



**Rochford District
Council**

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY THE
DEVELOPMENT CONTROL COMMITTEE - 24 February 2009**

All planning applications are considered against the background of current Town and Country Planning legislation, rules, orders and circulars and any development, structure and local 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 and Transportation, Acacia House, East Street, Rochford and can also be viewed on the Council's website at www.rochford.gov.uk.

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

Ward Members for Committee Items

DOWNHALL AND RAWRETH

Cllr C I Black

Cllr R A Oatham

SCHEDULE ITEM

Item 1	09/00013/FUL	Mike Stranks	PAGE 4
	Re-develop Reclamation Yard and Construct 4 Detached Barn Style Houses Grouped Around a Courtyard Area with Detached Garages and Access from Private Drive. Re-surface Parts of Trenders Avenue and Upgrade Street Lights. The Yard, Trenders Avenue, Rayleigh.		

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**TITLE : 09/00013/FUL
RE-DEVELOP RECLAMATION YARD AND CONSTRUCT
FOUR DETACHED BARN STYLE HOUSES GROUPED
AROUND A COURTYARD AREA WITH DETACHED
GARAGES AND ACCESS FROM PRIVATE DRIVE. RE-
SURFACE PARTS OF TRENDERS AVENUE AND UPGRADE
STREET LIGHTS.
THE YARD, TRENDERS AVENUE, RAYLEIGH.**

APPLICANT : MR TONY FAIRCLOUGH

ZONING : METROPOLITAN GREEN BELT

PARISH: RAWRETH

WARD: DOWNHALL AND RAWRETH

The Site and Location

- 1.1 This application is to a site on the eastern side of Trenders Avenue 60m north of the junction made with Rutland Drive. Trenders Avenue is unmade and serves a number of sporadic dwellings, paddocks and fields, a fish farm and some commercial uses in this plotland area. The first part of Trenders Avenue has been re-surfaced in a bituminous material from the junction made with Rawreth Lane for a distance of some 230m. The remainder of Trenders Avenue and to the site is potholed. There are no footways and there are six street lamps along the length of Trenders Avenue between the site and the junction with Rawreth Lane.
- 1.2 The site is adjoined by two houses to the north and another not so large reclamation yard to the south.
- 1.3 The site has a frontage of 32.5m and widens to a width of 65m having an area of 0.565ha (1.39 acres). The site is currently in use as a yard for the storage and sale of reclaimed building materials. A number of buildings and lean-to structures exist where the materials are stored or prepared. These buildings are to single storey height and with pitched or sloping roofs and are either open sided or enclosed. Machinery is also operated within these buildings from time to time. The remainder of the site is used for the open storage of a variety of materials. These materials are stacked to varying heights and may be increased or reduced over time as materials are removed or brought to the site. At the front of the site a portable building provides an office.
- 1.4 The site is within an area of Metropolitan Green Belt, as identified within the Council's adopted Local Plan (2006).

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- 1.5 Planning permission was granted on 10 August 2007 to re-develop the site and construct four detached four bedroomed bungalows with double garages and access from private drive. This permission remains extant until 9 August 2010.

The Proposal:

- 1.6 The current application would re-develop the site to provide four detached four bedroomed houses in a barn style design, grouped around a courtyard area to the rear and wider half of the site and served by a new access into the development.
- 1.7 The houses to plots 1, 3 and 4 would be provided with a detached double garage of pitched roofed design to an overall height of 4.1m. The house to plot 2 would feature an attached car port/open fronted garage. The buildings would be finished in black boarding to the external wall surfaces with a mixture of clay pantiles, slate and hand made clay peg tiles to the roofed areas.
- 1.8 The proposed houses would be of individual design each varying in overall ridge height between 8.65m – 9.6m and each having an eaves height of between 5m - 5.4m. The depth of each main part of the building is 7m except for plot 4 at slightly less and at 6.6m. The depth including the cross wing features is generally at around 10m except for the dwelling to plot 2 which is at 13.3m. The overall design and form is intended to be simplistic and utilitarian with the window pattern provided for large openings intended to reflect the large doors typical of working barns. The dwellings also feature lean-to like additions often found on barns.
- 1.9 The proposal is also to re-surface Trenders Avenue extending between the existing newly surfaced area and the site over a distance of some 200m and to the standard similar to a Type 5 minor access way, which would provide a shared surface for pedestrians and vehicles and to 4.8m in width. It is also proposed to upgrade the luminaires of 6 No. existing street lamps between the junction of Rawreth Lane over the existing newly surfaced length of Trenders Avenue and the remaining length of Trenders Avenue up to the site as would be re-surfaced as part of the current application.
- 1.10 The application is accompanied by a survey from a consultant Bat Worker licensed by Natural England, who confirms that the buildings on site are unsuitable for Bat roosting and that there was no evidence of the presence of Bats on the site. The report further advises that Bats are likely to visit the site to forage and feed and that this activity would be likely to continue on the developed site. As such the development would not have a detrimental effect on the local Bat population.

