



Rochford District Council

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY
PLANNING COMMITTEE 17th December 2002**

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.

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PLANNING COMMITTEE 17th December 2002

DEFERRED ITEMS

REFERRED ITEMS

R1	02/00819/FUL Erection Of Three Storey Dwelling House To Serve Agricultural Workers Together With Agricultural Building Land Rear Of Timberwharfe Cottages Beeches Road Rawreth	PAGE 4
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SCHEDULE ITEMS

2	02/00813/FUL Demolish And Replacement Of 50-52 West Street With 3 Dwellings. Conversion of 54 West Street To 2No. Dwellings. Erection OF 3No. Dwellings To Rear 50-54 West Street Rochford	Mr Peter Whitehead PAGE 9
3	02/00812/CO Application For Conservation Area Consent For The Complete Demolition Of 50 And 52 West Street, Together With The Partial Demolition Of 54 West Street. 50-54 West Street Rochford	Mr Peter Whitehead PAGE 20
4	02/00786/COU Change of Use of Agricultural Land to Football and Cricket Pitch use (Re-Submission Following 02/00296/COU) Land At Pelham Farm Hall Road Rochford	Mr Kevin Steptoe PAGE 30
5	02/00617/FUL Erect Two Storey Building Comprising 76 bed Elderly Residential Care Home layout Access and Parking Land Opp. Cemetery Hockley Road Rayleigh	Mr Kevin Steptoe PAGE 36

PLANNING SERVICES COMMITTEE - 17th December 2002

DOWNHALL & RAWRETH

Cllr C I Black

Cllr R A Oatham

ROCHFORD

Cllr R A Amner

Cllr Mrs L Barber

Cllr Mrs M S Vince

TRINITY

Cllr K A Gibb

Cllr J E Grey

Referred Item

TITLE : 02/00819/FUL
ERECTION OF THREE STOREY DWELLING HOUSE TO
SERVE AGRICULTURAL WORKERS TOGETHER WITH
AGRICULTURAL BUILDING
LAND REAR OF TIMBERWHARFE COTTAGES, BEECHES
ROAD, RAWRETH

APPLICANT: MR D SMITH

ZONING: METROPOLITAN GREEN BELT

PARISH: RAWRETH PARISH COUNCIL

WARD: DOWNHALL AND RAWRETH

This application was included in Weekly List no. 651 requiring notification of referrals to the Head of Planning Services by 1.00pm on Tuesday 26th November 2002, with any applications being referred to this Meeting of the Committee. The item was referred by Cllr C I Black.

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

- 1:1 **Rawreth Parish Council** – express concern that the size of site could support a family in today's environment and do not consider that the long term future of Alpaca supports a viable agricultural business. The site is within an Environmentally Sensitive Area, beside a SSSI and will be detrimental to both. It is concerned that there appears to be no plan to maintain the flood defences, and it is already possible for these to be overtopped. It believes the risk of fluvial flooding is under-estimated and cites incidents of flooding in 1958, 1963 and 1968, together with minor floods since. It considers the site entrance inadequate. It is concerned that the proposal would set a precedent, resulting in the destruction of the remaining coastal protection zone.

NOTES

- 1:2 The application follows the recent refusal of permission for a two storey dwelling, intended to serve an Alpaca breeding enterprise, ref. 01/00742. The application was refused for Green Belt reasons, together with reasons relating to flood risk.

Referred Item

1:3

The current application proposes the erection of a three storey dwellinghouse, together with a flat roofed agricultural building stated to be required for shelter/storage purposes. The justification for the dwelling is set out in an accompanying statement. This indicates that a dwelling is required to serve a proposed agricultural enterprise comprising Alpaca breeding, together with egg and broiler production.

1:4

Policy GB3 of the Local Plan deals with the erection of agricultural workers dwellings in the Green Belt. This policy predates the County Structure Plan, together with government guidance found in PPG2 and PPG7, and due regard must be had to these documents.

1:5

In this case, the business has yet to commence. There are no Alpacas or hens on the site and none of the new buildings intended to serve these enterprises have been erected. In such cases, it would normally be the case (subject to compliance with the functional test, etc) for a mobile home to be provided to allow the applicant to live on the site whilst the business is being built-up. If, for whatever reason, the business failed, the mobile home could then be removed. In this case, the applicants state that the provision of a mobile home would not constitute an acceptable form of accommodation, given that the site is on a floodplain. They also state that a mobile home would not be sufficiently commodious for their family's requirements. The latter argument is considered to hold no weight. It is the needs of the business, not the applicant/family, which are of crucial relevance here. Moreover, it is difficult to reconcile the provision of a permanent dwelling to serve an enterprise that has yet to commence, let alone prove itself to be financially viable and sustainable in the long term. The Council has commissioned an agricultural consultant to provide a report on the applicant's business plan. His view, and it is a logical one, is that there cannot be a functional need for a dwelling, given that no business currently exists. Furthermore, in terms of functional need, the requirement for a dwellinghouse is stated to be to provide security to the valuable livestock. Government guidance states that whilst the protection of livestock from theft may contribute to the need for a dwelling, it will not by itself be sufficient to justify one. The Council's agricultural consultant concludes that there could be a functional need for a dwelling, however he focuses more on the egg/broiler business, and the constant vigilance required to protect the flock from foxes, as well as to collect eggs, etc. In this regard, it is noted that the applicants advise that, 'the alpacas remain the main enterprise' reducing business exposure to any single enterprise initially. There is the ability to withdraw from these enterprises when the alpacas become viable as a stand-alone enterprise.' Thus, it is considered that any perceived functional need for a dwelling would likely cease if/when egg/broiler production ceased.

1:6

Finally, with regard to functional need, government guidance states that the floorspace of agricultural workers dwellings should be commensurate with the functional need of the enterprise. In this case, the applicants have not sought to justify the size of the dwelling having regard to functional need. Indeed, it would appear that the size of dwelling has been arrived at having regard to family comfort and the need to provide a dwelling that complies with the Environment Agency's requirements regarding flood risk.

PLANNING SERVICES COMMITTEE - 17th December 2002 Item R1

Referred Item

1:7

The current application proposes a three storey dwellinghouse, having an overall floorspace of 300sq.m. The ground floor of the dwelling would accommodate a garage, dry store, workshop and farm office. The main bulk of habitable accommodation would be provided at first and second floors, above potential flood levels, to meet the requirements of the Environment Agency. However, the plans illustrate a dwelling of significant bulk and height (approx 9.7m) which, it is considered, would be injurious to the character and appearance of the area, which is zoned as a Special Landscape Area in addition to Metropolitan Green Belt.

1:8

With regard to the cost of building the dwelling, the Council's agricultural consultant questions whether the proposal would comply with government guidance on this. He also questions the financial planning of the business generally; the fact that Alpaca prices might well fall as stocks increase or that profits might disappear if mortality was high; that quail production requires considerable labour for small profit; and that the sale of eggs and table birds requires local markets to be found and maintained.

1:9

County Surveyor (Highways) - de minimis

1:10

Essex County Council Planning - no strategic comments

1:11

Anglian Water - no objection, subject to conditions

1:12

Environment Agency - the Agency remove the original objection to this development as the amended building design (3 storey) and Flood Risk Assessment complies with the requirements of Appendix F of Planning Policy Guidance 25 (PPG25).

1:13

Six letters of objection have been received. The broad grounds cited are as follows:

- The site lies within the Green Belt
- Three storey house not in keeping/scale with adjoining cottages
- No agricultural activity is going on at the site
- Loss of view
- Development adjoins a conservation area
- Land holding is over-estimated as some is saltings, and is unsuitable for animal grazing
- Precedent
- Flood risk

1:14

REFUSE

- 1 RFR5 Green Belt – Agriculture
- 2 The proposed dwellinghouse, by reason of its visual bulk and height, would constitute an unduly dominant and incongruous element in the open rural landscape, to the detriment of the character and appearance of the Special Landscape Area in which it is situated.

**PLANNING SERVICES COMMITTEE - 17th December 2002 ItemR1
Referred Item**

Relevant Development Plan Policies and Proposals:

GB1, GB3, RC7, RC9, PU2, of the Rochford District Local Plan First Review
C2, of the Essex and Southend-on-Sea Replacement Structure Plan



Shaun Scrutton
Head of Planning Services

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



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1:1250



PLANNING SERVICES COMMITTEE - 17th December 2002.Item2

**TITLE : 02/00813/FUL
DEMOLITION AND REPLACEMENT OF 50-52 WEST STREET
WITH 3NO. DWELLINGS; CONVERSION OF 54 WEST
STREET AND ATTACHED OUTBUILDINGS TO 2NO.
DWELLINGS; TOGETHER WITH ERECTION OF 3NO.
DWELLINGS TO THE REAR
50-54 WEST STREET ROCHFORD**

APPLICANT : THE CROLL GROUP

ZONING : SECONDARY SHOPPING FRONTAGE AREA

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

PLANNING APPLICATION DETAILS

- 2:1 The proposals involved the demolition of existing buildings known as 50-52 West Street and their replacement with a two storey building comprising 3no. 1-bed dwellings. In addition, the scheme proposes the conversion of 54 West Street to 2no. 2-bed dwellings, together with the erection of a terrace of 3no. 2-bed dwellings on land to the rear.
- 2:2 Nos.50-54 West Street are non-listed buildings lying within the Rochford Conservation Area. In the Local Plan, the buildings appear in the Local List; although this does not in itself confer any statutory protection.
- 2:3 Nos.50-52 in particular are in an extremely poor state of repair, having been severely fire damaged some years ago, and thereafter left open to the elements. The buildings have been altered over the years, and currently accommodate unattractive shopfronts and a roller shutter at ground floor, although the first floor front elevation of the building has an attractive brick cornice.
- 2:4 The replacement building has been closely modelled on the existing building, and certain of its design features are replicated. These include the double-pitched roof, brick parapet with stone scrolls to the front elevation, together with the sash windows. The ground floor would accommodate sash windows to match those at first floor, together with a door, rather than shopfronts as in the existing building.
- 2:5 The current proposals vary from those considered previously in that the applications are accompanied by an up-to-date structural survey of 50-52 West Street. This enables a fuller consideration of the arguments for and against the retention of the existing buildings.

