



Rochford District Council

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY
PLANNING SERVICES COMMITTEE 30th June 2004**

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

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

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

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

PLANNING SERVICES COMMITTEE - 30 June 2004

Ward Members for Committee Items

DOWNHALL AND RAWRETH

Cllr C I Black

Cllr R A Oatham

HAWKWELL NORTH

Cllr Mrs M A Starke

Cllr M G B Starke

FOULNESS AND GREAT WAKERING

Cllr T E Goodwin

Cllr C G Seagers

Cllr Mrs B J Wilkins

ROCHFORD

Cllr Mrs S A Harper

Cllr K J Gordon

Cllr Mrs M S Vince

PLANNING SERVICES COMMITTEE 30th June 2004

REFERRED ITEMS

R1	04/00326/FUL Alterations and Extension to the Building in Order to Facilitate Disabled Use/Access to and Through the Building Cottis House Locks Hill Rochford	Mr Lee Walton	PAGE 4
R2	04/00361/FUL Demolish Existing Semi-Detached Chalet and Replace With New Detached Bungalow 8 Albert Road Ashingdon Rochford	Mrs Deborah Board	PAGE 7

SCHEDULE ITEMS

3	04/00062/FUL Demolish Existing Petrol Service Garage and Associated Outbuildings. Construct 21 1and 2 Bed Flats and Retail Unit in Two Blocks Service Garage Ltd Southend Road Great Wakering	Mr Leigh Palmer	PAGE 11
4	04/00342/COU Continuation of the Use of the Site for the Stationing of 8 Touring Caravans, Five Mobile Homes that have been Sub-divided into 6 Residential Plots for a Further 2 Years Land Opposite Witherdens Farm Chelmsford Road Rawreth	Mr Lee Walton	PAGE 21

PLANNING SERVICES COMMITTEE - 30 June 2004 Item R1 Referred Item

TITLE : 04/00326/FUL
**ALTERATIONS AND EXTENSION TO THE BUILDING
IN ORDER TO FACILITATE DISABLED USE/ ACCESS
TO AND THROUGH THE BUILDING
COTTIS HOUSE LOCKS HILL ROCHFORD**

APPLICANT: COTTIS HOUSE LTD

ZONING: CONSERVATION AREA, CLASS B1 BUSINESS USE

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. 729 requiring notification of referrals to the Head of Planning Services by 1.00 pm on Tuesday, 8 June 2004, with any applications being referred to this meeting of the Committee. The item was referred by Cllr Mrs S A Harper and is supported by Cllr Mrs M S Vince.

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

1.1 Rochford Parish Council – No objections.

NOTES

- 1.2 The proposal seeks an extension to the rear of the site, with a part three-storey and part two-storey extension, the latter found in the middle of the rear elevation. As part of the application disabled facilities are being inserted with a lift shaft whose tower breaks the rooftop. The full three-storey office extension is found in the north east corner and forms an extension to floor space on this side of the building at all three levels.
- 1.3 Impact on conservation area is limited, with the continuation of the existing design and a condition is attached to ensure that materials match the original structure.
- 1.4 The increase in floor space is considered. B1 uses require 1 car parking space for every 30 square metres of floor area. Office floor area requires up to 9 spaces, and 14 spaces will remain following development.

- 1.5 Two householder letters have been received: loss of sunlight and privacy, detract from character of conservation area, overbearing.
- 1.6 **County Planner (Historic Conservation)** – The proposed alterations and extensions would have a significant impact on the character or appearance of the conservation area. The new build is exactly the same design as the existing.
County Surveyor (Highways) – De Minimus.

APPROVE

- 1 SC4 Time Limits Full - Standard
- 2 SC15 Materials to Match (Externally)
- 3 SC23 PD Restricted - OBS Glazing
- 4 No development shall commence before full written details showing the finish of the proposed lift tower have been submitted to and approved in writing by the Local Planning Authority. Such details as may be agreed shall be implemented and thereafter retained in the approved form.
- 5 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 there from 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.

Relevant Development Plan Policies and Proposals:

UC3, of the Rochford District Council Local Plan First Review

CS2, CS7, BC1 of the Rochford District Local Plan Second Deposit Draft

CS2, HC2, BE1, of the Essex Structure Plan Adopted 2nd Alteration



Shaun Scrutton
Head of Planning Services

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

PLANNING SERVICES COMMITTEE - 30 June 2004 Item R2 Referred Item

TITLE : 04/00361/FUL
DEMOLISH EXISTING SEMI-DETACHED CHALET
AND REPLACE WITH NEW DETACHED BUNGALOW
8 ALBERT ROAD ASHINGDON

APPLICANT: MR & MRS MANLEY

ZONING: RESIDENTIAL

PARISH: HAWKWELL PARISH COUNCIL

WARD: HAWKWELL NORTH

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

This application was included in Weekly List no. 730 requiring notification of referrals to the Head of Planning Services by 1.00 pm on Tuesday, 15 June 2004, with any applications being referred to this meeting of the Committee. The item was referred by Cllr M G B Starke.

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

- 2.1 **Ashingdon Parish Council** – no objection to the application.

NOTES

- 2.2 The application seeks permission for the demolition of one half of a pair of semi-detached dwellings and their replacement with a detached bungalow on the site of number 8 Albert Road. This pair of properties are unusual in that they site one behind the other, rather than the conventional side to side arrangement. Currently the dwellings on site sit with a long plot, with number 6 having road frontage and number 8 being attached to the rear of number 6.
- 2.3 The existing dwelling is 13.75 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 4.5 metres, 1.1 metres higher than the existing dwelling on site, and an overall length of 14 metres.

