PLANNING APPLICATIONS WEEKLY LIST NO. 1484
Week Ending 26th July 2019

NOTE:
(i). Decision Notices will be issued in accordance with the following recommendations unless ANY MEMBER wishes to refer any application to the Development Committee on the 29.08.2019

(ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday 31st July 2019 this needs to include the application number, address and the planning reasons for the referral via email to Leadership Support Team leadershipsupportteam@rochford.gov.uk. If an application is referred close to the 1.00pm deadline it may be prudent for a Member to telephone the Leadership Support Team to ensure that the referral has been received prior to the deadline

(iii) Any request for further information regarding applications must be sent to the Leadership Support Team via email.

Note
Do ensure that, if you request a proposal to go before Committee rather than be determined through officer delegation following a Weekly List report, you discuss your planning reasons with Marcus Hotten, Assistant Director of Place & Environment. A planning officer will then set out these planning reasons in the report to the Committee.

Application No : 18/01009/FUL  Zoning : Residential
Case Officer  Ms Katie Rodgers
Parish : Rayleigh Town Council
Ward : Wheatley
Location : Land Rear Of 1 To 8 Stile Lane Rayleigh
Proposal : Two 3 bedroom bungalows with parking

SITE AND PROPOSAL

1. The application site is located on Stile Lane, an unmade road which runs along the south-eastern boundary of King Georges Playing Field
on the edge of Rayleigh town centre. The character of the locality is residential.

2. The site is a T-shaped area of land with a narrow frontage onto Stile Lane between Numbers 3 and 5 which then widens out to a rectangular area of land to the rear of the gardens to Numbers 1 to 8 Stile Lane. The rectangular wedge is also bordered by the rear garden boundaries of dwellings on Queens Road. The land has been used for many years as residential garden to No. 5 Stile Lane and is currently laid to lawn, containing two small garden sheds and featuring several trees one of which is an Oak tree, subject to a Tree Preservation Order (TPO). The land is relatively flat with a slight slope downwards from south-west to north-east.

3. No. 5 Stile Lane is a semi-detached house which is one of a cluster of similarly designed houses in the street; there are only a handful of other dwellings in the street which are of mixed design and form including bungalows, chalet bungalows and houses. To the south-west on King Georges Close are several purpose-built flatted blocks. Whilst most properties in Stile Lane front the street and are set back a uniform distance, there is a small cul-de-sac development off Stile Lane on Meadowside where several modest bungalows are sited to the rear of dwellings on Stile Lane, sited around a central parking court.

PROPOSAL

4. The proposal seeks to construct two bungalows on the site. Each bungalow would be three-bed. The bungalows would be sited facing each other with a centrally positioned parking and turning area. Each would be provided with an enclosed garden to the rear. The bungalows would be sited directly to the rear of Numbers 1 and 7 Stile Lane and orientated at 90 degrees to the rear garden boundaries of these properties. The bungalows would have hipped roof designs. Access to the bungalows would be via Stile Lane, between numbers 3 and 5. A small single storey extension to the side of Number 5 Stile Lane would be demolished to facilitate the provision of the vehicular access.

5. In the course of the application revised plans were received. Re-consultation and notification to neighbours was carried out and a new site notice posted.

6. The revised plans re-position one of the proposed bungalows and alters the design and form of one of the bungalows. The proposed parking layout was also amended.

PLANNING HISTORY

04/01013/FUL - Construction of Two Single Storey Dwellings With Garages - REFUSED
The two reasons for refusal here related to the narrowness of the proposed vehicular access.

05/00774/FUL - Construction of Two Single Storey Dwellings With Garages - REFUSED

The reason for refusal here related to adverse impact on trees with an important contribution to the amenity of the site and the locality.

07/01037/FUL - Form Access Adjoining No.5 and Construct 2 no. Semi Detached and 1 no. Detached Bungalows on land to the Rear of nos. 1 to 8 Stile Lane. REFUSED

The 2007 application was refused for the following reason;

‘The proposed plans do not accurately show the existing trees on the site nor the trees to be removed. The proposal would be likely to have a serious and adverse effect on the existing established tree cover at the site, which in the opinion of the Local Authority makes an important contribution to the amenity of the site and locality.

MATERIAL CONSIDERATIONS

7. The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.

8. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy adopted December 2011, the Allocations Plan adopted February 2014 and the Development Management Plan adopted December 2014.

9. The Rochford District Council Local Development Framework Allocations Plan (Adopted 25th February 2014) forms part of the Development Plan for Rochford District. The Allocations Plan supersedes the proposals map that accompanied the 2006 Replacement Local Plan. The site was allocated as existing residential development in the Local Plan and is now white land, without formal designation, in the Allocations Plan. White land is used to mean land without specific proposal for allocation in a development plan. The site comprises land in use as a residential garden at present, where residential use would, in principle, be appropriate, however consideration must be given to whether the proposed infill development is appropriate in terms of scale, character and other considerations.
APPROPRIATENESS OF INFILL DEVELOPMENT

10. The National Planning Policy Framework sets out the requirement that housing applications should be considered in the context of the presumption of sustainable development but advises that there are likely to be circumstances where development of residential gardens will be inappropriate and should be resisted. Good design is a key aspect of sustainable development and is indivisible from good planning and proposals should contribute positively to making places better for people.

11. The NPPF also advises that planning decisions for proposed housing development should ensure that developments do not undermine quality of life and are visually attractive with appropriate landscaping and requires that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

12. Local planning policies have been developed which set out the requirements for development proposed in residential gardens. Policy H1 of the Core Strategy seeks to protect the character of existing settlements by resisting the intensification of smaller sites within residential areas but allows for limited infilling where the development would relate well to the existing street pattern, density and character of the locality. Policy DM3 of the Development Management Plan further sets out the considerations that apply to proposals for infill residential development, most of which are relevant to the proposed development.

13. In terms of housing need, the Council have an up to date 5-year housing land supply, however additional windfall sites such as this would add to housing provision in the district.

14. In terms of relating to the existing street pattern and density of the locality, the proposed development would not reflect the linear, street facing residential dwellings which are characteristic of most properties on Stile Lane, however, there is a cluster of bungalows that form a type of back-land arrangement off Stile Lane on a small cul-de-sac 'Meadowside' to the north-east of the site which the proposal would reflect. This cluster does however have some different characteristics from that proposed with a shorter and wider access driveway with the cluster of properties set around a wider more open communal space. The relationship between the proposed bungalows and the properties to the rear on Queens Road would not be dissimilar to the relationship between Numbers 6 and 7 Meadowside and the properties on Queens Road to the rear, albeit that the proposed bungalows would be oriented at 90 degrees to and closer to the shared boundary. The proposal would not result in an inappropriate increase in density. In the previous planning applications, the siting of the proposed bungalows was similar to that now proposed and no reasons for refusal have previously
concerned either the appropriateness of the site for infill development or impact on residential amenity.

15. In terms of impact on residential amenity, the proposed bungalows would be visible from the properties and rear gardens of dwellings that bound the site on Stile Lane, Queens Road and Meadowside. However, the bungalows would be modest in height and with hipped roofs which would slope away from shared boundaries. Although the side elevation of the bungalows would run adjacent to the full width of the rear garden boundaries to some dwellings, the separation distance between existing and proposed dwellings is such that the proposal would not be considered likely to result in unreasonable harm to residential amenity by way of causing excessive overshadowing or being overbearing. Windows and doors would all be at ground floor level only and would not give rise to the potential for overlooking and loss of privacy to neighbouring properties that would be unreasonable. A planning condition is recommended to require windows on the side elevations to be obscure glazed and non-opening above 1.7 metres above finished floor level to guard against overlooking to neighbouring gardens. It is considered that the site would be suitable as a site for infill residential development, in principle.

16. The proposal would use the access track to the north of No. 5 to provide vehicular and pedestrian access to the proposed bungalows. Along much of its length the access road would be some 4.25 metres in width bounded either side by boundary treatment that would be required to be at least 1.8 metres in height to provide the necessary privacy to the rear gardens of the adjoining dwellings; the side elevation of No. 5 Stile Lane would form the boundary to part of the access driveway.

17. In terms of character, the area is currently characterised by residential development with properties of varying form, design and type including bungalows. It is considered that the proposed bungalows, which would be of modest height would not appear out of character with the locality. Given the elongated access driveway proposed it is considered that the proposed bungalows would not have a significant impact on the street scene as they would not be readily visible from Stile Lane. However, the proposal would require the creation of a car parking space to serve Number 5 to the front of this dwelling. Another parking space would be created to the rear of the garden to No. 5 which would remain. No. 5 would therefore continue to be served by 2 on-site parking spaces.

18. The layout of the proposed bungalows would be such that all main habitable rooms would be provided with windows to ensure appropriate levels of daylight. Each plot would be provided with an enclosed rear garden which would either meet or exceed the minimum requirement for 100 square metres and each of the proposed dwellings would be provided with 2 parking spaces that would meet the preferred bay size. No visitor parking is shown to be provided although on a small
development such as this, a visitor parking allocation would not usually be insisted upon. It is considered that sufficient parking would be provided.

19. The width of the proposed driveway access would be a minimum of some 4.25 metres, capable of accommodating a car. There would be space to turn within the site so that vehicles could exit the site in forward gear. Stile Lane is an unmade road along which vehicle speeds would likely be low such that if a car had to wait to access the site whilst another exited the site this would not likely give rise to highway safety concerns. The Highway Authority has responded to the consultation stating that it will not comment as the access is onto a private road.

20. It is a requirement of Supplementary Planning Document 2 (SPD2) that a 1m separation is provided between the side boundaries and habitable rooms of the dwellinghouses; this would be achieved except for to part of the north-western boundary where part of the side wall of one of the bungalows would be sited closer to the boundary. This is not however considered objectionable given that the bungalow would be positioned some distance from the nearest other dwelling to the north-west.

21. The design of the two bungalows is considered acceptable. One would have a traditional hipped roof form whilst the design and form of the other has been amended in the course of the application such that the roof form now proposed is asymmetrical; whilst not traditional it is considered that the design and form proposed would not be detrimental to visual amenity.

22. Refuse bins could be stored in the rear gardens of the proposed bungalows and would have to be dragged to the street frontage for collection; there would be space to accommodate these on the driveway given that it widens out adjacent to Stile Lane.

23. There is an Oak tree on the site that is subject to a Tree Preservation Order located almost centrally within the site to the rear of the garden that would remain to serve Number 5 Stile Lane. Part (iv) of Policy DM1 seeks the retention of trees in accordance with Policy DM25. Policy DM25 advises that development which would adversely affect, directly or indirectly, existing trees will only be permitted if it can be proven that the reasons for development outweigh the need to retain the feature and that mitigating measures can be provided for which would reinstate the nature conservation value of the features. A tree survey and plan showing the proposed development in relation to the root protection area of the Oak tree has been provided which shows one of the bungalows as originally sited, within the root protection area of this tree. The Council's arboriculture officer objected to the original proposal because of the impact on the protected Oak tree and as a consequence the applicant revised the proposal, amending the design and proposed siting of the bungalow closest to the Oak tree. The
bungalow would now be sited outside the root protection area and the land within the root protection area as far as practicable would be soft landscaped to minimise adverse impact on the tree. The proposal is no longer considered objectionable and would satisfy policy DM25.

ENVIRONMENTAL SUSTAINABILITY

24. The Ministerial Statement of the 25th March 2015 announced changes to the government’s policy relating to technical housing standards. The changes sought to rationalise the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building Regulations on water and access, and a new national space standard. Government policy is that planning permissions should not be granted requiring, or subject to conditions requiring, compliance with any technical housing standards other than for those areas where authorities have existing policies on access, internal space, or water efficiency.

25. Rochford District Council has existing policies relating to all of the above, namely access (Policy H6 of the Core Strategy), internal space (Policy DM4 of the Development Management Plan) and water efficiency (Policy ENV9 of the Core Strategy) and can therefore require compliance with the new national technical standards, as advised by the Ministerial Statement (March 2015).

26. Until such a time as existing Policy DM4 is revised, this policy must be applied considering the Ministerial Statement (2015) which introduced a new technical housing standard relating to internal space standards. Consequently, all new dwellings are required to comply with the new national space standard as set out in the DCLG Technical housing standards - nationally described space standard March 2015.

27. The bungalows proposed are both three bed and the national space standard requires that the largest 3-bed bungalows (one-storey) achieve a minimum floor space of 95 square metres with 2.5 square metres of built-in storage; both bungalows would exceed the minimum requirements.

28. Until such a time as existing Policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to water efficiency. Consequently, all new dwellings are required to comply with the national water efficiency standard as set out in part G of the Building Regulations (2010) as amended. A condition could ensure compliance with this Building Regulation requirement.

29. Policy ENV9 requires all new dwellings to achieve Code Level 4 of the Code for Sustainable Homes as a minimum. The Ministerial Statement relating to technical standards has not changed policy in respect of energy performance and this requirement still therefore applies. A
condition could ensure compliance with this Building Regulation requirement.

30. In light of the Ministerial Statement which advises that planning permissions should not be granted subject to any technical housing standards other than those relating to internal space, water efficiency and access, the requirement in Policy ENV9 that a specific Code for Sustainable Homes level be achieved and the requirement in Policy H6 that the Lifetime Homes standard be met are now no longer sought.

ECOLOGY

31. The site consists of existing maintained gardens where it is unlikely that protected species would be present. It is considered that the proposal would not likely impact adversely on any ecological considerations.

FLOOD RISK

32. The site is within Flood Zone 1 where residential development is in principle acceptable. Policy DM28 can require the submission of a flood risk assessment where there is a perceived risk of flooding. Concerns have been raised in response to the public notification of the application regarding surface water flooding at the site. It is considered that appropriate drainage possibly including a soakaway at the site and permeable paving for driveways and the access could be developed to adequately deal with surface water and that planning conditions could be imposed to ensure that suitable drainage is installed such that the development would not result in an increased risk of surface water flooding to the site or neighbouring land.

CONCLUSION

33. Policy DM1 of the Development Management Plan sets out criteria to be considered in assessing the design of proposed developments and requires that new developments promote the character of the locality to ensure that development positively contributes to the surrounding natural and built environment. The revised proposal is considered to accord with the requirements of Policy DM1 and DM3 and has sought to minimise the impact on the Oak tree at the site that is subject to TPO.

Representations:

34. HIGHWAYS: The application site is located down a private road, and therefore:

35. From a highway and transportation perspective the Highway Authority has no comments to make on this proposal.
36. In approving this Application, the Highway Authority has taken into account the Highway Authority's Development Management Policies and it considers that the proposed development is not contrary to relevant policies.

37. **RDC (WOODLANDS):**

First Response

38. It is very likely that there will be a negative impact upon T1 Oak (subject to TPO). The impact will occur from foundation and hard surface construction; this will result in a loss of rooting environment and likely cause crown decline, loss of vigour and general reduction in visual amenity. I would suggest the proposal be moved outside the RPA.

