. Moreover, the back-to-back distance between the rear elevation of the building and those of properties in Glebe Drive to the rear meets the Council's standard. A condition is recommended, though, to ensure that the balustrade remains in the form shown.
- 1.8 It is considered that the concern of the highway authority can be dealt with by a condition requiring an amendment to the parking layout.
- 1.9 Concerns have been raised in the representations that although the plans show a two storey building, use could be made of the roofspace at a later date. In this regard it is noted that the front gable of the building (facing the road) is intended to be glazed. The architect has stated that this is intended to give the building a contemporary look, and that there is no intention that the roofspace be used. Flats have no 'permitted development' rights, and any extension of the building would require planning permission. Whilst permission could also be required for the introduction of additional windows, a condition is recommended to give the LPA total control over this, given the potential for overlooking, particularly to the sides.
- 1.10 It is considered that this revised proposal can be distinguished from the earlier refused application and, indeed, complies with Policy H16. Approval is therefore recommended.

- 1.11 **County Surveyor (Highways)** - *de minimis*, but raises concern regarding the submitted parking layout, which does not provide adequate pedestrian visibility
- 1.12 **Rayleigh Civic Society** - the proposed dwelling appears to be very similar to the one submitted under 02/00559/FUL. We still consider that it is unacceptable by reason of its height and bulk and would be detrimental to the visual amenities of the area.
- 1.13 Five letters have been received that object to the proposal. The grounds of objection are broadly as follows:
- The building is the same size as before
 - The building will be out of place
 - The 'balconies' will result in overlooking
 - The flats will loom over properties in Glebe Drive (to the rear) because of changes in ground level
 - Insufficient car parking
 - The site is situated on a dangerous bend, and opposite a busy office block
 - Surrounding homes are all bungalows; the development will change the character of the area
 - No boundary treatment is shown on the plans
 - The grounds of flats are not well kept
 - Rooms in the roofspace could be introduced at a later time
 - Queries re surface water drainage
 - Additional traffic on the road, which is already congested
 - Precedent
 - Loss of a tree inhabited by wildlife
 - Devaluation
 - Loss of views of the windmill and mount from some properties

APPROVE

- 1 SC4 Time Limits Full – Standard
- 2 SC9A Removal of Buildings Prior to Dev
- 3 SC14 Materials to be Used (Externally)
- 4 SC23 PD Restricted - OBS Glazing
- 5 SC50A Means of Enclosure – Full
- 6 SC59 Landscape Design - Details (Full)
- 7 Notwithstanding the details illustrated on the submitted plans, prior to the commencement of the development hereby approved, a plan shall be submitted to and approved in writing by the Local Planning Authority showing an amended parking layout. The layout shall show:-
 - a) the provision of sight splays to serve the parking spaces measuring 1.5m x 1.5m (measured both sides of the spaces at their junction with the adjoining highway), and providing unobstructed visibility of pedestrians using the adjoining footway;

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- b) the use of a bound material to surface the car parking area; and,
- c) the vehicular access of the site being widened to provide access to the four parking spaces, and splayed to a suitable drop kerb crossing.

Such a parking layout and access arrangements as are approved shall be provided prior to the occupation of any of the flats. Thereafter, the parking spaces shall be permanently retained, free of any impediment to their designated use.

- 8 SC90 Surface Water Drainage
- 9 SC91 Foul Water Drainage
- 10 No windows or rooflights shall be provided to the side or rear elevations of the building hereby approved, and no habitable use shall be made of the roofspace of the building, unless planning permission for such use has been previously been sought and obtained from the local planning authority.
- 11 The balustrades approved to the first floor rear elevation of the building shall be fixed tight to the rear plane of the building, as illustrated on the approved plans, such that no entry or exit is possible through the French doors. Thereafter, the balustrades shall be retained in this form.

