



**Rochford District  
Council**

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY  
THE DEVELOPMENT CONTROL COMMITTEE - 20 August 2009**

All planning applications are considered against the background of current Town and Country Planning legislation, rules, orders and circulars and any development, structure and local plans issued or made thereunder. In addition, account is taken of any guidance notes, advice and relevant policies issued by statutory Authorities.

Each planning application included in this Schedule is filed with representations received and consultation replies as a single case file.

The above documents can be made available for inspection as Committee background papers at the office of Planning and Transportation, Acacia House, East Street, Rochford and can also be viewed on the Council's website at [www.rochford.gov.uk](http://www.rochford.gov.uk).

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Section on 01702 – 318191.**

Ward Members for Committee Items

**GRANGE**

Cllr C J Lumley

Cllr Mrs J R Lumley

**SWEYNE PARK**

Cllr Mrs J Dillnut

Cllr Mrs J A Mockford

**DEVELOPMENT CONTROL COMMITTEE - 20 August 2009**

**SCHEDULE ITEMS**

- |        |   |                 |         |
|--------|---|-----------------|---------|
| Item 1 | 09/00305/FUL<br>Demolish Existing Dwelling and Construct Residential Development Comprising 10 No. Three-Bedroomed and 4 No. Four-Bedroomed 2/3 Storey Houses (14 Units in Total) Form New Access, Estate Road, Garaging and Parking Areas.<br>206 London Road Rayleigh | Mr Mike Stranks | PAGE 4  |
| Item 2 | 09/00356/FUL<br>Demolish Existing Dwelling and Construct One Detached Six-Bedroomed House to Front of Site and Two Detached Four-Bedroomed Houses at Rear. Construct Access Drive, Turning Area and Detached Garages and Parking Area.<br>12 Eastcheap Rayleigh         | Mr Mike Stranks | PAGE 19 |

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**SCHEDULE ITEM 1**

**TITLE: 09/00305/FUL**  
**DEMOLISH EXISTING DWELLING AND CONSTRUCT**  
**RESIDENTIAL DEVELOPMENT COMPRISING 10 No. THREE-**  
**BEDROOMED AND 4 No. FOUR-BEDROOMED 2/3 STOREY**  
**HOUSES (14 UNITS IN TOTAL) FORM NEW ACCESS,**  
**ESTATE ROAD,GARAGING AND PARKING AREAS**  
**206 LONDON ROAD RAYLEIGH**

**APPLICANT: WESTON HOMES PLC**

**ZONING: EXISTING RESIDENTIAL DEVELOPMENT**

**PARISH: RAYLEIGH TOWN COUNCIL**

**WARD: SWEYNE PARK**

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**PLANNING APPLICATION DETAILS**

**The Site**

- 1.1 This application relates to a site on the northern side of London Road, 35m east of the junction made with Louis Drive West. On the site exists a detached bungalow set in a generous sized plot broadly rectangular in shape having a frontage to London Road of 41.7m and average depth of 88m. The site has well established hedging and number of trees to the site margins, together with domestic planting. There is a general slope to the north and rear of the site, downhill from street level.
- 1.2 Two oak trees to the front of the site and a horse chestnut deep into the site are protected by Tree Preservation Order 13/87. Four oak trees to the rear western side of the garden, a hazel tree to the east of the existing dwelling and a bay tree to the site frontage are protected by Tree Preservation Order 36/09.
- 1.3 The site is adjoined to the east by the three storey E-ON electricity company offices and car park.
- 1.4 The site is adjoined to the west by an access road serving the Timber Grove residential development for persons with learning disabilities and a scout hall and other hall.
- 1.5 Opposite the site exists semi-detached hipped roofed housing set back from the street and fronting a service road parallel to the London Road.
- 1.6 The site is allocated as existing residential development in the Council's adopted Local Plan (2006).

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**SCHEDULE ITEM 1**

**The Proposal**

- 1.7 The application was originally submitted to demolish the existing dwelling and construct residential development comprising 8 no. three-bedroomed and 4 No. four-bedroomed 2/3 storey houses to the front part of the site with a further four storey building at the rear of the site comprising 21 flats and a total of 33 units in all.
- 1.8 The application, as originally submitted, was subject to the consultations and notification with neighbours and press advertisement in the usual way.
- 1.9 In considering the objections made by the County Council's Urban Design team and other concerns raised by District officers, the applicant has since revised the application to delete the flatted element and provide a development of three and four bedroomed 2/3 storey houses reducing the development to 14 units in total and served, as previously, by a single access point onto London Road providing an estate road into the site from which all the dwellings would gain vehicular access.
- 1.10 The application as revised is subject to a new round of consultation and notification with neighbours and press advertisement. The consultation period runs until 28 August.
- 1.11 Members inspected the site on 1 August.

**RELEVANT PLANNING HISTORY**

Application No. ROC/586/87  
Demolish existing bungalow and erect new dwelling.  
Permission granted 16 October 1987.

Application No. ROC/37/90  
Outline application to erect 4 four bedroomed detached houses, new access, private drive, amenity area and parking layout.  
Application withdrawn.

Application No. OL/0359/90/ROC  
Outline application to erect two detached 4 bed chalets with new private access drive.  
Permission granted 28 June 1990.

Application No. ROC/137/97  
Erect two detached 4 bed dwellings (chalets) and formation of new vehicular access.  
Outline permission granted 28 May 1997.

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Application No. 01/00921/OUT

Outline application for the erection of 2 No. 4 bedroomed chalets and provision of new access.

This application was a renewal of a previous application approved under application reference OL/137/97/ROC.

Permission granted 26 February 2002 and has now lapsed.

Application No. 06/00312/OUT

Outline application for 2 No. Four-bedroomed chalets and provision of new access.

Permission granted 6 June 2006.

**MATERIAL CONSIDERATIONS**

- 1.12 Residential re-development of the site is acceptable in principle and as evidenced by the planning history of the site. The residential intensification subject to other considerations would be acceptable and in accordance with Policy HP1 to the Council's adopted Local Plan (2006). The site has an area of 0.384ha and the development now proposed would equate to a density of 36 units per hectare which, given the constraints of preserved trees on the site together with the suburban character, is considered acceptable.

**Tree Issues**

- 1.13 There are many trees on the site, particularly to the site margins. A Tree Preservation Order (TPO) was served on two oak trees to the site frontage and a horse chestnut when the current bungalow on site was considered in 1987.
- 1.14 The site has since been the subject of interest for development. A previous TPO was revoked after unsuccessful court proceedings which followed action after most of the trees were found to have been notched with severe cuts. This included the large poplar trees to the site frontage closer to the dwelling. These trees for various reasons are no longer fit for preservation as their longevity is reduced and they are also near maturity, as is the case for the group of large poplar trees to the front of the site. Much of the substantial tree cover is therefore no longer suitable for preservation.
- 1.15 A more recent TPO protects a further six trees on the site, including two oak trees also previously "notched". However, the oak trees are early mature with an expected longevity of some 70 years. In addition, this species is able to recover from such damage, as opposed to other species present on the site and affected in the same way. This new order is in the confirmation stage whereby the Council will consider any objections made until 29 December 2009.