39. My comments remain as previous as they are still well within the RPA of the protected tree.

Second Response

40. The revised scheme provides improved soft surface below the crown of the tree subject of TPO and within its calculated RPA.

41. As a condition of planning I would recommend that a method statement and tree protection plan be submitted to and approved by RDC before any development, including ground works takes place at the site.

42. It should be noted that as part of the MS - access and tree protection needs to be fully addressed and all end phase hard and soft landscaping needs to be fully addressed to minimise the impact upon the tree.

**NEIGHBOURS:**

First Response

43. No. 8 Meadowside, 8 Stile Lane, 4 Stile Lane, 1 Stile Lane, 25 Queens Road, Ferndale-Stile Lane, 21 Queens Road, 3 Stile Lane, 6 Stile Lane, 35 Queens Road and 10 Stile Lane.

44. Highways - Stile Lane would not cope with the additional traffic resulting from the two proposed bungalows. It is a single file traffic lane and already at saturation point with traffic entering and leaving. Families in Stile Lane have increased over the years thus increasing traffic in and out of the lane. On entering Stile Lane one resident states that they frequently have to reverse onto the very busy Bull Lane situated on a bend. The conifers to the first dwelling causes a blind spot. This is already dangerous and adding more dwellings would
increase the existing problem. The lane is also in a poor state of repair with massive potholes. The junction with Bull Lane is treacherous.

45. Stile Lane itself is already suffering from the use of heavy vehicles including the RDC bin lorries and the development works would greatly increase this deterioration. The road condition has deteriorated in this time dramatically in particular over the last couple of years with numerous neighbours making improvements to their homes. Heavy weighted vehicles making deliveries and an increase in workman vehicles would increase the deterioration of the lane.

46. Parking - Stile Lane currently suffers from a shortage of parking space and 4 extra parking spaces for 2 three bedroom houses may well be insufficient. Stile Lane is a single track road, privately owned after Meadowview and although parking is available at the properties it is likely that visitor vehicles will block up the Lane. Stile Lane is an un-adopted road with growing parking issues, in particular residents to Stile Lane, visitors, trades, deliveries and parking for use of the park. There is already an issue in regard to parking and with space for only 2 cars for each property any over spill will always come into the lane, which will be a nightmare for all residents.

47. Trees - Impact on trees - existing trees would have to be chopped down. There is a TPO on the site. The very healthy Oak tree is subject to a Tree Preservation Order. Therefore, such a development would render the tree vulnerable to 'accidental damage'. Many trees have already been lost over the last 20 years presumably to make way and i have no doubts that the Protected Oak and other nice trees will be damaged despite what has been stated in the applicant's Arbor Report. The east and west walls of the bungalows are too close to the neighbouring boundaries, and the protected Oak.

48. Ecology - Adverse impact on wildlife at the site. I note that currently no Environmental Impact Statement is included with the application. I look forward to seeing one and may wish to then add further comments. There is a very established assortment of wildlife within the proposed development. Badgers and their setts, foxes and their dens. The squirrels in their drays established in the trees proposed for demolition. In addition, we have a plethora of birds and their nests: Sparrows; Robins; Starlings/winter Starlings; Blackbirds; Jays; Magpies; Wood Pigeons; Doves, the list goes on and on. The removal of trees would displace the numerous birds living in them. Species which, according to the RSPB, are in decline such as sparrows. We have seen badgers and foxes and believe they both have dens in or close to the land up for development and again these will be disturbed. We have also seen slow worms very close to the location. The area is busy with wild life which we enjoy watching in our garden and we feel the building development will have an impact on their environment.
49. Overdevelopment - there are enough residences already and it seems that the idea is to cram more in for the sake of profit. The proposal is overdevelopment and will have a detrimental impact on the character of the local area. The bungalows are very large unlike those in Meadowview and are far too close to neighbouring properties.

50. Outlook - Adverse impact on outlook to the rear of existing property. Proposed building would be a lot higher than a boundary fence that could be erected. The proposal would result in the loss of the green space. Site is a back garden and should remain so.

51. Noise and Pollution - Adverse impact by way of noise and pollution from machinery on site during construction. The irreparable disruption to our daily living, turning our secluded garden into a building site with all the noise, dust and mayhem this will cause to us and our neighbours.

52. Residential Amenity - Overlooking from proposed dwellings. The plans do not address any concern of violation of privacy from the visual access into No 4 Stile Lane’s garden through windows of the proposed dwellings. There is no information on whether these would be frosted glass or clear glass on the windows looking onto the boundary.

53. Although the current plans are for 2 bungalows it will only be a matter of time until the owners put in plans for a 2nd floor or to build into the eaves which will then have an impact on us in terms of privacy and outlook.

54. There will be an infringement of noise from vehicles going along the entrance passageway to the dwellings and from the construction works. The plans do not provide information on consideration of the house boundary or boundary fencing being of acoustic type or the construction of a boundary wall to prevent the noise intrusion across the entire boundary. I have enjoyed the privilege of no noise or volume of vehicles passing down the passageway between 4 and 5 Stile Lane or behind the garden during my time living in the property.

55. The walls of the proposed bungalows and the parking bays appear to be too close to the adjoining neighbouring boundaries in the plan area. The properties and parking bays may infringe on rear access to the end of the neighbouring gardens. The parking spaces on the plan may not be sufficient for the potential number of residents and will create overspill of parking down Stile Lane and further restriction of access.

56. Design - The large three bed (all double rooms) bungalows do look lower and less obtrusive with the hip roof design this time, however the slab levels would need to be raised to avoid the protected tree roots and the risk of flooding in turn making the eaves levels higher and more unsightly.
57. Other - This planning application has been refused twice now in 2005 and again in 2007; the circumstances have not changed to warrant a different decision. The proposed development does not have appropriate access for the emergency services, especially the Fire Services in the event of a fire or other emergency. Please can you ensure there is a condition to improve access to Stile Lane and a commitment to contribute to the improvement of the road on completion of the works.

58. Foul and Surface Water - Concern regarding the disposal of sewage from the property and the removal of surface water. The plans do not specify how the property is to be connected to the mains drainage system. We have previously experienced considerable problems with blockages to the mains resulting in backup of the sewage into our property and fear that the new development would increase this risk. The bottom end of our garden and the land behind on which the new development is proposed already suffers from surface flooding during the rainy season and the proposed development, especially the removal of trees, will increase this occurrence. I am concerned that the proposed soakaway will exacerbate the current surface flooding which affects the area. Flooding of back gardens has been a problem for many years and two such large buildings will exacerbate the problem.

59. The drainage for all of Stile Lane gardens is a constant talking point. In the winter months it can be absolutely horrendous with weeks of standing water (inches high) with nowhere to drain. How the land lays means that some of this rainwater drains to the land of the proposed development. This will only intensify this issue with a greatly reduced area for the water to flow to.

60. Our garden is prone to flooding and the removal of several large trees will exacerbate this.

61. As all the residents are aware, in this area we have concerning flooding issues due to extremely poor drainage, including Stile Lane. The land for the proposed development does not fully dry out throughout the seasons.

62. Temporary flooding occurs on a regular basis during rainy periods which would be exacerbated by the development, and I cannot see how the bungalows would be adequately drained of storm water when the ground is often saturated.

63. The area is prone to surface flooding due to heavy rainfall. The planning documents presented are not accompanied by a flood risk assessment or management and mitigation plan from potential increased flood risk from the development. Additionally, the planning application information does not provide specification as to drainage plans for the proposed dwellings. The existing servicing drainage may not have the capacity for the further load from the dwellings. The plans
have not been supported with any surveys carried out on this aspect or assessment on sewerage back up risk.

64. Serious temporary flooding occurred in the garden of No. 8 Stile Lane in August 2013 (photo provided). This occurs on a regular basis at the bottom of our back gardens and seems even worse in the applicant’s garden next to the site of the new proposed bungalows. The location would appear to be a natural catchment area for rain water which takes a long time to soak away due to the dense London Clay substrate.

65. Access - The only entrance passageway to the dwellings exists between No’s 4 and 5 Stile Lane. The plans reflect the passageway between No's 4 and 5 Stile Lane being wider than it currently is and wider than the 10 feet restriction in the Title of No 4 Stile Lane. They additionally do not show or take into consideration the interests of No 4 Stile Lane on, in and over boundary lines and the rights of access on, in or over the entrance passageway as granted within Title for No 4 Stile Lane. I have not received any request to vary the Title in terms of the width of the passageway.

66. The plans do not show or take into account the location of the existing boundary line and wall in the front driveway of No 4 Stile Lane. There would be an insufficient turning circle for dust carts, the fire brigade or large delivery vehicles around this boundary wall and into the passage entrance of the dwellings, or from the end passageway into Stile Lane, when the parking bays in front of 4 Stile Lane and 3 Stile Lane are occupied. Likewise, the current width of the passageway may not be sufficient for fire engines and equipment. This limitation of access for the Fire services introduces an increased risk of conflagration to neighbouring properties, fences, outbuildings/sheds and vegetation, from the proposed dwellings.

67. The use of the passageway as an access road to dwellings will infringe on access rights and will impair the safety of use of that passageway that has been a benefit derived from those rights as granted and that have been and are enjoyed. The plans do not propose remedy or development of the passageway in any way, which is currently unmade. There is no proposed safe space or pathway on the plans for residents or visitors of 4 Stile Lane to stand aside on, from oncoming vehicles, particularly when manually carrying or transporting heavy and/or wide loads on the passageway from any passing traffic to and from the proposed dwellings, whilst benefitting the rights of access. The construction traffic will cause damage to the unmade road surface on the passageway causing further hazard. Additionally, there is no remedy on the plans for the ensuing need for a drop curb to the rear access gates of No 4 Stile Lane.

68. Second Response; 5 responses received (summary of comments below)
- Objections remain the same.
- Proposed dwellings and parking too close to boundary.
- Removal of healthy trees is unacceptable.
- Noise and pollution from machinery during construction.
- No emergency services access down narrow sidewalk.
- We already have a drainage problem in the back gardens, and building will exacerbate the problem with less open land for moisture to escape.
- The view we would have in the back garden would be compromised, this is one of many reasons we bought the house.
- Damage to the road surface caused by heavy plant.
- Noise pollution during building and access to the road during works, as the lane is not wide enough to accommodate two vehicles to pass each other.

- I accept that the new layout for the bungalow behind my property is better for the protected oak tree however I have the prospect now of cars parked right next to my northern boundary.

- I have not seen any evidence of an Environmental Impact or drainage survey.

- If the bungalows are approved then I believe that they should be reduced to two bedrooms with less parking and impact on the existing environment.

- Also, I would ask that strict conditions be included to maintain the road and our access during construction and re-surface the whole road on completion.

- This development will only exacerbate the poor condition of our road with the increase in workman's vehicles, lorries etc. Potholes are already causing damage to resident's cars and this will only be made worse with increased works traffic. Stile Lane is a single track road and without doubt the delivery of materials etc will need to be unloaded in the Lane and forklifted to site which will block the Lane preventing access in and out of our own property.

- Most houses have room for 2 cars on their driveway - there is an overspill area that is always full and the new development with additional 2 bungalows will make it even harder for residents to park in the overspill. These 3 bed bungalows could potentially have 3-4 vehicles per household so the 2 space parking allocation will mean the overspill residents parking area in Stile Lane will be impacted. Parking is a major problem already and often have cars parked blocking your own driveway and not able to get on and off your own private land so the additional cars will only affect this even more.

- Are there plans in place to re tarmac the lane if the proposed development goes ahead?
Drainage for the entire Lane is an issue. The high clay soil content means that water sits on the top of the garden and is prone to flooding especially in winter we can have inches of standing water as there is nowhere for it to drain away. This will only get worse if there is less area for this to drain away coupled with the removal of trees is only asking for more flooding.

One of the things that we fell in love with when we bought this property was for its un overlooked back garden. The proposed plans will be far from that. The impact this proposal will have on my garden is of major concern. The noise, dust and mayhem this will cause will majorly impact the surrounding properties.

Also the removal of trees in the plans will mean my garden is more exposed with a major loss of privacy. We, and many other properties have outbuildings at the end of our garden that was a peaceful haven will be affected by the noise of the building work. How long will it be before the 2 proposed bungalow owners put plans in for a 2nd floor extension which will impact even more in terms of privacy / outlook?

The proposed site is a home to foxes, squirrels and birds. Not to mention the numerous trees that would be cut down to accommodate the proposals.

APPROVE

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 The development hereby permitted shall be carried out in complete accordance with the following approved plans: 491 Rev B, 490 Rev B and A3/248 Rev A.

3 Prior to occupation of the dwellings hereby approved plans and particulars showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted, shall have been submitted to and agreed in writing by the Local Planning Authority. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority, which shall show the retention of existing trees, shrubs and hedgerows on the site and include details of:

- schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;
- existing trees to be retained;
- areas to be grass seeded or turfed;
- paved or otherwise hard surfaced areas including details of permeable surface to the driveways or on-site drainage to
prevent run-off onto the highway from the driveways and details of method for working in the root protection area of the TPO tree at the site;

- existing and finished levels shown as contours with cross-sections if appropriate;

- means of enclosure and other boundary treatments;

shall be implemented in its entirety during the first planting season (October to March inclusive) following commencement of the development, or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

4 Details of all external facing and roofing materials including windows and doors for use in construction of the dwellings hereby approved shall be submitted to and agreed in writing by the Local Planning Authority prior to first use of the materials. Such materials as may be agreed in writing by the Local Planning Authority shall be those used in the development hereby permitted.

5 Prior to the commencement of development at the site including any groundworks a Method Statement and Tree Protection Plan shall have been submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall contain details including but not limited to access and tree protection needs which shall be fully addressed and details of all hard and soft landscaping including methods for hard landscaping with the RPA of the TPO Oak tree at the site. The Method Statement and Tree Protection Plan shall be implemented in accordance with the details as agreed throughout construction at the site with tree protection measures as agreed in place prior to the commencement of construction works at the site and retained throughout the construction period.

6 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (including any Order revoking or re-enacting that Order, with or without modification) the window(s) marked OBS on the approved drawing(s) and to the side elevations shall be glazed in obscure glass and shall be of a design not capable of being opened below a height of 1.7m above finished floor level and no additional windows shall be installed to any side elevations of the dwellings hereby approved. Thereafter, the said windows shall be retained and maintained in the approved form.
7 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A and B of the Town and Country Planning (General Permitted Development) Order 2015 (including any Order revoking or re-enacting that Order, with or without modification) no extensions including roof alterations shall be erected on any elevations of the dwellings hereby permitted.

8 Prior to occupation of the dwellings hereby approved the access track/driveway and 4 parking spaces shall have been constructed and laid out and available for parking of vehicles for each dwelling hereby approved in accordance with the approved plans and details and the two on-site parking spaces for No. 5 Stile Lane shall also have been constructed in accordance with the details as agreed in relation to condition 3. The on-site parking as constructed shall be retained for use solely for the parking of vehicles in perpetuity.

