



Rochford District Council

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY
PLANNING SERVICES COMMITTEE 23rd October 2003**

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.

ASHINGDON & CANEWDON

Cllr Mrs T J Capon

Cllr T G Cutmore

LODGE

Cllr C C Langlands

Cllr T Livings

HOCKLEY WEST

Cllr Mrs L Hungate

HOCKLEY NORTH

Cllr C A Hungate

PLANNING SERVICES COMMITTEE 23rd October 2003

SCHEDULE ITEMS

- | | | |
|---|--|--------------------------------------|
| 1 | 03/00651/FUL
Erection Of Two And Three Storey Building
Containing 11 No. Flats, Erection Of 3 No. Houses,
Associated Car Parking. Demolition Of Existing Hotel
(Resubmission Following Withdrawal Of Application
Ref:03/00422/FUL.
The Anchor Fambridge Road Ashingdon | Mr Peter Whitehead
PAGE 3 |
| 2 | 02/01054/FUL
Amendment to Existing Permission 01/00033 to
Provide Two Detached Dwellings with Detached
Garages in Place of Plot 4. Amend Approved
Dwelling to Plot 2 (with triple garage) and 6
(Previously Plot 5). Provide Separate Access (to
north side of site) and Relocate Garage to Plot 1.
Amend Access Road and Plot Boundaries.
61 Rayleigh Avenue Rayleigh | Mr Leigh Palmer
PAGE 16 |
| 3 | 03/00632/FUL
Detached Bungalow With Attached and Detached
Garage. (Revised Application following 03/00005/FUL
to Include Single Storey Rear Extension)
Land Rear Of 26 High Road Hockley | Mr Leigh Palmer
PAGE 23 |
| 4 | 03/00772/FUL

Two Storey Rear Extension
33 Pulpits Close Hockley | Mr Samuel
Hollingworth
PAGE 28 |

**ANY OTHER ITEMS REFERRED BY MEMBERS FROM THE
WEEK ENDING 17 OCTOBER 2003 WEEKLY LIST**

PLANNING SERVICES COMMITTEE - 23rd October 2003 Item 1

TITLE : 03/00651/FUL
ERECTION OF TWO AND THREE STOREY BUILDING
CONTAINING 11 NO. FLATS, ERECTION OF 3 NO. HOUSES,
ASSOCIATED CAR PARKING. DEMOLITION OF EXISTING
HOTEL. (RESUBMISSION FOLLOWING WITHDRAWAL OF
APPLICATION REF. 03/00422/FUL).
THE ANCHOR FAMBRIDGE ROAD SOUTH FAMBRIDGE

APPLICANT : MR N D RYAN

ZONING : RESIDENTIAL

PARISH: ASHINGDON PARISH COUNCIL

WARD: ASHINGDON & CANEWDON

PLANNING APPLICATION DETAILS

- 1.1 The application proposes the erection of a part-two storey part-three storey building containing 11 no. 2-bed flats. The second floor accommodation would be contained within the roofspace.
- 1.2 The building would be situated where the Anchor Hotel now stands, and the demolition of the existing Hotel is clearly a corollary of this application.
- 1.3 The application also proposes the erection of a terrace of 3 no. 3-bed dwellings to the rear of the site, on land which forms the Hotel's garden. These houses would front onto St Thomas Road. The erection of these houses requires the removal of a line of multi-stemmed Ash trees that are currently the subject of a preservation order. A tree report has been submitted. This is discussed below.

RELEVANT PLANNING HISTORY

03/00422 - erection of 2/3 storey building containing 8no. flats, together with café/bar and 3no. houses - WITHDRAWN

CONSULTATIONS AND REPRESENTATIONS

- 1.4 **Ashingdon Parish Council** - object to the proposals on the following grounds:
 - flats inappropriate in a rural area
 - ground floor bar [shown in previous application] deleted, and replaced by flats thereby increasing the number from eight to eleven
 - loss of amenity of a ground floor licenced bar
 - inadequate parking facilities
 - parking in the access road could raise safety issues, problems of fire engines

reaching properties in St Thomas Road. Power cuts in the village present a fire hazard to the residential units.

- no parking should be allowed in the access road
- the Parish Council owns the car park in St Thomas Road, and notes that it was provided for the [existing] residents of St Thomas Road. It also notes that the road was funded and constructed by the residents.

The letter raises other issues:

- Inadequate play area for children
- The preserved trees in St Thomas Road should remain
- Foul and storm water problems could result from the proposal

- 1.5 **Essex County Council (Highways)** - require a legal agreement containing clauses to provide a 1.8m wide footway along the Fambridge Road frontage and a suitable shared surface road along the southern frontage. Standard conditions are recommended in relation to the provision of the parking spaces.
- 1.6 **Essex County Council (Learning Services)** - estimate that this development will result in two secondary school places being required, and request a developer contribution of £20,400 to cover this.
- 1.7 **Essex County Council (Archaeology)** - note that the site is outside any known archaeological deposits.
- 1.8 **Council's Woodland and Environmental Specialist** - the supporting arboricultural document for the proposed development accurately describes the protected trees and suggests a suitable scheme of replacement planting to maintain the tree lined feel to St Thomas Road. The tree replacements would also offer a natural barrier/screen to the development that could be protected under a new Tree Preservation Order. I can support the scheme of tree replacement and subsequent protection.
- 1.9 **Housing Health & Community Care** - recommend a condition that the details of the internal lift be approved by the Local Planning Authority, and recommend Standard Informative SI16.
- 1.10 A total of 20 letters of representation have been received. The majority of these are from villagers, though some are from residents elsewhere in the District, who are concerned that the existing Anchor Hotel is to be demolished. The broad grounds for objection cited in these letters are as follows:
 - The applicants assured villagers that the proposal would incorporate a bar/restaurant, but the current proposals do not include one
 - Loss of Anchor Hotel: bar - this was focal 'meeting point' in village, also 'meeting room' upstairs was available, and used for meetings, keep-fit, childrens' parties etc.
 - The proposed parking is inadequate
 - The proposal is out of character and context with its surroundings
 - The building is too high
 - Over-development