**SCHEDULE ITEM 1**

- 1.16 The current application shows the retention of some of the preserved trees but also shows the loss of a preserved oak tree to plot 6, a preserved silver birch replacement to a previously lost preserved horse chestnut tree to plot 12, a preserved hazel tree to the proposed garage area between plots 12 and 13/14 and a bay tree adjoining the access to the development at the site frontage.
- 1.17 The Council's arboriculturalist is also concerned that the two pairs of houses proposed to the site frontage plots 1-4 would be located too close to the preserved oak trees the subject of the 1987 Order and that if the development were allowed in the current form there would, in the longer term, be pressure for works or removal of these trees due to conflict and nuisance caused to future residents of the houses proposed to plots 1-4. These trees would be far better served by a revision to the layout whereby the extent of the canopy would be contained within garden areas and not the front garden and main pathways to the dwellings proposed or the setting back substantially into the site of these dwellings.
- 1.18 Whilst a survey of the tree condition has been submitted to support the application this is not accompanied by an assessment of the effects of the development upon those trees to be retained and/or the consideration of any mitigation. It is not therefore possible for the Council to give full consideration to this issue. Furthermore there is concern that the arboricultural report submitted considers the bay tree, hazel and oak trees to be worthy of retention, together with other lesser trees that might feature as part of a wider landscaping scheme. No explanation has been offered as to why the applicant's own specialist arboriculturalist has been ignored.
- 1.19 The applicant is objecting to the recent Tree Preservation Order on the basis that the oak tree to be removed is very young and yet to make a significant impact on visual amenity, landscape value or ecological importance. The retention of the tree impedes the proper development of the site. The alternative is suggested to include re-planting as part of the site landscaping.
- 1.20 The applicant considers the hazel tree to have value only because of its coppiced structure, which would be lost since this relies on periodic coppicing.
- 1.21 The applicant considers that the bay tree is located in the only area for safe access to the site. The retention of the bay tree impedes the proper development of the site and is largely obscured from view to wider amenity because of the strength of the existing boundary hedging.

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- 1.22 Officers consider that whilst the trees to be removed may be small and at present insignificant against the backdrop of more substantial trees that currently exist, those trees have been assessed as the best now present on the site following the damage to the others. There is a duty to have regard to preserved trees in the re-development of sites and these trees have the best potential to become of greater benefit in the longer term. Furthermore, County highway officers advise informally that the point of access is not so critical as the London Road is straight. It could be re-sited to help retain the bay tree. Officers therefore consider the loss of the preserved trees should be resisted.

**Impact on Designated Sites and Protected Species**

- 1.23 The site is not near any designated sites such as county wildlife sites or SSSI's.
- 1.24 The application is accompanied by a phase 1 habitats survey, which revealed the site to comprise typical garden habitat although the woodland to the east curtilage is identified as an area of possible interest for invertebrates and native wildflower species. No evidence of badgers or bats were found at the site. No water bodies exist on the site in which amphibians might breed. Linnet, starling and blackbird considered in decline were present at the site. The site is therefore considered of medium wildlife interest.
- 1.25 The recommendations are that the removal of woodland and scrub should occur outside the bird nesting season and that the several oak trees should be retained because of their ecological importance.
- 1.26 Officers are, however, critical that the submitted survey does not develop the findings, particularly in that it requires a presence and absence survey for reptiles and amphibians for the site with all supporting information and mitigation, if required. The Council is not therefore in a position to determine the application without the assurance this information will give to inform the final decision.

**Accessibility**

- 1.27 The site is located on the suburban fringe of the western extent of Rayleigh. The site is a mile or so from Rayleigh main line station and is understood to have a poor off peak bus service.

**Car Parking/Highway Aspects**

- 1.28 The three-bedroomed dwellings would be provided with either a garage and forecourt parking space or two spaces in the submitted layout and would equate to the maximum standard for three-bedroomed dwellings in a rural suburban location, as set out at Policy T8 to the Council's adopted Local Plan (2006).



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- 1.29 The four-bedroomed dwellings to plots 7, 8 and 9 would each be provided with a double garage and two forecourt parking spaces. The four-bedroomed house to plot 10 would be provided with a double garage, without forecourt, but one off street space to the opposite side. With the exception of the parking arrangement to plot 10, which would meet the standard, the arrangements for plots 7, 8 and 9 would exceed the maximum parking standard for four-bedroom dwellings in a rural suburban location, as set out at Policy T8 to the Council's adopted Local Plan (2006).
- 1.30 The access to the site would be formed between new radius kerbs in excess of 8m. The entrance formed would be flanked by a footway to each side 1.4m wide to the front of flanking brick pillars beyond which the estate road would be a shared surface 4.8m in width to a turning head to be adopted.
- 1.31 The comments of the County Highway Authority concerning this revised layout are awaited at the time of writing.

**Boundary Treatment**

- 1.32 The application particulars state that the intention would be to retain and make good existing boundary treatment of the site. Within the scheme the layout shows the provision of brick walling to flank some parts of the main that would be broken by the form of the buildings proposed along the estate road frontage.

**Garden/Amenity Areas**

- 1.33 The three-bedroomed houses would be provided with rear garden areas between 55 square metres and 125 square metres and in excess of the minimum 50 square metres required by Council guidance. The exceptions to this are garden areas of 43 square metres to plot 4 and 48 square metres to plot 13, which both flank the entrance to the development. In both cases these garden areas are rectangular in shape and useable. Officers consider that the benefits in layout and townscape terms override the minor failing in garden area, given that the undersized shape is still useable.
- 1.34 The four-bedroomed dwellings would be provided with garden areas between 129 square metres and 234 square metres and exceeding the Council's standard of 100 square metres for this dwelling type.

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**Overlooking Privacy/Amenity Issues**

- 1.35 The site adjoins commercial offices which are three storeys in height and which particularly neighbour the back part of the site affecting the four-bedroomed houses to plots 9 and 10. The neighbouring building is some 20m within its site and the rear wall of the dwelling proposed to plot 10 some 10.9m from the boundary between these two sites. This resulting distance would be in excess of the 25m back to back distance advised to maintain privacy between houses and would be almost the 35m required in the case of opposing upper floor flatted development. The side wall serving the kitchen to the house proposed to plot 9 would be 7m from the shared boundary and still in excess of the 25m advised between directly opposing dwellings. Officers consider that, in the absence of a more suitable standard, the resulting relationship would maintain satisfactory privacy between the neighbouring offices and the housing proposed.
- 1.36 At the recent site visit Members raised the question as to the effect of the floodlighting of the office car park upon the development. At night time one luminary to the front car park stanchion is directed over the site shining strongly in the vicinity of the garages and dwelling to plot 12. All other luminaries are directed down into the car park area with little overspill to the application site.
- 1.37 The effect of the existing floodlighting would not cause this application to fail but may in future give rise to complaint by future residents to plot 12. This is not, however, a town planning matter and may easily be resolved by minor orientation to the offending luminary.

