



PLANNING APPLICATIONS WEEKLY LIST NO.1737
Week Ending 6th December 2024

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 19/12/2024
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **11th December 2024** this needs to include the application number, address and the planning reasons for the referral via email to the PBC Technical Support team pbctechnicalsupport@rochford.gov.uk .If an application is referred close to the 1.00pm deadline it may be prudent for a Member to telephone PBC Technical Support to ensure that the referral has been received prior to the deadline.
- (iii) Any request for further information regarding applications must be sent to Corporate Services 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 Emma Goodings Director of Place. A planning officer will then set out these planning reasons in the report to the Committee.

Index of planning applications: -

- 1. 24/00724/FUL - 4 Central Avenue Ashingdon pages 2 – 7
- 2. 24/00616/FUL - Land Between Merryfields And Edgewood Lark Hill Road Canewdon pages 8 - 10

Application No :	24/00724/FUL Zoning : Residential
Case Officer	Mr Thomas Byford
Parish :	Hawkwell Parish Council
Ward :	Hawkwell East
Location :	4 Central Avenue Ashingdon Essex
Proposal :	Variation of condition 6 (landscaping details) pursuant to planning permission reference 14/00645/FUL (Demolish Semi-Detached Bungalow and Construct One Detached Four Bedroomed Chalet).

SITE AND PROPOSAL

1. This application relates to 4 Central Avenue Ashingdon in which planning consent was granted on 30 October 2014 for the demolition of a semi-detached bungalow and the construction of a detached four-bedroom chalet.
2. The applicant wishes to vary condition 6 from consent reference: 14/00645/FUL (under Section 73 of the Town and Country Planning Act 1990) which reads as follows:

6. No development shall commence, before plans and particulars showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted, have been 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, including cultivation and other operations associated with plant and grass establishment;
- Paved or otherwise hard surfaced areas;
- 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 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 developers(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 planning season following removal.

REASON: To enable the Local Planning Authority to retain adequate control over the landscaping of the site, in the interests of amenity.

3. The applicant has stated within the submitted application form that the condition is sought to be varied so that the fencing can be rearranged to match with land registry documents.
4. The Council has evidence to demonstrate that condition 6 from consent 14/00645/FUL has not been complied with. The existing boundary layout does not confirm with the approved boundary layout shown on the approved plan referenced 1814.04 submitted in the discharge of condition 6 of planning permission granted under reference 14/00645/FUL. The Council has taken steps to negotiate with the site owner directly to reinstate the permitted boundary layout. This however has been unsuccessful.
5. It appears as though towards the front of the site, the boundary treatment shown on the approved plan was not installed, and instead, the fence line for No 4 was installed further east.

RELEVANT PLANNING HISTORY

6. Application No. 14/00645/FUL - Demolish Semi-Detached Bungalow and Construct One Detached Four Bedroomed Chalet – Permitted.

MATERIAL PLANNING 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 (2011), the Allocations Plan (2014) and the Development Management Plan (2014).
9. The main consideration with the submission of this application, is whether the proposed boundary treatment, comprising a kink in the fence to the east is acceptable in planning terms. It is noted that this land has been included within the red line site and therefore it is understood it is within the ownership of No 4.

Impact on Character

10. It is not considered that the installed boundary treatment has a significant impact on character compared to what was approved under application 14/00645/FUL. The Council's Supplementary Planning Document 2 (SPD2) does provide guidance on the separation between new dwellings which should retain at least 1m to the boundary, however the installed boundary treatment does not affect the placement of the dwellinghouses and therefore this does not lead to the coalescence of dwellings which could impact character.
11. It is not considered that there is any conflict with local or national policy or guidance and in planning terms, the boundary arrangement as shown in the proposed plan, would be considered acceptable.

Impact on Residential Amenity

12. Paragraph 135 (a) of the National Planning Policy Framework (NPPF) states that decisions should ensure that developments '...function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.'
13. The proposal does not significantly impact the functioning of the adjacent neighbour No 2, taking into account that the dwelling has rear access to the garden to the east of the existing dwellinghouse. It is therefore considered that if the proposed plan would have been submitted as that under application 14/00645/FUL, this would have likely been found acceptable. In planning terms, it is not considered that the proposed boundary fencing creates overlooking, overshadowing or creates an overbearing effect on the neighbour at No. 2. No. 4 and No. 2 continue to have a relationship in which both have rear access and function in an acceptable manner.