- Expansion of the hamlet/village will impact upon existing villagers
- Drainage issues
- More cars
- Loss of important wildlife environment, trees and hedges
- Changes to access road (and possible parking on it) would inhibit access by dust carts, emergency vehicles etc
- There are regular power cuts because of the poor supply. Further housing in the village will increase strain on this.
- The applicants should not assume they have a right of way over St Thomas Road (for the occupiers of the 3 no. proposed houses)
- The Anchor Hotel is part of the street scene and should be preserved.
- The Anchor Hotel is a fine example of the architecture of its time.
- The Anchor appears in the Council's Local List of Buildings of Architectural, Historical and Townscape Importance.
- The loss of the pub will be a substantial loss not only to villagers, but also to families and walkers who visited the pub, etc, while taking advantage of walks along the sea walls.
- The Anchor provided the toilet facilities for walkers, etc.
- If this proposal is approved, South Fambridge should be put on bus routes.
- If the village is going to lose the pub, the developers should fund another village amenity, e.g., a children's play area.
- Little effort was put into running the pub in recent years, so the business deteriorated and became unprofitable. It is considered that the pub could survive under more effective management.

MATERIAL PLANNING CONSIDERATIONS

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

1.14 The 'Limit' on House Numbers

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

- 1.15 As part of the Village Design Brief, it therefore resolved to limit the number of housing units in South Fambridge to 61. (NB: the figure was originally set at 60 units, but was then raised to 61 in response to an amended layout for new housing in the village.) The figure of 61 housing units took into account the then-existing 31 houses in the village, together with the redevelopment of the engineering works and several other smaller developments. The figure was set because it was considered that new development should not more than double the size of the village.
- 1.16 The limit on housing numbers was not incorporated into the Rochford District Local Plan (1988), or, indeed, into the First Review of the Local Plan (1995). However, within the former Plan, the village was removed from the Green Belt, and given a residential allocation. Nevertheless, the limit on house numbers remains in place, and is material to the consideration of the current application.
- 1.17 It is calculated that there are currently 61 housing units in South Fambridge, excluding the Anchor Public House. In addition, permission was recently granted for an additional dwelling on land beside The Bungalow, Fambridge Road, ref. 03/00171/OUT. If/when built, this will increase the number of units to 62.
- 1.18 The current application proposes an additional 14 no. units in the village, and is clearly contrary to the limit on housing numbers.
- 1.19 The question, though, is the weight that should be applied to this 'limit.' Should the figure of 61 units be applied as an absolute limit, with some flexibility or be considered to have outlived its usefulness, having been superseded by more recent Government guidance, etc?
- 1.20 The simple fact that the 'limit' was not incorporated into a policy in either Local Plan does mean this factor cannot be granted the full weight of a policy, but the lesser weight of supplementary guidance. Indeed, a report of the District Plan Working Party on 19th January 1989 notes that the Village Design Brief should be of 'informal status', which suggests that even then it was recognised that the figure of 61 should be used as a guide, rather than an absolute figure.

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

- 1.27 Because of the lack of employment in the village, a large proportion of residents of the proposed flats and houses would leave the village during the day. Their children would also leave the village to attend schools. Activity within the village associated with the occupiers of the new development would therefore be most pronounced in the evenings and at weekends.
- 1.28 Having regard to these factors, including the activity formerly associated with the pub and hotel/bedsit use, it is considered difficult to conclude that the activity associated with the proposed development would significantly or detrimentally affect the village's character.
- 1.29 **Scale, Design and Appearance**
In terms of considering the scale and appearance of the proposed flats, it is useful to draw comparisons to the scale of the existing Anchor Hotel. The Anchor Hotel is a three-storey building, its second floor accommodation being contained in a large gabled roof. The overall height of the building is calculated to be 11.1m to the ridge. The Hotel also includes a two storey flat-roofed element to the rear, approximately 6m in height.
- 1.30 The proposed building comprises a mixture of two storey and three storey forms. The three storey part of the building, which fronts onto Fambridge Road, and returns along the access road to the south is 11.1m high - the same height as the existing building. As with the existing building, the second floor accommodation is proposed in the roofspace. The two storey element is proposed towards the northern end (adjacent to a house known as 'The Coach House') and measures 9.7m to its ridge. The two storey part of the proposed building is approximately 1.4m lower than the three storey part of the existing building in this basic location.
- 1.31 It is noted that elevation of the flats fronting Fambridge Road is approximately 5m longer than that of the existing Hotel. As a result of this, the elevation of the flats fronting the access road is situated further forward than the existing building, being partly situated on the Hotel's existing parking area. This element of the flats also extends 2m further to the east than the existing Hotel.
- 1.32 It is clear that the proposed building is of appreciable height and bulk, and will have a substantial visual impact. It will be the largest and tallest building in the village; larger, indeed, than the existing Hotel. However, whilst it would be larger, it is difficult to conclude that the building would be in any way harmful as a result. It is not considered that moving it forward into the existing car parking area, and marginally further to the east, will make it appreciably more dominant in the street scene. Moreover, the scale of the building at the northern end will actually be less than that of the existing building.
- 1.33 In terms of its use, the proposed building clearly replaces a building that provided communal accommodation, either historically as a bona fide hotel or, more recently, as bed-sit accommodation. In terms of the use of the building, it is difficult to distinguish bedsit accommodation in the Anchor Hotel from the flattened accommodation now proposed.