PLANNING SERVICES COMMITTEE - 17th December 2002 Item 2

RELEVANT PLANNING HISTORY

- 2:6 CA/0397/97/ROC Conservation area consent for the demolition of 50-54 West Street. Refused, and subsequently dismissed on appeal.
- 2:7 F/0376/97/ROC Erection of a 2/3 storey building (2 x ground floor shops, 4 x 1st and 2nd floor flats, 2 x 2-storey dwellings) & three 2-bed terraced dwellings, the retention of the existing vehicular access, layout and construction of parking and turning areas. Refused, subsequently dismissed on appeal.
- 2:8 02/00332/FUL Demolition and replacement of 50-52 West street with 3no. dwellings; conversion of 54 west street and attached outbuildings to 2no. dwellings; together with erection of 3no. dwellings to the rear. The proposal was refused on the grounds that the new building would be inappropriate in the Conservation Area and that insufficient justification had been provided by the applicant for demolition.
- 2:9 02/00468/CON Application for Conservation Area Consent for the Complete Demolition of 50 and 52 West Street, together with the partial demolition of 54 West Street (specifically the first floor link adjoining No.52) was refused for the same reasons as above, but with an additional comment about Policy UC8 and the local list.

CONSULTATIONS AND REPRESENTATIONS

- 2:10 **Rochford Parish Council** responds as follows:
*'The following motion was passed:-
Following the presentation to this meeting by the Southend and District Preservation Trust, we found their proposals for restoring 50-54 West Street very acceptable in that it restored the street scene in keeping as far as possible with the original frontage. Furthermore, it would appear that the proposal would be financially viable, and the Committee therefore supports these proposals.'*
- 2:11 **County Planner's Senior Historic Buildings Advisor** advises as follows: *"I had no objections to this proposal when it was last submitted, and have none now. The surveyor's new report supports my view that the condition of the building has worsened and that repair is neither practical nor particularly desirable in conservation area terms. It is unfortunate, and predictable, that much of the decay is as a direct result of the building standing derelict for several years. It seems that parts of the building are now dangerous and that collapse is even possible. Clearly this situation should not be allowed to continue. I therefore recommend approval for these proposals."*
- 2:12 **English Heritage** has studied the submitted plans and structural survey, and concludes, in relation to any restoration of the building, that major works would be necessary. It refers to the front elevation of the building, and notes that this would not seem to be in imminent danger of collapse. It considers that whether the cost of repairing the building would be reasonable, would seem to depend on the desire to repair the buildings and the pressure for maximum development.

PLANNING SERVICES COMMITTEE - 17th December 2002 Item 2

- 2:13 It notes that this part of West Street has suffered neglect for some years and considers that it would be welcomed if the owners and LPA would take action to regenerate this area. Attention is drawn to drawn to considering the impact upon the Conservation Area.
- 2:14 English Heritage concludes that this is a case that can be determined in accordance with development plan policies and government guidance, in addition to the views of local specialist conservation expertise.
- 2:15 **Essex County Council (Highways)** recommends a number of standard conditions to be applied to any permission granted.
- 2:16 **Woodlands and Environmental Specialist** - care should be taken regarding bats.
- 2:17 **Head of Building Control Services** - consideration will need to be given to provision of escape windows to first floor units and to inner room situations. Design of these windows will need to be agreed as part of the planning considerations.
- 2:18 A letter has been received from SAVE Britain's Heritage, objecting to the applications on the grounds that 50-52 West Street is an historic building which adds to the richness and variety of the conservation area through its appearance, and construction history. The letter also refers to the previous appeal, and draws attention to government guidance on historic buildings (PPG15). In addition, the letter refers to a feasibility report carried out in respect of the building, and considers that this should be a consideration in respect of these applications.
- 2:19 Rochford Hundred Amenity Society objects to the proposal, considering that the existing buildings make a significant and positive contribution to the street scene. The Society refers to Local Plan policy, and also the conclusions of the 1998 appeal. It takes the view that no satisfactory evidence has been produced to demonstrate that the buildings are structurally unsound or beyond economic repair and draws attention to a feasibility study carried out in 2001 that related to the restoration of the building. The Society also objects on grounds relating to inadequate access and car parking, and backland development.
- 2:20 Six further letters have been received from individuals objecting to the proposals. The grounds for objection cited are broadly as follows:
- Why replace the real thing with a fake?
 - Attention is focused on the previous appeal decision
 - The building features on the Local Plan Local List and lies within a conservation area
 - There is a costed and proven alternative scheme (the Baranowski feasibility study) that allows for the renovation of the buildings
 - The proposals are not in compliance with PPG15
 - Access to the proposed dwellings presents a traffic hazard
 - The proposed building might be designed to look 'in keeping' but modern materials are qualitatively different from traditional materials and it will not blend in
 - Backland development

PLANNING SERVICES COMMITTEE - 17th December 2002 Item 2

- 2:21 Two letters of support have been received. One of the writers notes that he is most strongly in favour of the improvements proposed. The other considers the buildings have long been an eyesore and that the proposals will restore West Street to its former pleasing appearance.
- 2:22 A petition in support of the proposals has been received with 22 signatories, 21 of whom live or work in West Street.

MATERIAL PLANNING CONSIDERATIONS

- 2:23 The key material considerations in this case are considered to be as follows:
- a) whether the design of the replacement buildings is appropriate in street scene and conservation area terms
 - b) whether the demolition of the existing buildings at 50-52 and part of 54 West Street can be justified, having regard to the findings of the up-to-date survey, together with all other relevant considerations
 - c) whether the replacement building preserves the setting of the adjacent listed building, known as The Hollies
 - d) whether the development as a whole complies with Local Plan housing policies
 - e) whether the use of the access would likely give rise to road safety issues

The Design of the Replacement Buildings

- 2:24 Policies UC1, UC2 and UC3 of the Local Plan are particularly relevant to this issue.
- 2:25 In respect of 50-52 West St, the replacement building that formed the subject of the previous appeal (application refs. CA/396/97/ROC and F/397/97/ROC) was three storeys high rather than two storey, as now proposed. In the appeal Inspector's view the three storey building did not, 'respect the drop in scale which is an important character of this street.' The Inspector also criticised the bulk of the replacement building, which he considered intrusive in the street scene when compared to the restrained design of the present building.
- 2:26 The current application proposes a building that has been designed to reflect the scale and outward appearance of the existing property. The building would have a two storeys and be of the same height as the existing building, and its roof would be double-pitched, with a box gutter to the front and a catslide roof to the rear. No shopfronts are included in the design, with the proposed units being solely for residential use. Sash windows are therefore proposed in the new ground floor elevation to match those at first floor level.

PLANNING SERVICES COMMITTEE - 17th December 2002 Item 2

- 2:27 Clearly when assessing a proposal for a replacement building within a conservation area, and adjacent to a listed building, only so much information can be gleaned from plans. Whilst it is considered that the scale and form of building now proposed would be appropriate to its setting, further safeguards are required by way of condition to deal with materials and details of construction. In particular, it will be necessary to secure the use of appropriate bricks and tiles (new, not reclaimed), to agree the window details, the type of brick bond, method of pointing, etc. These details can all be secured by appropriate conditions.

Demolition of 50-52 and part of 54 West Street

- 2:28 The demolition of 50-52 and part of 54 West St is pertinent to consideration of the application, and is further considered in the accompanying conservation area consent application. However, it is important to distinguish at the outset that whereas in the 1998 appeal scheme all the existing buildings were to be demolished, that is not now the case. The majority of No.54 is to be retained in the current scheme.
- 2:29 Quite rightfully, PPG15 sets out a number of stringent criteria which any application for demolition of a building in a conservation area should comply with. Ultimately, demolition should be a last resort after all attempts to salvage the existing building have been exhausted.
- 2:30 As indicated above, the recent application for redevelopment of the site was refused consent. Refusal hinged upon the perceived lack of evidence that restoration of the existing building is not economically viable/structurally possible. This refusal was consistent with the view of the appeal Inspector in 1998, on the basis of the surveys then tabled.
- 2:31 However, the building has deteriorated further since those surveys were undertaken, and a resurvey of the building was carried out in October 2002 which demonstrates the full extent of decay in the building.
- 2:32 The broad conclusion of the survey is that the building is now in a very poor condition, with parts of it possibly prone to collapse. Whilst it is conceivable that some of the fabric could be retained in a scheme to restore the building, how much could be retained is open to interpretation, and such a scheme is not considered economically viable by the surveyor who undertook the survey. He considers that replacement of the building is the way forward.
- 2:33 Whilst the demolition of the building might be difficult to justify if an unacceptable proposal for the redevelopment of the site was being tabled (having regard to the guidance of PPG15), in the current case a sensitively designed proposal has been submitted. This seeks to provide a building of similar bulk and design to the existing building, and replicate some of its fine details. The proposals can therefore be distinguished from the appeal proposals, which tabled a three storey building. The current proposals can be further distinguished, given that No.54 is in large part to be retained and renovated.

