



Rochford District Council

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY  
PLANNING SERVICES COMMITTEE 25th March 2004**

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 - 25 March 2004**

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### **Ward Members for Committee Items**

#### **ASHINGDON AND CANEWDON**

Cllr Mrs T J Capon

Cllr T G Cutmore

#### **HOCKLEY WEST**

Cllr Mrs L Hungate

#### **RAYLEIGH CENTRAL**

Cllr R G S Choppen

Cllr A J Humphries

## **PLANNING SERVICES COMMITTEE 25th March 2004**

### **REFERRED ITEM**

- R1      03/01128/FUL      Mrs Deborah Board      PAGE 4  
Detached 3-Bedroom Chalet Style Dwelling  
with Garage.  
Land Adjacent 7, Knivet Close, Rayleigh

### **SCHEDULE ITEMS**

- 2      04/00039/FUL      Mrs Deborah Board      PAGE 9  
Demolition Of Existing Hotel. Erection of 10 No. Two  
Bedroom Flats, Café/Bar At Ground Floor Within  
Three Storey Building. 3 No. Three Bedroom  
Terraced Houses And Associated Parking.  
The Anchor, Fambridge Road, Ashingdon
- 3      04/00020/FUL      Mrs Deborah Board      PAGE 22  
Extend Existing Dwelling. Single Storey Side  
Side Extension (with basement). Two Storey  
Rear Extension (at ground floor and lower  
ground floor level). To Provide Additional  
Living Space for Disabled Person.  
Lucetta Cottage, Crown Road, Hockley

**Any Items Referred by Members from Weekly List Nos. 717  
or 718**

## **PLANNING SERVICES COMMITTEE - 25 March 2004 Item R1 Referred Item**

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**TITLE :** 03/01128/FUL  
DETACHED 3-BEDROOM CHALET STYLE DWELLING WITH  
GARAGE  
LAND ADJACENT 7, KNIVET CLOSE, RAYLEIGH

**APPLICANT:** MRS ROSE

**ZONING:** RESIDENTIAL

**PARISH:** RAYLEIGH TOWN COUNCIL

**WARD:** RAYLEIGH CENTRAL

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

This application was included in Weekly List No. 715 requiring notification of referrals to the Head of Planning Services by 1.00 pm on Tuesday 2<sup>nd</sup> March 2004, with any applications being referred to this meeting of the Committee. The item was referred by Cllr R G S Choppen.

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

- 1.1 **Rayleigh Town Council** - has no objections to the application.

### NOTES

- 1.2 The application seeks permission for the erection of a detached chalet style dwelling on this site adjacent to 7 Knivet Close, Rayleigh. The site is formed from the rear gardens of 7-11 The Chase and has no direct frontage onto Knivet Close.

1.3 Planning History

There is a history of applications in this location with two outline applications, ROC/491/89 and ROC/922/89, for a slightly different site area, directly to the rear of 7 The Chase, being refused and subsequently dismissed at appeal. In both cases the inspector considered the main issues to be whether the proposals would:

- Appear unduly cramped;
- Harmfully change the character of the area; and
- Provide satisfactory access and car parking

- 1.4 The inspector noted that “...*the appeal proposal would be sited in an area where surrounding gardens are still quite long and secluded...*” and that “...*the overlooking of adjoining gardens in The Chase that would arise from a two storey house would severely reduce the pleasantness of those houses as places to live...*”
- 1.5 With respect to the access, which was the same as proposed in the current application, the inspector noted, “...*I do not share the view...that a severe hazard would arise... I do, however, consider that the arrangements proposed would prove inconvenient and awkward in use. This would lead, in my view, to visitors parking on the road...the proposal would add to on street parking to the detriment of the pleasantness of Knivet Close as a place to live.*”
- 1.6 In conclusion, the inspector felt that the harm from the proposal would arise from the combined effect of the issues on the character and appearance of the area rather than one singular issue.
- 1.7 General Considerations  
The previous applications dealt with an application site that was purely in the rear garden of 7 The Chase. The current application site runs across the ends of the gardens of 7-11 The Chase. The means of access to the site remains unchanged since the 1989 applications, but the siting of the dwelling proposed is significantly altered.
- 1.8 The previous applications sought to site a property in a prominent position forward of 7 Knivet Close. The current proposal sites the dwelling back from Knivet Close, with the front elevation being approximately in line with the front of 7 Knivet Close. The proposal would not project any further beyond the rear elevation of this property either. In this respect the resulting relationship between the proposed chalet and the adjacent dwellings is thought to be acceptable.
- 1.9 With regard to technical requirements the scheme provides a rear amenity area in excess of that required with policy H11, some 158 sq metres. In addition the back to back and back to side distances between the proposal and surrounding dwellings would all exceed 25 metres and as such are acceptable. The parking proposed is in the form of a garage and block paved area to the front of the property. This fulfils the policy requirements for a 3-bedroom dwelling.
- 1.10 The street scene of Knivet Close is predominantly characterised by houses. The proposal is a chalet style dwelling with a flying hip roof and front and rear dormer windows. This design would not be detrimental to the street scene, particularly as the siting proposed is not unduly prominent. Whilst rear dormers are proposed, they would not give rise to overlooking given the separation from surrounding dwellings.
- 1.11 In conclusion, whilst access to the site remains the same as for the previous schemes, it is not thought that this factor alone would substantiate resisting the current scheme. Whilst mindful of previous appeal decisions for the site, the inspector gave weight to the combination of factors rather than one single factor in dismissing the appeals.

- 1.12 The siting and design of the proposal is acceptable and meets the technical requirements of the policies of the Local Plan. Therefore on balance recommend approval.
- 1.13 There have been 6 neighbour objections received with the main points being:
- The application is similar to the previous two in 1989 that were dismissed on appeal;
  - The access is already hazardous and this proposal will compound that;
  - The proposal will create highway safety problems;
  - The proposal is contrary to the Council's policy on backland development;
  - Loss of tree screening;
  - Unacceptable intensification of land use;
  - An extra residence will add unacceptably to the congestion in the Close;
  - The proposal is inappropriate in this location and does not correspond to the structure and development plans;
  - The proposal would impact on the privacy currently enjoyed by residents.
- 1.14 **County Surveyor (Highways)** considers the application to be de minimis but has commented that the access arrangements are unsatisfactory and should be amended to extend the drop kerb up to 7 Knivet Close and that turning on site should be increased to allow for entry and exit in forward gear.
- Environment Agency** has no objection.
- English Nature** believes that the proposal is not likely to affect an SSSI and provide advisory comments.
- Buildings/Technical Support (Engineers)** has no objections but observe that the public foul sewer is not immediately available, although a public surface water sewer is.
- Housing Health and Community Care** has no adverse comments, subject to SI16 being attached to any consent granted.
- Anglian Water** has no comments to make.
- 1.15 Rayleigh Civic Society is concerned about the vehicular access to the site, which is only 2.3m wide, as it might cause problems relating to vehicular access for the owners of 7 Knivet Close, the entrance to which is at right angles.