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- 1.11 The application is also accompanied by a letter from the Essex Amphibian and Reptile Group that followed a site visit and visual search of the site. It concludes that the disruption in the yard would discourage colonisation by reptiles and that adjacent water bodies are commercially run fishing ponds, which make them unsuitable to sustain amphibians. It states that the group do not hold records of Great Crested Newts being present within 500m of the site, and concludes that it would be unnecessary to undertake a full reptile survey of the site.
- 1.12 The application is also accompanied by a walk over site report as a first stage exercise to determine the presence of contamination or contaminants. This states that the site has been used for material storage since the 1950s and includes processing of demolition material. The materials stored are noted as no pre-treated timber, roof tiles, bricks, blocks, chimney pots, windows, sanitary ware, doors and timber and other clay products. There appear to be no leachates from any of the materials stored and there are no signs of any potentially contaminating or dangerous substances being present.
- 1.13 The application is also accompanied within the application particulars by a petition of 15 signatures from the Trenders Avenue and Hooley Drive areas, which states the signatories have seen the plans and are in full support.

1.14 **RELEVANT PLANNING HISTORY**

Application No. LDC/0321/94/ROC

To establish certificate of lawfulness of use of land as demolition contractors depot.

Certificate Granted 12 September 1994 for:-

The use of the land edged in red on the plan attached hereto for the sui-generis use of a demolition contractors yard consisting of the composite uses of the open storage of reclaimed building materials, the processing of reclaimed building materials and the sale of reclaimed building materials.

Application No. 03/00303/FUL

Erection of a barn for the storage of reclaimed building materials.

Permission refused 27 May 2003.

Reason: Green Belt Grounds

Application No. 03/00760/FUL

Erect detached building to be used for staff canteen/rest room facilities

Permission refused 9 October 2003

Reason: Green Belt Grounds

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Application 05/00105/FUL

Re-develop reclamation yard and construct three detached five bedroomed houses with double garages and access from private drive.

Permission refused 16 May 2005

Reasons: Green Belt Grounds, highway grounds and absence of information on protected species

Appeal dismissed 10 September 2005.

Application No. 07/00312/FUL

Re-develop reclamation yard and construct four detached four bedroomed bungalows with double garages and access from private drive. Re-surface Trenders Avenue.

Permission granted 10 August 2007

1.15 CONSULTATIONS AND REPRESENTATIONS

1.16 Rawreth Parish Council: Make the following comments and objections:-

1.17 Would first like to know what exceptional circumstances were demonstrated to allow the previous application 07/00312/FUL to be approved, given that the area is Metropolitan Green Belt?

1.18 Council are concerned that if this application is approved then we will see large numbers of "Barn Developments" within the Rayleigh Park Estate.

1.19 Council have no objection to the design but wish to question whether they are to be built to the new high environmental standards that they wish to be enforced.

1.20 The first application that was approved was more modest and less obtrusive than this new application which is of a larger scale and will therefore have a detrimental effect on the open aspect and rural character of the Green Belt. It is a massive over-development of the site and contrary to Policy R1 of the Rochford District Local Plan.

1.21 Essex County Council Highways and Transportation: Advise they have no objection on highway safety grounds, subject to the following heads of conditions to any approval that might be given:-

- 1) Prior to commencement of the development revised details to be submitted to achieve modification to the access by means of 6m radius kerbs.
- 2) Access to be completed to at least base course level prior to the commencement of engineering works.