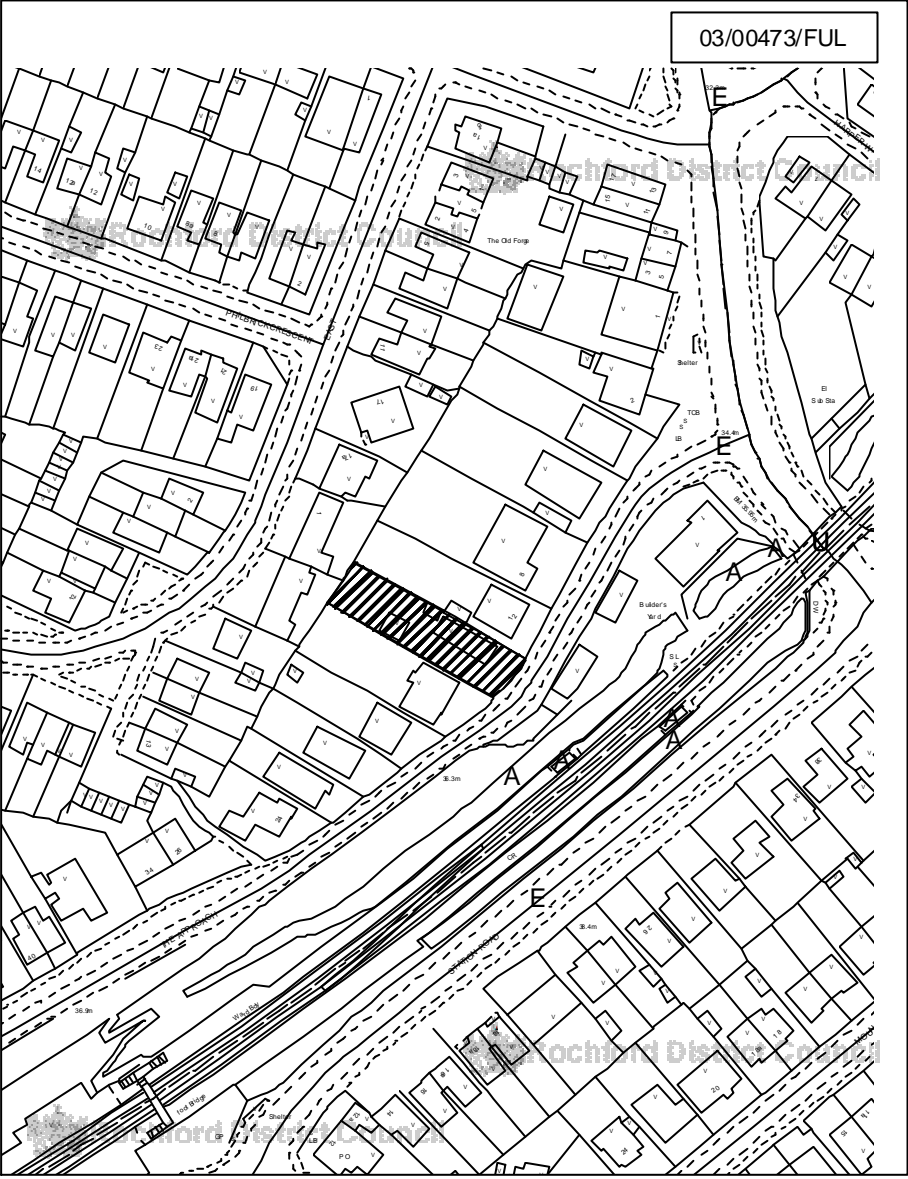
Relevant Development Plan Policies and Proposals:

H11, H16, of the Rochford District Council Local Plan First Review



Shaun Scrutton
Head of Planning Services

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



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PLANNING SERVICES COMMITTEE - 28 August 2003 Item 2