**PLANNING SERVICES COMMITTEE - 25 March 2004 Item R1**  
**Referred Item**

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APPROVE

- 1 SC4 Time Limits Full - Standard
- 2 SC14 Materials to be Used (Externally)
- 3 SC22A PD Restricted - Windows
- 4 SC50 Means of Enclosure - Full (PD Restricted)
- 5 SC62 PD Restricted - Gates
- 6 SC81 Garage and Hardstand
- 7 SC84 Slab Levels Specified

**Relevant Development Plan Policies and Proposals:**

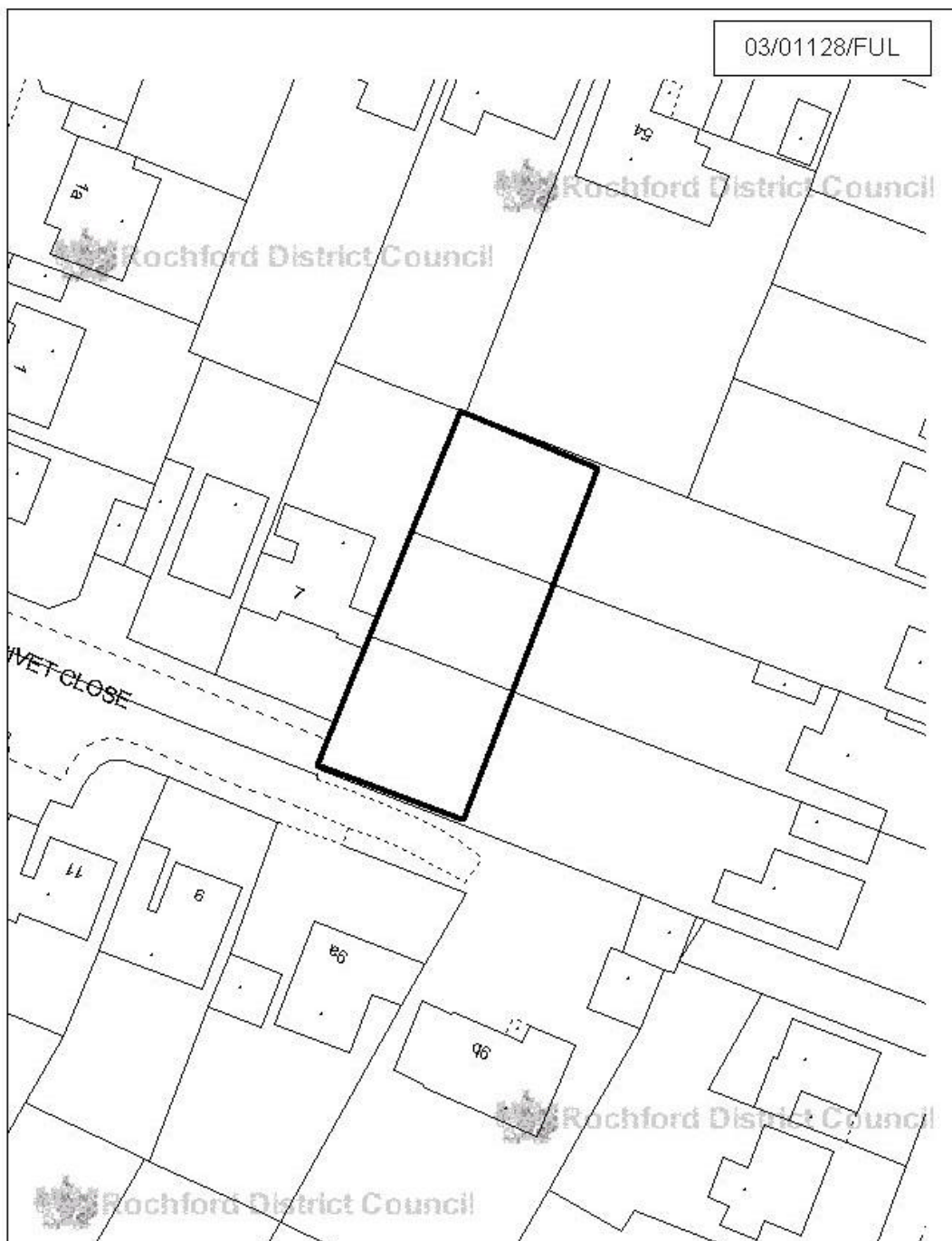
H11, H19, H20, TP15, of the Rochford District Council Local Plan First Review



Shaun Scrutton  
Head of Planning Services

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For further information please contact Deborah Board on (01702) 546366.



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NTS





**TITLE :**                    **04/00039/FUL**  
**DEMOLITION OF EXISTING HOTEL. ERECTION OF 10 NO.**  
**TWO-BEDROOM FLATS, CAFÉ/BAR AT GROUND FLOOR**  
**WITHIN THREE STOREY BUILDING. 3 NO. THREE-**  
**BEDROOM TERRACED HOUSES AND ASSOCIATED**  
**PARKING.**  
**THE ANCHOR, FAMBRIDGE ROAD, ASHINGDON**

**APPLICANT :**            **N D RYAN BUILDERS**

**ZONING :**                **RESIDENTIAL**

**PARISH:**                **ASHINGDON PARISH COUNCIL**

**WARD:**                  **ASHINGDON AND CANEWDON**

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#### **PLANNING APPLICATION DETAILS**

- 2.1    The application proposes the erection of a part-two storey part-three storey building containing 10 no. 2-bed flats. The second floor accommodation would be contained within the roofspace.
- 2.2    The building would be situated where the Anchor Hotel now stands, and the demolition of the existing Hotel is clearly a corollary of this application.
- 2.3    The application also proposes the erection of a terrace of 3 no. 3-bed dwellings to the rear of the site, on land which forms the Hotel's garden. These houses would front onto St Thomas Road. The erection of these houses requires the removal of a line of multi stemmed ash trees that are currently the subject of a preservation order. A tree report has been submitted. This is discussed below.