9 Prior commencement of development at the site details of surface water drainage including permeable paving for driveways and the access shall be submitted to and agreed in writing by the Local Planning Authority. Surface water drainage shall be constructed as agreed and retained in perpetuity in the agreed form.

10 Part G (water efficiency) of the Building Regulations (2010) shall be met for the dwellings hereby approved and be permanently retained thereafter.

11 Part L of the Building Regulations 2010 in respect of energy performance shall be met for the dwellings hereby approved.

12 Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details as agreed.

Relevant Development Plan Policies and Proposals:

Policies H1, H5, H6, CP1, ENV1, ENV3, ENV9, T1, T3 and T8 of the Core Strategy 2011


Allocations Plan Policies Map 2014

Supplementary Planning Document 2

Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010
SITE AND PROPOSAL

1. This application relates to the proposed conversion of an existing hipped roof stable building currently constituting an internal floor area of 45 m² bearing a ridge height of approximately 4.04 metres into to small 1-bedroom residential unit. The application building is located to the North of 'The Bungalow' in an area of scattered plot land development within the Metropolitan Green Belt.

2. It is proposed to convert the existing stables building to a residential unit comprising a bedroom (8.76 m²), a Bathroom/WC (4.87m²) a small passage corridor (2.06m²) leading to an open plan living room and kitchen area (25.00m² approximately). On the rear elevation it is proposed to install a set of bi-folding doors and a set of windows featuring 4 clear glass panes respectively. To the front elevation it is proposed to install a single door. The submitted plans indicate that the exterior finish of the building would remain unchanged. The proposed windows and doors would be black powder coated aluminium.

RELEVANT PLANNING HISTORY

3. 07/00122/FUL - PERMITTED: New stables - 2 stalls and tack room (rebuilt on existing foundation slab footprint)

18/00947/FUL: Conversion of Existing Stable to Bungalow: Refused 28th November 2018.

MATERIAL CONSIDERATIONS

4. The application site lies within the Green Belt and the application needs to be assessed against the guidance in the National Planning Policy Framework and the LDF Green Belt policies. There is a presumption against inappropriate development in the Green Belt, which is, by
definition harmful to the Green Belt and should not be approved except in very special circumstances. One of the purposes of the Green Belt is to protect the countryside from encroachment.

5. Policy DM13 of the Development Management Plan (2014) states that the reuse or adaption of existing agricultural and rural buildings in the Green Belt will be supported provided that:

i) The application relates to an existing building of permanent and substantial construction

ii) The proposed use would not introduce additional activity or traffic movements likely to materially and adversely affect the openness of the Green Belt, or place unacceptable pressures on the surrounding highway network;

iii) The proposal does not exceed the existing footprint of the original building, with the exception of an allowance for additions that would be permitted in accordance with Policy DM11;

iv) Would not have an undue impact on residential amenity

v) There would be no detrimental impact on nature conservation or historic environment interests.

vi) Where the conversion of nationally or locally listed agricultural buildings are proposed it should:

A) Not negatively impact on the quality and significance of the listed structure; and

B) Not affect the integrity of the existing structure. A structural engineers report should accompany application for conversion of a listed building

vi) The conversion of existing agricultural and rural buildings for residential uses will be permitted provided that the proposal:

a) Is well related to a defined residential settlement;

b) Is well related to local services and facilities;

c) Has good connections to the strategic road network

d) Would promote sustainable transport modes;

e) Would not have an impact on nature conservation areas or the historic environment

f) Is located within the south Essex coastal towns landscape character area

Any development that is to be permitted shall be of a scale, design, and siting such that the character of the countryside is not harmed, and conservation interests are protected.

6. The existing stable block is a rural building and is considered to be of a permanent and substantial construction, granted consent in 2007, consisting of a wooden frame set on a concrete base. The proposal is therefore considered to be in accordance with part i) of policy DM13.
7. The proposed use consists of a single residential unit containing a single bedroom. It is therefore considered that the proposal would not result in a significant increase in activity, and would have a limited impact on the highway network and the openness of the green belt, in accordance with part ii) of Policy DM13.

8. The proposal would not increase the footprint of the original building, in accordance with part iii) of policy DM13.

9. The proposal is for a single storey residential unit, located a significant distance from any neighbouring dwellings. It is therefore considered the proposal would not have an undue impact on residential amenity, in accordance with part iv) of policy DM13.

10. Due to the limited scale of the proposal, it is not considered that the proposal would have a significant detrimental impact on nature conservation. The proposed residential unit is not located in or within the vicinity of any historic buildings or monuments, and so would not have a negative impact on a historic environment, in accordance with part v) of policy DM13.

11. The application site is located on the edge of the town of Rayleigh. The property is located approximately 580 metres from an Asda supermarket, it is therefore considered that the proposal is well related to local services and facilities. As such it is also considered that the application site is well related to a defined residential settlement. It is considered that the site has good links to the existing road network.

Space standards

12. All new dwellings are required to comply with the new national space standard as set out in the DCLG Technical housing standards - nationally described space standard March 2015. These are applied where a local planning authority had previously in place standards applied in its local plan which had in place habitable floorspace standards for new developments. The minimum habitable floor space standards referred to by policy DM4 Habitable Floor space for New Developments (of the Development Management Plan) cross references to the standards set out by the Homes and Community's Agency which are now replaced by the Technical Standards 2015 which in the light of the previous policy and policy DM4 can rightly be applied to any new proposed residential unit whether it be a new build or the conversion of an existing building.

13. The proposed development would provide a single one bedroomed residential unit. The submitted supporting statement states that the proposal is for a 'one-person dwelling'. However, the proposed bedroom would have a floor area of approximately 8.79m2 as annotated on the proposed floor plan bearing a width of approximately 2.40 and a length of 3.63. The Technical Standard indicates that in
order to provide one bed space a single bedroom must have a floor area of at least 7.5 metres and a width of at least 2.15 metre wide. On the basis of the standards which have been applied it is considered that the bedroom space complies with the standard.

14. On the basis of the size of the bedroom which equates to a 1 person single bed space unit the minimum floor area required as a whole is 37 m\(^2\) which is achieved by this development in the form of a 25 m\(^2\) open plan living space entailing in total an internal living floor space area of 43.64 with built in storage (calculated separately) at 1.36m2. The proposal therefore complies with the standards.

Amenity Area

15. The planning application form indicates the site area as being 0.04 hectares and although the submitted site plan does not show a definitive red line denoting the extent of the residential planning unit to be created the rectangular area shown on the plan in which the stable is contained is indicated to constitute an area of 510m\(^2\). Notwithstanding the hardstanding required to accommodate parking which is also considered adequate it is considered that adequate amenity space can be provided. To remove doubt this element is recommended as a condition.

Car parking

16. There is an existing area of hardstanding located to the front and side of the building that is considered capable of accommodating at least one off-street car parking space. This would be sufficient to satisfy the car parking requirements as set out in the Parking Standards Design and Good Practice Guide (2010).

Representations:

17. RAWRETH PARISH COUNCIL: Objection
The whole of the Trenders (Rayleigh Park) area has no overall development plan, more and more stables and outbuildings are being converted, and this is yet another example of this, Council have repeatedly stated there needs to be an overall plan for this area, some of which is Greenbelt and restrictions need to be placed on any planning consent given restricting occupation to direct family and next generation.
APPROVE

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 The development shall be undertaken in strict accordance with the drawings referenced: Location Plans and Block Plan, Drawing Number 1a Proposed Elevation and Floor Plans.

3 The external materials including the fenestration shall be those materials specified on the plans and application form submitted in relation to the development hereby permitted, unless alternative materials are proposed. Where alternative materials are to be used, no development shall commence before details of those alternative external facing materials to be used in the development have been submitted to and approved writing by the Local Planning Authority. Where other materials are agreed in writing by the Local Planning Authority, the materials agreed shall be those used in the development hereby permitted.

4 Prior to the occupation of the dwelling an amenity area capable of being identified as such of at least 100m² shall be provided on site which excludes any parking space. This amenity area shall be retained in perpetuity thereafter.

Relevant Development Plan Policies and Proposals:

National Planning Policy Framework (February 2019) (NPPF)

Rochford District Council Local Development Framework Allocations Plan Adopted February 2014

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) - CP1


Rochford District Council Local Development Framework Supplementary Planning Document 2 Housing Design (January 2007)

Parking Standards Design and Good Practice (2010)

National Planning Policy Framework 2018 (NPPF)

Department for Communities and Local Government Technical Housing Standards- Nationally Described Space Standard March 2015.

The local Ward Member(s) for the above application are Cllr J Newport Cllr C Stanley Cllr C Cannell
Application No : 19/00058/FUL  Zoning : Residential

Case Officer  Ms Julie Ramsey
Parish : Rayleigh Town Council
Ward : Wheatley
Location : 9 High Road Rayleigh SS6 7SA
Proposal : Remove existing pitched roof to part of existing building and add first floor to form office and treatment rooms, for use in connection with existing use as a Chiropractor

SITE AND PROPOSAL

Site and Surroundings

1. The application site is located on the eastern side of High Road, Rayleigh in a prominent location on the approach to the main town centre. The existing premises is a Chiropractic clinic with associated car parking. To the north of the site are a pair of semi-detached houses (Nos 5 and 7 High Road) and to the south is a shared car park, solicitor's office (No.13 High Road) and a flatted development, Rayleigh Heights. East of the site are residential properties located within two blocks, Windsor Mews and Carisbrooke Lodge.

Proposal

2. The application seeks planning permission to remove the pitched roof from the eastern end of the existing building and add an additional floor with flat roof, with rooflights, to form additional accommodation for use in conjunction with the existing chiropractor use.

3. The proposed materials are render, felt roof and uPVC windows to match the existing building. The development would provide an office, store, W.C and three additional treatment rooms. At ground floor alterations are proposed to provide a gymnasium area.

4. During the course of the application, concerns were raised regarding overlooking impacts due to the provision of sliding doors and Juliet balcony to the proposed first floor office. Revised plans have been received that remove the sliding doors which are now replaced with a high-level window and three rooflights. Therefore, the application is assessed against the amended plans.
Relevant planning history

13/00361/ADV - 2 No. Illuminated Fascia Signs, 1 No. Illuminated Freestanding Sign and 1 No. Non - Illuminated Freestanding Sign - Approved

13/00360/FUL - Proposed Change of Use from A1 (Retail) to D1 (Non-residential Institutions) for Use as a Chiropractic Clinic, New Level Access and Ramp to Entrance, New Dropped Kerb, Replacement Windows and External Alterations (Revised Application Following Approval Ref: 12/00492/FUL) - Approved

12/00492/FUL - Proposed Change of Use from A1 (Retail) to D1 (Non-residential Institutions) for Use as a Chiropractic Clinic, New Ramp and Raised Terrace to Front - Approved

04/00028/FUL - Erect Attached Storage Building. Approved on 20 February 2012.

Planning Considerations

5. The main considerations in relation to this application are the principle of the development, design and impact on the character of the area, impact on residential amenity of neighbouring residents and parking and highway issues

Appraisal

Principle of development

6. The site is currently in use as a Chiropractic Clinic and the application seeks to extend the building to provide additional facilities, office accommodation and treatment rooms within the current use of the site. The proposal is therefore considered to be acceptable in principle subject to the detailed considerations discussed below.

Impact on the character and appearance of the area

7. Policy CP1 of the Core Strategy states that ‘The Council will promote good, high quality design that has regard to local flavour through the use of the adopted Supplementary Planning Documents and the positive contribution of Village Design Statements. The Essex Design Guide and Urban Place Supplement SPDs will help provide guidance without being overly prescriptive’.

8. Policy ED1 of the Core Strategy seeks to encourage ‘development that enables the economy to diversify and modernise through the growth of existing businesses and the creation of new enterprises providing high value employment, having regard to environmental issues and residential amenity.’ The Council as part of this policy seeks to support both the protection and enhancement of the role of small and medium
sized businesses and the economic potential of the District's town centres.

9. The application site is currently a chiropractic clinic located on the main highway into Rayleigh Town Centre from the south (A127) within a residential area of Rayleigh, which has been established on the site for approximately six years. The proposed development would increase the treatment rooms, provide a gym area and larger office and staff accommodation in order to facilitate the growth of the business which should be encouraged and supported within the policy and planning framework and with regard to residential amenity.

10. The site is bordered by residential properties and some commercial uses fronting the High Road in the form of a solicitors and dental clinic. The current building has a corrugated pitched roof which is a later addition to the main building. The overall design does not reflect the character of the main clinic. The extension would remove the pitched roof and construct a first floor with a flat roof and roof lights, screened behind a parapet roof. The design reflects the flat roof design inherent in the design of the main clinic building whilst it is proposed to use materials which match the materials used in the construction and finish of the existing building which ensures the integration of the new with the existing main building.

11. The proposed extension is to the rear of the main building which is located some 30m from the main highway which limits its visibility within the street scene. The site is located within a courtyard area with a mix of residential and commercial buildings located around a central car parking area. The design of the extension is considered to be acceptable and reflects the flat roof design and current use of the site and is not considered to form a prominent or overbearing addition to the building or be out of keeping with surrounding area. As such it is considered that the proposal is acceptable and policy compliant.

Impact on residential amenity

12. The proposal would entail the enlargement of the building; however, the majority of the extension would be taken up by provision of a gym and new office space. One additional treatment room is proposed and there is no proposed alteration to the current opening hours. As such it is considered that the development would not result in a material increase in activity and vehicle movements within the site over and above that already experienced on site.

13. The proposed development would increase the height and bulk of the building at the rear which is adjacent to the residential properties in Windsor Mews, Carl Brook Lodge, Rayleigh Heights and the rear gardens of Nos 5 and 7 High Road, which are all two storey plus buildings. The overall height of the building is some 6m, 0.6m lower than the existing ridge height, albeit larger overall. The surrounding
properties at Rayleigh Heights, Carisbrooke Lodge and Nos 5 and 7 High Road are all over 10m distance from the proposed extension. Windsor Mews is located approximately 4m from the development and is located level with the eastern boundary of the site. The proposed extension has been designed to mitigate any overlooking and loss of privacy with the use of high-level windows to the east and west elevations. The proposed extension is not considered to have a harmful impact on the residential amenities of the neighbouring properties in terms of undue overshadowing, or dominance and would not result in a material loss of light, outlook or privacy or an excessive sense of enclosure.

14. The clinic is open from 8am to 8pm Monday to Friday and 9am to 5pm on Saturdays and closed Sundays and Bank Holidays. The building is not occupied at all times or overnight as such the surrounding residential properties would not be significantly disturbed by such a low-key activity operating within these hours. As such the proposal is considered to be acceptable and policy compliant.

Traffic and Highways Impacts

15. The proposed development would increase the parking provision required on site. The Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010 requires that a medical centre, (which this proposal is considered to fall within), should have a maximum of 1 vehicle space per full time equivalent staff and 3 per consulting room, a minimum of 1 cycle space per 4 staff plus 1 space per consulting room, a minimum of 1 powered two wheeler space plus 1 per 20 car spaces with disabled parking spaces considered on their individual merits.