PLANNING SERVICES COMMITTEE - 17th December 2002 Item 2

- 2:34 Some of the objections received refer to a feasibility study into the re-use of the existing buildings carried out on behalf of the Southend & District Building Preservation Trust in April 2001. The study states that it 'sets out to endorse the view that these buildings are a very important part of the fabric of Rochford town centre and need to be retained and reused in order to enhance the existing street scene.' The study does not brainstorm all available options for this site then, but has a narrow remit. The study also makes clear that no detailed structural survey was carried out. Reference is made in the study to the structural survey carried out in early 1998 but quite clearly the study predates the structural survey carried out in October of this year.
- 2:35 Whilst the study sets out to retain the existing buildings, it nevertheless proposes the demolition and rebuilding of the rear half of the building of Nos. 50-52, together with the total reconstruction of the interior of the building. It also seeks to remove the shopfronts, and infill this area to match the first floor.
- 2:36 Hence, even this scenario does not propose the retention of much more than part of the façade, front roof and part of the side walls of the building. Given the concerns expressed above and elsewhere in this report regarding the structure of the building, and the value that can reasonably be placed on any elements of the building that might technically be saved, it is not considered that the feasibility study now adds support to the arguments in favour of retaining the buildings.
- 2:37 Having regard to all of these factors, it is considered that the demolition of the building is justified.

Impact upon the adjacent listed building, The Hollies.

- 2:38 The Inspector considering the previous appeal concluded that the proposal would have a deleterious effect upon the setting of the adjacent listed building, by reason of its increased bulk over and above that of the existing building.
- 2:39 As indicated above, the replacement building together with the retained element of No.54 now proposed would resemble the existing building in design and scale. Moreover, it is considered that the detailing of the building would be sympathetic to the character of the adjacent building. On this basis it is considered that the replacement building would preserve the setting of the listed building. It should also be noted that the recent applications were not refused due to their impact on The Hollies.

Assessment against Local Plan Housing Policies and Standards

- 2:40 In terms of the siting of the terrace of 3 houses to the rear of the site, Policy H20 of the Local Plan is relevant. The principal concerns with backland development relate to the overlooking that can occur and to the noise and disturbance arising from the introduction of vehicles into the residential hinterland.

PLANNING SERVICES COMMITTEE - 17th December 2002 Item 2

- 2:41 The appeal scheme also proposed a terrace of 3 houses to the rear of the site, and the Inspector's conclusions are pertinent. In particular, the Inspector makes no reference in his decision letter that the actual siting of the building would be inappropriate or out of character. With regard to the issue of overlooking, he noted that the distance to The Hollies was in excess of 35m (the then minimum "back to back" distance, this distance is 25m in the revised Essex Design Guide which is now used), and was therefore acceptable. Although the distance to 56 West St was somewhat less, the building was in use as offices, and he considered that any limited overlooking would not be harmful.
- 2:42 In terms of privacy then, the present scheme is on a par with the appeal proposals, and is considered satisfactory. Indeed, the scheme recently refused is the same as to the current scheme, and no reason for refusal relating to the backland siting of the houses was included.
- 2:43 With regard to the issue of noise and disturbance, it is noted that the driveway serving the terraced units runs through the middle of the site, rather than adjacent to the site boundaries. Given this, together with the limited number of car parking spaces proposed to the rear of the site, it is not considered that unacceptable levels of noise and disturbance would result. It is further noted that no adverse comment relating to this issue was made by the previous appeal Inspector, and this issue was also considered satisfactory in respect of the recent application.
- 2:44 Clements Mews, a residential development of three dwellings to the west, is also sited in a backland location, accessed through an archway onto West Street.
- 2:45 With regard to the matter of amenity space, the three terraced dwellings would have gardens in excess of 50sq.m. The Council's standard requires in such cases that 'private gardens shall be a minimum depth of 2 1/2 times the width of the house to a minimum private garden area of 50sq.m. In reality it is difficult to comply with both criteria when houses broader than the traditional 'two-up two-down' terraced house are proposed. The gardens proposed are considered reasonable and relaxation on such standards in Town Centres has been accepted previously. Again, this issue was considered satisfactory in respect of the recent application.
- 2:46 With regard to the properties fronting West Street itself, it is noted that no true private amenity space is to be provided. Such a situation was proposed in respect of the appeal proposal. The Inspector felt that those who wish to live in town centres may have lower expectations of outdoor space than those living in residential and concluded that the lack of provision would not be harmful to the occupiers of these buildings. This conclusion is considered logical and reasonable, and has been accepted elsewhere in Town Centre schemes, e.g. Horners Corner, Rochford.
- 2:47 In terms of parking, the application proposes a total of eight spaces to serve the eight properties, which comprise three x 1-bed properties and five x 2-bed properties. Given the town centre location of the site, the Council's emerging standards seeks to ensure the provision of a minimum of one space per unit. The provision is considered satisfactory, and consistent with other recent decisions in similar locations.

PLANNING SERVICES COMMITTEE - 17th December 2002 Item 2

Highway Issues

- 2:48 Although highway concerns formed one of the reasons for refusal of the appeal application, the County Council (Highways) reconsidered its position in respect of the recent application. Their views, founded in part upon the advice in recently published government guidance (PPG13), are that the relaxation of normal standards is reasonable in this case given the town centre location of the site, the access being wide enough to allow easy access to the site, the availability of turning facilities within the site, accessibility to public transport and the fact that West Street is a one-way street. Again, no highway reason was made for refusing the recent identical application.

CONCLUSION

- 2:49 The application proposes the demolition of the existing building at 50-52 West Street, and its replacement with a high quality building which emulates the scale and design of the existing building. Indeed, given the much altered and dilapidated appearance of the existing building, it is considered that the replacement building would contribute more positively to the streetscape than the existing building.
- 2:50 Whilst certain parts of the structure could technically be saved in a scheme of restoration, large parts of the building would need to be rebuilt. (Indeed, certain parts of the building have collapsed/are now possibly prone to collapse). The surveyor's conclusion is, technical matters aside, it would not likely be economically viable to restore the building, and that replacement would be a preferable option.
- 2:51 The thrust of government guidance is that the demolition of non-listed buildings in conservation areas should be a last resort. In this case, the existing condition and appearance of the buildings have been carefully weighed. The scheme for the redevelopment of the site has also been carefully considered.
- 2:52 It is concluded that, in this case, demolition of the building and replacement with the scheme currently tabled would be fully in compliance with the guidance of PPG15 and, indeed, the Local Plan policies pertinent to consideration of the proposal.
- 2:53 The net result of the proposals is that 8no. one and two bed dwellings will be provided in the town centre, in accordance with the general policy aims of PPG3 (Housing) and PPG6 (Town Centres). It is considered that the proposals comply with the design, spatial and car parking requirements set out in the Local Plan. Approval is therefore recommended.

PLANNING SERVICES COMMITTEE - 17th December 2002 Item 2

2:54

It is proposed that this Committee **RESOLVES** that this application is **APPROVED** subject to the completion of a Legal Agreement that secures the timing, renovation, repair and completion of the proposed works to 54 West Street and of the remaining frontage development to West Street and the following conditions:-

- 1 SC4 Time Limits – Full
- 2 SC9 Removal of Building
- 3 SC14 Materials to be Used
- 4 In respect of the replacement/renovated buildings to front 50-54 West Street, in addition to the requirements of Condition 3, above, the following details/samples shall be submitted to the local planning authority prior to the commencement of the work:
 - a) full details of all external facing and roofing materials, including all materials used for the fine detailing of the front elevation;
 - b) full details of all timberwork to be provided to the front elevation, including windows, porch canopy details and the new timber feature/framing to the accessway
 - c) details of the bond to be used in the brickwork
 - d) details of the method of pointing to be employed
- 5 SC62 PD Restricted Gates
- 6 SC50 Means of Enclosure
- 7 SC52 Retain Enclosure Screen
- 8 SC59 Landscaping (Full)
- 9 SC60A Tree & Shrub Protection
- 10 SC22A PD Restricted - Windows
- 11 SC23 PD Restricted - Obscure Glazing
- 12 Prior to the commencement of the development hereby approved, details illustrating the repositioning of the refuse store shall be submitted to and approved in writing by the local planning authority. Construction of the refuse store shall thereafter be carried out in strict accordance with the approved details.
- 13 SC74 Driveways – Surface Finish
- 14 SC76 Parking & Turning Space
- 15 Prior to the commencement of the development hereby approved, details of the surfacing of the access driveway shall be submitted to and approved in writing by the local planning authority. Such details shall illustrate the access suitably paved so as to encourage vehicles exiting the site to use the central 2.4m of the access.
- 16 SC90 Surface water Drainage
- 17 SC91 Foul water Drainage
- 18 SC97 Archaeological - Site access
- 19 A survey of the buildings shall be carried out to ascertain the presence of bats and, if bats are found to be present, a mitigation strategy setting out a methodology to allow for the safe removal and release of the bats. The survey/mitigation strategy shall be submitted and approved by the local planning authority prior to the commencement of the development, and the development shall not commence until its requirements have been met in full.

Proposed Development Plan Policies and Proposals:

H11, H20, UC3, UC5, 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.