#### **RELEVANT PLANNING HISTORY**

- F/548/97/ROC – Erect 3-bed Detached Dwelling With Integral Garage – WITHDRAWN
- 99/00588/FUL – Detached 3 Bedroom Dwelling With Integral Garage – WITHDRAWN
- 03/00422/FUL - Erection of 2/3 storey building containing 8 no. flats, together with café/bar and 3 no. houses – WITHDRAWN

- 2.4
- 03/00651/FUL - Redevelopment of the Site to Provide Two Storey Building with Rear Dormer Window to Accommodate Two 2-Bedroom Self Contained Flats – REFUSED, APPEAL CURRENTLY IN PROGRESS, the reasons for refusal were as follows:

*The proposed flatted accommodation, by reason of its scale, visual bulk and design, is considered out of scale and character with the existing village: a modest settlement of houses, lacking any other purpose built flatted accommodation, and adjacent to open countryside forming part of the Green Belt. Whilst the flats would replace the Anchor Hotel, itself a three storey building, the flats would be substantially larger and more prominently sited than this building. In addition, the design and detailing of the building is considered unsympathetic to the more traditional design and appearance of the buildings it would be sited amongst.*

*The application proposes to increase the number of housing units in South Fambridge by fourteen (14), an increase of nearly 25% above the existing number of housing units in the village, calculated to be sixty one (61) units. This is contrary to the Village Plan Brief, which seeks to limit housing units to sixty one (61) units to preserve the character of the village. In the opinion of the Local Planning Authority the substantial increase in housing units proposed in this application would demonstrably change and adversely affect the character of the village, contrary to the intent of the Village Plan Brief.*

## CONSULTATIONS AND REPRESENTATIONS

- 2.5 **Ashingdon Parish Council** – note the change to the plan, but are concerned about:
- Damage to St Thomas Road from construction traffic;
  - Ownership of the strip of land alongside St Thomas Road;
  - Preserved trees.
- 2.6 They wish the following to be included in an S106 Agreement:
- The developer replaces the preserved trees;
  - The strip of land not in the developer's ownership be included in the S106;
  - All construction traffic to enter the site via the access road and not St Thomas Road;
  - The developer undertakes to make good any damage to St Thomas Road;
  - Prevention of the burning of waste.
- 2.7 If these recommendations are put in place then there are no objections from the Parish Council.
- 2.8 **Essex County Council (Highways)** - require a legal agreement containing clauses to provide a 1.8m wide footway along the Fambridge Road frontage and a suitable shared surface road along the southern frontage. Standard conditions are recommended in relation to the provision of the parking spaces and visibility splays.

- 2.9 **Essex County Council (Learning Services)** - estimate that this development will result in two secondary school places being required, and request a developer contribution of £20,400 to cover this.
- 2.10 **Essex County Council (Specialist Archaeological Advice)** has no recommendations to make.
- 2.11 **Council's Woodland and Environmental Specialist** - the supporting arboricultural document for the proposed development accurately describes the protected trees and suggests a suitable scheme of replacement planting to maintain the tree lined feel to St Thomas Road. The tree replacements would also offer a natural barrier/screen to the development that could be protected under a new Tree Preservation Order. I can support the scheme of tree replacement and subsequent protection.
- 2.12 **Essex County Council (Planning)** – have no observations to make
- 2.13 **Head of Housing Health and Community Care** notes that the proposal for a café/bar has the potential to cause noise and disturbance to neighbouring residential properties if appropriate noise measures are not applied. The site is located within 100m of a former plastic cement works and therefore a contaminated land assessment should be carried out prior to any development. Conditions are recommended regarding:
1. Contaminated land
  2. Plant machinery and equipment to the café/bar
  3. Insulation to the café/bar
  4. SC38
- 2.14 Informatives are also recommended.
- 2.15 **The Environment Agency** – no objection.
- 2.16 There have been 13 neighbour representations received, 12 objecting to the scheme and 1 in support. The main comments are summarised below:
- Now that the café bar has reappeared, the proposal is supported;
  - The new building will be an improvement on the current building and the new facilities will add to the quality of life in the village;
  - The proposal would lead to car parking problems;
  - The Anchor should be renovated for a smaller number of flats and retained as a valuable landmark;
  - Three storey development would be a blot on the landscape;
  - The country lane will not cope with all the traffic;
  - The plans would have a serious detrimental impact on the quality of life of the residents;
  - The proposal would be invasive on the character and nature of the whole settlement;
  - The village cannot accommodate such high density development;
  - Where will the parking go for the café bar?

- There should be no development outside of the area of the existing building;
- Concern about the safety of the present building;
- Aesthetically the changes to the exterior have improved the overall look of the proposal;
- Development is too dense and parking insufficient;
- The village plan should not be ignored;
- Illogical to give permission for development in a flood plain;
- No public transport to South Farnbridge;
- Two storeys more appropriate;
- What would prevent change of use of the bar to a flat at a later stage?
- The bar has no kitchen and there is no mention of opening hours or any parking for the bar;
- The existing building is a fine example and should be preserved;
- There is no reason why it should not remain a thriving business;
- There is huge potential for well run free houses;
- The application allows for a greater number of units in this village than the Local Plan;
- Problems for access for fire engines, dust carts and general delivery lorries;
- Overload of current sewage, water and electricity supplies;
- Access via St Thomas Road will be blocked;
- Ryan Group assume that they have a right of way;
- No trees should be removed from the village;
- The proposal is over development of the site.

### **MATERIAL PLANNING CONSIDERATIONS**

- 2.17 Within the Rochford District Local Plan, the site lies within a residentially allocated area, where new residential development would normally be acceptable in principle. Policies H11 and H16 of the Local Plan are especially relevant to consideration of the proposals.
- 2.18 Supplementary guidance also exists that seeks to restrict the number of housing units in the village. The conflict between these two planning issues requires careful consideration.
- 2.19 In addition to these considerations, a number of other issues are pertinent to consideration of this application, viz:-
- The scale and design of the proposed buildings
  - Compliance with spatial guidelines
  - Highways and car parking issues
  - Trees
  - Infrastructure and provision of a café/bar

**2.20 The 'Limit' on House Numbers**

Prior to the publication of the Rochford District Local Plan, the village of South Fambridge was situated in the Metropolitan Green Belt, as shown on the Essex Approved Review Development Plan (1976). In the 1980s, as part of the preparation of the original Rochford District Local Plan, the District Plan Working Party prepared the South Fambridge Village Plan Brief. At that time an application had been received for residential development on the site of a former engineering works. The Council considered that the replacement of this factory with low density housing was reasonable, but also considered that the character of the village should be maintained. To this end, a limit on house numbers in the village was considered. The Minutes of the Development Services Committee of 16 February 1989 refer to, "the desirability of placing an upper limit on the number of houses that could be accommodated in the village envelope so as to preserve and enhance the existing."

- 2.21 As part of the Village Design Brief it therefore resolved to limit the number of housing units in South Fambridge to 61. (NB: the figure was originally set at 60 units, but was then raised to 61 in response to an amended layout for new housing in the village.) The figure of 61 housing units took into account the then existing 31 houses in the village, together with the redevelopment of the engineering works and several other smaller developments. The figure was set because it was considered that new development should not more than double the size of the village.
  