TITLE : 03/00537/GD
ERECTION OF THREE FIRE ESCAPES
BULLWOOD HALL PRISION, BULLWOD HALL LANE,
HOCKLEY

APPLICANT : HM PRISON SERVICE

ZONING : METROPOLITAN GREEN BELT, SPECIAL LANDSCAPE
AREA, ROACH VALLEY CONSERVATION ZONE

PARISH: RAYLEIGH TOWN COUNCIL

WARD: TRINITY

PLANNING APPLICATION DETAILS

- 2.1 Full planning permission is sought for the erection of three fire escapes to existing buildings within the prison complex.
- Fire escape to Wing A:- Two storey brick enclosed structure 5.5m by 3.2 by 6.1m high
 - Fire escape to Wing C:- Two storey brick enclosed structure 5.5m by 3.2 by 6.1m high
 - Fire escape to Wing F:- Profile cladding sheeting to walls and roof, stairway from first floor to ground.

RELEVANT PLANNING HISTORY

03/00418 No objection Workshop extension and classroom

01/00086/GD No objection install 5 wire security feature to inside Top of Existing Security Fence

99/00327/GD No objection Retrospective permission to retain extension to existing workshop building

98/00472/GD No objection Erect 40 person accommodation block new workshop and realign security fence

CONSULTATIONS AND REPRESENTATIONS

- 2.2 **County Highways** - No implications.

MATERIAL PLANNING CONSIDERATIONS

- 2.3 The fire escapes are required for health and safety reasons, notwithstanding this the proposed locations of the fire escapes, their size and design and secluded position are such that the development would not be out of character with their host buildings nor give rise to any loss of amenity to the wider area or the occupiers of nearby plots/properties.
- 2.4 As commented above, the application site is located within the Metropolitan Green Belt and as such inappropriate development shall be resisted. It is considered that the very special circumstances that result from the nature of the use of the site and that the fire escapes are by definition closely located and related to the existing built form, it is unlikely to result in any material harm to the adopted policies on Green Belt protection.

CONCLUSION

- 2.5 No adverse effects/implications.

RECOMMENDATION

- 2.6 It is proposed that this Committee **RESOLVES** that **NO OBJECTIONS** be raised to the proposal.

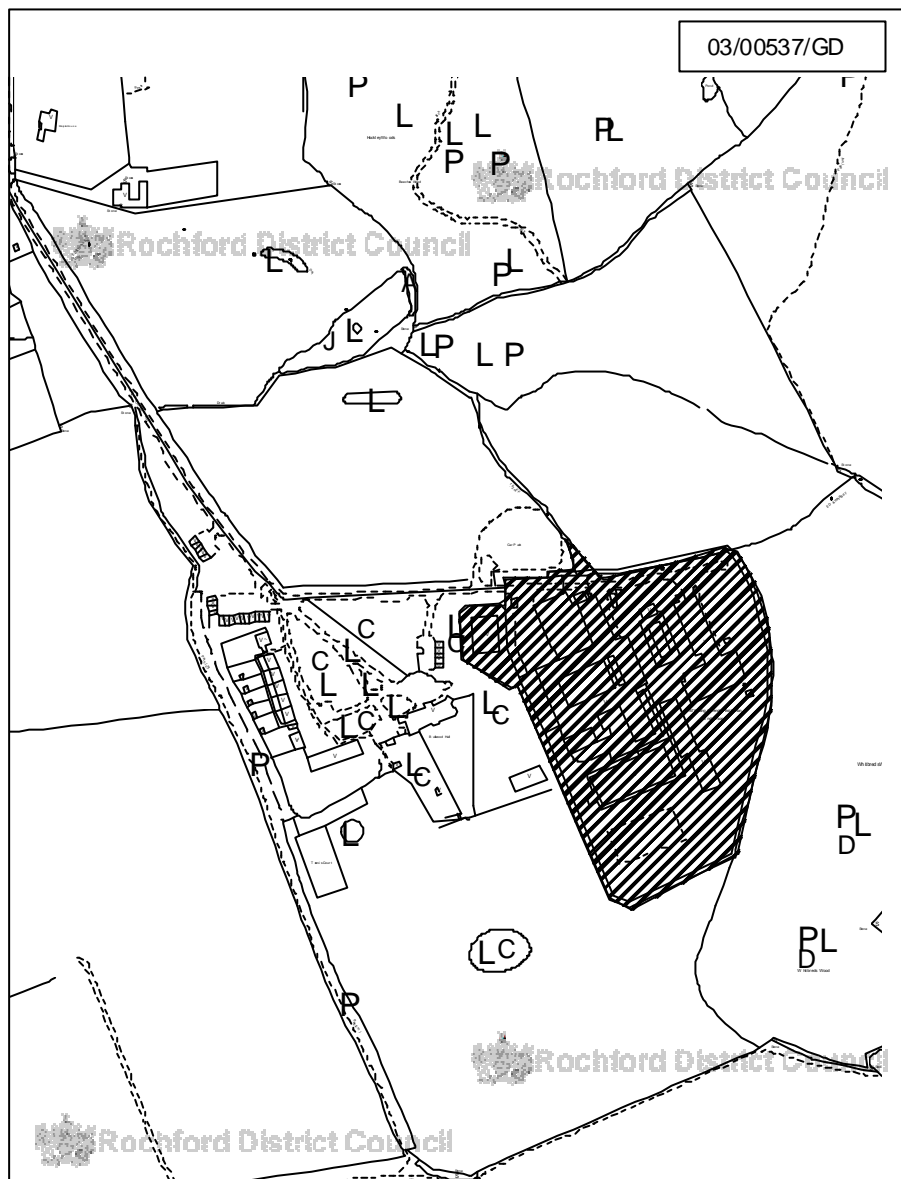
Relevant Development Plan Policies and Proposals