PLANNING SERVICES COMMITTEE - 17 December 2002 Item3

TITLE : 02/00812/CON
APPLICATION FOR CONSERVATION AREA CONSENT FOR
THE COMPLETE DEMOLITION OF 50 AND 52 WEST
STREET TOGETHER WITH THE PARTIAL DEMOLITION OF
54 WEST STREET
50 – 54 WEST STREET ROCHFORD

APPLICANT : THE CROLL GROUP

ZONING : SECONDARY SHOPPING FRONTAGE AREA

PARISH: ROCHFORD PARISH COUNCIL

WARD: ROCHFORD

PLANNING APPLICATION DETAILS

- 3:1 The application seeks conservation area consent for the demolition of Nos.50 and 52 West Street, together with the first floor element of No.54, situated above the cartway. Other than this first floor element, the vast remainder of No. 54, including its two storey rear wing, is to be retained and renovated as part of the redevelopment of the site.
- 3:2 Nos.50-54 West Street are non-listed buildings lying within the Rochford Conservation Area. In the Local Plan, the buildings appear in the Local List; although this does not in itself confer any statutory protection.
- 3:3 Nos.50-52 in particular are in an extremely poor state of repair, having been severely fire damaged some years ago, and thereafter left open to the elements. The buildings have been altered over the years, and currently accommodate unattractive shopfronts and a roller shutter at ground floor, although the first floor front elevation of the building has an attractive brick cornice.
- 3:4 The application should be read in conjunction with the previous item relating to application ref. 02/00813/FUL, which seeks to redevelop the site.

RELEVANT PLANNING HISTORY

- 3:5 CA/0397/97/ROC Conservation area consent for the demolition of 50-54 West Street. Refused, and subsequently dismissed on appeal.
- 3:6 F/0376/97/ROC Erection of a 2/3 storey building (2 x ground floor shops, 4 x 1st and 2nd floor flats, 2 x 2-storey dwellings) & three 2-bed terraced dwellings, the retention of the existing vehicular access, layout and construction of parking and turning areas. Refused, subsequently dismissed on appeal.
- 3:7 02/00332/FUL Demolition and replacement of 50-52 West street with 3no. dwellings; conversion of 54 west street and attached outbuildings to 2no. dwellings; together with erection of 3no. dwellings to the rear. The proposal was refused on the grounds that the new building would be inappropriate in the Conservation Area and that insufficient justification had been provided by the applicant for demolition.

PLANNING SERVICES COMMITTEE - 17 December 2002 Item 3

3:8

02/00468/CON Application for Conservation Area Consent for the Complete Demolition of 50 and 52 West Street, together with the partial demolition of 54 West Street (specifically the first floor link adjoining No.52) was refused for the same reasons as above, but with an additional comment about Policy UC8 and the local list.

CONSULTATIONS AND REPRESENTATIONS

3:9 **Rochford Parish Council** responds as follows:

'The following motion was passed:-

Following the presentation to this meeting by the Southend and District Preservation Trust, we found their proposals for restoring 50-54 West Street very acceptable in the it restored the street scene in keeping as far as possible with the original frontage. Furthermore, it would appear that the proposal would be financially viable, and the Committee therefore supports these proposals.'

3:10 **County Planner's Senior Historic Buildings Advisor** advises as follows: *"I had no objections to this proposal when it was last submitted, and have none now. The surveyor's new report supports my view that the condition of the building has worsened and that repair is neither practical nor particularly desirable in conservation area terms. It is unfortunate, and predictable, that much of the decay is as a direct result of the building standing derelict for several years. It seems that parts of the building are now dangerous and that collapse is even possible. Clearly this situation should not be allowed to continue. I therefore recommend approval for these proposals."*

3:11 **English Heritage** has studied the submitted plans and structural survey, and concludes, in relation to any restoration of the building, that major works would be necessary. It refers to the front elevation of the building, and notes that this would not seem to be in imminent danger of collapse. It considers that whether the cost of repairing the building would be reasonable, would seem to depend on the desire to repair the buildings and the pressure for maximum development.

3:12 It notes that this part of West Street has suffered neglect for some years and considers that it would be welcomed if the owners and LPA would take action to regenerate this area. Attention is drawn to drawn to considering the impact upon the Conservation Area.

3:13 English Heritage concludes that this is a case that can be determined in accordance with development plan policies and government guidance, in addition to the views of local specialist conservation expertise.

3:14 **Woodlands and Environmental Specialist** - care should be taken regarding bats.

PLANNING SERVICES COMMITTEE - 17 December 2002 Item 3

- 3:15 **Head of Building Control Services** - consideration will need to be given to provision of escape windows to first floor units and to inner room situations. Design of these windows will need to be agreed as part of the planning considerations.
- 3:16 A letter has been received from SAVE Britain's Heritage, objecting to the applications on the grounds that 50-52 West Street is an historic building which adds to the richness and variety of the conservation area through its appearance, and construction history. The letter also refers to the previous appeal, and draws attention to government guidance on historic buildings (PPG15). In addition, the letter refers to a feasibility report carried out in respect of the building, and considers that this should be a consideration in respect of these applications.
- 3:17 Two further letters (one of whom is from a resident of West Street) have been received from individuals objecting to the proposals. The grounds for objection cited are broadly as follows:
- Why replace the real thing with a fake?
 - Attention is focused on the previous appeal decision
 - The building features on the Local Plan Local List
 - Attention should be paid to the feasibility study
 - The proposals are not in compliance with PPG15
 - Access to the proposed dwellings presents a traffic hazard
 - The proposed building might be designed to look 'in keeping' but modern materials are qualitatively different from traditional materials and it will not blend in
 - Backland development
- 3:18 One letter has been received from a business person with premises in West Street who supports the proposals, and is most strongly in favour of the improvements proposed.
- 3:19 A petition in support of the proposals has been received with 22 signatories, 21 of whom live or work in West Street.

MATERIAL PLANNING CONSIDERATIONS

- 3:20 Government guidance regarding the demolition of non-listed buildings in conservation areas is found in PPG15. The guidance requires that account should be taken not just of a building's individual character, but the contribution it makes to the character of the conservation area as a whole. The guidance notes that special attention should be paid to the desirability of preserving or enhancing the character of the area, and that there should be a presumption in favour of retaining buildings that make a positive contribution to the character and appearance of the conservation area.
- 3:21 Applications for the demolition of buildings should be assessed against the same broad criteria as proposals to demolish listed buildings, and consent should not normally be granted unless detailed plans for the redevelopment of the site have been assessed and found acceptable. In this regard, it has been held that local authorities are entitled to consider the merits of any proposed redevelopment in determining whether consent should be given for the demolition.

PLANNING SERVICES COMMITTEE - 17 December 2002 Item 3

- 3:22 In the Local Plan, Policies UC5 and UC8 (which identifies the buildings on the local list of Historic Buildings) are relevant.
- 3:23 Members will also be mindful of the recent refusal of Conservation Area Consent for the same package of works currently applied for.
- 3:24 The key question is whether the up-to-date survey of the building accompanying the current application contains information from which it could reasonably be concluded that the building is, indeed, beyond salvation, or, on the other hand, could be renovated at reasonable cost.
- 3:25 The three key considerations in this case are broadly as follows:
- Have detailed plans for the redevelopment of the site been tabled, and found acceptable?
 - Do the existing buildings positively contribute to the character and appearance of the conservation area?
 - Are the buildings capable of restoration, and would this be economically viable?
- 3:26 **The Proposals for the Redevelopment of the Site**
Policy UC5 requires that permission has been granted for the redevelopment of a site before conservation area consent for the demolition of the existing building can be granted.
- 3:27 The previous appeal application proposed the replacement of 50-52 West Street with a 3 storey building which the Inspector considered paid little respect to the character and design of the existing building. Moreover, the application proposed the demolition and replacement of 54 West Street in its entirety.
- 3:28 The current application proposes the replacement of Nos.50-52 with a building that has been designed to echo the bulk, mass and design details of the original building. In particular, the first floor front elevation would be recreated, including the parapet detail and stone scrolls. The side elevation would be rendered and would effectively be a facsimile of the existing side wall, which would need re-rendering (at the very minimum) if renovation of the existing property was a viable proposition.
- 3:29 The ground floor front elevation of 50-52 has been carefully designed to reflect evidence from historical records. The current application also proposes the retention and conversion of the bulk of No.54 (with the exception of the element above the archway) including the extensive two storey rear wing element. The scheme now being considered is significantly different from the previous scheme considered on appeal.
- 3:30 In terms of design, the scheme for 50-52 reflects the scale and appearance of the existing building and it is considered that the proportions of the elevation and fenestration, together with the use of high quality bricks and finishes will ensure that the building makes a positive contribution to the enhancement of the character and appearance of the conservation area. This is in stark contrast to the existing building

PLANNING SERVICES COMMITTEE - 17 December 2002 Item 3

Which even when utilised as a shop made little positive contribution to the appearance of the conservation area. More recently of course the dilapidated and deteriorating condition of the building has been a decidedly negative feature in West Street.

