



Rochford District Council

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY  
PLANNING SERVICES COMMITTEE 26 July 2005**

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 there under. 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.**



INVESTOR IN PEOPLE

## **PLANNING SERVICES COMMITTEE – 26 July 2005**

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### Ward Members for Committee Items

#### **ASHINGDON AND CANEWDON**

Cllr Mrs T J Capon

Cllr T G Cutmore

#### **DOWNHALL AND RAWRETH**

Cllr C I Black

Cllr R A Oatham

#### **HAWKWELL NORTH**

Cllr Mrs M A Starke

Cllr M G B Starke

#### **HOCKLEY CENTRAL**

Cllr K H Hudson

Cllr J Thomass

Cllr Mrs C A Weston

#### **ROCHFORD**

Cllr K J Gordon

Cllr Mrs S A Harper

Cllr Mrs M S Vince

## **PLANNING SERVICES COMMITTEE 26th July 2005**

### **DEFERRED ITEM**

D1	05/00332/FUL	Mr Mike Stranks	PAGE 5
	<p>Revised Application For: Block A: Two and Three Storey Building Containing Supermarket, Library, 3 No. Shops, 42 Flats (24 Two Bedroomed and 18 One Bedroomed) and Involving Re-Siting, Provision of Two Electrical Sub-Stations, Provision of Sliding Gate, Revised Car Parking Layout. Block B: Two and Three Storey Building Containing 34 Sheltered Flats (17 Two Bedroomed and 17 One Bedroomed) and 3 No. Shops and Involving Revised Elevations and Revised Car Parking Layout. Block C: Two, Three and Four Storey Building Containing 73 No. Flats (44 Two Bedroomed and 29 One Bedroomed) and Involving Revised Elevations, Revised Car Parking Layout, Increase in Height by 0.6m to Building Previously Approved; and Variation to Condition 23 of Consent 03/00947/FUL to Allow Revised Design of Turning Head and Variation to Condition 27 of Consent 03/00947/FUL to Allow Revised Layout of Car Parking Area for the Supermarket and Revised Arrangements for Dedication of Residents' Car Parking.</p> <p>Land North Of Market Square/West Street And West Of North Street Rochford</p>		

### **REFERRED ITEMS**

R2	05/00431/FUL	Mr Leigh Palmer	PAGE 24
	<p>Creation of Roof Terrace with 1.8m Balustrade: Roof Terrace to be Used as an Outside Seating Drinking Area for Patrons of the Pool and Snooker Club.</p> <p>7 Eldon Way Hockley</p>		
R3	05/00313/FUL	Monica Palmer	PAGE 28
	<p>Use of the Land for the Open Storage of Building Materials to a Height Not Exceeding 6m. New 3m High Timber Fence Along Western Boundary</p> <p>Site G7 Purdeys Industrial Estate Purdeys Way Rochford</p>		

## SCHEDULE ITEMS

4	05/00599/REM Details Of Retail Foodstore And Part Two Storey Part Three Storey Building Comprising 4 No. A1 (Retail) Units And 1 No. Café/Restaurant To Ground Floor, 3. No D1 (Non Residential Institutions) Units At First Floor And 8 No. Two Bedroomed Flats At First And Second Floor With Access And Car Parking Layout. Park School Rawreth Lane Rayleigh	Mr Mike Stranks PAGE 32
5	05/00358/FUL Revised Application to Demolish Existing Semi Detached Bungalow and Construct Detached Two Bedroomed Bungalow and Construct Vehicular Crossing. 8 Albert Road Ashingdon Rochford	Sophie Weiss PAGE 36
6	05/00427/COU Conversion Of Redundant Farm Building To A Dwelling. Brickhouse Farm Fambridge Road Ashingdon	Mr Mike Stranks PAGE 41

**TITLE :**                    **05/00332/FUL**  
**REVISED APPLICATION FOR: BLOCK A: TWO AND THREE**  
**STOREY BUILDING CONTAINING SUPERMARKET,**  
**LIBRARY, 3 NO. SHOPS, 42 FLATS (24 TWO BEDROOMED**  
**AND 18 ONE BEDROOMED) AND INVOLVING RE-SITING,**  
**PROVISION OF TWO ELECTRICAL SUB-STATIONS,**  
**PROVISION OF SLIDING GATE, REVISED CAR PARKING**  
**LAYOUT. BLOCK B: TWO AND THREE STOREY BUILDING**  
**CONTAINING 34 SHELTERED FLATS (17 TWO**  
**BEDROOMED AND 17 ONE BEDROOMED) AND 3 NO.**  
**SHOPS AND INVOLVING REVISED ELEVATIONS AND**  
**REVISED CAR PARKING LAYOUT. BLOCK C: TWO, THREE**  
**AND FOUR STOREY BUILDING CONTAINING 73 NO. FLATS**  
**(44 TWO BEDROOMED AND 29 ONE BEDROOMED) AND**  
**INVOLVING REVISED ELEVATIONS, REVISED CAR**  
**PARKING LAYOUT, INCREASE IN HEIGHT BY 0.6M TO**  
**BUILDING PREVIOUSLY APPROVED; AND VARIATION TO**  
**CONDITION 23 OF CONSENT 03/00947/FUL TO ALLOW**  
**REVISED DESIGN OF TURNING HEAD AND VARIATION TO**  
**CONDITION 27 OF CONSENT 03/00947/FUL TO ALLOW**  
**REVISED LAYOUT OF CAR PARKING AREA FOR THE**  
**SUPERMARKET AND REVISED ARRANGEMENTS FOR**  
**DEDICATION OF RESIDENTS' CAR PARKING.**  
**LAND NORTH OF MARKET SQUARE/WEST STREET AND**  
**WEST OF NORTH STREET ROCHFORD**

**APPLICANT :**            **HOUSECHERRY LTD**

**ZONING :**                **RESIDENTIAL, PRIMARY SHOPPING**

**PARISH:**                **ROCHFORD PARISH COUNCIL**

**WARD:**                 **ROCHFORD**

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Deferred Report

- 1.1 This application was deferred at the meeting of 30 June to enable further discussions between officers, the applicants and Essex County Council with regard to the objections and comments raised concerning the turning facility within the development.

**1.2 Discussions on the Turning Facility**

The County Council have expressed concern that the turning facility should meet the detailed requirements and specification and layout meeting fully the requirements of a size 2 turning facility detailed in the Essex Design Guide. The applicants cannot meet the requirements as specified in the guidance but consider that they can achieve within the layout satisfactory turning for all vehicles and therefore the layout will function satisfactorily.

**1.3** The applicants are understood to be revising the layout of this turning facility, making improvements to the size in accordance with the advice from Essex County Council. Further details and revisions to the application will be reported to the meeting.

**1.4** Since the preparation of the report the following additional comments and representations have been received:

**1.5 Neighbour Responses**

One letter has been received from a resident adjoining the site and which makes the following comments and objections;

- Cause for concern as have been trying to sell our property for a number of months. Have sold but the buyer concerned at how tall and close the development is to our property blocking a lot of sunlight to the garden.
- When bought the house loved how quiet and that the garden was not overlooked.
- Writing to see what you suggest as don't want to lose the sale of our house through your development.

**1.6 Anglian Water** - recommends the following condition:

**Condition**

Details of foul and surface water drainage for the site shall be submitted to and approved by the Local Planning Authority before any works on the site commence. The drainage works shall be constructed in accordance with the approved plans.

**Reason:** To ensure satisfactory drainage of the site.

**Officer comment:** This condition is covered by standard conditions 90 and 91 in the recommendation.

**1.7 Environment Agency** - further advise of their wish to maintain objection but should Members be minded to grant consent recommend the following conditions:

Condition:

Prior to the commencement of the development, details of a sustainable drainage scheme for the site shall be submitted for approval by the Local Planning Authority, in consultation with the Environment Agency. All development shall be constructed and completed in accordance with the approved scheme. The scheme shall ensure that runoff from the site for the 1 in 100 year, 6 hour duration rainfall event shall not increase flood risk on or off site.

Reason: To ensure that the surface water and flood risk resulting from the development is managed in a sustainable manner

Condition:

Water Conveyance in the Horizontal plane shall be through swale and/or filter drains. The use of sealed sub-surface features shall not be permitted.

Reason: To ensure the drainage scheme will allow evaporation, infiltration and treatment during conveyance, to address the quality and quantity of surface water on-site.

- 1.8 The Agency advises that balancing features should be designed to maximise their nature conservation benefits.
- 1.9 Officer Comment:  
The first condition detailed above is considered reasonable to address the drainage of the site. This condition is now recommended condition 31 in the revised recommendation. It is, however, considered unreasonable to include the second suggested condition given the principle of the development having been already established.
- 1.10 **Essex County Council Highways** - Advise that the current application gives more information regarding the uses of Block A and raises questions concerning the future servicing of the three shops to blocks A and B.
- 1.11 Advise that the question of final adoption of the access is not material but the geometric requirements for vehicles and servicing is.
- 1.12 Raises concern that the turning head facing the pedestrian area has not been designed to cater for articulated lorries. The presence of the library adjacent the turning head and its associated regime of servicing does require a turning facility equal to that of a size 2.
- 1.13 Advises that siting the supermarket at the end of a short section of access road relies on there being only one delivery vehicle at any one time. It is clear that if the service bay were to be occupied there would be no additional area for an additional vehicle to stand. Given the servicing requirements for the six shops, the situation is likely to result that the turning head and service road become congested by waiting and off loading delivery vehicles.