16. The 2013 application’s parking provision was based on 4 full time staff and 4 consulting rooms, requiring 16 parking spaces, 8 cycle spaces, 2 powered two-wheeler spaces and some disabled bay provision. The layout of the site that was approved allowed for 10 spaces, 2 cycle spaces and 1 powered two-wheeler space, with reduced bay measurements of 2.8m x 5m.

17. Following the case officer site visit, the car parking layout has not been implemented as per the approved plan. 11 spaces are laid out across the length of the building with two additional spaces located at the far end of the site, to which access is blocked by a car parking in bay 11. The development proposed based on the information submitted with the application, states 10 full time staff and 9 consulting rooms. This would result in a parking provision requirement of 37 spaces, 11-12 cycle spaces and 1 powered two-wheeler space. There is no additional parking proposed or available within the site. Although the parking provision is significantly less than the policy requirement, this is a maximum provision and given the nature of the clinic and the sustainable location, the car parking proposed is considered to be
reasonable considering the sites location close to the town centre where public car parks, train station and bus stops are available. The proposal, on balance is therefore considered to be acceptable and policy compliant in these regards.

Representations:

18. RAYLEIGH TOWN COUNCIL: No response.

19. NEIGHBOURS

25 neighbouring properties were consulted. One letter of representation has been received.

Matters raised:

- Loss of privacy and overlooking into bedrooms
- Loss of view
- Noise and disturbance during construction and due to increase in traffic
- Over development
- Parking

20. These concerns are noted, and they have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

21. Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The development would have an acceptable impact on the amenities of neighbouring occupiers, highway safety and parking and the character and appearance of the application site, the street scene and the locality more widely. The application is therefore recommended for approval.

APPROVE

1 SC4B Time Limits Full - Standard

2 The development hereby permitted shall be carried out in complete accordance with the following approved plans: 1073/PP01A

3 The external facing materials to be used in the construction of the development hereby permitted must match those of the corresponding areas of the existing building in terms of choice of materials, method of construction and finished appearance.

Relevant Development Plan Policies and Proposals:

Core Strategy Adopted Version (December 2011) - Policies CP1 (Design) T8 (Parking Standards), ED1 (Employment Growth) and RTC4 (Rayleigh Town Centre)

Development Management Plan (December 2014) -DM30 (Parking Standards)

Parking Standards: Design and Good Practice Supplementary Planning Document (December 2010)

The local Ward Member(s) for the above application are Cllr M Wilkinson Cllr J C Burton Cllr R R Dray

<table>
<thead>
<tr>
<th>Application No</th>
<th>19/00233/FUL</th>
<th>Zoning : Metropolitan Green Belt</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case Officer</td>
<td>Mr Arwel Evans</td>
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<tr>
<td>Parish</td>
<td>Ashingdon Parish Council</td>
<td></td>
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<tr>
<td>Ward</td>
<td>Hockley And Ashingdon</td>
<td></td>
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<tr>
<td>Location</td>
<td>87 Canewdon View Road Ashingdon SS4 3DU</td>
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<tr>
<td>Proposal</td>
<td>Demolish existing buildings on the site and construct 5 No. three bedroomed bungalows (revised application)</td>
<td></td>
</tr>
</tbody>
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**SITE AND PROPOSAL**

1. The site constitutes a relatively flat area of ground 1.43 hectares in extent (14,300 square metres) located directly north of Canewdon View Road at its eastern extremity. The site as set out by the submitted plans constitutes a rectangular plot approximately 180 metres in length and 83 metres wide at its rear (northern boundary) tapering to a width of approximately 70 metres on its southern boundary with Canewdon View Road from which the site is accessed.

2. A single storey 4-bedroom property known as the Beehive (Number 87 Canewdon View Road) occupies the front south west aspect of the site set with its narrow elevation towards Canewdon View Road and located approximately 10 metres from the boundary of the curtilage with Lavender Lodge located directly West.

3. Set further back within the site approximately 45 metres from the site entrance is a large multi-span building closed to the side elevation in sheeting which is L shaped. At its nearest the southerly projection is located within 30 metres of Canewdon View Road. At its nearest the building at its south westerly corner is located approximately 30 metres from the rear aspect of the existing dwelling located on site.
4. The submitted plans (reference Drawing No 4 Existing Arrangements) indicate that the height of the building at its highest point is 5.8 metres compared with the height of the dwelling which is indicated to be 4.9 metres in height to its ridge. The length of the building at its northern aspect is indicated to be approximately 40 metres in length and 28 metres in depth along its east aspect and 14 metres in width at its west aspect. This building is shown by the submitted plans to be used as workshops with storage and office space provided. Further buildings (4 in total) are located on the site as shown by the Existing Arrangement Plan.

5. The gravelled road which dissects a neatly mown area of grass located to either side forms a visual marker between the dwelling and its curtilage (which is laid to lawn bordered by ornamental planting) and the large building which is served by a yard area to its north and west aspect.

6. It is notable that the planning application site as edged in red on the Site Location Plan extends much further north than the extent of the built form and its area of hard standing extending a further 120 metres from the rear aspect of the large multi-span building and a further 95 metres beyond the northerly extent of the hard standing. This area comprises an open field closely grazed beyond which there are located open arable land.

7. An area of dense tree cover is located in the south-eastern corner of the site which contains tree species including Cherry, Oak, Hawthorn and Norway Maple. This directly bounds the south eastern hedgerow on the boundary with Canewdon View Road which comprises Hawthorn, Blackthorn, Bramble and Oak with a mature tree line hedgerow of Oak and Ash on the eastern boundary. The south western perimeter is characterised by a managed privet hedge, whilst a Cypress managed hedge forms the western boundary to the west of the dwelling.

8. A small fishpond with a duck house is situated approximately 20 metres to the north of the existing dwelling on the western boundary. This pond would be retained as part of the proposals.

9. In its wider context the site is located approximately 0.6 km north east of Ashingdon centre and 450 metres from the Ashingdon road junction with Canewdon View Road.

10. The site lies approximately 2.5 km north of Rochford Town Centre. Canewdon View Road runs in an easterly direction off Ashingdon Road which is the main road through the residential area of Rochford.

11. The properties in Canewdon View Road form a fairly close pattern of development up to the settlement boundary, after which distances
between properties become wider within the Green Belt. Number 87 is at the end of the road on the north side. It is approximately 120m from the settlement boundary.

The Proposals

12. The planning application is made further to the submission of planning reference 18/00266/FUL which is currently the subject of an appeal for non-determination (APP/B/1550/W/18/3214756). The Council’s Statement of Case for the appeal states that the application would have been refused and sets out the reasons that would have been provided for refusal.

13. The revised proposal attempts to overcome these reasons the council considers would have been sufficient to find the proposals objectionable if it were in a position to determine the application (if it had still been in a position to determine the application) which the council has covered as part of its appeal statement.

14. The application summarises the issues raised by the local planning authority which this application therefore has sought to address which include the siting of two of the proposed bungalows in what is an existing open area (although mainly currently hard surfaced), the layout being not compatible with the surroundings and the design of the bungalows lacking architectural expression.

15. It is proposed to clear the site of all buildings and to build five detached bungalows in their place. The footprint of 3 of the bungalows will be located within that area of land currently occupied by the L shape building with the exception of a small part of one dwelling at its south elevation whilst one dwelling will be located outside the footprint of the existing building on its west aspect overlapping slightly with the footprint of a smaller detached storage shed which will be demolished. These 4 properties are indicated to be served by large garden areas the rear boundary of which is shown by the proposed layout plans to be approximately 20 metres further north relative to the rear footprint of the dwellings themselves. The plans indicate two designs which are however in any event reduced to a single storey bearing roof heights of approximately 5.31 metres in height. These dwellings are shown by the proposed site layout plans to accommodate 2 frontage parking spaces accessed off the shared drive which is retained in its current position. The area of land between the dwellings and the unadopted highway will comprise a wooded area and lawns. The existing bungalow located to the south west aspect of the site close to Canewdon View Road constituting an approximate floor area of 116m2 is shown as being replaced by a bungalow which will be set back slightly relative to the front footprint of the existing.

16. The scale of the proposed bungalows as shown by the proposed arrangements are indicated to be approximately 135 m2 in floor area
and vary in style comprising both pitched roofs designs bearing 14.27 metre wide gables and designs incorporating hipped roofs.

17. PLANNING SITE HISTORY

18/00266/FUL: Demolish existing buildings on the site and build 5 new 3 bed bungalows: Appeal against non-determination. Inspector's decision pending.

Site history entered against the appeal site address since 1983 which is summarised as follows:
83/00256/FUL Add room in roof; Refused 13.06.1983
83/00447/FUL: Erect Stables and Ancillary Store; application withdrawn 31/07/1983
13/00356 DPDP1 Received on 10/06/2013: Householder Prior Approval for Single Storey Rear Extension. Projecting 8m From Original Rear Wall (4m from Existing Rear Wall), Eaves Height 2.6m total Height 4m. Advised by the council in its letter to the appellant dated 19th July 2013 as being invalid Prior Approval Submission. (Received on 10/06/2013)

MATERIAL PLANNING CONSIDERATIONS

Principal of Development and whether the proposal is inappropriate development in the Green Belt

19. The site is located within the Metropolitan Green Belt as defined by the Council's adopted Allocation Plan. The National Planning Policy Framework at paragraph 143 indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

20. Paragraph 145 indicates that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. However exceptions are cited one of which includes at criterion (g) the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: - not have a greater impact on the openness of the Green Belt than the existing development; or - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to
meeting an identified affordable housing need within the area of the local planning authority.

21. Importantly the Glossary to the National Planning Policy framework excludes certain types of previously developed land from the definition of previously developed land. The Glossary indicates as follows:

Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

22. The issue relating to the evidence of the historic use of the site which is directly relevant to the potential for the redevelopment of the site under the previously developed land criterion cited by the NPPF is a key consideration. This issue was also highlighted by the Local Planning Authority’s appeal statement. It is noted from Section 6 of the planning application form that the existing use of the site is part residential and part light industrial. The residential use is not questioned. Section 17 of the planning application form indicates that 819m² of floor area comprises a B1c use with another unspecified floor area amounting to 12.6m² making a total of 831 m². A sworn statement is submitted with the application which indicates that the applicant purchased the site on 14th March 2007 and has lived at the property continuously since that time. It is stated that over that period that all other buildings on site have been used for a business use. This declaration was signed on 7th March 2019.

23. (a) The local planning authority’s statement made under point 6.5 of its Appeal Statement is noted in that it stated the following:

6.5 The council considers that despite there being no recent planning history in respect of the buildings (excluding the dwelling), and therefore no approved commercial/industrial use at the site - on the basis of the information submitted as part of the planning application and the appeal (although not clearly evidenced by the appellant which it is considered should be the case as part of this appeal process) the council has no contrary evidence to consider that the current or last use does not fall within the exceptions cited by the NPPF. As a matter of principle therefore the council has no evidence to suggest that the site would not qualify under the Previously Developed Land exception criteria.
The council as part of its appeal set out the facts as they were known regarding the site and the relevance of such facts in the consideration of the previously developed land issue which it was ultimately up to the Inspectorate as the decision maker to draw a view regarding. In the absence of an appeal decision which remains pending and which the council does not have the benefit of the planning inspectorates consideration of this matter for consideration - on the basis of its conclusions drawn as reflected in the Council's appeal statement it is considered that it would be inconsistent to conclude any different as part of the assessment of this current planning application.

By definition therefore the position of the local planning authority is that it has no evidence to consider that the site (regardless of the lack of evidence submitted with regards to its established use) would not be deemed eligible for development under the previously developed land concession. As such it is not considered that the development as a matter of principle would constitute inappropriate development as defined by paragraph 145 of the National Planning Policy Framework.

The effect on the openness of the Green Belt

It is recognised that one of the salient and characteristic features of the Green Belt is its openness and absence of built form which the policy at national and local level seeks to safeguard. The guiding principles of policy is that any replacement building should have no greater impact upon openness than the buildings the development proposes to replace. The applicant's supporting statement indicates how the extent of the built form has been revised as compared to the application subject of the current appeal against non-determination whilst it is noted that the footprint of 3 of the proposed dwellings is located within that area of land currently occupied by the footprint of the large building which would be demolished.

A further dwelling is shown by the proposed site layout plan to occupy an area of ground to the west aspect of the current building's footprint partly occupying the footprint of an existing and separate outbuilding which will be demolished. On the basis of the current floor area coverage of the built form which comprises a building of an L shape which is to be demolished it is not considered that the dwelling shown to be located to the west aspect of the existing footprint will constitute an increase in the overall footprint of built form as this is within the limits of the existing footprint of the building and in particular that southerly (L shape) projection which will be lost as part of the development proposals.

In terms of the impacts of the proposed development on overall openness including the visual impact dimension which has a bearing upon the overall consideration given the current height of the building at approximately 5.8 relative to the heights of the built form which is to
27. It is acknowledged that the Council’s supporting statement issued in connection with the appeal made comment with regards to the pattern of built form along Canewdon View Road which relates to a design layout consideration and how the proposals subject of planning reference 18/00266/FUL did not reflect the pattern of the built form along Canewdon View Road which is a design layout issue more than an openness issue. This current proposal it is considered will maintain the prevailing openness between the unadopted road and the built form whilst the openness to the rear can be controlled by the withdrawal of permitted development right conferred by Class E of Part 1 to the second schedule of The Town and Country Planning (General Permitted Development) Order 2015 as amended - such that it is not considered that the development when taken as a whole would have a residual detrimental impact upon openness.

28. This conclusion is consistent with the conclusions drawn within the Council’s appeal statement at point 6.5 which stated as follows:

In considering the impact of the proposed development on Green Belt openness if the Local Planning Authority were the determining authority for this development it is considered that it would have found that on the basis of the overall volume and height of the proposed built form compared to the existing that there would be no greater material impact on Green Belt openness than the existing development.

OTHER MATERIAL PLANNING CONSIDERATIONS

Design Considerations

29. The National Planning Policy Framework also requires new development to be well designed places. The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. The National Planning Policy Framework indicates that Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

30. Paragraph 130 of the NPPF indicates that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision maker as a valid reason to object to development. In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

31. Policy DM1 of the councils Development Management Plan reflects this objective at district level which indicates that the design of new developments should promote character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity without discouraging originality, innovation or initiative.

32. From a design layout perspective recognising that the layout seeks to maintain the prevailing openness between the built form and Canewdon View Road achieved by a further degree of set back as a result when compared to other dwellings located along that road. It is considered that the development in terms of orientation and layout would not be incompatible with its immediate surrounding which was considered to be the issue with the application subject of the appeal.