- 2.22 The limit on housing numbers was not incorporated into the Rochford District Local Plan (1988), or indeed into the First Review of the Local Plan (1995). However, within the former Plan the village was removed from the Green Belt and given a residential allocation. Nevertheless, the limit on house numbers remains in place and is material to the consideration of the current application.
  
- 2.23 It is calculated that there are currently 61 housing units in South Fambridge, excluding the Anchor Public House. In addition, permission was recently granted for an additional dwelling on land beside The Bungalow, Fambridge Road, ref. 03/00171/OUT. If/when built, this will increase the number of units to 62.
  
- 2.24 The current application proposes an additional 13 no. units in the village and is clearly contrary to the limit on housing numbers.
  
- 2.25 The question, though, is the weight that should be applied to this 'limit.' Should the figure of 61 units be applied as an absolute limit, with some flexibility or be considered to have outlived its usefulness, having been superseded by more recent Government guidance, etc?
  
- 2.26 The simple fact that the 'limit' was not incorporated into a policy in either Local Plan does mean this factor cannot be granted the full weight of a policy, but it is never timeless supplementary planning guidance. Indeed, a report of the District Plan Working Party on 19 January 1989 notes that the Village Design Brief should be of 'informal status', which suggests that even then it was recognised that the figure of 61 should be used as a guide, rather than an absolute figure.

- 2.27 It must also be recognised that there have been major shifts in planning guidance since the 1980s. PPG3 (Housing) sets out that Councils should seek to make the most efficient use of land within areas allocated for housing purposes. Given that the site is so allocated, it would be difficult to resist the redevelopment of the site in principle, unless such redevelopment of the site could be demonstrated to cause harm. Given that the limit on house numbers was originally imposed to protect the character of the village the question, therefore, is whether the proposed redevelopment would be harmful to the village's existing character.
- 2.28 **Character**  
It may be said that the existing settlement is characterised by its modest scale and compactness. This being so, any new development outside the existing boundaries of the village would likely affect its character. However, the application site lies within the existing village. Indeed, the proposed flats would be situated more or less on the footprint of the existing Anchor Hotel and represent a building of similar scale and bulk. The three houses proposed to the rear represent a further intensification of the use of the site and the village, but it is questioned whether this would necessarily be harmful to the character of the village. After all, the village is typified by close-knit housing, especially within St Thomas Road. Therefore, would the provision of 3 houses that would emulate the general scale of other terraced housing in St Thomas Road be out of character, or somehow change the character of the village? It is difficult to conclude that it would.
- 2.29 Thus, whilst in numerical terms, the application would significantly add to the overall number of housing units in the village, in terms of the buildings themselves, it cannot be demonstrated that the proposal would be harmful - which of course is the crucial test in planning terms.
- 2.30 **Activity**  
Consideration should also be given to whether the activity associated with the proposed development would adversely affect the character of the village. Walking around the village, it is evident that it is a quiet, unhurried place to live. This is due to its scale, the fact that no road runs through the village and to the lack of any employment, school, shops in the village, which inevitably means that a large number of people who live in the village migrate from it each day.
- 2.31 In a small way, the village's quiet feel can also be attributed to the recent closure of the Anchor Hotel. Before its closure, the Anchor attracted people to the village to drink and eat. Given the remote location of the village, the vast majority of customers would have driven there. Of course, the Anchor also attracted villagers.
- 2.32 The building also operated as a hotel-cum-bedsit establishment, providing overnight/living accommodation for a reasonable number of people. This factor must not be overlooked when considering the activity that would be generated by the occupiers of the proposed flats and houses.

- 2.33 Because of the lack of employment in the village, a large proportion of residents of the proposed flats and houses would leave the village during the day. Their children would also leave the village to attend schools. Activity within the village associated with the occupiers of the new development would therefore be most pronounced in the evenings and at weekends.
- 2.34 Having regard to these factors, including the activity formerly associated with the pub and hotel/bedsit use, it is considered that the activity associated with the proposed development (both residential and café/bar) would not significantly or detrimentally affect the village's character.
- 2.35 **Scale, Design and Appearance**  
In terms of considering the scale and appearance of the proposed flats, it is useful to draw comparisons with the scale of the existing Anchor Hotel. The Anchor Hotel is a three-storey building, its second floor accommodation being contained in a large gabled roof. The overall height of the building is calculated to be 11.1m to the ridge. The Hotel also includes a two storey flat-roofed element to the rear, approximately 6m in height.
- 2.36 The proposed building comprises a mixture of two storey and three storey forms. The three-storey part of the building, which fronts onto Fambridge Road, and returns along the access road to the south, is 11.1m high - the same height as the existing building.
- 2.37 As with the existing building, the second floor accommodation is proposed in the roofspace. The two-storey element is proposed towards the northern end (adjacent to a house known as 'The Coach House') and measures 9.7m to its ridge. The two-storey part of the proposed building is approximately 1.4m lower than the three-storey part of the existing building in this location.
- 2.38 It is clear that the proposed building is of appreciable height and bulk, and will have a substantial visual impact (as indeed does the existing Anchor Hotel). It will be the largest and tallest building in the village; larger, indeed, than the existing Hotel. However, whilst it would be larger, it is difficult to conclude that the building would be in any way harmful as a result. It is not considered that moving it forward into the existing car parking area, and marginally further to the east, will make it appreciably more dominant in the street scene. Moreover, the scale of the building at the northern end will actually be less than that of the existing building.
- 2.39 In terms of its use, the proposed building replaces a building that provided communal accommodation, either historically as a bona fide hotel or, more recently, as bed-sit accommodation. In terms of the use of the building, it is difficult to distinguish bedsit accommodation in the Anchor Hotel from the flatted accommodation now proposed.

- 2.40 The proposal clearly necessitates the demolition of the existing Anchor Hotel. This building is of Edwardian origin and design. The building is attractive in its own right, from certain view points, but has been insensitively extended with a two storey flat-roofed extension to the rear, which is most unattractive. The building is not listed or situated within a conservation area. It does, however, appear on the Local Plan's Local List, to which Policy UC8 applies, though the Local List does not confer any statutory protection. For this reason, no Local List appears in the emerging Replacement Local Plan. Since permission is not required for the building's demolition, a reason for refusal relating to its loss could not realistically be sustained, notwithstanding the building's inclusion on the current Local List.
- 2.41 In terms of its design, the current proposal before Members is more traditional in its approach than previous proposals. The design replicates the proportions and features of the existing hotel, in particular the provision of pitch roof style dormers to form the second floor accommodation and the recessed balcony features to front and rear. Further, the use of materials such as weatherboard, creates a building with a local vernacular and traditional window designs are more aesthetically pleasing.
- 2.42 In addition to the 10 flats, the application proposes the erection of a terrace of 3 houses to the rear fronting St Thomas Road. This road is characterised by a mix development type, with a terrace of two-storey houses on the west side of the road (the same side as the proposed houses), whilst bungalows and chalets comprise the development on the east side. Most of the existing properties front directly onto the road.
- 2.43 The proposed houses are of similar scale and height to the terrace of houses further down the road. The frontage of the terrace would be set back approximately 4m from the road. It is considered that these houses would satisfactorily blend in with the character and siting of existing developments in this road.