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- 1.14 Advise that the dimensions of the turning head and layout of the buildings directly adjacent is unacceptable.
- 1.15 Recommends the following heads of conditions;
- Physical identification on the ground of the turning head.
  - Minimum overhang strip 0.5m wide on both sides of the turning leg to be provided, also with 50mm high face and no obstruction within or above the overhang strip.
  - Flanks of the buildings located either side of the turn leg shall be constructed to withstand vehicle impacts.
  - Parking and turning and off loading facilities should be provided to Local Planning Authority specifications.
  - The carriageway and footway should be laid out and constructed to at least road base level and base course surfacing respectively prior to occupation of any dwelling.
  - A 1.5m x 1.5m pedestrian visibility splay to be provided on both sides of the vehicle accesses prior to their operational use.
  - The first 6m of any private accessway shall be treated in bound surface dressing and retained in that form.
- 1.16 And the following heads of Informatives:
- Prior to occupation each dwelling shall be served by a system of operational street lighting;
  - Developer to provide sufficient turning and off loading facilities for delivery vehicles and parking for employees developing the site and within the site limits.
  - Cycle parking facilities should be in accordance with criteria set out in Parking standards.
  - All works within the highway should be carried out to the satisfaction of the Area Highways Manager (South).
- 1.17 Officer Comment: These conditions and informatives have been added to the revised recommendation detailed below
- 1.18 **Applicants' Response**  
In response to enquiries made by Ward Members and the comments of the Environment Agency and Highway Authority the applicant has responded with the following comments:
- 1.19 The sheltered housing scheme Block B has been revised to locate the projecting bay detail central to the gable.
- 1.20 The supermarket walling proposed to the south elevation where former windows were approved has been revised in two panels to show a brick panelled mural.

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- 1.21 The car parking to the supermarket basement is intended for use by shoppers during opening hours. It is not intended for staff or management of the separate shop units but would be ultimately a matter for the retail operator. It is expected that the car parking would be available on a pay and display basis in retail hours.
- 1.22 States that the car park would be available to shoppers exclusively between the hours of 9.00 am–7.00 pm rather than the 7.00 am–9.00 pm detailed in the condition. Suggests that this be amended.
- 1.23 (Officer comment: Condition 27 has been amended in the revised recommendation to reflect this suggestion by the applicant to between 0900hrs – 1900hrs.
- 1.24 Have included plan of previously approved elevation with revised height superimposed to illustrate difference between the two schemes. Confirm that the increase in height will be no more than 0.6m from the height of buildings previously approved.
- 1.25 Express concern at the objections and conditions now raised by the Environment Agency. Whilst accepting the procedures of the agency may have changed over time, the relevant Planning Policies have not and it would be entirely feasible for the development to commence under the current approval without requirements now requested.
- 1.26 Would be happy to enter dialogue with the agency and Council to agree a drainage strategy for the development. Requests whether Committee will give authority to resolve to grant permission, subject to resolution of this issue between the respective parties
- 1.27 Do not accept the comments of the Highways Authority regarding new information.
- 1.28 Requests whether Committee will give authority to resolve to grant permission, subject to resolution of this issue between the respective parties.
- 1.29 The original report to the last Committee is detailed below, together with a revised recommendation and conditions.

### **REPORT OF - 30<sup>Th</sup> JUNE 2005**

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#### **PLANNING APPLICATION DETAILS**

##### **The site**

- 1.30 The application site comprises an area of land covering 1.25ha (3.08acres) situated to the north of the Market Square and West Street and west of North Street and south of more recent development at Pollards Close. The remaining hospital buildings exist to the west of the site.

- 1.31 The southern part of the site comprises two fields used amongst other things for grazing. The dilapidated and vacant elderly persons home known as “The Bungalow” and Roche Lodge are situated on the northern part of the site.

**The Proposal**

- 1.32 This amended application has arisen from the further analysis of the approved drawings by the applicant and detailed survey work dealing with issues arising since the consideration of the application. There has also been a need to respond to client requirements and boundary discrepancies. Fundamentally the application is largely the same as that considered by the Committee on 20<sup>th</sup> May 2004.
- 1.33 The schedule of residential accommodation approved to Block A has been revised to delete the two bedsits and reducing the two bedroomed accommodation from 30 units to 24 and increasing the one bedroomed units from 10 to 18. The overall number of units remains unchanged at 42.
- 1.34 The schedule of residential accommodation approved to the Sheltered Housing at Block B changes slightly reducing by one two bedroomed unit and increasing by one one-bedroomed unit. The overall provision of 34 units remains unchanged and is now proposed to be divided equally into 17 one and two bedroomed units.
- 1.35 The schedule of residential accommodation approved to Block C reduces the two bedroomed accommodation from 49 to 44 units and increases the one bedroomed accommodation from 24 to 29 units. The overall number of units remains unchanged at 73 units.
- 1.36 The main areas of change relate to the minor repositioning of the buildings on site by no more than 1 metre within the boundaries and re-planning some of the car parking areas within the overall scheme.
- 1.37 There has been a need to revise the building to Block C to account for the sewers that run through the site.
- 1.38 Two sub stations added on the east boundary to the rear of Block B and west boundary between Blocks A and C in accordance with statutory undertakers requirements.
- 1.39 Car parking provision has been updated to ensure spaces are usable.
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- 1.40 The detailed changes are described and analysed under material considerations below.

**RELEVANT PLANNING HISTORY**

- 1.41 The site currently accommodates a dilapidated building known as “The Bungalow” formerly run by the County Council as an elderly persons home. This building is now vacant and suffering the effects of vandalism.
- 1.42 The following applications relate to the southern part of the site which has not been redeveloped:
- 1.43 ROC/459/68  
Erection of Supermarket and 19/23 and 25/27 North Street , Rochford.  
This comprised the frontage onto North Street outside the current application site but the rear part of the two sites overlap.  
Permission refused – Demolition would adversely affect character and visual amenities of the Townscape, Conservation Area and Historic Core of Rochford.
- 1.44 ROC/479/89  
Erect 42 Sheltered Housing Units – Approved. This permission has been commenced and therefore remains valid.
- 1.45 95/00051/ROC – Renewal of application ROC/479/89 to erect 42 Sheltered Housing Units.  
Permission Refused – for the following reason:  
“The application falls within an area designated as a site for a retail food store in the Rochford District Local Plan First Review as now modified and as such the proposed residential use is contrary to the provisions of Local Plan First Review Policy SAT 20”
- 1.46 98/00580/CPO  
Conservation Area Consent application to demolish “The Bungalow” former elderly persons home and Roche Lodge.  
Application not Proceeded with.
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- 1.47 02/01123/FUL  
Erect 12 one bedroomed and 12 two bedroomed flat units (Total 24) in 3 three storey residential blocks layout access, car parking and amenity areas.  
Withdrawn.

- 1.48 03/00947/FUL
- (A) Two and three storey building containing supermarket, Library, 3 No. Shops, 42 No. Flats (1-bed, 2-bed and bedsits) and basement car park
  - (B) Two and three storey building containing 34 No. Flats (1 bed and 2 bed) and 3 No. Shops
  - (C) Two, three and four storey building containing 73 No. Flats (1-bed and 2-bed) Car parking and associated works.

Permission Granted 4<sup>th</sup> March 2005.

- 1.49 05/00262/FUL
- Resurface Car Parks and Pedestrian Link, provide bollards to access alignment, enclose car parks with 1.8m high railings and brick wall and construct 7 car parking spaces.
- Permission Granted 1<sup>st</sup> June 2005.

### **CONSULTATIONS AND REPRESENTATIONS**

- 1.50 **Essex County Council Highways and Transportation**  
Request an extension of time to consider the application - comments awaited.
- 1.51 **Environment Agency**  
Objects to the proposal on the basis that no Flood Risk Assessment has been submitted.
- 1.52 Aware that the current application constitutes amendments to the original application and advise that a Flood Risk Assessment should have been required on the original application but as the application stated mains sewers for drainage the Agency did not request an FRA. The Agency is, however, now taking a more precautionary approach to surface water management.
- 1.53 Require an assessment that includes confirmation that this drainage will be acceptable to the sewerage provider and how the excess water will be managed. Advise that historically problems have been associated with drainage in excess of the sewers' capacity and this should also be addressed by the FRA.
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- 1.54 **OFFICER COMMENT** – The site is traversed by two major trunk sewers, being public foul and surface water. Both Anglian Water and the Environment Agency were consulted on the previous application and did not raise any concerns, a point acknowledged by the Environment Agency in response to the current application. The applicant has since revised the scheme to accommodate the requirements of Anglian Water and which necessitate changes discussed in this current application, particularly to Block C.

- 1.55 Under the provisions of Planning Policy Guidance 25 Flooding officers have written to the Environment Agency explaining why the objections now specified relating to the principles of the scheme cannot be given weight sufficient to recommend that the revised scheme should be refused. The final response from the Environment Agency will be reported at the meeting.
- 1.56 **Anglian Water** – comments awaited.
- 1.57 **Essex County Council Specialist Archaeological Advice** - Recommends Trial trenching and possible excavation.
- 1.58 **English Nature** - Advises that as part of the design brief the presence of protected species within or close to the site should be established.
- 1.59 Note that the site is the subject of a previous application and refer to previous correspondence. Presence of protected species is a material consideration and advise that if protected species are suspected or present on a proposed development site then the site should be surveyed by an appropriately qualified consultant to:
- establish the species concerned
  - the population level at the site or affected by the proposal
  - the impact the proposal is likely to have upon the species present
  - what can be done to mitigate against this impact
  - whether the impact is necessary or acceptable
  - whether a licence is required from English Nature or Defra
- 1.60 **Essex Police Architectural Liaison Officer** - No objections to the proposed layout and revised car parking and various variations.
- 1.61 Suggests the Council makes the development subject to secured by design certification.
- 1.62 **Essex County Council Specialist Urban Design Advice** - Consider that the recently approved footpath access from the market square and between the parking areas is a worse solution and suggest amendments should the Library site become available in future for redevelopment.
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- 1.63 Consider that new trees should be planted to screen the view from the pedestrian access across into the parking area to the rear of Block B. By slightly realigning the access to the Bank it should be possible to plant some trees along the rear boundary with the existing Library parking area.
- 1.64 Trees should be located between parking rows and adjacent to spaces 18 and 25 to screen and divide up the area. At the moment the extensive hard surfaced area is totally exposed without the relief of any landscaping. Grassed amenity area could benefit from tree planting, trees could also be provided at the end of Block B to lead the pedestrian into the new development.

- 1.65 The replacement of previously proposed trees with planting columns and refuse bins will not contribute to providing an attractive public space.
- 1.66 Consider that the height and bulk of the buildings are excessive for the location
- 1.67 On Block A the projecting single storey canopies destroy the clarity of built form and appear superfluous as a continual covered walkway is not proposed.
- 1.68 Upper floors of the façade are divided vertically into separate visual units but these are sometimes not reflected at ground floor level.
- 1.69 The use of Pantiles on anything other than single storey is against the recommendations of the Essex Design Guide.
- 1.70 There are too many octagonal turrets. The octagonal roofs also sit uncomfortably with the short lengths of high corner roofs behind them.
- 1.71 On Block B south elevation, the projecting window on the first and second floors needs to be centrally placed under the apex of the gable end.
- 1.72 Block C particularly has a proliferation of dormers and stylistic treatments.

