



Rochford District Council

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

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

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

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

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

## **PLANNING SERVICES COMMITTEE - 26 April 2005**

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### Ward Members for Committee Items

#### **DOWNHALL AND RAWRETH**

Cllr C I Black

Cllr R A Oatham

#### **HOCKLEY CENTRAL**

Cllr K H Hudson

Cllr J Thomass

Cllr Mrs C A Weston

#### **ROCHFORD**

Cllr K J Gordon

Cllr Mrs S A Harper

Cllr Mrs M S Vince

#### **WHITEHOUSE**

Cllr S P Smith

Cllr P F A Webster

## PLANNING SERVICES COMMITTEE 26th April 2005

### REFERRED ITEMS

- |    |   |                 |        |
|----|---|-----------------|--------|
| R1 | 05/00131/FUL<br>Replace Existing Ground Floor Display Window With Box Sash Window.<br>37 West Street Rochford | Mr Mike Stranks | PAGE 5 |
| R2 | 05/00132/LBC<br>Replace Existing Ground Floor Display Window With Box Sash Window.<br>37 West Street Rochford | Mr Mike Stranks | PAGE 9 |

### SCHEDULE ITEMS

- |   |   |                 |         |
|---|---|-----------------|---------|
| 3 | 05/00023/FUL<br>Redevelopment of the Site to Provide a Terrace of Three 3-Bed Properties and Two Detached 3-Bed Properties. Access Direct From Hockley Rise to a 'Car Port' for 5 Cars and Open Parking for a Further 5 Spaces. New 2 Metre High Brick Wall Between Site and No 2a Hockley Rise.<br>1 Southend Road Hockley   | Mr Leigh Palmer | PAGE 13 |
| 4 | 05/00028/FUL<br>Redevelopment of the Site to Provide 16 Houses and 32 Parking Spaces. Dwelling Mix to Include:-<br>9 x 3-Bed (2 Storey Rooms in Roof)<br>1 x 4-Bed (2 Storey Rooms in Roof)<br>6 x 3-Bed (2 Storey)<br>Access to Units 1 - 5 from Daws Heath Road<br>Access to Units 6 - 16 from Wyburns Avenue East<br>Land At 76 Wyburns Avenue And Wyburns Nursery | Mr Leigh Palmer | PAGE 23 |
| 5 | 05/00017/FUL<br>Single Storey Sloped Roofed Rear Extension and First Floor Pitched Roofed Rear Extension.<br>52 Doggetts Close Rochford   | Sophie Weiss    | PAGE 32 |

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05/00105/FUL

Mr Mike Stranks

PAGE 36

Redevelop Reclamation Yard and Construct Three  
Detached Five Bedroomed Houses With Double  
Garages and Access From Private Drive.  
The Yard Trenders Avenue Rayleigh

**PLANNING SERVICES COMMITTEE - 26 April 2005    Item R1  
Referred Item**

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TITLE :                    **05/00131/FUL  
REPLACE EXISTING GROUND FLOOR DISPLAY WINDOW  
WITH BOX SASH WINDOW.  
37 WEST STREET ROCHFORD**

APPLICANT:            **SOUTHEND & DISTRICT BPT (EAST)**

ZONING:                **PRIMARY SHOPPING**

PARISH:                **ROCHFORD PARISH COUNCIL**

WARD:                  **ROCHFORD**

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

This application was included in Weekly List no. 772 requiring notification of referrals to the Head of Planning Services by 1.00 pm on Tuesday, 12 April 2005, with any applications being referred to this meeting of the Committee. The item was referred by Councillor Mrs M S Vince.

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

- 1.1 **Rochford Parish Council** - No objections as this would re-instate what was probably the original window.

NOTES

- 1.2 This application is to a site on the southern side of West Street currently undergoing renovation following the grant of permission for a mixed development of two dwellings and office accommodation under applications 04/00589/FUL granted on 28<sup>th</sup> September 2004 and 04/00590/LBC granted on 17<sup>th</sup> August 2004.
- 1.3 The current application seeks consent for a revision to previous approvals to allow the provision of a sash type window to one of two shop display windows in the former shop at No. 35 West Street with agreed changes to internal partitions, part of No. 35 will become an office unit with No. 37, the window to be replaced would therefore light office accommodation in No. 37 when the renovation is complete.

- 1.4 The window to be replaced is located towards the middle of the group of buildings and currently forms an opening 1.9m wide and 1.8m high. The proposed sash window would have a width of 1.3m and an overall height of 1.6m by comparison.
- 1.5 The applicants advise that considered opinion is that at the time of the original build in 1780 there would have existed a very large window in the position of the window at issue flanked by the two existing doors. This appears, however, to have been replaced by a Georgian style box sash around the period 1820. The remains of this window are still evident but similar remains of other sash windows of earlier date also survive to the first floor openings. The ground floor sash is evidenced amongst other things by workman's graffiti identifying the date. It is considered that the display window at issue in this application was provided as a result of works to remove the former sash around the period 1900 -1910, enlarge the opening and create a functional service opening which incorporated a crude sliding centre sash of inferior quality. The current proposal therefore seeks to return the appearance of the building to a pre -1900 appearance.
- 1.6 The issue of the replacement of the existing display window to No. 35 has been the subject of considerable debate over some period of time between officers and the applicant. It has been the practice within the Conservation Area to retain the shopfront details and proportions even within residential conversions to former shops. It has been the opinion of officers that the loss of such details would be detrimental to the character and appearance of this part of the Conservation Area.
- 1.7 The evidence submitted by the applicant demonstrates that a large opening existed in the position of the window at issue prior to 1820. The building was then altered to provide a sash window in the same position between 1820 -1863 and then modified to the current proportions around 1900 -1910. The applicant's proposal would restore this feature of the building to an appearance of around 1863.
- 1.8 The revealed complexity of the history of this feature creates a dilemma for the establishment of the appropriate solution to the restoration of this particular detail, namely to what time period, if any, should the building be restored to in appearance. Specialist advice no longer considers the existing feature of merit but equally does not express a preference for the proposed sash window.
- 1.9 More general Planning considerations would, however, give some weight to the retention of such features as part of the historic adaptation of the building. Policy UC3 (i) and (iii) to the Council's Local Plan First Review requires new development to form part of the larger composition of the area with detailing reinforcing that character to be carried through in development proposals. The removal of this feature in favour of the sash would consequently lose to the building part of its historical connections even though the detail itself is not considered of merit. Consequently taken as part of the appearance of West Street and as a feature of the Conservation Area as a whole, it is considered that the feature should be retained.

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- 1.10 **Building Control Manager** – No comment to make at this stage.
- 1.11 **Essex County Council Highways Department** – No objection.
- 1.12 **Essex County Council Specialist Archaeological advice** – No archaeological recommendations to make.
- 1.13 **Essex County Council Historic Buildings and Conservation Advice** – Initial position when proposal first mooted was that the existing shop window opening should be retained . As more information about the building has come to light, physical evidence has been discovered that shows the window opening has been altered several times in its history. It is now not possible to say with any certainty what size window would be “correct “.
- 1.14 In the circumstances consider that a more flexible attitude might be taken. The present window is of no architectural or historic interest in itself and has no aesthetic merit. Would not argue that it must be replaced by a smaller sash. Could no longer, however, consider its retention a paramount consideration.
- 1.15 Therefore raise no objection to this proposal in principle, but could not recommend consent without the prior approval of a detailed design for the proposed window.

**REFUSE**

- 1 The proposal, by way of removing the existing shopfront display window in favour of the reintroduction of a box sash window, would result in the unnecessary loss of a feature considered evidence of the adaptation of the building and part of the larger composition of the appearance of buildings fronting West Street and which is currently a familiar feature to the character of the building as viewed in the general appearance of that part of the Rochford Conservation Area in which the site is situated.

