



**Rochford District
Council**

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY
DEVELOPMENT CONTROL COMMITTEE - 20 October 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.

If you require a copy of this document in larger print, please contact the Planning Administration Section on 01702 – 318191.

Ward Members for Committee Items

DOWNHALL AND RAWRETH

Cllr C I Black

Cllr R A Oatham

HOCKLEY WEST

Cllr M Maddocks

ROCHFORD

Cllr J P Cottis

Cllr K J Gordon

Cllr Mrs G A Lucas-Gill

SWEYNE PARK

Cllr Mrs J Dillnut

Cllr Mrs J A Mockford

DEVELOPMENT CONTROL COMMITTEE - 20 October 2009

SCHEDULE ITEMS

- | | | | |
|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------|
| Item 1 | 09/00494/FUL
Construct Three Storey Mixed Use Building
Comprising Three x Commercial Units (Use Classes
A1, A2, A3, A5, D1 and B1(a)) and Twenty Four
Affordable Residential Units.
Asda, Priory Chase, Rayleigh | Mr Mike Stranks | PAGE 4 |
| Item 2 | 09/00511/FUL
Demolish Front Wall, Convert Existing Building into
Four x Three Bedroomed Terraced Houses
Incorporating Sloped Roofed Front and Rear Dormer
Alterations, Construct Two Storey Building to Front
Containing Two x Two Bedroomed Flats and
Construct Three Bedroomed House at Rear with
Access Road and Parking Areas.
Site Of 80 West Street, Rochford | Mr Mike Stranks | PAGE 20 |
| Item 3 | 09/00470/COU
Retrospective Application for a Change of Use of
Building From Use as a Shop, Refreshment Room,
Changing Rooms, and Toilets Ancillary to the Golf
Driving Range to a Mixed Use Class A3 Restaurant
and Uses Ancillary to the Golf Driving Range.
The Rose Garden, 33A Aldermans Hill, Hockley | Mrs Judith Adams | PAGE 32 |
| Item 4 | 09/00547/FUL
Demolish Existing Dwelling and Construct Residential
Development Comprising Ten x Three Bedroomed
and Four x Four Bedroomed Houses in Two and
Three Storey Houses (14 Units in Total), Form New
Access, Estate Road, Garaging and Parking Areas.
206 London Road, Rayleigh | Mr Mike Stranks | PAGE 41 |

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**TITLE: 09/00494/FUL
CONSTRUCT THREE STOREY MIXED USE BUILDING
COMPRISING THREE COMMERCIAL UNITS (USE CLASSES
A1, A2, A3, A5, D1 AND B1 (a) AND TWENTY FOUR
AFFORDABLE RESIDENTIAL UNITS
ASDA, PRIORY CHASE, RAYLEIGH**

APPLICANT: PROJECT CORAL (RAYLEIGH) LTD

**ZONING: MIXED USE DEVELOPMENT (THE PARK SCHOOL SITE)
(HP2)**

PARISH: RAYLEIGH

WARD: DOWNHALL AND RAWRETH

PLANNING APPLICATION DETAILS

The Site

- 1.1 This application is to a site on the southern side of Rawreth Lane on the inside of the junction made with Priory Chase. The site is the remaining part of a mixed development providing housing, including key worker flats, sports centre and primary school and is located on the edge of the car park to an existing Asda retail store.
- 1.2 The site is bounded by Priory Chase to the west and Rawreth Lane to the north with intervening land forming a wide verge with established trees from the former school fronting onto Rawreth Lane. Opposite the site to the north and also fronting Rawreth Lane are detached housing, bungalows and chalets. Opposite the site and to the west and fronting Priory Chase is a building of two storey form with accommodation in the roof space for key worker flats.
- 1.3 The southern and eastern edges of the site adjoin the car park serving the store but also serve the approved mixed use building for this part of the site to which the current proposal is an alternative to the approved scheme.

The Proposal (Include Recent Revisions Arising from UD Comments)

- 1.4 The proposal is to construct a three storey rectangular plan building containing three 93 square metre commercial units at ground floor to the southern end adjoining the site car park entrance and to the remainder of the ground, first and second floors provide 6 No. one-bedroomed and 18 No. two-bedroomed flats.