**Relationship to Nearby Buildings**

- 1.38 The detailed comments from the County Council's urban design team are awaited on this revised scheme that now falls for consideration. District officers, however, consider that the development as set out and shown fairly reflects design guide principles and, given the relative isolation of the site from other residential development, would have a satisfactory relationship with the houses opposite, commercial offices to the east and community uses to the west of the site.

**Scale and Form**

- 1.39 The houses proposed would have overall ridge heights of between 8.15m and 8.65 m for the two storey houses and 8.95m and 9.75m to the three storey houses and which officers consider are of good proportions for the type of development. The houses would be finished in a multi stock brick to the lower walls with medium red feature brick and choice of either white, pale blue or pink upper floor renders. Grey concrete roof tiles would provide the common roof covering with white painted timber dormer cladding and canopy supports but white Upvc windows and doors.

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- 1.40 The detached garages would be of pitched roofed design and the same design details with typical roof pitches at an overall height of 4.95m.
- 1.41 Whilst the more detailed comment of the County Council's urban design team are awaited District officers consider the scale and form of the development encouraging.

**Education Contribution**

- 1.42 As originally submitted the greater scheme for 33 units attracted a secondary education contribution of £75,755. The applicant is understood to have accepted this figure in principle, but the revisions to the scheme are anticipated to revise this figure.
- 1.43 The applicant is in discussion with the County Education Authority concerning this final amount and the structure of payment, given the current economic climate. It is anticipated that a Unilateral Undertaking will be submitted in time for the Committee's consideration at the August meeting. The comments of the Education Authority with regard to the revised scheme are awaited at the time of writing.

**CONSULTATIONS AND REPRESENTATIONS**

- 1.44 **Rayleigh Town Council:** First round consultation response:
- 1.45 Object due to insufficient parking, amenities and over-development of the site.
- 1.46 Second round consultation response awaited.
- 1.47 **Essex County Council Environment, Sustainability and Highways:** First round consultation response:
- 1.48 No objection, subject to the following heads of conditions:-
- (1) Submission of details of the levels, gradients, surfacing and drainage of the estate road.
  - (2) Provision of 1.8m wide footway
  - (3) Type 5 minor access way to be constructed to base course surfacing prior to occupation
  - (4) Provision of sight splay 2.4m x 120m north and south at junction onto London Road.
  - (5) The proposed bellmouth junction with the existing highway shall be constructed with a 7.5m radius and returned to a width of not less than 7.5m
  - (6) Provision of visibility splays 2.4m x 20m to be provided on both sides of each private access.

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- (7) Provision of pedestrian visibility splay 1.5m x 1.5m to each vehicular access.
- (8) Driveway to be in bound surface for first 6m
- (9) Vehicular hardstandings to be 2.4m x 4.8m in size
- (10) Vehicular hardstandings between wall to be 2.7m x 4.8m in size
- (11) Garage doors to be sited 6m from highway boundary and to internal dimensions of 6m x 3m.
- (12) Provision of a size 3 turning head
- (13) Provision and implementation of a Transport Information and marketing Scheme for sustainable transport
- (14) Sufficient parking shall be provided at 1 space for each one-bedroomed flat, 2 spaces per three-bedroomed house and 3 spaces per four- bedroomed house.
- (15) Parking within the flat development to be laid out such that each vehicle has clearance of 6m to allow access and egress to all spaces.

1.49 Second round consultation response awaited.

**Essex County Council Urban Design Team**

First round consultation response:-

- 1.50 Do not recall supporting the number of units, overall scale, massing and height, as suggested in the design and access statement.
- 1.51 As the site is over 400m from the centre of Rayleigh the relevant design guidance is contained within the Essex Design Guide. The grouping of the church hall and shops opposite would not be classed as a neighbourhood centre, rather a local centre at most. Consider there may be flexibility in terms of acceptable density subject to the right site context, design guide principles and design quality.
- 1.52 Accept the inward looking nature of this development, given adjoining land ownership being outside the control of the applicant and which would give better through routes now or in the future.
- 1.53 Density equates to 87 units per hectare and above that normally recommended for this location. The site context is green and leafy, a mile from the town centre and low rise suburban in character with a limited number of three storey buildings.
- 1.54 The proposal would provide an active and strong frontage appropriate to the main road location and suitably set back from preserved trees. Some issues concerning appearance of parking spaces as left over and need for gables to require windows to avoid dead frontage appearance to plots 4 and 32. Remainder of housing appears suitably arranged.

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- 1.55 Some rear gardens compare poorly to Design Guide standards with the four-bedroomed units having between 65–68 square metres. Some flexibility is possible given the constraints of the site and especially where the townscape benefits such as avoiding long stretches of side walls.
- 1.56 Recommend that the house types could be improved slightly by improving the solid to void ratio, use of gauged or segmented brick arches as opposed to soldier course approach, improvement to inconsistent window patterns, use of traditional open or sloping soffit, framing of undercroft parking, detail and refinement of oriel windows, use of timber windows rather than UPVC, given sustainability issues and coherence with local vernacular.
- 1.57 The principle of the apartment block as a focal point at the end of the street is good. Overlooking between developments should be avoided by applying a minimum of 25m distance between habitable rooms and 35m in the case of flats. The apartment block is just 2 – 5m from the site boundary with a great number of windows, giving rise to the overlooking of the adjoining site as well as shadowing to other parts of the proposed development.
- 1.58 The height and massing of the apartment building appears out of scale with the site context.
- 1.59 Conclude the proposal would over-develop the site and recommend the scheme be withdrawn or refused so that meaningful changes can be made.
- 1.60 Second round consultation response awaited.

**Essex County Council Schools, Children and Families Directorate**

First round consultation response:-

- 1.61 Advise that the development falls in the secondary priority admissions area of the Sweyne Park School which the latest Essex Schools Organisation Plan (SOP) shows a deficit of 48 places and a similar deficit remains to date. The Fitzwimarc School currently has a small surplus but which is forecast to become a deficit by 2013. Action will therefore be needed to provide additional secondary school places and this proposal will add to that need.
- 1.62 The development will result in 4.4 secondary school places being required and therefore seek a developer contribution of £75,755.
- 1.63 Second round consultation response awaited.
- 1.64 **Environment Agency:** The proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee. Therefore have no comment to make.