33. The point noted at 6.15 of the Council's appeal statement is noted in that it considered the design although limited in the number of dwellings built as being lacking in architectural expression as the dwellings shown as part of the 18/00266/FUL application were
considered to be of 'one type' lacking in innovation which would conflict with the objectives of Chapter 12 of the NPPF, policy DM 1 of the Development Management Plan and policy H5 of the Core Strategy which require a range of dwelling types within new developments, which are not met by the appeal proposal. Two dwelling types are shown by this current planning application which incorporate pitched and hipped roofs whilst not seemingly being innovative in any particular way would not be considered to be tantamount to an alien built form in the vicinity which is characterised by a broad range of dwelling types such that the proposals could not be considered unacceptable by way of design and appearance. The proposals are considered acceptable in this respect.

Impact of the Proposed Development on Trees

34. It is noted from the submitted Arboricultural report indicated that one tree only will be removed to make way for the development which the report indicates is a low-quality group where the tree can be replaced with better quality trees as part of a development scheme. The councils Arboricultural and Ecology Advisor has pointed out that the application relies on an outdated report but considers that in the event of a favourable recommendation matters relating to tree protection, mitigation and enhancements could be conditioned.

Impact of the Proposed Development upon biodiversity.

35. An Extended Phase 1 Habitat Survey was submitted with the application which also makes reference to the Bat Report undertaken by Essex Mammal Surveys in June 2017 which indicates that no further bat surveys were necessary. The Habitat Survey indicated that it did not consider the presence of Great Crested Newts or reptile species to be likely such that there would be a need for any specific mitigation in this respect. Although still relevant this information it is considered needs to be reviewed in the form of confirmation that the recommendation is still current. Other than this, it is considered that the development would not impact upon biodiversity or protected species.

Potential Contamination

36. The appellant indicates that what constitutes part of the site over the last 10 years has been used for industrial/commercial purposes. The application provides no information in terms of the specific day to day activities which took place on site or which are taking place on site which may give rise to contamination. The council has no reason to consider that the site is contaminated in terms of its inclusion on a register of contaminated sites. Notwithstanding other matters, any safeguards relating to contaminative uses, impacts and necessary mitigation if considered necessary could be conditioned as part of a consent. It is considered in
this instance that a planning condition would be onerous whilst potential impacts of contamination on public health can be addressed through other legislation. In the event of planning permission being granted therefore it is considered that an informative would adequately address any liability which may be placed on the local planning authority in this respect.

Highway Implications

37. It is considered that the development would have no highway impacts in terms of vehicular movements at the junction of Canewdon View Road with Ashingdon Road such as to pose a risk to highway safety.

Garden Amenity Space.

38. The Local Development Framework's Supplementary Planning Guidance SPD2 (Housing Design) guidance indicates the requirement for a minimum garden area space to serve new developments. The Design Guide criteria for minimum garden areas has been adapted as a result of changing household size. The range of house types now required include a considerable proportion of small dwellings. The resultant higher densities mean that garden sizes are likely to be below the 100 m² minimum recommended in the Design Guide. All dwellings would comply with the minimum requirements as the garden areas would be significantly larger than the required minimum.

Landscaping

39. The Supplementary Planning Document 2 (Housing Design) indicates that landscaping is an important aspect of visual design. The lack of it can render an otherwise satisfactory scheme dull and uninteresting. Conversely, a mundane development can be transformed by an imaginative scheme. When considering planning applications for residential development, the Local Planning Authority will need to be satisfied that provision is made within the site for hard and soft landscaping, including paving, grassed and planted areas. This landscaping must be an integral part of the overall development scheme. Where full details of the landscaping of the sites are not included within the planning application, the Local Planning Authority will make any permission conditional upon a landscaping scheme being agreed and implemented within a specified period. The application in the form of the proposed layout plan indicates the retention of landscaped areas whilst any further soft and hard landscaping as will be necessary can be conditioned.

Amenity Impacts

40. Given the orientation of the development and its height it is not considered that there will be amenity impacts including any impacts
upon the nearest property which is that of 'Lavender' by way of overlooking or overshadowing.

Environmental Sustainability

41. The Ministerial Statement of the 25th March 2015 announced changes to the government's policy relating to technical housing standards. The changes seek to rationalise the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building Regulations on water and access, and a new national space standard. From the date the Deregulation Bill 2015 was given royal ascent, the government's policy is that planning permissions should not be granted requiring, or subject to conditions requiring, compliance with any technical housing standards other than for those areas where authorities have existing policies on access, internal space, or water efficiency.

42. Rochford District Council has existing policies relating to all of the above, namely access (Policy H6 of the Core Strategy), internal space (Policy DM4 of the Development Management Plan) and water efficiency (Policy ENV9 of the Core Strategy) and therefore require compliance with the new national technical standards, as advised by the Ministerial Statement (March 2015). Until such a time as existing Policy DM4 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a national technical housing standard relating to internal space standards. Consequently, all new dwellings are required to comply with the new national space standard as set out in the DCLG Technical housing standards - nationally described space standard March 2015.

Technical Housing Standards

43. New dwellings must comply with the Technical Housing Standards introduced in March 2015, as cited by the Department for Communities and Local Government Technical Housing Standards - Nationally Described Space Standards which set out minimum space requirements for the gross internal area as well as required floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.

44. A dwelling with two or more bed spaces should have at least one double room. In order to provide two bed spaces, a double or twin room should have a floor area of at least 11.5 square metres. One double or twin room should have a width of at least 2.75 metres and every other double room should have a width of at least 2.55 metres. Any area with headroom of less than 1.5 metres is not counted within the gross internal area. A built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements but should not reduce the effective width of the room below the minimum widths
indicated. The minimum floor to ceiling height should be 2.3 metres for at least 75% of the gross internal area.

45. It is considered that the dwellings in terms of their layouts indicated would comply with the requirements of these standards in terms of bedroom widths and minimum bedroom floor areas.

RESPONSE TO PUBLIC REPRESENTATION

46. The objection received is noted. The issue raised with regards to the validity of the application as regards to the red line depicting the extent of the planning application site is noted. The unadopted road whatever the legal dispute may be or arise in this regard does not need to be included within the red line as it rightly does not form part of the planning application site. Access roads which currently exists, and which are not subject to any material alterations despite the implication of their use do not need to be included within the red line. This matter was previously clarified in connection with the previous planning application. Procedurally therefore the council is satisfied that the application is valid and that there is no implication to the application simply by reason of the use of this unadopted road to serve the development.

47. Other matters raised have been taken into consideration which have no bearing on the decision which it is up for the local planning authority to determine on the basis of merit and planning policy.

48. The issue relating to land supply and housing need would only be relevant as a matter to be taken into consideration in weighing up whether such would amount in conjunction with other factors the very special circumstances required to justify the development if the development by definition was inappropriate or found harmful in any other context which is not considered to be the case in this instance.

Representations:

49. ASHINGDON PARISH COUNCIL: Objection - Overdevelopment encroaching on Green Belt

50. ESSEX HIGHWAYS: No comment/objection

51. ROCHEFORD DISTRICT COUNCIL ARBORICULTURAL AND CONSERVATION OFFICER: No objection
   Advised that the applicant has used previous reports completed in 2017 to support a revised application. The tree protection plan and method statements require updating. The ecological report is likely to still be valid despite being completed in 2017, the habitats remain unaltered from this time. It is however recommended that a condition be applied to supply further details of site walkover / assessment to
determine presence absence of Badgers and breeding birds, the results of which may require further action.
52. NEIGHBOUR REPRESENTATIONS: One representation of objection has been received from the occupant of 45 Canewdon View Road: Objection.

The representation is cited as follows:

53. I have now reviewed the revised proposal and I continue to have a number of concerns, which is why I would like you to record my objection to this amended application. The increase in activity at the site, which will inevitably result from intensification of use, movement and domestic paraphernalia, is of direct relevance to me and other neighbours along Canewdon View Road. We will experience the increase in activity, loss of openness of the Green Belt and a dilution of the set layout of development in this area. The changes made by the applicant to the development proposal do not adequately address my concerns.

Impact on Openness of Green Belt, Street Scene Appearance and Character

54. Although not a specific statutory requirement the application is again not accompanied by any street scene plans, which would be useful for appreciating the built-up continuous wall appearance of the proposal and the corresponding reduction in openness that will result. The character of development on Canewdon View Road can be described as linear, with each of the existing plots to the north of the Road typically characterised by single dwellings, situated right on the road frontage of each plot, with long rear gardens. The overall density of built form is higher towards the western end of the road (settlement area). At the eastern end of the road the level of density decreases considerably towards the Green Belt. The existing bungalow on site follows this same uniform layout, being situated facing onto the road, with land and ancillary buildings behind. The existing commercial buildings appear ancillary and subordinate in nature to the existing bungalow. A new linear development of four properties (and one further forward), situated without any reference to the existing layout of residential properties, will be out of character with the surrounding area. In addition to the proposed dwellings themselves the presence of domestic paraphernalia and additional car movements associated with new family homes represents an intensification of activities that, when combined with the new built form, represents an unacceptable impact on the openness of the Green Belt.

Housing Land Supply

55. The planning authority is in a relatively strong position in relation to housing supply, with at least 5.8 years land supply, meaning it is not necessary to overdevelop small scale Green Belt sites such as this site.

Validity of the Planning Application Red Line Area/Certificate B
56. I have previously raised my concerns over the validity of the planning application due to ownership of the access road. As this has not been updated since the previous planning application was submitted, I must raise this issue again. The applicant has not shown access to a public highway. The red line on the Local Plan submitted as part of the planning application only shows the developable area curtilage. Access to this land is from an unmade section of Canewdon View Road that is privately owned by all of the owners of the properties that access this section of the Road. It is not adopted public highway. Further, it is important to state that all significant maintenance/enhancement to the road has been undertaken by the other residents.

Summary

1) The amendments to the scheme over proposal currently at appeal are insufficient to overcome the serious concerns I have in relation to the impact on the openness of the Green Belt.

2) The application forms should be updated to declare Certificate B and serve notice, to reflect the multiple ownership of the access road and the lack of access shown to a public highway.

3) Although the scheme has been amended to bring the proposed built form back onto the footprint of the existing outbuildings, this still results in a form of development that results in greater harm to the openness of the Green Belt than the existing ancillary buildings (which are low key, at the edge of the Green Belt). The proposal still amounts to inappropriate development in the Green Belt.

4) The level of domestic paraphernalia, associated vehicle movements and level of encroachment in the countryside will harm the openness of the Green Belt as compared to existing low level commercial activities and impact on all occupiers and users of Canewdon View Road.

5) The Council is in a strong position regarding 5-year land supply requirements. There is therefore no pressing need to approve this application to meet housing need.

CONCLUSION

57. The development as a matter of principle is not considered to constitute inappropriate development which is consistent with the considerations reflected by the council's appeal statement which cites what the council would have concluded in this respect should it have determined the previous planning application prior to the appeal against non-determination. This was on the basis that despite the lack of clarity and evidence provided by the applicant regarding the established planning use of the site, the council neither had evidence to conclude to the contrary.

58. Although the conclusions reached as part of the council's assessment of the previous case supporting its appeal statement does not necessarily predispose the council to acceptance of any future
proposals which were to follow, it did however despite discussing in some depth the issues around the historic and established use of the site conclude as follows:

'if it were the determining authority the council would have accepted that the site constitutes previously developed land on face value of the information presented by the application. Given the absence of planning history and planning consent to support the appellant's position, the application should have provided further proof regarding the use of the buildings and their associated operational areas to support the brief statement made within the Planning Statement originally submitted'

59. It is considered that the council's previous view of unacceptability (as cited in its appeal statement) on Green Belt openness has been addressed as the built form in terms of location and volume is more closely aligned with the current built form whilst in design in terms including its orientation and layout it is considered to constitute an improvement on the previous proposal.

60. Therefore no harm is considered found by the development such that the very special circumstances which would be required to outweigh the harm need to be considered as such would only come into play in the planning balance of whether other considerations would be sufficient to outweigh that harm.

APPROVE

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 The development shall be undertaken in strict accordance with the approved plans Drawing Referenced: Proposed Block Plan, Drawing Number 1 (March 2017) Proposed Elevations, Floor Plan & Sections, Drawing Number 1 Proposed Arrangement, Drawing Number 2 Proposed Arrangement together with the recommendations cited by the Tree Report Plan (dated 31st July 2017) and Extended Phase 1 Habitat Survey (Preliminary Ecological Appraisal) and the subsequent review of these appraisals and any updated recommendations.

3 Prior to their first use details including samples of all external materials to be used in the development hereby approved including roof and wall finishes, fenestration, enclosures and rainwater goods shall be submitted to and approved in writing by the Local Planning Authority.
The development shall be undertaken in strict accordance with the external materials as approved.

Prior to the undertaking of any hard and soft landscaping works including the laying out and formation of the parking, turning and access to the site and installation of any boundary treatments including boundaries within the site, plans and showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted, shall have been submitted to and agreed in writing by the Local Planning Authority. These details should include a schedule of species, size, density and spacing of all trees, shrubs and hedgerows to be planted together with the type of boundary treatments defining the boundaries of the proposed residential planning unit and all hard surfaces to be applied on site.

All planting works pursuant to condition 5 shall be implemented in its entirety during the first planting season (October to March inclusive) following commencement of the development, or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A, and B of the Town and Country Planning (General Permitted Development) Order 2015 (including any Order revoking or re-enacting that Order, with or without modification) no extensions or roof alterations/additions shall be erected / undertaken on any elevations or to any part of the roof of the development hereby permitted without the prior consent of the Local Planning Authority.

Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes E of the Town and Country Planning (General Permitted Development) Order 2015 (including any Order revoking or re-enacting that Order, with or without modification) no buildings shall be erected within the curtilage of any established residential planning unit permitted without the prior consent of the Local Planning Authority.

Prior to first occupation of the proposed dwellings the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. One pack per dwelling.

Unless otherwise approved in writing by the Local Planning Authority, no retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree’s branches, stems or roots be pruned.
11 The hours of construction/operation on site including any deliveries or transfer of materials to or from the site shall be restricted to the hours of 7.30 am to 7.30 pm (Monday to Friday) and between the hours of 9.00 am and 6.00 pm on Saturday. No construction works shall be undertaken on site, nor deliveries or collection shall take place on Sundays).

12 Notwithstanding the details contained within the Tree Report Plan (dated 31st July 2017) and Extended Phase 1 Habitat Survey (Preliminary Ecological Appraisal) prior to any works being undertaken which may impact upon trees or protected species an updated Tree Protection Plan shall be including a method statement shall be submitted to the local planning authority for its written approval whilst details of a further required walk over assessment to determine the presence or absence of Badgers and Breeding bird and any required mitigation shall be submitted to the local planning authority for its written approval. Any subsequent works shall be undertaken in accordance with the updated recommendations.

Relevant Development Plan Policies and Proposals:


Local Development Framework Allocation Plan (Adopted 25 February 2014),

Core Strategy Adopted Version (December 2011) and the Development Management Plan (Adopted 16 December 2014).