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- 1.34 In terms of its design, the flatted block is of fairly contemporary appearance, but picks up many of the key features of the existing Hotel, including balconies to the front (facing Fambridge Road) and the access road; gables to the front; traditional flat-roofed (leaded) dormer windows, as well as traditionally styled windows. Overall, it is considered that the building is of good design, and satisfactory composition.
- 1.35 The proposal clearly necessitates the demolition of the existing Anchor Hotel. This building is of Edwardian origin and design. The building is attractive in its own right, but has been insensitively extended with a two storey flat-roofed extension to the rear. The building is not listed or situated within a conservation area. It does, however, appear on the Local Plan's Local List, to which Policy UC8 applies. The Local List does not confer any statutory protection and, as a result, Policy UC8 lacks 'teeth.' For this reason, no Local List appears in the emerging Replacement Local Plan. Because permission is not required for the building's demolition, a reason for refusal relating to its loss could not realistically be sustained, notwithstanding the building's inclusion on the current Local List.
- 1.36 In addition to the 11 no. flats, the application proposes the erection of a terrace of 3 no. houses to the rear fronting St Thomas Road. This road is characterised by a mixed development. A terrace of two storey houses comprise development on the west side of the road (the same side as the proposed houses), whilst bungalows and chalets comprise the development on the east side. Most of the existing properties front directly onto the road.
- 1.37 The proposed houses are of similar scale and height to the terrace of houses further down the road. The frontage of the terrace would be set back approximately 4m from the road. It is considered that these houses would satisfactorily blend in with the character and siting of existing development in this road.
- 1.38 **Spatial Issues**
The site is located on the corner of Fambridge Road and an access road leading to St Thomas Road. There is no development on the west side of Fambridge Road - this land is agricultural land falling within the Green Belt. Brickhouse Farm lies to the south of the access road; a group of agricultural buildings situated on the boundary limit views into this site. Moreover, the farmhouse is also a considerable distance from the proposed flats.
- 1.39 A house known as The Coach House lies immediately to the north, and bungalows in St Thomas Road lie to the east. In terms of sensitivity then, attention is focused on these existing developments to the north and east.
- 1.40 In terms of impact upon the existing bungalows in St Thomas Road, the relationship proposed is a conventional one, with the fronts of the new and existing properties facing each other from either side of the road. Such a relationship exists further down the same road, and is clearly typical of urban streets. The supplementary guidance of the Essex Design Guide does not seek to protect privacy to the fronts of dwellings.

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- 1.41 In terms of impact upon The Coach House, it is noted that the flank wall of the existing Hotel is situated on the flank boundary, and measures 11.1m to the ridge. In contrast, a two storey element measuring 9.7m to the ridge is now proposed adjacent to this property. Moreover, the proposed two storey element would be set in 1m from the flank boundary, and set back 1.6m into the site more than the front wall of the existing Hotel. All these factors will serve to reduce the impact upon the Coach House, and lead to the conclusion that the proposed relationship will be an improvement over the existing one.
- 1.42 The relationship between the Coach House and the 3 no. proposed houses also needs to be studied. The properties are offset and the backs of the properties do not directly face one another. Revised plans have been received amending the position of a projecting gabled element to the rear of the terrace house closest to The Coach House. In the position now shown, it is considered that the window in the gable end would not give rise to a loss of privacy to occupiers of the Coach House.
- 1.43 The backs of the proposed flats and 3 no. terraced houses do directly face one another. However, the internal layout of the flats has been designed such that kitchens, bathrooms and hallway/staircases face to the rear. The applicants have annotated these windows as obscured glazed on the submitted plans. Subject to a condition requiring that all rear-facing windows at first and second floor be obscured glazed and fixed shut, the relationship between the two sets of properties is considered acceptable. The proposal also complies with the guidance of the Essex Design Guide in terms of the distance between the properties in order to prevent overshadowing.
- 1.44 The proposed amenity areas to serve the proposed houses and flats fully accord with the Council's adopted standards.
- 1.45 **Car Parking/Highways**
A total of 17 no. spaces are proposed to serve the flats. This equates to just over 1.5 spaces for each of the 11 no. flats. All the flats have two bedrooms. This amount of car parking is considered compliant with the newly adopted parking standards, and also complies with the standards set out in the existing Local Plan First Review.
- 1.46 Two spaces are proposed to serve each of the 3 no. houses. Again, this provision complies with the relevant standards.
- 1.47 The Highway Authority requires a footpath to the frontage on Fambridge Road, and the making-up of the access road to the south. It recommends a legal agreement to this end. It would appear, however, that both areas of land are within the application site/the control of the applicant. Therefore, these matters can be covered by planning conditions.
- 1.48 **Infrastructure and Loss of Pub/facilities**
It is noted that ECC Learning Services have requested an educational contribution of £20,400. The applicant's agent has stated in writing that his client is prepared to enter into a legal agreement to this end.

- 1.49 The application will clearly result in the loss of the bar/restaurant, which formed part of the Anchor Hotel. Until its recent closure this was the only such facility in the village. The closure of the pub, and its permanent loss through the proposed redevelopment, is obviously regrettable, as the pub performed a useful function in the village, providing not just a pub/restaurant but also a meeting room upstairs available for hire for leisure activities, childrens' parties, etc. However, as has been discussed in other cases where the loss of local facilities (e.g. petrol stations) would result, it is difficult to articulate a planning policy objection to their loss. The site lies within an area allocated for residential purposes, and this is precisely what is proposed. Given that the village has no public hall, the loss of the function room offered by the Hotel is also regrettable. However, this was a private facility, available under terms agreed with the owner, and not a public facility. Therefore, it would be difficult to sustain a reason for refusal based upon its loss.
- 1.50 **Trees**
As noted above, a line of multi-stemmed Ash trees runs along the eastern boundary of the site with St Thomas Road. These are the subject of a Tree Preservation Order.
- 1.51 The application proposes the felling of these trees. The application is accompanied by an arboricultural report, which states that the trees are multi-stemmed, having been coppiced in the past; an operation which has weakened the trees, and led to cavities and the risk of rot. Given the location of the trees close not just to the proposed houses but also the existing houses opposite, the report concludes that the trees should be removed and replaced with more suitable single stemmed species.
- 1.52 The Council's Woodland and Environmental Specialist agrees with the findings of the tree report, and supports removal and replacement of these trees.
- 1.53 Whilst the extent to which the trees contribute to the visual amenities of the area is a matter of judgement, the officer's view is individually the trees are fairly scrappy specimens. Their value is as a group, providing a screen to the former pub garden and a tree-lined feel to the road. Mindful of this, and the conclusions of the tree report concerning their health, it is concluded that their removal and replacement with single stemmed species is acceptable. As the Woodland Specialist notes in his consultation response, this would maintain (indeed, probably improve) the tree-lined feel of the road.
- 1.54 **Loss of pub/bar**
The application will clearly result in the loss of the bar/restaurant, which formed part of the Anchor Hotel. Until its recent closure this was the only such facility in the village.
- 1.55 The closure of the pub, and its permanent loss through the proposed redevelopment is obviously regrettable, as the pub performed a useful social function in the village. However, as has been discussed in other cases where the loss of local facilities (e.g. petrol stations) would result, it is difficult to articulate a planning policy objection to their loss. The site lies within an area allocated for residential purposes, and this is precisely what is proposed.