**Relevant Development Plan Policies and Proposals:**

UC3, UC7, of the Rochford District Local Plan First Review

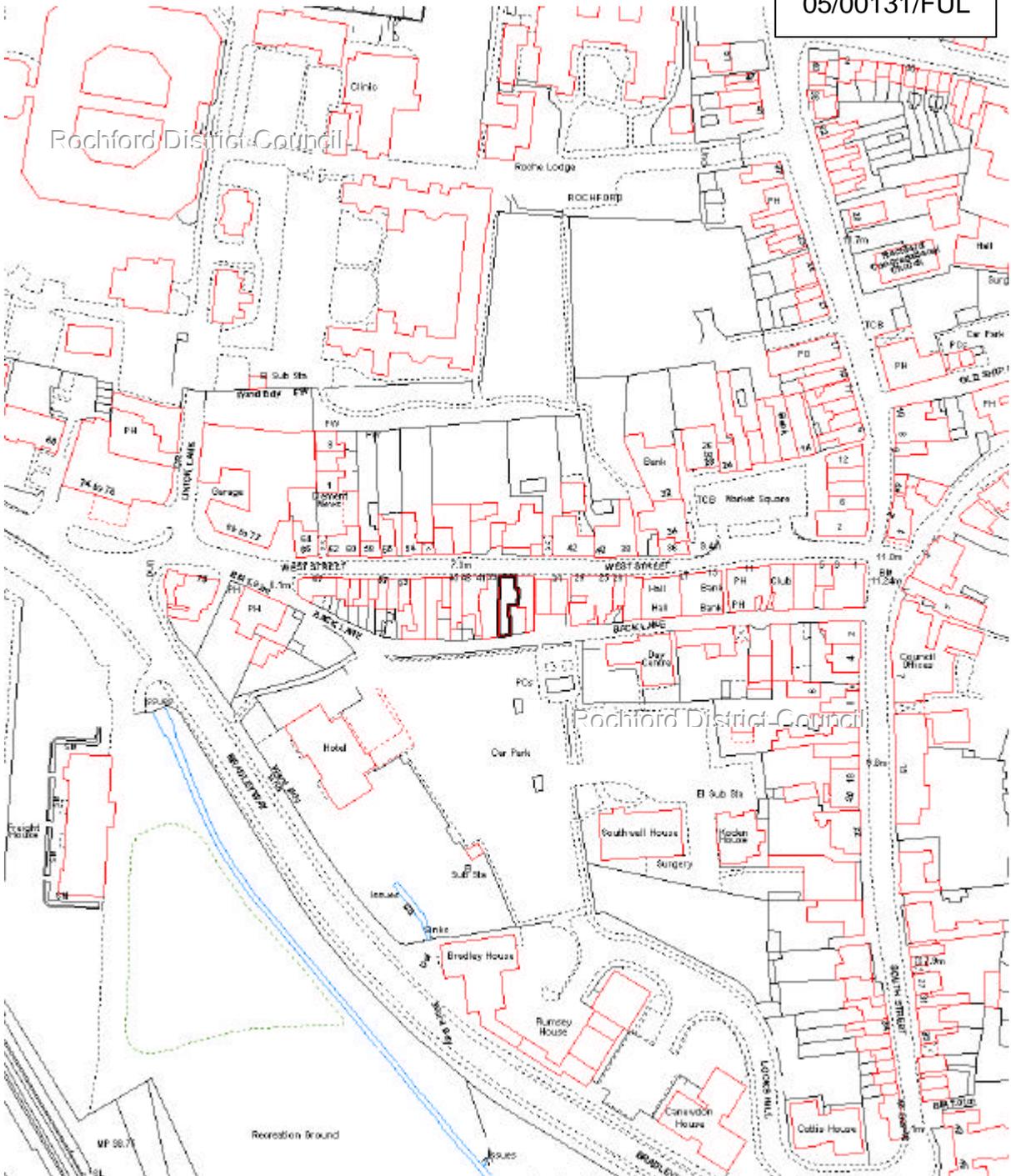


Shaun Scrutton  
Head of Planning Services

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

05/00131/FUL



Rochford District Council

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

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**TITLE :** 05/00132/LBC  
**REPLACE EXISTING GROUND FLOOR DISPLAY WINDOW  
WITH BOX SASH WINDOW  
37 WEST STREET ROCHFORD**

**APPLICANT:** ROCHFORD & SOUTHEND BPT (EAST)

**ZONING:** PRIMARY SHOPPING

**PARISH:** ROCHFORD PARISH COUNCIL

**WARD:** ROCHFORD

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

- 2.1 **Rochford Parish Council** - No objections as this would re-instate what was probably the original window.

### NOTES

- 2.2 This application is to a site on the southern side of West Street currently undergoing renovation following the grant of permission for a mixed development of two dwellings and office accommodation under applications 04/00589/FUL granted on 28<sup>th</sup> September 2004 and 04/00590/LBC granted on 17<sup>th</sup> August 2004.
- 2.3 The current application seeks consent for a revision to the previous approvals to allow the provision of a sash type window to one of two shop display windows in the former shop at No. 35 West Street with agreed changes to internal partitions, part of No. 35 will become an office unit with no. 37, the window to be replaced would therefore light office accommodation in No. 37 when the renovation is complete.
- 2.4 The window to be replaced is located towards the middle of the group of buildings and currently forms an opening 1.9m wide and 1.8m high. The proposed sash window would have a width of 1.3m and an overall height of 1.6m by comparison.

- 2.5 The applicants advise that considered opinion is that at the time of the original build in 1780 there would have existed a very large window in the position of the window at issue flanked by the two existing doors. This appears, however, to have been replaced by a Georgian style box sash around the period 1820. The remains of this window are still evident but similar remains of other sash windows of earlier date also survive to the first floor openings. The ground floor sash is evidenced amongst other things by workman's graffiti identifying the date. It is considered that the display window at issue in this application was provided as a result of works to remove the former sash around the period 1900-910, enlarge the opening and create a functional service opening which incorporated a crude sliding centre sash of inferior quality. The current proposal therefore seeks to return the appearance of the building to a pre - 1900 appearance.
- 2.6 The issue of the replacement of the existing display window to No. 35 has been the subject of considerable debate over some period of time between officers and the applicant. It has been the practice within the Conservation Area to retain the shop front details and proportions even within residential conversions to former shops. It has been the opinion of officers that the loss of such details would be detrimental to the character and appearance of this part of the Conservation Area.
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- 2.8 The revealed complexity of the history of this feature creates a dilemma for the establishment of the appropriate solution to the restoration of this particular detail, namely to what time period, if any, should the building be restored to in appearance. Specialist advice no longer considers the existing feature of merit but equally does not express a preference for the proposed sash window.
- 2.9 More general Planning considerations would, however, give some weight to the retention of such features as part of the historic adaptation of the building. Policy UC3 (i) and (iii) to the Council's Local Plan First Review requires new development to form part of the larger composition of the area with detailing reinforcing that character to be carried through in development proposals. The removal of this feature in favour of the sash would consequently lose to the building part of its historical connections even though the detail itself is not considered of merit. Consequently taken as part of the appearance of West Street and as a feature of the Conservation Area as a whole, it is considered that the feature should be retained.
- 2.9 **Building Control Manager** – No comment to make at this stage.
- 2.10 **Essex County Council Highways Department** – No comment to make.

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- 2.11 **Essex County Council Historic Buildings and Conservation Advice** – Initial position when proposal first mooted was that the existing shop window opening should be retained. As more information about the building has come to light, physical evidence has been discovered that shows the window opening has been altered several times in its history. It is now not possible to say with any certainty what size window would be “correct.”
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- 2.13 Therefore raise no objection to this proposal in principle but could not recommend consent without the prior approval of a detailed design for the proposed window.

REFUSE

- 1 The proposal, by way of removing the existing shopfront display window in favour of the reintroduction of a box sash window, would result in the unnecessary loss of a feature considered evidence of the adaptation of the building and part of the larger composition of the appearance of buildings fronting West Street and which is currently a familiar feature to the character of the building as viewed in the general appearance of that part of the Rochford Conservation Area in which the site is situated.

**Relevant Development Plan Policies and Proposals:**

UC3, UC7, of the Rochford District Local Plan First Review



Shaun Scrutton  
Head of Planning Services

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



**TITLE :**                    **05/00023/FUL**  
**REDEVELOPMENT OF THE SITE TO PROVIDE A TERRACE**  
**OF THREE 3-BED PROPERTIES AND TWO DETACHED**  
**3-BED PROPERTIES. ACCESS DIRECT FROM HOCKLEY**  
**RISE TO A 'CAR PORT' FOR 5 CARS AND OPEN PARKING**  
**FOR A FURTHER 5 SPACES. NEW 2 METRE HIGH BRICK**  
**WALL BETWEEN SITE AND NO2A HOCKLEY RISE**  
**1 SOUTHEND ROAD HOCKLEY**

**APPLICANT :**            **S P COTTRELL LTD**

**ZONING :**                **RESIDENTIAL**

**PARISH:**                **HOCKLEY PARISH COUNCIL**

**WARD:**                 **HOCKLEY CENTRAL**

**PLANNING APPLICATION DETAILS**

- 3.1 Full planning permission is sought for the erection of a terrace of three (3-bed) residential units and two detached (3-bed) units.
- 3.2 The application plot has two street frontages, one onto Southend Road and one onto Hockley Rise. The properties are a full two storeys in height and are located towards the front of the site and present elevations to both street frontages.
- 3.3 Each property has an area of independent/defensible amenity space; this amenity space is predominantly to the rear and separates the properties from a car park court adjacent to No 2A Hockley Rise and by a driveway which provides access from Hockley Rise.
- 3.4 The car parking provision is 200%, and is in two areas, one area (5 open spaces) adjacent to the flank on No 2A Hockley Rise and the other area is adjacent to the boundary with Harris Court and proposes a further five spaces within a car port.
- 3.5 The car port is single storey in height and proposes to have a brick wall to the rear, black weather boarding to the flanks, open to the front with tiles to the roof.
- 3.6 The boundary treatments include a 2m high brick wall to the boundary with Harris Court and also to the rear of No 2A Hockley Rise; the remainder of the boundary adjacent to No 2A Hockley Rise and the boundary with Hockley Rise itself is a new native hedge. In addition a number of trees are proposed on the Hockley Rise part of the site. A new public bench is also proposed to the front of the site at the junction of Hockley Rise/Southend Road

**RELEVANT PLANNING HISTORY**

- 3.7 04/00776/FUL Demolish existing dwelling and erect two storey block of 13 flats and associated parking with access off Hockley Rise. Refused 25<sup>th</sup> November 2004 for the following reason:-
- 3.8 The proposal, by virtue of the number of units and the impact in the street scene of the forward siting of the building in both street frontages on this prominent corner site, results in an over-development of the site at an unreasonably high density compared to the surrounding area.
- 3.9 04/01036/DPDP31 Application for Determination for Prior Approval for Demolition of Two Storey Dwelling House. Prior approval not required 24<sup>th</sup> December 2004.