### **Spatial Issues**

- 2.44 The site is located on the corner of Fambridge Road and an access road leading to St Thomas Road. There is no development on the west side of Fambridge Road – this land is agricultural land falling within the Green Belt. Brickhouse Farm lies to the south of the access road; a group of agricultural buildings situated on the boundary limit views into this site. Moreover, the farmhouse is also a considerable distance from the proposed flats.
- 2.45 A house known as The Coach House lies immediately to the north and bungalows in St Thomas Road lie to the east. In terms of sensitivity, then, attention is focused on these existing developments to the north and east.



- 2.46 Assessing the impact upon the existing bungalows in St Thomas Road, the relationship proposed is a conventional one, with the fronts of the new and existing properties facing each other from either side of the road. Such a relationship exists further down the same road and is clearly typical of urban streets. The Essex Design Guide does not seek to protect privacy to the fronts of dwellings.
- 2.47 In terms of impact upon The Coach House, it is noted that the flank wall of the existing Hotel is situated on the flank boundary and measures 11.1m to the ridge. In contrast, a two-storey element measuring 9.7m to the ridge is now proposed adjacent to this property. Moreover, the proposed two-storey element would be set in 1m from the flank boundary and set back into the site more than the front wall of the existing Hotel. All these factors will serve to reduce the impact upon the Coach House and therefore it is concluded that the proposed relationship will be an improvement on the existing one.
- 2.48 The relationship between the Coach House and the 3 proposed houses also needs to be studied. The properties are offset and the backs of the properties do not directly face one another.
- 2.49 The backs of the proposed flats and 3 terraced houses do directly face one another. However, the internal layout of the flats has been designed such that kitchens, bathrooms and hallway/staircases face to the rear. The applicants have annotated these windows as obscured glazed on the submitted plans. Subject to a condition requiring that all rear-facing windows at first and second floor be obscured glazed, the relationship between the two sets of properties is considered acceptable. The proposal also complies with the guidance of the Essex Design Guide in terms of the distance required between the properties in order to prevent overshadowing.
- 2.50 The proposed amenity areas to serve the proposed houses and flats fully accord with the Council's adopted standards.
- 2.51 **Car Parking/Highways**  
A total of 22 spaces are proposed to serve the flats. This equates to just over 2 spaces for each of the 10 flats. All the flats have two bedrooms. This level of car parking is considered more than compliant with the newly adopted parking standards and also complies with the standards set out in the existing Local Plan First Review.
- 2.52 Two spaces are proposed to serve each of the 3 houses. Again, this provision complies with the relevant standards.
- 2.53 The café/bar area has a floor area of approximately 45m<sup>2</sup>. This would require 9 car parking spaces to be compliant with the newly adopted parking standards. There is no car parking space specifically allocated for this facility. However, the car parking provided for the flats is above that required and therefore it would be reasonable to expect that some of these spaces could be used to serve the café/bar. In addition, the main users of this facility are likely to be from the village and consequently the arrangement is considered to be acceptable.

- 2.54 The Highway Authority requires a footpath to the frontage on Farnbridge Road and the making-up of the access road to the south. It recommends a legal agreement to this end.

**Infrastructure**

- 2.55 It is noted that ECC Learning Services have requested an educational contribution of £20,400. The applicant's agent has stated in writing that his client is prepared to enter into a legal agreement to this end.

**Trees**

- 2.56 As noted above, a line of multi stemmed ash trees runs along the eastern boundary of the site with St Thomas Road. These are the subject of a Tree Preservation Order.
- 2.57 The application proposes the felling of these trees. The application is accompanied by an arboricultural report, which states that the trees are multi stemmed, having been coppiced in the past; an operation that has weakened the trees and led to cavities and the risk of rot. Given the location of the trees close not just to the proposed houses but also the existing houses opposite, the report concludes that the trees should be removed and replaced with more suitable single stemmed species.
- 2.58 The Council's Woodland and Environmental Specialist agrees with the findings of the tree report and supports removal and replacement of these trees. Mindful of this and the conclusions of the tree report concerning their health, it is concluded that their removal and replacement with single stemmed species is acceptable. As the Woodland Specialist notes in his consultation response, this would maintain (indeed, probably improve) the tree-lined feel of the road.

**CONCLUSION**

- 2.59 The application proposes the erection of a part two-storey, part three-storey building containing 10 flats and a café/bar in place of the existing three-storey Anchor Hotel. In the main, the proposed flats will be the same height as the existing Hotel, but the two-storey element will be lower. The building will, however, have a larger footprint and extend out into part of the Anchor Hotel's existing car park. In terms of its scale, the proposed building is considered acceptable: although substantial, it will replace a building also of substantial bulk, certainly in the context of the village as a whole. The design of the building is considered to be of a high standard, being a traditional design, borrowing many of the key themes that run through the architecture of the Hotel.
- 2.60 In terms of its relationship to existing properties, it is concluded that the reduction in height of part of the proposal to two storey will actually be an improvement on the existing situation.
- 2.61 Besides the flatted accommodation, the application proposes the erection of a terrace of houses fronting St Thomas Road. These are of a similar scale and relate well to the existing properties in the road. The erection of these houses requires the removal of a line of preserved trees. The Council's Woodland Specialist, having read the submitted tree report, is in agreement that the trees should be removed, and replaced.

- 2.62 Car parking and amenity space for the residential units is provided in full accordance with the adopted standards.
- 2.63 Some of the representations received raise concern that the Anchor Hotel is to be demolished. Many people clearly consider the building to be of some merit architecturally. Whilst it is recognised that the building is of some merit, indeed it appears on the Local List in the current Local Plan, it has no statutory protection and it is not considered that a reason for refusal could be sustained in relation to its loss.