GB1 RC7 of the Rochford District Local Plan First Review.



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TITLE : **03/00109/FUL**
INSTALL ABOVE GROUND LPG STORAGE TANK WITHIN
WALLED AND FENCED AREA
RAYLEIGH GARAGE 113-115 HIGH ROAD RAYLEIGH

APPLICANT : **SHELL UK**

ZONING : **RESIDENTIAL**

PARISH: **RAYLEIGH TOWN COUNCIL**

WARD: **WHITEHOUSE**

PLANNING APPLICATION DETAILS

- 3.1 Storage Tank:- Full planning permission is sought for the erection/installation of an above ground 4 tonne LPG storage tank.
- 3.2 Security Fencing:- The storage tank is to be secured by a 1.8m high security fencing on its eastern and northern boundary, in addition to this and further to the east and north is proposed a 0.6m 'Armco' security crash barrier, on the southern and western boundary it is proposed to provide a 2.1m high brick fire wall that utilises bricks similar in appearance to others on the site.
- 3.3 Other Fencing:- The scheme also proposes an increase in height of the existing boundary fence along the eastern perimeter of the site: the height of the existing 1.5m high brick wall is to be increased to 2m using close board style fencing.
- 3.4 Pump: a new pump is to be installed to dispense LPG .
- 3.5 The applicant has confirmed that it is not company practice to place LPG containers underground and that the proposal will have to comply with the relevant British Standards and LPGA Codes of Practice. LPG used for motor vehicles is generally known as Autogas and is being encouraged in the UK as an alternative fuel that is believed to have environmental benefits. The site is an existing petrol filling station that sells a range of fuels and the sale of LPG would not conflict with other sales from the site.

RELEVANT PLANNING HISTORY

00/00508 Installation of LPG storage tank within walled and fenced compound.
Refused 23rd November 2000.

- 3.6 The above application was reported to committee in November 2000 with an officer recommendation that the scheme should be granted planning permission. The merits of the application were debated with the application being refused for the following reason:-
- 3.7 *The proposed LPG storage tank installation and wall/fenced compound would be an incongruous proposal in the street scene and in close proximity to surrounding residential properties to the detriment of the residential amenity of the area, particularly its visual amenities.*
- 3.8 This refused scheme was not challenged on appeal by the developer.