1.56 CONCLUSION

The application proposes the erection of a part two-storey, part three-storey building containing 11 no.flats, in place of the existing three storey Anchor Hotel. In the main, the proposed flats will be the same height as the existing Hotel, but the two storey element will be lower. The building will, however, have a larger footprint, and extend out into part of the Anchor Hotel's existing car park. In terms of its scale the proposed building is considered acceptable: although substantial it will replace a building also of substantial bulk, certainly in the context of the village as a whole. The design of the building is considered to be of a high standard, being a mixture of contemporary and traditional design, and borrows many of the key themes that run through the architecture of the Hotel.

- 1.57 In terms of its relationship to existing properties, it is concluded that the reduction in height proposed to two storey will actually be an improvement over the existing situation.
- 1.58 Besides the flatted accommodation, the application proposes the erection of a terrace of houses fronting St Thomas Road. These are of the same basic scale and siting as existing properties in the road. The erection of these houses requires the removal of a line of preserved trees. The Council's Woodland Specialist, having read the submitted tree report, is in agreement that the trees should be removed, and replaced.
- 1.59 Car parking and amenity space are provided in full accordance with the adopted standards.
- 1.60 Many of the representations received raise concern that the Anchor Hotel is to be demolished. Many people clearly consider the building to be of some merit architecturally. Whilst it is recognised that the building is of some merit, indeed, it appears on the Local List in the current Local Plan, the building has no statutory protection, and it is not considered that a reason for refusal could be sustained in relation to its loss.
- 1.61 Many representations also relate to the loss of the Hotel as a social facility, both because of the bar/restaurant it provided, and because of the meeting room it offered upstairs. These facilities are not provided or available elsewhere in the village. However, as discussed above, it is difficult to articulate a reason for refusing the current application based upon these factors.

- 1.62 The fundamental conflict relates to the Council's supplementary guidance that seeks to limit the number of housing units in the village - a restriction that flies in the face of governmental guidance, specifically PPG3, which requires authorities to make the most efficient use of residentially allocated land. Given that the proposal lies within the existing village envelope, on residentially allocated land in the Local Plan, and seeks to replace an existing building that has also been used to provide communal accommodation, it is concluded that the proposal is acceptable. The 'limit' on house numbers, whilst well merited, should not be used prescriptively, particularly in the planning regime we now work to, which seeks to make most efficient use of urban land in order to preserve the countryside, and prevent sprawl.

RECOMMENDATION

- 1.63 It is proposed that this Committee **RESOLVES** to **APPROVE** the application, subject to the following conditions, and to the completion of a Legal Agreement requiring an educational contribution of £20,400.

- 1 SC4 Time Limits Std
- 2 SC9A Removal of Building
- 3 SC14 Materials to be Used
- 4 SC20 PD Restricted - Dormers - Plots1-3
- 5 SC22A PD Restricted - no windows in flank elevation of Plot 1
- 6 The windows marked OBS on the approved drawing no. 02/32/03 rev.C of the flats shall be glazed in obscure glass. In the case of windows shown to serve kitchens, bathrooms and hallways, the windows shall be of a design not capable of being opened below a height of 1.7m above the finished floor level of floor to which they relate. In the case of the windows serving the public stairwells, the windows shall be fixed shut in their entirety. Thereafter, the said windows shall be retained and maintained in the approved form. Moreover, no windows shall be provided to the northern or southern elevations of the flats other than those windows depicted upon the submitted plans hereby approved without the issue of planning permission from the Local Planning Authority.
- 7 SC50A Means of Enclosure
- 8 SC59 Landscape Details
- 9 Details of the trees to be planted to the St Thomas Road frontage of the site to replace Ash trees currently protected by Tree Preservation Order No.22/02 shall be submitted to and be approved in writing by the local planning authority. The details shall include the trees' species, size and intended time of planting. Thereafter the tree planting shall be carried out in accordance with the approved details. The trees then planted pursuant to this condition shall be protected under the terms of TPO No.22/02.
- 10 SC60A Tree & Scrub Protection
- 11 SC80 Car Parking Provision
- 12 SC81 Garage & Hardstand
- 13 SC90 Surface Water Drainage
- 14 SC91 Foul Water Drainage

- 15 Prior to the commencement of the development, a scheme showing the provision of a 1.8m wide footway to be constructed along the entire Fambridge Road frontage and a shared surface road to be constructed along the access road link to the southern frontage linking Fambridge Road and St Thomas Road shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme as is agreed shall be fully implemented prior to the occupation of any of the flats or houses to which this permission relates.