## **MATERIAL PLANNING CONSIDERATIONS**

### **Development Plan**

- 1.73 The previous application determined the acceptability of the scheme in planning terms against the background of national and local policy and supplementary planning guidance. There can be no objection to the principle of the scheme. Consideration of the application turns therefore on the overall assessment of the particular revisions and their merits individually and collectively in comparison to the previously approved scheme.

### **BLOCK A:**

- 1.74 Block A comprises the Supermarket, Library and three shops with flats above. It is proposed that this be re-sited to achieve a nominal 1m distance from the western boundary to enable a maintenance strip and take into account boundaries as a result of topographical survey of the site. This re-siting of the whole building reduces the width of the pedestrianised area by 1 metre but this improvement in relationship to the boundary and slight narrowing of the public area within the scheme would not prove visually detrimental to the scale and appearance of the revised scheme.

- 1.75 The entrance to the supermarket is proposed to be moved from the middle of the elevation of the building fronting onto the pedestrian area and is now proposed to be relocated to the tower on the south eastern corner of the building to the rear of the Natwest Bank car park. The applicants favour this revision to provide a more prominent focal point for customers within the southern part of the pedestrianised area and those accessing the development from Market Square. The resultant revisions to the elevation are not detrimental in Planning terms.
- 1.76 The individual shop units within the building are revised to take into account the changes to the supermarket entrance but are generally of the same size.
- 1.77 The ground floor south elevation facing to the rear of properties fronting West Street deletes the previously approved shop windows to the supermarket in favour of rendered panels and brick plinths. This change is at the supermarket operator's request in the interests of security and display requirements for the internal workings of the shop. The rendered bays would retain the proportions of the building as approved and the resultant appearance would not detract from the character of the building.
- 1.78 The supermarket loading bay has been reconfigured revising the layout to accommodate refuse bins, widen the loading bay and provide an internal refrigeration plant room in accordance with the client requirements. The revised arrangement does not reduce the access width to the basement car park. The elevational changes incorporate an extension to the pitched roofed area above the ramped entrance areas that would not be visually detrimental to the appearance of the building.
- 1.79 The layout of the flatted accommodation on first and second floors to Block A has been revised to the developers' requirements. The schedule of residential accommodation approved to Block A has been revised to delete the two bedsits and reducing the two bedroomed accommodation from 30 units to 24 and increasing the one bedroomed units from 10 to 18. The overall number of units remains unchanged at 42.
- 1.80 The revisions to the flats necessitate changes to the window openings on north, south and west elevations but retaining the east elevation facing onto the pedestrianised area, as previously approved. The revisions to the openings would not detract from the character and merits of the appearance of the building. The incorporation of two roof lights to the stair well on the western elevation facing the hospital buildings would not give rise to overlooking issues.

**BLOCK B:**

- 1.81 The south eastern corner footprint of this building is proposed to be amended to take into account ownership and title issues allowing future maintenance of the building façade clear of the ownership of adjoining land. This necessitates a step in the plan of the building on the southern side reducing the undercroft car parking by one space but which is re-provided to the layout behind the building to the east, together with a revised layout to accommodate a space lost to the access to a new sub station.

- 1.82 The revised design of the southern corner of the building necessitates a revision to the south elevation resulting in the deletion and reduction in size of windows serving the living rooms. In all other respects the appearance of the building remains unchanged. The resultant changes would not harm the character or appearance of the building.
- 1.83 The building is also shown to be revised in siting to the eastern boundary with properties fronting North Street to achieve a side isolation space of 1m. The effects of this re-siting narrow the pedestrian area from the eastern side. The revision improves the relationship between the building and the site boundary and would not, taking into account the similar re-siting to Block A, narrow the pedestrian area to an unacceptable degree.

**BLOCK C :**

- 1.84 The proposal involves the diversion of an existing sewer with the result that a bedroom to a ground floor unit on the northern side of the building to Block C has been deleted and provides parking area. This will allow access for Anglian Water to maintain the sewer. The northern façade now includes a gated feature in wrought iron railings to complete the elevation and maintain security.
- 1.85 As a consequence of the need to allow the sewer to retain its current location and fall on this part of the site it is necessary to revise the height of the corresponding element of that part of the building by 0.6m. It is considered that the minor increase in height would not be significant to harm the amenity of residential properties backing onto the site in Johnson Court, which are separated from the site boundary some 11m to the north.
- 1.86 As a result of the changes to the revision to the accommodation type in the building the current application makes various changes to revise the positioning of windows and doors, revisions to their size or omitting windows and doors to allow the revised working of the floor area. The elevations have been modified to accommodate these changes but on the whole look little different to the buildings as previously approved. The minor changes now proposed would not detract from the character and appearance of the building.
- 1.87 As a consequence to changes to the ground floor footprint the courtyard has been re-planned and six additional car parking spaces achieved in addition to those previously approved.
- 1.88 The car parking area along the western boundary to Block C previously showed 22 car parking spaces broken by two landscaped built out areas. The current application deletes the landscaped areas and reduces the width of landscaping at the ends of the car parking area so increasing provision by 6 additional spaces to 28. A sliding gate is now proposed with a fence containing 19 spaces within the control of the residents to Block C. Five of the nine spaces south of the gate would be made available as a replacement for those lost in North Street as a result of the traffic regulation order.

- 1.89 Subject to no adverse comments being received from Essex County Council Highways department, the enhanced parking provision is considered acceptable in planning terms.

**Urban Design Issues**

- 1.90 The County Urban designer raises concerns at the revised pedestrian link to the Market Square recently approved. This more recent scheme also shown on this current application omits the planting of trees previously shown to this walkway and takes an alignment more abrupt where it meets with the vehicle access path to the Bank car park. Otherwise the recently approved scheme is to the same 2m width and line as previously approved. The concerns at the need for tree planting can be considered in detail with the necessary landscaping to be submitted as part of the current approval or as recommended by officers in this application. Officers consider that no material objection can be raised to support the County Urban designers' preferences that would justify withholding consent on this revised scheme for those reasons.
- 1.91 The previously approved scheme featured the same canopies that extended at the front of the shop units and supermarket to Block A, but which are not continuous, to form a covered walkway. Similarly, the previously approved building included the octagonal turrets and the same vertical division of the upper elevations also of concern to the County Urban design adviser.
- 1.92 In the previously approved southern end elevation facing onto the pedestrian link to Block B the projecting windows were placed similarly off centre to the gable end and beneath the valley to the roof detail. The adjoining windows were, however, also located off centre to the gable. In this revised application the number of windows are reduced and centrally placed under the easterly gable feature but remain offset in the case of the projecting bays.
- 1.93 Proliferation of dormers and stylistic treatments to Block C referred to by the County Urban designer also featured in the previous application.
- 1.94 The concerns at the appropriateness of the overall scale of the building were considered offset by the location of the site away from any of the established historic street frontages of the town.
- 1.95 Given the comparison to the previous scheme, it is not considered that a material objection to this feature can be substantiated. These features of the design were considered acceptable previously by officers and Members in the consideration of the previous application and, notwithstanding the current advice from the County Urban designer, there are no material changes that change the view held by officers as to their acceptability in this revised application.

- 1.96 The comments concerning the use of Pantiles can be addressed through the submission of materials as required by Condition 3 of the recommendation.

**Variation to Conditions**

- 1.97 Condition 23 of the existing Consent 03/00947/FUL states:  
*The raised area within the Access Road shall contain within its limits, a side turn size 2 turning head as described on page 72 of the Essex Design Guide for residential and mixed use areas. The side turn leg of the turning head shall also serve as access for the court (pedestrian) area directly to the south of the raised area and between bocks A and B.*

*REASON: In the interests of Highway Safety*

- 1.98 The location of the buildings and limitations of the site shape do not allow the provision of the turning head to precisely the dimensions as set out in the Essex Design Guide. The applicant has submitted details of a turning vehicle analysis for supermarket delivery vehicles accessing the delivery ramp and for refuse vehicles using the same area. The conclusions of the applicants' highway consultants demonstrate that supermarket delivery lorries could access the service bay and that refuse vehicles could manoeuvre using the turning head in front of the bollards between the pedestrian area and the access to the flatted development to Block C.

- 1.99 The comments of Essex County Council Highways department are awaited at the time of writing. Subject to no adverse comments being received as to the acceptability of the proposed layout it is recommended that condition 23 be revised to accommodate the details and layout contained in the current application.

- 1.100 Condition 27 of the existing consent 03/00947/FUL states

- 1.101 *27. Prior to the commencement of the development the applicant shall submit details including plans to the Local Planning Authority of the segregation measures for the basement car park in Block B to ensure that 70 of the car parking spaces are retained and made available for the supermarket use and the remaining parking spaces for the other users in the building . The building identified as Block B shall not be occupied beneficially until such details have been agreed in writing by the Local Planning Authority.*

*REASON : In the interests of providing satisfactory off – street parking provision for the range of uses in this part of the development in the interests of highway safety.*

- 1.102 The purpose of this condition was to address issues concerning the need to ensure adequate off street parking provision for the dual use of the supermarket building in Block A. It is therefore necessary to correct the reference in the condition to Block B.

- 1.103 The plan, as approved, shows 90 car parking spaces to the basement of the supermarket building. As a result of a need to introduce disabled parking bays, cycle parking, shopping trolley bays and construction and layout considerations the area available has been reduced to 83 spaces.
- 1.104 The supermarket operator requires that all the basement car parking be made available for shoppers on a pay and display basis. Between the hours of 9.00 pm and 7.00 am the applicant proposes that the same car park be available free to residents.
- 1.105 The condition was framed to take into account the other users of the building such as the 3 shops as well as the occupiers of the 42 flats. It would, however, be difficult to police a scheme that dedicated spaces within the park between the users. A balance must therefore be struck between the needs of shoppers and those needs for other users in the building.
- 1.106 In the analysis of the previous application it was considered acceptable that no parking be provided for the three lock up shops and that 66 spaces were required to allow the supermarket to meet requirements. The detailed management of these spaces was considered to be a matter for the developer and supermarket operator. In the overall assessment a parking space was considered necessary for each flat.
- 1.107 The current application presents a practical solution that would facilitate the demand from shoppers during the day and would be practical to manage. The current proposal would accommodate overnight parking for the flats but would displace residential occupiers' cars during the daytime period. Given the location of the building within the town centre weight must be given to the availability of alternative modes of transport. The location would be central to the town centre services and both rail and bus routes, so reducing dependency for residents of the flats on car travel. In these circumstances it is considered that condition 27 can be amended along the lines proposed by the applicant, subject to no objections being raised by County Council Highways on this issue.