**CONSULTATIONS AND REPRESENTATIONS**

**FIRST ROUND:-**

- 3.10 42 Letters have been received from local residents/interested persons who have objected in the main on the following issues:-
- Parking insufficient
  - Bottleneck junction; this would make the situation worse
  - Five is too many, two semi detached or detached properties would be better
  - Still looks like a block of flats
  - The approach view from Hawkwell will not be improved by this development
  - More appropriate form of development should be explored to make sure it fits better with the existing area
  - Residents still care what the village looks like and this development would look out of place
  - A number of school children walk to school along Hockley Rise; they will be put to significant danger if level of traffic using this development goes ahead
  - Trees should be planted around the boundary
  - Site currently looks like a bomb site
  - Traffic noise and car headlights using the site will give rise to a loss of amenity
  - Schools, doctors and support services are already over stretched and could not cope with additional burden
  - Indiscriminate on street car parking will result
  - Loss of trees on the site will detract from the air quality of the area
  - There will be a marked shift in building to garden ratio and this will make the development look cramped
  - Gross overdevelopment of this small plot
  - Wrong to build family houses without garages
  - Communal area will be left neglected as no one person will be responsible for it
  - Lower property values
  - No 1 should be reinstated

- Little amenity space
- Once the building is approved and built then it will be converted into flats
- The rural character to remain and not urbanised
- Southend Road/Hockley rise meet at the brow of a hill and therefore is dangerous
- Scale, height and style of the properties are out of proportion with adjacent homes
- Overlooking and loss of privacy
- Water supply and drainage issues need to be looked into

- 3.11 **Hockley Parish Council:-** Since the fire damage and subsequent demolition of the original building on this site, public interest appears to have fallen off, and only two members of the public were present to make representations. These concerned the ridge height of the proposed terrace, a suggestion that garages would be more acceptable than parking spaces and fears that, whilst building work was proceeding, there would be danger to children to and from Sunny Road school. There were also allegations regarding the sending out of notices regarding this application and the fact that it could not be found on Rochfords Council's website. The Members of the Planning Committee, however, appreciated that the layout now proposed was probably the best that could be achieved, due to the obvious fact that the only possible vehicular access was from Hockley Rise. The safety fears raised by the public were appreciated and it is requested that the developer be asked to restrict deliveries and vehicle movements on and off the site during times when children going to and from Sunny Road School. Due to the dangerous traffic conditions that can arise in Southend Road, it is requested that the public footway along Southend Road frontage is kept in good condition while the work is proceeding to prevent pedestrians having to step into the carriageway. In addition, in the interests of highway safety, it is requested that there should be no direct pedestrian access to individual properties from Southend Road, which should help to discourage vehicles stopping in Southend Road to make deliveries. Although it is noticed that it is intended that this boundary should be open plan, a low fence or rail should be provided to discourage vehicles pulling up on the footway and encouraging on to the front amenity areas.
- 3.12 In order to minimise disruption and for the safety of neighbouring residents, the Council would ask that any future contractors are required to carry out wheel washing before vehicles leave the site and that they park their vehicles with consideration, ensuring that they are not obstructing the pavement or residents' driveways
- 3.13 **Essex County Highways Officer:-** No objection, subject to conditions controlling access and vision splays and that the developer makes a financial contribution of £5,000 towards the construction of a new pedestrian crossing facility in Southend Road.
- 3.14 **English Nature:-** The development shall not affect a SSSI and if the site is thought to contain protected species then an appropriate survey and mitigation should be put in place.

- 3.15 **Essex County Council Archaeological Officer:-** The site lies outside of any known archaeological deposits, therefore on our present knowledge, no archaeological recommendations are being made on this application.
- 3.16 **Hockley Residents Association:-** Over development of the site, out of keeping with the area, would create a 'canyon' effect, will increase traffic on what is already a very busy road in close proximity to a school; a wheel washer should be used.
- 3.17 **Buildings /Technical Support:-** No objection.
- 3.18 **Essex Police Architectural Liaison Officer:-** No objection; recommend that the development should be implemented in accordance with the secured by design standards.
- 3.19 **Building Control Manager:-** No comments.

**SECOND ROUND:-**

- 3.20 33 Letters from local residents/interested parties object to the revised scheme in the main on the following issues:-
- Road congested at present
  - Poor junction
  - Should be a mini roundabout junction
  - Family houses should be built with garages
  - On street car parking causing safety problems
  - Too close to the front of the plot and thereby giving an overdevelopment feel
  - Communal area will be neglected
  - Area not suitable for low cost housing
  - Local facilities/services will not be able to cope
  - A lot more people on the site than with the previous property No 1 Southend Road
  - Car parking court to the rear will become an unsightly area
  - The Council should not cave in to development pressure
  - Not enough area to provide privacy around these houses
  - Overdevelopment
  - In rush hour and school run times the area is very busy and congested
  - Loss of vegetation and the loss of previous building has created an adverse visual impact on the area
  - Development is an eyesore, should not be out of character with the area
  - Property devaluation
  - Car port looks like a shed
  - Scheme is a copy of the refused flatted scheme
  - Gardens are too small
  - Pollution, noise, and environmental impacts
  - Overlooking

- Loss of privacy
- Insufficient parking at the site
- Sewage system cannot cope
- Contrary to the development plan BE1 (new development within urban areas should not result in over development, unsympathetic change and loss of amenity)
- The site cannot accommodate any more than 2 detached units
- Mundane appearance
- Garage court will become unsightly and uncared for dumping ground and may create an area for youths to congregate
- No demand for low cost housing in this location

- 3.21 **Hockley Parish Council:-** It would have been pleasing to have seen part or all of the original property included in any redevelopment scheme, but Members were generally of the opinion that the layouts now and previously proposed are probably the best that now can be expected. The road safety fears previously raised by both Members and the public in relation to application No 05/00023/FUL were re-iterated, particularly with regard to parents and children making their way to Sunny Road School during the time that building work is in progress.
- 3.22 As the site is close to a complex road junction, it is requested that if the District Council are minded to approve the application, drivers of vehicles leaving the site be required to wash wheels to avoid deposit of mud and debris on the roads. During the period when the works are taking place, the developer should be asked to avoid having vehicles parked in Hockley Rise, particularly near the junction with Southend Road and Belchamps Way. The footway fronting the site on Southend Road should also be kept in good condition and fully usable to avoid pedestrians having to step into the carriageway. Also, as previously requested, the front entrance paths to the three properties on Southend Road frontage should be combined into one exit point at the west end of the site, which it is hoped will discourage callers not to leave vehicles on Southend Road whilst making deliveries.
- 3.23 **Essex County Highways Officer:-** Same comments as first round.
- 3.24 **Building/Technical Support:-** No objection. Public foul sewer within Southend Road. Large area of impervious surfaces as proposed compared with existing, sustainable drainage needs to be addressed.
- 3.25 **Essex County Archaeological Officer:-** Same comments as the first round.
- 3.26 **Essex Police Architectural Liaison Officer:-** No objection in relation to this development but would ask that lighting is provided to the parking area in order to reduce the fear of crime for users. Rear gates to the properties should be locked from both sides

3.27 **English Nature:-** If protected species are thought to be on the site then there should be an appropriate survey and mitigation.

3.28 **Building Control Manager:-** No comments at this stage.

**MATERIAL PLANNING CONSIDERATIONS**

3.29 **PRINCIPLE:-** The site is located within the residential part of Hockley as defined by the Local Plan, and as such the residential redevelopment of the plot would be in accordance with the aims of the development plan. In addition, the scheme proposes 5 new dwellings in lieu of one; this would accord with Government advice and development plan policies that seek to maximise the developable plots in appropriate locations.

3.30 The Government advice is tempered somewhat within PPG3 (housing) in that whilst it acknowledges the need to maximise the developable potential of appropriate sites, this aim should not be at the expense of the local character and amenity of the area.

3.31 The scheme proposes the closure of the existing vehicle access to the site from Southend Road and the creation of a new access point from Hockley Rise; this design has been at the request of the County Highways Engineer who advises that the use of the access onto Hockley Rise would improve highway safety.

3.32 **LAYOUT/DESIGN:-** It is considered that as the development plot has two distinct public frontages that any redevelopment should respect this and present appropriate facades to both Southend Road and Hockley Rise.

3.33 The scheme propose five units in total; a terrace of three and two detached units. It is considered that the proposed footprints of the dwellings, and their design and external appearance promotes a positive form of development and an acceptable presentation to both of the public frontages of the plot.

3.34 It is further considered that the scale, form, design and appearance of the new dwellings would add to the range of properties within the area, thereby adding character to the varied street scene.

3.35 All of the properties are set behind areas of frontage soft landscaping which would further add to and soften the setting of these buildings within the street scene.

3.36 The County Highways Officer supports the access onto Hockley Rise and the creation of a car park court to the rear of the new buildings is not an uncommon feature within redevelopment schemes, as there is a need to seek to balance conflicting demands (size of dwelling, amenity space provision and off street car parking).

- 3.37 AMENITY SPACE /CAR PARKING:- All of the units have a minimum of 50sqm of useable and defendable amenity space. This level of provision complies with the development plan standards for the terraced units but fall short for the detached units. It is considered, however, that when assessed against the desire to secure development of the site, with the need to maximise the developable potential of the plot that a refusal based on the lack of amenity space could not be substantiated, especially when the scheme is acceptable in all other respects. The fact that two units do not comply fully with the guideline standard must also be balanced against the level of parking provision on the site.
- 3.38 The lack of defendable amenity space was a concern with the previous flatted scheme (refused); this has been overcome with this application where each of the units has clearly defined areas of independent and defensible space.
- 3.39 The car parking provision is 200% two per unit and this is in excess of the Local Plan requirement of one space per unit. However, this level of provision is considered appropriate given the site's location within the residential zone, the proximity and availability of access to a range of public transport links and the desire of the new home owners to own more than one car. The level of car parking provision above the adopted standard is supported in this instance as it will assist in the accommodation of visitor cars and service vehicles; this will reduce the pressure upon the need for on street car parking in an area where it is becoming a concern for local residents.
- 3.40 As commented above, the County Highways Engineer supports the proposal (subject to conditions controlling access and sight line details), so a refusal based on the lack of car parking could not be justified.
- 3.41 RESIDENTIAL AMENITY:- The siting of the buildings and their design are such that they should not give rise to any material loss of residential amenity through direct overlooking.
- 3.42 Further, the car parking spaces 1-5 are to be contained within a timber framed car port, this would help to give a more pleasant outlook for the residents of Harris Court at the same time as containing any noise and disturbance that might occur. The flank boundary with No 2A Hockley Rise will be demarked by a new 2m high brick wall, this will assist in the impact of the development upon the amenities of the occupiers of this and other properties.
- 3.43 STREET SCENE:-As commented above (layout and design heading) it is considered that the form and scale of this development is an appropriate form of development for this site. All of the dwellings are two storey in height, which is consistent with the prevailing pattern of development within the area. Planning conditions are recommended that take away permitted development rights, this would result in the Council retaining control over any extension to the properties, including roof alterations.

**CONCLUSION**

- 3.44 The proposal represents an acceptable redevelopment of this prominent site and promotes a form of development that would not be intrusive into the established pattern of the street scene, nor would it result in a material loss of residential amenity.
- 3.45 Amenity space provision and car parking are considered to be acceptable.

**RECOMMENDATION**

- 3.46 It is proposed that this Committee **RESOLVES to APPROVE** the application, subject to a **LEGAL AGREEMENT** or other mechanism covering the following:-

- o The application to provide a contribution of £5,000 towards the construction of a new pedestrian crossing facility in Southend Road.