- 2.4 In terms of spatial standards the proposal would have an adequate garden area of 98 square metres and provision has been made for off street parking for at least two vehicles. The increase in height proposed would make the dwelling more visually prominent but would not be so substantial that the resultant built form would be overbearing or out of character in this locality.
- 2.5 The layout of the proposal is such that the pattern of fenestration is not significantly different to that of the existing dwelling. In some respects the layout is an improvement as the side facing windows, in close proximity to number 10, relate to the bathroom or secondary windows to the lounge.
- 2.6 There have been four neighbour representations received with the main points being:
- Demolishing number 8 would result in loss of privacy to number 6;
 - Vehicles parked along the proposed access would lead to noise and disturbance for the occupiers of number 6;
 - A brick built, tiled roof house would not be in keeping with the rest of Albert Road;
 - The proposed building would be considerably larger than the existing building;
 - The proposal would block light and sun from the back of number 10 and the garden of this dwelling;
 - Original building is built from asbestos;
 - Historically the side way has not been used for car parking;
 - No objections to a new building built in the same manner to the original building, particularly the roof line;
 - The proposal represents a massive increase in height and bulk;
 - The new roof would be considerably higher;
 - The three windows in the flank wall of the new proposal would lead to overlooking;
 - The property would be 0.9m from the boundary, not 1m.
- 2.7 **County Surveyor (Highways)** de minimis.
Head of Housing Health and Community Care has no adverse comments, subject to SI16 being attached to any consent granted.

APPROVE

- 1 SC4 Time Limits Full - Standard
- 2 SC14 Materials to be Used (Externally)
- 3 SC23 PD Restricted - OBS Glazing
- 4 SC22A PD Restricted - Windows
- 5 SC17 PD Restricted - Extensions
- 6 SC20 PD Restricted - Dormers
- 7 SC67 Pedestrian Visibility Splays (Plural)

PLANNING SERVICES COMMITTEE - 30 June 2004 Item R2
Referred Item

Relevant Development Plan Policies and Proposals:

H11, H24, TP15, of the Rochford District Council Local Plan First Review

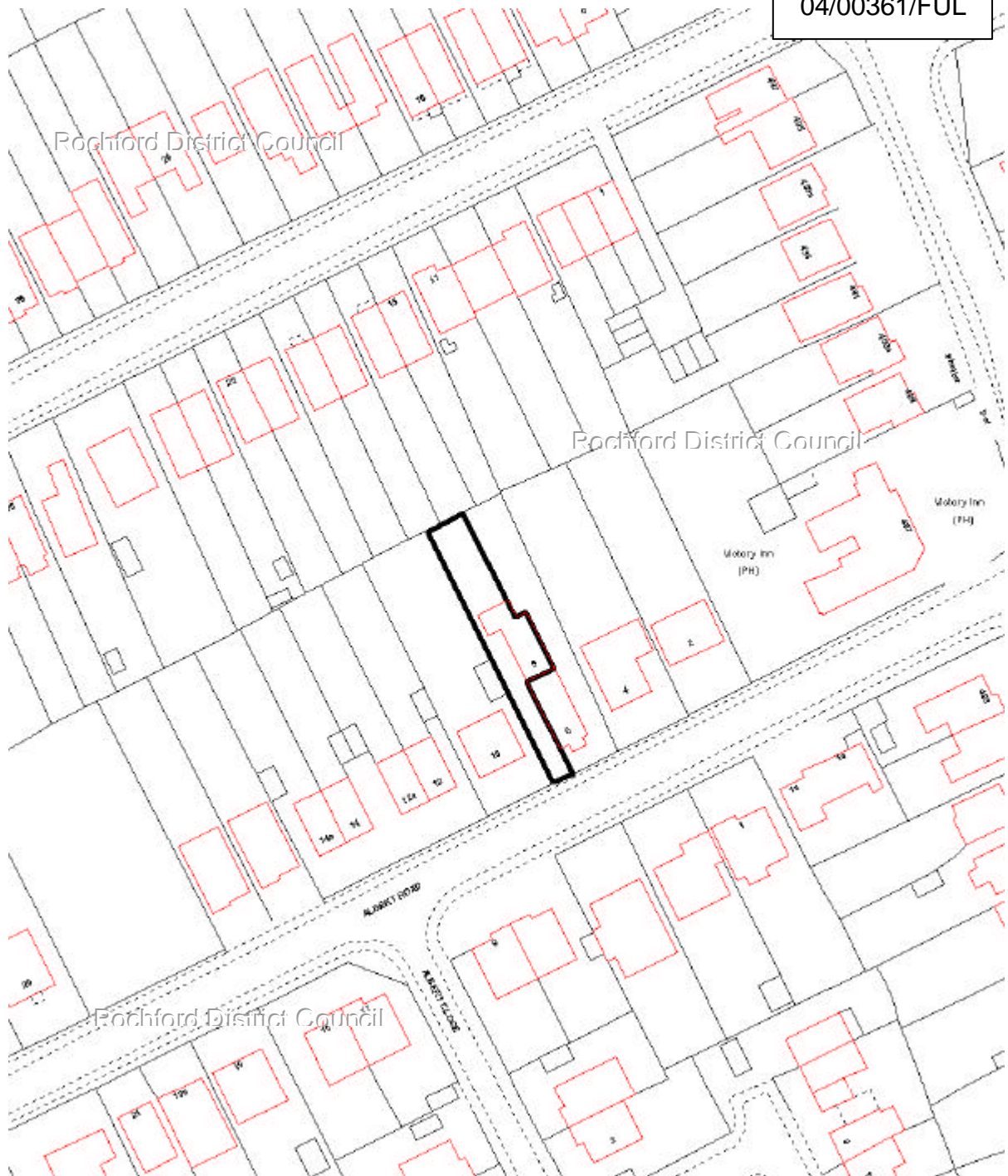
HP6, HP18, TP9 of the Rochford District Local Plan Second Deposit Draft



Shaun Scrutton
Head of Planning Services

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

04/00361/FUL



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NTS



**TITLE : 04/00062/FUL
DEMOLISH EXISTING PETROL SERVICE GARAGE
AND ASSOCIATED OUTBUILDINGS. CONSTRUCT 21
ONE AND TWO BED FLATS AND RETAIL UNITS IN
TWO BLOCKS.
SERVICE GARAGE LTD, SOUTHEND ROAD,
GREAT WAKERING**

