

Relevant Development Plan Policies and Proposals:

HP6, SPD2, SPD5, of the Rochford District Council Adopted Replacement Local Plan

The local Ward Member(s) for the above application is/are Cllr. C.I. Black
Cllr.R.A. Oatham

Application No : 10/00323/COU Zoning : Metropolitan Green Belt
Parish : Hockley Parish Council
Ward : Hockley West
Location : Land Rear Of Oakfield St Peters Road Hockley
Proposal : Change of use of former residential curtilage to public
open space (revised application following
10/00052/COU)

NOTES

Planning permission is sought to change the use of former residential curtilage to public open space at a site known as 'Land rear of Oakfield, St Peters Road, Hockley'.

This application is a re-submission of a similar proposal which was refused planning consent in March 2010 for the following reasons;

1. The application is accompanied by insufficient information to explain the nature of the intended use of the site by the public and consequently the Local Planning Authority cannot make a considered assessment of the impact that the proposed change of use would have on the residential amenity, on the character and appearance of the countryside and Green Belt and on the features of the site that have important nature conservation value contrary to Planning Policy Guidance 2; Green Belts and Policy NR 8, Policy LT 1 and part (ii) of Policy LT5 of the Local Plan.
2. The application is not accompanied by any information relating to and explaining how the sites long term maintenance would be achieved, contrary to part (iv) of Policy LT5 of the Local Plan.
3. The ecological information submitted with the application and level of detail submitted with regard to the intended nature of the public open space use proposed is considered to be inadequate to enable the Local Planning Authority to ascertain that the proposed use of the site would not have an adverse impact on biodiversity and protected species at the site, contrary to Policy LT 1 of the Local Plan.

The applicant has attempted to overcome the reasons for refusal of the previous scheme.

The application site is the same area of land as in the previous application; an irregularly shaped area of land of approximately 0.4 hectares, located between the rear garden boundaries of several properties on St Peters Road to the south and the site of Grangefield Nursery to the northeast with a public footpath running directly along the entire length of the north-eastern boundary of the site.

The current application is accompanied by a supporting statement in which the nature of the proposed use of the site is explained in more detail than was provided with the previous application.

The intention is for the character and appearance of the application site to remain largely unchanged save for the creation of a mown footpath through the site for use by walkers who it is anticipated would be those walkers already using the public footpath to the northern site boundary as no formal advertising of the site would take place other than a sign at the pedestrian entrance to the site which would be via one small timber gate sited at a point along the northern boundary.

The supporting document states that the site would be maintained by Hockley Parish Council in perpetuity with the site added to its existing maintenance schedule.

Details of the proposed gate have been submitted which show a timber gate of simple design which would be approximately 1 metre in height and 1.4 metres in width, suitable only therefore as a pedestrian access. There is no vehicular access proposed to the site. The design and proposed position of the gate is considered acceptable in this rural location.

It is considered that the proposal for a mown footpath and single pedestrian point of entry to the site would not encourage the public using the site to roam around the whole site but would rather encourage pedestrians to keep to only certain areas of the site. The proposal would not introduce any hard surfaces to the site, save for the proposed timber footpath edging which would ensure that the site retains its natural character and appearance. It is considered that the proposed change of use would not significantly alter the existing character and appearance but would open up pedestrian access to this woodland area which would enhance the footpath network in the area.

As no artefacts including benches are proposed, it is unlikely that the use of the site would encourage congregations of people but rather only walkers who would pass through.

The proposal would not result in any loss of openness of the Green Belt or any harmful impact on the character and appearance of the Green Belt or on the nature conservation value of the site.

The Council's ecological advisor has confirmed that given the nature of the proposed use of the site and that the only works to the site necessary to facilitate the proposed use for walkers would be the creation of a mown footpath, the proposal would be unlikely to adversely affect any biodiversity and protected species at the site.

The parking standard does not cover the use of land as public open space. Given the nature of the proposed use and the proximity of the site to a public footpath network and residential settlement, it is considered that the use would be unlikely to generate the need for car parking and therefore the provision of on-site car parking is not considered necessary.

Overall, it is considered that the revised proposal is acceptable and that there is no material planning reason to refuse consent.

