
12/00520/FUL

DEMOLISH EXISTING VACANT RESIDENTIAL BUILDING AND CONSTRUCT NEW BUILDING COMPRISING FOUR FLATS (2 NO. ONE BED AND 2 NO. TWO BED). PROVISION OF ASSOCIATED PARKING, AMENITY AREAS, CYCLE AND BIN STORE, WITH LANDSCAPING. STOP UP EXISTING VEHICULAR ACCESS AND FORM NEW VEHICULAR ACCESS OFF BROOK ROAD.

SITE OF 125A TO 125D, HIGH ROAD, RAYLEIGH

APPLICANT: MS. SARAH BRIND (SANCTUARY GROUP)

ZONING: RESIDENTIAL

PARISH: RAYLEIGH

WARD: WHITEHOUSE

1 PLANNING APPLICATION DETAILS

- 1.1 Sanctuary Housing Group is proposing to demolish the existing vacant building on the site and re-develop the site to provide a block containing 2no. 2-bed flats and two 1-bed flats. It is understood the housing would be let to people on the local housing register and directly managed by Rochford Housing Association, which forms part of the wider Sanctuary Housing Group.
- 1.2 The four flats would be in a block consisting of two main storeys and an additional floor within the dormered roof space. There would be a 1-bed flat on the ground floor, together with a main communal entrance, three covered parking spaces and a secondary entrance providing access to parking and communal areas. On the first floor would be a 1-bed flat and a 2-bed flat. Within the roof space would be a 2-bed flat. Outside of the block would be four further parking spaces, a private garden area for the ground floor flat, refuse/recycling facilities, secure covered cycle storage and the balance of the amenity area, along with retained trees and landscaping.
- 1.3 The building would have a ground floor footprint of 166m² gross external floor area. The 1-bed flats would have an internal floor area of 52m² and the 2-bed flats 68 and 81m² respectively.

2 THE SITE

- 2.1 The site is within the urban area of Rayleigh and lies adjacent to the Rayleigh Weir Public House on the corner of High Road and Brook Road. The section of road leading to the site is one way and there is no vehicle access directly from High Road.
- 2.2 To the south and east there is a large public house and an associated hotel building. Both are two storey buildings with large footprints, expansive roofs, large areas of associated parking and servicing areas with access off the Southend Arterial Road slip road. Brook Road Industrial Estate is situated further to the east. Development on the south side of the Arterial Road is commercial in character.
- 2.3 To the north of the site the local environs are predominantly residential. On the opposite side of Brook Road there is a two storey flatted development known as Brook Court. Nearby St. Martin's Close is comprised of semi detached bungalows.
- 2.4 The site currently contains a detached house, which was divided into four 1- bed flats following a planning permission granted in 1977. The accommodation was used by the Council to house people on a temporary basis. The property is not now in use and has been boarded up.
- 2.5 The site is approximately 0.067 ha. in area equating to a prospective density of 65 dwellings per hectare. It is generally level with a slight fall from north to south.
- 2.6 There are two horse chestnut trees growing within the eastern part of the site, subject to Tree Protection Order No.39 of 2009. In addition there are trees within the grounds of the public house protected by Order No.4 of 1995.

3 RELEVANT PLANNING HISTORY

- 3.1 Application No. 09/00298/FUL

Demolish Existing Building and Construct Three Storey Building to Provide 4 No. Two-Bedroomed and 2 No. One-Bedroomed Flats With Parking Area and External Storage Building/Cycle Store.

Application withdrawn.

- 3.2 Application No. 10/00020/FUL

Demolish Existing Building and Construct Three Storey Building to Provide Five x Two-Bedroomed and One x One-Bedroomed Flats with Parking and Amenity Area, Widen Existing Vehicle Crossover.

Permission refused 16 March 2010.

Appeal dismissed 8 December 2010

4 CONSULTATIONS AND REPRESENTATIONS

Rayleigh Town Council

- 4.1 No objection.