- 3.47 And the following heads of conditions:-

- 1 SC4 Time Limits
- 2 SC14 Materials to be submitted
- 3 SC22 PD Windows
- 4 SC23 OBS windows
- 5 SC50A means of enclosure
- 6 SC59 Landscaping
- 7 A 4.5m X site maximum visibility splay to be provided along the site frontage with Southend Road, clear to ground level
- 8 SC66 Pedestrian visibility
- 9 SC64 Visibility Splays
- 10 SC68 Vehicular Access details
- 11 SC76 Parking and turning
- 12 SC90 Surface Water drainage to include sustainable drainage techniques in order to control discharge
- 13 SC91 Foul Water drainage

**REASON FOR DECISION**

The proposal is considered not to cause significant demonstrable harm to any development plan interests nor harm to any other material planning consideration.

**Relevant Development Plan Policies and Proposals:-**

H16, H11, TP15, UC7 of the Rochford District Local Plan First Review

HP6, HP11, HP18, TP9 of the Rochford District Local Plan Second Deposit

BE1, H3, H4 of the Essex and Southend on Sea Replacement structure Plan.

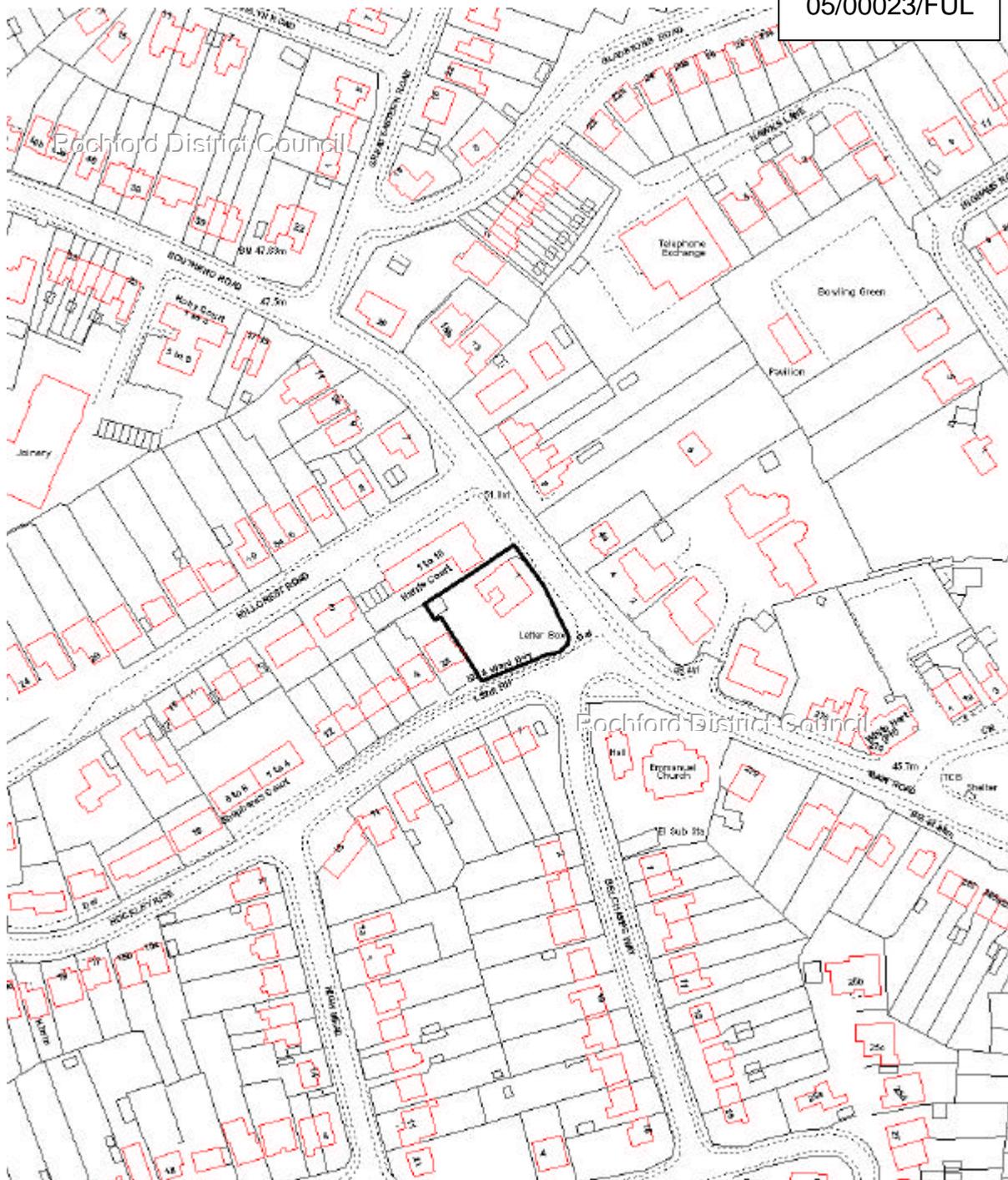


Shaun Scrutton  
Head of Planning Services

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

05/00023/FUL



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NTS



**TITLE :** 05/00028/FUL  
**REDEVELOPMENT OF THE SITE TO PROVIDE 16 HOUSES AND 32 PARKING SPACES. DWELLING MIX TO INCLUDE:-**  
**9 X 3-BED (2 STOREY ROOMS IN ROOF)**  
**1 X 4-BED (2 STOREY ROOMS IN ROOF)**  
**6 X 3-BED (2 STOREY)**  
**ACCESS TO UNITS 1 - 5 FROM DAWS HEATH ROAD**  
**ACCESS TO UNITS 6 - 16 FROM WYBURNS AVENUE EAST**  
**LAND AT 76 WYBURNS AVENUE AND WYBURNS NURSERY RAYLEIGH**

**APPLICANT :** WESTON HOMES PLC & PANNELL DEVELOPMENTS LTD

**ZONING :** RESIDENTIAL

**PARISH:** RAYLEIGH TOWN COUNCIL

**WARD:** WHITEHOUSE

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#### **PLANNING APPLICATION DETAILS**

- 4.1 **SITE AND SURROUNDING AREA:-**The application site forms an irregular shaped site with frontage onto Daws Heath Road and Wyburns Avenue East. The front part of the site onto Daws Heath Road contains one dwelling (No178) and the land that was formerly occupied by Wyburns Nursery (now ceased trading and all commercial buildings on the site have been removed). The remainder of the plot forms part of the rear gardens to Nos 74 & 76 Wyburns Avenue and is currently used for stabling and an exercise area for one horse.
- 4.2 There is a change of levels across the site from the front to the rear, with the lower part of the site abutting an existing main watercourse/ditch, further to the south is a line of protected trees with the green belt beyond.
- 4.3 The site lies within an established residential area which is characterized by a mix of differing architectural styles and sizes of plots. The nature of the properties across the wider area reflects the sites' location which is very much a transitional zone from the main urban centre of Rayleigh to the open countryside (green belt) beyond.
- 4.4 The application proposes 15 X 3 Bed and one 4 Bed semi detached and terraced dwellings in a mix of two storey and two and half storey property types.

- 4.5 The application layout is in three distinct elements:-
- The first is a terrace of three properties and a pair of semi detached dwellings which face directly onto Daws Heath Road and are accessed direct from Daws Heath Road.
  - The second being the central portion of the site that is accessed from a turning head extension to Wyburns Road East; this portion relates to a terrace of three dwellings and a semi-detached pair of properties linked to the terrace of three by a garage block. These properties are orientated perpendicular to Daws Heath Road and will face predominantly the access onto Wyburns Road East.
  - The third element relates to the bottom portion of the site that abuts the green belt boundary and is accessed via the extension of the highway from the extended access from Wyburns Road East. Within this portion of the site is one terrace of four properties and a pair of semi detached properties.
- 4.6 The house types possess similar architectural features, pitched roofs, repetitious window patterns, integral garaging and dormer roof extensions. The majority of the buildings are two storey domestic scale incorporating in some of the units second floor accommodation within the roof space.

#### **RELEVANT PLANNING HISTORY**

- 4.7 00/00217/OUT - 8 Dwellings - Withdrawn
- 4.8 04/00309/OUT & 04/00551/OUT - 3 dwellings along the Daws Heath Road frontage part of this site sits - both applications refused.
- 4.9 03/00569/FUL Erect 4-Detached Bungalows REFUSED 16/09/03 This application related to the land to the rear of the properties 74-76 Wyburns Avenue.
- 4.10 04/00694/FUL Redevelopment for 19 X 3 Bed properties recommended for refusal, however the application was withdrawn prior to any decision being issued. The areas of concern with the proposal related to the number of units, layout ( more than 5 dwellings of a private drive ), garden size, the absence of a Flood Risk Assessment, and also the absence of a tree report.

#### **CONSULTATIONS AND REPRESENTATIONS**

- 4.11 **Rayleigh Town Council** - No objections.
- 4.12 **Essex County Council Highways Officer**:- No objection to the principle to the scheme but comments on the specific details of the layout and access issues. Recommends that conditions be imposed to cover these issues.
- 4.13 **Environment Agency** - No objection, but advises the applicant that sustainable drainage and sustainable construction techniques should be incorporated into the development.

