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**17/00223/FUL****65 BROCKSFORD AVENUE, RAYLEIGH****CONSTRUCT NEW SURFACE TO FORM DRIVE WAY TO  
GIVE VEHICULAR ACCESS TO 65 BROCKSFORD AVENUE**

**APPLICANT: MS KEELEY POYNTER**  
**ZONING: RESIDENTIAL**  
**PARISH: RAYLEIGH TOWN COUNCIL**  
**WARD: LODGE**

**1 PLANNING APPLICATION DETAILS**

- 1.1 This application is brought before the Development Committee as the landowner of Brocksford Green over which the proposed access would extend, is Rochford District Council. The Council has provided a licence for the proposed development such that the only requirement now is for planning permission.
- 1.2 The proposal is to provide for a drive way over Council-owned land to provide vehicular access to 65 Brocksford Avenue.
- 1.3 It would involve the removal of the top soil to a depth of 15-20cm below pavement level. This will be filled with Type 1 crushed concrete covered with a stabilisation fabric. Above would be a combination of top soil and a mesh ACO Ground Guard. This is a lightweight ground reinforcement system that reduces the risk of grass damage. This would then be covered with top soil and grass seeded. A dropped kerb would be added to access the highway.

**2 THE SITE**

- 2.1 The site is located in a built up residential area consisting of semi-detached bungalows dating from the 1950s. It is comprised of an open space located between Copford Avenue and the end of the Brocksford Avenue cul-de-sac. The western side of the site shares a boundary with the site of the Rayleigh Lodge public house, a Grade II listed building. The Rayleigh Lodge site contains 16 trees subject to a Tree Protection Order (49/08); however, these trees are sited away from the application site and the two nearest trees to the site (T8 Horse Chestnut and T9 Yew) are approximately 20m from the site boundary.

2.2 The site is that of a rectangular grassed area at the southern end of Brocksford Green. It has a length of 15m and a width of 3.3m. It is adjacent to a hammer head turning facility at the end of Brocksford Avenue.

2.3 The property which would be served by the development is the end dwelling on Brocksford Avenue with a frontage onto Brocksford Green and only has pedestrian access.

### **3 RELEVANT PLANNING HISTORY**

3.1 Application Number 14/00576/FUL.

Outline application with all matters reserved for residential development of six dwellings. REFUSED.

### **4 CONSULTATIONS AND REPRESENTATIONS**

#### **RAYLEIGH Town Council**

4.1 Object to this application as the proposal is detrimental to the amenities of neighbouring properties.

#### **ECC Highways**

4.2 No objection, subject to the following conditions:-

1. The vehicular access, as shown on planning drawing date stamped 01 March 2017, shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be 3.3m and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.
2. No unbound material shall be used in the surface treatment of the vehicular access for the first 6 metres from the highway boundary.

#### **RDC Engineers**

4.3 The planning application submission and the specification for the private driveway have been considered. These are in accordance with the licence. However, there is also the requirement within the licence that application is made to the Highway Authority for the drop kerb and footway reconstruction where vehicles are going to cross it. I assume RDC will require evidence of the application and approval from the Highway Authority, as noted in the licence, before any works are commenced.

#### **Neighbours**

4.4 The following representation has been received:-

Brocksford Avenue: 63

As this is access only to the property we have no objection to the plans as this will not affect our view onto Brocksford Green. This will also ease the parking situation at the end of and within the turning bay in Brocksford Avenue.

## **5 MATERIAL PLANNING CONSIDERATIONS**

- 5.1 The proposed development has to 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. 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.

### **Principle of Development**

- 5.2 The Rochford District Council Local Development Framework Allocations Plan (Adopted 25 February 2014) forms part of the Development Plan for Rochford District. The Allocations Plan superseded the proposals map that accompanied the 2006 Replacement Local Plan. The land is allocated as white land, without formal designation. A use for purposes associated with a dwelling would be appropriate.

### **Impact on Amenity**

- 5.3 The proposal would incorporate the use of a mesh material specifically designed to allow vehicles to travel across land without damage to the surface. The material would allow grass to continue to grow through it maintaining the grassed and open appearance of Brocksford Green. The material is also over 90% porous allowing no harm, of any significance, to arise from the development of the vehicular access to the character and visual benefits of this recreational space. Furthermore, the development would result in there being no need for the residents of the dwelling to park within the street to the detriment of other highway users.
- 5.4 The local Highway Authority has no objection to the application.
- 5.5 An objection has been received from Rayleigh Town Council who considers the proposal would be detrimental to the amenities of neighbouring properties. However, following the display of the site notice and the consultation by letter, there have been no objections from local residents to the application.

## **6 CONCLUSION**

In determining this application, regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. The principle for the development of a

vehicular crossing in this location is considered to be in accordance with local and national planning policy. There is not considered to be a justification to refuse planning permission.

## 7 RECOMMENDATION

### 7.1 It is proposed that the Committee **RESOLVES**

That planning permission be approved, subject to the following conditions:-

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

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 materials to be used in the implementation of the development 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 materials to be used in the development have been submitted to and approved in 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.

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

- (3) The vehicular access, as shown on planning drawing date stamped 01 March 2017, shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be 3.3m and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

REASON: To enable the Local Planning Authority to retain adequate control over the access, in the interests of highway safety.



Assistant Director, Planning & Regeneration Services

Matthew Thomas

**Relevant Development Plan Policies and Proposals**

Core Strategy 2011 – CP1, T8

Development Management Plan 2014 – DM 1, DM30

National Planning Policy Framework

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