Landscaping

14. Although not mentioned within the application form or other correspondence, it is noted that the landscaping scheme discharged as per condition 6 from 14/00645/FUL is not what is currently planted on the site. Although this has been diluted down somewhat from what was agreed during the discharge of condition 6. This however was understood to have been agreed in 2014 and therefore with the condition only including maintenance and retention for a period of 5 years of planting, it is not considered that this would still be a matter for consideration and that the owner of the site would be able to likely alter this as they see fit as well as the driveway under permitted development rights. Although it is unknown when exactly this occurred, the owner could today have altered the approved landscaping to this current arrangement considering this was approved in 2014. The landscaping therefore on the site is considered acceptable.

Highway Impacts

15. Although it is acknowledged that the driveway has been altered from the approved scheme 14/00645/FUL, the hardstanding has not decreased in area of functionality and therefore has not impacted highway safety. The Highway Authority have been consulted on the scheme and had commented that they have no objections to the proposal, however the original permission did not include a second vehicle access, which has been installed. It is stated that this appears to have been constructed and been in use for some time. It is recommended that this is formalised with the Highway Authority. The proposal however does not have a detrimental impact on highway safety and therefore is compliant with Policies DM1 and DM30 of the Rochford Council Development Management Plan.

Biodiversity Net Gain

16. Biodiversity Net Gain (BNG) is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity. A minimum 10 percent BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021 for most development. Applications for variations of condition are exempt from BNG as long as they meet the transitional arrangements set out in the Planning Practice Guidance. This application would be exempt.

Equalities and Diversity Implications

17. The Public Sector Equality Duty applies to the Council when it makes a decision. The duty requires us to have regard to the need:
 - To eliminate unlawful discrimination, harassment, and victimisation.
 - To advance equality of opportunity between people who share a protected characteristic and those who do not.
 - To foster good relations between those who share a protected characteristic and those who do not.
18. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.
19. Taking account of the nature of the proposed development and representations received, it is considered that the proposed development would not result in any impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

CONCLUSION

20. Considering condition 6 only requires retention for 5 years after planting, it is not considered that this condition as well as other conditions such as those relating to materials are still necessary on any granting of planning permission. The location of boundary treatments are secured under the condition which refers to the new plans.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Hawkwell Parish Council: No objection.

Essex County Council Highway Authority: No objection.

Neighbour representations:

One response has been received from the following addresses;

2 Central Avenue

The comments are as below:

'Measurements and plans are wrong. Layout past the boundary. Fence to suit correct plans'

Relevant Development Plan Policies:

National Planning Policy Framework (December 2023).

Core Strategy Adopted Version (December 2011).

Development Management Plan (December 2014).

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

Supplementary Planning Document 2 (January 2007) – Housing Design.

The Essex Design Guide (2018).

RECOMMENDATION: APPROVE

Conditions:

- 1 The development hereby permitted shall begin before 30th October 2017.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development shall only be undertaken in accordance with the following approved plans: 2024/10/4CA Sheets 1 – 4 dated 10/24

REASON: For the avoidance of doubt and to ensure that the development is completed out in accordance with the details considered as part of the planning application.

- 3 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 ground and first floor western elevation windows shall be glazed in obscure glass and shall be of a design not capable or being opened below a height of 1.7m above finished floor level. Thereafter, the said windows shall be retained and maintained in the approved form.

REASON: To enable the Local Planning Authority to retain adequate control over such details, in the interests of residential amenity and privacy of No 6 Central Avenue.

- 4 Two parking spaces shall be provided on the site measuring 2.9m by 5.5m each. The hard surface shall be porous material or provision made to direct surface run-off water from the hard surface to a permeable or porous area or surface within the site. Once implemented, this hard surface shall be permanently retained.

REASON: To ensure adequate space for parking off the highway is provided and retained in the interest of highway safety.

- 5 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety.

The local Ward Members for the above application are Cllr. Mike Webb, Cllr. Mrs. D. P. Squires-Coleman and Cllr. E. O. Mason.