CONSULTATIONS AND REPRESENTATIONS

- 3.9 **Rayleigh Town Council** - Object to this application as it is believed that the storage tanks should be installed underground rather than at surface level, to conserve the appearance of the site and be less intrusive to surrounding properties.
- 3.10 **County Surveyor (Highways)** No objections
- 3.11 **Head of Housing, Health and Community Care** No objections, subject to the imposition of Standard Informative SI16 (Control of Nuisances).
- 3.12 Six letters have been received from local residents for the following reasons:
- the proposed LPG Storage Tank installation and wall/fenced compound would be an incongruous proposal in the street scene and in close proximity to surrounding residential properties to the detriment of the residential amenity of the area, particularly its visual amenities. This application and plans appear to be incidental to 00/00508/FUL which was refused 23rd November 2000.
 - Like a time bomb in our back garden, visually detrimental to the street scene, possible increase in noise, some residents have the protection of high brick walls others do not, possibly a focus for terrorist attack, local air quality may be affected, garage has been significantly extended over the years and has now outgrown this site in a residential area, they should have kept their site on the Arterial Road, possibly increasing the explosive material on the site, fumes in the area may give rise to a greater fire risk.

MATERIAL PLANNING CONSIDERATIONS

- 3.13 The material considerations in this case are: siting, appearance and noise, activity and smells.

- 3.14 The application site relates to an existing petrol filling station that whilst commanding a main road frontage is bounded on its remaining three sides by residential properties.
- 3.15 Siting of the Tank:- The siting of the tank is the same as for the previous refusal, namely to the rear of the site. Alternative locations within the site are not considered appropriate for a number of reasons that revolve around access, circulation and safety issues.
- 3.16 This is the only position within the site where the tank could be sited. If this location proves to be unacceptable then the facility would have to be provided at an alternative address.
- 3.17 Appearance:- Since the previous refusal the applicant maintained their reluctance to site the structure underground, however the proposed screen fence details are different. Previously the fence details related to a fairly utilitarian palisade railing, this has now been changed to proprietary fencing that has a more aesthetic appearance. Its appearance is one of narrow wire mesh to a height of 1.8m. In addition a further crash barrier is required for security purposes to 0.6m in height.
- 3.18 The tank and the security compound will continue to be visible from certain vantage points, however it is considered that a refusal based on the loss of amenity due to perceived visual intrusion into the street scene or visual intrusion to the occupiers of the surrounding residents could not be justified.
- 3.19 Noise, Activity & Smells:- The provision of LPG would increase the range of available facilities at the site and also within the locality and as such there may be an increase in associated activity. This in itself is considered not to be sufficient to justify a refusal given that the new facility will remain a minor component of the authorised use as a petrol filling station. Similarly, given the existing background level of activity, noise and smells associated with its authorised use any refusal based on these factors could not be substantiated.
- 3.20 In addition to the issues considered above, concerns have also been raised regarding the demand for LPG and safety.
- 3.21 Demand for LPG:- This is not a material planning consideration, although the environmental benefits of using cleaner fuels is a material consideration.
- 3.22 Safety:- As commented above, the installation would have to comply with all relevant standards of the regulatory authorities involved, most of which are outside of the planning sphere, and as such a refusal based on safety could not be substantiated.

CONCLUSION

- 3.23 It is considered that the scheme has benefits in terms of adding to the range of alternative facilities on this site and within this part of the district and that the availability of Autogas has wider environmental benefits.
- 3.24 The proposal would not cause any substantive visual intrusion.
- 3.25 There are no substantive objections based on any increase in activity, noise, or smells.
- 3.26 The potential safety fears of local residents have been acknowledged, however the installation will be implemented against best practice and safety guidelines from a number of differing bodies.
- 3.27 For the above reasons, Officers maintain their professional advice to Committee and remain consistent with the recommendation of the previous application.