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- 3) Applicant or developer to upgrade luminaries at no cost to the public purse.
 - 4) Provision within the site for a pound for the parking and turning of operatives' vehicles and storage of materials.
- 1.22 **Environment Agency:** With reference to the walk over site report accompanying the application have no objection to raise on grounds of potential contamination, subject to the following heads of conditions:-
- 1.23 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted and obtained written approval for an amendment to the method statement detailing how this contamination shall be dealt with.
- 1.24 Advise that the sewage undertaker should be consulted regarding the available capacity in the foul water sewer. If there is not sufficient capacity, advise that the Environment Agency must be consulted again with regard to alternative means of disposal.
- 1.25 Advise that a percolation test should be undertaken to ensure that soakaways will work adequately in adverse conditions and that if found unsatisfactory alternative proposals should be submitted.
- 1.26 **Natural England:** No objection.
- 1.27 **Buildings Technical Support (Engineers):** Advise that the area has poor surface water drainage and that no public foul or surface water sewers exist in Trenders Avenue.
- 1.28 Trenders Avenue is unmade and has 'Private Road' status.
- 1.29 Advise that the existing street lights are Rochford District Council's responsibility.
- 1.30 **Woodlands Section:** Advise that all ecological concerns are answered in full. All submitted reports are suitable and no further work required.
- 1.31 Advise that there is an Oak tree indicated for retention in the application.
- 1.32 A full tree survey is not required but the applicant should supply a tree protection plan for this tree and to include:-
- Tree work specification
 - Scaled plan showing protection limits, area for storage and contractors' parking
 - Method statement for construction of protection

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- 1.33 A full tree planting plan should be supplied that provides the following:-
- Location of trees to be planted
 - Specification of trees to be planted; species, size, type of planting, etc.
 - Method statement for planting, aftercare and management
- 1.34 **Head of Environmental Services:** No adverse comments in respect of this application, subject to Standard Informative SI16 (Control of Nuisances) and SI 25 (Contaminated Land) being attached to any consent granted.
- 1.35 **Head of Legal Services:** Confirm that the Council does not own any of the land in question.
- 1.36 One letter has so far been received in response to the public consultation and which in the main makes the following comments and objections:-
- Had no objection to the previously approved application for bungalow type properties provided Trenders Avenue was re-surfaced to normal highway standards.
 - Given the choice between the continued existence of the reclamation yard and its development for an appropriately restricted amount of housing, would opt for the latter, which would be conditional that Trenders Avenue would be re-surfaced to normal highway standards to enable it to cope adequately with the additional traffic generated by new housing.
 - Concerned that this application represents a significant and marked extension to the previously granted permission relating to four houses, as opposed to bungalows.
 - Although in a barn style, two storey houses as opposed to single storey bungalows will create an unacceptable, unnaturally uncharacteristic and obtrusive impact in an environmentally sensitive area which is still an integral part of the Green Belt.
 - Barns that have an historical origin and are subsequently converted to living accommodation maybe to help preservation have a natural place in the Green Belt. We are not convinced these would.

MATERIAL PLANNING CONSIDERATIONS

Green Belt Issues

- 1.37 The site is located within an Area of Metropolitan Green Belt. National policy requires an assessment to be made as to whether the proposal would be inappropriate development within the Green Belt and, if so, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the grant of permission.

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- 1.38 The development involves the construction of new buildings and is clearly inappropriate development. The proposal does not fall within any of the specified exceptions in either national or local policy. What must therefore fall to be determined is whether there are very special circumstances that exist in this case to override the harm by way of inappropriateness and any other harm arising from the development.
- 1.39 The previous Inspector's decision in dismissing the first application for three houses and the Council's decision to grant permission for the alternative scheme for four bungalows are both highly significant material considerations in the assessment of the current application.