- 3:31 The merits of the scheme are material in determining whether consent should be given for demolition and it is considered that the high quality of the proposed scheme does support an approval.
- 3:32 It is also important to note that the County Planner's Senior Historic Building's Advisor, having had regard to the full implications of PPG15, supports approval of the current scheme. The County Planner's advisor objected to the earlier scheme dismissed on appeal.
- 3:33 Finally, attention is drawn to the guidance of PPG3 (Housing) and PPG6 (Town Centres). This guidance makes clear that development should be directed to areas of high accessibility and that efficient use should be made of land with a positive contribution to the vitality and viability of the Town Centres. The proposal would clearly be in line with these broad aims.
- 3:34 **The Contribution of the Existing Buildings to the Conservation Area**
The extent to which nos. 50-52 West Street currently contribute to the character and attractiveness of the street scene and conservation area is a matter of judgement. The buildings have been severely fire damaged and the attractive twin-pitched roof that was formerly visible in the street scene has been lost. They have been vacant for many years, dilapidated and deteriorating with some windows/doors boarded up and the roof partly "sheeted".
- 3:35 Whilst it is doubtless the case that any renovation of the building would improve its appearance, the level of such improvement is difficult to quantify. The most attractive part of the building is considered to be the first floor front elevation, which retains the original stone scrolls to the parapet. However, even this has been painted, and may not be able to be restored without damaging the brickwork.
- 3:36 Moreover, in any restoration project, the local planning authority could not object to the retention of the existing shopfronts, or derivatives thereof, although they are unattractive and unrepresentative of the age of the building. Certainly it is considered that the shopfronts detract from the appearance of the building and the conservation area in general.
- 3:37 **Are the Buildings Capable of Restoration?**
The Morton Partnership's structural survey is a considerable piece of work, drawing on the previous survey carried out in 1998, and providing a full update of structural condition of all parts of the building. Because of its length, it is not possible to quote the report in full. However, a copy of the report is on deposit in the Members Room.
- 3:38 In terms of the structural condition of the building the following broad points are considered pertinent:

PLANNING SERVICES COMMITTEE - 17 December 2002 Item 3

3:39 Nos. 50-52 West Street

- The roof to the front of the building appears in not unreasonable condition
- The rest of the roof is missing, as a result of fire damage and subsequent collapse
- A chimney is now not supported and may be vulnerable to collapse through wind action
- The first floor of the front elevation leans out, though it is considered currently stable
- No significant adverse comments are made with regard to the side elevation facing The Hollies, other than in connection to the condition of the render, and some decay to the timbers due to damp. This said, a full inspection of the wall was not possible.
- Much of the interior of the properties has collapsed, due to fire damage and water penetration
- Much of the rear of the properties has been substantially affected by the fire and water penetration and is beyond salvation

3:40 No.54 West Street

- The roof of the building has many slipped/missing tiles, and decay of some of the roof timbers is suspected. The walls show signs of rising damp. However, the building appears basically sound and capable of re-use.
- The surveyor considers that this property has greater aesthetic merit than Nos.50-52 and that more effort should be made to ensure the survival of this particular property.

3:41 In respect of Nos.50-52, the report contains the following conclusions (quoted verbatim):

3:42 *"Numbers 50 to 52 West Street are in an extremely poor condition, principally following on, we assume, from the major fire which occurred. This condition has been significantly degraded by the long length of time that the buildings have remained open to the weather. The subsequent water ingress has and is causing further decay and now collapse to parts of the building.*

3:43 *The property has now lost the majority of the roof of the building, with the exception of the front pitch. Although temporary structures to protect the fabric were in place the coverings are long since gone.*

3:44 *There are now areas of the structure which are in our opinion vulnerable to possible collapse, including the rear floors, which have not already collapsed, the chimney, parts of roof, etc. If collapse of these did occur then this may lead to progressive collapse of further parts of the structure.*

3:45 *The building does pose a risk to those entering it due to missing floor boarding, decayed floor joists and the potential for elements to fall.*

PLANNING SERVICES COMMITTEE - 17 December 2002 Item 3

- 3:46 *Works to refurbish the property are likely to include much rebuilding, with perhaps sections of the front building, and the costs of these, we suspect, are likely to outweigh the end value, even with the increase in the market value since the last survey. The existing plan form will be difficult to develop for residential use.*
- 3:47 *With regard to the contribution to the Conservation Area, in our opinion Numbers 50 and 52 have little remaining of any merit and certainly much of the 'concealed fabric' will need replacing due to the fire and decay which has occurred. The first floor front elevation does form part of the street scene, but the ground floor shop fronts are out of character. As the practicalities of retaining the first floor front wall are difficult, we suggest that new build could replicate this, or even an alternative design considered."*
- 3:48 From the structural survey, a number of conclusions can be drawn.
- 3:49 Firstly, it is clear that the building is in a precarious state. Parts of the building have collapsed, and other parts could be prone to collapse. The failure of such elements could lead to progressive collapse of further parts of the building.
- 3:50 This said, the report does conclude that certain parts of the structure are currently sound and theoretically capable of retention, including the first floor front elevation. This being so, the question is whether it would be desirable to do. Would such a structure be a credit to the conservation area?
- 3:51 As discussed above, the brickwork to the first floor front elevation has been painted, and may not be able to be restored without damaging the brickwork. In addition, the local planning authority could not object to the retention of the existing shopfronts, or derivatives thereof, although they are unattractive and, it is considered, detract from the appearance of the conservation area.
- 3:52 Moreover, would a scheme attempting to incorporate the elements of the building that are believed to be sound (and this is open to interpretation, given that much of the fabric is currently concealed by wall coverings, etc) be economically viable? The surveyor who carried out the above surveyor clear concludes that it would not be economically viable, and suggests that a replacement structure is an acceptable way to proceed.
- 3:53 Some of the objections received refer to a Feasibility Study into the re-use of the existing buildings carried out on behalf of the Southend & District Building Preservation Trust in April 2001. The study states that it 'sets out to endorse the view that these buildings are a very important part of the fabric of Rochford town centre and need to be retained and reused in order to enhance the existing street scene.' The study does not brainstorm all available options for this site then, but has a narrow remit. The study also makes clear that no detailed structural survey was carried out. Reference is made in the study to the structural survey carried out in early 1998 but quite clearly the study predates the structural survey carried out in October of this year.

PLANNING SERVICES COMMITTEE - 17 December 2002 Item 3

- 3:54 Whilst the study sets out to retain the existing buildings, it nevertheless proposes the demolition and rebuilding of the rear half of the building, together with the total reconstruction of the interior of the building. It also seeks to remove the shopfronts, and infill this area to match the first floor.
- 3:55 Hence, even this scenario does not propose the retention of much more than part of the façade, front roof and part of the side walls of the building. Given the concerns expressed above and elsewhere in this report regarding the structure of the building, and the value that can reasonably be placed on any elements of the building that might technically be saved, it is not considered that the feasibility study now adds support to the arguments in favour of retaining the buildings.
- 3:56 Having regard to the above, it is considered that the demolition of the building is reasonable.

CONCLUSION

- 3:57 Surveys were produced to accompany the applications submitted in 1998 that indicated that Nos.50-52 were effectively beyond economic repair. However, these findings were not shared by the previous appeal Inspector. Councillors shared similar views in respect of the more recent applications, and consent to demolish the buildings was refused.
- 3:58 Whilst certain parts of the structure could technically be saved in a scheme of restoration, large parts of the building would need to be rebuilt. (Indeed, certain parts of the building have collapsed/are now possibly prone to collapse). The surveyor's conclusion is, technical matters aside, it would not likely be economically viable to restore the building, and that replacement would be a preferable option.
- 3:59 A sensitively designed proposal has been submitted which seeks to provide a building of similar scale and design to the existing building, and with the replication of some of its key design features. This distinguishes the current proposal from the earlier appeal proposals. The current proposals can be further distinguished, given that No.54 is in large part to be renovated.
- 3:60 Whilst an application proposing exactly the same redevelopment proposals was refused earlier this year, refusal hinged upon the perceived lack of evidence justifying demolition of the building - and the loss of the building being detrimental to the appearance of the conservation area. It is considered that the survey accompanying the current application demonstrates that the building is beyond economic re-use, and that demolition is compliant with policy and government guidance.
- 3:61 Quite rightfully, PPG15 sets out a number of stringent criteria which any application for demolition of a building in a conservation area should comply with. Ultimately, demolition should be a last resort after all attempts to salvage the existing building have been exhausted. In this case, the existing condition and appearance of the buildings have been carefully weighed. The scheme for the redevelopment of the site has also been carefully considered.

PLANNING SERVICES COMMITTEE - 17 December 2002 Item 3

- 3:62 It is concluded that, in this case, demolition of the building and replacement with the scheme currently tabled would be fully in compliance with the guidance of PPG15 and, indeed, the Local Plan policies pertinent to consideration of the proposal.
- 3:63 A condition is recommended, below, to ensure that a contract is entered into to secure the redevelopment of the site upon demolition of the existing building, and so avoid an uncharacteristic break in the streetscape or the site lying vacant for a prolonged period.

RECOMMENDATION

- 3:64 It is proposed that this Committee **RESOLVES** that this application is **APPROVED** subject to the completion of a Legal Agreement that secures the timing, renovation, repair and completion of the proposed works to 54 West Street and of the remaining frontage development to West Street and the following conditions:-
- 1 SC4 Time Limits Full - Std
 - 2 SC85 Method Statement
 - 3 SC95 Demolition - Redevelopment
 - 4 SC97 Archaeological - Site Access
 - 5 A survey of the buildings shall be carried out to ascertain the presence of bats and, if bats are found to be present, a mitigation strategy setting out a methodology to allow for the safe removal and release of the bats. The survey/mitigation strategy shall be submitted and approved by the local planning authority prior to the commencement of the demolition, and demolition shall not take place until its requirements have been met in full.

Relevant Development Plan Policies and Proposals:

H11, H20, UC3, UC5, 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.



PLANNING SERVICES COMMITTEE - 17th December 2002 Item 4

TITLE : 02/00786/COU
CHANGE OF USE OF AGRICULTURAL LAND TO
FOOTBALL AND CRICKET PITCH USE (RESUBMISSION
FOLLOWING 02/00296/COU)
LAND AT PELHAMS FARM, SOUTH OF HALL ROAD, WEST
OF CHERRY ORCHARD WAY, ROCHFORD

APPLICANT : ASHINGDON BOYS FOOTBALL CLUB

ZONING : METROPOLITAN GREEN BELT, ROACH VALLEY NATURE
CONSERVATION ZONE, SPECIAL LANDSCAPE AREA (very
small part of site)

PARISH: ROCHFORD PARISH COUNCIL AREA

WARD: ROCHFORD

PLANNING APPLICATION DETAILS

- 4:1 The proposal in this case is to set the land out at the site for a number of 'mini' and 'junior' football pitches, and for it to double in the appropriate season as a cricket pitch. No further details have been provided as part of the application with regard to access, parking provision and the need for any buildings on the site.
- 4:2 At the recent Member site visit however the applicants indicated that the intention is to create vehicular access from the Cherry Orchard Lane end of the field and layout a parking area there, most probably to be formed by 'grasscrete'. They would also be willing to create an access point at the north end of the field (on Hall Road) for cyclists and pedestrians only. The applicants have indicated that none of the boundary hedging would be removed or altered and the on site public footpath would not be required to be relocated.

