



Rochford District Council

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY
PLANNING COMMITTEE 16th December 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.

Ward Members for Committee Items

HAWKWELL SOUTH

Cllr P A Capon

Cllr Mrs H L A Glynn

SCHEDULE ITEMS

1 04/00849/OUT Mr Mike Stranks PAGE 4

Outline Application To Erect 2 Storey Block Of 14 (No) One and Two Bed Flats. With Associated Parking And Amenity Areas (Demolish Existing Petrol Filling Station, Workshop and showroom). Renewal of Outline Approval 01/00353/OUT

111 Ashingdon Road Rochford
Essex SS4 1RF

TITLE : **04/ 00849/ OUT**
OUTLINE APPLICATION TO ERECT TWO STOREY BLOCK
OF 14 No. ONE AND TWO BEDROOMED FLATS WITH
ASSOCIATED PARKING AND AMENITY AREAS. (DEMOLISH
EXISTING PETROL FILLING STATION, WORKSHOP AND
SHOWROOM)

APPLICANT : **MR JON MOHOLKAR**

ZONING : **AREAS PRIMARILY FOR INDUSTRIAL USE**

PARISH: **HAWKWELL**

WARD: **HAWKWELL SOUTH**

PLANNING APPLICATION DETAILS

The Site and Location

- 1.1 This application is to a site on the western side of Ashingdon Road on the inside of the junction made with Leecon Way.
- 1.2 On the site exists a filling station, convenience store, office / workshop and car sales showroom. Part of the site is currently in use for the open display of cars for sale in addition to that contained within the showroom.
- 1.3 The existing building on site is predominantly single storey, but with a workshop / office of two storey flat roofed form at the southern end of the site.
- 1.4 The site is adjoined by industrial and retail premises to the west and north associated with car parts and vehicle accessories. Opposite the site to the east there is predominantly housing, with some chalets and bungalows. These dwellings are set back from the line of the street by a wide verge area of some 12m in width, placing the front walls of these dwellings 19m from the back edge of the pavement.
- 1.5 Housing on the same side of the street but further north is generally much closer to the street. The front walls of these dwellings are some 5–6m from the back edge of the pavement.
- 1.6 Adjoining the site to the south is a detached house set in extensive grounds and adjoining a school. This house is a Grade II Listed Building.

The Application

- 1.7 The proposal is in outline form and is submitted as a renewal of the scheme previously approved under application 01/00353/OUT. The applicant seeks approval for siting, landscaping and means of access.

- 1.8 The submitted plans show a two storey building located at the northern end of the site. The layout shows provision of 4 one-bed and 2 two-bed flats at ground floor. The first floor plan extends over the car parking area to the west and shows provision for 4 one-bed and 4 two-bed flats. The total number of flats proposed is therefore 14.
- 1.9 The amenity area provision is generally to the south of the site between the Ashingdon Road frontage and the proposed car parking area, but with provision also about the areas in front of the building onto Ashingdon Road and Leecon Way.
- 1.10 Car parking is proposed at the western rear side of the building and accessed beneath the projection of the first floor to the western boundary. Although the layout shows provision for 25 car parking spaces, the applicant states provision will actually be 21 spaces, allowing for the need to locate the supporting structure for the upper floor area.
- 1.11 The proposal would abandon access from Ashingdon Road in favour of a single access point at the western rear part of the site from Leecon Way.

RELEVANT PLANNING HISTORY

- 1.12 02/01048/COU
Change of use of premises from petrol filling station / vehicle repairs /car showrooms to petrol filling station /shop/cafe/teria, together with alterations to front and side elevations

Permission Granted 20 February 2004.
- 1.13 Appeal to vary conditions 2) and 10) allowed 12 December 2003.
- 1.14 2) The premises shall not be open for customers outside the following hours: 0700 – 2230 Mondays to Fridays and 0800 – 2230 Saturdays and Sundays.
- 1.15 10)The hot food takeaway use shall not be commenced until details of a scheme for the provision and maintenance of litter bins in the vicinity of the appeal site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall remain in operation for the duration of the hot food takeaway use.
- 1.16 01/00353/OUT
Outline application to erect 2 storey block of 14 (No) one and two bed flats with associated parking and amenity areas (demolish existing petrol filling station, workshop and showroom)
Permission Granted 20 November 2001