County Surveyor (Highways): No comments received but comment received on previous application stated de-minimis

Essex Wildlife Trust: No comments received

- Recommends that a protected species assessment should be conducted before planning permission is granted. Even in a case such as this involving conversion to public open space, new access routes may cause disturbance to protected species. The ecological impact assessment should have included a short protected species assessment along with the Phase 1 survey.
- We also recommend that you read our standing advice, which provides information on when it is reasonable to request ecological survey information from applicants:

Rochford District Council (Ecology): No objection

The proposed management is not considered likely to result in an adverse ecological impact and so I have no objection to the consent being granted.

Rochford District Council (Arboriculture):

- I agree with the management proposed in the arboricultural report
- Neighbours:
- Petition signed by occupants of 7 residential properties on St Peters Road; Peveril, Normandy, The Oaks, Melford Place, Hornbeams, Hawthorns, Woodlands;
- Objection to the encouragement of unmanaged visitors onto the land which is considered not to be in the best interests of the locality and the neighbouring residents

- Litter and dog mess is a growing problem in St Peters Road which the local residents manage and would increase with the proposal. What measures are in place to deal with this?
- The security of properties in St Peters Road is taken very seriously by the residents and the introduction of an 'unmanaged' property is a concern
- It is the resident's belief that the change of use would unfairly affect the privacy and secluded confidence of the residents of St Peters Road.
- There is seemingly no provision to securing what is planned to be public open space. The neighbours object to the prospects of the neighbouring properties owners having to secure their own boundaries. This would introduce an unacceptable and unnecessary risk to all parties concerned. This change of use would require the installation of a suitably secure and aesthetically appropriate green boundary, financed and secured by the land owners.
- Concern that no benches or artefacts are proposed 'at present' as any future benches or artefacts would be objectionable.
- What access will be provided for disabled visitors and where would they park their cars?
- Objection to the fact that the applicants states that the site would not be advertised as it would be advertised effectively through word of mouth
- How and where do the applicants intend to advertise clear guidance on access to and from the land and appropriate conduct within the site and its opening and closing times?

APPROVE

- 1 SC4B - Time Limits Full - Standard
- 2 Prior to the use of the site hereby permitted by members of the public and prior to the creation of any pedestrian access including any gate to the site and any mown footpath within the site, the details of the proposed mown footpath shall be submitted to and agreed in writing with the Local Planning Authority; the details to be submitted and agreed shall include a plan at a scale of not less than 1:500 which details the exact route of the proposed mown footpath through the site at the proposed footpath width, in relation to all of the trees on the site which shall be accurately plotted on this plan. A sample of the proposed footpath edging to be used shall also be submitted and agreed. Once agreed the mown, edged footpath shall be provided strictly in accordance with the route and details agreed and maintained in this form thereafter.

- 3 The pedestrian access to the site shall be provided in the position shown on the approved drawing No. DMG/10/0020/1 date stamped 10 MAY 2010 and the gate shall be installed strictly in accordance with the design and scale as shown on the drawing date stamped 10 MAY 2010 showing the proposed gate and in timber; unless otherwise agreed in writing with the Local Planning Authority. Once provided the pedestrian access gate shall be maintained in the approved form from thereafter and no additional pedestrian access shall be provided to the site in addition to that shown on the approved drawing No. DMG/10/0020/1 date stamped 10 MAY 2010.
- 4 Prior to the use of the site hereby permitted by members of the public and prior to the creation of any pedestrian access including any gate to the site and any mown footpath within the site, details of the a secure boundary treatment to be provided along that part of the southern boundary of the site that directly borders the rear gardens to residential properties shall be submitted and agreed in writing with the Local Planning Authority. The boundary treatment agreed shall be implemented prior to the use of the site hereby approved commencing and maintained in the form approved.
- 5 Notwithstanding the provisions of Part 12, Class A of the General Permitted Development Order (as amended), no artefacts, structures, buildings or equipment shall be erected or installed on the site.
- 6 Notwithstanding the details of the proposed advertising sign shown on drawing number 3 date stamped 18 MAY 2010, no consent is hereby approved for any advertisement at the site.

Relevant Development Plan Policies and Proposals:

NR8, LT5, LT1, PPG2, of the Rochford District Council Adopted Replacement Local Plan

The local Ward Member(s) for the above application is/are Cllr M Maddocks