RELEVANT PLANNING HISTORY

- 4:3 Previous submission for the same use (02/00296/COU) was refused on 29 August 2002. The refusal was on the basis only of strategic sustainable highway reasons (not the detail of access etc).

PLANNING SERVICES COMMITTEE - 17th December 2002 Item 4

CONSULTATIONS AND REPRESENTATIONS

- 4:4 Essex County Council **Highway Authority** recommends that permission be refused for the following reasons:
- Insufficient information to demonstrate that the impact of the proposal on the highway will be acceptable in terms of highway capacity and safety;
 - Outside of an identified development area;
 - No public transport in immediate vicinity so all journeys to the site by car, contrary to government policy;
- 4:5 **Rochford Parish Council** – accept the view of the Highway Authority. Access and visibility should be considered.
- 4:6 **Head of Housing, Health and Community Care** considers that there is potential for noise and disturbance, but suggests the following conditions if approval is forthcoming:
- No tannoy or loudspeaker system, no amplified speech/ music;
 - No burning of waste;
 - Prohibition of floodlighting.
- 4:7 Seven letters have been received in response to consultation from **neighbouring occupiers** raising, in the main, the following issues:
- Objectionable in principle;
 - Better alternative sites/ no requirement;
 - No information with regard to the proposed layout of and access to the site;
 - Lack of public transport requiring all users to travel by car;
 - Exacerbate existing road safety problems;
 - Additional/ unacceptable noise;
 - Unsuitable access;
 - Requirement for additional facilities at the site, clubhouse, roadside fencing and floodlighting etc;
 - Loss of countryside character/ intensive use and reducing open/ undeveloped land/ Green Belt;
 - Will lead to other forms of development, e.g. housing or industrial;
 - Impact on nearby listed building;
 - Additional fly tipping/ vandalism/ anti social activity and inappropriate traveller access to the land;
 - Conflict with boundary bridleway and footpath on site;
 - Conflict with protected animal species

MATERIAL PLANNING CONSIDERATIONS

Metropolitan Green Belt

- 4:8 The site is located in the Green Belt. Government guidance, in PPG2, identifies those uses which are considered not to be inappropriate in the Green Belt. When it comes to the use of land, it should not reduce the openness of the Green Belt or be contrary to the purposes of designating the land as Green Belt, for the use to be acceptable. It is considered that, on the basis of the current proposals, this scheme is an acceptable one.

PLANNING SERVICES COMMITTEE - 17th December 2002 Item 4

- 4:9 The policies of the Local Plan and the Structure Plan very much follow the approach of the national guidance. Indeed, policy GB1 of the Rochford District Local Plan indicates that outdoor participatory sport is an acceptable use of land.
- 4:10 One issue that has arisen in the consideration of the proposals is the possibility of fieldside netting to prevent stray balls on the adjacent highways. Clearly, the requirement of netting may be one of highway safety, whereas the implication is one of visual impact in the Green Belt. The applicants have indicated that none is intended and the Highway Authority have not requested any. In addition, the applicants have pointed out that, as junior football and cricket is proposed on the site, and because there is an intervening cycleway and bridleway between the site and the adjacent roads, it is very unlikely that the users will be able to kick or hit balls such that they will have any harmful safety impact.

Travel and Access

- 4:11 The question of the sustainability of the site in transport terms has been raised by the Highway Authority. Both PPG13, Transport and PPG17, Sport and Recreation are relevant in this regard. The government guidance is that facilities should be located such that they are attractive to walking and cycle journeys. The site is approx 1.4km from the rail station and the buses serving Rochford, and 1.2km from the buses linking Rayleigh with Southend direct via Eastwoodbury Lane to the south.
- 4:12 Careful consideration has been given to the advice of the Highway Authority and the guidance from central government. Consideration has also been given to the arguments of the applicant that the location may lead to shorter journeys (in that it is closer to some of the members of the club than the present site used). Also that, in any event, because it is dedicated for use by younger persons it is not appropriate to expect them to travel to the site independently or on public transport. In addition, because teams visit from outside the local area, the location makes very negligible difference to overall car journeys.
- 4:13 It is considered that there is some merit in both of the points of view put forward. What must also be weighed in the balance in this case is the presence of the designated cycle route directly adjacent to the site. The location is not bereft then of any facilities that encourage journeys other than by car. Overall it is considered that, whilst the sustainability argument is a valid one, it should not be attributed such weight in this case that the proposals are resisted on this basis.
- 4:14 With regard to detailed access arrangements, it is proposed that vehicular access will be gained from the end of the Cherry Orchard Lane (which serves the terrace of nearby properties, Brickfield Cottages). This is a narrow access route which can only accommodate a vehicle in one direction at any one time. This narrow element extends over a distance of some 100m. The applicants have indicated a willingness to introduce widening of the roadway to allow vehicles to pass. At this stage it appears that the land required to do this will be available as it is dedicated as highway.

PLANNING SERVICES COMMITTEE - 17th December 2002 Item 4

- 4:15 The Highway Authority also indicates that it has insufficient information with regard to the traffic generation potential of the site and the access arrangements. Whilst access arrangements are now detailed, the Highway Authority have not been able to comment further on this matter prior to the formulation of this report. Any further comments will be included in the addendum. What is known at this stage, is that the junction of the Cherry Orchard Lane with Cherry Orchard Way is of a modern specification with good clear sightlines in each direction. It is also considered that, as this was not raised as an issue when the previous proposals with regard to this site were considered, it would be unreasonable to seek to withhold permission on the basis of this issue now.
- 4:16 Other than vehicular access, as indicated in the preliminary details above, it is proposed that foot and cycle access can be created at the northern end of the site where it abuts Hall Road. This will ensure that there is the shortest possible route to the site for cyclists and walkers when approaching from the Rochford direction.

Other Issues

- 4:17 One issue that was canvassed on the recent Members site visit was the possibility or requirement for built facilities to be used in association with the sporting use. The applicant has stressed that no facilities are anticipated at this stage, but they do see the need for some provision in the longer term.
- 4:18 This matter is not one that should be given great weight in the determination at this point, the application must be dealt with on the basis of the proposals presented to the Authority. The applicants have indicated that they are exploring the possibility of the use of the brickworks former canteen building adjacent to the southern boundary of the application site. If this does not become available they have indicated a need, in the longer term, for some modest changing and toilet facilities. It should be stressed that, as far as the current application is concerned, the matter should be dealt with on the basis that no built facilities are proposed.
- 4:19 The fact that no facilities are going to be available for what may be a considerable number of children and adults on the site has raised some concerns. Whilst this is clearly not ideal, it is not considered that proposed use can function adequately without them.
- 4:20 Local residents have raised concern with regard to the possibility of the use generating noise. The site is well enclosed to the east and south boundaries by trees and hedging. These features will provide something of a barrier to the penetration of noise in these directions. To the west of the site is the roadway of Cherry Orchard Way. It is not considered that the proposed use will generate noise which would be in excess of that already generated by the road traffic.
- 4:21 There will be some perception of greater noise from the site. Given the characteristics of it, the existing road and the controls that have been proposed in relation to the times of use of the site, it is not considered that the impact will be excessive or unduly harmful.

PLANNING SERVICES COMMITTEE - 17th December 2002 Item 4

CONCLUSION

- 4:22 Whilst the Highway Authority has raised sustainable transport issues in relation to this proposal, it is considered that, given that there are some facilities which encourage non car reliant transport, and because the location could serve to shorten some journeys, the proposals should not be resisted on these grounds. There is currently some lack of clarity in relation to the detailed access arrangements and their adequacy. It is considered however that these details are not insurmountable matters that should prevent a positive consideration of this application at this stage.
- 4:23 In terms of the principle of the use, it is one which is considered to be acceptable in a Green Belt location and which does not have other significantly harmful implications with regard to visual impact, noise generation or for any other reason.

RECOMMENDATION

- 4:24 It is recommended that this Committee **RESOLVES** to **APPROVE** this planning application subject to the following heads of condition:
- 1 SC4 Time limits, standard
 - 2 SC28 Use Class restriction – restricting the use to football and cricket pitch use only
 - 3 SC34 Floodlights prohibited
 - 4 Prohibition of tannoy or loudspeaker systems
 - 5 Prohibition on any waste burning on site
 - 6 No use of the site to commence until there have been agreed details of the access arrangements to the site and any improvements to be made to existing roads to be used to gain access, or any other access improvements.
 - 7 SC75 Parking and turning space, including for cyclists.
 - 8 No use of the site to commence until details of the layout (including the size of pitch) have been submitted and agreed.
 - 9 Hours/times of use to be one day at the weekend (either of Sat or Sun) and during the school holidays between 5pm and dusk.