APPLICANT : A J VICKERY AND SONS LTD

ZONING : RESIDENTIAL

PARISH: GREAT WAKERING PARISH COUNCIL

WARD: FOULNESS & GT WAKERING

PLANNING APPLICATION DETAILS

- 3.1 Full planning permission is sought for the demolition of all structures on the site to be replaced by a new building containing 5 shops and 21 self contained flats (ten 2-Bedroom flats, eleven 1-Bedroom flats).
- 3.2 The scheme has been amended during the processing of the application, with the main change being the utilisation of a shallower pitch to the roof. This has resulted in a reduction in the overall height of the front wing of the building from 15.2m to 13m now proposed, and a reduction in the height of the rearward projection from 13m to 10.8m now proposed.
- 3.3 The new building is broadly 'T' shaped. The head of the 'T' is located towards the front of the site and runs parallel to the main highway to the front of the site. This part of the new building is three storeys in height comprising five commercial units on the ground floor with two storeys of residential over. The depth of this part of the building is 12.8m, the width is 36m, and the height to the top of the pitched roof over is 13m. The materials proposed are plain tiles to the roof, yellow stock brick and timber cladding to the walls, with the shop-fronts being powder coated aluminium. The upper storey residential elements of this block have a repetitious window rhythm, some within projecting gables and some part within the roof space. This part of the new building contains four 2-bedroom self contained flats and eight 1-bedroomed self contained flats.
- 3.4 The rearward projection, the limb of the 'T' shape of the building, comprises a full three storey height of residential units, providing a further six 2-bedroomed flats and three 1-bedroomed flats. All of the flats in this rearward projection have private balconies on the eastern elevation. These balconies are orientated to inhibit direct overlooking and include privacy screens as part of the proposal.

3.5 SCHEDULE OF ACCOMODATION:-

10 two-bedroomed flats
11 one-bedroomed flats

3.6 As the site is currently used as a petrol filling station and vehicle repairs garage it is likely that there may be soil contaminants; the application is supported by a report that outlines the nature of the site with reference to site/soil contaminants and also advises on excavation and build techniques given the history of the site. The applicant acknowledges the need for further exploratory work to be undertaken if planning permission is given.

3.7 The application is accompanied by a supporting statement that in summary makes the following points:-

- **Height out of character;** there are taller buildings within the high street including the fire station and the flats opposite Conway and Bell House...Important to make a landmark building in this gateway site.
- **Development relative to adjacent neighbours;** The distance from the development to the western boundary is such that the impact will be less significant than the existing workshop building, the rear ward projection has been designed to minimise the potential impact of new development, with the provision of privacy screen balconies and also higher level windows on the eastern elevation. The bulk of the proposal has been reduced and with the inclusion of a 'cat slide' roof lowers the eaves height in relation to No 337. Part of the upper floor is contained within the roof structure, again reducing the bulk. The layout of the scheme complies with the 'Essex Design Guide' in terms of privacy and direct overlooking.
- **Parking;** The parking provision is 100% for the residential and 9 spaces for the new shops, and when the shops are not in use then these retail spaces will double up as additional/visitor spaces.
- **Drainage;** Acknowledges that drainage is an issue locally, and if supported, further work will be undertaken in order to establish the nature of and extent of the drainage problem. The applicant is committed to ensure that the new development will not place an unacceptable burden on the local drainage network.
- **Pitched roof;** The applicant has amended the application and reduced the pitch of the roof. This has reduced the height of the proposal but also inhibits the use of the roof space for further accommodation. The applicant is happy to accept a planning condition that prohibits further development within the roof space.
- **Telecommunications Tower;** The tower will be removed if the scheme is permitted.
- **Bus shelter;** The applicant is committed to providing a 'real time' bus stop
- **Affordable housing;** There is no affordable housing specified within the application, although the applicant has confirmed his intention to look at all approaches for affordable properties that are made direct to him.

RELEVANT PLANNING HISTORY

- 3.8 A fairly extensive planning history relating to the site's use as a petrol filling station and repairs garage.

CONSULTATIONS AND REPRESENTATIONS

- 3.9 **Parish Council First Round:-** Object to the above application on the following points;
- The height of the new development is out of keeping with the surrounding properties
 - The pitch of the roof should be changed
 - There are not enough parking spaces to serve the shops and the flats
 - Flooding problems locally
 - Overloading to the local sewage network
 - Balconies and windows overlook windows in neighbouring properties.
- 3.10 **Parish Council Second Round:-** Although the roof has been lowered on the amended application the Parish Council's other objections still apply.
- 3.11 **Essex Police:-** No objection in principle but comments regarding crime and anti social behaviour due to the layout of the development access around the flats. This could lead to non residents gaining access to the open space to the rear, suggest a gate/fence should be incorporated into the scheme, in addition illumination may help to deter crime and anti social behaviour. Suggest that the developer should comply with 'Secured By Design'.
- 3.12 **Anglian Water:-** No comments to make on this submission.
- 3.13 **The Environment Agency:-** Given the current use of the site there may be the potential for the site to be contaminated, no development should commence prior to a risk assessment and a methodology and site investigation have been undertaken in order to ascertain the degree of concentration of site/soil contamination.
- 3.14 **Essex County Council Highways Officer:-** No objection subject to a Legal Agreement controlling the provision of a new 'real time' bus stop and appropriate kerbing to the front of the site. In addition they comment on access and parking layout issues, which can be controlled by planning conditions.
- 3.15 **Head of Housing, Health and Community Care:-** Potential for the site to be contaminated; investigations need to be carried out. Delivery to the shop should be controlled as they may cause disturbance. Suggests that if the scheme is recommended for approval then conditions be imposed that deal with ventilation equipment, opening times and the standard informative controlling nuisances.
- 3.16 **Building Control Manager:-** No comments