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- 1.65 **Anglian Water Services Ltd:** Provide the following informative statements (summarised):-
- 1.66 Advise that there are no assets owned or adopted by Anglian Water within the development site.
- 1.67 Advise that the views of Essex and Suffolk water should be sought with regard to water supply network and water resources.
- 1.68 Advise that foul flows from the development can be accommodated within the foul sewerage network system that at present has adequate capacity. Foul drainage from this development will be treated at Rayleigh West Sewage treatment works that at present has capacity for these flows.
- 1.69 Advise that the development can be accommodated within the public surface water network system which at present has sufficient capacity.
- 1.70 **Natural England:** No objection to raise.

**Woodlands Section**

First Round consultation response:-

- 1.71 Advise that the Ecological Survey is inadequate in that it requires a presence and absence survey for reptiles and amphibians for the site with all supporting information and mitigation if required.
- 1.72 Advise that the site contains many trees of which some are the subject of Tree Preservation Orders 13/87 and 01/82.
- 1.73 The tree survey is an accurate account of the trees at the site. However, no further arboricultural information is provided. Furthermore the applicant/design team have ignored the tree survey and its recommendations for tree retention.
- 1.74 The site layout does not account for a replacement tree that is supposed to be planted in replacement of one that was illegally removed. A replacement notice has been served on the owner of the site, an appeal lodged which was dismissed earlier this year.
- 1.75 Recommend permission is refused until sufficient arboricultural information is received and approved and which should be in accordance with best practice in BS 5837.
- 1.76 A second tree preservation order has been served on some of the more desirable trees that offer future amenity to any further planning applications.

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- 1.77 Second round consultation response:-
- 1.78 Unable to provide full comment until an arboricultural Impact Assessment in accordance with BS 5837 is submitted for consideration.
- 1.79 On the basis of the revised layout it is considered that plots 1–4 will need moving/re-siting. Daylight levels entering these properties will be significantly reduced. Furthermore there is likely to be tree debris, leaf and fruit dispersal covering the front amenity areas such that the end use space will be compromised. If permission is granted it is anticipated that there will be significant pressure to remove or reduce these preserved mature oak trees.
- 1.80 Consider that given the preserved tree cover, the site perhaps cannot support fourteen units and may need reducing in number to accommodate the preserved trees.
- 1.81 Finally a full tree planting scheme, method statement and aftercare is required and which should be in accordance with industry best practice to BS 4428 and BS3936-1.
- 1.82 **Head of Environmental Services:** No adverse comments to make, subject to Standard Informative SI16 (Control of Nuisances) and SI 25 (Contaminated Land) being attached to any consent given.
- 1.83 **Buildings/Technical Support (Engineers):** No objections. Advise that public foul sewer not immediately available. Surface water sewer capacity to be checked with Anglian Water.
- 1.84 Four letters have been received in response to the first round public notification and which in the main make the following comments and objections:-
- Increased traffic
  - Point of access to the site is close to electricity company and Elizabeth Fitzroy home, petrol station increasing to 11 such access points in half mile stretch
  - Over-development of area
  - Would need extra services such as sewerage, water. The installation of new gas pipes is already causing extreme traffic problems.
  - Question if existing pipes will be adequate
  - Despite green issues, people will rarely use public transport
  - Rayleigh is poorly served with buses.
  - Removal of hedge to widen the road which was not replaced has made traffic noise increase considerably

**SCHEDULE ITEM 1**

- Added burden to already dangerous and busy road
- Headlight glare from access shining into houses opposite
- Construction traffic would cause congestion on the A129
- Loss of trees detrimental to outlook
- Parking problems
- Area can't cope with extra dwellings
- Will be out of character

Second round notification responses awaited.

**RECOMMENDATION**

- 1.85 **DELEGATE** determination to the Head of Planning and Transportation on expiry of the press advertisement.

**REFUSE**

- 1 The proposal, by way of the close proximity to the dwellings proposed to plots 1 - 4 inclusive to the preserved oak trees would give rise to poor daylight levels entering these properties due to the presence of preserved trees the subject of Tree Preservation Order 13 /87. Furthermore, there is likely to be tree debris, leaf and fruit dispersal covering the front amenity areas such that the end use space will be compromised. If permission is granted it is anticipated that there will be significant pressure to remove or reduce these preserved mature oak trees proving detrimental to the leafy character and appearance of the area and site locality.
- 2 The development would result in the loss of preserved oak, silver birch, hazel and bay trees the subject of tree preservation order 36/09 and fails to accommodate within the development the amenity afforded by those preserved trees. Furthermore, the submitted arboricultural information fails to consider the effect of the development upon those preserved trees and any mitigation that may be required. If allowed, the proposal would result in the loss of these preserved trees to the detriment of the leafy character and appearance of the area and site locality.
- 3 The submitted phase 1 habitats survey fails to provide a presence and absence survey for reptiles and amphibians for the site with all supporting information and mitigation if required. This failing prevents the Local Planning Authority from making an informed decision and being able to take into account the presence or otherwise of reptile and amphibian species.



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**SCHEDULE ITEM 1**

**Relevant Development Plan Policies and Proposals**

Policies HP1, HP5, HP6, TP8 of the Rochford District Replacement Local Plan (Adopted 16 June 2006) as saved by Direction of the Secretary of State for Communities and Local Government 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.

Supplementary Planning Document 2 – Housing Design  
(January 2007)

Supplementary Planning Document 5 – Vehicle Parking Standards  
(January 2007)