## RECOMMENDATION

- 2.64 It is proposed that this Committee **RESOLVES to APPROVE** the application, subject to the following conditions and to the completion of a **Section 106 Agreement** requiring:
1. An educational contribution of £20, 400;
  2. The replacement of the preserved ash trees;
  3. All construction traffic to access the site via the access road and NO construction traffic to use St Thomas road (except to form the vehicular accesses onto this road); and
  4. The developer undertakes to make good any damage to St Thomas Road;
  5. Highways - a 1.8m wide footway to be constructed along the Fambridge Road frontage and a suitable shared surface road along the southern frontage.
- 1 SC4 Time Limits Standard
  - 2 SC9A Removal of Building
  - 3 SC14 Materials to be Used
  - 4 SC20 PD Restricted - Dormers - Plots1-3
  - 5 SC22A PD Restricted - no windows in flank elevation of Plot 1
  - 6 The windows marked OBS on the approved drawing no. 02/31/11 dated 16<sup>th</sup> January 2004 of the flats shall be glazed in obscure glass. In the case of windows shown to serve kitchens, bathrooms and hallways, the windows shall be of a design not capable of being opened below a height of 1.7m above the finished floor level of floor to which they relate, allowing for ventilation above 1.7m. In the case of the windows serving the public stairwells, the windows shall be fixed shut in their entirety. Thereafter, the said windows shall be retained and maintained in the approved form. Moreover, no windows shall be provided to the northern or southern elevations of the flats other than those windows depicted upon the submitted plans hereby approved without the issue of planning permission from the Local Planning Authority.
  - 7 SC50A Means of Enclosure
  - 8 SC59 Landscape Details
  - 9 SC60A Tree & Scrub Protection
  - 10 SC80 Car Parking Provision
  - 11 SC81 Garage & Hardstand
  - 12 SC90 Surface Water Drainage
  - 13 SC91 Foul Water Drainage
  - 14 SC87 Contaminated Land

- 15 SC38 Hours open to Customers (8.00 am – 11.30 pm)
- 16 SC28 Use Class Restriction (Café/Bar)
- 17 SC92 Extract Ventilation
- 18 The vehicular accesses hereby permitted shall not be used by vehicular traffic before a visibility splay of 2.4m x 90m has been provided on the traffic approach (northern) side and 2.4m x site maximum on the non traffic approach (southern) side of the site. Once provided, the said visibility splays shall be retained thereafter and maintained in their approved form free of obstruction above a height of 1 metre above the carriageway level within the area of the splay.

**Development Plan Policies and Proposals:**

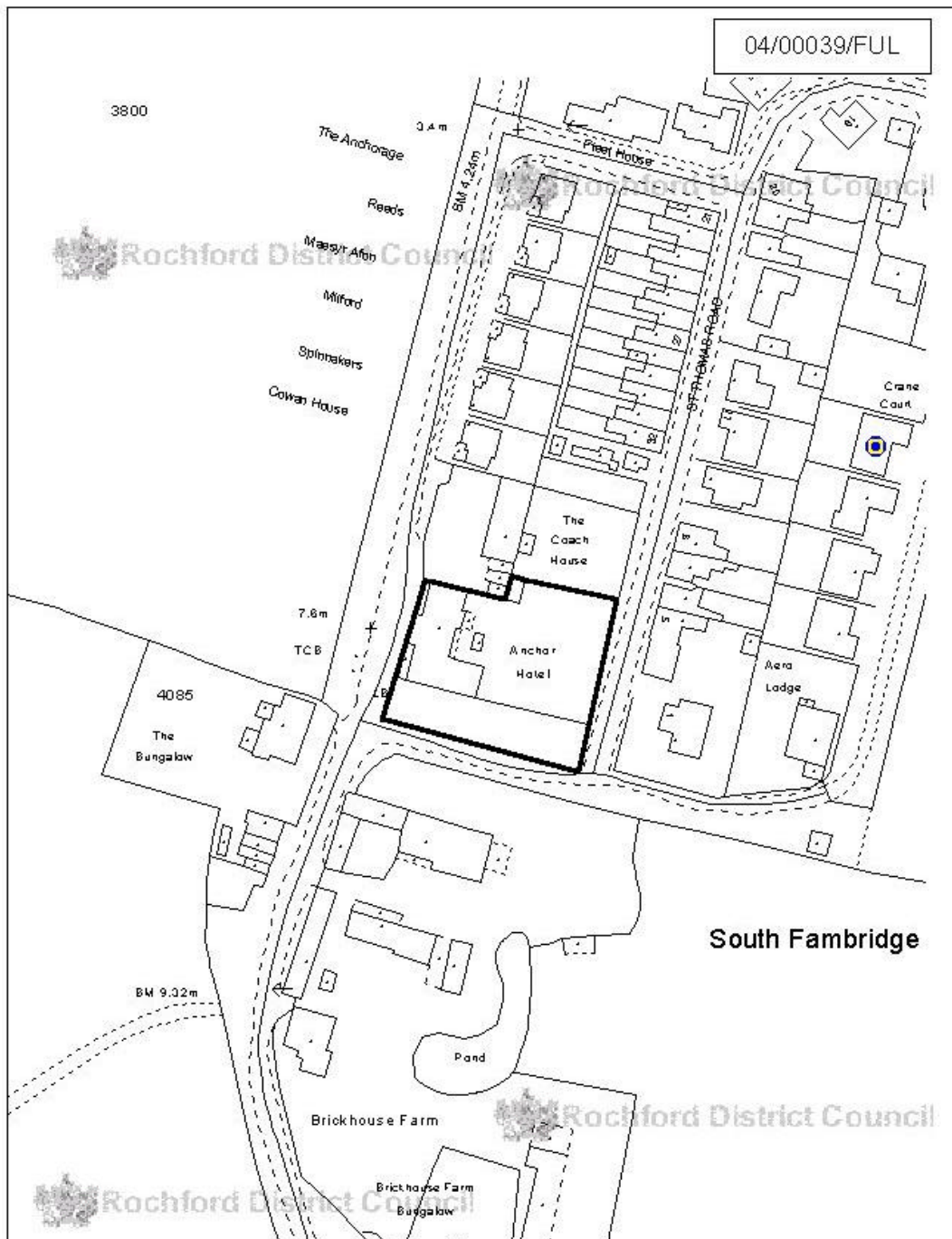
H11, H16, UC8 of the Rochford District Local Plan First Review



Shaun Scrutton  
Head of Planning Services

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**TITLE :**                    **04/00020/FUL**  
**EXTEND EXISTING DWELLING. SINGLE STOREY SIDE**  
**EXTENSION (WITH BASEMENT). TWO-STOREY REAR**  
**EXTENSION (AT GROUND FLOOR AND LOWER GROUND**  
**FLOOR LEVEL). TO PROVIDE ADDITIONAL LIVING SPACE**  
**FOR DISABLED PERSON.**  
**LUCETTA COTTAGE, CROWN ROAD, HOCKLEY**

**APPLICANT :**            **MR AND MRS G DAVIS**

**ZONING :**                **METROPOLITAN GREEN BELT**

**PARISH:**                **HOCKLEY PARISH COUNCIL**

**WARD:**                  **HOCKLEY WEST**

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#### **PLANNING APPLICATION DETAILS**

- 3.1    The application seeks permission for extensions to this bungalow located in the Metropolitan Green Belt.
- 3.2    The scheme proposes a single storey side extension, with basement and a two-storey rear extension with ground and lower ground floor. The roof space will be opened up to create a void in place of a first floor.
- 3.3    This application is reported to Members as the extensions proposed are in excess of the normal GB7 tolerance of 35 square metres for existing dwellings in the Green Belt. In this instance the personal circumstances of the applicant's daughter are put forward as very special circumstances to justify this extension contrary to GB7.