- 3.17 **Buildings/Technical Support:-** No objections. Drainage needs to be considered; foul and surface water sewers suffer from surcharge, (overflow at times of stress).
- 3.18 Neighbouring Residents:- The residents of two properties in High Street have commented that whilst they see no objection in principle to the loss of the service/petrol station into flats they feel that such proposed development must be in keeping with the surrounding area.
- 3.19 The residents of 27 properties including 5 properties in Little Waking Road, 2 properties in Twyford Avenue, 6 properties in Southend Road, 1 property in Stuart Close, 2 properties in Townfield Villas, 1 property in Old School Meadow, and 10 properties in the High Street have objected to the scheme on the following grounds:-
- Out of keeping with any other building in Great Waking,
 - Loss of privacy
 - Storm water cannot cope
 - Questions over the viability of the commercial units given the recent closures in the area
 - If shops were to close it would lead to the deterioration of the area and would lead to the attraction of undesirables
 - Loss of visual amenity
 - Out of character
 - Effect that the development would have on traffic
 - Poor visibility for the users
 - Bulky development
 - Development too high
 - Concern over the lack of detail in respect of the commercial units
 - Noise
 - Loss of the local facility
 - Loss of existing facilities within rural areas to residential may be damaging
 - Overcrowded road system
 - When the drainage system is blocked, as it often is, this will result in the road being dug up, causing further congestion
 - May set a precedent for similar development that would ruin village life
 - Commercial units may become fast food/takeaway units
 - Site close to school bus point; pedestrian safety issues
 - Inadequate car parking that would lead to indiscriminate on street parking, blocking of peoples' driveways
 - Poor public transport to surrounding areas
 - Insufficient local amenities, schools, doctors, etc, to cope with the new influx
 - Devaluation of property values
 - The pitch of the roof may give rise to pressure for future development
 - Increase in car use would lead to pollution
 - Balconies would give rise to overlooking
 - Blocking out light

MATERIAL PLANNING CONSIDERATIONS**Principle**

- 3.20 RESIDENTIAL:- There is no objection to the principle of residential redevelopment given the site's location within the residential part of Great Waking. The proposed density would accord with both Government advice and Structure and Local Plan policies that seek to steer development to appropriate locations as well as maximising the site's developable potential.
- 3.21 The redevelopment of this site for residential may help to reduce the pressure on the development within the Green Belt.
- 3.22 NEW RETAIL:- As commented above, the site is within the residential part of Great Waking and as such the provision of new retail floor-space may be considered to be a departure from the Local Plan. However, in this instance given that the site currently contains a retail shop, petrol station, car sales and a repairs garage it is considered that it would be unjustified on planning grounds to require the cessation of a commercial element of the site. The precise details of the commercial units are not specified within the proposal. However, it is recommended that conditions are imposed to limit the creation of Class A3 hot food establishments within the scheme.
- 3.23 LOSS OF THE EXISTING BUSINESSES:- Whilst the Local Plan comments on the desire to support local businesses within the District there are no specific policies relating to the existing businesses on this application site requiring that they are retained on this site and/or provided elsewhere in order to meet the needs of the local community. A refusal based on the loss of the existing businesses could not therefore be substantiated.
- 3.24 THREE STOREY:- Three storey development in itself is not objectionable in principle, subject to other criteria such as character of the area, street scene and the impact upon residential amenity.

Character of the Area

- 3.25 As with many old settlements the residential area of Great Waking comprises many differing forms/scales/designs of both residential and commercial property that all make a contribution to the character of the area. Within Great Waking there are isolated three storey buildings built over time, though the general pattern of development is one of two storey properties.

- 3.26 The application site itself contains a large motor vehicle repair workshop and a bulky canopy to the petrol filling station, a retail shop and a significant area of hard-standing on a square plot that is significantly wider than the nearby residential plots. There is little doubt that the existing development is out of character with the immediate adjacent properties and plots.
- 3.27 Given the uniqueness of the plot and the nature and size of the existing development, the site may be able to accommodate/accept a larger building than the traditional family dwelling house types in the vicinity without resulting in a form of development that would be materially out of character with the wider character of the area.

Height/Street Scene

- 3.28 The ground floor retail units are traditionally proportioned, with stall riser, small elements of plate glass topped with a fascia board. The upper floor residential units have a repetitious fenestration pattern of domestic scale, and the front elevation is further broken up by modest articulation to the roof profile and the use of differing external materials, including brick and timber cladding.
- 3.29 Whilst it is generally considered that the elements/components of the scheme are acceptable in isolation, specifically the design of the shopfront, the design, appearance and proportions of the residential flats, it is considered that the form, bulk and scale of the proposal being three storey, including ground floor retail with full two storey residential over would be an anomalous feature, and despite the form of existing development, be out of scale and character with the prevailing pattern of development in the area and therefore would be visually intrusive in the street scene.

Relationships with neighbouring properties

- 3.30 One of the key issues in the assessment of this proposal is whether the new building respects existing residential amenity, and whether the harm caused, if any, is sufficient to substantiate a refusal.
- 3.31 **ACTIVITY/NOISE:-** As commented above, the existing uses on the site amount to non-conforming uses within the residential area as identified by the site's residential allocation within the Local Plan, the existing operations at the site are uncontrolled by planning conditions and often result in vehicle movements and activity at unsociable hours of the day, and as such their removal from the plot should be supported as a matter of principle, in that it would improve the residential amenity of the wider area.