- 4.14 **Essex Police Architectural Liaison Officer** - No objections and advises that the developers should utilize the secured by design specification.
- 4.15 **Woodlands and Environmental Specialist** - No concerns in relation to wildlife or trees.
- 4.16 **Rayleigh Civic Society** - It is noted that the scheme has been amended it still does not address the problem of overlooking the existing properties due to the siting of the new dwellings, which have two and half stories. This type of design is alien to this area of housing which is entirely standard two storey housing with bungalows interspersed. Are there still five dwellings off a private drive.
- 4.17 **Buildings/Technical Support** - No objections, Noted the Environment Agency comments.
- 4.18 **Building Control Manager** - No comments at this stage.
- 4.19 **English Nature** - If protected species are known or expected to be on the site then the appropriate surveys and mitigation should be carried out.
- 4.20 **The Head Of Health and Community Care** - requests the imposition of Standard informative SI16 (control of nuisances) be imposed on any approval.
- 4.21 **Buildings and technical support** - Foul drainage capacity could be a problem particularly with the existing pumping station. Site is adjacent to a surface water ditch which serves a sizable catchment including Rayleigh Weir underpass. Flooding has occurred in the past. Ditch is likely to become one controlled by Environment agency in the near future. A flood risk assessment is recommended.
- 4.22 **Essex County Council Urban Designer** - The frontage in Daws Heath Road is still car dominated though there is a better consolidation of the spaces to allow for some larger areas of front garden.
- 4.23 Within the site there is now a better arrangement of the dwellings; however the ground surface finishes and kerb treatment need to be carefully considered to avoid the highway boundary defining the space. Concrete kerbs should therefore be avoided.
- 4.24 The house types are fairly unimaginative but my main concerns are:-
- House types with integral garages which dominate the narrow fronts of these units
  - The front elevation to Plots 8 and 9 have a combined gabled projection which has two gabled porch canopies which upsets the emphasis of central axis of the main gable. The porches should be replaced by a simple flat door hood of minimal projection.

4.25 Neighbouring Residents:-

4.26 46 standard (duplicated letters) have been received objecting to the proposal in the main on the following grounds:-

- Poor access for emergency, refuse collection and delivery vans reaching the area
- Poor infrastructure to support the new residents
- Lack of safe access along Wyburns Avenue
- Insufficient parking
- New buildings will be high and not blend into the surroundings
- Overlooking
- Too great a density for this site
- Noise pollution
- Water logging in the winter
- Loss of trees and loss of wildlife
- Health risk to residents from the proximity of the A127 and the nearby phone masts
- Security issues especially during the dark hours

4.27 30 individual letters of objection have been received from local residents objecting to the proposed scheme in the main on the following reasons:-

- Loss of view
- Depreciation of property values
- Loss of light
- Harm caused by extra vehicles
- Ditch is already eroding the land
- The area floods with heavy rainfall
- Proposed buildings will tower over the surrounding bungalows and houses
- Overlooked
- Pumping station is at full stretch at the moment and would be overloaded by this proposal
- Suggestion that the site may contain protected species
- All the local schools are bursting at the seams
- Unacceptable level of traffic for the area leading to congestion
- Lack of parking
- Too far from public transport links
- Foul and surface water problems
- Loss of privacy
- Very fast traffic along neighbouring road this added traffic will make it very dangerous
- Added hazards as Daws Heath Road is a route to school for many parents and children
- Out of character with the area
- Problems for emergency and refuse vehicles to access the site

- No children's play areas
- This semi rural area is becoming saturated by development
- Recent development in Daws Heath Road have detracted from the open nature of the road
- Water pressure is low in the area
- Possible future connections into Wyburns Avenue
- Trees already lost on the site
- The road is not designed to carry such a high level of traffic
- Road used as a short cut to the A127
- A flood risk assessment needs to accompany the application, how will the surface water be dealt with
- Overdevelopment of the site
- Poor architectural and design standards
- Pedestrian safety issues
- Add extra burden upon the police and other services doctors in the area
- Gas and electricity will not be able to cope
- Impact upon TPO trees
- Not sufficient clearance over Anglian Water pipes/pumping station
- Properties possibly uninsurable given the risk of flooding
- A nice quiet area will be destroyed by the development
- Development will be too cramped
- Inappropriate back-land development
- Not a brownfield site
- Loss of open space, green buffer between houses
- Land ownership issues
- In front of building line in Daws Heath Road
- Two and half storey remains out of character
- Recent developments in the area have increased the flooding
- Reduction in the quality of life of existing residents in the area
- Building design is not disabled person accessible
- Loss of habitat for wildlife
- Loss of outlook
- No information about boundary treatment or soft landscaping
- Inappropriate backland development
- Not wholly brownfield site
- Still too many units
- Ecological assessment prior to determination
- No SUDS information with the submission

**MATERIAL PLANNING CONSIDERATIONS**

- 4.28 PRINCIPLE:- There is no objection to the principle of residential redevelopment of the site given the sites' location within the residential part of Rayleigh, on a site that has previously contained development, and would accord with both Government advice and Structure and Local Plan policies that seek to steer development to appropriate locations, as well as maximising the sites developable potential.

- 4.29 The redevelopment of the site for residential may also help in reducing the pressure of development within the Green Belt.
- 4.30 LAYOUT/FORM OF DEVELOPMENT:- The layout has been revised following the previous refusal and now proposes dwelling houses served by direct access from either Daws Heath Road or Wyburns Avenue East. All of the proposed properties have dedicated off street car parking spaces, with areas of landscaping to the front of each of the plots and individual private rear gardens. This form of development and layout reflects the predominant pattern of development within the wider vicinity of the site.
- 4.31 All of the dwellings are sited so as not to affect the TPO trees to the rear of the site.
- 4.32 The site is not within an area at risk of flooding as identified by the Environment Agency, however the applicants have acknowledged, that the stream at the bottom of the site carries at times a significant amount of water and have located all dwellings significantly away from this potential threat. In addition the applicant has acknowledged the desire not to place an additional burden on the stream which may give to problems/incidents down stream and they are proposing that the surface water will be contained within the site and discharged into the stream at a rate lower than the green field situation. This is considered to be a benefit of this application.
- 4.33 SCALE AND FORM OF PROPERTIES:- The application properties are all of domestic scale in their form and detailed external appearance. The properties are two storey in their bulk with pitched roofs over. In some instances additional habitable accommodation is proposed within the roof space. Where there is proposed additional accommodation within the roof-space then these properties propose a mix of dormer windows and roof lights.
- 4.34 Terrace properties, whilst not being common in the immediate vicinity of the site, are of a scale and appearance that would add to the range of architectural designs at and within the vicinity of the site and as such would not be visually intrusive into the established pattern of development in the area.
- 4.35 Some of the properties propose additional accommodation within the roof space; is a common form of development across the district and as such it is considered that the principle on this site could not be objected to. The siting of the units to which additional accommodation is proposed within the roof space are such that they would add to the character and appearance of the street scene and not give rise to a material loss of residential amenity.
- 4.36 The County Urban Designer has commented on the front elevations of some of the properties being dominated by integral garaging. When seen in isolation this may be a justified concern, however it is considered that given the context of the site and surrounding area with a number of existing properties in the vicinity incorporating integral garages, that a refusal on this issue could not be substantiated.

- 4.37 RESIDENTIAL AMENITY:- The scheme has been redesigned following the previous refused scheme and now proposes a layout and form of design of properties that would not result in a material loss of amenity either to the proposed occupiers of this scheme nor upon those enjoyed by the occupiers of the adjacent, nearby properties.
- 4.38 All of the proposed dwellings have private amenity space and is of the size and depth to provide an acceptable level of privacy to the occupiers of the neighbouring properties. As commented above the scale and form of the proposed properties being two storey will afford views over/into neighbouring land/property, however due the sensitive estate layout and the appropriate design and appearance of the properties the scheme will not result in a form of development that would be so harmful to residential amenity so as to substantiate a reason for refusal.
- 4.39 On the properties where additional accommodation is proposed within the roof space the dormer windows are predominantly on the front elevation overlooking the public realm. On those properties where rear dormers are proposed then these are within the fabric of the scheme and as such would not afford material views over neighbouring properties.
- 4.40 To further protect the amenities of the occupiers of the adjacent properties conditions could be placed upon the scheme to take away permitted development rights, which could include the insertion of dormer windows.
- 4.41 CAR PARKING AND ACCESS:- There is to be no access off Wyburns Avenue West. The extension to the highway at Wyburns Avenue East and the accesses of Daws Heath Road have the approval of the County Highways Engineer and as such a refusal based on the access to the serve this development could not be substantiated.
- 4.42 The level of car parking (200%) is in excess of the standards within the local plan and as such any argument that more should be incorporated within the scheme could not be substantiated. Similarly given the site is located with an identified residential area and that the scheme is compliant with the car parking standards of the local plan, a refusal based on the lack of car parking and the fear of indiscriminate on street car parking could not be justified.
- 4.43 AMENITY SPACE:- All of the proposed properties meet the amenity space standards within the Local Plan.

### **RECOMMENDATION**

- 4.44 It is proposed that this Committee **RESOLVES** to **APPROVE** this application subject to the following conditions:-
- 1 SC4 Time Limits Full - Standard
  - 2 SC14 Materials to be used (Externally)
  - 3 SC17 PD Restricted - Extensions

- 4 SC20 PD Restricted - Dormers
- 5 SC18 PD Restricted - Outbuildings
- 6 SC21 PD Restricted - Balconies
- 7 Notwithstanding the provisions of Article 3 Schedule 2 Part 1 Class A of the Town and County 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 shall be inserted above first floor level on any elevation of the properties hereby approved (other than those shown on the plans hereby approved) unless previously agreed in writing by the Local Planning Authority.
- 8 SC22A PD Restricted - Windows
- 9 SC50A Means of enclosure - Full
- 10 SC59 Landscape Design Details (Full)
- 11 SC67 Pedestrian Visibility Splays
- 12 SC72 Estate Roads
- 13 SC74 Driveways Surface Finish
- 14 SC81 Garage and Hard Standing
- 15 SC83 Site Levels
- 16 SC84 Slab Levels
- 17 SC87 Contaminated Land
- 18 SC88 Soil Decontamination
- 19 SC90 Surface Water Drainage
- 20 SC91 Foul Water Drainage

**REASON FOR DECISION**

The proposal is considered not to cause significant demonstrable harm to any development plan interests nor harm to any other material planning consideration.