Harm by Inappropriateness

- 1.40 In the appeal against the decision to refuse the application for three houses, the Inspector previously accepted that the total floor space of the buildings on the site equated to some 1,032 square metres. As the existing buildings are single storey this also equates to the footprint of buildings existing on the site. There is no limit to the height of material that can be lawfully stored in the open areas of the site. The lawful use of the site would allow additional activity and storage beyond those currently present and that contained within the buildings present on the site. The inspector, however, accepted also that the stacking of materials would vary from time to time and would not be permanent.
- 1.41 The appealed scheme for two storey houses had a combined footprint between the three houses then proposed of some 668 square metres and combined floor area to include the first floor of the dwellings then proposed of 990 square metres. The houses dismissed on appeal ranged between 7.9m – 10.35m in ridge height.
- 1.42 Although the appealed application represented a reduction on the footprint of the existing buildings the Inspector was concerned at the impact of the height of the houses and in particular the dwelling then proposed to front Trenders Avenue in that particular layout. He concluded that it would have a more dominant height and mass as would be viewed from the wider area than the existing buildings and stacked material on the site.
- 1.43 The four bungalows later approved had a combined footprint of 704 square metres as well as a detached double garage approved to each of the four plots and ranged between 5.65 – 6m in overall height. The four approved bungalows would be grouped in the middle part of the site 32m from the Trenders Avenue frontage and 23m from the back of the site.

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- 1.44 In the current application the four houses proposed would have a combined footprint of 675 square metres (29 square metres less than the approved bungalows) but a gross floor area of 1, 271 square metres (281 square metres greater than the gross floor area of the houses dismissed on appeal and 239 square metres greater than the agreed footprint of the existing buildings on the site). These figures do not include the further 107 square metres distributed between the car port and three garages proposed as part of the layout of the current application.
- 1.45 The proposed houses to the current application represent an increase in height over the approved bungalows of between 3m – 3.6m. The current houses proposed represent a decrease in overall height of 0.75m in comparison to the houses previously dismissed on appeal.
- 1.46 The currently proposed dwellings would be grouped to the rear part of the site but with that proposed to plot 1 being 40.5m from the Trender Avenue frontage and that to plot 3 being 13.7m to the back of the site.
- 1.47 The approved bungalows featured three of hipped roofed design with central ridges to a width of approximately 8.3m. These bungalows were double pitched to provide two such roof forms over a depth of 13m. The bungalow to plot 2, as approved, is of an alternative gabled design with a ridge line of 15.4m, but the depth of 13m is also roofed over by two gabled roof spans.
- 1.48 The proposed barn style houses would have main ridge lines between 18.3m – 22.7m wide but generally over spans of some 7m in depth. The barn style houses although less in depth would, because of their added height in comparison to the bungalows, have a more significant mass and bulk and therefore greater impact upon openness due to their more substantial overall form and length of ridgeline. The houses currently proposed would therefore have greater harm upon the openness of the area, given the relative size increase in comparison to the previous applications and approval for four bungalows on this site.

Other Harm

- 1.49 In considering the previous appeal on this site, the Inspector took into account the existence of other sites with the potential to be similarly developed and most notably the yard immediately adjoining the site, which is in similar use. This adjoining site has similar attributes and which did not in his view make the current application site very special.

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- 1.50 Whilst the relocation of the yard would give some benefits, the existing use is long established and would now in part accord with general policy on encouraging the diversification of the rural economy. The proposed alternative development of the site would continue to harm the appearance of the Green Belt in other ways and establish a precedent for the re-development of commercial or untidy sites within the Green Belt. Such a precedent could provide additional indirect harm to the Green Belt.
- 1.51 The Inspector also noted the public support for that previously appealed development from many local residents. However, the Inspector clearly stated that public support was not in itself ground enough for granting planning permission unless it was founded upon valid planning reasons.
- 1.52 The Inspector further considered that, whilst the relatively low density was desirable in relation to openness of the Green Belt, it would not represent an efficient use of land in accordance with the guidance then in PPG3, but which is essentially reiterated in PPS3 that best use should be made of sites and at a minimum density of 30 dwellings per hectare. In this case the site has the potential for some 10 - 15 dwellings.
- 1.53 The Inspector concluded that, whilst there would be a number of benefits inherent in the development of the site, he was not persuaded that in combination they were of a very special nature and did not outweigh the harm to the Green Belt despite his conclusions on accessibility by means other than the private car.