CONSULTATIONS AND REPRESENTATIONS

- 1.17 **Hawkwell Parish Council** – No objections
- 1.18 **Essex County Council Highways and Transportation** – Raise no objections, subject to a Legal Agreement requiring that:
- the developer pays a financial contribution of £15,000 to the County Highways Authority for off site highway works, being in this case a contribution towards the provision of a cycle route on Ashingdon Road.
 - And to the following conditions (summarised):
 - 1) That existing accesses onto Ashingdon Road are suitably closed.
 - 2) The provision of a pram crossing to be provided on Ashingdon Road at its junction with Leecon Way.
 - 3) The new access to be constructed to a minimum width of 4.1 metres on the site boundary and splayed to a suitable dropped kerb crossing.
 - 4) A pedestrian visibility splay 1.5m x 1.5m to be provided either side of the access.
 - 5) Space to be provided within the site to accommodate the parking and turning of all vehicles regularly visiting the site.
 - 6) The driveway / access to be laid out and constructed in permanent material for the first 6 metres from the site boundary
- 1.19 The Highways Authority further advise that all works within the highway should be laid out and constructed to the satisfaction of the Highways Authority .
- 1.20 The Highways Authority recognise that Leecon Way is a private road and the conditions recommended are to ensure that the development would be built to the best current practice.
- 1.21 **Rochford District Council Engineering Section** – No objections. Advise that public foul and surface water sewers are available and that the Swains Industrial Estate access road has private road status.
- 1.22 **Essex Police Architectural Liaison Officer** - No objections.
- 1.23 **Environment Agency** – Recommends that a desk top study is undertaken to identify previous uses of the site and potential contaminants and further recommends suitable conditions being imposed relating to site investigation, risk assessment and remediation method statement.
- 1.24 One letter has been received from a resident near to the site that makes the following comments in support of the application:
- The removal of the petrol filling station and associated noise and pollution would be a definite improvement environmentally.
 - Would be happy to withdraw previous objection to a three storey building to ensure removal of the filling station.

MATERIAL PLANNING CONSIDERATIONS

Principle of the Development

- 1.25 Policy EB2 to the Council's Adopted Local Plan (1995) generally advocates the preference for B1 (business), B2 (general Industrial) and B8 (storage and distribution) uses for this site. However, the proposal is a repeat of an application previously approved. Furthermore, the site is allocated for residential purposes in the Council's Second Deposit Draft Rochford District Replacement Local Plan. There have been no material changes in circumstances since the previous application that would now make a case in planning terms for the retention of the site for industrial purposes.
- 1.26 The site is located on a main road which serves to distribute heavy traffic flows through the Rochford area. The proposed residential flats would give rise to fewer vehicle movements to and from the site than the existing uses, particularly the filling station and retail shop. In terms of Policy H16 the proposal would have less impact upon the amenity of surrounding dwellings in terms of traffic.
- 1.27 The predominant use of the surrounding area is residential but with a mixed use character given the presence of a school and local shopping parade nearby, together with adjoining industrial and retail uses adjoining the site. The two storey form of the building would not detract in principle from the street scene in the site location. Indeed, further to the south at the junction of Ashingdon Road with Roche Avenue two storey flatted developments exist on both sides of this junction. In the absence of any material change in circumstances since the previous approval there can be no objection to the principle of the development proposed in this location.
- 1.28 The proposed parking areas would be located at the rear of the proposed building and adjoining existing commercial uses. Whilst part of the car park would also adjoin the curtilage of the listed building at the southern end of the site, the listed building is set a distance of some 14m in from the site boundary. Outbuildings within the curtilage are located between the house and the application site.
- 1.29 Although the commercial use of this site has existed for some fifty years the proposed residential use will improve the relationship between the site and the adjoining listed building. The main bulk of the building, as proposed, would be separated from the southern boundary of the site by the location of the parking and amenity areas.
- 1.30 The further consideration of matters of bulk and design are reserved at this outline stage.