Essex County Council Highways

- 4.2 Essex County Council as the Highway Authority does not wish to raise objection to the proposals, subject to the following conditions being attached.

1. Prior to commencement of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres to the east and 2.4 metres to the junction to the west as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
2. Prior to commencement of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of each vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.
3. 6 no. parking spaces shall be provided having minimum dimensions of 2.9 metres x 5.5 metres, one for each flat and 1 no. visitor parking space. The dimensions of the disabled bay shall be 3.9 metres x 6.5 metres.
4. A minimum dimension of 6m shall be provided between the rear of the parking bays within the parking court.
5. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 4.8 metres for at least the first 6 metres from the back of the footway.
6. Prior to occupation of the development the vehicular access shall be provided with an appropriate dropped kerb vehicular crossing of the

footway, which is tight/in line with the access, to the satisfaction of the Highway Authority immediately the proposed new access is brought into use.

7. The existing vehicular crossing shall be suitably and permanently close to the satisfaction of the Local Planning Authority, incorporating the reinstatement to full height of the highway footway kerbing, to the satisfaction of the Highway Authority immediately the proposed new access is brought into use.
8. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
9. 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 and manoeuvring of all vehicles, including construction traffic, shall be identified clear of the highway, submitted and approved in writing by the Local Planning Authority.
10. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
11. Prior to occupation of the proposed development, 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 10 All Essex Scratch card tickets.

Head of Environmental Services

- 4.3 The Head of Environmental Services advises Members that the proposed development is within an area that is currently being monitored for air pollution arising from motor vehicles. The levels recorded are on the threshold for justifying the declaration of an Air Quality Management Area.
- 4.4 Policy ENV5 of the Adopted Core Strategy states that “in areas where poor air quality threatens to undermine public health and quality of life, the Council will seek to reduce the impact of poor air quality on receptors in that area”. Additionally, there is a lack of acoustic detail regarding the suitability of the site and attention to protect residents from traffic noise on the A127.

- 4.5 The Head of Environmental Services reports that if Members are minded to approve the application, the following condition should be attached to any consent granted:-

Details of the proposed sound insulation and ventilation scheme for the development, including predictions of the noise level at the boundary of the application site, and internally, in accordance with the provisions of paragraph 123 of the NPPF, shall be submitted to and agreed in writing with the LPA. Such agreed works shall be fully implemented prior to the commencement of any use hereby permitted and shall be maintained in the approved form while the premises are in use for the permitted purpose.

Informative – in order to prepare the scheme, the applicant will need to make an assessment of (a) the pre-existing background noise levels at the site; (b) the noise levels likely to be generated from traffic and any other major source in the vicinity and (c) any proposed method of ventilation/extraction.

Woodlands Section

- 4.6 The reports accurately itemise the tree resource although it is noted that an ash 4898 is in poor structural condition due to the decay fungus *Inonotus hispidus* and should be recommended for removal. This and the four other ash trees in the line (4899, 4901 to 4903) are on third party land (The Weir PH) and identified for removal. There is no objection to the removal of these trees, all subject to a TPO due to their poor structural condition. In addition there is no objection to the removal of the elder 4896 or the privet hedge Group A.
- 4.7 The horse chestnut 4895 has been identified for removal although it is noted that there is the potential for its retention with no/little alteration to the site layout. The tree shares a mutual crown with 4894, which is the dominant tree and it is acknowledged that it is not a 'distinct stand alone feature of the local landscape'. However, together with 4894, the tree contributes to the visual amenity and tree scape of the immediate area. A definitive justification to remove horse chestnut 4895 on structural grounds has not been provided therefore it is recommended that the tree is incorporated into the final design.
- 4.8 The draft tree protection plan illustrates adequate locations for both tree protection fencing, material storage, the site compound and 'no dig' construction. This plan will require revision if the horse chestnut 4895 is to be retained.
- 4.9 Initial Recommendations:
- Consideration is requested for the retention of horse chestnut 4895. Further justification is required for its removal.