The Extant Permission

- 1.54 The extant permission carries more significant weight than the Inspector's previous decision to refuse permission for three houses because the existing consent has now established terms for the development potential of the site both in view of density and alternative form. The permission provides a unique situation not common to any other site in this District and is therefore very special. The consent also represents a fall back position in that if the current application were not successful it would be possible to develop the site under the existing consent or would remain a material consideration in any alternative scheme.
- 1.55 The consent also establishes a precedent in terms of re-consideration of greater density of development and the added built form that whilst academic at present, could see potentially a more close correlation between increased dwelling numbers and the overall bulk and mass contained within the four barn style dwellings as currently proposed. In this way increased dwelling numbers, if allowed, could provide greater bulk and mass, distributed amongst smaller dwelling units, but with similar impact upon openness, which is the fundamental Green Belt consideration.

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The further intensification of the approved residential use is therefore difficult to resist now since the principle of the residential use is established.

- 1.56 In the consideration of the merits and circumstances of the approved application Members gave particular weight to the fact that the re-development of the site would result in improved amenity to residents in the locality in removing nuisance associated with a "bad neighbour site," including noise and visual intrusion from the current business on site, the reduction of traffic movements to and from the site, and in improving the appearance of the site. These factors, together with the openness of the scale and impact of four bungalows proposed in comparison to the lawful use, buildings and activities on the site, were argued to amount to very special circumstances in terms of Green Belt policy. There has been no change in circumstances on the site and, other than the increased bulk and mass of the buildings to this particular application, the circumstances are identical.
- 1.57 The development of the site in the manner approved would establish a small permanent development of a more urban appearance unrelated to its plotland and rural surroundings, having the appearance of a small close set back from the main Trenders Avenue frontage with no sensible physical fit with the locality.
- 1.58 The current application represents an alternative that would maintain a low density desirable in Green Belt terms, but of a barn style design that would be more fitting in the plot land and rural landscape and with limited reference to the barn complex near to the site and Trenders Hall and the fish farm building also nearby. The buildings proposed would not be true barn conversions but have reference in their design to such schemes common to rural areas. The development proposed, although larger in mass, would not look so out of character or out of place as would the close of more urban styled bungalows, as approved.
- 1.59 The site is therefore unique in being the only site within the Green Belt in this district with a valid permission for four bungalows where none previously existed. The unique and very special circumstances in the recent history of this site conspire to allow for an unusual alternative to the approved scheme to be considered favourably.

Ecological Issues

- 1.60 Concern was previously raised in earlier applications regarding the presence or otherwise of reptiles or other protected species that may be present on the site given the extent of open storage and the potential hibernacula available for reptiles.

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- 1.61 The applicants have provided a survey from a consultant Bat Worker licensed by Natural England, which confirms that the buildings on site are unsuitable for Bat roosting and that there was no evidence of the presence of Bats on the site. The report further advises that Bats are likely to visit the site to forage and feed and that this activity would be likely to continue on the developed site. As such the development would not have a detrimental effect on the local Bat population.
- 1.62 The application is also accompanied by a letter from the Essex Amphibian and Reptile Group that has followed a site visit and visual search of the site with the conclusion that the disruption in the yard would discourage colonisation by reptiles and that adjacent water bodies are commercially run fishing ponds which make them unsuitable to sustain amphibians and that the group do not hold records of Great Crested Newts being present within 500m of the site, concluding that it would be unnecessary to undertake a full reptile survey of the site.
- 1.63 Both the Council's ecologist and Natural England are satisfied with the supporting documents and their findings. No ecological issues or concerns therefore arise for consideration in this current application.