Car Parking

- 1.31 The parking provision shown equates to one and one half parking spaces per flat proposed. Given the location of the site along a main route with a good bus service and the location of some local shops with the town centre and train station a reasonable walking distance from the site, the parking provision of 21 spaces is

considered acceptable in planning terms.

Amenity Area

- 1.32 The submitted layout achieves an amenity area distributed about the front of the building onto Leecon Way and Ashingdon Road and to the southern side of the building totalling 440 square metres. The 14 flats proposed would require the provision of 350 square metres at 25 square metres each. Part of this provision immediately in front of the building is open to the public gaze. The remaining area to the southern side of the site is some 278 square metres in area. The perceived shortfall in the requirement by 72 square metres could be reduced by the provision of balcony areas of at least 5 square metres to three of the first floor flats. Accordingly, the submitted proposal in principle makes satisfactory provision for amenity area to serve the needs of future occupiers of the flats proposed.
- 1.33 Refuse storage - the proposed layout shows provision of a refuse storage facility within the building but accessed from an external door. This would be located within a distance of 17m of the access to Leecon Way and is considered acceptable in planning terms.

Privacy and Overlooking

- 1.34 The proposed siting provides opportunities for windows overlooking two public streets with other elevations at least 15m from site boundaries with the exception of the rear elevation of the building which faces westwards and which would only be 1 metre from the site boundary. It is not clear, however, without elevations, that windows will be required to this wall. This matter will need to be addressed in the necessary reserved matters should approval be forthcoming.

Landscaping

- 1.35 Although the applicant has indicated some provisional landscaping of the site, this layout is not supported by details and specification of species, site preparation and planting schedule. It is not possible to confirm any acceptance of matters of landscaping at this stage, but it is, however, appropriate to include a detailed condition to any outline consent granted requiring the submission of these details as necessary reserved matters.

CONCLUSION

- 1.36 The proposal in principle is considered acceptable in planning terms. The proposed layout of the development would not appear detrimental to the character of the street. The development proposed would represent a reduction in traffic as compared to the existing uses on the site. There have been no material changes in circumstances applicable to the site that in planning terms lead to a different conclusion to the previous permission that the applicant now seeks to renew. Subject to appropriate conditions, the proposal is considered acceptable.

- 1.37 The requests from the County Highways Authority for a financial contribution towards provision of a cycle way and the provision of a pram crossing are as previously suggested when the applicant took issue with their relevance to the application proposals and the Head of Planning Services considered they were unrelated to the development proposed and therefore unreasonable. Therefore, as previously, these items are not supported in the officer recommendation.

RECOMMENDATION

- 1.38 It is proposed that the Committee **RESOLVES** to **GRANT** permission, subject to the following conditions:

- 1 SC2 Reserved Matters – Specific
- 2 SC3 Landscaping of the site and finished surface to the access and parking areas
- 3 SC8 Time Limits outline – Standard
- 4 SC14 Materials to be used (Externally)
- 5 No development shall commence before plans and particulars showing precise details of any gates, walls, fencing or other means of amenity screening or enclosure to be erected within the site, have been submitted to and agreed in writing by the Local Planning Authority. Such details of screening or other means of enclosure as may be agreed in writing by the Local Planning Authority shall be erected prior to the first occupation of the development hereby approved and thereafter maintained in the approved form, notwithstanding the provisions of Article 3, Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any order revoking or re-enacting that order, with or without modification).
- 6 The existing accesses onto Ashingdon Road shall be closed off before the development is first used, in accordance with a scheme to be submitted to and approved by the Local Planning Authority.
- 7 The proposed access shall be constructed to a minimum width of 4.1 metres on the site boundary and shall be splayed to a suitable dropped kerb crossing.
- 8 A pedestrian visibility splay 1.5m x 1.5m, as measured from the back of the footway, shall be provided either side of the access with no obstruction above 600mm within the area of the splay.
- 9 SC58 Landscape Design – Details (Reserved Matters)