- 3.32 A mixed residential/commercial scheme in terms of activity would be no worse than the existing operations at the site, and may result in a net reduction in large vehicle movements, and would cease the intrusive noises that emanate from the repairs garage, with the use of loud, powered machinery. However, if supported, consideration needs to be given to planning conditions that seek to control the operational and delivery times connected to the commercial element of the proposal, in an attempt to help safeguard residential amenity.
- 3.33 **PHYSICAL BUILDING:-** The footprint of the building is not traditional, when compared to those residential properties that lie immediately adjacent to the site. The proposed built form would extend into the plot, but this is currently the situation with the existing repairs garage building.
- 3.34 The new building will certainly be seen from the adjacent plots and new development is proposed in parts of the plot that have historically been undeveloped. It is considered that the siting of the new building and its size, mass, bulk and design and distance to the boundaries of the site is such that there is the potential for a material loss of residential amenity through loss of outlook, privacy or light.
- 3.35 It is accepted that within the intrinsic design of the proposal there has been an attempt to mitigate loss of privacy through direct overlooking. However, given the footprint size, scale of the proposal, its relationship with the boundaries of the site and the relationship with the adjacent residential properties/plots, there is the potential for severe loss of residential amenity. The Essex Design Guide gives guidance on residential separation distances with a view to the maintenance of residential amenity. However, it is considered that this guidance is primarily intended for traditional two storey residential properties.

Access/Parking

- 3.36 It is proposed to utilise the existing access to and from the site, direct onto the highway to the front of the site; this has the support of the County Highways officer.
- 3.37 The car parking provision of one per unit is considered to be acceptable given the site's location with the defined residential area and the proximity to the existing public transport links, and the Council's adopted standards which require, for smaller dwellings, at least one parking space. Comments have also been received from the County Highways officer with regard to the site proposing a substandard amount of off street car parking.
- 3.38 As commented above, the proposal is considered to be an improvement over the existing non conforming uses at the site in terms of activity, noise and disturbance. Notwithstanding this, if the scheme is supported and to afford greater maintenance of residential amenity, a new boundary wall should be constructed to buffer the development/car park from the adjacent residential properties.

- 3.39 The surrounding streets are uncontrolled in terms of parking restrictions.

Amenity Space

- 3.40 As with many schemes that propose flats, the amenity space provision is a mixture of private balconies and communal space.
- 3.41 The flats in the rearward projection have private balconies and, as such, comply with the Local Plan standard. The Local Plan also states that for schemes that propose flats then a communal space equivalent to 25sq.m. per flat would be acceptable; this scheme provides approximately 34sq.m. per unit and therefore complies with standards.

Flooding

- 3.42 There is no specific information within the application regarding the flooding implications of the proposals. However, it is recommended that appropriate planning conditions are imposed requiring the applicant/developer to detail, prior to any development taking place, how the drainage of the site will work and how it will not place greater burden on the existing drainage network such that it would be unacceptable.

Legal Agreement

- 3.43 The applicant is proposing the provision of a 'real time' bus stop to the front of the site. It is recommended that, if the scheme is to be accepted, this should be delivered through all parties entering into a legal agreement to ensure its satisfactory provision.

CONCLUSION

- 3.44 It is considered that there is no objection in principle to the redevelopment of the site for a mixed use scheme. However, it is considered that the size, scale, mass and bulk of the proposed three storey building and its relationship with the boundaries of the site is such that the proposal would be out of scale and character with the prevailing pattern of development in the area, which is characterised primarily by two storey family accommodation, as well as having an overbearing and unneighbourly impact upon the amenities of the occupiers of the adjacent properties/plots.

RECOMMENDATION

3.45 It is proposed that this Committee **RESOLVES** to **REFUSE** planning permission for the following reasons:

- 1 The proposals, by reason of their size, bulk, mass, design and appearance, would constitute an intrusive and unneighbourly development, out of scale and character with the prevailing pattern of development in the locality, as well as having a serious and adverse effect on the amenities enjoyed by the occupants of neighbouring plots/properties.

Relevant Development Plan policies and proposals:

EB1, H2, H11, H13, H14, H16, H19 Rochford District Local Plan First Review
Local Plan



Shaun Scrutton
Head of Planning Services

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

[illegible]

TITLE : 04/00342/COU
**CONTINUATION OF THE USE OF THE SITE FOR
THE STATIONING OF 8 TOURING CARAVANS, 5
MOBILE HOMES THAT HAVE BEEN SUBDIVIDED INTO
6 RESIDENTIAL PLOTS, FOR A FURTHER 2 YEARS
LAND OPPOSITE WITHERDENS FARM
CHELMSFORD ROAD RAWRETH**

APPLICANT : ROMANY GUILD

ZONING : METROPOLITAN GREEN BELT

PARISH: RAWRETH PARISH COUNCIL

WARD: DOWNHALL AND RAWRETH

PLANNING APPLICATION DETAILS

The Application Site

- 4.1 This application relates to a site on the eastern side of the former A130, now the A1245, 160m south of the junction made with Rawreth Lane. The site is triangular in shape to some 0.728ha and is adjoined immediately to the east by farmland and to the north by large plots formerly smallholdings now under grassland. Opposite the site to the west of the A1245 is a garden centre.
- 4.2 The site is located on a south facing slope and is currently laid out and hard surfaced as described in the application. The boundaries of the site are enclosed by recent earthen banking inside established tall hedgerows to the north and east. Access into the site is obtained direct from the southbound dual carriageway.

The Application

- 4.3 The application seeks consent to allow the existing use to continue for a temporary period of two years. The Applicant states that the application is necessary because it has not been possible to find an alternative site and this is unlikely to be possible until there is a change in Government policy. The applicant understands that regional Authorities will be requiring the provision of sites in counties and districts that will enable the residents of the site to find alternative accommodation at the end of the period sought.