Highway Issues

- 1.64 In the previously appealed application for three houses the County Highway Authority raised objections at the lack of facilities in the locality and limited public transport serving the site. It was argued that the development failed sustainability objectives given the reliance of car born journeys from the development.
- 1.65 The Inspector concluded on this issue that despite the general proximity to Rayleigh the circumstances of the site would not encourage journeys by walking, cycling or public transport and that the appeal proposals would not be readily accessible by means other than the car. Since the previous Appeal the local neighbourhood centre at the former Park School site has received planning permission. The retail store has been open for over a year.
- 1.66 In the previously appealed application the County Highway Authority expressed concern at the unmade road serving the site which lacked an appropriate width, making it difficult for vehicles to pass and with no footways and lack of lighting, proving detrimental to pedestrian safety. The Inspector concluded that there were too many uncertainties as to the control of existing street lighting and the extent for necessary works for a condition to improve street lighting to be appropriate. Overall, however, the Inspector concluded that the likely reduction in traffic that would result from the appeal proposals would outweigh the disadvantages of the appeal scheme in highway safety terms.

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- 1.67 The County Highway Authority no longer raised the previous issues in the consideration of the proposal for four bungalows approved and only required conditions concerning the provision of improved street lighting, together with other conditions specific only to the layout of that particular scheme.
- 1.68 The County Highway Authority no longer pursues its previous concerns with regard to this site, subject to conditions that are considered necessary to any approval that might be given.

Contamination and Drainage Issue

- 1.69 The Environment Agency has considered the accompanying walk over site report and raises no objection to the proposal on the grounds of potential contamination, subject to the following condition:-

“If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until the developer has submitted and obtained written approval for an amendment to the method statement detailing how this contamination shall be dealt with.”

- 1.70 Officers are aware that neither foul nor surface water main drainage are available to serve the development. In this case it is therefore necessary to include conditions requiring the submission of details for both surface and foul water drainage to be agreed as conditions as part of any approval that might be given.

Space Standards

- 1.71 The proposed dwellings would be located on generous sized plots exceeding the Council's space standards for garden areas and side isolation.
- 1.72 Each dwelling would be sited so as not to give rise to overlooking of adjoining property within the 25m distance required between new and existing dwellings, as set out in the Essex Design Guide.
- 1.73 The layout to plots 1, 3 and 4 would provide a double garage and long drive/forecourt for parking in excess of three vehicles. The layout to plot 2 is different in that a double bay car port is proposed and close to the plot frontage such that only a forecourt of 3m and insufficient to provide an additional parking space would be achieved. Furthermore, the car port design is such that the structure is enclosed but for the frontage so that as proposed, additional parking would not be possible by driving through to the generous rear garden area.

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- 1.74 In considering the previous appeal the Inspector found that the occupiers of the site would be car dependant, given that the relative remoteness of the site from services in Rawreth Lane would discourage walking and cycling. The parking standards for dwellings of this size require provision of three parking spaces within the control of each plot. Whilst the layout for plot 2 fails to meet this requirement, there is sufficient scope within the layout to provide, with minor change, the revision to the car port to achieve parking at the rear without detriment to any existing adjoining neighbour to the site. It is therefore considered that this minor failing can be addressed by requiring the further submission of details for additional off street parking to serve plot 2 as a condition to any approval that might be given.
- 1.75 The density, although below that for residential sites, is considered acceptable for this Green Belt location and the very special circumstances of the site. Similarly, the overall design and form is considered acceptable for this unique site and circumstances.
- 1.76 The layout considerations do not present any conflict with policy HP 6 to the Council's adopted Local Plan (2006).

Conclusion

- 1.77 The site is located within an area of Metropolitan Green Belt whereby, given that the construction of new buildings is inappropriate, an assessment has to be made as to whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the grant of permission.
- 1.78 The site to which this application relates is unique in that a planning permission has been previously granted for four bungalows where no previous dwellings exist and which remains extant and a very special circumstance to be taken into consideration.
- 1.79 In the consideration of the merits and circumstances of the approved application the Council gave particular weight to the fact that the re-development of the site would result in improved amenity to residents in the locality in removing nuisance associated with a "bad neighbour site" including noise and visual intrusion from the current business on site, the reduction of traffic movements to and from the site, and in improving the appearance of the site. These factors, together with the openness of the scale and impact of four bungalows proposed in comparison to the lawful use, buildings and activities on the site, were argued to amount to very special circumstances in terms of Green Belt policy. There has been no change in circumstances on the site and therefore the increased bulk and mass of the buildings proposed in this revised application.