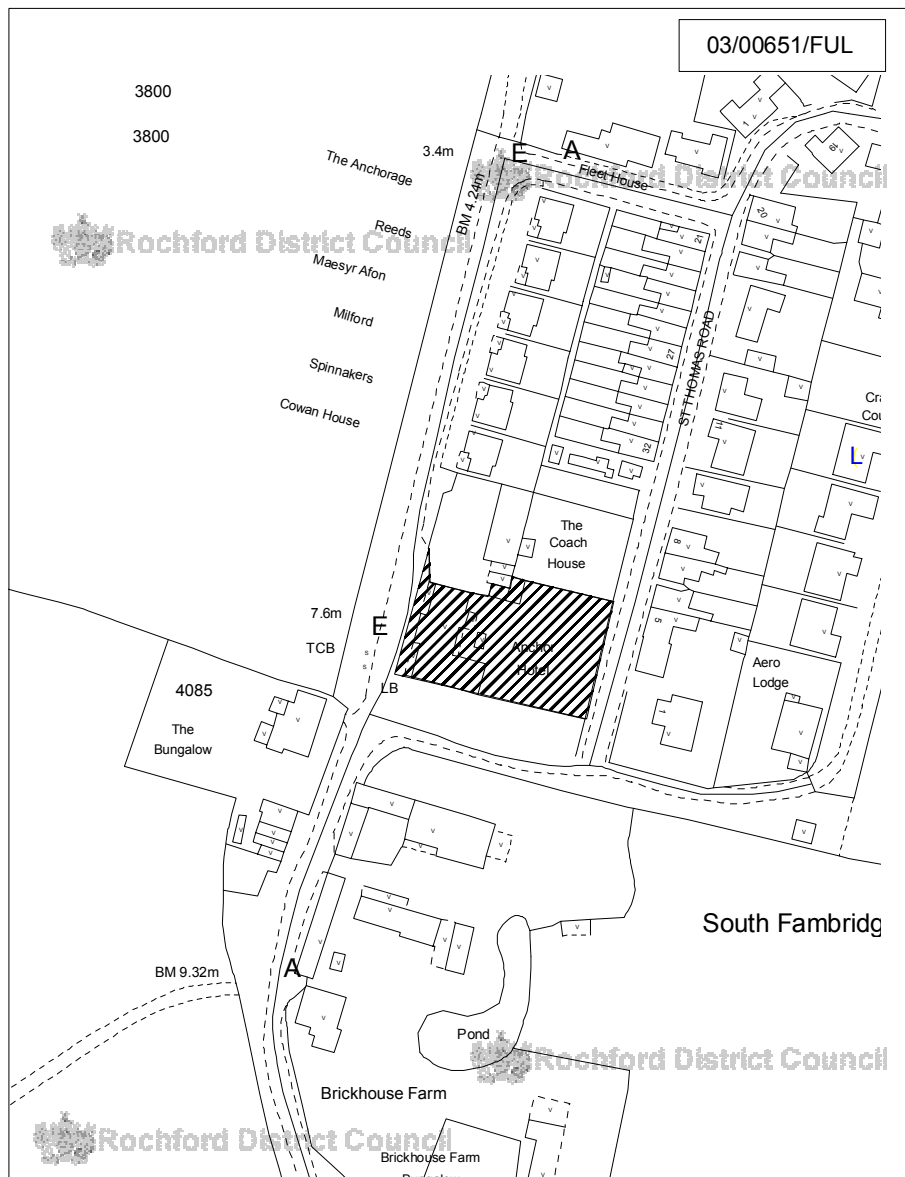
Development Plan Policies and Proposals:

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



Shaun Scrutton
Head of Planning Services

For further information please contact Peter Whitehead on (01702) 546366.



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NTS



TITLE : 02/01054/FUL
AMENDMENT TO EXISTING PERMISSION 01/00033 TO PROVIDE TWO DETACHED DWELLINGS WITH DETACHED GARAGES IN PLACE OF PLOT 4. AMEND APPROVED DRAWINGS FOR PLOT 2 WITH TRIPLE GARAGE AND 6 (PREVIOUSLY PLOT 5) PROVIDE SEPARATE ACCESS (TO NORTH OF THE SITE) AND RELOCATE GARAGE TO PLOT 1. AMEND ACCESS ROAD AND PLOT BOUNDARIES. 61 RAYLEIGH AVENUE, RAYLEIGH

APPLICANT : SPECIALIST BUILDING SERVICES

ZONING : RESIDENTIAL/GREEN BELT

PARISH: RAYLEIGH TOWN COUNCIL

WARD: LODGE

PLANNING APPLICATION DETAILS

- 2.1 Full planning permission is sought for revisions to the previously approved scheme 01/00033. The main changes relate to :-
- Moving the garage to plot 1 and utilising the existing access to the north of the site to gain access to this relocated garage.
 - Remodelling the external appearance to plot 2
 - Removal of one oak tree
 - In lieu of the approved detached two storey 5 bedroom property (on plot 4) substitute two detached dwellings one four bedroom and one five bedroom, both with off street car parking and garaging.
 - Modifications to the roof of the approved dwelling at plot 5 (now plot 6), now incorporating a full gable roof.
- 2.2 The site has the benefit of a valid permission and the remainder of the site will be implemented in accordance with the approved scheme (01/00033). If this application is supported it will result in the redevelopment of the site to provide six detached dwellings, five served from a new private drive and one served direct from Rayleigh Avenue.

RELEVANT PLANNING HISTORY

01/00033/FUL Erect Three 5-Bed and Two 4-Bed Detached Houses with Attached or Detached Garages. Change Use of Former Residential Home to Dwelling (Demolish Existing Outbuildings/Extensions) Layout Private Drive, Parking and Improve Junction to

- 2.3 Rayleigh Ave **Granted 12th November 2002**

CONSULTATIONS AND REPRESENTATIONS

- 2.4 **Rayleigh Town Council** Objects to the application as there are now six properties off the private drive

CONSULTATION*First Round:-*

- 2.5 **Conservation Officer** Unhappy with the design of the buildings
- 2.6 **County Surveyor (Highways)** No objections but should explore a legal agreement to secure funding to assist in the implementation of highway improvements.
- 2.7 **Head of Housing and Community Care:-** No adverse comments in respect of this application
- 2.8 **Southend Airport:-** No safeguarding objections to the proposal
- 2.9 **Buildings and Technical Support:-** Possible drainage issues Environment Agency and Anglian Water should be consulted
- 2.10 **Environment Agency:-** No objection
- 2.11 **English Nature:-** Made comments on the previous application in terms of surveys of the site need to be undertaken in order to ensure that any protected species are mitigated in the consideration of this and any subsequent application.
Two letters of objection from local residents:- Access problems and loss of a further tree.

Second Round:-

- 2.12 **Rayleigh Civic Society:-** Plot 2 The south facing windows floor to ceiling will mean that the rooms will get very hot, security over new access why not all from private drive, the original plan was a better layout.
- 2.13 **Southend Airport:-** No safeguarding objection to the proposal
- 2.14 **Conservation Officer:-** Comments on design
- 2.15 **County Surveyor:-** No objection to the principle but request a legal agreement to secure funding for highway improvements. They also comment on access and visibility issues.