RELEVANT PLANNING HISTORY

- 4.4 This site was formerly part of a larger agricultural unit known as Blue House Farm, which was cut off from that unit when the dual carriageway was constructed.
PLANNING SERVICES COMMITTEE - 30 June 2004 **Item 4**
-
- 4.5 An application seeking permission to site a residential caravan on this land was refused consent on 9th August 1982 Ref: ROC/387/82.
- 4.6 A valid Enforcement Notice to prevent the siting of caravans on this land was issued on 12th January 1983 and took effect on 14th February 1983. An Appeal against this Notice was dismissed on 15th July 1983 and would appear to have been complied with by the removal of the caravans.
- 4.7 The current use of the site commenced in September 2002. Under delegated powers the Head of Planning Services authorised the issue of two Enforcement Notices served on 18th October 2002 and being;
- 4.8 **Notice A** The Change of use of land from Agriculture to the stationing of caravans for residential or storage purposes and the storage of caravans without Planning Permission.
- 4.9 **Notice B** The construction of hard surfaces, including a driveway over the entire site, without Planning Permission.
- 4.10 Both Notices required a period of compliance within 60 days from the date the Notices were served.
- 4.11 A Public Inquiry held on 28th May 2003 considered Appeals into both Notices served. The deemed application in respect of Notice A failed and Planning permission was not granted. The deemed application in respect of Notice B did not fall to be considered because the necessary fee had not been paid. Appeals against the period of compliance for both Notices were, however, successful and the Inspector in his decision letter of 19th June 2003 extended the period for compliance by 12 months to 18th June 2004.
- 4.12 The current application was registered on 16 April 2004.

CONSULTATIONS AND REPRESENTATIONS

- 4.13 **Essex County Council Highways** – Recommend that the application be refused because the proposal would intensify the use of a substandard access originally used as a field access. The intensification in the use of the existing access and the conflict with the passage of through vehicles would lead to a deterioration in the efficiency of the through road as a traffic carrier and be detrimental to highway safety.

- 4.14 They further recommend permission be refused because the site is on the busy A1245 and very close to its junction with Rawreth Lane. Facilities within walking distance are minimal and the nearest bus service is on Rawreth Lane. The lack of facilities and Public Transport will mean that virtually all journeys to and from the site will be car borne. As there is no alternative to the car, it is likely that the number of car journeys will be higher than average and therefore the movements to and from the site will be significantly higher than the existing use of that as an agricultural field. The proposal is therefore contrary to the aims of promoting accessibility, as contained in Policy T3 of the Essex and Southend-on-Sea Replacement Structure Plan adopted in April 2001 and contrary to the intentions of Government Policy
- 4.15 **English Nature** – do not wish to comment on this application.
- 4.16 **Head of Housing, Health and Community Care** – Advises that the site does not currently benefit from Planning Permission and is therefore an unlicensed caravan site
- 4.17 **Essex County Council Member for Rayleigh North** – repeats previous objections; inappropriate site for the stationing of touring caravans or mobile homes; site should be cleared as soon as possible in conjunction with the existing Planning Law.

MATERIAL PLANNING CONSIDERATIONS

Planning Policy

- 4.18 General Government policy has removed the obligation on Local Authorities to provide sites, in favour of Gypsies providing sites for themselves. This has resulted in part in the Gypsy community purchasing land on the open market and moving their homes onto private sites often in advance of Planning consent. Councils will be required to provide criteria based policies for the provision of Gypsy sites in Local Development Documents. It is clear that sites located in the Green Belt are considered inappropriate.
- 4.19 The Inspector considering the two Enforcement Notices concluded that the appearance of the site has been transformed from formerly part of the open countryside to a site with an urban appearance arising from the impact of the mobile homes, extent of hard surfacing and provision of fences. At the time of the Inquiry the site had not been developed to the extent now sought in the application, but the Inspector concluded that the completion of the development would only make the effect on the openness of the area more marked. Clearly the proposal conflicts with the requirements of PPG2 that the development that is permitted shall be of a scale and siting that the appearance of the countryside is not impaired.
- 4.20 Circular 1/94 *Gypsy Sites and Planning* advises that the Planning System needs to recognise the need for accommodation to be provided that fits with Gypsies' nomadic lifestyle. Paragraph 13 to the circular however advises that... "Gypsy sites are not regarded as being among those uses of land normally appropriate in Green Belts."

- 4.21 Circular 18/94 *Gypsy Sites Policy and unauthorised camping* advocates a policy of tolerance for unauthorised camp sites. The use of land in the Green Belt is not one of the specified unacceptable locations listed at paragraph 5.4 to the circular. However, in this particular case, the Inspector in considering the Appeals against the Enforcement Notices, gave weight to the circumstances of the occupiers and their particular needs and afforded them a longer period of compliance to allow them time to find alternative accommodation. No additional evidence has been provided in this current application of any change in circumstances since the Inspector's decision. It follows therefore that the development remains inappropriate in the Green Belt.

Essex and Southend On Sea Replacement Structure Plan

- 4.22 Policy C2 of the Structure Plan reaffirms the longstanding presumption against inappropriate development in the Green Belt. Policy H6 states that Existing Gypsy site provision will be maintained and further provision for Gypsies residing in or resorting to the plan area will be made where appropriate in adopted Local Plans. Local Plans should identify the extent of need in their area. Where this is not possible Local Plans are required to set out clear realistic criteria for suitable locations as a basis for site provision policies.
- 4.23 Policy T3 of the Structure Plan generally requires new development to be designed so as to make appropriate provision for access for both people and goods by all forms of transport including passenger transport, cyclists, pedestrians, the mobility impaired and road traffic. In this case Essex County Council Highways department have recommended specific objections to the proposal in terms of this policy.

Rochford District Local Plan First Review

- 4.24 The proposal remains inappropriate development in the Green Belt and contrary to Policy GB1 to the Council's Adopted Local Plan. This was the view of the Inspector and all parties at the Public Inquiry on 28th May 2003 considering the Appeals against the two Enforcement Notices. There have been no material changes in the circumstances of the site or new evidence of very special circumstances that outweigh the Inspector's previous findings. Although the Inspector considered the issues of the personal circumstances of the occupiers of the site and resolved to extend the period of compliance to meet these considerations, these matters do not outweigh the general presumption against inappropriate development in the Green Belt.
- 4.25 In terms of Policy H28 there is now an opportunity to consider the clearance of an unauthorised site as and when the Enforcement Notices take effect. This has to be balanced, however, against the likelihood that the occupiers would be made homeless and likely to move to other illegal sites given the understood shortage of Gypsy Site provision and long waiting periods for available pitches.