- Clarification of the extent and level change of the grassed slope within the RPA of the retained trees illustrated on the site, floor and roof plans (Drawing No. 0942-PL26).
- Production of a landscaping scheme/plan identifying the location and species of trees and shrubs, including the extra heavy standards trees outlined in 3.1.1 of the arboricultural impacts assessment.

ECC Urban Design

- 4.10 The proposed four-bed flatted development appears both bland and bulky in its form. The restricted, irregular site boundary, combined with the requirements for parking and amenity space, both add additional constraints to the uninspiring layout. The proposals for this site seem to be over-developed, with an over sized roof form designed to increase the roof space for an additional unit. The implications of meeting the parking standards has a major effect on the amenity space, with small, unrelated, left over spaces being identified as communal gardens.
- 4.11 The location of the cycle parking is not ideal; there is minimal overlooking, security or safety for users. A more practical location would be adjacent to the front of the lobby entrance to the main building.
- 4.12 The location of the motorcycle parking is not practical for the end user, especially when the adjacent parking spaces are full.
- 4.13 The indicated footpath to the community resident's garden is not feasible and is unrealistic for users, where does it lead to? The communal gardens seem to serve no purpose and have limited landscape or amenity value.
- 4.14 The car parking layout is tight and restricted, with an under-croft solution applied to maximise space. As a result the east and north elevations are unwelcoming to users, while adding little value to the streetscape.
- 4.15 Summary - It is difficult to identify any reference to the Essex Design Guide in regard to form, layout, access and addressing the street. The proposals need to address some key layout/circulation design failures with practicality, convenience and safety for the end user. The layout is compromised in its current form by the amount of car parking, which is a direct result of over development. The scale of the proposals, (indicated as two storey), is far greater, resulting in an oversized roof form.

5 MATERIAL PLANNING CONSIDERATIONS

Principle of the Development

- 5.1 In dismissing the appeal against the refusal of 10/00020/FUL for a building containing six flats, the Inspector considered the main issues to be the effect of the proposal on the character and appearance of the surrounding area, with particular reference to the trees on site, and whether the proposal would make satisfactory provision for off road parking. The Inspector concluded that the contemporary design with a strong vertical emphasis and flat roof was at odds with the domestic scale of surrounding buildings. In addition, in the absence of further information, the extent of the parking area and proximity of the building would not adequately safeguard the trees adjacent to the rear boundary with Tree Protection Orders. Finally the Inspector concluded the proposal would make inadequate parking provision to meet the needs of future occupants.
- 5.2 It is considered that, in principal, the site could be developed, but in doing so the issues raised by the Inspector, and any other material considerations, need to be adequately addressed.
- 5.3 The site is within an area allocated as existing residential development in the Council's saved Local Plan (2006). The site of the application represents a re-development of previously developed land in accordance with Policy H1 to the Council's adopted Core Strategy (2011).
- 5.4 The provision of four affordable housing units on the site would help to alleviate the shortage of affordable housing in the district.

Design and Layout

- 5.5 The building has been designed to reflect the domestic scale of buildings locally, especially the flatted development opposite, with changes of material and roof forms generally used to visually break up the mass of the building. A pitched roof would be provided with gabled dormers to enable utilisation of the enclosed space for one of the flats. The resultant ridge height would be comparable to the flatted development of Brook Court and the Weir public house. As such, the proposal is considered to have overcome the concerns raised of scale by the Inspector on the previous scheme.
- 5.6 The main elevations would be of buff brick with window openings featuring gauged brick arches in a contrasting red brick. The contrasting brick would also be used in a feature course and projecting brick plinth. The side elevations of the enclosed parking would have two bricked up window features on each elevation.