Rochford District Council Local Development Framework Supplementary Planning Document 2 Housing Design (January 2007),

The Department for Communities and Local Government’s Technical Housing Standards - Nationally Described Space Standards together with guidance set out in (July 2018)

The Rochford District Council Core Strategy 2011 - Policies GB1: Green Belt Protection, H1: The Efficient Use of Land for Housing, H5 Dwelling Types, CP1: Design, T3 Public Transport, T8: Parking Standards, H1 Dwelling Types, ENV 11 Contaminated Land,

The local Ward Member(s) for the above application are Cllr M R Carter
Cllr T G Cutmore Cllr Mrs C A Weston

Application No : 19/00251/FUL Zoning : Residential

Case Officer : Ms Julie Ramsey
Parish : Rochford Parish Council
Ward : Roche South
Location : Land Between 118 And 124 Stambridge Road
Rochford
Proposal : Erection of a two storey building containing 4 no. flats
including the provision of parking spaces and
communal amenity space.

SITE AND PROPOSAL

1. The site is located on the southern side of Stambridge Road, between No.
118 and No. 124. The site is a vacant plot and backs onto an allotment site
within the ownership and operation of Rochford Parish Council. The site was
sold at auction in 2018.

2. The site is located within a residential street comprising of groups of two
storey brick built semi-detached and terrace dwellings of similar designs and
style, with walled front gardens, some of which have been paved to provide
parking for one vehicle. Generally, the surrounding dwellings do not have off-
street parking, with the properties opposite located on the footway. The wider
area contains more modern houses and bungalows.

Proposal

3. The proposal seeks planning permission for a two-storey building comprising
of four 1 bed flats, with three parking spaces to the front of the building and a
communal garden area to the rear.

4. The building measures some 10.6m wide, 13.4m deep and 9.5m high with an
eave’s height of 5.7m. The proposed materials are brick, render, clay tiles
and uPVC windows and doors.

5. The proposed plats would each comprise one double bedroom. The
accommodation would measure as follows including gross internal area (GIA):

   Two ground floor flats dual aspect north and south - GIA 60.5sqm,
     bedroom 17.9sqm
   Two first floor flats dual aspect north and south – GIA 60.5sqm,
     bedroom 17.9sqm

RELEVANT SITE PLANNING HISTORY

6. None
Consultations And Representations.

7. SOUTHEND AIRPORT - No safeguarding objections

8. RDC ARBORICULTURAL OFFICER - Adjacent site contains a TPO tree, no objections subject to condition regarding tree protection plan to be submitted before construction work commences.

9. NEIGHBOUR CONSULTATION: Six neighbouring properties have been notified and a site visit posted. 13 letters of representation have been received from 11 addresses.

Matters raised:

- Loss of light
- Loss of privacy
- Detrimental impact on traffic, parking and highway safety
- Parking provision inadequate and at front of site
- Loss of land, which was gifted for community use
- Loss of view
- Land should remain for the use of the allotments and wider community
- Right of way exists for access over land for Nos. 124, 18 and 116 and permission to park a car on the land. (not confirmed)
- Poor design
- Building not in keeping with the area, modern and ugly, set back from established building line
- New build development out of character with style of surrounding old cottages
- Overdevelopment of site, building flats on every tiny space of land
- Some neighbours not notified of application
- Smaller development would be more appropriate
- Refuse bins along front of site would be an eyesore

10. These concerns have been noted and where relevant to material planning considerations they have been taken into account in the assessment of the application.

MATERIAL PLANNING CONSIDERATIONS

Planning Considerations

11. The main considerations in relation to this application are the principle of the development, design and impact on the character of the area, in particular the rear garden environment, loss of trees and habitat, impact on residential amenity of neighbouring residents, standard of accommodation for future occupiers, parking and highway issues

Appraisal
Principle of Development

12. The proposal development is required to be assessed in accordance with the National Planning Policy Framework (NPPF) AS UPDATED February 2019 and relevant policies of the councils Local Development Framework’s Core Strategy and Development Management Plan as detailed above.

13. Government guidance contained within the NPPF encourages effective use of land (Para. 8). The propose development should be acceptable within its context, the impact of the development upon neighbouring residents and highway implications is imperative to the acceptability of any new development. The site is located within a residential area in reasonable proximity to services and transport links. The site is considered to be a relatively sustainable location for development which conforms to the prevailing land use around it and is located within Flood Zone 1. Therefore, the development in principle is considered acceptable in this location subject to the material considerations detailed below.

14. The applicant has signed Certificate A to confirm that they own the whole site. It is believed that the Parish Council sold the land at auction in 2018. Representations have been received by neighbouring properties claiming rights of way over the application site. Documents have been submitted during the course of the application which do not substantiate these claims. Furthermore, matters of land ownership and rights of way are not a material planning consideration and should be pursued as a private civil matter. Therefore, these matters do not form part of the appraisal of the development.

Impact on the Character of the Area

15. The NPPF requires new development to respond positively to its surroundings. Paragraph 130 of the NPPF states that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions” This is also the emphasised by Policy CP1.

16. Policy H1 of the Core Strategy states that in order to protect the character of existing settlements the Council will resist the intensification of smaller sites within residential areas. Although limited infill will be considered acceptable, it will have to relate well to the street pattern, density and character of the locality. Policy SPD2 for housing design states that for infill development, plots should ordinarily be a minimum 9.25m wide for detached dwellings or 15.25m wide for semi-detached pairs of properties, and that there should be a minimum distance of 1m between habitable rooms and the plot boundary.

17. Policy CP1 of the Core Strategy and Policy DM1 of the Development Management Plan both seek to promote high quality design in new developments that would promote the character of the locality and enhance the local identity of the area. Policy DM3 of the Development Management
Plan seeks demonstration that infill development positively addresses the existing street pattern and density of locality and whether the number and types of dwellings are appropriate to the locality.

18. The application site is some 11.2m wide and 31.9m deep. The proposed building extends across almost the entire width of the site, some 10.6m, leaving a minimal separation distance to the boundary of some 0.3m either side contrary to policy requiring a separation distance of 1m and a minimum plot width of 15.25m. The provision of four flats within what is visually two semi-detached properties, with a combined plot width of 11.2m results in a cramped and contrived form of development.

19. The overall design, scale, size and bulk of the proposed flatted building is considered to be unacceptable in this location and results in overdevelopment of the site. The building is set back some 6m from the highway to incorporate three parking spaces, however this results in the building set back some 2.5m from the established building line and a frontage dominated by car parking which is out of keeping with the layout of the surrounding development within the area.

20. Some consideration has been made with regards to the appearance of the development which incorporates design detailing particularly the front street facing windows which seek to replicate the sash and bay window features which are presented in other built form within the street scene. These give the development an appearance which would not make the appearance in this regard dissimilar to other dwellings within the vicinity as opposed to appearing at first glance as a set of flats. It is also considered that despite the external design of the building the provision of flats in this location is considered inappropriate and exacerbates the intensification of the development within the site. The two storey design of the bay windows and the front entrance are awkward and contrived design features which are not present within the street scene which it is considered would form a prominent element to the dwelling, out of keeping with the small scale ground floor bay windows present in the street scene. Given the height and depth of the building the remaining fenestration detailing is poor and the provision is limited, with a small obscure glazed window to the side elevation and single panel windows to the rear at first floor and double doors to the rear at ground floor, giving rise to large areas of flat blank brick wall.

21. The proposed development is therefore considered to be unacceptable and contrary to policy and an objection is raised on this basis.

Impact on Residential Amenity

22. Paragraphs 124 and 127 of the NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

23. The four flats would create some additional noise from general occupation and from the comings and goings of the occupiers, however the site is within a
built-up residential area and in keeping with the general nature of the development.

24. The application site is neighboured by Nos 118 (west) and 124 (east) Stambridge Road, both properties are two storey dwellings with a rear outrigger.

25. The property to the west, No.118 is located on the boundary with the application site. The property has a two-storey outrigger and single storey extensions facing the shared boundary. The proposed flatted building, due to its set back from the highway would extend some 7.8m beyond the rear wall of the dwelling, some 0.3m from the shared boundary and along the full length of the outrigger and single storey extensions. The proposed development would breach a nominal 45-degree line from the first-floor rear facing window. As such it is considered that the proposal by reason of its position and physical massing relative to this property would result in a materially harmful sense of enclosure the same time as giving rise to an overbearing presence which would result in an unacceptable degree of overshadowing to the affected neighbouring property which would be affected by loss of light. The conditions it currently enjoys which defines its amenity would be fundamentally and demonstrably affected which as such would be contrary to the safeguards required by policy DM1 of the Development Management Plan.

26. The property to the east No.124 is located some 1.7m from the shared boundary. The property has a two-storey outrigger and single storey rear extension which are located between 2.5 and 3.5m from the boundary respectively. There are a number of windows on the side elevation of No. 124 facing the shared boundary which are likely to serve habitable rooms within the dwelling. However, given the separation distance from the boundary it is not considered that the proposed development would have a detrimental impact on the residential amenities of this neighbouring property in terms of undue overbearing or dominance, sense of enclosure or loss of outlook, light and privacy.

27. The rear of the site is bordered by allotment grounds and therefore the proposal would not impact on any other residential properties.

28. In conclusion it is found that the proposed development taken all material considerations into account would not be acceptable or policy complaint in relation to the amenities of the neighbouring occupiers.

Living Conditions for future occupiers

29. Paragraph 127 of the NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of the area and create places that are safe, inclusive and accessible and which promote health and well-being with a standard of amenity for existing and future user.
30. Developments should meet the residential space standards as set out in the Nationally Described Space Standards.

31. The National Housing Standards state that for a one bedroom, two person flat a gross internal floor area (GIA) of 50sqm is required to ensure the development is in line with Building Control requirements. The Standards require that the bedroom must have a floor area of at least 11.5sqm.

32. The four flats would exceed these space standards, however the depth of the flats, the provision of windows to the front and rear elevations only and the provision of an internal bathroom, it is considered that the levels of daylight would be insufficient to provide acceptable levels of light within the flats.

33. A further negative aspect of the proposal is the car parking to the front, which is located in close proximity to the main front ground floor flat windows and would result in a material impact on outlook for the occupiers. Vehicles would therefore manoeuvre in close proximity to the main windows with associated noise, vibration, fume and outlook impacts as well as a general sense of intrusion. There is also no provision for refuse storage and collection provided within the site to ensure compliance with Appendix 1 of the Development Management Plan.

34. The proposed development is unacceptable and contrary to the objectives of the above-noted policies in regard to living conditions, relating to light levels, outlook, noise and disturbance and lack of refuse facilities.

35. Until such a time as existing Policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to water efficiency. Consequently, all new dwellings are required to comply with the national water efficiency standard as set out in part G of the Building Regulations (2010) as amended. A condition is recommended to ensure compliance with this Building Regulation requirement.

36. In light of the Ministerial Statement which advises that planning permissions should not be granted subject to any technical housing standards other than those relating to internal space, water efficiency and access, the requirement in Policy ENV9 that a specific Code for Sustainable Homes level be achieved and the requirement in Policy H6 that the Lifetime Homes standard be met are now no longer sought.

Garden Size and Landscaping

37. Policy SPD2 (3) requires, for flatted developments, the provision of a useable communal resident garden on the basis of a minimum area of 25 m² per flat. The proposal would result in the flats having a shared garden area equating 127m².
38. The proposal is therefore considered to provide sufficient amenity space to support the four flats and is acceptable and policy complaint in this regard.

39. Policy SPD2 (4) goes on to state that landscaping is an important aspect of visual design. Adequate provision must be made within the site for hard and soft landscaping, including paving, grassed and planted areas. Landscaping details can be required to be submitted and approved by a condition added to any grant of planning permission.

40. The prevailing pattern of development and character of the proposal is car dominant to the frontage. There are no landscaping details submitted with the application or shown on the submitted plans. The general character of the area is of low walled front gardens with little parking to the frontages. The proposed development would result in a high percentage of hard standing to the frontage. This would, when taking into account the development for four flats, result in a car dominated development. The lack of space for soft landscaping renders the proposal dull and uninteresting. This would further exacerbate the harm highlighted above with the design and impact on the character of the area. Therefore, the proposed development is unacceptable and contrary to policy in this regard.

Parking and Highway Implications

41. The Parking Standards Design and Good Practice guide (2010) states that for dwellings with one bedroom, one off-street car parking space is required with dimensions of 5.5m x 2.9m, garage spaces should measure 7m x 3m to be considered usable spaces and one cycle parking space per flat. One visitor space is also required for the four flats. Quality urban design dictates that care should be taken that this does not result in streets dominated by parking spaces in front of dwellings, or by building facades with large expanses of garage doors.

42. The proposed development shows a provision of 3 parking spaces within the frontage of the development which in less than the required five spaces and design terms is considered to be unacceptable resulting in a car dominated frontage. There is also no access to the rear garden from the outside of the building therefore limiting the space available for the provision of cycle spaces.

43. For main urban areas a reduction to the vehicle parking standard may be considered, particularly for residential development. Main urban areas are defined as those having frequent and extensive public transport and cycling and walking links, accessing education, healthcare, food shopping and employment. The site is considered to be within a sustainable location, with access to bus routes and Rochford train station. However, the road is also considered to suffer from a high level of parking stress, with very little off-street parking in the area. It is therefore considered inappropriate to approve new development in this location which does not provide the policy required number of parking spaces. Therefore, the policy is considered to be unacceptable and contrary to policy in these regards.
Trees

44. There is a willow tree located at the rear boundary of No. 124 and the boundary of the allotments which is subject to a Tree Protection Order. It is considered by the RDC Arboricultural officer that the tree is sufficient distance away from the development and would not be immediately affected. However, it is considered reasonable to include a condition to any grant of planning permission to ensure a tree protection plan is submitted prior to commencement of the development and implemented as part of the development phase for the duration of the development to avoid damage to the tree during construction.

CONCLUSION

45. Having taken all material planning considerations into account, it is found that the proposed development is unacceptable and would be contrary to the relevant provisions of the National Planning Policy Framework and the relevant policies within the councils Core Strategy, its Development Management Plan and Supplementary Planning Guidance SPD 2 - House Design. The proposed development amounts to overdevelopment which fails to reconcile the requirements of planning policy in terms of providing a suitable development which not only meets the needs of future occupants, but which also safeguards the amenity of neighbouring properties.

46. It is considered that the development by reason of its scale and footprint relative to the size of the plot would constitute an undesirable form of development dominated by frontage parking which lacks the required provision of associated landscaping which should form an integral part of any development proposal which is lacking in this instance. It is considered that the proposed development by reason if its position, scale and massing would detrimentally impact upon the amenity of Number 118 Stambridge Road by way of overbearing physical presence and loss of light.