- 4.26 At the time of writing no responses from adjoining residents have been received giving evidence of disturbance at unsocial hours that would be contrary to Policy H28. In considering the Appeal against the Enforcement Notices the Inspector noted that the site was kept in a clean and tidy condition and the appearance of the site has not deteriorated in this respect.
- 4.27 In dismissing the Appeal on the deemed application the Inspector did not consider that a condition requiring satisfactory screening could overcome the question of the substantial harm caused by the proposal to the appearance of this part of the Green Belt. Further screening, if required, would take some time to mitigate the effects of the development, particularly as would be viewed from the dual carriageway.
- 4.28 The development of the site would not appear to conflict with the requirement to protect the best and most versatile agricultural land. The site is understood to have remained open grassland for a number of years following separation from the Blue House Farm holding with the construction of the dual carriageway. No evidence is available as to any adverse impact of the development upon ancient landscapes or wildlife habitats.
- 4.29 Essex County Council Highways Authority has raised an objection to the proposal on the basis of the danger to highway safety arising from the intensification of the former field access. The concern, amongst other things, relates to the slowing and manoeuvring of vehicles entering and leaving the site in conflict with the high speeds of traffic moving southbound on the adjoining dual carriageway, which, since the opening of the new A130, still performs the function of a Principal Distributor Road. In dismissing the deemed application, the Inspector concluded that these circumstances added weight to his conclusions that Planning Permission should not be granted.
- 4.30 The Inspector found, however, that the effect of the proposal upon highway safety was not so severe as to preclude an extension of the time period for compliance to take account of the needs of the site occupiers. Since the development commenced some 19 months ago the Local Planning Authority has not been made aware of any accidents on the adjoining carriageway caused by the development to which this application relates.
- 4.31 The layout of the site and the details shown on the application forms show the provision of cesspools to each of the six residential plots formed. On the whole the site has been retained in a relatively tidy and organised condition and would appear to enjoy services required by the occupants.

Second Deposit Draft Rochford District Replacement Local Plan

- 4.32 Policy R1 reaffirms the general presumption against inappropriate development in the Green Belt to which the proposal remains in conflict.

- 4.33 Policy HP22 repeats much of the provisions of Policy H28 to the First Review Local Plan analysed at paragraphs 4.8 – 4.11 above. Policy H22 states that applicants must demonstrate that they have considered alternative non –Green Belt locations for their development and once this is demonstrated the proposal can be tested against Policy H22.
- 4.34 Much of the district outside the residential areas is allocated Metropolitan Green Belt. Alternative sites within the Green Belt would be equally inappropriate for the use proposed in Planning terms. Other than existing residentially allocated areas the only alternative areas not allocated Green Belt would be on Foulness Island.

CONCLUSION

- 4.35 It is inescapable that the proposal amounts to inappropriate development in the Green Belt. This view was firmly established by the Public Inquiry held into the Appeals against Enforcement Notices served following the commencement of the unauthorised use in September 2002. In reaching his conclusions the Inspector was of the view that the proposal had an immense impact upon the openness of this part of the Green Belt, made all the more obvious by the site's prominent position.
- 4.36 In reaching his conclusions, the Inspector considered that the initial requirement to comply with the Notices was too short and thus extended the period of compliance to take account of the need for the occupiers of the site to find alternative accommodation. The Inspector thus took account of the individual circumstances of the site occupiers whilst not outweighing the strong presumption against inappropriate development.
- 4.37 The applicants have requested an extension of two years for compliance with the Enforcement Notices because of being unable to find another site and consider that they are unlikely to do so until a change in Government Policy. This request is not supported by any evidence to support any particular difficulties or to demonstrate very special circumstances to outweigh the normal presumption against granting permission. Furthermore, the applicants acknowledge that since the Inquiry there have been some changes to the occupation of the site. It therefore appears that the use of the site may, if allowed for a further temporary period, offer a degree of permanence harmful to the appearance of the Green Belt.

RECOMMENDATION

- 4.38 It is proposed that this Committee **RESOLVES** that permission be **REFUSED** for the following reasons:

- 1 The Rochford District Local Plan First Review and Second Deposit Draft Rochford District Local Plan show the site to be within the Metropolitan Green Belt and the proposal is considered to be contrary to Policy GB1 of the Local Plan First Review and to Policy R1 of the Second Deposit Draft and to Policy C2 of the Essex and Southend-on-Sea Replacement Structure Plan. Within the Green Belt, as defined in these policies, planning permission will not be given, except in very special circumstances, for the construction of new buildings or for the change of use or extension of existing buildings (other than reasonable extensions to existing buildings). Any development that is permitted shall be of a scale, design and siting, such that the appearance of the countryside is not impaired.
- 2 The applicant has failed to provide satisfactory evidence to show why the proposal should exceptionally be permitted against the strong presumption against inappropriate development in the Green Belt. If allowed, the proposal would urbanise the appearance of this part of the Green Belt detrimental to the open nature of the Green Belt and the purpose of including the land within it. The proposal would intensify the use of a substandard access onto a classified highway where the main function is that of carrying traffic freely and safely between centres of population. The existence of a field access in this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs, but the intensification of that conflict and interference that this proposal would engender would lead to a deterioration in the efficiency of the through road as a traffic carrier and be detrimental to highway safety.
- 3 The site is on the busy A1245 and very close to its junction with Rawreth Lane. Facilities within walking distance are minimal and the nearest bus service is on Rawreth Lane. The lack of facilities and Public Transport will mean that virtually all journeys to and from the site will be car borne. As there is no alternative to the car, it is likely that the number of car journeys will be higher than average and therefore the movements to and from the site will be significantly higher than the authorised use of that as an agricultural field. The proposal is therefore contrary to the aims of promoting accessibility, as contained in Policy T3 of the Essex and Southend on Sea Replacement Structure Plan adopted April 2001 and contrary to the intentions of Government Policy