An area comprising the front entrance and a projecting bay on the rear elevation would be rendered to provide a visual differentiation to the central communal section, which includes the main entrance. The two first floor flats would have Juliet balconies protecting patio door openings to their respective living areas on the south and west facing elevations. Soffits and rain water goods would be in low maintenance white uPVC.

- 5.7 The flats would be designed and built to comply with Code Level 3 of the Code for Sustainable Homes as required for publicly funded housing and Policy ENV9 of the Core Strategy. The scheme would incorporate elements of sustainable design and emphasis would be on reducing CO2 emissions and aiding water conservation. Roof mounted solar panels would not be used due to overshadowing from retained large trees.
- 5.8 A fenced refuse/recycling area would be constructed alongside the south east corner of the parking area in a readily accessible position.
- 5.9 The ground floor flat benefits from a garden area of 61m². A 114m² area of shared amenity space for upper floor flats would be provided to the east of the buildings in preference for balconies, which would otherwise be shaded by trees. These areas meet the Council's minimum requirements for flatted developments. An additional concealed amenity area of 34m² is provided for clothes drying.
- 5.10 A new close boarded 2m high fence would be provided to the south and east boundaries abutting the public house. A section of similar fencing with a height of 0.9m is proposed to the west and east boundary alongside the highway. A small length of open painted metal railings with matching gates would be provided at the entrance to the building emphasising the entrance. The appearance of the fencing would be softened on the road side by the inclusion of group hedgerow planting along the full length of the fence trained over three galvanised line wires attached to the fence.
- 5.11 The urban design adviser considers the development to be uninspiring with the building oversized and the layout compromised by the degree of car parking required. Following comments regarding the access footway to the communal gardens this has now been revised. It is noted that the number of parking spaces is a requirement of the Council's adopted parking standards. It is not considered that the other comments relating to the development are sufficient to justify a refusal on design grounds and that the scale and design of the building is appropriate in its context.

Highway Issues

- 5.12 The site is within a sustainable location being close to local services, a large supermarket and a short distance to Rayleigh mainline railway station. There is a bus stop opposite the site with services to and from Rayleigh town centre.

- 5.13 Access to the site would be slightly offset from its current location on Brook Road but widened to facilitate traffic movements. The proposed access layout would allow a vehicle to enter, park and exit the site in a forward gear facilitating free traffic flow onto the one way Brook Road.
- 5.14 Seven car parking spaces including one disabled bay are provided in accordance with the Council's preferred standards of two per 2-bed flats and one per 1-bed flat and an additional visitor space. Bay sizes are of the recommended size. Three of the spaces including the disabled space would be situated within an undercroft on the eastern side with openings on one side only.
- 5.15 Secure and covered cycle storage would be located outside the main building in a fully screened but easily accessible position by the south east corner of the building.

Tree and Ecological Considerations

- 5.16 The application has been accompanied by an arboricultural survey, impact assessment and method statement. The assessment advocates the removal of a number of trees that are perceived to be in a poor physical or structural condition and that their removal would not have an adverse visual impact.
- 5.17 It is noted that the Council's Arboricultural Officer does not object to the removal of the ash trees, the elder tree or the privet hedge identified in the reports.
- 5.18 The proposal originally included the removal of a mature horse chestnut tree within the eastern section of the site. Following comments by the Council's Arboricultural Officer it has been decided to retain the tree.
- 5.19 In comparison to the previous scheme the reduced parking requirements and building size of this proposal would mean the parking areas now largely avoid the root protection areas of the two mature horse chestnut trees covered by Tree Protection Orders. 'No dig' permeable paving would be used on the bays overlaying the root protection area to one of these trees (approximately 6% of RPA). Trees outside the southern boundary would be better protected by the new building being further from the boundary than the building to be demolished. It is considered that the Inspector's concerns over the previous proposal have been satisfactorily overcome.
- 5.20 The application has been accompanied by a nocturnal bat survey. An initial survey did not indicate evidence of bat activity. In a follow up two nocturnal and a dawn bat survey did not reveal any bats emerging from, or entering the building, and that no foraging or commuting activity was recorded. It is not considered that the site provides any other ecological interest.