Shaun Scrutton

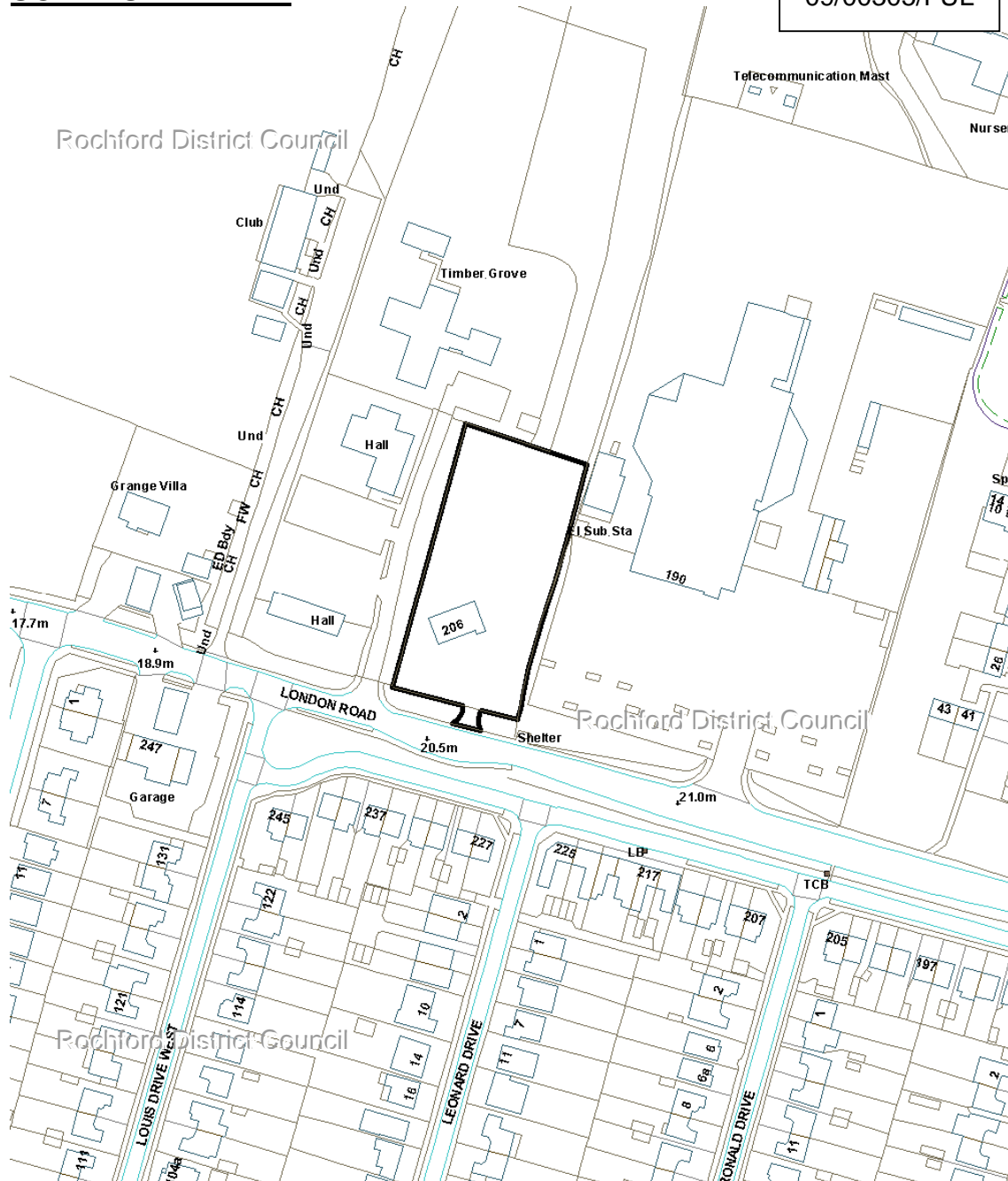
Head of Planning and Transportation

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For further information please contact Mike Stranks on (01702) 318092.

**SCHEDULE ITEM 1**

09/00305/FUL



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**SCHEDULE ITEM 2**

**TITLE: 09/00356/FUL**  
**DEMOLISH EXISTING DWELLING AND CONSTRUCT ONE**  
**DETACHED SIX-BEDROOMED HOUSE TO FRONT AND TWO**  
**DETACHED FOUR-BEDROOMED HOUSES AT THE REAR.**  
**CONSTRUCT ACCESS DRIVE, TURNING AREA AND**  
**DETACHED GARAGES AND PARKING AREA.**  
**12 EASTCHEAP RAYLEIGH**

**APPLICANT: MR RUSSELL BOWEN**

**ZONING: RESIDENTIAL**

**PARISH: RAYLEIGH TOWN COUNCIL**

**WARD: GRANGE**

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**PLANNING APPLICATION DETAILS**

**The Site**

- 2.1 The site to which this application relates is located within the residential envelope of Rayleigh. The plot is located 35m east of the junction with Willow Drive on the northern side of Eastcheap.
- 2.2 The existing dwelling on site was constructed in approximately 1924 and is located within a plot of approximately 0.1425ha. The plot extends from Eastcheap at the southern boundary almost to Willow Close on the northern boundary. The site stops short of the Willow Close boundary due to a strip of land outside the applicants control and not part of the application site.
- 2.3 The street scene of Eastcheap presents predominantly bungalows and chalet style properties. This is also the case in Willow Drive and Willow Close. Immediately adjoining the site to the west is no. 14 which is a bungalow and to the east no. 10 is a house.
- 2.4 The site is of a significant depth at 76m, with the existing dwelling currently occupying the site located approximately 8m from the front boundary; as such the existing property enjoys a large rear garden. To the western boundary is no. 14 and also the rear boundaries of no. 2, 4, 6 and 8 Willow Drive. Both flank boundaries comprise hedging to 1.5m or so in height.

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**SCHEDULE ITEM 2**

**Planning Application Details**

- 2.5 The application proposes to demolish the existing bungalow occupying the site and to construct one detached six-bedroomed house (chalet style) to the front of the site and two detached four-bedroomed houses at the rear. A private driveway is proposed to the western side of the site to service the two properties to the rear of the site and also the parking area and garage to the larger dwelling to the front of the site.
- 2.6 The dwellings to the rear of the site (plots 1 and 2) have one parking space and a garage each. The dwelling to plot 3 has a double garage to the rear of the site and a further off street space to the front of the site. Amenity spaces are provided to each dwelling, the amenity spaces to plots 1 and 2 being in front of the dwellings.
- 2.7 A waste collection point is indicated to be sited on the front boundary to the east of the access drive.

**RELEVANT PLANNING HISTORY**

- 2.8 There is no relevant history for the application site but the adjoining property to the east has the following history of relevance:-

Application No. 90/00233/OUT  
Outline application to erect detached 5-bed chalet with integral garage – R/O  
10 Eastcheap Rayleigh  
Permission Granted

Application No. 93/00207/FUL  
One pair of semi detached houses with integral garages – R/O 10 Eastcheap  
Rayleigh  
Permission Refused

Application No. F/0024/94/ROC  
Two detached houses linked by integral garages – R/O 10 Eastcheap Rayleigh  
Permission Granted

**CONSULTATIONS AND REPRESENTATIONS**

- 2.9 **Essex County Council Environment, Sustainability and Highways:** No objections, subject to the following heads of conditions being added to any grant of consent:-

- (1) site splay of 2.4m site maximum
- (2) 1.5m x1.5m pedestrian visibility splay
- (3) space within the site for the parking of operatives vehicles
- (4) Wheel cleansing