**Relevant Development Plan Policies and Proposals:**

H1, H2, H11, H20, of the Rochford District Council Local Plan First Review

CS1, BE1, H1, H2, H3, H4, of the Essex Structure Plan Adopted 2<sup>nd</sup> Alteration

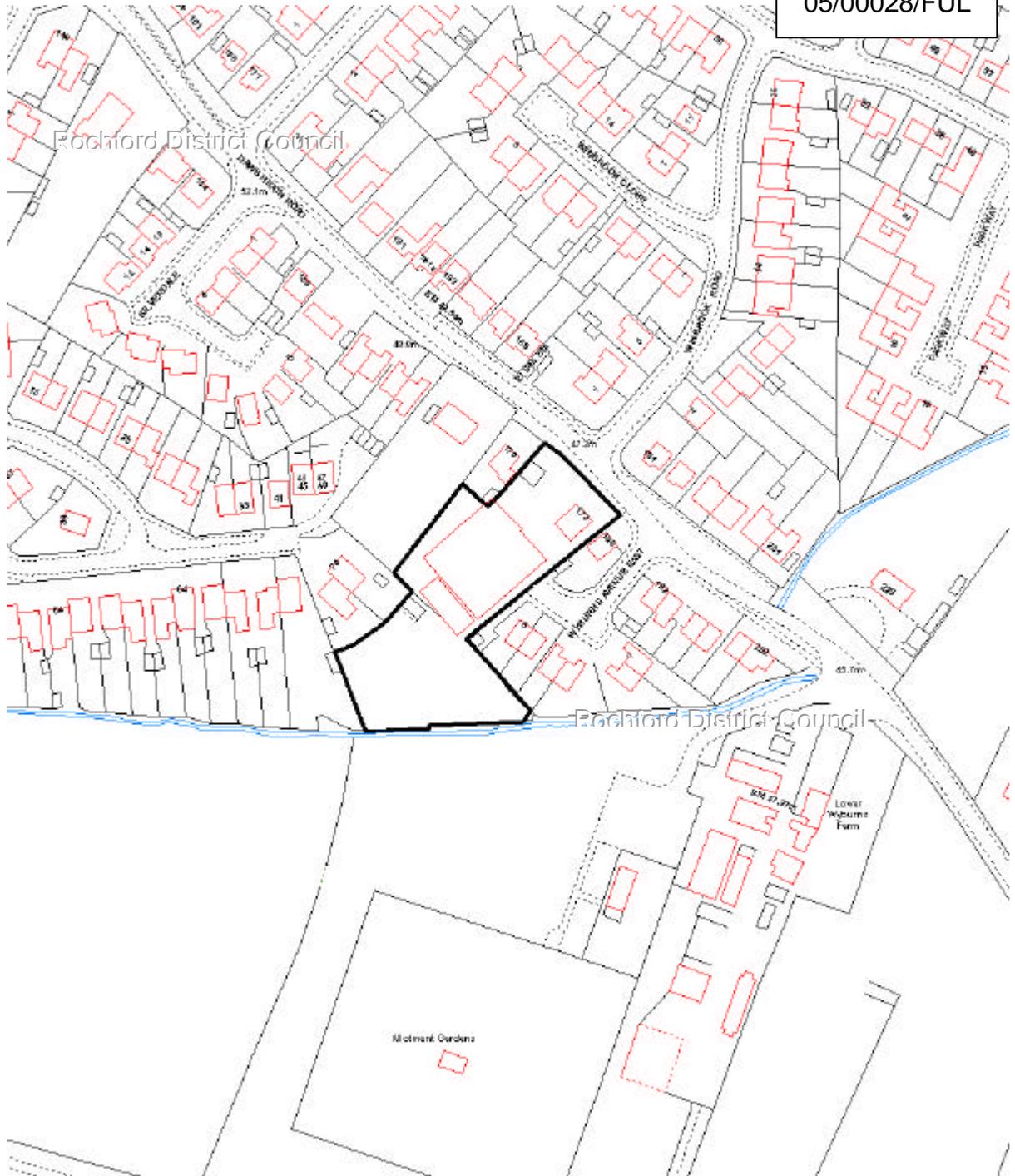


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05/00028/FUL



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**TITLE :**                    **05/00017/FUL**  
**SINGLE STOREY SLOPED ROOFED REAR EXTENSION**  
**AND FIRST FLOOR PITCHED ROOFED REAR EXTENSION**  
**52 DOGGETTS CLOSE, ROCHFORD**

**APPLICANT :**            **ROCHFORD DISTRICT COUNCIL**

**ZONING :**                **RESIDENTIAL**

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

**WARD:**                  **ROCHFORD**

**PLANNING APPLICATION DETAILS**

- 5.1 The applicant seeks permission for a single storey sloped roof rear extension and first floor pitched roof rear extension. This proposal will enlarge the property from a two-bedroom property to four bedrooms.
- 5.2 The property has a shared driveway with No.54 Doggetts close. There is a possibility for a parking space to the rear; this was used for outdoor storage when visited.

**RELEVANT PLANNING HISTORY**

- 5.3 There is no relevant planning history.

**CONSULTATIONS AND REPRESENTATIONS**

- 5.4 **County Surveyor (Highways):** De-minimis.
- 5.5 **Rochford Parish Council:** No objections.
- 5.6 **Environment Agency:** Advice/ information for the applicant as the proposed area for development lies within 250 metres of a current/former waste disposal site.
- 5.7 One letter has been received from a resident adjoining the site and which makes the following comments and objections:
- Concerns regarding the driveway requiring access at all times to drive and garage

**MATERIAL PLANNING CONSIDERATIONS**

- 5.8 The host property is a semi-detached two-storey property situated in an area of similar design and same character houses. The semi-detached properties are 'C' shape in plan, the single storey part of the proposal will infill this area, to the same depth as the adjoining properties' (No.50) single storey rear extension. No.50 also has a rear conservatory that projects deeper into the rear.
- 5.9 The roof of the single storey rear extension shown on the plan is a pitched roof with a 1.1m x 0.75m lead flat roof near the windows of the bedroom. This part could become a small balcony leading to overlooking into the private amenity area of the adjoining property No. 50. A condition is recommended as part of any approval that might be given to prevent this and retain control over any such change.
- 5.10 The first storey element of the proposal will be situated towards No.54. The main issue is the loss of light to the adjoining neighbouring dwelling. This is measured via the 45-degree line from the nearest ground floor windows to the two-storey element. The proposal does not interrupt this line as both adjoining neighbours have single storey rear extensions.
- 5.11 The proposal will have a minimal effect to the recreation ground backing onto the site.
- 5.12 Due to the siting, design and appearance of the extension, there will not be a loss of residential amenity.
- 5.13 The rear extensions are harmonious in character, style and scale with the host building.
- 5.14 There is currently one off-street car parking space, with this new addition it is considered appropriate to require an additional off street parking space in the front of the property.

**RECOMMENDATION**

- 5.15 It is proposed that this Committee **RESOLVES to GRANT** planning permission subject to the following conditions:
  - 1 SC4 Time Limits Full
  - 2 SC15 Materials to Match
  - 3 SC21 PD Restricted – Balconies
  - 4 SC75 Parking Space

**REASON FOR DECISION**

The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations or to the character of the area including impact upon residential amenity such as to justify refusing the application.

**Relevant development plan policies and proposals:**

H11 of the Rochford District Local Plan First Review

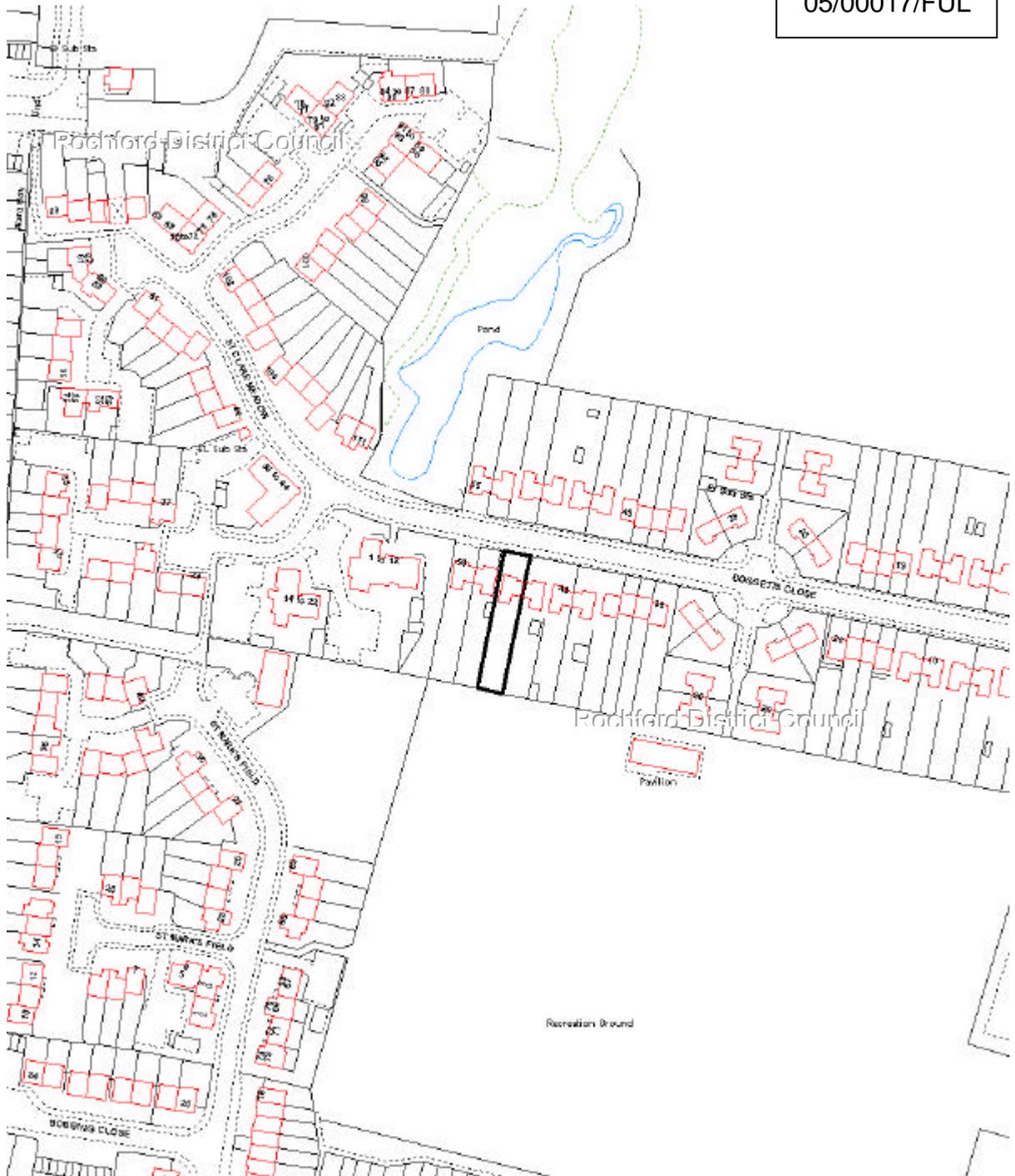


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05/00017/FUL



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## **PLANNING SERVICES COMMITTEE - 26<sup>th</sup> April 2005 Item 6**