Relevant Development Plan Policies and Proposals

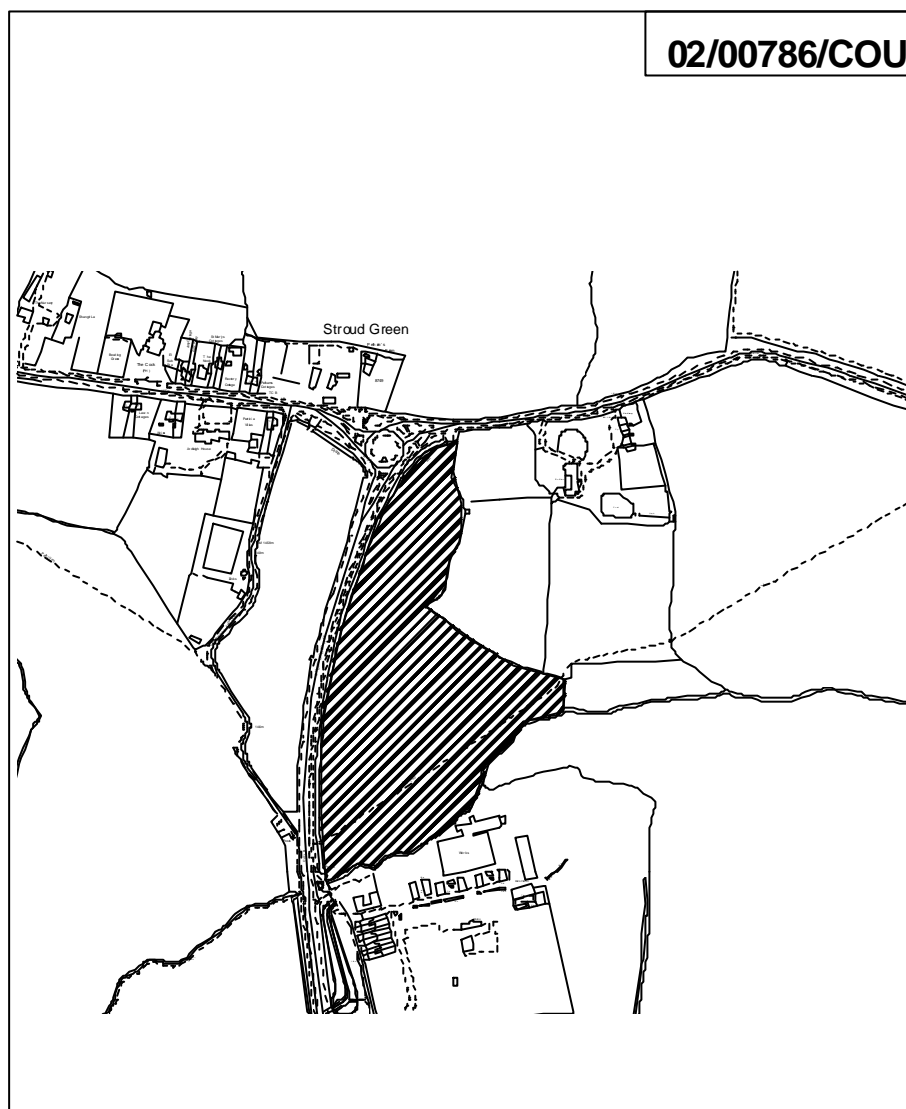
SP: CS1, CS2, C2, LRT1, T3

LP: GB1, LT3, TP15, RC5, RC10



Shaun Scrutton
Head of Planning Services

For further information please contact Kevin Steptoe on (01702) 546366.



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PLANNING SERVICES COMMITTEE - 17th December 2002 Item 5

TITLE : 02/00617/FUL
ERECT TWO STOREY BUILDING COMPRISING 76 BED
ELDERLY RESIDENTIAL CARE HOME, LAYOUT ACCESS
AND PARKING

LAND OPPOSITE RAYLEIGH CEMETARY
HOCKLEY ROAD, RAYLEIGH

APPLICANT : RUNWOOD HOMES PLC

ZONING : RESIDENTIAL

PARISH: RAYLEIGH TOWN COUNCIL AREA

WARD: TRINITY

PLANNING APPLICATION DETAILS

- 5:1 The development proposed is on land which has long had the benefit of planning permission for residential development. This proposal occupies a portion of that land, not much more than 20%, in the south east corner and is bounded to the south by residential development on Victoria Road (and behind it) and to the east by the public space of the Fairview playing field.
- 5:2 An 'H' shaped building is proposed, on two floors with a pitched roof. The building as a whole will measure some 46m in width and 44m in depth. It will have a height to the eaves of 5.3m and to the ridge of 8.8m. Hipped roofs are shown to all sides, but there are also two gable features to each side and one to the frontage.
- 5:3 Access is to be achieved from the Hockley Road in the location of the existing, albeit currently blocked, access to the land. Within the site of this application the access will pass to the south of the building with a car parking area to the rear (east). 26 car parking spaces are to be provided.
- 5:4 The building will be operated as a residential care home. All of the residents will be dependant, to some extent, on medical and other staff, for their health and quality of life. Some of the residents may be totally dependant in this respect. This is not a proposal where residents are leading independent lives, but with some element of communal provision and servicing. Care staff will be on hand at the building 24 hours a day.

PLANNING SERVICES COMMITTEE - 17th December 2002 Item 5

RELEVANT PLANNING HISTORY

- 5:5 Various permissions have been granted for residential development on the larger site of which this constitutes part. The first of these was in 1971 for 50 houses. Further permissions were granted in 1975, 1978 and 1979. That in 1979 related to 82 houses and 4 flats. This last consent remains extant by virtue of a material start on site through the construction of the main spine road.

CONSULTATIONS AND REPRESENTATIONS

- 5:6 Two rounds of consultation have been undertaken firstly on the basis of the initially submitted application and secondly on the basis of a revised description for the proposals. The second round has not concluded at the time of report writing and any responses to that will be set out in the addendum paper.

First Round

- 5:7 Essex County Council **Highway Authority** initially raised no objection and specified the requirements to be met for the access to the site to be adoptable. Further discussions have revealed that one of those requirements is that an access roadway side footway be provided to encourage non car journeys to the site. This is not being offered by the applicant.
- 5:8 Essex County Council **Arboricultural Officer** notes that, although the whole site is covered by TPO Order 5/57, there are no significant trees in the centre of the site, and those which are there have grown after 1957 and are therefore not covered by the Order. However, there are a number of trees on the perimeter of the site which are valuable specimens. Those retained should be protected during development to prevent damage to roots. The officer suggests that some management work to the protected trees would be of benefit.
- 5:9 The **Environment Agency** recommends that foul and surface water flows pass to the public sewer. Suggestions are made in relation to measures which could be implemented to prevent pollution during construction and in the longer term. The need for consent from the Agency for culverting works is pointed out.
- 5:10 **Anglian Water** has no objection but suggests the implementation of a condition requiring full details of drainage methods to be submitted and agreed.
- 5:11 When initially consulted **English Nature** (EN) noted the possibility of protected species on or near the site and suggested appropriate survey work to explore this issue. In response to such a survey EN suggests additional checks on mammal habitats prior to the commencement of work (to be secured by condition). It also advises that clearance work on the site should proceed with caution.
- 5:12 The **Essex Badger Protection Group** (verbally received) has no comments to add to the submitted ecological report, but notes that, if any drainage connections are to be made to an area of existing sewers, this is likely to disrupt animal habitat.

PLANNING SERVICES COMMITTEE - 17th December 2002 Item 5

- 5:13 **Rayleigh Town Council** has no objections.
- 5:14 Rayleigh Civic Society considers it unfortunate that this development is to be 'hidden away' thus depriving the elderly residents of the benefit of nearby activity. A site on the frontage of the site to Hockley Road is suggested. It considers that the design and appearance is 'institutional', forbidding and depressing. The small size of the kitchen is noted.
- 5:15 **Essex Police Crime Reduction Officer** suggests the use of side gates to provide greater security at the proposed development site.
- 5:16 The Property Maintenance & Highways Manager (**Engineers**) notes the presence of public surface and foul water sewers in Hockley Road and Victoria Road. There is also a land drainage ditch along the southern boundary of the site. Whilst the initially submitted plans show the disposal of surface water to an existing ditch, it would have to be demonstrated that sufficient capacity would be available.
- 5:17 The **Head of Housing, Health and Community Care** has no adverse comments
- 5:18 The **Woodlands and Environmental Specialist** indicates that the comments in the protected animal survey carried out are correct and accurate, however he requested that an additional statement be submitted in relation to measures to protect animals during and after construction. (This has subsequently been submitted). He indicates that the application is considered to be incomplete without a reptile/amphibian survey.
- 5:19 When initial survey work was carried out in this respect he indicated that it was relevant and acceptable, but that it indicated that a full survey would be required in the spring prior to any planning decision.
- 5:20 He raises a serious concern in relation to the piecemeal development of the larger area surrounding the application site. Assessing the impact of each application individually (if there are more) will not address the complete effect.
- 5:21 Three neighbouring occupiers have responded to consultations on this application raising, in the main, the following issues:
- loss of privacy;
 - enclosure and overdominance/ overdevelopment;
 - impact on protected animal species;
 - impact of lighting within site;
 - disruption caused by activity and vehicles on the site;
 - impact on TPO trees;
 - inconsistent information with regard to water disposal/ inadequate proposals;

PLANNING SERVICES COMMITTEE - 17th December 2002 Item 5

MATERIAL PLANNING CONSIDERATIONS

Principle of Use

- 5:22 The whole of the site is zoned for residential development in the Local Plan. As such this development, which is of course a form of residential development, is acceptable in principle. As indicated, there has been a longstanding permission for the development of the site for conventional dwellings. This permission remains extant as initial implementation took place as a result of the creation of the access into the site.