## **CONCLUSION**

- 1.108 The current application shows a number of changes to the windows and openings and design within the elevations of each building to accommodate revisions necessary to accommodate site features and constraints and individual operator or customer requirements affecting the internal layout and design of the development originally approved under application 03/00947/FUL. These revised details do not make material changes to the character and appearance of the building that would harm the appearance or principles of the scheme as originally considered.
- 1.109 The application proposes to vary condition 23 of the consent to review the layout for the turning of service vehicles entering the site which can be achieved as demonstrated by information submitted in support of the application.

- 1.110 The application proposes to vary condition 27 of the consent to review the requirements for the sharing of parking provision to Block A in favour of daytime use by shoppers and other users outside those times. Given the town centre location the proposed amendments are considered acceptable in planning terms.
- 1.111 The original application 03/00947/FUL otherwise remains valid in all other respects.

**REVISED RECOMMENDATION**

- 1.112 It is proposed that this Committee **RESOLVES to APPROVE subject to the application being included as an addendum to the current legal agreement to the existing consent granted under application reference 03/00947/FUL and to:-**
- any further conditions recommended as a result of Essex County Council Highways' outstanding comments
- 1.113 And to the following heads of conditions:
- 1 SC4 Time Limits – Full.
  - 2 No redevelopment consisting of the demolition of the buildings marked Roche 1 and Roche 2 shall commence before a contract for the carrying out of works for the redevelopment of the site has been entered into and the necessary Conservation Area Consent has been granted for the said demolition.
  - 3 SC14 Materials to be used.
  - 4 SC16 PD Restricted Model – supermarket to be used principally retailing food.
  - 5 SC41 Hours of Delivery – 0700hrs to 1900hrs. Monday to Friday and 0800hrs to 1300hrs Saturdays nor at any time on Sundays or Bank Holidays.
  - 6 Doors to the loading bay shall be kept closed at all times other than during access and egress.
  - 7 All plant machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise therefrom does not exceed a noise rating level of 5dB(A) below the existing background level when measured according to British Standard BS4142 1997, at a point 1 metre external to the nearest noise sensitive property, at any time.
  - 8 Development shall not begin until a scheme for noise attenuation measures has been submitted to and approved in writing by the Local Planning Authority. Any works that form part of the approved scheme shall be completed before any permitted premises or dwelling is occupied unless an alternative period for completion is agreed in writing by the Local Planning Authority.
  - 9 SC38 Restrict opening hours of retail units 0700hrs to 2200 hrs
  - 10 Prior to the commencement of any development, details (including acoustic specifications) of any external equipment or openings in the external walls or roofs of the building proposed at any time in connection with the permitted use, shall be submitted to and approved in writing by the Local Planning Authority before the machinery is installed or the openings formed as approved and shall be maintained in the approved form while the premises are in use for the

- permitted purpose
- 11 Before the development is commenced a detailed air quality assessment utilising a methodology previously agreed in writing by the Local Planning Authority shall be carried out to determine the present and likely future impact of nitrogen dioxide . The method and extent of this investigation shall be agreed with the Local Planning Authority prior to the commencement of work
- 12 All windows throughout the development hereby permitted shall be made of timber with a paint or similar applied finish. Details of this joinery and the fenestration to all shop units to be previously agreed in writing by the Local Planning Authority with detailed plans to a scale of 1:20.
- 13 For the avoidance of doubt the permission hereby granted does not convey or construe any consent for external security shutters to any of the commercial premises or residential units, including car ports. Furthermore, prior to their installation, the details of any wrought iron grills or gates shall be previously submitted to and agreed in writing by the Local Planning Authority
- 14 SC50A Means of Enclosure
- 15 SC59 Landscape Design
- 16 SC76 Parking and Turning Space
- 17 SC84 Slab Levels Required
- 18 SC90 Surface Water Drainage
- 19 SC91 Foul Water Drainage
- 20 No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a scheme of investigation, which has been submitted by the applicant and approved by the Local Planning Authority
- 21 The provision of a Travel Information Pack for all tenants and new residents (In the interests of accessibility).
- 22 From the internal tangent points of the North Street Junction, the carriageway of the access road shall be laid out to the dimensions shown on Drawing No. SPROCHFORD. 1/01 Rev A up to the commencement of the raised area adjacent to unit B and shall as a result achieve a vehicle carriageway 7.7m wide at the junction tapering down to a width of 6.8metres over the remainder of the carriageway length.
- 23 The turning and manoeuvring area for the accessing of the supermarket servicing bay and the turning of vehicles shall be laid out as detailed on drawing No. 04-0595-s-002 P6.
- 24 The minimum footway provision, turning head and raised area within the limits of the highway shall be positively identified on the finished surface of the highway
- 25 The 500mm wide overhang strip included in the two access roadways off North Street shall be widened, where possible to include all the available land between the strip and the adjacent boundary.
- 26 Prior to the commencement of the development the applicant shall submit details of crime reduction measures and a programme for their implementation based upon the provisions as broadly set out in the agents letter dated 30<sup>th</sup> March 2004. The details shall be implemented in accordance with the scheme as may be agreed by the Local Planning Authority.

- 27 The basement car park hereby approved to Block A shall be made available for customers to the supermarket and retained for this use between 09.00hrs and 19.00 hrs on any day. Outside these times the basement car park shall be available for the parking of vehicles associated with the users of the building more generally.
- 28 The sheltered housing to Block B shall be restricted to occupation by persons of not less than 55 years of age.
- 29 Footway links within boundaries of the site, to be laid out and available and retained for use up to the western boundary of the site to enable possible future connection from land to the west of the site.
- 30 The use of the floorspace of the buildings identified in the application as Blocks A, B and C, shall be as indicated in the submitted application and plans notwithstanding the Provisions of Schedule 2, Part 3, Class E to the Town and Country Planning (General Permitted Development) Order 1995.
- 31 Prior to the commencement of the development, details of a sustainable drainage scheme for the site shall be submitted for approval by the Local Planning Authority, in consultation with the Environment Agency. All development shall be constructed and completed in accordance with the approved scheme. The scheme shall ensure that runoff from the site for the 1 in 100 year, 6 hour duration rainfall event shall not increase flood risk on or off site.
- 32 Physical identification on the ground of the turning head.
- 33 Minimum overhang strip 0.5m wide on both sides of the turning leg to be provided also with 50mm high face and no obstruction within or above the overhang strip.
- 34 Flanks of the buildings located either side of the turn leg shall be constructed to withstand vehicle impacts
- 35 Parking and turning and off loading facilities should be provided to Local Planning Authority specifications.
- 36 The carriageway and footway should be laid out and constructed to at least road base level and base course surfacing respectively prior to occupation of any dwelling.
- 37 A 1.5m x 1.5m pedestrian visibility splay to be provided on both sides of the vehicle accesses prior to their operational use.
- 38 The first 6m of any private accessway shall be treated in bound surface dressing and retained in that form.

And the following heads of Informatives:

- Prior to occupation each dwelling shall be served by a system of operational street lighting
- Developer to provide sufficient turning and off loading facilities for delivery vehicles and parking for employees developing the site and within the site limits
- Cycle parking facilities should be in accordance with criteria set out in Parking standards
- All works within the highway should be carried out to the satisfaction of the Area Highways Manager (South)

## **REASON FOR DECISION**

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

### **Relevant Development plan policies and proposals:**

SAT20, H2, H11, H16, UC1 of the Rochford District Local Plan First Review

SAT2 of the Rochford District Local Plan Second Deposit Draft

H2, H4, H5, BE1, BE2, TCR2, TCR3, TCR4, HC2, HC£, T3 of the Essex and Southend on Sea Replacement Structure Plan



Shaun Scrutton  
Head of Planning Services

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For further information please contact Mike Stranks on (01702) 54636

## **PLANNING SERVICES COMMITTEE - 26 July 2005 Item R2 Referred Item**

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**TITLE :** 05/00431/FUL  
CREATION OF ROOF TERRACE WITH 1.8M BALUSTRADE:  
ROOF TERRACE TO BE USED AS AN OUTSIDE SEATING  
DRINKING AREA FOR PATRONS OF THE POOL AND  
SNOOKER CLUB.  
7 ELDON WAY HOCKLEY

**APPLICANT :** CRAIG HUBBARD

**ZONING :** EXISTING INDUSTRIAL

**PARISH:** HOCKLEY PARISH COUNCIL

**WARD:** HOCKLEY CENTRAL

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

This application was included in Weekly List no 785 requiring notification of referrals to the Head of Planning Services by 1.00 pm on Tuesday, 12 July 2005, with any applications being referred to this meeting of the Committee. The item was referred by Cllr K H Hudson.

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

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### Referred Report

2.1 Since the application appeared on the Weekly List, the Council has received a further 20 letters of concern from residents who in the main have raised the following objections:

- No notification to the properties in Bramerton Road.
- Noise pollution to many residents to the rear of the site.
- Industrial estate is already noisy.
- Will affect quality of life.
- Affect property values.
- Any measures to stop the transference of noise will be ineffective.
- Contradict the purpose of the industrial estate.
- Given the proximity to residential not a suitable area for a beer garden.

- Residents have to suffer disturbance from the late revellers from the Community Centre and local pubs. There are a number of licensed premises in the area, do we need another?
- Residents will not be able to continue to enjoy their quiet gardens.
- May change the use of the site to a bar with pool/snooker tables and not the other way around.