47. The development would fail to meet the objectives and requirements set out by Chapter 12 of the National Planning Policy Framework (February 2019), policy CP1 of the councils Local Development Framework’s Core Strategy (adopted December 2011) and Policies DM1 and DM3 of the council’s Local Development Framework Development Management Plan (adopted 16th December 2014) and the guidance laid out within the council’s Local Development Framework’s Development Supplementary Planning Document (SPD) 2 - Housing Design

Relevant Development Plan Policies and Proposals: (Policy Context)


Core Strategy Adopted Version (December 2011) – Policies CP1 (Design), ENV9 (Code for Sustainable Homes), ENV11 (Contaminated Land), H1 (The Efficient use of Land for Housing), H5 (Dwelling Types), T1 (Highways), T3
1. The proposed development amounts to overdevelopment which fails to reconcile the requirements of planning policy in terms of providing a suitable development which not only meets the needs of future occupants, but which also safeguards the amenity of neighbouring properties. It is considered that the development by reason of its scale and footprint relative to the size of the plot would constitute an undesirable form of development dominated by frontage parking which lacks the required provision of associated landscaping which should form an integral part of any development proposal which is lacking in this instance.

The proposed development by virtue of its layout, scale, size, design and siting relative to the site boundaries and neighbouring built form would give rise to a development which appears cramped, contrived and incongruous which would be at odds with the layout pattern and appearance of the built form within this street scene to the detriment of its visual amenity. It is considered that the proposed development would thus be contrary to the provisions of Chapter 12 of The National Planning Policy Framework (February 2019) , policy CP1 of the councils Local Development Framework’s Core Strategy (adopted December 2011) and Policies DM1 and DM3 of the council’s Local Development Framework Development Management Plan (adopted 16th December 2014) and the guidance laid out within the council’s Local Development Framework’s Development Supplementary Planning Document (SPD) 2 - Housing Design.

2. The proposed development, by reason of its siting, scale and bulk in close proximity with No. 118 Stambridge Road would have a demonstrable detrimental impact upon the prevailing amenity of this property. It is considered that the proposed development by reason of its position and physical massing relative to Number 118 Stambridge Road would result in an overbearing sense of physical enclosure the same time as giving rise to an overbearing physical presence which would result in an unacceptable degree of overshadowing to the affected neighbouring property which would be
affected by loss of light particularly to the rear facing first floor window. The development would fundamentally and demonstrably impact upon the amenity of Number 118 Stambridge Road thus conflicting with Chapter 12 of The National Planning Policy Framework, policy CP1 of the council’s Local Development Framework’s Core Strategy (adopted December 2011) and Policies DM1 and DM3 of the council’s Local Development Framework’s Development Management Plan (adopted 16th December 2014) and the guidance laid out within the council’s Local Development Framework Development Supplementary Planning Document (SPD) 2 - Housing Design

Application No : 19/00442/FUL Zoning : Residential
Case Officer : Mr Arwel Evans
Parish : Rochford Parish Council
Ward : Roche North And Rural
Location : 17 Doggetts Close Rochford SS4 1ED
Proposal : Log cabin to be used as part garden storage and part hairdressing salon. Working hours Tues and Wednesday 10:00 till 14:30 and then 19:00 to 21:30. Saturdays 10:00 till 14:00 (Saturday working once a month).

SITE AND PROPOSAL

1. The site occupied by the building constitutes an enclosed rear amenity area at the northernmost aspect of a narrow liner garden which is enclosed on all aspects by a 2 metres high timber boarded fence. The property itself is a semi-detached dwelling served by 2 frontage parking spaces located on the north aspect of Doggett’s Close which is within a residential area to the north of Rochford Town Centre.

The Proposals

2. The planning application seeks planning permission retrospectively for the use of part of this building as a hairdressing salon. This timber building was originally erected for purposes incidental to the enjoyment of the dwelling house which on the basis of its original intended purpose as an incidental garden building did not require planning permission under the permitted development right conferred by Class E of Part 1 to the second schedule of The Town and Country Planning (General Permitted Development) Order as amended 2015.

3. The building which incorporates a shallow sloping roof is noted to be 2.5 metres high at its front elevation which is the highest part of the building. A section of the building has been retained as domestic storage (which does not require planning permission) whilst that floor
area which is subject to planning permission on the basis of the materiality of the change of use is indicated to be 12 m².

4. Since its erection this part of the building has been used as a hairdressing salon which has entailed no physical change to the internal or external fabric of the building. The planning application indicates the intention to utilise the building within specific time windows, which it is indicated includes Tuesday and Wednesday 10 am - 14.30 pm and 19.00 - 21.30 and Saturdays 10 am - 14.00 which would only be once per month.

5. SITE PLANNING HISTORY


MATERIAL PLANNING CONSIDERATIONS

6. The application relates to the use of part of a building for a business purpose which by reason if its originally intended purpose taking into account its height fell under permitted development.

The key issue is considered to be:

The acceptability of the use and potential Impacts

There is no planning policy presumption as a matter of principle against the use of a residential property to facilitate a home business providing that there is no demonstrable detrimental impact as a result of such use. This provision is reflected by Policy DM33 (Working from Home) of the Local Development Framework's Development Management Plan).

Potential Impacts upon Amenity

7. The building is already in situ established under permitted development. The potential impact of the physical presence of the building upon the prevailing amenity of any neighbouring property must be taken into consideration. Amenity is regarded in planning terms as the set of conditions that residents in any given situation would reasonably expect to enjoy and which prevail on an everyday basis. This is a different consideration and concept to that of views which there is no right to within the planning regime as this is as much a subjective matter as opposed to facts which is the basis on which any planning authority needs to base its decisions. The perception of harm associated with any one given development by individuals is also a different concept and issue from the fact of actual demonstrable harm found to be plausible and defendable in planning terms. On the basis of its limited height at 2.5 metres and its position at the rear aspect of an enclosed garden, it is not considered that this building will have any
detrimental impact upon the amenity of either Number 19 or Number 15 Doggetts Close by way of overbearing physical presence or by way of reducing the quality of light enjoyed by these properties.

8. The second issue is that of the impacts that the change of use may potentially have on the amenity of the two properties mentioned which are attached to Number 17. The application site currently enjoys foot access to its rear amenity area through the side and rear of Number 19 which has a hard-surfaced rear yard area leading onto an entrance gate to Number 17. Number 19 also has a large grassed garden area whilst it is noted a kitchen window occupies a prominent location within the rear elevation of the property. It was clarified during the officer’s site visit that the applicant intended that clients utilised this access which was currently an access arrangement in connection with residential occupation.

9. The local planning authority considers that despite the scale of the use which would not involve other employees working on site as the building itself is simply too small despite being used by the occupant of the dwelling (Number 17) , the use of what is essentially a residential access by visiting clients albeit it one at a time over a limited period would not be an acceptable position as the prevailing set of circumstances that the occupant of Number 19 would be changed for the worse. Access via the rear aspect of this property would result in the privacy of occupants being affected by encroachment into their private space with the main issue being that of visitors being able to see straight into the kitchen and the amenity area as passing to the property on route to the salon.

10. However, the applicants do have the option to enable access through their own property which is a realistic proposition and a reasonable one which is within the control of the applicants to manage. This approach would do away with the need for any visiting clients to access another property to gain access to the salon facility which would (it is considered given the high boundary fences) totally mitigate any amenity issues.

11. It is proposed as government circular advises that a condition be attached to a consent setting out the requirements of access to the salon in order to provide clarity in this respect. It is not considered that it would be reasonable to refuse the application given the power invoked by the imposition of planning conditions to address matters which would otherwise justify the refusal of an application. In the event of the breach of this condition enforcement powers exist to rectify the situation. It is not considered that there is a need to control the hours of use by way of condition as given the scale of the use together with the degree of self- containment of the site and its means of access, it is not considered that the use would give rise to any outward material impacts.
Highway Impacts.

12. The use would generate one car movement per client should clients visit the site by car which is likely. The use in real terms would not generate movements which are significant in highway safety terms (such that based on the local road conditions and taking into account the type of road which serves the site coupled with the speed of traffic along that road as has been observed) that the use justifies a dedicated off road parking space for visitors. There is room for a car to park in front of the property whilst this arrangement would not be any different from the prevailing circumstances of on street parking at the close. Essex Highway has indicated that it has no objection / comment.

Rochford Parish Council response

13. The response is noted. The issue of utilities is not a material planning consideration whilst there is no waste being produced by the business other than hair clippings which does not affect the determining authority’s assessment of the application or its conclusions.

Representations:

14. ROCHFORD PARISH COUNCIL - Members note that that this is a retrospective application and the work was completed in July 2018. There is no indication of utility services in the log cabin, nor an indication of sewer provision for wastewater which due to the location of the property may discharge onto the wildlife area. In view of several ambiguities in the application form, particularly regarding disposal and storage of hazardous substances, it is recommended that RDC Officer/Members are requested to carry out at site visit.

15. ESSEX HIGHWAY: No objection.

16. ROCHFORD DISTRICT COUNCIL ENVIRONMENTAL HEALTH: No adverse comments.

17. The applicant is advised of the potential for disturbance by way of noise from the proposed activities (e.g. voices, music and use of hair clippers/dryers) and should be mindful of this in the construction and operation of the facility. Environmental Health has no adverse comments in respect of this application subject to the Standard Informative SI16 (Control of Nuisances) being attached to any consent granted.

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ambiguities in the application form, particularly regarding disposal and storage of hazardous substances, it is recommended that RDC Officer/Members are requested to carry out at site visit.

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APPROVE

1 From the date of the grant of planning permission and at all times thereafter all visiting clients shall gain access to the site via 17 Doggetts Close and shall at no time gain access to the facility via the side and rear aspect of Number 19 Doggetts Close.

Relevant Development Plan Policies and Proposals:

The local Ward Member(s) for the above application are Cllr S Wootton Cllr G J Ioannou Cllr Mrs L Shaw

Application No : 19/00467/FUL Zoning : Residential
Case Officer : Ms Katie Ellis
Parish : Hockley Parish Council
Ward : Hockley
Location : 26 Southend Road Hockley SS5 4QH
Proposal : Subdivide plot and construct two four bedroome detached houses to front of Evelyn Road

SITE AND PROPOSAL

1. The application site is a rectangular plot and currently forms part of the residential curtilage for No.26 Southend Road. The application dwelling is a end of terrace, two-storey dwelling. The area surrounding the site is residential in character and the street scene comprises detached two-storey dwellings, bungalows and chalet-style dwellings eclectic in style and design.

Proposal
2. Planning permission is being sought to sub-divide the plot and erect two, four-bed detached, two storey dwellings at the rear of No. 26 Southend Road, form vehicular access onto Evelyn Road and lay out two car parking spaces per dwelling and private amenity space. The parcel of land forms part of the residential curtilage for No.26 Southend Road.

3. Whilst the application site address refers to Southend Road, the dwellings proposed would front Evelyn Road. The dwellings would appear mirrored.

Property No.3

4. The dwelling proposed would measure 7.2m wide, 13.6m deep with an overall ridge height of 7.9m. A 176.16m² of floor area is proposed to be created.

Property No.5

5. The dwelling proposed would measure 7.2m wide, 13.6m deep with an overall ridge height of 7.9m. A 152.94m² of floor area is proposed to be created. The dwelling proposed would have ‘L’ shaped layout at ground floor and rectangular layout at first floor level. There would be an area of overhanging at the rear.

Planning History

6. No planning history

Assessment

Principle of development

7. The application property lies within the existing residential area where there are no specific allocation polices. The main considerations are whether the development has an impact on the character and appearance of the area, the neighbouring occupiers and highway safety.

8. The National Planning Policy Framework (NPPF) encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area’s prevailing character and setting (including residential gardens). Additionally, the NPPF sets out the requirement that housing applications should be considered in the context of the presumption of sustainable development but advises that there are likely to be circumstances where development of residential gardens will be inappropriate and should be resisted (para.70). Good design is a key aspect of sustainable development and is indivisible
from good planning and proposals should contribute positively to making places better for people (para. 124).

9. The NPPF also advises that planning decisions for proposed housing development should ensure that developments do not undermine quality of life and are visually attractive with appropriate landscaping and requires that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions (para. 130).

10. Policy H1 of the Core Strategy states that in order to protect the character of existing settlements the Council will resist the intensification of smaller sites within residential areas. Although limited infill will be considered acceptable, it will have to relate well to the street pattern, density and character of the locality. The SPD (SPD2) for housing design states that for infill development, plots should ordinarily be a minimum 9.25 metres wide, and that there should be a minimum distance of 1 metre between habitable rooms and the plot boundary.

11. Policy CP1 of the Core Strategy and Policy DM1 of the Development Management Plan both seek to promote high quality design in new developments that would promote the character of the locality and enhance the local identity of the area. Policy DM3 of the Development Management Plan seeks demonstration that infill development positively addresses the existing street pattern and density of locality and whether the number and types of dwellings are appropriate to the locality.

12. Whilst the principle of development is not objected to, the main issues and acceptability of the development are the material considerations explored below.

Impact upon the character and appearance of the area

13. The application site forms part of the residential curtilage for No.26 Southend Road, albeit the proposed dwellings would front Evelyn Road. The site is currently occupied by a dilapidated outbuilding. Evelyn Road is a cul-de-sac and has a linear layout. The proposed dwellings would follow the existing building line along Evelyn Road.

14. Proposed property No.3 would not achieve a 9.2m plot width and both properties No.3 and 5 would not be able to achieve a 1m separation distance between the dwellings proposed and the flank boundaries contrary to the Council's Supplementary Planning Document 2 - Housing Design.

15. The scale and bulk of the proposed dwellings would be situated on plots that are tightly knit and are substantially smaller than the adjoining
plots within Evelyn Road. The proposed layout and setting do not have a relationship with the surrounding area, being sited close to both the eastern and western flank boundaries. In this context it would be likely to result in an incongruous and cramped form of development out of character with and detrimental to the character and appearance of the site and the surrounding area. The scale, bulk and layout of the dwellings proposed do not successfully reference the prevailing character of the area appearing out of keeping, to the detriment of the surrounding streetscene, contrary to Policy CP1 of the Core Strategy, policies DM1 and DM3 of the Development Management Plan and the NPPF.

Impact upon neighbouring amenity

16. There would be an overall 11.8m distance between the proposed flank elevation of the property No.3 and the rear elevation of No.5 Great Eastern Road (No.5). With regard to outlook, given close proximity to No.5 and the height of the two-storey proposed dwelling and the expanse of a deep wall along their rear boundary, the proposed development would have an overbearing effect on outlook particularly when viewed from the rear garden of No.5.

17. The floor plans submitted show there are two windows that would serve bathrooms and a window serving a stairwell at first floor level would exist in the flank elevations in each dwelling. In the circumstances, a condition obscure glazing the windows in the flank elevation has been recommended to mitigate against the potential of overlooking.

18. It is considered there is sufficient distance between the proposed dwelling and the properties to the south (No.26, 28 and 30 Southend Road) and west (No.7 Evelyn Road) not to have a significant overbearing impact upon the neighbouring occupiers or overlook their private amenity space and conforms to the 45o code, from adjacent ground floor, habitable windows.