Relevant Development Plan Policies:

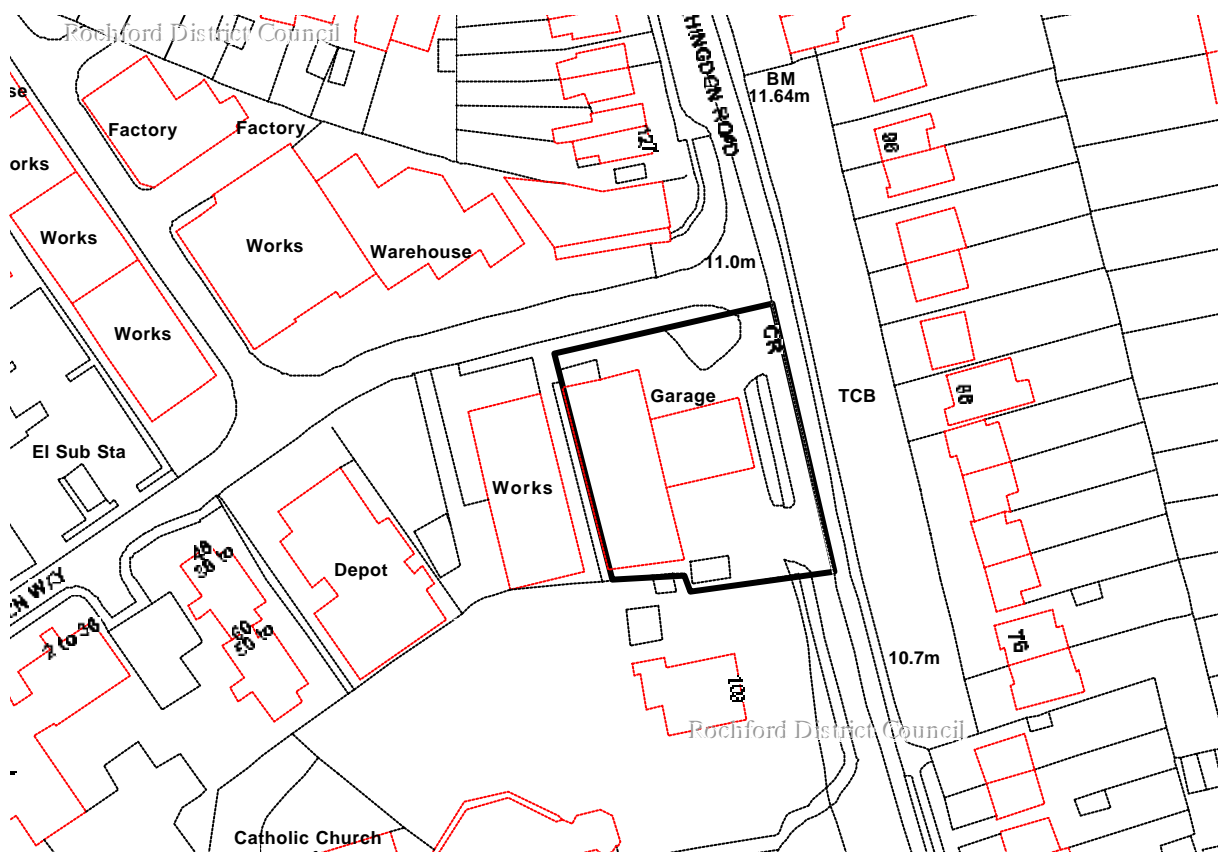
EB2,H16 to the Rochford District Council Local Plan First Review Adopted 11th April 1995

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) 318092.

04/00849/OUT



Rochford District Council

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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.**