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**TITLE :** 05/00105/FUL  
**REDEVELOP RECLAMATION YARD AND CONSTRUCT  
THREE DETACHED FIVE BEDROOMED HOUSES WITH  
DOUBLE GARAGES AND ACCESS FROM PRIVATE DRIVE  
THE YARD TRENDRS AVENUE RAYLEIGH**

**APPLICANT :** MR A FAIRCLOUGH

**ZONING :** METROPOLITAN GREEN BELT, LANDSCAPE  
IMPROVEMENT AREA

**PARISH:** RAWRETH

**WARD:** DOWNHALL AND RAWRETH

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### **PLANNING APPLICATION DETAILS**

- 6.1 This application is to a site on the eastern side of Trender Avenue 60m north of the junction made with Rutland Drive. Trender Avenue is unmade and serves a number of sporadic dwellings and other sites and uses in this plotland area.
- 6.2 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 storing and selling reclaimed building materials. A number of buildings and lean - to type structures exist where the materials are stored. A portable building exists at the entrance of the site providing an office.
- 6.3 The proposal is to demolish all the existing buildings removing the hardstandings and construct three detached houses with detached garages accessed from a private drive shown to make a junction with Trender Avenue.
- 6.4 The site would be laid out with a single dwelling fronting onto Trender Avenue with the wider part of the site showing two dwellings to irregularly shaped plots. The double garages to each plot would be grouped around the turning head located in the middle of the site and in front of the dwellings to plots 2 and 3.
- 6.5 The house proposed to plot 1 would have an overall height of 7.9m and a floor area of 286.4 square metres.
- 6.6 The house proposed to plot 2 would have an overall height of 9.8m and a floor area of 347.7 square metres.

- 6.7 The house to plot 3 would have an overall height of 10.35m and a floor area of 357 square metres.
- 6.8 The detached garage would be common in design to all three plots and having a pitched roof to an overall ridge height of 5.7m.
- 6.9 In support of the application the applicant makes reference to an appeal allowed on the site of land at Upper Edwards Hall, Tudor Close, Eastwood, Leigh-on-Sea in 1998. The Inspector in this appeal granted outline permission for five detached bungalows on a site located in the Green Belt and in use for the storage of building materials, open storage of caravans boats and building materials, manufacture of joinery, office and retail sales. The site had the benefit of a certificate of lawfulness for these uses granted in 1994.
- 6.10 In considering this appeal the Inspector acknowledged the Green Belt status of the site but took account of special circumstances giving weight to positive material considerations considered to outweigh the harm to the Green Belt.

#### **RELEVANT PLANNING HISTORY**

- 6.11 Application No. LDC/0321/94/ROC  
To establish certificate of Lawfulness of use of land as demolition contractors Depot.  
Certificate Granted 12<sup>th</sup> September 1994  
For;  
The use of the land edged red on the plan attached here to 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
- 6.12 Application No. 03/00303/FUL  
Erection of Barn for Storage of reclaimed building materials  
Permission refused 27<sup>th</sup> May 2003  
Reason: Green Belt grounds
- 6.13 Application No. 03/00760/FUL  
Erect detached building to be used for staff canteen/rest room facilities  
Permission refused 9<sup>th</sup> October 2003  
Reason: Green Belt grounds

#### **CONSULTATIONS AND REPRESENTATIONS**

- 6.14 **Rawreth Parish Council** – Application should be refused on the basis of inappropriate development in the Green Belt.
- 6.15 **Essex County Council Highways and Transportation** - Recommends that permission be refused for the following reasons;

- 
- 6.16 Facilities within walking distance are non-existent and there is limited bus service provided. The lack of facilities and limited public transport will mean that virtually all journeys to and from the development will be by private motor vehicle. As there is no real alternative to using private transport, it is likely that car borne journeys will be higher than average.
- 6.17 The site is located along an unmade road which is narrow in places and will not allow vehicles to pass one another. There are no footways and the track is unlit. The lack of footways or standing places along some parts of the track and lack of lighting may well create conditions of danger to general highway safety, particularly pedestrian safety.
- 6.18 Proposal considered contrary to the aims of promoting accessibility and road safety as contained in Policies T3 and T8 of the Essex and Southend on Sea Replacement Structure Plan (adopted April 2001) and contrary to the intentions of government policy.
- 6.19 **English Nature** - Advise that the proposal is not likely to affect a Site of Special Scientific Interest.
- 6.20 Advise that the presence of protected species is a material consideration. If protected species are present or suspected on the site the applicant should provide an ecological survey by an appropriately qualified consultant to establish;
- a) What is the species concerned
  - b) What is the population level at the site affected by the proposal
  - c) What impact is the proposal likely to have upon the species present
  - d) What can be done to mitigate against this impact
  - e) Is the impact necessary or acceptable
  - f) Is a licence required from English Nature/Defra
- 6.21 **Building Control Manager** - Advises that the turning circle for Fire Authority emergency vehicles would not appear adequate.
- 6.22 Proper access to the site from the nearest adopted road should also be considered.
- 6.23 **Head of Housing Health and Community Care** - No adverse comments to make subject to standard informative 16 (Control of Nuisances) and the applicant being advised that due to the former use the applicant should be advised to ascertain that the site can be safely developed in accordance with the Essex Contaminated Land Consortium's Technical Guidance for Applicants and Developers.
- 6.24 One letter has been received from a resident in the vicinity of the site and which makes the following comments and objections;
- o Retention of Green Belt is of paramount importance to protect our heritage;
  - o Would establish precedent to further applications;
  - o Against national policy on Green Belt;
  - o Increased traffic on the unmade road;

- The existing use is neither noisy, unsafe, dirty or offensive;
- Pelham Gate and Park School will site a substantial number of new dwellings; and are located on residential land;
- Existing problem of “Rat Running” for football players would be increased via Parkhurst Drive;
- Danger of “Rat Running” to safety of children living in the area and horse riders

6.25 One letter has been received from a resident in the vicinity of the site and which makes the following comments in support of the application;

- Council failed to notify all residents in Trenders Avenue of the proposal;
- The yard has always been a thorn in the Council’s side;
- Proposal would be an opportunity to remove the yard out of the Green Belt once and for all;
- The proposed three extra houses would be preferable to the yard remaining;
- If the site was sold who knows what we might end up with given no few restrictions on trading hours and business uses;
- Traffic flows may well decrease;
- Residents need reductions in traffic as the Council have bulldozed permissions through for football pitches and conversion of farm buildings when upwards of 100 cars use the road at weekends. All this without notification to residents of the road;
- Can only see that the proposal would benefit the area;
- Object to the Council persistently shirking their legal responsibility to inform and consult all local residents of this road on planning matters that directly affect their way of life.

## **MATERIAL PLANNING CONSIDERATIONS**

6.26 The site is located within the Green Belt. Policy C2 to the Essex and Southend-on-Sea Replacement Structure Plan (Adopted April 2001) and Policy GB1 to the Council’s Local Plan First Review (Adopted April 1995) clearly state the general presumption against inappropriate development in the Green Belt. The construction of new dwellings is inappropriate development.

6.27 Both policies state recognised exceptions to the policy to include development required for agriculture, essential small scale facilities for outdoor sport and recreation, uses which fulfil the objectives of Green Belt, limited infilling and limited affordable housing for local community needs within existing villages defined as suitable for such purposes together with limited infilling or redevelopment of major existing developed sites also identified in adopted local plans. Policy GB1 includes also uses which are open in character. Policy C2 goes on to state that any development which is permitted should be of a scale and design and siting that the character of the countryside is not harmed.

- 6.28 The construction of new dwellings on the site proposed would directly conflict with the established policies in the Local Plan and Structure Plan detailed above. As such the proposal is inappropriate development. The applicant submits however that there are special circumstances directly proceeded by the Upper Edwards Hall decision that would lead to permission being granted for the current proposal.
- 6.29 The applicant states the need to intensify the use on the site increasing the storage potential, sub dividing the site into smaller units and employing more people. The preference stated is to move to an industrial estate with the proposal providing the finance to achieve the relocation and setting up. The applicant considers that this relocation would give the benefit of removing commercial traffic associated with this site from Trenders Avenue and enhancement to the appearance with the removal of the open storage and existing buildings and hardstandings in favour of the dwellings proposed.
- 6.30 The applicant states the existing buildings to total a floor area of 1,032 square metres in use for storage and processing of reclaimed materials. The concrete hardstanding areas total a further 929 square metres with the remainder of the site in a hardcore surface with open storage upon it. The site is stated to have 100% coverage of buildings and storage.
- 6.31 The site of the appeal decision at Upper Edwards Hall was very similar in size (0.4ha) and use. The Inspector recognised that redevelopment of the site conflicted with Green Belt Policy and that therefore the proposal conflicted with the development plan. The Inspector however further considered that any special circumstances that might otherwise justify the development, needed to positively outweigh the harm caused by the development and to the character and appearance of the Green Belt. The inspector accepted that the total amount of buildings on this site covered between 70%-80% of the site. The Inspector considered that each proposed dwelling should not exceed a floorspace of 186 square metres, thus totalling 930 square metres of floorspace overall compared to those existing buildings on the site at 1450 square metres. The reduction in buildings and site coverage was as a result, considered to increase the openness to that part of the Green Belt.
- 6.32 The current proposal would result in two storey dwellings of 286 square metres (plot 1) 347 square metres (plot 2) 357 square metres (plot 3) totalling 990 square metres comparable to the 1,032 square metres floorspace of the existing buildings on the site. The buildings proposed in this current application are larger than those considered in the previous appeal given their two storey form and the fact that the floorspace at issue would be shared between three dwellings as opposed to the five considered in the previous appeal.
- 6.33 In the previous appeal the Inspector considered it wrong to view the existing site as undeveloped. The inspector concluded that the commercial use of the site made little contribution to the openness of the Green Belt and further increase in activity should the site be sold with the benefit of the lawful use could give rise to harm to residential amenity and increased vehicular movements to the site.