19. The proposed development is considered to have an overbearing impact upon No.5 Great Eastern Road contrary to DM1 and DM3 of the Development Management Plan.

Living conditions for future occupiers

Garden Sizes

20. The NPPF seeks that the creation of places are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

21. The SPD2 requires a minimum 100m2 garden areas for all new dwellings. Property No.3 would provide a rear private amenity space of 117m2 which meets this requirement and property No.5 would provide
a rear private amenity space of 77m2. The garden area proposed for property No.5 does not satisfy the outdoor requirements set out in the SPD2.

22. It is considered that the proposal does not provide any meaningful private amenity space for future occupants of property No.5. Given that the dwelling proposed would have four bedrooms, it is likely that this dwelling would be occupied by families whose health and wellbeing would be likely to be impaired by a lack of adequate outdoor amenity space.

23. The proposed development would result in unsatisfactory living conditions for future occupants of property No.5 with regard to amenity space provision as it does not satisfy the outdoor requirements set out in the SPD2 - Housing Design and DM3 of the Development Management Plan.

Sustainability

24. The Ministerial Statement of the 25th March 2015 announced changes to the government’s policy relating to technical housing standards. The changes sought to rationalise the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building Regulations on water and access, and a new national space standard.

25. Rochford District Council has existing policies relating to all of the above, namely access (Policy H6 of the Core Strategy), internal space (Policy DM4 of the Development Management Plan) and water efficiency (Policy ENV9 of the Core Strategy) and can therefore require compliance with the new national technical standards, as advised by the Ministerial Statement.

26. Until such a time as existing Policy DM4 is revised, this policy must be applied in light of the Ministerial Statement. All new dwellings are therefore required to comply with the new national space standard as set out in the DCLG Technical housing standards - nationally described space standard March 2015.

27. The proposed dwelling would be for two, four-bed properties. A four-bedroom, eight-person dwelling would require a minimum Gross Internal Area of 124 square metres with 3 square metres of built-in storage. Property No.3 would have a GIA of some 176 square metres including space to accommodate some 3 square metres of built-in storage. Property No.5 would have a GIA of some 152 square metres including space to accommodate some 3 square metres of built-in storage. The proposed dwellings would meet the national space standard.

28. Until such a time as existing Policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a
new technical housing standard relating to water efficiency. Consequently, all new dwellings are required to comply with the national water efficiency standard as set out in part G of the Building Regulations (2010) as amended. A condition is recommended to ensure compliance with this Building Regulation requirement.

29. In light of the Ministerial Statement which advises that planning permissions should not be granted subject to any technical housing standards other than those relating to internal space, water efficiency and access, the requirement in Policy ENV9 that a specific Code for Sustainable Homes level be achieved and the requirement in Policy H6 that the Lifetime Homes standard be met are now no longer sought.

Impact upon highway safety

30. The proposal would result in two, four-bedroom dwellings. The Parking Standard SPD requires 2 spaces per dwelling. The site would provide a hard standing to the front of each property that has the potential to accommodate two vehicles within the sizing measurements of the SPD. The existing parking layout for No.26 Southend Road would not be altered through the proposed development. It is not considered that the proposed development would be to the detriment of highway safety or the free flow of traffic and it is therefore considered to comply with EPOA Parking Standards and policy DM30 of the Development Management Plan.

Ecology and Trees

31. There are established trees located on the site; these are not however subject to Tree Preservation Order. No tree survey has been provided with the application. A site observation together with google images indicates that trees and hedgerow to the rear boundary that would be removed from the site to accommodate the dwellings.

32. Policy DM25 looks to seek to conserve existing trees and hedgerows. The trees and hedgerow that would have to be removed to facilitate the development have an amenity value to the site but given their position within an enclosed residential curtilage do not have a high public amenity value and therefore no objections are raised.

33. No ecological surveys have been provided with this application however, the habitat would not appear to be suitable for protected species given that the site is situated within a built up urban area.

Representations:

34. ECC HIGHWAYS - No objection raised subject to conditions relating to the following: -
The vehicular access as shown on planning drawing SR/NAK/01 Rev A. shall be constructed at right angles to the highway boundary and to the existing carriageway;

- The provision of two on-site vehicular parking spaces per dwelling;
- There shall be no discharge of surface water from the development onto the Highway;
- No unbound material shall be used in the surface treatment of the car parking areas;
- All loading/unloading/reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken within the application site, clear of the public highway; and
- Residential Travel Information Pack to be provided by the developer.

35. **NEIGHBOUR** - Two letters have been received from the following addresses: -

36. No. 3 and 5 Great Eastern Road

37. As we live in close proximity to the proposed planning application, we wish to make our objections.

38. Sadly, no sooner we fought one planning application proposal (22-24 Southend Road 18/00448/FUL), we find ourselves objecting once again.

39. The rear garden of 26 Southend Road which is the proposed site used to be (for many years), overgrown with mature trees which provided rear garden privacy for residents of 1, 3 and 5 Great Eastern Road. That sadly has been lost as the site has already been completely cleared.

40. We feel the plans for two, four bedroom houses are over-developed for the size of the plot, with the height and proximity of the boundary from ours to the proposed property of Number 3, Evelyn Road being a major concern. Equally, the loss of rear garden light and privacy once again is alarming.

41. When you consider the potential works involved of these two properties, there are factors which all too often are overlooked by the developers that impact on nearby residents. Evelyn Road is a quiet cul-de-sac and noise pollution combined with construction vehicles coming and going is high on the list.

42. Also, we want to highlight the issue of parked cars. If these two properties were to go ahead, is there enough space for off-street parking and where would friends/relatives park when visiting?
43. Again, Evelyn Road is narrow and can only accommodate vehicles on one side of it and the nearest alternative is Great Eastern Road that is hazardous to park on due to the high volume of traffic using it as a cut through instead of Spa Road.

44. The boundary between the site and numbers 3 and 5 Great Eastern Rd are not as shown on the site plan. The developer needs to survey the boundary and make the necessary adjustments and have the Land Registry entries altered to reflect the same.

REFUSE

1 The proposed dwellings by virtue of their layout and setting would create building plots and dwellings which do not successfully reference the prevailing character of the area, is out of keeping with the established pattern of development and detrimental to the character and appearance of the site and the surrounding area. It is therefore, considered to be contrary to policy CP1 of the Core Strategy, policies DM1 and DM3 of the Development Management Plan and the NPPF.

2 The proposed development by virtue of property No.3 being sited in close proximity to No.5 Great Eastern Road (No.5) would have an overbearing effect on outlook particularly when viewed from the rear garden of No.5 contrary to policies DM1 and DM3 of the Development Management Plan.

3 The proposed development would result in unsatisfactory living conditions for future occupants of property No.5 with regard to amenity space provision as it does not satisfy the outdoor requirements set out in the SPD2 - Housing Design and therefore, contrary to policy DM3 of the Development Management Plan.

Relevant Development Plan Policies and Proposals:

National Planning Policy Framework 2019

Core Strategy 2011 - CP1, H1, H6, ENV9


Parking Standards Design and Good Practice (2010)

The local Ward Member(s) for the above application are Cllr A H Eves Cllr B T Hazlewood Cllr K H Hudson
Site and Proposal

The Site

1. The property is a Grade II listed building built in 1869 as the district Court House currently in use as a Masonic Hall. The building is located to the west aspect of South Street a short distance south of the square at Rochford Town Centre. The listing description describes the site as

2. ROCHFORD SOUTH STREET TQ 8790 SE (west side) 16/239 No. 24 (Masonic Hall) GV II Formerly the Court House, now a Masonic Hall. Circa 1859 or 1869. Built for £3,000. Gault and black bricks. Hipped grey slate roof. End and central chimney stacks. 2 storeys. Of 5 bays, the end bays break forward. Eaves cornice with 2 dentilled and moulded bands, band of black brick crosses below with moulded and dentilled soffit. 1:3:1 window range of vertically sliding sashes with side margins to first floor, stepped and raised gauged arches, recessed panels between windows, aprons to windows and panels. Central band, that to the 3 centre bays of stucco with the centre breaking forward and supported by 2 moulded brackets. Ground floor with 8 bands, lugged round headed arches with keystones to windows and right doorway, right and left keystones stepped. Aprons to windows. Step approach to panelled double doors, semi-circular fanlight over.

The Proposal

3. The application seeks consent for the installation of air conditioning units which would be attached onto the outer elevation of that part of the building which is located to the rear aspect of the section which fronts the highway such that the installation would not be visible from the street. The proposed units to be installed are the “Daiken Siesta” manufacturer’s details state dimensions of 550 x 658 x 275mm which are to be secured to the outer wall by means of supporting brackets.

4. The submitted Heritage Statement indicates that the addition of the air conditioning units is for the comfort and gain of the users of the building. Meetings are held multiple times a week throughout the year and the building can become quickly uncomfortable due to amount of
people who attend. The addition of these units will allow the
temperature of the building to be kept cool which will also help with the
upkeep and preservation of the structure.

5. The application is submitted in conjunction with a separate application
for listed building consent under application reference 19/00485/LBC
relating to the same works.
6. SITE HISTORY

01/00035/FUL: Demolition of Existing Store and Erection of Rear Kitchen Extension, Provision of Extraction Flue and Railings at Front: Consent issued 5.04.2001

01/00037/LBC: Demolition of existing Store and Erection of Rear Kitchen Extension, Provision of extraction Flue and Railings at Front. Consent issued:

05/00824/LBC: Install Access Ramp and Replacement Doors, Install New Windows, Block up Existing Door and Internal Alterations: Consent Issued 16.12.2005

06/00565/LBC: Replace 4 x Wooden 2nd Floor Windows on Rear Elevation. Timber Frames and Sash to be Constructed from Hardwood: Consent issued: 11/08/2006

07/00429/LBC: Install New External Fire Exit Door in Existing Window Position and Relocate Internal Store Door Opening REF: Application Refused 20.07.2007

10/00328/LBC Replace Roof Covering: Consent issued 6.08.2010

6/00317/LBC installation of Two Wall Mounted Heat Pumps Internally and 2 Two Condenser Units Externally. Application Returned

86/00446/FUL: Addition of two storey rear extension. Consent issued 5.09.1986

86/00462/LBC REMOVAL OF FIRST FLOOR REAR EXTENSION PER - Application Permitted 5.09.1986

MATERIAL PLANNING CONSIDERATIONS

7. Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a statutory responsibility on planning authorities to determine planning applications in accordance with the provisions of the Development Plan unless material planning considerations indicate otherwise.

8. A key strand of legislation is that of the provisions and guidance set out by the Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out the consideration (when assessing an application for planning permission or listed building consent) of the desirability of preserving, on the grounds of its architectural or historic interest, any feature of the building consisting of a man-made object or structure fixed to the building or forming part of the land and comprised within the curtilage of the building. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly
unchanged. This obligation found in sections 16 and 66 of the 'Act' applies to all decisions concerning listed buildings. The relevant considerations are Sections 66 and 72 of the 1990 Act which in itself does not require the preservation of listed buildings or conservation areas per se, but rather it places a statutory duty on decision makers to ensure that their special interest is properly taken into account as material considerations when determining applications affecting their special interest, or the setting of listed buildings.

9. In addition the National Planning Policy Framework (February 2019) sets out the 'planning' context relating to 'conserving and enhancing the historic environment' which is covered by Chapter 16. The NPPF advice sets out that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the assets assessed using appropriate expertise where necessary.

10. It also indicates that local planning authorities should identify and assess the significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

11. In determining applications, local planning authorities should take account of:

   a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
   b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
   c) the desirability of new development making a positive contribution to local character and distinctiveness.

12. The advice sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
13. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

14. The application expresses the view that this minor aesthetical change does not detract from the overall visual qualities and elements of the listed building and concludes that the proposal would not have any adverse effect on the application site and surrounding conservation area.

15. In considering the works undertaken against the key considerations it is considered that Despite the fact that the units will not be visible from the street or within the wider conservation area their internal siting is inappropriate and detracts from the aesthetic value and architectural interest of the principal ornate room in the building. The room they are proposed to be sited in is considered to be of importance, not only in its current use but also in appreciating the building’s original purpose as a court house. The proposed units will detract from the original ornate decorative scheme in this room which is largely intact. It is considered that the proposal would cause harm which in term of the degree of harm is considered to cause less than substantial harm to a designated heritage asset which on the basis of the advice of paragraph 193 and 196 of the National planning Policy Framework conflicts with national planning policy advice.

16. Although this is a planning application the fact that the building is listed constitutes an overriding material consideration which entails that the policy and specific considerations are no different to those which are considered under the separate listed building consent application. It is considered that the proposal would cause harm which in term of the degree of harm is considered to cause less than substantial harm to a designated heritage asset which on the basis of the advice of paragraph 193 and 196 of the National planning Policy Framework conflicts with national planning policy advice.

REFUSE

1 It is considered that the internal siting of the units is inappropriate and detracts from the aesthetic value and architectural interest of the principal ornate room in the building. The room they are proposed to be sited in is considered to be of importance, not only in its current use but also in appreciating the building’s original purpose as a court house. The proposed units will detract from the original ornate decorative scheme in this room which is largely intact. It is considered that the proposal would cause harm which in term of the degree of harm is considered to cause less than substantial harm to a designated heritage asset which on the basis of the advice of paragraph 193 and 196 of the National planning Policy Framework (February 2019) Conserving and Enhancing the Historic Environment. conflicts with
relevant development plan policies and proposals:


the local ward member(s) for the above application are Cllr M J Lucas-Gill Cllr M J Steptoe Cllr A L Williams

Application No : 19/00485/LBC Zoning : Town Centre, Conservation Area

Case Officer : Mr Arwel Evans
Parish : Rochford Parish Council
Ward : Roche South
Location : 24 South Street Rochford SS4 1BQ
Proposal : Proposed installation of 2no air conditioning units

site and proposal

1. The property is a grade II listed building built in 1869 as the district Court House currently in use as a Masonic Hall. The building is located to the west aspect of South Street a short distance south of the square at Rochford Town Centre. The listing description describes the site as

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4. The submitted Heritage Statement indicates that the addition of the air conditioning units is for the comfort and gain of the users of the building. Meetings are held multiple times a week throughout the year and the building can become quickly uncomfortable due to amount of people who attend. The addition of these units will allow the temperature of the building to be kept cool which will also help with the upkeep and preservation of the structure.

5. The application is submitted in conjunction with a separate planning application reference 19/00484/FUL in respect of planning permission for the same development.

6. SITE HISTORY

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01/00037/LBC: Demolition of existing Store and Erection of Rear Kitchen Extension, Provision of extraction Flue and Railings at Front. Consent issued:

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c) the desirability of new development making a positive contribution to local character and distinctiveness.

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Relevant Development Plan Policies and Proposals:


The local Ward Member(s) for the above application are Cllr M J Lucas-Gill Cllr M J Steptoe Cllr A L Williams