#### **RELEVANT PLANNING HISTORY**

**ROC/712/78** – Alterations and add Side Extension, *approved*.

- 3.4    The historical records indicate that the original bungalow was given approval in 1940 and built some time after this. The footprint of the original property was 6.1m (20 ft) by 6.1m (20ft) and a separate earth closet was also built.
- 3.5    There is a single storey rear extension to the dwelling recorded in 1973. This extension was then remodelled, with a change to the roof, in 1978 when the side extension was added and other internal and external changes made to the property.

**CONSULTATIONS AND REPRESENTATIONS**

- 3.6 **Hockley Parish Council** – concerned for trees growing on the site; any felling or lopping that takes place should be carried out under the supervision of the Woodlands Officer. The site is within the Green Belt and any consent should have regard to conditions relating to such sites. It is noted that the proposed development is specifically for use by a disabled person and any consent should be personal to that person and possibly subject to an S106 agreement.
- 3.7 **County Surveyor (Highways)** – de minimis.

**MATERIAL PLANNING CONSIDERATIONS**

- 3.8 Within the Rochford District Local Plan the site lies within an area allocated as Metropolitan Green Belt. Policies GB1 and GB7 are particularly relevant, together with H11 and the associated Appendix regarding Housing Design and Layout.
- 3.9 Therefore, the main considerations are:
- The principle of the proposal in the Green Belt;
  - The very special circumstances of the applicant; and
  - The design of the scheme.
- 3.10 The application seeks extensions to the dwelling over two floors, lower ground floor and ground floor and the creation of a roof void. The arrangement proposed utilises the changes in level across the site.
- 3.11 Access from Crown Road to the ground floor level would comprise two bedrooms and a bathroom in the original dwelling and a side extension to form a hall (with lift), bedroom and disabled wet room with a void over.
- 3.12 The lower ground floor is achieved by lowering the level of the property by digging out the existing patio and retaining wall to create a living room and kitchen area. An access from the disabled lift and disabled toilet are also proposed at this level, along with a utility room. In addition, a cellar for storage is proposed to replace the storage lost through the use of galleried ceilings.

**The Principle of the Proposal**

- 3.13 Planning Policy Guidance Note (PPG) 2 on the Green Belt makes clear that, in principle, the alteration or extension of dwellings is not inappropriate in the Green Belt. However, it further stipulates that Local Planning Authorities (LPA) should make clear in the development plan the approach that they take to extensions in the Green Belt.
- 3.14 The Council explains its approach to such extensions through policy GB7: the policy specifies that a reasonable extension can be up to 35 square metres of habitable floor area over and above the size of the original dwelling as it existed in 1948.

- 3.15 However, where a proposal is over the 35 square metres and clearly contrary to GB7, the test provided for in Policy GB1 needs to be applied to the proposal. That is, are there any *very special circumstances* that when applied would outweigh the harm that this proposal would cause to the open character of the Green Belt?
- 3.16 PPG2 is explicit that in such cases it is for the applicant to show why permission should be granted contrary to the provisions of the development plan.
- 3.17 The 'original dwelling' had a habitable floor area of 37.21 square metres and, together with the earth closet (8.2 square metres), this would give an original habitable floor area for the dwelling of 45.41 square metres. Adding the 35 square metre allowance to this would create a permissible floor area of 80.41 square metres for the property.
- 3.18 In addition, the applicants believe that the roof space of the dwelling has been used as a playroom, accessed via a permanent fixed loft ladder and, as such, forms part of the original area of the dwelling. There is no documentary evidence to dispute this and on inspection of the dwelling it is evident that there was a ladder at some point. In addition, the 1978 plans show first floor side windows and changes to the trusses (compared to the 1940 plan) within the roof that would indicate use of the roof space at this time. This room has a habitable floor area of 13.29 square metres. Adding this to the 80.41 above gives a total permissible habitable floor area of 93.70 square metres for this property.
- 3.19 The application proposes an extended dwelling with a total habitable floor area of 154.59 square metres (excluding cellar for storage). Based on the above calculations this is 60.89 square metres of floor area over and above that normally permissible under GB7. Of this, 45.42 square metres are required specifically for the spatial requirements of the applicants' disabled daughter. The other 15.47 square metres are utilised throughout the remainder of the dwelling, providing more convenient circulation space.

### **Very Special Circumstances**

- 3.20 The applicants' daughter has physical disabilities resulting from the loss of her right leg, below the knee, at the age of two as a result of severe meningococcal septicaemia and as the result of a stroke. Therefore, she wears a prosthetic limb and cannot walk without this or a walking frame, as, due to neurological problems, crutches cannot be used.
- 3.21 Surgery is required every two or three years to remove "growth spikes" from her other leg and this means using a wheelchair for mobility and increasingly there are times when she is confined to a wheelchair for several months. This lack of independent mobility means that their daughter is unable to access a bath or shower unaided and now that she is ten, to be reliant upon her parents is increasingly undignified. A letter from the occupational therapist at Kingsdown School supports this information.



- 3.22 The applicants state that the rural, rather than urban, location of the property is also an important factor for their daughter's welfare as it offers a secure and private place for her to go outside and use the garden free from the view of others. In addition, the digging down of the lower ground floor and opening out into the garden allows easy access by wheelchair.