- 2.2 One neighbour has subsequently written in and withdrawn his letter of objection, given the conditions originally recommended.
- 2.3 The applicant is agreeable to the provision of a privacy screen around the sides and rear of the roof terrace. If erected, this will restrict views from the terrace to the front of the site over Eldon Way itself. To support the commitment for a suitable screen around the roof terrace **a revised condition No. 4 is recommended, as outlined below.**

- 2.4 **Hockley Parish Council:-** Members were far from pleased with the proposal. It is noted that a 1.8m balustrade is proposed but it was also considered that overlooking could still take place to residential properties in Bramerton Road. It was also noted that these premises are open to the public until late at night and there may also be noise disturbance. It was noted that over the years the industrial use of buildings on this estate has been rigorously controlled, and the opinion expressed that applications relating to building in other uses should be treated equally. It was agreed that this proposal was not a suitable one having regard to the position of the building and the Parish Council therefore wishes to enter an objection.

#### NOTES

- 2.5 Permission is sought for the creation of a roof terrace connected to the existing snooker/pool club currently operating within the first floor of part of a range of industrial units. The roof terrace will be bounded by a 1.8m balustrade and provide space for in the region of five tables with twenty covers and located towards the front of the building.
- 2.6 The applicant contends in a supporting statement that there are no parking problems connected with the use, that the terrace will only be used during the summer months and will be limited to members only. The applicant also contends that the basic idea of this roof garden is for our business to provide a summer location and so that the adults and children of Hockley have another place to go during the summer, and to improve Hockley's social/entertainment facilities.
- 2.7 The existing snooker club is located within a defined industrial area and was consented as an exception to the Local Plan Policy EB2 'the retention of business/employment' land as the use as a snooker club does not fall within the use class B1 & B8.

- 2.8 The applicant claims that the proposal would support and would be an asset to his current business; this is accepted and it is also contended that the proposal would further assist the local economy.
- 2.9 However, whilst the application proposal may support the local business it would contribute to a further diversification of the snooker club use to a more mixed use. This is evident by the floor area afforded to seating and refreshments increasing from 66sqm (granted under the original permission) to 199sqm with the incorporation of this proposal. This more mixed use in this instance may not be a material problem as the refreshment use would remain ancillary and incidental to the main use of the site for the playing/participating in the playing of snooker and pool.
- 2.10 Notwithstanding the change to a more mixed use it is considered that the creation of a roof terrace with specific reference to the balustrade would add further built form to the frontage of this building and it would afford views over/into the adjacent properties/buildings. However, given that the unit is sited within the body of an existing industrial estate with varied large scale units surrounding it and that the terrace is to be sited to the front of the building overlooking the public realm of car parking and highway it is considered that a refusal based on the loss of amenity through direct overlooking and visual intrusion into the street scene could not be substantiated.
- 2.11 The Council accepts that there has been a response of no objection from Essex Police to this application, however it is considered that experience of open air entertainment facilities (beer gardens, etc) within the district can sometimes give rise to material issues of noise and disturbance. With this in mind it is considered that a precautionary approach to this proposal would be prudent on this application for a temporary consent to be issued with conditions imposed to control the hours of use of the terrace.
- 2.12 **Essex Police:-** No objection
- 2.13 26 Eldon Way:- Object; visual access to neighbouring units and would give rise to security problems.

**APPROVE**

- 1 The roof terrace hereby permitted shall be discontinued on or before 31st August 2007.
- 2 The use of the roof terrace hereby permitted shall remain ancillary and subservient to the primary use of the site/premises as a snooker and pool club, and shall not become a separate or dominant use at any time.
- 3 The roof terrace shall not be used outside the following times 0900 - 2100 on any day.

- 4 Prior to the use commencing full details of the proposed balustrade including privacy screen shall be submitted to and approved in writing by the Local Planning Authority. The details as submitted shall show screening to the rear and rear most half of each flank of the terrace and balustrading to the entire perimeter of the terrace. The details as approved shall be implemented at the site and shall remain for the extent of the authorised use. In the event of the use ceasing or failing to be renewed then the balustrade and screening shall be completely removed from the site within six months of the use ceasing or the permission not being renewed.
- 5 There shall not be any public address system or music (including amplified music) audible to any extent from the roof terrace hereby approved unless previously approved in writing by the Local Planning Authority.
- 6 There shall not be any external illumination that illuminates the roof terrace unless previously agreed in writing by the Local Planning Authority.
- 7 The roof terrace hereby permitted shall be limited to the area so identified on the submitted drawing and annotated as A, B, C, to D.

**REASON FOR DECISION**

The proposal is considered not to cause demonstrable harm to any development plan interests, nor harm to other material planning considerations, including harm to the residential amenity and amenity of the users/occupiers of the adjacent/nearby sites such as to justify refusing the application.

**Relevant Development Plan Policies and Proposals:**

LT3, LT4, LT9, of the Rochford District Council Local Plan First Review



Shaun Scrutton  
Head of Planning Services

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For further information please contact on Leigh Palmer (01702) 546366.

**PLANNING SERVICES COMMITTEE - 26 July 2005    Item R3**  
**Referred Item**

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TITLE :                    **05/00313/FUL  
USE OF THE LAND FOR THE OPEN STORAGE OF  
BUILDING MATERIALS TO A HEIGHT NOT EXCEEDING 6M.  
NEW 3M HIGH TIMBER FENCE ALONG WESTERN  
BOUNDARY  
SITE G7 PURDEYS INDUSTRIAL ESTATE PURDEYS WAY  
ROCHFORD**

APPLICANT :            **S B A INVESTMENTS LTD**

ZONING :                **OPEN STORAGE, EXISTING INDUSTRIAL**

PARISH:                **ROCHFORD PARISH COUNCIL**

WARD:                  **ROCHFORD**

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

This application was included in Weekly List no 784 requiring notification of referrals to the Head of Planning Services by 1.00 pm on Tuesday, 5 July 2005, with any applications being referred to this meeting of the Committee. The item was referred by Cllr Mrs M S Vince.

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

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- 3.1    **Rochford Parish Council** - Consider that the height of 6m for open storage is excessive.

NOTES

- 3.2    Full planning permission is sought for the use of the land for the open storage of building materials to a height not exceeding 6m. with a new 3m. high timber fence along the western boundary.
- 3.3    The site is located at the western end of the land identified at Purdeys Way Industrial Estate for open storage uses (1995 Local Plan). In the emerging Second Deposit Draft the land is identified as 'Employment Land EB1).

- 3.4 As commented above, the land use allocation within the Local Plan has changed between the Adopted and Draft Replacement Plan. The adopted Local Plan highlighted the application site to be within an area of open storage being a low employment generator with a view to the safety zone for the flight path to/from Southend Airport.
- 3.5 The flight path zone has narrowed and within the Draft Replacement Plan the site is identified as part of Purdeys Industrial Estate allocated as 'Employment Land'.
- 3.6 The use of the land for open storage (building materials) would not be contrary to this land use allocation. There are a number of sites within the 'estate' that are being used for/as builders' stores/builders' yards.
- 3.7 In terms of the height of the materials to be stored (6m) it is considered that this needs to be assessed with some sensitivity as this site is the threshold between the industrial area and the Metropolitan Green Belt; in addition the site has long range views from the rear of the properties in Southend Road and from Sutton Road.
- 3.8 On the adjacent site (to the south) Essex County Council have consented to a waste transfer station with the open storage element restricted to a height of 3m, this restrictive condition is currently being tested on appeal but relates to a larger more prominent site, and bulk storage and the operation of large machinery thereon. On other nearby sites there are a number of consents that have controlled the heights of storage items whether it is steel containers of scrap cars; the heights of these sites range from 5.2m to 6m. Given this and the consents for other builders' storage yards on the estate it is considered that a refusal based on the height of the stored materials proposed on this particular site could not be justified.
- 3.9 There is no evidence with the application to suggest that this site will operate in conjunction - in connection with the adjacent waste transfer station, if the site area of the waste transfer station were to increase then it would require a fresh planning permission. As commented above the use of the site for the storage of builders' materials would not be objectionable in principle.
- 3.10 In terms of the longer range views it is considered that the stored materials will be seen against the backdrop of the remainder of the estate, within which there are a number of larger/bulkier buildings. It is considered that this application site is a lot more modest in terms of the likely scale of operation than the adjacent waste recycling business and as such the insistence on a 3m height of stored materials could not be justified.
- 3.11 A planning condition is recommended to limit the operational
- 3.12 **County Surveyor (Highways):** No objection to proposal subject to 106 Agreement to make a contribution of £1000 towards highway improvements required.
- 3.13 **Environment Agency:** The proposed area for development lies within 250 metres of a current/former waste disposal site.

- 3.14 **English Nature:** The proposals are not likely to affect a Site of Special Scientific Interest.
- 3.15 **ECC Enforcement Officer:** "Your attention is drawn to permission ref: ESS/08/03/ROC approved on 6 October 2003 for an inert waste recycling facility and haulage/construction business on Plots G4 & G6 Purdeys Industrial Estate for JKS Construction Ltd.
- 3.16 Your Authority's comments on this County Matter application (copy enclosed) make particular reference to the visual impact of the waste proposals. In view of these comments and those of local residents, of the site's position on the edge of the green Belt, the proximity of residential property and the adjoining public footpath, planning permission was given subject to several conditions. These included landscaping of the site boundary, restriction on the height of stockpiles to 3 metres and a requirement to operate machinery from ground level only to minimise visual impact.
- 3.17 I note that the current application proposes a 3m high fence, but stockpiles of 6m high. I hope you would agree that stockpiles of 6m and the likelihood that machinery would operate on top of these stockpiles would be visually intrusive and seek to restrict the height of activities in line with those on the adjoining site."
- 3.18 No. 1 Sutton Road objects due to the visual effects on the environment for residents along Southend/Sutton Roads due to height of stockpiling and the inevitable increase in heavy vehicular traffic.
- 3.19 Smiths - waste and spoil could create dust but apart from that they have no objections.
- 3.20 APPROVE - subject to a Legal Agreement to make an appropriate contribution to highway improvements to the junction at Sutton Road and Purdeys Way.
- 1 SC4 Time Limits Full - Standard
  - 2 The open storage use hereby permitted, shall not exceed a height above existing ground level of 6 metres unless previously agreed in writing with the Local Planning Authority, and in any event there shall be no working and no machinery (operational or otherwise) above 6m from ground level unless previously agreed in writing by the Local Planning Authority.
  - 3 Any machinery operating on the site should only operate from the existing ground level.
  - 4 Notwithstanding the details of the application hereby approved any stored aggregate, similar materials or non-palletized/containerized materials shall not exceed a height of 3m above existing ground level.