**SCHEDULE ITEM 2**

- (5) Prior to beneficial use of the development the footway shall be amended to a vehicle crossing
  - (6) Driveway constructed and completed in bound materials
- 2.10 **Environment Agency:** The environment Agency has assessed this application as having low environmental risk and as such has no objection to the proposal. They offer the following advice which if adhered to will minimise the pollution potential from this development:-
- 2.11 Surface water from roads and impermeable vehicle parking areas shall be discharged via trapped gullies. Only clean uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer. It is an offence to pollute surface or groundwater under the Water Resources Act 1991.
- 2.12 5 letters have been received in response to the neighbour notification which in the main make the following comments and objections:-
- o There seems to have been no applications on the site in half a century and it would appear that the original occupier of the former large holding decided to dispose of the bulk of the land to a developer, retaining only the current area of land which by itself has very restricted development potential.
  - o There are a number of important planning considerations which do not appear to have been addressed.
  - o At the end of 2007 the applicant approached the occupier of no. 10 Eastcheap with a proposal to jointly develop sections of the rear gardens of no. 10 and 12 Eastcheap which included a narrow strip of land fronting Willow Close. A joint site visit was arranged following which the applicant sent copies of the plans to no.10.
  - o The bat declaration asserts that there are no ponds, lakes or rovers within 200m of the proposed development. This is quite untrue. There is a large natural lake at Lakeside considerably closer to the north eastern boundary of the site than 200m and the pre 1960 building is proposed to be demolished. They believe that the bat survey is required, but since one does not seem to have been carried out it seems that the application is not valid.
  - o Reference is made in the applicant's design and access statement to a strip of land outside of the applicant's control, unfairly misnamed 'ransom strip'. However, the owner of the land, the occupier of no. 10, confirmed that no negotiations have taken place. The statement that access from Willow Drive was 'thwarted by excessive sale price' has therefore been made only by way of an attempt to justify why the current development can only be accessed from Eastcheap.

## SCHEDULE ITEM 2

- Whilst the application site is large enough to accommodate three dwellings, the amount of land available is very limited and three dwellings have been squeezed into the site at the expense of diminishing the amenities of adjoining and surrounding residents.
- The three properties have potential to house 14 people of which a fair proportion may already be adults who have a car each. In view of parking restrictions in Eastcheap a fairly large number of cars will need to be parked off the highway.
- Any additional occupiers' cars and those of visitors can only park within the turning head of the site which is likely to lead to congestion by vehicles trying to manoeuvre into or out of a private drive.
- Such a number of cars cannot fail to produce noise and fumes and all such movements will be within 3m of the private space and rear windows of no. 14 Eastcheap, to the detriment of the reasonable amenities of the occupiers of that property.
- To a lesser extent the occupiers of the properties in Willow Drive would also be subject to such noise and fumes if they chose to relax at the end of their gardens.
- Since the only access to Plots 1 and 2 would be from the private drive large vehicles such as delivery vehicles or vans in connection with the business would also need to use the driveway and parking areas which would exacerbate the disturbance caused.
- The vast majority of garages are only used for domestic storage particularly where the garden sizes are too small to accommodate a storage shed so inevitably cars are parked on the highway, on the front forecourt or elsewhere.
- Very few Councils, if any, have ever enforced the relevant planning condition relating to garages, or have been successful when attempting to enforce it and therefore the Council would be unlikely to do so if the current proposal is approved and garages are not exclusively used for car parking, which inevitably will lead to congested parking in the turning head and a large number of vehicle movements along the driveway.
- The private drive is unacceptable. A more acceptable form of access would be the provision of a double garage attached to, or integral with, the house on Plot 3, with access directly onto Eastcheap and with parking for two cars in front of the garage. Such an arrangement would leave the private drive clear to serve only plots 2 and 3, although some disturbance would still be caused to adjoining dwellers. If the same development was provided for plots 1 and 2 with access off Willow Close a development of up to four dwellings would be acceptable and would not harm either amenity or the environment.
- Represents over-development of the site
- Dwelling on plot 3 is excessively deep and would project some 8m beyond the rear wall of no. 10.

**SCHEDULE ITEM 2**

- The rear projection of the house on plot 3 will unacceptably impinge upon the outlook front, the rear of no.10, to the extent that overshadowing will occur and an unnecessarily oppressive outlook will be created.
- No precedent within street. Totally out of character with the surrounding development
- All dwellings must provide for the occupancy by disabled persons.
- None of the bathrooms are large enough to permit the entry and manoeuvring of a wheelchair
- Of the opinion that planning permission should not be granted until the plans have been amended to comply with disability requirements
- No. 7 Willow Close - No objections with the proposal, however concerned with any problems which could arise during the construction, such as congestion.
- 21 Eastcheap – Concerned at extra parking issues that will incur in Eastcheap. The road is not particularly wide and there are driveways along both sides. Extra cars parked along the road will make access to driveways a problem.
- 17 Eastcheap – The houses are too large and not in keeping with the other properties in the road.
- Noise of vehicles using the driveway would be annoying to existing residents
- Extra vehicles will be parked in Eastcheap
- Believe a quantity of asbestos is in the building.
- Large number of wildlife in the site.

**MATERIAL PLANNING CONSIDERATIONS**

- 2.13 A number of policies contained within the Council's adopted Local Plan (2006) have now been saved by a direction dated 5 June 2009 from the Secretary of State for Communities and Local Government, until such time as they are replaced by policies which will come forward in the Council's emerging Local Development Framework. These saved policies still carry development plan status and are material considerations. Policies not saved by the direction are no longer material considerations.
- 2.14 The site is located within an area annotated as existing residential development. The use of the site for residential purposes as proposed is therefore the most appropriate use in planning terms and the intensification of the site would accord with Policy HP1 to the Council's adopted Local Plan.
- 2.15 The density of the development proposed would equate to 21 units per hectare.

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Whilst this would be below the minimum 30 dwellings per hectare advocated in Planning Policy Statement 3 (November 2006), the site is constrained by its width and it would be difficult to achieve a better use of land unless larger units and buildings in multiple occupancy were proposed and which would be likely to conflict with the low rise chalet character of the area. Officers therefore consider that the lower density proposed is therefore justified in this case.

**2.16 Satisfactory Means of Access**

Policy HP14 of the Local Plan specifies that for backland development to be acceptable there is a need for satisfactory and adequate means of access to the site. Plot 1 and 2 comprising the two houses at the back of the site and the garage for plot 3 for the larger dwelling to the front would be accessed via a new private drive which would run along the western boundary of the site with gardens to dwellings fronting Willow Drive.