- 6.34 In considering the previous appeal however the Inspector noted that given the location of the site abutting the residential area, that a small scale properly regulated residential development could enhance the existing landscape and in particular provide a more gentle transition between town and country than existed. The current application differs significantly in this respect in that the site is located away from residential allocation and is within rather than at the edge of the Green Belt. The site and location of the current application is therefore more exposed to the wider appreciation of the landscape. The two storey form of the buildings proposed would have significant impact upon the wider surroundings than the existing appearance of the yard which is currently screened in part by adjoining boundary treatment and sporadic housing and outbuildings to adjoining plots.
- 6.35 The relocation of the use would give rise to some benefits from changes to the nature of commercial traffic visiting the existing business and improvement to the appearance of the site. However the existing use is long established and would now in part accord with general policy on encouraging business to diversify the rural economy. Whilst the relocation of the business might be preferred, the proposed alternative development of the site would equally harm the appearance of the Green Belt in other ways. If allowed the proposal would establish a precedent for the redevelopment of commercial sites or other untidy sites within the Green Belt as opposed to the fringe of the Green Belt in the case of the Upper Edwards Hall decision. The current application site is adjoined by a similar yard in similar use. If the proposal were allowed the decision would be a material consideration in the treatment of any application to redevelop this adjoining site and for that matter, others located elsewhere in the Green Belt. The current application is an inappropriate development in the Green Belt and should be strongly resisted.
- 6.36 Whilst the current proposal is for three dwellings and in the Upper Edwards Hall decision the Inspector considered it necessary to condition the number of dwellings and the removal of permitted development rights, the site of the current application if allowed, would have the potential for a greater number of dwellings. The advice from central government seeks to achieve optimum densities appropriate to their surroundings but potentially between 20–50 dwellings per hectare. Taking the lower minimum density and the site area at 0.565ha as stated, the potential of the site would be provision at 10 dwellings. Whilst this point is academic, should the application be approved it may be difficult to resist the intensification in residential use of the site once the principle for residential development becomes established. This would also be true to say of other sites that might come forward in similar circumstances once the precedent is established.
- 6.37 The proposed dwellings would be located in generous sized plots with amenity space and side isolation distances way in excess of the Council's space standards. The dwellings would be sited in a relationship to adjoining development that would not in planning terms give rise to unreasonable conditions of loss of privacy or loss of amenity to residential dwellings adjoining the site. The dwellings would be provided with double garages and off street parking in excess of the maximum standard for the size of dwelling proposed.

- 6.38 The proposed private drive would have a length of 48.5m. As such access is required at 3.7m for Fire Tenders. The proposal shows an adequate width at 4m but requires a size three turning head of 23m width. The current layout achieves only a width of 15.5m. There is sufficient room within the site to achieve the required turning head and this could be the subject of a condition to any approval that might be given.
- 6.39 The site has been established over a number of years. The buildings and storage areas may have provided shelter to protected species such as Bats and or invertebrates finding refuge amongst the varied materials on the site. No information has been provided in support of the application to ascertain the presence or otherwise of protected species on the site. The requirements of Planning Policy Guidance Note No.9 make clear that the presence of protected species is a material consideration in the determination of the application. English Nature consequently advise on the need for the site to be surveyed by an appropriately qualified consultant to establish the presence of protected species and if found make recommendations based on the appropriate mitigation or otherwise required.
- 6.40 The site is located within a plotland area accessed by unmade roads and without convenient services to support residential development. The location is remote between the centres of Hullbridge and Rayleigh where services that support residential areas such as schools, shops, medical services and commerce are provided. It is considered that the site would necessitate future residents of the scheme being dependant upon journeys that would need to be made of necessity and contrary to sustainability objectives. The site would be inappropriate for residential use.

### **CONCLUSION**

- 6.41 The site is located within the Green Belt where development is allowed only in the most exceptional circumstances. The proposal seeks permission to redevelop the existing yard in use for the storage and sale of reclaimed building materials and cites an appeal decision for a similar site as precedent and comparable issues and factors as special circumstances equally applicable to the current application.
- 6.42 Although the sites compare, the site of the current application is located within the Green Belt as opposed to the fringe location of the appeal decision submitted in support of the application. The advantages of relocating the existing use do not outweigh the harm caused by the redevelopment of the site for residential purposes. The proposal therefore amounts to inappropriate development within the Green Belt and for which permission should be refused.
- 6.43 There is no doubt whatsoever that a decision by this Council to accept this application would create a precedent making it difficult if not impossible, to resist applications for many similar sites throughout the district.

**RECOMMENDATION**

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

- 1 RFR8 - Green Belt – Dwellings
- 2 The site is located within an area lacking facilities within walking distance of the site and with only limited bus service provided nearby. The lack of facilities and limited public transport will mean that virtually all journeys to and from the development will be by private motor vehicle. As there is no real alternative to using private transport, it is likely that car borne journeys will be higher than average failing to achieve the promotion of accessibility for new developments contrary to Policy T3 and T8 of the Essex and Southend-on-sea Replacement Structure Plan 2001 (Adopted April 2001) and the intentions of Government policy on sustainability.
- 3 The site is located along an unmade road which is narrow in places and will not allow vehicles to pass one another. There are no footways and the track is unlit. The lack of footways or standing places along some parts of the track and lack of lighting may well create conditions of danger to general highway safety, particularly pedestrian safety. As such the proposal is considered contrary to policies T3 and T8 of the Essex and Southend-on-sea Replacement Structure Plan (Adopted April 2001).
- 4 No information has been provided to ascertain the presence of protected species on the site and in particular the presence of Invertebrates and Bats. As such it is possible that the development proposed could harm protected species that may be present on the site.

**Relevant development plan policies and proposals:**

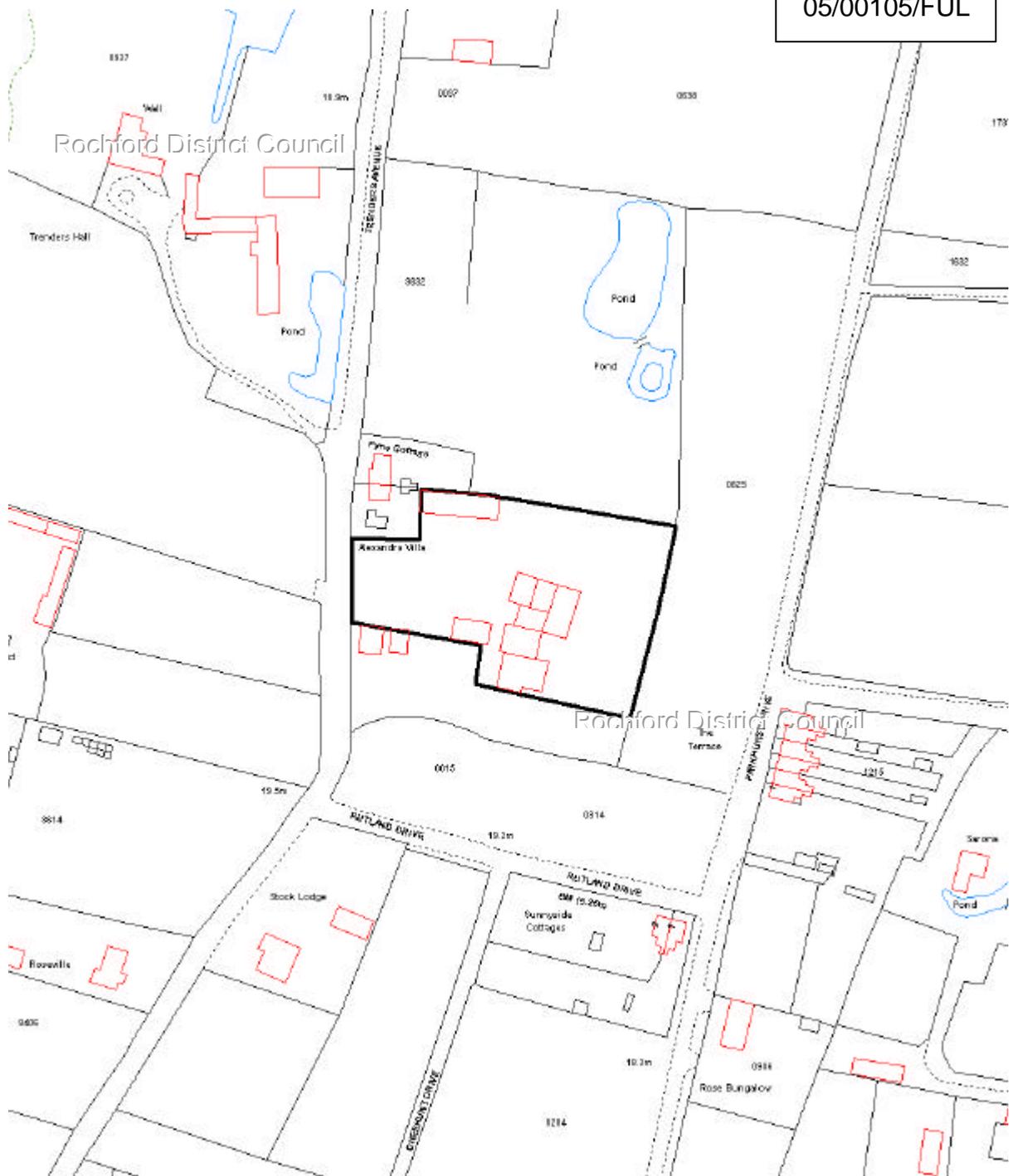
GB1 of the Rochford District Local Plan First Review



Shaun Scrutton  
Head of Planning Services

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

05/00105/FUL



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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.**