Visual and Amenity Impact

- 5:23 The site is not a readily apparent one in public views of the site. To the west there is the remainder of the extant planning application site between the current site and the Hockley Road. On the Hockley Road there are a number of existing and substantial trees which will effectively block views of the building on the site from that direction.
- 5:24 To the east are the tennis courts, basketball area and other land associated with the Fairview Playing fields. Again, there are substantial existing trees on this boundary which will do much to reduce the visual impact of the development. In any event, as use of the land in this direction is as a playing field use, there are no implications for overlooking or loss of privacy.
- 5:25 There is no existing development adjacent to the site to the north, but to the south are the three existing bungalow properties at 19, 19a and 19b, Victoria Road. Of these properties, 19b is the most well enclosed with existing planting and the orientation of it is such that it does not face the new development directly. The closest intervening distance between the two buildings is 28m and the main façade of the new building is located 15m from the boundary with the existing dwelling. These distances meet the guidelines set out in the Essex Design Guide.
- 5:26 The dwellings at 19 and 19a have much less enclosing planting to their rear boundaries. Again, the separation distances are broadly in accordance with the guidance in the Design Guide but there are some shortfalls (of approx 1.5m max) in separation distances where, for example, the proposed building has projecting gables.
- 5:27 It is not considered that there will be an unacceptable impact however. The applicant has indicated a willingness to accept conditions requiring the provision of new planting to this boundary to offset any potential privacy impact. The applicant also indicates a willingness to accept conditions requiring agreement to any scheme of external lighting. There was a concern from neighbouring occupiers that any such lighting may be intrusive.

PLANNING SERVICES COMMITTEE - 17th December 2002 Item 5

- 5:28 With regard to dominance, a two storey building is proposed to the rear of bungalows. Whilst the scale of the building is considerably larger than the bungalows, because it has been kept to two storey only, its impact is considered to be acceptable. There is a fall in the level of the ground across the site such that the bungalows are set lower than some parts of the site. With control over the level of the base of the building, which will require some earth moving works to be carried out on the site, any dominance impact should be kept to an acceptable minimum.

Wildlife Impact

- 5:29 The impact of development proposals on protected animal species is clearly a material consideration, by virtue of guidance in PPG9, Nature Conservation. Two reports have been submitted in relation to protected animal species on the site. The first of these confirms that the animal habitat is more than 30m from any part of the building proposed to be constructed, the animals have not in the past created any habitat on the part of the site to be used for the building and therefore licensing from English Nature is unlikely to be required to allow the development to go ahead. On request, further information has been provided in relation to the steps to be taken during construction to offset any impact on the animals.
- 5:30 When considering this application, the fact that there is an extant permission for the development of the wider area of land here has to be borne in mind at all times. However, that permission was granted prior to the legislation which is now in place protecting animal species. There is some reasonable argument therefore that the permission which is in place cannot in fact be implemented unhindered. To do so would result in any developer falling foul of the later animal protection legislation. So, whilst there is an extant permission, it appears that due weight should be given to the issue of animal protection.
- 5:31 Whilst the submitted report has determined that licensing from English Nature may not be required to allow the development to proceed, it appears not to have considered the wider picture of longer term animal protection. Even taking that into account however, it is clear that the development proposed now allows the possibility of access to the site by the protected mammals and longer distance access routes. Given that this developer cannot be in a position to anticipate what other development may take place on the site, and therefore what longer term impact there may be for the protected animals, it is not considered reasonable to withhold permission for this development on the basis of any wider strategic concern.
- 5:32 In the second report it is set out that the site does hold potential for reptiles and that suitable habitats occur over most of the site. In the recommendations contained in the report it is set out that a herpetological survey should be carried out at an appropriate time of year (April onwards) and that a mitigation strategy can only be drawn up after the presence of the animals has been confirmed (or not).

PLANNING SERVICES COMMITTEE - 17th December 2002 Item 5

- 5:33 It has been suggested that, if all else is acceptable, a planning permission could be granted on the basis that a condition required the completion of the appropriate survey work and mitigation strategy implementation (if necessary). Whilst this does give the developer some benefit, if the condition was fully complied with, the development could not be implemented prior to the animal survey period next year. In addition and although this may not be likely, if that survey work were to show significant populations of protected reptile animals on the site, amendments to the proposals at the very least or a new application may be required.

Trees

- 5:34 Some of this application site, and indeed much of the larger area of land at Hockley Road, is covered by an area preservation order (TPO). However, approximately up to 40% or so of the eastern side of the site is not covered by that order. There are a number of significant trees in that area. Only one of these would appear to be in jeopardy as a result of the proposals. This tree is located such that it would be immediately adjacent to the rear access road. Although steps could be taken to reduce the impact of the development/ realign the roadway slightly, it is not clear at this stage that the developer has fully taken into account the presence of and impact of the development on the tree. Other trees which are outside the area covered by the TPO are either poor, self set specimens, or can be accommodated within the landscape zone around the proposed building.
- 5:35 Conversely, within the part of the site that is subject to TPO coverage, there is only one significant tree. Unfortunately, on the basis of the current proposals, it is almost certain that this would need to be removed. This is on the basis of an Officer assessment of the location of the tree. On a site that is difficult to survey due to significant undergrowth, it would appear that the tree is located where the access road to the frontage of the building is to run. The applicant has been requested to submit further information about the location of the tree to enable accurate assessment of its location, but has not addressed this point.
- 5:36 When considering the extant approval it is also not abundantly clear whether the tree is proposed to be retained. There is however, certainly more scope that it would be accommodated within one of the garden areas to the proposed dwellings.

Highway and Access Issues

- 5:37 The comments of the Highway Authority are set out above. It has been requested that an access roadside footway be provided between the site and the Hockley Road. The applicants have declined to do this and, indeed, on the submitted plans that land is shown to be outside their control.
- 5:38 Although the intended use is as a residential care home, the Highway Authority argues that a footway is necessary to encourage journeys to the site by staff and visitors. Although residents are likely to be largely unable to leave the building unaided, it is also argued that a footway will encourage visitors to aid residents with short walking trips from the site, perhaps for example, for visits to the cemetery nearby.

PLANNING SERVICES COMMITTEE - 17th December 2002 Item 5

- 5:39 The applicants point of view is that a roadside footway is not necessary, the road will simply act as a 'access drive' to the building and can be shared by all users (on foot or in vehicles). Traffic levels will be light and, in any event, residents will be most unlikely to enter/leave the building on foot due to their poor health. In due course, when the remainder of the site is developed for housing, they argue, the normal roadside footways will be provided.
- 5:40 In PPG13, Transport, the government sets out its view that better conditions for pedestrians can lead to changes in travel choices (para 4.12 onward). The sort of infrastructure which is necessary to make areas safer and more attractive to pedestrians is referred to. Whilst the actual provision of roadside footways is not on the list, it is considered that this is because it is such a fundamental prerequisite.
- 5:41 The Highway Authority makes the point that the land between the site is and the existing highway is not within the control of the applicant and therefore an adequate connection cannot be ensured. This does not appear to be a fundamental issue in that there is clearly a route in place to access the site. If it is not within the control of the applicant then clearly they will not be in a position to implement the development, if permission were to be granted. This risk is not dissimilar to that taken by any developer who accesses a site, for example, from a private road or track over which rights of access are not always clear.
- 5:42 Within the site the access route loops round the south side of the building to a parking area at the rear (east). The number spaces provided is consistent with the guidelines for the proposed type of use.

CONCLUSION

- 5:43 The principle of the form of development is considered acceptable, given the extant permission for the development of the site and, in amenity terms, it is not considered to have significant harmful impact. In relation to the reptiles likely to be present no adequate survey work has yet taken place.
- 5:44 The development proposals also have shortcomings in relation to the impact on protected and other trees and the highway infrastructure to be provided. Although these do not appear to be insurmountable issues, the applicant has declined to address them or does not consider the requirements of the Authority valid ones.

PLANNING SERVICES COMMITTEE - 17th December 2002 Item 5

RECOMMENDATION

5:45 It is recommended that this Committee **RESOLVES** to **REFUSE** this planning application on the basis of the following reasons:

- 1 Initial survey work undertaken by the applicant indicates that protected reptile animal species are also likely to be present on the site. However, to date, such survey work has been inconclusive. In the view of the LPA and in accordance with the conclusions of the initial reptile survey work, it is necessary for full survey work to be carried out and a mitigation strategy to be devised (if appropriate) in advance of any positive determination of the planning application.
- 2 Inadequate information has been provided with regard to the impact of the proposed development on existing trees on the site. Whilst it has been indicated that no trees are proposed to be felled in order to allow the development it appears to the LPA that at least two significant trees will be at risk if the development is implemented, one of which is protected by Tree Preservation Order (Area A2 of TPO 05/57). The LPA is of the view that, without adequate and sufficient justification for the apparent loss of these trees, or amendment to the scheme to ensure their preservation, development should not be permitted to proceed.
- 3 The development site is shown to be accessed by an existing roadway, between it and Hockley Road, which is outside of the control of the applicant. No roadside footway is proposed to be provided adjacent to this access. The LPA is of the view that some form of segregated provision for pedestrians is necessary prior to the commencement of operation of the proposed use in order to encourage and allow journeys to the site other than only by motor vehicle. The provision may constitute a shared surface form of road but with some dedicated space for pedestrians. In the absence of such provision, or the putting in place of measures to ensure such provision, the LPA is of the view that the proposed development should not proceed.

H11, H20, TP15, RC10 of the Rochford District Local Plan First Review

CS1, CS2, CS4, BE1, T6 of the Essex and Southend on Sea Replacement Structure Plan



Shaun Scrutton
Head of Planning Services

For further information please contact Kevin Steptoe on (01702) 546366.