- 2.17 The width of the access as entering from the highway would be 5m reducing over a distance into the site of 10m to a width of 4m for the majority of the driveway. The driveway leads to a turning area to a width of approximately 19m and a depth of 9.4m.
- 2.18 At its furthest point the dwelling at no. 14 Eastcheap is located 4.4m from the shared boundary, reducing to 3m towards the rear. The access would run the length of the entire plot of no. 14 and along the rear boundary of no. 2 Willow Drive. The garaging and parking to plot 1 would be to the end of the rear garden of no. 4 Willow Drive. The rear garden of No. 10 Eastcheap would also be affected as the proposed turning area and parking and garaging to plot 2 and 3 are sited within immediate proximity to the shared boundary with No. 10 Eastcheap but some 17m from the main walls of this neighbouring house.
- 2.19 Vehicles serving three dwellings passing up and down this driveway on a continuous basis within close proximity to no. 14 (house and garden) and the rear garden of no. 2 and 4 Willow Drive would cause noise, vibration and disturbance detracting from the existing quiet. However, a similar arrangement exists at the site of No. 6a Eastcheap but serving only one dwelling. Given the good separation within the site of No. 14 to the side boundary with the access and the access being located at the end of the adjoining gardens to dwellings fronting Willow Drive over a length of some 18 or so metres, there would be sufficient separation between the access and the adjoining dwellings to mitigate against disturbance from vehicles leaving and entering the site.
- 2.20 No objection is raised by the County Highway Authority at the size and design of the access, subject to a number of conditions. Officers therefore conclude that the development would be served by a satisfactory means of access in accordance with Part (i) to Policy HP14.



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**Parking/Increased Traffic Movements**

- 2.21 The proposed four-bedroomed houses to the rear of the site would be provided with these off street spaces including garages.
- 2.22 The larger house to the front of the site would be provided with a double garage and extensive first floor level providing at least four off street spaces for this larger dwelling.
- 2.23 The parking provision shown complies with the Council's standards.
- 2.24 There is a parking restriction on Eastcheap between 11am and 12 noon.
- 2.25 The Highways Authority raise no objections to the proposal.

**Compatibility of the Building with the Site Surroundings/Visual Appearance**

Plot 3:

- 2.26 The dwelling proposed to the front of the site and to plot 3 would be a chalet style hipped roofed property, with a maximum ridge height of 7.2m. This proposed dwelling would be located to the front of the plot approximately 8m from the highway boundary, maintaining a 1m separation with the shared boundary to No. 10 and a minimum 1m separation with the access driveway. This dwelling would present a satisfactory appearance to the street scene, which is not considered out of keeping with the existing character of the street.
- 2.27 The dwelling would, however, be of a significant depth extending approximately 8m beyond the rear wall of no. 10. There is, however, a conservatory at ground floor to this neighbouring dwelling. The height of the rear projection would be 6.8m. Due to the conservatory to no. 10 the 45° guidance for extensions would not be breached and whilst the outlook from No. 10 would undoubtedly change, in satisfying the 45 degree guidance the rear projection to the house would not be over dominant of neighbouring dwellings given the relative spaciousness in relationship to adjoining buildings.
- 2.28 The projection to the first floor as proposed would contain accommodation within the roof in a chalet style with three roof lights on the eastern elevation serving a store room and bedroom. The western elevation would also feature two pitched roofed dormers to the side but which would serve bathrooms and would be acceptably obscure glazed. Officers consider that no unreasonable overlooking would arise from the design and the depth of the building to the front of the site.

**SCHEDULE ITEM 2**

Plots 1 and 2:

- 2.29 Plots 1 and 2 would present two, two storey houses at the back of the site but rear facing onto Willow Close. The roofs are significantly sloped to the front elevation into the site and as such appear to be chalet/bungalows as viewed from this elevation and from Eastcheap. As viewed from the rear the dwellings appear as two storey houses from Willow Close.
- 2.30 The design of the plots 1 and 2 does not correspond to plot 3 with significant differences in design and form. The design of the dwellings to plots 1 and 2 would not necessarily be noticeable from the wider street scene of Eastcheap.
- 2.31 The development previously approved to the rear of the adjoining property No. 10 Eastcheap but which was accessed off Willow Close was for a pair of chalet style dwellings. Although the two houses proposed would not directly correspond to the predominant character and appearance of the dwellings within Willow Close, No. 8 to the east is a larger chalet, officers consider that the design of the current houses would form an alternative that would integrate with the street.
- 2.32 The distance between the properties in Willow Drive and Plot 1 is approximately 16m. Only one window is proposed to the first floor on the western elevation of plot 1 which services a shower room. It is considered that it would be reasonable to condition that this window be obscure glazed and as such no overlooking would occur. The positioning of the dwellings at a 90° angle to each other and the modest distance between them is not considered to be unreasonable within a suburban context.
- 2.33 The house proposed to plot 2 would adjoin the end garden area to No. 10 Eastcheap but whilst the previous consent to this back plot has since lapsed the neighbouring end garden would still have potential for re-development as previously proposed. Officers consider that the siting of the development currently proposed would not undermine the potential of the adjoining site in terms of the resulting relationship between dwellings that would result.

**Amenity Space**

- 2.34 Supplementary guidance to policy HP6 states that dwellings should have the provision of 100m<sup>2</sup> of private amenity space. The garden amenity spaces are indicated on the plans, however measuring the useable space it is calculated that plot 1 has 100m<sup>2</sup>, plot 2 has 104.7m<sup>2</sup> and plot 3 has 102.39m<sup>2</sup>. All plots have sufficient amenity space as suggested within Council guidance.
- 2.35 Notwithstanding that the dwellings have adequate amenity space provided, the majority of the amenity space to plots 1 and 2 is located in front of the dwelling, and as such it may be that this space is overlooked.

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However, to the rear of plot 3, fronting Eastcheap, there are no windows proposed to the wall end at first floor level that would give rise to overlooking to these spaces.

- 2.36 Although it is unusual for the majority of the amenity space to be located to the front of the dwelling, it is considered that these spaces remain fairly private and are not likely to be overlooked to a degree which would be considered unreasonable. It would be considered reasonable to place on any grant of consent a condition requiring adequate screening between properties to be erected, maintained and retained as to secure the amenities of the future occupiers of the dwellings.

## RECOMMENDATION

- 2.37 It is proposed that the Committee resolves to **APPROVE** the application, subject to the following conditions:-
- 1 SC4B - Time limits full standard
  - 2 SC14 - Materials to be used externally
  - 3 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) the first floor side windows and roof lights shown to the dwellings proposed shall be glazed in obscure glass and shall be of a design not capable of being opened below a height of 1.7m above first floor finished floor level. Thereafter, the said windows shall be retained and maintained in the approved form.
  - 4 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) no enlargement of or the provision of additional windows, door or other means of opening shall be inserted in the side elevations or side roof slopes of the dwellings hereby permitted, in addition to those shown on the approved drawings.
  - 5 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include the means of enclosure, hard surfacing materials, refuse storage units, schedules of plants and their sizes and an implementation programme.
  - 6 A visibility splay of 2.4m x site maximum, as measured from the carriageway edge, shall be provided, with no obstruction over 600mm above the level of the adjacent carriageway.