- 5 Within the first planting season following this consent, the hedge shown on the western boundary of the site shall be implemented in full in the first planting season following the commencement of the use. Any hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer (s) or their successors in title, with species of the same type, size and in the same location as those removed in the first available planting season following removal.
- 6 The proposal is considered not to cause significant demonstrable harm to any development plan interests or other material considerations such as to justify refusing the application; nor to users of the adjacent sites and the occupiers of the properties in Southend and Sutton Road.

**REASON FOR DECISION**

The proposal is considered not to cause significant demonstrable harm to any development plan interests or other material considerations such as to justify refusing the application; nor to users of the adjacent sites and the occupiers of the properties in Southend and Sutton Road.

**Relevant Development Plan Policies and Proposals**

EB1, EB2, of the Rochford District Council Local Plan First Review



Shaun Scrutton  
Head of Planning Services

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For further information please contact Monica Palmer on (01702) 546366.

**TITLE :**                    **05/00599/REM**  
**DETAILS OF RETAIL FOODSTORE AND PART TWO**  
**STOREY PART THREE STOREY BUILDING COMPRISING 4**  
**No. A1 (RETAIL) UNITS AND 1 No. CAFÉ / RESTAURANT TO**  
**GROUND FLOOR, 3 No. D1 (NON RESIDENTIAL**  
**INSTITUTIONS) UNITS AT FIRST FLOOR AND 8 No. TWO**  
**BEDROOMED FLATS AT FIRST AND SECOND FLOOR WITH**  
**ACCESS AND CAR PARKING LAYOUT**  
**FORMER PARK SCHOOL, RAWRETH LANE, RAYLEIGH**

**APPLICANT :**            **ASDA STORES LTD**

**ZONING :**                **EXISTING SECONDARY SCHOOL**

**PARISH:**                **RAYLEIGH TOWN COUNCIL**

**WARD:**                  **DOWNHALL AND RAWRETH**

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### **Introduction**

- 4.1    This application is reported for Members information under the Fast Track arrangements for developments proposing more than ten job opportunities. The above application has recently been received and is undergoing consultation and consideration by officers. This item is therefore brought before this committee for Members information. No decision can be taken on this application at this early stage.

### **The site**

- 4.2    This application is to the site of the former Park School located on the southern side of Rawreth Lane, Rayleigh. Outline Planning Permission has been granted under application reference 01/00762/OUT together with the agreement of a master plan for a mixed use development on the former Park School Site. The spine road, sports centre and residential elements have been already considered by this committee. A proposed primary school is being considered by Essex County Council. The remaining element falling for consideration is the provision of a neighbourhood centre to accommodate a range of uses valuable to the local community and to which the current application relates.
- 4.3    Condition 4 of the outline consent requires this part of the site 1.62ha (4 acres) be developed to form a neighbourhood centre comprising the following Use Classes to the Town and Country Planning (Use Classes) Order (1987) Class A1 (shops), Class A3 (Food and Drink) and Class D1 (Non Residential Institutions).

- 4.4 The consent was modified by application reference 04/00975/FUL to vary condition 4 to include the provision of flats above ground floor only of any part of the premises. Condition 4 of the outline consent goes on to suggest a range of uses that might be included comprising local convenience shops, a children's nursery, eating and drinking establishment(s) and a local health centre considered suitable to support the adjoining local community. This component of the mixed development is required to redress the existing lack of local shops and other facilities to serve the local community. The components of the neighbourhood centre are intended to address this issue and to reduce reliance upon car use to improve the sustainability of this part of Rayleigh.

### **The Retail Store**

- 4.5 The current application comprises a food retail store of a gross 3000 square metres (32,292 sq.ft.) floorspace proposed at the southern end of the site adjoining the Sports Centre currently under construction. A second building, part two storey and part three storey is proposed to be located at the northern end of the site fronting Rawreth Lane with a return frontage onto the Spine Road and comprising a mix of uses being Retail and Café/Restaurant at ground floor, D1 uses (non-residential institutions) unspecified and five two bedroomed flats at first floor and three two bedroomed flats at second floor. A car parking area of a total of 219 car parking spaces including disabled bays and parent and child bays would be located between the buildings. In addition five trolley bays would be provided to the car parking area.
- 4.6 The retail store would have a ground floor area of 2,760 square metres (29,709 sq.ft.) with a net sales area of 1,934 square metres (20,818sq.ft.) retailing convenience food products and comparison goods. Within the building would be have a mezzanine with a further 240 square metres (2,583sq.ft.) to provide office and back up space.
- 4.7 To the south of the main building would be attached a canopy loading/servicing bay featuring a turn table facility in front of the bay to allow delivery lorries and vehicles to enter and manoeuvre within the site. The service yard area would be enclosed by 1.8m high walling and would provide an additional 11 staff car parking spaces separate from the main car park.
- 4.8 The retail store walls would be finished in white metal sheet cladding with aluminium standing seam sheeting to the roof. A brick plinth to the walls would be finished in Buff coloured brickwork. The entrance area would be clad in grey colour sheeting with green tinted glass and white framed curtain walling to the entrance detail facing onto the car park area.
- 4.9 The retail store would require excavation and fill to level the site, the overall height of the building would be 10.4m to finished ground level not including the roof mounted plant.
- 4.10 The applicants describe this store as medium sized.

**The mixed Use Building**

- 4.11 The mixed use building would be located on the inside of the junction formed between the approved Spine Road serving the estate and Rawreth Lane. Overall the building would have a frontage onto Rawreth Lane of 27.4m and a return frontage onto the Spine Road of 50m. The building would be set behind the existing landscaped area of the former school which is to be retained but with a pedestrian link through from the Rawreth Lane footway.
- 4.12 The retail element would have a total of 415 square metres (4,467sq.ft) divided between four unequal units. The supporting information anticipates potential of these units for shop, Post Office, Newsagent and Hair dressing type uses. Unit five to front onto Rawreth Lane and the return onto the Spine Road is shown intended for Cafe/Restaurant use and would have a floor area of 235 square metres (2,259sq.ft). The D1 uses at first floor would have a total floor area of 275 square metres (2,960sq.ft) divided almost equally between three first floor units. Although unspecified, the applicant indicates in the supporting information that these units would have the potential for children's nursery and or Health Practitioner type uses.
- 4.13 The building would be three storey in form but accommodating the second floor within the roofspace served by dormers this floor being used as 8 flats between first and second floor. The three storey form would be sited at the northern end and fronting Rawreth Lane but lowering to two storeys midway in the elevation return onto the Spine Road. The building would be finished in a mixture of blockwork render and red brick to the walls with natural slate tiles to the roof. The windows would be aluminium framed and powder coated in grey finish. The shop fronts would be grey finished steel framed glazing systems. The dormer cheeks and dormer roofs would be leaded.
- 4.14 The roof to the building would have a hipped appearance with a gable feature presented to the junction to the full three storey. The hip would rise to a flat roof over the whole of the building.
- 4.15 The design of the building provides for three of the shop units to front both the car park and Spine Road with entrances onto both elevations. The larger shop 4 and café/restaurant units would have entrances only onto The Spine Road and Rawreth Lane. The entrance details to these two units would be single door and without display window features or fascias reflecting a domestic appearance. The building would however be surrounded by paved area pedestrian circulation areas.

**Supporting Material**

- 4.16 The application is accompanied by landscaping and planting proposals and landscape design statement, a lighting plan and Architectural Design Statement. As required by conditions to the Outline Consent the application is also accompanied by an Ecological Assessment, Interim Travel Plan and Travel Assessment. The Flood Risk Assessment is accompanied by a surface water design statement.

**Conclusion**

- 4.17 This application is at the initial stages, is currently subject to ongoing consideration and consultations. The application will be reported back to Members following the end of the consultation and consideration by officers in the normal way.
- 4.18 Members' views are sought on any key issues that should be considered during the assessment of the application.



Shaun Scrutton  
Head of Planning Services

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For further information please contact Mike Stranks on (01702) 546366.

## **PLANNING SERVICES COMMITTEE - 26th July 2005    Item 5**

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**TITLE :**                    **05/00358/FUL**  
**REVISED APPLICATION TO DEMOLISH EXISTING SEMI-DETACHED BUNGALOW AND CONSTRUCT DETACHED TWO BEDROOMED BUNGALOW AND CONSTRUCT VEHICULAR CROSSING**  
**8 ALBERT ROAD, ASHINGDON**

**APPLICANT :**            **MR & MRS MANLEY**

**ZONING :**                **RESIDENTIAL**

**PARISH:**                **HAWKWELL**

**WARD:**                 **HAWKWELL NORTH**

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### **PLANNING APPLICATION DETAILS**

- 5.1    This application seeks permission to replace the existing semi-detached bungalow with a detached two bedroomed bungalow and new vehicular crossing. The site is located 35m from the junction with Ashingdon Road.
- 5.2    The pair of semi-detached properties to which this application relates are unusual in that they sit, one behind the other, rather than the conventional side-to-side arrangement. Currently the dwellings on site sit within a long plot, with number 6 having the road frontage and number 8 being attached to the rear of number 6. The proposal intends to separate these dwellings.

### **RELEVANT PLANNING HISTORY**

- 5.3    **04/00361/FUL** – Demolish existing semi-detached chalet and replace with new detached bungalow. This application was recommended for approval on the weekly list and referred to committee. A committee site visit took place prior to committee. The proposal was refused on the basis that the building would be an unacceptable bulk and scale to adjacent dwellings, unacceptable back land development, unsatisfactory isolation space and be detrimental to the level of amenity enjoyed by 6 Albert Road. There was specific mention to number 6 Albert Road and the impact to this neighbour.