- 2.16 **Woodlands and Environmental Section:-** Concerns about the loss of a further tree and also the encroachment on the two very important trees.
- 2.17 **English Nature:-** Same comments as first round
- 2.18 **Head of Housing, Health and Community Care:-** No objections; suggests that standard informative SI16 Control of Nuisances be imposed.
One letter of objection from a local resident:- Plot 2 has five first floor windows and gives overlooking, no mention of obscure glazing

MATERIAL PLANNING CONSIDERATIONS

- 2.19 **Principle:-** Given the site location, with the majority lying within the residential area where Government advice and national and local planning policies seek to make the best use of developable land and also the extant planning permission to redevelop the site for residential purposes there is then no objection in principle to the changes proposed.
- 2.20 **Metropolitan Green Belt:-** The layout of the scheme has been revised since its initial submission with all of the physical buildings being relocated beyond the Green Belt Boundary. As with the earlier approval the rear gardens of some of the proposed new properties will be located within the Green Belt. This is considered to be acceptable in this instance and restrictive conditions are imposed to limit normal permitted developments within rear gardens.
- 2.21 **Access:-** The private drive retains the same routing as with the previous consent although there is some modest re-siting of garages. The layout of the access way and new garage positions are acceptable and have the support of the County Highways officer. The private drive serves only five of the houses, Plot 1 takes access direct from the access road.
- 2.22 **Layout & Design -** As commented above the routing of the private drive has not changed from the approved scheme and consequently the position of the buildings are generally comparable with that scheme, specifically the dwellings all being detached and facing directly onto the access way with private gardens to the rear.
- 2.23 In the approved scheme Plot 4 was located within the south western corner of the site. This application proposes the subdivision of plot 4 into two plots both containing detached dwellings; one four bedroom, one five bedroom. The design and external appearance of the new dwellings are similar to those previously approved on the site and as such a refusal based on this issue could not be justified. Both of the plots exceed the minimum standards for amenity space, distance to boundaries of the site and off street car parking as outlined within the local plan.

- 2.24 It is accepted that the inclusion of one additional unit would increase the density of the site, but not to an unacceptable level and given the location and design of the two new dwellings and the revisions to the external appearance of plot 2 are such that refusals based on poor design, and loss of amenity through direct over looking could not be substantiated.
- 2.25 The position and orientation of plot No 2 is such that there will be first floor windows that will face the rear garden of No 63 Rayleigh Avenue, only two of the five windows are to a habitable room (bedroom) and it is considered that as these windows will overlook the end of the adjacent garden a significant distance from the main used area of private garden, close to the main dwelling a refusal based on this issue could not be justified.
- 2.26 The site does contain protected species, these are not affected by these proposals.
- 2.27 **Tree removal:-** A number of trees were agreed to be removed from the site to facilitate the earlier permission.
- 2.28 The revisions considered here would result in one further tree to be removed. This is an oak tree located on the southern boundary, which is to be removed to allow for the construction of the dwelling at new plot 5.
- 2.29 Whilst this proposal results in an additional tree to be removed from what was once a well established garden/amenity area it is considered that the loss of the tree would not be significant given its fairly low public visibility and amenity value, and for the site as a whole there remains a suitable number of trees to provide a landscape buffer between the site and the Green Belt and neighbouring plots. It is considered therefore that the removal of one tree would not materially affect the character of the area and as such a refusal of the application for this sole issue could not be substantiated when the scheme is acceptable in all other respects.
- 2.30 A condition is recommended that seeks a replacement tree within the new plot 5.

CONCLUSION

- 2.31 The proposal seeks the inclusion of one additional unit within the site and modifications to the external appearance of the proposed dwellings.
- 2.32 The principle of the redevelopment of the site for residential purposes has already been accepted and the changes considered under this submission are acceptable and are considered to be an appropriate form of development.

RECOMMENDATION

- 2.33 It is proposed that subject to all parties entering a satisfactory Legal Agreement in relation to financial contributions towards highways improvements the Head of Planning Services be authorised to **APPROVE** Planning Permission subject to the following conditions:-

- 1 SC4 Time Limits Standard
- 2 SC14 Materials to be Used (Externally)
- 3 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, 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) no enlargement shall be erected on the dwellings to Plots 2, 3, 4 and 5.
- 4 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) no outbuilding shall be erected, or otherwise provided, on any part of the site shown hatched on the approved drawing 16/10.00
- 5 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, 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) no window, door or other means of opening other than those shown on the plans hereby approved shall be inserted above first floor finished floor level on the northern elevation of the dwellings to Plots 2 and the southern elevation of the dwelling to Plots 5 and 6 hereby permitted.
- 6 SC50 Means of Enclosure - Full (PD Restr)
- 7 SC59 Landscape Design - Details (Full)
- 8 SC60 Tree and Shrub Protection (TPO)
- 9 No development shall commence, before details of the proposed finished ground floor level of the buildings hereby permitted, in relation to the natural and finished ground levels of the site, have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with any details as may be agreed in writing by the Local Planning Authority.
- 10 SC90 Surface Water Drainage
- 11 SC91 Foul Water Drainage
- 12 No development shall commence before the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation, which shall previously have been submitted to and approved in writing by the Local Planning Authority.
- 13 No development shall commence until there has been submitted to and agreed in writing by the Local Planning Authority details of a 'Badger Run' to be implemented along the Western boundary of the site and of any other mitigation measures as may be appropriate, to offset the impact on animal species on the site. The details of the 'Badger run' to be submitted shall include the width, method of fencing, if any planting to be provided and timing of provision of the run. Once agreed the run and any other measures shall thereafter be implemented as agreed.