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**SCHEDULE ITEM 2**

- 7 Prior to the beneficial use of the development commencing there shall be provided 1.5m x 1.5m pedestrian visibility splays to both sides of the vehicular access at the rear of the highway boundary
- 8 Prior to the commencement of works on the site the applicant shall indicate in writing to the Local Planning Authority an area within the curtilage of the site for the parking of operatives' vehicles and the reception and storage of building materials clear of the highway.
- 9 Prior to any works commencing on the site the applicant shall indicate in writing to the Local Planning Authority the means by which the wheels of vehicles leaving the site shall be cleansed.
- 10 Prior to beneficial use of the development the footway shall be amended to a vehicle crossing to permit access by a vehicle over it into the site.
- 11 Prior the beneficial use of the development commencing the proposed driveways shall be constructed in bound materials as approved by the Local Planning Authority.

**REASON FOR DECISION**

The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area, to the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers in Eastcheap, Willow Close and Willow Drive.

**Relevant Development Plan Policies and Proposals**

HP1, HP6, HP14 Rochford District Replacement Local Plan (Adopted 16 June 2006) as saved by Direction of the Secretary of state for Communities and Local Government 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.

Supplementary Planning Document 2 Housing Design (January 2007)

Supplementary Planning Document 5 Vehicle Parking Standards (January 2007)



Shaun Scrutton

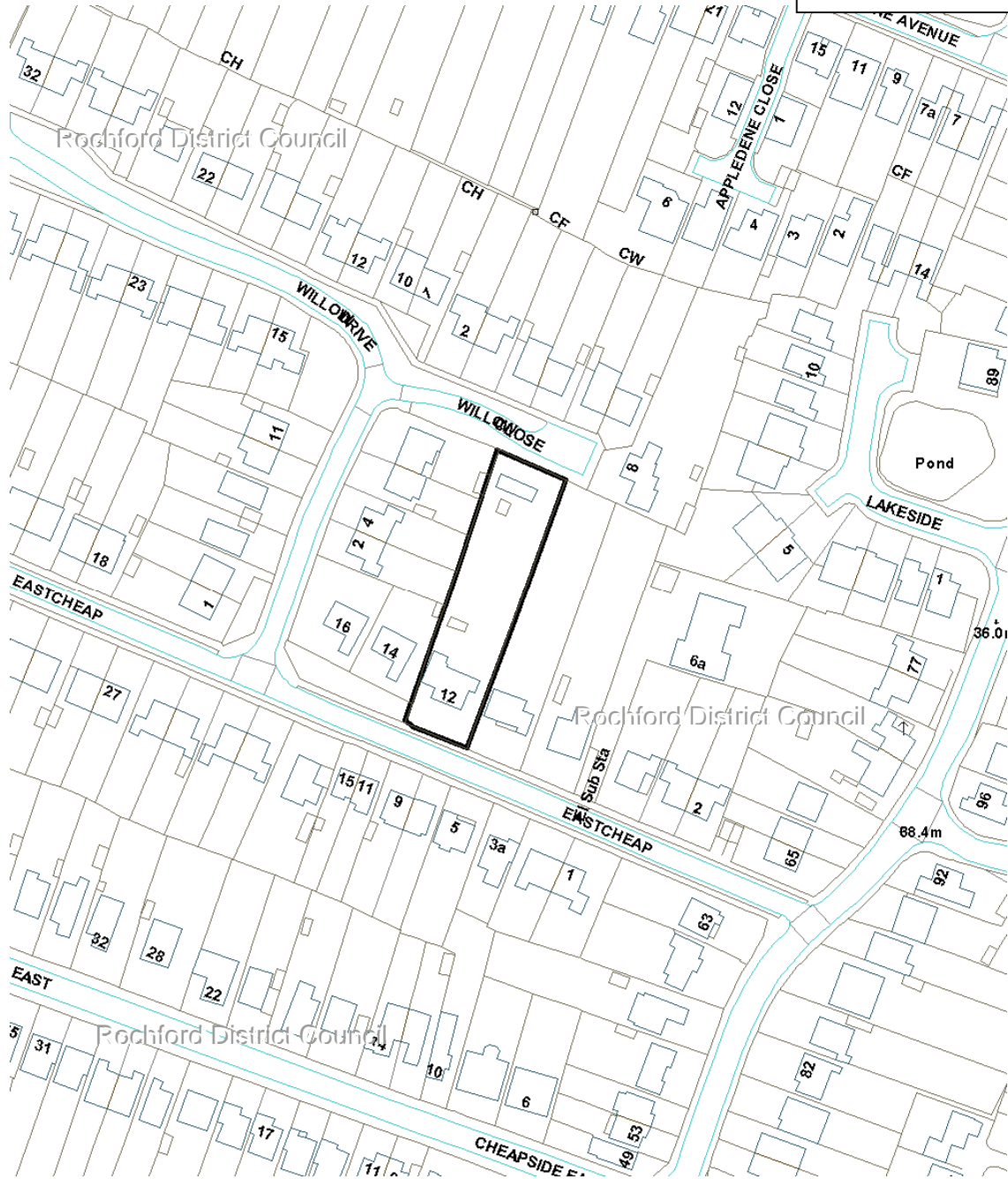
Head of Planning and Transportation

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For further information please contact Mike Stranks on (01702) 318092.

**SCHEDULE ITEM 2**

09/00356/FUL



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**CODE OF CONDUCT FOR PLANNING MATTERS**

**GENERAL PRINCIPLES**

Members and officers must:-

- **at all times act within the law and in accordance with the code of conduct.**
- **support and make decisions in accordance with the Council's planning policies/Central Government guidance and material planning considerations.**
- **declare any personal or prejudicial interest.**
- **not become involved with a planning matter, where they have a prejudicial interest.**
- **not disclose to a third party, or use to personal advantage, any confidential information.**
- **not accept gifts and hospitality received from applicants, agents or objectors outside of the strict rules laid down in the respective Member and Officer Codes of Conduct.**

In Committee, Members must:-

- **base their decisions on material planning considerations.**
- **not speak or vote, if they have a prejudicial interest in a planning matter and withdraw from the meeting.**
- **through the Chairman give details of their Planning reasons for departing from the officer recommendation on an application which will be recorded in the Minutes.**
- **give officers the opportunity to report verbally on any application.**

Members must:-

- **not depart from their overriding duty to the interests of the District's community as a whole.**
- **not become associated, in the public's mind, with those who have a vested interest in planning matters.**
- **not agree to be lobbied, unless they give the same opportunity to all other parties.**
- **not depart from the Council's guidelines on procedures at site visits.**
- **not put pressure on officers to achieve a particular recommendation.**
- **be circumspect in expressing support, or opposing a Planning proposal, until they have all the relevant planning information.**

Officers must:-

- **give objective, professional and non-political advice, on all planning matters.**
- **put in writing to the committee any changes to printed recommendations appearing in the agenda.**