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- 1.80 The current application represents an alternative that would maintain a low density desirable in Green Belt terms, but of a barn style design that would be more fitting in the plotland and rural landscape and with limited reference to examples nearby and similarity to barn conversions in other rural areas more generally. The buildings proposed would not be true barn conversions but have reference in their design to such schemes common to rural areas. The development proposed, although larger in mass, would not look so out of character or out of place as would the close of more urban styled bungalows, as approved.
- 1.81 The unique and very special circumstances in the recent history of this site conspire to allow for an unusual alternative to the approved scheme to be considered favourably.

RECOMMENDATION

- 1.82 It is proposed that the Committee **RESOLVES to APPROVE** the application, subject to the following conditions:-
- 1 SC4B Time Limits Full standard
 - 2 No development requisite for the construction of the development hereby approved shall commence before the applicant or developer has constructed to the standard of type 5 minor access way that area of Trenders Avenue shown hatched on the plan on drawing No. DMG/08/400/5 Rev. B., as received on 13 January 2009. Such construction shall provide the vehicle carriageway to Trenders Avenue to a standard width of 4.8m. Where the road cannot be widened to this width then the carriageway shall be maintained with a minimum width of 3.7m. Such works shall include the upgrading of the existing street light luminaries to the requirements of the County Highway Authority, as required by condition 5 of this permission and as further described in the application particulars and detailed on drawing No. DMG/08/400/5 Rev. B., as received on 13 January 2009 and forming part of this permission.
 - 3 Notwithstanding the requirements of condition 2 above, the applicant shall submit prior to the commencement of the development details for the construction methodology for the road construction to that part of Trenders Avenue shown hatched on the plan on drawing No. DMG/08/400/5 Rev. B., as received on 13 January 2009. Such details shall include:-
 - a) The present and proposed dimensions of the road carriageway
 - b) The extent of areas of excavation
 - c) Identification and means of protection of any tree rooting zones that fall within the site for excavation
 - d) Method statements for root care during excavation

The development shall be implemented in accordance with such details as may be agreed by the Local planning Authority.

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- 4 If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until the developer has submitted and obtained written approval for an amendment to the method statement detailing how this contamination shall be dealt with.
- 5 The access road off Trenders Avenue into the site serving the dwellings proposed shall be completed to at least base course level prior to the commencement of any engineering works on site and shall be completed as approved by the Local Planning Authority prior to the beneficial occupation of any of the dwellings.
- 6 The applicant or developer shall at no cost to the public purse improve the existing lighting by means of upgraded luminaries, details of which shall be submitted to and agreed in writing by the Local Planning Authority.
- 7 Within the development site prior to the commencement of any building works there shall be provided a pound for the parking and turning of operatives' and delivery vehicles, together with an area for the reception and storage of building materials clear of the roadway.
- 8 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 written scheme of investigation which has been submitted by the applicant or developer and approved by the Local Planning Authority.
- 9 Prior to the commencement of the development the applicant or developer shall submit details for the protection and retention of the existing Oak tree marked "EXISTING OAK" on the block plan on drawing DMG/08/400/1, as received on 13 January 2009. Such measures shall include:-
 - 1) Designation of a protected area using criteria from BS 5837 (2005) sections 9 and 11. Within this area there shall be no storage of plant or materials or movement of plant and equipment and no change to the existing ground level.
 - 2) Submission of a scaled plan showing protection limits and area for storage of materials and contractors' parking.
 - 3) A method statement for the construction of the tree protection measures.
- 10 The development shall be implemented in accordance with such details as may be agreed by the Local Planning Authority and shall be for the duration of the construction period until the dwellings approved are first occupied. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (including any Order revoking or re-enacting that Order, with or without modification) no extensions or additions shall be erected on any elevations of the dwelling hereby permitted.