Environmental Issues

- 5.21 Part IV of the Environment Act 1995 requires Local Authorities to periodically review and assess air quality in their areas and identify areas where it is unlikely that quality objectives will be achieved. These locations must be designated as Air Quality Management Areas and a subsequent plan developed in order to reduce pollutant emissions in pursuit of the objectives. The Head of Environmental Services advises Members that the proposed development is within an area that is currently being monitored for air pollution arising from motor vehicles. The levels recorded are on the threshold for justifying the declaration of an Air Quality Management Area
- 5.22 Policy ENV5 of the Core Strategy 2011 restricts, but does not necessarily prevent, new residential development in Air Quality Management Areas in order to reduce public exposure to poor air quality. It is noted that the area, and its extent, has not yet been declared as a formal Air Quality Management Area although an in principle decision has been taken by the Council. It is further noted that the site is not a new development site, that it has previously been used as 4 x 1-bed flats and that the present property could be renovated to provide living accommodation without any specific need for planning permission.
- 5.23 As a precaution it is considered reasonable to require, by condition, a suitable ventilation system for the development so that any exposure to residents by airborne pollutants is limited. It is also considered reasonable to ensure that the development is suitably insulated from noise emitted from local vehicular traffic and a condition requiring details of the insulation methods to be used in the development is recommended. Such conditions would enable the Local Planning Authority to retain control over such ventilation systems and insulation materials to ensure that residents are significantly protected from exterior pollution.

6 CONCLUSION

- 6.1 The proposed scheme would re-develop previously developed land in a sustainable manner and add to the level of affordable housing provision in the district.
- 6.2 The proposed building would be of a design, scale and form suitable for a residential location.
- 6.3 The proposal is significantly different to the previous proposal and addresses the reason for refusal and issues raised by the Inspector in the dismissed appeal.

7 RECOMMENDATION

- 7.1 It is proposed that the Committee **RESOLVES to APPROVE** planning permission, subject to the following heads of conditions:-

- (1) SC4B Time limits standard.
- (2) Submission of samples of materials.
- (3) Details of proposed sound insulation.
- (4) Details of proposed ventilation scheme
- (5) Development to be in accordance with the measures for the protection of trees, in accordance with the arboricultural impact assessment accompanying the application.
- (6) Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 4.8 metres for at least the first 6 metres from the back of the footway.
- (7) Prior to commencement of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the access.
- (8) Prior to occupation of the development the vehicular access shall be provided with an appropriate dropped kerb vehicular crossing of the footway.
- (9) The existing vehicular crossing shall be suitably and permanently closed incorporating the reinstatement to full height of the highway footway kerbing.
- (10) Prior to occupation the parking spaces shall be laid out in accordance with layout plan and the adopted bay sizes.
- (11) 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 and manoeuvring of all vehicles, including construction traffic, shall be identified clear of the highway, submitted and approved in writing by the Local Planning Authority.
- (12) Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

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- (13) Prior to the commencement of the construction of the residential housing hereby approved the applicants shall submit details to and be approved in writing by the Local Planning Authority to demonstrate the extent of how the dwellings hereby approved comply with the lifetime homes standard and implementation of the approved scheme.

Shaun Scrutton

Head of Planning and Transportation

Relevant Development Plan Policies and Proposals

Rochford Core Strategy Adopted Version December 2011

H1, H6, CP1, ENV5, ENV9, T8

Rochford District Replacement Local Plan (2006) as saved by Direction of the Secretary of State for Communities and Local Government and dated 5 June 2009 in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004.

HP6, HP11

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

For further information please contact Robert Davis on:-

Phone: 01702 318095

Email: robert.davis@rochford.gov.uk

If you would like this report in large print, Braille or another language please contact 01702 318111