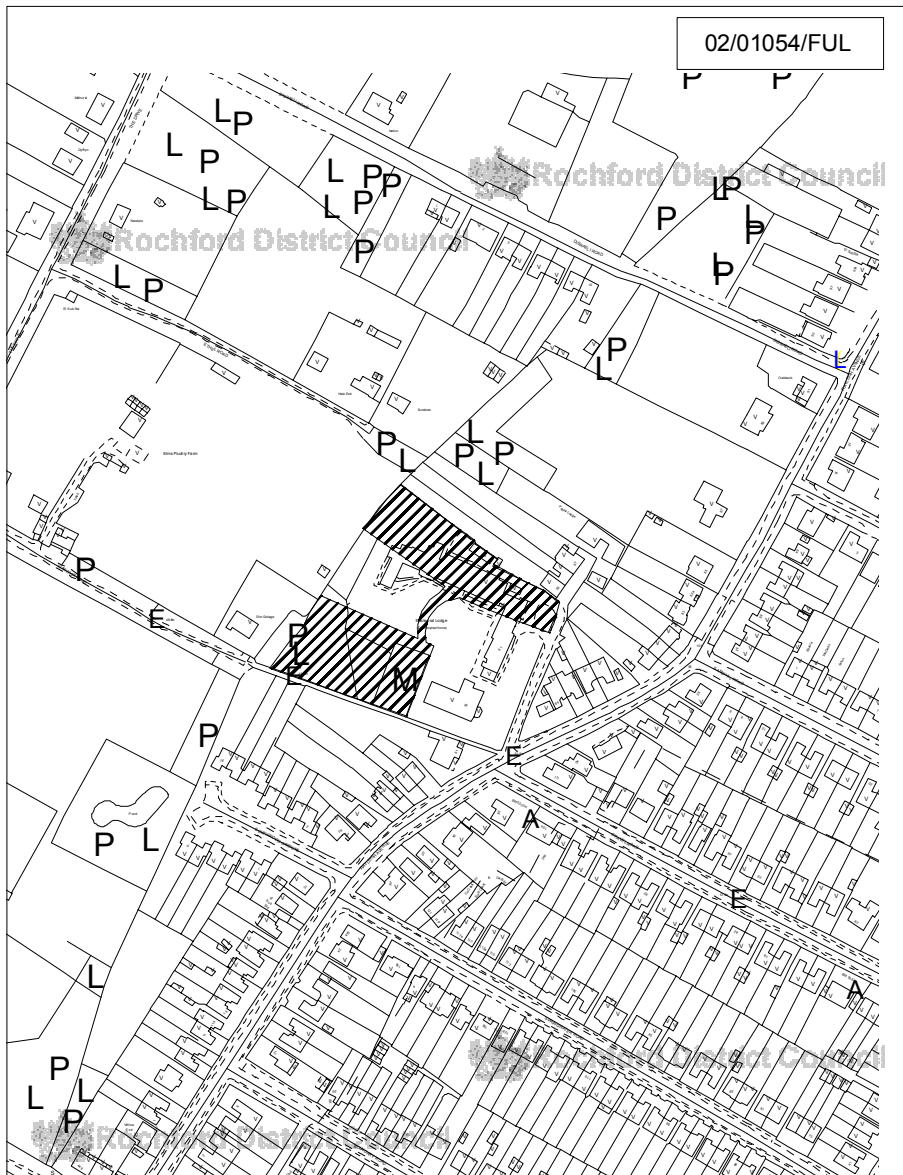
Relevant Development Plan Policies and Proposals:

H11, H12, H19, H20, GB1 of the Rochford District Local Plan First Review

A handwritten signature in black ink, appearing to read 'Shaun Scrutton', with a stylized flourish at the end.

Shaun Scrutton
Head of Planning Services

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



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NTS



TITLE : **03/00632/FUL
DETACHED BUNGALOW WITH ATTACHED AND
DETACHED GARAGES (REVISED APPLICATION
FOLLOWING 03/00005/FUL TO INCLUDE SINGLE STOREY
REAR EXTENSION) AND FRONT PORCH
LAND R/O 26 HIGH ROAD HOCKLEY**

APPLICANT : **F WITHRINGTON & SONS**

ZONING : **RESIDENTIAL**

PARISH: **HOCKLEY PARISH COUNCIL**

WARD: **HOCKLEY WEST**

PLANNING APPLICATION DETAILS

- 3.1 Full planning permission is sought for the redevelopment of the site to accommodate one detached residential bungalow, with an 'L' shaped footprint.
- 3.2 This application is a revision/alternative to previous permission reference 03/00005/FUL. Members will no doubt recall that application coming before Committee and the Members Site Visit. As before the application includes demolition of the existing attached garage serving 41 Hawthorn Gardens, remodelling of the front porch of this dwelling and a new detached garage to serve this property. Consideration of that application centred on access arrangements to the site which remains unchanged and the requirement for a bollard on the boundary with No 39 is repeated to ensure satisfactory continued access arrangements.
- 3.3 The means of access to the site, the number and position of garaging and off-street parking spaces and turning areas and the location and general footprint of the dwelling within the plot remain the same as previously approved. The changes within this submission involve:-
- The erection of a front porch, maximum depth 1m, maximum width 1.5m and maximum height to top of the pitched roof 3.6m. This new porch is to be located on the northern side of the dwelling.
 - The erection of a single storey rear projection, dining room, maximum width 4.1m, maximum depth 3.2m, maximum height to top of the pitched roof over 4.2m.
 - Modification to the proposed internal layout of the property to include an additional bedroom. The previously approved scheme was for a three bedroom property this application proposes a four bedroom property.

RELEVANT PLANNING HISTORY

- 3.4 03/00005/FUL Erect three bed detached bungalow with attached garage demolish and provide replacement garage to 41 Hawthorne Gardens to create access to new bungalow. GRANTED 21st May 2003.
- 3.5 Construction work on this scheme has begun with the garage attached to No 41 Hawthorn Gardens having been demolished and the foundations and ground works have been completed at the time of the officers site visit.
- 3.6 The bollard referred to above and required by the condition attached to this consent has not been erected, as required prior to the commencement of development. This has not been done due to construction/access problems but the developer pledges to erect the bollard at the completion of the development in order to maintain the long term control over the access arrangements at the site. The department has also received correspondence from the neighbour who also controls the land where the bollard is to be erected, within which it confirms their consent that the bollard shall be erected at the completion of the construction of the new bungalow.

CONSULTATIONS AND REPRESENTATIONS

- 3.7 **Head of Housing, Health & Community Care** No objection subject to standard informative involving the control of nuisances.
Building and Technical Support No objections, although highlights the potential drainage problems as no public sewer. Hawthorne Gardens is served by a private system.
- 3.8 Seven letters on behalf of local residents objecting to the proposal:- Backland development, over development, drainage problems, impact upon local wildlife, poor access especially for emergency vehicles, extra traffic, destruction of mature soft landscaping has affected the character of the area, parking problems, will lead to on street car parking and traffic hazards, safety for children playing in the area.

MATERIAL PLANNING CONSIDERATIONS

- 3.9 The principle of a new dwelling on the site has been accepted. The location and footprint of the new dwelling and the main design and appearance of the new property have also been previously accepted and therefore there can be no substantive objections to these elements of the proposal.
- 3.10 Focusing on the material differences outlined within this application it is considered that:-

- **Front porch & Rear Extension:-** The front porch is of a size, design and location on the property that would not be out of character with the host property nor would it result in a material harm to the occupiers of the adjacent properties.