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- 11 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class B and/or Class C, of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (including any Order revoking or re-enacting that Order, with or without modification) no dormers, roof lights or windows shall be inserted, or otherwise erected, within the roof area (including roof void) of the dwellings hereby permitted. Furthermore the roof area shall not be used for habitable purposes.
- 12 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (including any Order revoking or re-enacting that Order, with or without modification) no outbuildings shall be erected, or otherwise provided, within the curtilage of the dwellings hereby permitted.
- 13 No development shall commence before plans and particulars showing precise details of the hard and soft landscaping of the site which shall form part of the development hereby permitted, have been submitted to and agreed in writing by the Local Planning Authority. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority shall show the retention of existing trees and shrubs and hedgerows on the site and include details of the following:-
 - a) schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;
 - b) existing trees to be retained;
 - c) Areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
 - d) paved or otherwise hard surfaced areas;
 - e) existing and finished levels shown as contours with cross sections, if appropriate;
 - f) means of enclosure and other boundary treatments;
 - g) car parking layouts and other vehicular access and circulation areas;
 - h) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, lighting;
 - i) existing and proposed functional services above and below ground level (e.g. drainage, power and communication cables, pipelines, together with positions of lines, supports and manholes.

Such details as may be agreed by the Local Planning Authority shall be implemented in their entirety during the first planting season (October to March inclusive) following the decision hereby approved, or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority. Any tree, shrub, or 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 applicant (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.

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- 14 No development shall commence before details of all external facing (including windows and doors) and roofing materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Such materials as may be agreed in writing by the Local Planning Authority shall be those used in the development hereby permitted.
- 15 No development shall commence before the lawful use of the site for a demolition contractors' depot consisting of the composite uses of the open storage of reclaimed building materials, the processing of reclaimed building materials and the sale of reclaimed building materials has ceased, all associated buildings/structures have been demolished and all resulting materials therefrom, together with all associated plant/machinery and vehicles, have been completely removed from the site.
- 16 No development requisite for the erection of the dwellings hereby approved shall commence before plans and particulars showing precise details of a satisfactory means of surface water drainage (including attenuation measures if appropriate) for this site, have been submitted to and agreed in writing by the Local Planning Authority. Any scheme of drainage details as may be agreed in writing by the Local Planning Authority shall be implemented commensurate with the development hereby permitted and made available for use upon first occupation of the dwellings hereby approved.
- 17 No development requisite for the erection of the dwellings hereby approved shall commence before plans and particulars showing precise details of a satisfactory means of foul water drainage for this site have been submitted to and agreed in writing by the Local Planning Authority. Any scheme as may be agreed in writing by the Local Planning Authority shall be implemented commensurate with the development hereby permitted and made available for use prior to the first occupation of the dwellings hereby approved.
- 18 Notwithstanding the submitted plan hereby approved the applicant shall submit prior to the commencement of the development hereby approved details for the revised parking layout within the Plot 2 to show parking for three vehicles clear of the highway and turning area to achieve three parking spaces within plot 2. The development shall be implemented in accordance with such details as may be agreed by the Local Planning Authority.
- 19 Prior to the commencement of works on site a plan shall be submitted to the Local Planning Authority showing the detailed means of access into the site which shall be modified by means of 6.0m radius kerbing to both sides of the access road to a standard in accordance with the Essex Design Guide for residential and mixed use areas. The works shall include all the necessary lighting and drainage necessary. The development shall be implemented in accordance with such details as may be agreed by the Local Planning Authority.

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REASON FOR DECISION

The development proposed would result in improved amenity to residents in the locality in removing nuisance associated with a 'bad neighbour site' including noise and visual intrusion from the current business on site, the reduction of traffic movements to and from the site, and in improving the appearance of the site. These factors, together with the openness of the scale and impact of a re-development of the site for four bungalows, as approved on 10 August 2007 under application reference 07/00312/FUL, in addition to the lawful use, buildings and activities on the site, amount to very special circumstances in terms of Green Belt policy that on balance favour the alternative form of development proposed in this application.

Relevant Development Plan Policies and Proposals

Rochford District Replacement Local Plan (Adopted 16 June 2006)
R1, HP3, HP6

Supplementary Planning Document 2 – Housing Design (January 2007)
Supplementary Planning Document 5 – Vehicle Parking Standards
(January 2007)



Shaun Scrutton
Head of Planning and Transportation

For further information please contact Mike Stranks on (01702) 318092.

09/00013/FUL



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.**