**Design**

- 3.23 The elevation of the dwelling to the street scene would have the appearance of a single storey dwelling with a veranda/covered porch. To the rear the extensions would extend over two storeys in the main with a single storey element to form the kitchen. The two-storey element would have a substantial amount of glass within it to allow light into the lounge and roof void. It is recommended that the galleried roof void be controlled by a condition preventing the insertion of another floor level, which would further increase the floor space of the dwelling.
- 3.24 The extensions have been designed to allow circulation space for a wheelchair throughout the property. The occupational therapist from Kingsdown School confirms that the whole property, as well as the specific areas, should be designed to allow the movement of an adult manual wheelchair to enable the applicants' daughter to gain independence. It is for this reason that a lift and ground floor WC and access out to the garden is a feature of the design. The doorways of the property are all sufficiently wide to enable wheelchair movement and the open plan nature of the property ensures unobstructed access throughout the dwelling.
- 3.25 The applicants have designed the disabled wet room and bedroom using guidance from 'Pressalit Care' a company that specialises in manufacturing and selling solutions for bathrooms for disabled people. The company's design guide recommends a turning area, for independent users in a manual wheelchair, of 1700 mm by 1700 mm. In addition, 1500 mm is required in front of the shower/bath and 950 mm to the side to allow transfer from the wheelchair to the shower/bath. Similar dimensions are required for circulation around the WC area. Based on this guidance the wet room proposed by the applicants is not excessive in terms of its size and scale.
- 3.26 Guidance further suggests that the bedroom should be designed to allow the wheelchair to manoeuvre around the bed. The room proposed has an area of 1600 mm x 1600 mm around the bed, thus achieving this. Again, this is not an unreasonable requirement.

**CONCLUSION**

- 3.27 In principle, given that the majority of the extended area relates to the specialist accommodation for the applicants' daughter, it is considered that the proposed changes are not excessive or unreasonable.

- 3.28 It is clear that the applicants' daughter requires the additional living accommodation in order to independently move around the family home and bathe unassisted. The information presented by the applicants has been independently and professionally supported by their daughter's occupational therapist.
- 3.29 The design of the scheme is such that the physical extent of the extensions will not be unduly prominent from public vistas or in the street scene of the locality.
- 3.30 Therefore it is concluded that the very special circumstances presented by the applicants are sufficient to outweigh the policy of the development plan in this instance. However, the sections submitted indicate the cellar has full head height and thus has further potential for habitable floorspace. The applicants have been requested to delete the cellar.

### **RECOMMENDATION**

- 3.31 It is proposed that this Committee **RESOLVES** to **DELEGATE** authority to the Head of Planning Services to **APPROVE** the application, on deletion of the proposed cellar, and subject to the heads of conditions set out below:

- 1 SC4 Time Limits
- 2 SC14 Materials to be Submitted
- 3 SC10 Removal of Buildings
- 4 SC21 PD Restricted Balconies
- 5 SC20 PD Restricted – Dormers
- 6 SC17 PD Restricted Extensions
- 7 No creation of further floor level within the vaulted roof void of the property.
- 8 SC84 Slab Levels Specified
- 9 The extensions hereby permitted shall be constructed for and first occupied by the applicants Mr & Mrs G Davis and family.

### **Relevant Development Plan Policies and Proposals:**

H11, H24, GB1, GB7 of the Rochford District Local Plan First Review

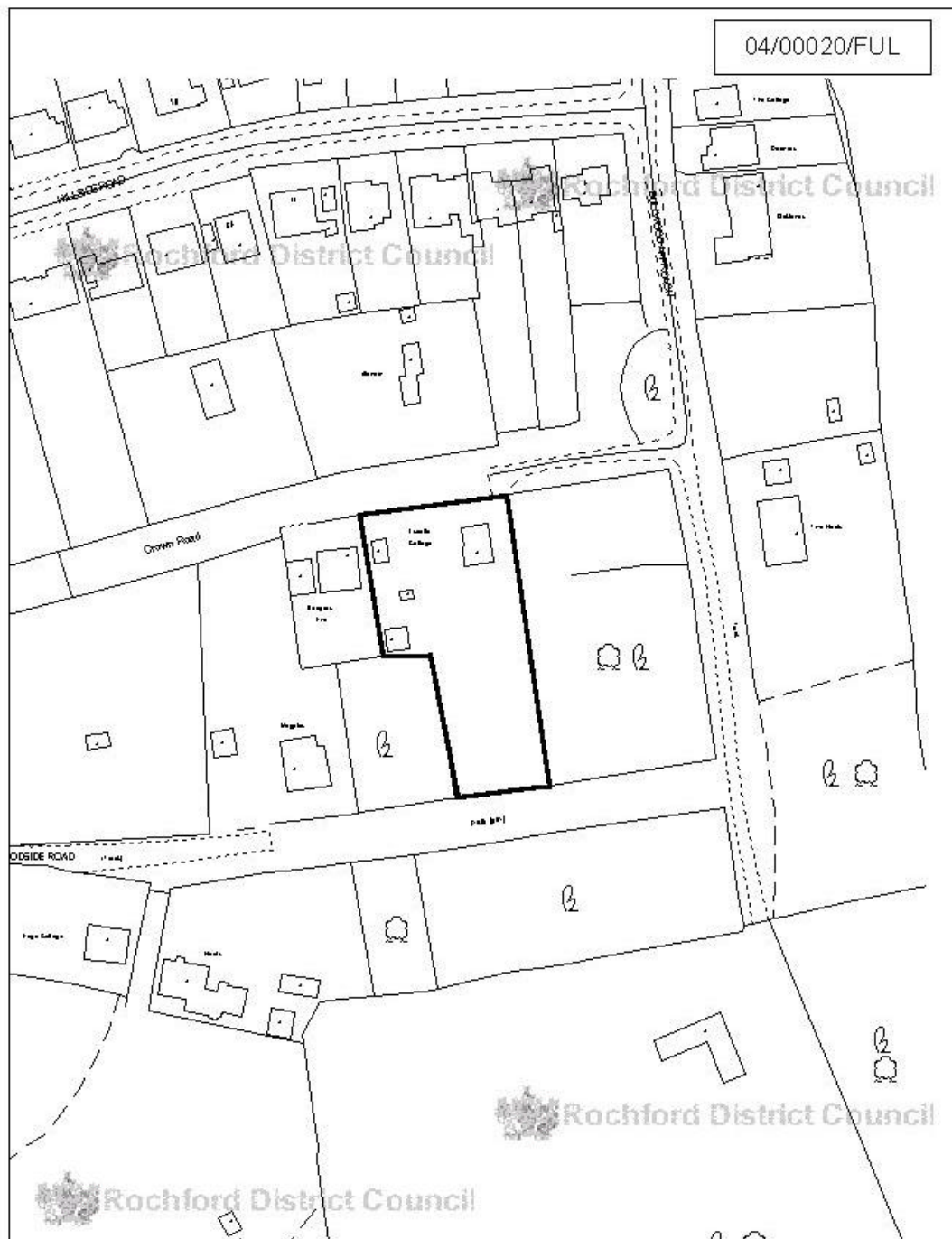
C2 of the Essex and Southend-on-Sea Replacement Structure Plan



Shaun Scrutton  
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.**