Application No :	24/00616/FUL Zoning : Metropolitan Green Belt
Case Officer	Mr. John Harrison
Parish :	Canewdon Parish Council
Ward :	Roche North And Rural
Location :	Land Between "Merryfields" And "Edgewood" Lark Hill Road, Canewdon.
Proposal :	Construction of outbuilding (shed) for storage of gardening tools used to maintain the land at the site (retrospective).

SITE AND PROPOSAL

1. The application site is a vacant wooded plot within a ribbon of development on the south side of Lark Hill Road. It is approximately 50 metres wide and 154 metres deep. The properties on either side are bungalows in extensive plots, Merryfields to the east and Edgewood to the west. The land behind the site and on the opposite side of the road is open agricultural land
2. The application is a retrospective one to retain a wooden shed, 1.8 metres x 2.5 metres, 1.8 metres high. It is set back 24 metres from the site frontage. The shed is being used to store tools to facilitate the maintenance of the site.

RELEVANT PLANNING HISTORY

3. None.

MATERIAL PLANNING CONSIDERATIONS

4. 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.
5. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).

Green Belt considerations

6. The site is located within the Metropolitan Green Belt. Whilst the National Planning Policy Framework (NPPF) specifies certain categories of development which are considered appropriate development in the Green Belt, this proposal does not fall within any of

the categories. It is therefore considered inappropriate development and it can only be justified by very special circumstances. It is understood the applicant inherited this land. Initially they stored their tools in the open on the site. That made them prone to rust, so they build this shed, not realising they required planning permission. They live in a flat, so it is not practicable to store the tools in their home.

7. Whilst this shed is small, set back well within the site and relatively well hidden by trees, it is not considered this screening constitutes very special circumstances which would justify approval contrary to Green Belt policy. These circumstances could be repeated too often with consequent erosion of the Green Belt. Whilst it is reasonable to conclude that it is likely to be impractical to store tools in a flat, it would seem possible for the applicant to rent a self-store unit to keep them. The proposal does erode the open character of the Green Belt and would set an undesirable precedent for similar developments. It is therefore considered contrary to the provisions of the NPPF and policy GB1 of the Council's Core Strategy.

Other Issues

8. Whilst the shed does harm the open character of the Green Belt, it is not considered to significantly affect the area's character in other ways because of its small size and limited visibility. Because of its small size it does not affect neighbours significantly. As this is a retrospective application, the 10% biodiversity net gain requirements under the Environment Act 2021 does not apply.

EQUALITIES AND DIVERSITY IMPLICATIONS

9. The Public Sector Equality Duty applies to the Council when it makes a decision. The duty requires us to have regard to the need:
 - To eliminate unlawful discrimination, harassment, and victimisation.
 - To advance equality of opportunity between people who share a protected characteristic and those who do not.
 - To foster good relations between those who share a protected characteristic and those who do not.
10. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.
11. Taking account of the nature of the proposed development and representations received, it considered that the proposed development

would not result in any impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

CONCLUSION

12. Though this shed is small and inconspicuous, its erection is in breach of Green Belt policy and it is not considered it can be justified by very special circumstances. Furthermore, if allowed it would set a precedent for similar developments eroding the open character of the Green Belt. Thus, refusal is recommended.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Canewdon Parish Council: No comments received

Neighbour representations:

One response has been received from the following address;

Lark Hill Road: "Merryfields"

And which in the main makes the following comments and objections:

- believes applicant's desire is to develop the land, the site should not be developed in a small way which leads to larger development later especially at loss of trees, cost to wildlife and causing land heave.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2023).

Core Strategy Adopted Version (December 2011) – CP1, GB1.

RECOMMENDATION: REFUSE

For the following reason:

The proposal is considered inappropriate development in the Metropolitan Green Belt contrary to the provisions of the National Planning Policy Framework and policy GB1 of the Council's Local Development Framework Core Strategy and it is not considered justified by very special circumstances. If allowed the proposal would contribute to the further erosion of the open character and piecemeal urbanisation of the Green Belt and would set an undesirable precedent for similar development further eroding the open character of the Green Belt.

The local Ward Members for the above application are Cllr. S. Wootton, Cllr. Phil Shaw and Cllr. Mrs. L. Shaw.