### **CONSULTATIONS AND REPRESENTATIONS**

- 5.4    **County Surveyor (Highways):** Recommends the following conditions:
- Access to be splayed to a suitable drop kerb crossing
  - First 6m of the access, as measured from the highway, shall be paved in permanent materials and agreed with the Local Planning Authority
  - Space to be provided within the site to accommodate parking and turning of all vehicles clear of the highway and properly laid out and paved as agreed with the Local Planning Authority, which shall be maintained and free of any impediment

- 5.5 **Hawkwell Parish Council:** Concerned about application and request site visit with parish representation.
- 5.6 Two responses received from neighbours (10 and 4 Albert Road) with following comments:
- Very little change from the previous application
  - Whole building moved 1m further down back gardens
  - New building will be 14.5m behind the building line, next to 10 back garden
  - Plan dimensions will not fit on the plot, property would be 0.9m from boundary not 1m (as shown on plans)
  - Boundary has been removed, leaving 10 property and gardens open, if permission given would like to ensure a perimeter fence is erected
  - Drop kerb be installed, so 10 driveway is not used as an access point
  - Existing building is glorified mobile home with no foundations and shallow pitched roof, only 2 feet is visible above fence from 4.
  - Existing flat roof extension is not visible at all from 4
  - Massive increase in height and bulk in comparison with existing, blocking light and sun into home and garden at 4
  - Inclusion of unnecessary high peak gables serving no purpose other than to increase visual bulk of disproportionate roof unless potential dormers in future
  - Existing obscure window directly overlooking rear gardens of 10 and 4, the proposed are clear, these should be obscure glass, fixed and non-opening
  - Fears of large amounts of asbestos to be at the top of the 'Medium Risk', one number off 'High Risk' category
  - Disturbance of building due to above, will create serious health risk to neighbouring properties
  - Set a precedent
  - Proposal impact on plot is far greater than appears on the plans, as plans inaccurate in plot size
  - Expect to be informed about any health and safety aspects caused by demolition, 4 is disabled and wheelchair used, already has impaired lung function and can not afford to worsen through bad management of asbestos

## **MATERIAL PLANNING CONSIDERATIONS**

- 5.7 The existing dwelling is 13.25 metres in length and comprises of a structure with a low pitch roof, 3.4 metres to the ridge and has a single storey flat roof addition to the rear. The replacement dwelling would have an overall height of 4.4 metres, 1 metre higher than the existing dwelling on site, and an overall length of 14 metres. It is noted that the plan states 1 metre separation with the number 10 boundary; this was measured on site as 0.9 metres.

- 5.8 The current relationship between numbers 6 and 8 Albert Road is not ideal due to the unusual arrangement, as illustrated above. It could be surmised that the existing relationship does not meet modern criteria, the side elevation windows to number 8 are currently sited on the boundary with number 6 and therefore the windows on this elevation face directly into the rear garden of number 6 Albert Road. In present planning terms this would be avoided and windows would be considered as inappropriate. However as this unconventional relationship exists, the proposal must be considered in relation to the current building and level of increased detriment over and above that which already exists. Thus, the existing circumstances are material considerations to the deliberation of the application.

### **Differences from the Previous Application**

- 5.9 The proposal differs from that refused, by a decrease of 0.1m in height. A 1m separation will be created between 6 and 8 Albert Road, which is 0.65m further separation than the application refused. Although there is a larger separation the proposal will not extend any deeper than the previous proposal, which is 14.4m from the rear of number 6, meaning that the new application has a reduced depth by 0.7m approx. The current proposal would be 1.15m deeper than the existing dwelling. The width of the proposal is the same as the previous application at 7.2 metres.
- 5.10 It is noted that the applicant has had commissioned a detailed report regarding asbestos removal and an agreement has been made between the applicant and the occupiers of 6 Albert Road. The Head of Housing, Health and Community Care has reviewed the information submitted for asbestos removal and advises:
- “In accordance with Regulation 7 of the Control of Asbestos at Work Regulations 2002 Rhodar (Southern) Limited have submitted a site specific written plan of work for the removal of asbestos from 8 Albert Road. Rhodar (Southern) Limited has been issued a licence by the Health and Safety Executive (HSE) for working with asbestos. They are seen by the HSE as being a trusted and competent company and as such advise that visits by enforcement officers during any such work is optional as opposed to being mandatory as is required with other licensed companies. Responsibility for the enforcement of health and safety for the proposed demolition works would fall to the HSE and as such Rhodar (southern) Limited would be required to submit to them their written plan of work at least fourteen days before the work is due to be carried out for their assessment.”
- 5.11 It is notable that the occupiers of No. 6 who objected to the previous application, have not raised issue with this application. Indeed, have come to a formal agreement with the applicant concerning the application proposals and the removal of asbestos. Officers recall this was a focus of concern to Members on the last application.
- 5.12 Revised plans have been submitted to reduce the impact on the side neighbours, numbers 10 and 6 Albert Road. These plans show the side gables reduced to half hips to mediate the height and bulk of the building to the neighbours.

**Policy Implications**

- 5.13 In terms of spatial standards the proposal would have an adequate garden area of 98 square metres and at least two car parking spaces off-street. The increased height would make number 8 appear more prominent in the street scene but it does not lead to a resultant built form that is overbearing or out of character in this area.
- 5.14 The layout of the windows on the side elevations of the proposal would not change significantly than those windows of the existing dwelling. In some respects the window placement is an improvement, particularly to number 6, as there are large windows existing and the proposal has strictly high-level windows on this side elevation. In relation to number 10 these are secondary windows or a bathroom window, these can easily be obscure glazed and fixed shut, by condition to any approval that might be given.

**Previous Reasons for Refusal**

- 5.15 The previous application was refused for several reasons; this section considers these.
- An unsatisfactory isolation space between numbers 6 and 8 Albert Road would result in an unacceptable coalescence of built form in the previous scheme.
  - This isolation space has been increased to allow one metre separation between the buildings and complying with the Council's supplementary guidance on this issue.
  - Proposal resulting in a replacement dwelling sited directly behind another that reinforces an existing poor relationship resulting in an unacceptable form of back land development.
  - This poor relationship would be difficult to sustain as an argument against the development because the relationship already exists. As such the development would not be creating a precedent in the street scene.
  - The increased height and width in comparison to the existing building resulting in a building of unacceptable bulk and scale in relation to adjacent dwellings.
  - In this mixed street scene of chalets and bungalows with houses further to the west the proposal would not appear intrusive in this area, especially as the side gables have been more recently reduced to provide a half hip and noting the 0.1m height reduction.
  - The clearance of the site frontage, potential vehicular activity and three windows facing and immediately adjacent to number 6 Albert Road would give rise to a loss of privacy.
  - Clearance of the site and construction of hardstanding for parking for potential vehicular activity would not require permission on this site. Therefore a parking area could already be created without the Authority's control. The three windows facing number 6 Albert have been addressed above and could be controlled via conditions requiring them to be obscure glazed.

**CONCLUSION**

- 5.16 This application follows a refused scheme to overcome previous objections.
- 5.17 The proposal has a number of changes in comparison to the previous scheme, that include an increase in separation between 6 and 8 Albert Road, height decrease, reduced gables to the side elevation, submission of asbestos reports and an agreement with 6 Albert Road.
- 5.18 The proposal meets spatial and parking standards with minimal impact to neighbours, regarding overlooking due to the careful arrangement of windows.

**RECOMMENDATION**

- 5.19 It is proposed that this Committee **RESOLVES** to **APPROVE** the application, subject to the following conditions;
- 1 SC4 – Time Limits Full
  - 2 SC14 – Materials to be Submitted
  - 3 SC23 – PD Restricted – Obscure Glazing
  - 4 SC22A – PD Restricted – Windows
  - 5 SC17 – PD Restricted – Extensions
  - 6 SC20 – PD Restrict - Dormers
  - 7 SC51 – Means of Enclosure
  - 8 SC9A – Removal of Buildings
  - 9 SC75 - Parking

**REASON FOR DECISION**

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

**Relevant Development Plan policies and proposals**

Rochford District Council Local Plan (April 1995): H11, H20

Local Plan Supplementary Planning Guidance (July 2003): LPSPG1



Shaun Scrutton  
Head of Planning Services

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For further information please contact Sophie Weiss on (01702) 546366.

**TITLE :** 05/00427/COU  
CONVERSION OF REDUNDANT FARM BUILDING TO A  
DWELLING  
BRICKHOUSE FARM FAMBRIDGE ROAD ASHINGDON

**APPLICANT :** MR AND MRS A FIGG

**ZONING :** METROPOLITAN GREEN BELT

**PARISH:** ASHINGDON PARISH COUNCIL

**WARD:** ASHINGDON AND CANEWDON

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**Members should note that the applicant is a personal acquaintance of the Head of Planning Services who therefore has not taken part in the consideration or determination of this application.**

## **PLANNING APPLICATION DETAILS**

### **The Site**

- 6.1 This application is to a site of a redundant agricultural barn located immediately adjacent to the residential village envelope of South Fambridge and to the east of Fambridge Road. The building comprises a barn and adjoining cow sheds, which apart from some domestic storage have not been used for some time. The building is showing signs of neglect and damage with missing roof tiles and broken and missing windows. The greater part of the curtilage is overgrown. A large pond exists immediately to the south of the site. Adjoining Further South exists Brickhouse Farm House and Brickhouse Farm Bungalow.

### **The Application**

- 6.2 The proposal is a revised application to that previously considered in that various details to the layout of the building and external alterations are different to that previously considered and the applicant has now included details of the potential marketing of the site for commercial purposes. The applicant also includes a report from a Structural Engineer on the suitability of the building for conversion.
- 6.3 The current proposal would provide a lounge area to the eastern wing with Kitchen and Hall centrally located and consistent with the previous application. The current proposal however would provide a dining room, study and games room where previously were proposed two bedrooms, T V room and bathroom in the previous scheme.

- 6.4 The first floor to the barn would accommodate two bedrooms each with en-suite facilities. In the previous application the main roof was left open above the lounge and with only one bedroom to the western part of the roof area.
- 6.5 Both applications feature the reconstruction of the hay store to form a pool room and extension of the cow shed to form garaging. The current application now proposes to connect the pool room attached to the barn and extend the pool room with a pitched roofed bay detail of some 3.96 square metres. Common to both applications the reconstructed hay store area would be increased in height by 0.9m to an overall height of 4.4m to the new ridge line.
- 6.6 The cow sheds would be extended 7.5 square metres to allow sufficient depth of 5.6m to allow a vehicle to park within the resultant garage. The extension would have a pitched roofed form with two garage doors between piers.
- 6.7 The current application increases the amount of glazing to the various features of the building and includes four additional rooflights facing into the courtyard and seven additional rooflights facing north onto the former Anchor Hotel site.
- 6.8 The current proposal would increase the number of windows facing onto Fambridge Road to the rear of the existing cowshed from five in the previous application to seven in the current proposal.
- 6.9 The current proposal would feature no windows to the ground floor north elevation of the barn fronting onto the former Anchor Hotel site but would provide six windows as opposed to the previous three windows proposed to the reconstructed Hay store.
- 6.10 The eastern elevation would remain essentially unchanged in comparison with the previous application but for the increased size of the glazed wall window which is proposed in the current application to extend fully to the ridge line.