RECOMMENDATION

- 3.28 It is proposed that this Committee **RESOLVES** to **APPROVE** this application subject to the following conditions:-
- 1 SC4 Time Limits
 - 2 SC14 Materials to be used
 - 3 The LPG tank hereby approved shall not come into beneficial use before the entire compound area and alterations to the boundaries are fully constructed in accordance with the details shown on the plans accompanying the application and also in accordance with the LPG Code of practice Part 1 Design, Installation and Operation of Vessels Located above Ground.

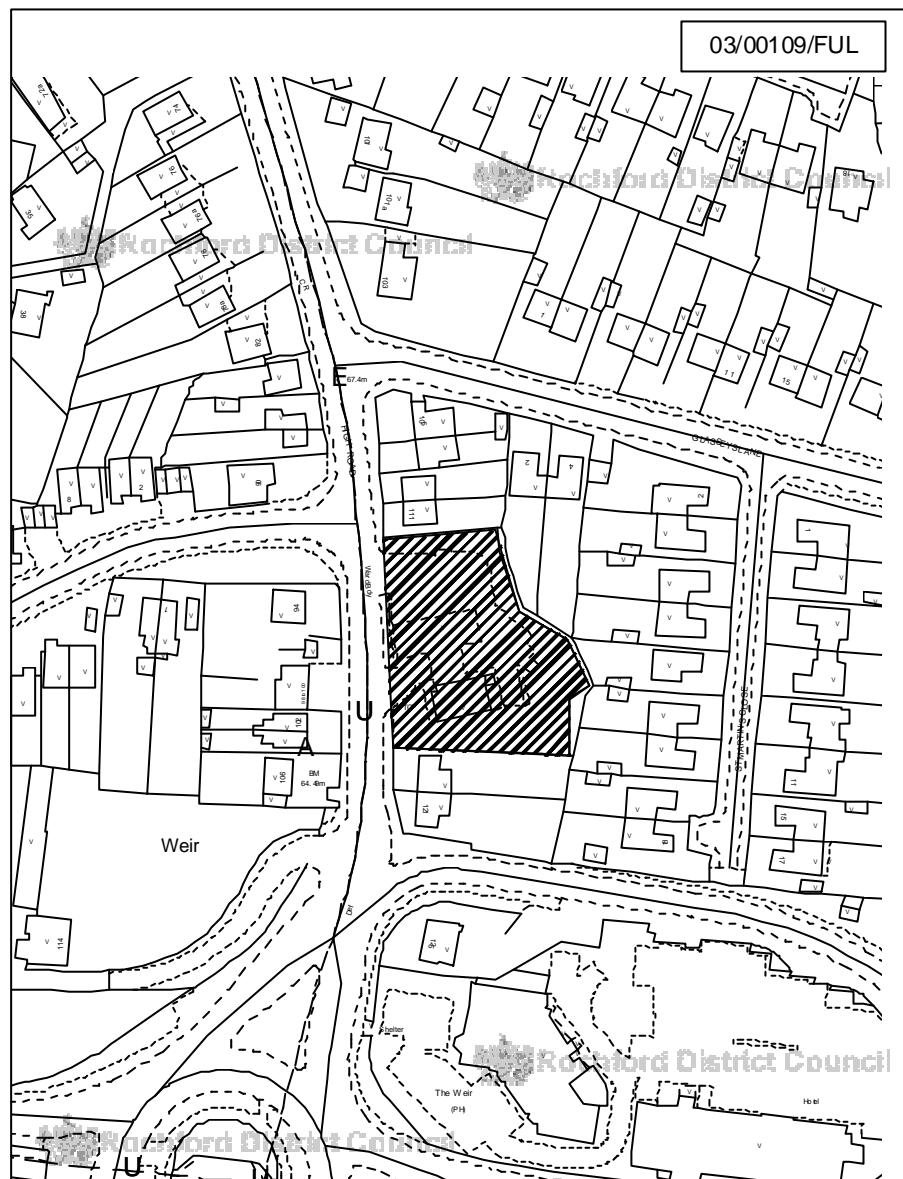
Relevant Development Plan Policies and Proposals:

None.



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Head of Planning Services

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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.**