- 3.11 The rear extension is centrally located on the southern elevation and is of a size and design that is acceptable, not out of character with the host property and would not give rise to any substantive impacts upon the occupiers of the adjoining properties.
- 3.12 Within the previous permission the Council sought to control development within this part of the site by placing a restrictive planning condition. This condition did not place an embargo on all future development/extensions at the site it simply took away the owners 'permitted development' rights. This meant that any extension to the rear of the property was brought under the control of the Council so that consideration and potential influence may be had over the size and design of any subsequent extension.
- 3.13 As commented above it is considered that the size and design and impact of the extension to the rear is acceptable.
- 3.14 The site retains the amenity space and off-street car-parking to meet the standards within the Adopted and Emerging Development Plan.
- **Internal remodelling:-** The application proposes the remodelling and rearrangement of the internal layout of the property to create an additional bedroom, 4 bedrooms in total. This type of rearrangement is permitted development and as such could be implemented at any time. Notwithstanding the above comments the rearrangements have been submitted as a planning application and it is recommended that the implications of these changes need to be explored and evaluated.
- 3.15 It is accepted that in approving the additional bedroom that there may be an increase in activity at the site as there would be the potential for larger families to occupy the property. Increase in activity of this nature is commonly outside the scope of planning control. Notwithstanding these comments the application proposal retains a rear private amenity space in excess of the minimum requirement as outlined within the Local Plan.
- 3.16 In addition off street car parking provision proposed at the site is in excess of the parking requirement as outlined within the Local Plan.
- 3.17 For the above reasons a refusal based on the increase in activity, access problems during the construction period and parking problems at the site could not be justified.

CONCLUSION

- 3.18 The principle of redeveloping this site for one detached bungalow has previously been accepted. These proposed changes are in planning terms fairly minor and do not give rise to any material harm to the occupiers of the adjacent properties nor would there be any impact into the street scene.

RECOMMENDATION

- 3.19 It is proposed that this Committee **RESOLVES** to **APPROVE** the application subject to the following conditions:-.

- 1 SC4 Time Limits
- 2 SC14 Materials to be Used
- 3 SC17 PD Restricted Extensions
- 4 SC18 PD outbuildings
- 5 SC20 PD Dormers
- 6 SC23 PD Restricted OBS Glazing
- 7 Notwithstanding the layout details as shown on plan DMG/02/125, the new garage to be provided to no. 41 Hawthorne Gardens shall be located in such a way that there is adequate space in front of it that two cars can be parked there without causing any obstruction to the access to the new dwelling and its garage. In this respect the garage may be moved by a maximum of 2m further southwards than as shown on plan DMG/02/125.
- 8 SC76 Parking and Turning Space SC84 Slab Levels
- 9 Prior to the beneficial use/occupation of the dwelling hereby permitted, a bollard
- 10 shall be installed on the site as indicated on the submitted drawings. Thereafter, it shall be retained in this form.

Relevant Development Plan Policies and Proposals:

H1, H2, H11, H19, H20, H24, TP15, PU2, PU3 of the Rochford District Council Local Plan First Review

CS1, CS2, CS4, BE1, H2, H3, T12, of the Structure Plan



Shaun Scrutton
Head of Planning Services

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



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PLANNING SERVICES COMMITTEE - 23rd October 2003 Item 4

TITLE : **03/00772/FUL
TWO-STOREY REAR EXTENSION
33 PULPITS CLOSE HOCKLEY**

APPLICANT : **ROCHFORD DISTRICT COUNCIL**

ZONING : **RESIDENTIAL**

PARISH: **ASHINGDON PARISH COUNCIL**

WARD: **HOCKLEY NORTH**

PLANNING APPLICATION DETAILS

- 4.1 The application is for the demolition of existing domestic store and the construction of a two-storey rear extension to a semi-detached Council owned house. As it's a Rochford District Council application it is brought before the Committee for determination.
- 4.2 The proposal would add two bedrooms to a three-bedroom house.
- 4.3 The proposal reaches a height of 7.2 metres to the top of the pitch of the roof (the existing dwelling is 7.9 metres high). The extension would protrude 3 metres to the rear and have a width of 5.05 metres.
- 4.4 The rear extension is located on the side of the house furthest from the adjoining property.

RELEVANT PLANNING HISTORY

- 4.5 The house was constructed pre-1947. There are no recorded additions or alterations to the property since its construction.

CONSULTATIONS AND REPRESENTATIONS

- 4.6 **Ashingdon Parish Council:** object to the proposal. They feel the proposal would interfere with the natural light to neighbouring properties.
- 4.7 **Highways:** de-minimus
- 4.8 The occupants of 34 Pulpits Close, the adjoining property, object to the proposal. They believe that the proposal would block out natural light from their property and create a view of a large brick wall.

MATERIAL PLANNING CONSIDERATIONS

- 4.9 There is no on-site parking available for the property. The property is located in a cul-de-sac, at the end of which communal parking for 15 cars has been provided, along with 8 garages. It is not considered that the enlargement of the house gives rise to the need to provide additional parking, having regard to the Council's parking standards.
- 4.10 The projection of the rear extension does not breach an angle of 45 degrees with the nearest rear window of 34 Pulpits Close. It therefore complies with the '45 degree rule', the Local Plan guideline.
- 4.11 Restrictions to the insertion of windows in the side of the rear extension would prevent possible future overlooking of neighbouring properties.
- 4.12 The rear extension would not be visible from the street and would therefore have no impact upon the appearance of the streetscene.

CONCLUSION

- 4.13 The proposal would not impact upon the appearance of the streetscene and complies with the normal requirements to prevent unacceptable impact upon neighbours.

RECOMMENDATION

- 4.14 It is proposed that this Committee **RESOLVES to APPROVE this application** subject to the conditions set out below.

- 1 SC4 Time Limits
- 2 SC15 Materials to match
- 3 SC22A PD Restricted – Windows

Relevant Development Plan Policies and Proposals:

H11 Rochford District Local Plan First Review.



Shaun Scrutton
Head of Planning Services

For further information please contact Sam Hollingworth on (01702) 546366.

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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.**