**RELEVANT PLANNING HISTORY**

- 6.11 Application No. 04/00547/COU  
Conversion of redundant farm building to dwelling  
Permission refused 26<sup>th</sup> August 2004 for the following reason;
- 6.12 "The proposal is situated within an area of Metropolitan Green Belt as defined in the Rochford District Local Plan First Review (1995) where development of the type proposed is allowed only in the most exceptional circumstances. The applicant has failed to provide sufficient details of attempts made to market the site for commercial purposes and as such the proposal is contrary to Policy GB5 of the Rochford District Local Plan First Review (1995) and would be inappropriate development contrary to Policy GB1 of the Rochford District Local Plan First Review (1995)"

Appeal dismissed 5<sup>th</sup> July 2005

**CONSULTATIONS AND REPRESENTATIONS**

- 6.13 **Essex County Highways** - Advise proposal would normally attract a recommendation of refusal given the location failing accessibility policies but given recent approval do redevelop the Anchor site recommends the following conditions:
- Access to be a minimum width of 4.1m splayed to a suitable crossing
  - Access to be maintained for a minimum distance of 5m from the carriageway edge
  - Any gate to be positioned 5m from the carriageway and open inwards
  - First 6m of the access from the highway to be bound in permanent material
  - Space within the site for the parking and turning of all vehicles regularly visiting the site
  - No planting forward of the wall of the building to maximize visibility available
  - Measures to be submitted to ensure no mud or debris associated with the development are deposited on the highway from vehicles associated with the development
- 6.14 **Essex County Archaeologist** - Advise that the Barn is a good example of a post medieval farm complex. The East Anglian Farmstead (1750–1914) are crucial but understudied component of the East Anglian Landscape. The area was of major international importance in the development of the “Victorian High Farming Tradition” when new ideas culminated in significant alterations in the design and layouts of buildings. Recommends that prior to conversion the building is “preserved by record” .
- 6.15 Recommends Building Recording Condition.

**MATERIAL PLANNING CONSIDERATIONS**

- 6.16 Policy GB1 to the Council's Adopted Local Plan (1995) states that permission will not be given for the change of use or extension of existing buildings except in very special circumstances. The Barn is not Listed or on a list of Locally important buildings. The barn is however considered substantial and attractive. The provisions of Policies GB1 and GB5 of the Council's adopted Local Plan therefore apply.
- 6.17 Policy C2 to the Essex and Southend-on-Sea Replacement Structure Plan (2001) states that within the Green Belt the re-use of existing buildings can be granted in accordance with Policy RE2 which repeats the advice of Central Government in that the buildings are of a permanent and substantial construction, capable of conversion without complete reconstruction and that the conversion would not damage the amenity of the countryside or introduce additional activity likely to materially and adversely change the character of the local area. The structure Plan Policies are more up to date and reflect more recent government advice on this issue.

- 6.18 Policy GB5 to the Council's Adopted Local Plan (1995) states that permission may be granted for the change of use of other substantial and attractive redundant buildings situated in the Green Belt subject to significant extension or alteration not being necessary, the development would not adversely affect the visual amenities of the Green Belt, the building has adequate access and off street parking and that proposals for the conversion of redundant buildings to dwellings will be allowed only in the most exceptional circumstances having regard to Policies GB1 and GB3 on the provision of Agricultural Workers dwellings.

**Commercial re-use/marketing**

- 6.19 Since the previous application the applicant has attempted to market the building for commercial purposes. The applicants have advertised the premises on twelve occasions between October 2004 and April 2005 in Local Newspapers The property has also been placed on the agents website, Prime location website and the Estates Gazette website since first taking the instruction. Only six requests for further information have been received since September 2004 none of which were taken further.
- 6.20 The applicant has submitted details from six local commercial agents together with a view from the agent's own commercial department and which conclude that the location is too remote to attract interest. The market for commercial usage in rural areas is a very limited market. The cost of conversion at £100 per square foot and market rental at £3 per square foot for storage and workshops and £7 per square foot for offices that might be achieved would be uneconomic. The potential therefore for the existing building might be some low cost conversion to low key storage use. Higher returns would only be possible with investment but given the location of the site such accommodation would be unattractive with occupiers preferring locations near to services and thus the investment would be wasted.

**Special circumstances and inappropriate development**

- 6.21 In dismissing the appeal on the previous application the Inspector acknowledged that the absence of commercial activity near to the site and its remoteness generally mean it unlikely that a commercial occupier of the building will be attracted. For residential conversion to be acceptable the Inspector concluded that the proposal must comply with planning policy and guidance and that the scheme at appeal did not do so.
- 6.22 The Inspector expressed concern at the poor state of repair to the building and the absence of details to show the extent of work required particularly the re-use of existing weatherboarding and roof tiles. Furthermore much of the haybarn and cowshed were shown to be reconstructed. In addition there was no structural survey of the building to determine that the frame and structure is sound.

- 6.23 The current application also shows the reconstruction of the haybarn to provide a pool room and the extension of the cow shed to form a garage. The current application is unclear on the extent of the re-use of existing materials and the amount of reconstruction work required. The details submitted in support of the application state that where possible the applicant will use reclaimed materials and will salvage the existing roof tiles and weather boarding to maintain the appearance of the building. No specific details have however been included to show the full extent of the building that would be retained or replaced.
- 6.24 The current application includes a report from consulting Civil and Structural Engineers that results from a brief survey of the building but confirms the building to be in reasonable condition and would be able to be converted to domestic use because conversion techniques allow for no additional loads off the existing structural elements as a result of the construction of a new internal framework. The report however recommends further detailed assessment supported by a schedule of work.
- 6.25 The current proposal shows the reconstruction of the haybarn and modest extension to the cowshed. In dismissing the appeal the Inspector concluded that the haybarn was not a substantial permanent structure and therefore the effect of the reconstruction of this part of the scheme together with the limited extensions to the garage were not justified. The Inspector considered that the increase in floorspace would harm the openness of the Green Belt and would have a materially greater impact than the previous use. The Inspector concluded that without evidence to the contrary the conversion would amount to major reconstruction and therefore inappropriate development.
- 6.26 The footprint increase in the building would be contained within the courtyard area. The reconstructed buildings would be higher by 0.9m. The applicant states that the site closely adjoins the village envelope and recent development. In dismissing the previous appeal the Inspector disagreed with the view that the site proximity to the residential area would counteract its impact on the purposes and integrity of the Green Belt concluding that the purpose of the Green Belt is not diminished in areas immediately adjacent to settlements.
- 6.27 Revised Council Policy contained in Policy R9 to the Council's second deposit draft Local Plan (2004) generally advocates a less restrictive approach as seen with policies contained within the Replacement Structure Plan. For residential conversion to be acceptable in principle Policy R9 requires the applicant to seek alternative business use over a period of two years prior to the application. This policy repeats however the requirement that the building be of permanent and substantial construction that is capable of conversion without major or complete reconstruction or no major extensions that would materially affect the openness of the Green Belt. The conversion of Listed Farm Buildings will not normally be permitted under this emerging policy because such conversion can destroy the original character and integrity of the building. Policy R9 is however subject to challenge and cannot be given as much weight as that to the Adopted Local Plan until the Inspectors report and recommendations on the replacement Local Plan are known.

**CONCLUSION**

- 6.28 The applicant has overcome previous concerns the Council had at the potential for alternative business uses for the building. Although not advertised for the two year period detailed in emerging policy the collective opinion of the agents' is endorsed by the Inspector in reaching the decision in the previous Appeal.
- 6.29 However the appeal decision on the previous application focuses on issues material to the current application concerning the extension of the ancillary buildings to the Barn which are proposed to be replaced as part of the overall scheme. The extension of the ancillary buildings and lack of clarity in detail as to the precise extent of the structure and external materials to be replaced within the conversion of the Barn conflict with Central Government Policy and Local Policy and Guidance in that the Council must be satisfied that to grant permission would not amount to major reconstruction. The desire to retain the attractive building is arguably a special circumstance that would favour allowing residential conversion to save the building but the unquantified extent of the replacement of the original buildings remains unjustified and inappropriate development, contrary to Policy GB1.
- 6.30 In reaching his conclusions, the Inspector in the previous appeal states...*if residential use is the most appropriate alternative for this location, the detailed scheme must comply with planning policy and guidance. The current proposal does not do so.* It is evident from the Inspectors decision that had the application not included the reconstruction of the haystore, extension to the cowshed and that the Inspector had satisfactory evidence that the conversion of the barn itself would not amount to reconstruction of the barn that his decision would have been different favouring conversion and allowing the appeal.

**RECOMMENDATION**

- 6.31 It is proposed that this Committee **RESOLVES to REFUSE** permission for the following reason:-
- 1 The proposal is situated within an area of Metropolitan Green Belt as defined in the Rochford District Local Plan First Review (1995) where development of the type proposed is allowed only in the most exceptional circumstances. The proposal would reconstruct and extend the existing Haybarn and Cowshed as a result of the conversion of the barn for residential purposes. Furthermore the applicant has submitted a structural report to clarify the potential of the building to favour conversion to residential use but has not provided sufficient evidence to show that the conversion could take place without substantial reconstruction of the Barn. As a result the proposal would amount to inappropriate development contrary to Policy GB1 and GB5 of the Rochford District Local Plan First Review (1995)"

**Relevant Development Plan Policies**

Rochford District Local Plan First Review (1995) H11, GB1, GB3 and GB5

Second Deposit Draft Rochford District Replacement Local Plan (2004)  
R9

Essex and Southend on Sea Replacement Structure Plan (2001)  
CS2, C2, RE2.



Shaun Scrutton  
Head of Planning Services

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For further information please contact Mike Stranks on (01702) 546366.

# 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.**