Relevant Development Plan policies and proposals:

GB1 Rochford District Local Plan First Review

R1 of the Rochford District Local Plan Second Deposit Draft

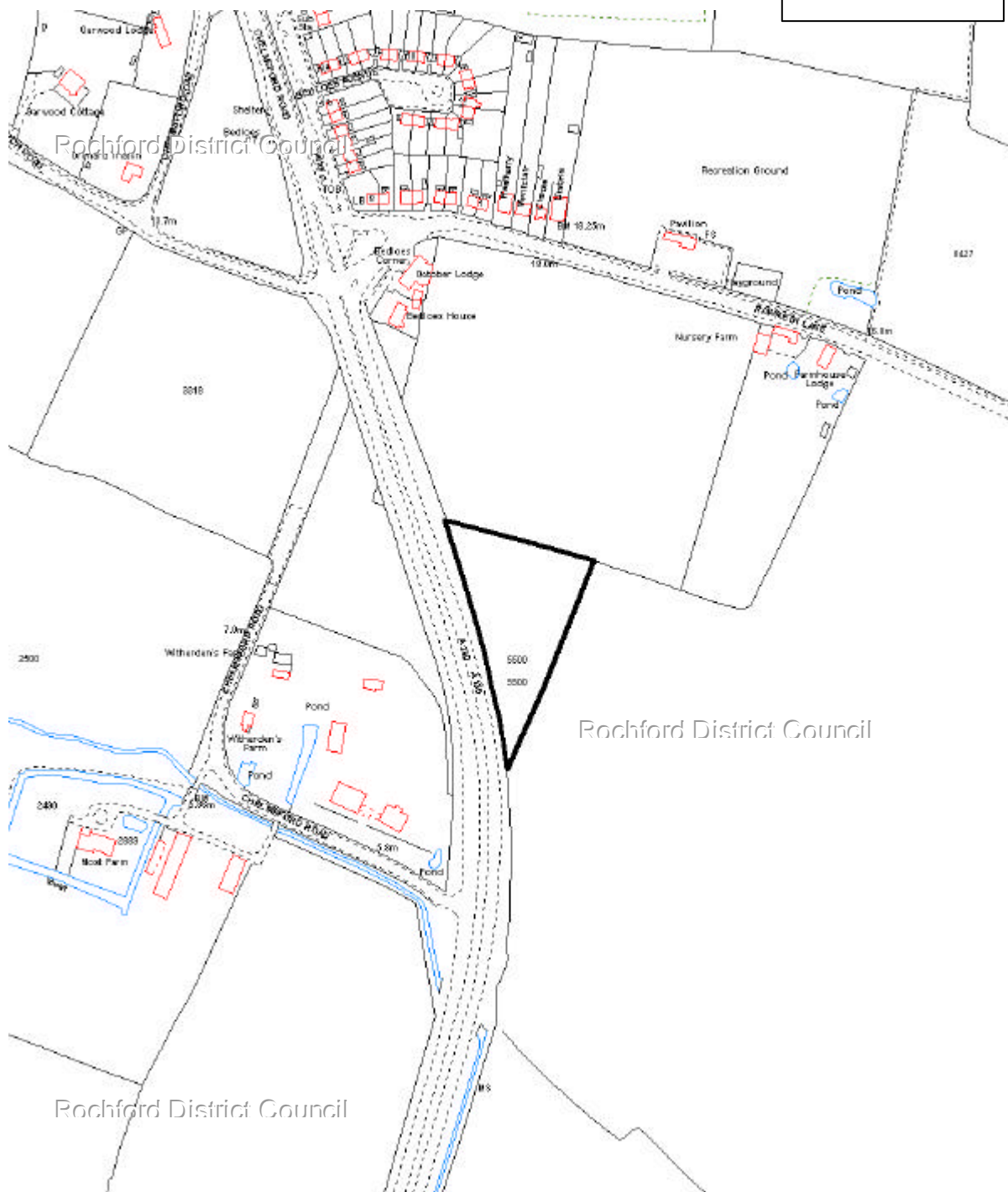
T3, C2 of the Essex and Southend-on-Sea Replacement Structure Plan

A handwritten signature in black ink, reading 'Shaun Scrutton'. The signature is written in a cursive style with a horizontal line extending from the end.

Shaun Scrutton
Head of Planning Services

For further information please contact Mike Stranks on (01702) 546366 extension 3412.

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CODE OF CONDUCT FOR PLANNING MATTERS

GENERAL PRINCIPLES

Members and officers must:-

- **at all times act within the law and in accordance with the code of conduct.**
- **support and make decisions in accordance with the Council's planning policies/Central Government guidance and material planning considerations.**
- **declare any personal or prejudicial interest.**
- **not become involved with a planning matter, where they have a prejudicial interest.**
- **not disclose to a third party, or use to personal advantage, any confidential information.**
- **not accept gifts and hospitality received from applicants, agents or objectors outside of the strict rules laid down in the respective Member and Officer Codes of Conduct.**

In Committee, Members must:-

- **base their decisions on material planning considerations.**
- **not speak or vote, if they have a prejudicial interest in a planning matter and withdraw from the meeting.**
- **through the Chairman give details of their Planning reasons for departing from the officer recommendation on an application which will be recorded in the Minutes.**
- **give officers the opportunity to report verbally on any application.**

Members must:-

- **not depart from their overriding duty to the interests of the District's community as a whole.**
- **not become associated, in the public's mind, with those who have a vested interest in planning matters.**
- **not agree to be lobbied, unless they give the same opportunity to all other parties.**
- **not depart from the Council's guidelines on procedures at site visits.**
- **not put pressure on officers to achieve a particular recommendation.**
- **be circumspect in expressing support, or opposing a Planning proposal, until they have all the relevant planning information.**

Officers must:-

- **give objective, professional and non-political advice, on all planning matters.**
- **put in writing to the committee any changes to printed recommendations appearing in the agenda.**