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- 1.5 The appearance of the building results from a fresh look at the setting of the site to which the previously approved developments sought to complement the existing residential development. The current proposal acknowledges more the commercial aspects of the site and that the resultant building would have a public frontage to all sides. The current proposal follows a more contemporary design approach.
- 1.6 The roof design shows an alternately sloping roof over the four elements of the building with zinc cladding.
- 1.7 The walling would comprise brick to the lower walls and walls to the northern half of the building whilst the upper two floors would be walled in smooth render.
- 1.8 The windows and door would be finished in black coloured powder coated aluminium.
- 1.9 The County Council's Urban Design team expressed some criticism of the initial scheme and more recently the external appearance of the building has been revised to overcome those concerns.
- 1.10 The building would have an overall height of 11.7m lowering to 10.65m to the northern element closer to Rawreth Lane.
- 1.11 The building would have a frontage of 51.8m onto Priory Chase and depth for 13.4m beyond which would project balconies.
- 1.12 The layout of the site would provide 33 No. car parking spaces, including two disabled spaces. These spaces would be accessed over the adjoining supermarket car park.
- 1.13 The northern part of the building would be contained by a modest sized front garden area, whilst the southern part would be contained by paving to all three sides.
- 1.14 The applicants seek a flexible consent, as established by the previous permission granted under application 08/00789/FUL, to enable use of the commercial element freely within the uses sought but without the dominance of any one particular use. In the previous application for six units this was achieved by the following condition:-

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- 1.15 2. No more than two of the permitted units shall fall within Use Class A3 or A5 as set out in the Town and Country Planning (Use Classes) Order 1987 (as amended) at any one time, without the prior written approval of the Local Planning Authority.

REASON: To maintain the diversity of uses within the centre valuable to the local community, which is otherwise poorly served by shops and other facilities.

- 1.16 The building would incorporate two rooms with external access onto the car park for refuse and separate residential and commercial refuse bin storage. A cycle store is also to the north of the building accessed from Priory Chase in addition to 6 No. bicycle stands to the external paved area adjoining the car park.
- 1.17 The applicants, Project Coral (Rayleigh) Ltd, have a conditional contract with the site owner Asda Stores. Should the application not be successful then Asda will decide how to best utilise the land to meet their commercial / operational requirements.

RELEVANT PLANNING HISTORY

- 1.18 Application No. 01/ 00762/OUT
Outline application for a mixed use development comprising housing, neighbourhood centre, public open space, primary school and leisure centre
Permission Granted 18 June 2003.
- 1.19 Application No. 04/00975/FUL
Variation of conditions attached to Outline Permission No. 01/00672/OUT to allow for separate reserved matters to be submitted and to allow flats above retail units in the neighbourhood centre.
Permission granted 17 February 2005.
- 1.20 Application No. 05/00599/REM
Details of retail food store and part two storey part three storey building comprising 4 No. A1 (retail) units and 1 No. café/restaurant to ground floor, 3 No. D1 (Non Residential Institutions) units at first floor and 8 No. two bedroomed flats at first and second floor with access and car parking layout.
Permission refused 24 November 2005.

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- 1.21 For reasons that the proposal failed to comply with the requirements of condition 4 of the outline consent in providing for a range of uses valuable to the local community, that the results within the travel assessment were considered unacceptable in terms of traffic movements arising from the development and the capability of the highway network to absorb those movements and the size of the retail store would be likely to have an adverse effect upon Rayleigh town centre.
- 1.22 Application No. 05/01049/REM
Details of retail food store and part two storey part three storey building comprising 5 No. A1 (Retail) units and 1 No. A3 café, 3 No. D1 (non residential institutions) 1 No. D1 Nursery at ground, first and second floor with access and car parking layout floor.
- 1.23 Permission refused 25 May 2006 for reasons that the results within the travel assessment were considered unacceptable in terms of traffic movements arising from the development and the capability of the highway network to absorb those movements, the size of the retail store would be likely to have an adverse effect upon Rayleigh town centre and the noise and disturbance associated with the retail store would be detrimental to the residential amenity of nearby residents in Priory Chase.
Appeal allowed 25 January 2007.
- 1.24 Application No. 06/00508/FUL
Variation of condition 2 of outline permission 01/00762/OUT to extend the time allowance for the submission of reserved matters applications by three years.
Permission granted 20 June 2006.
- 1.25 Application No. 07/00588/FUL
Alterations to Approved Asda Store Building Comprising Covered Walkway to Car Parking Area, Provision of Smoking Shelter to Staff Parking Area, Provision of External Cash Machine Pod and Removal of one Car Parking Space, Provision of Draft Lobby to Store Entrance, Raise Height of Service Yard Wall From 1.8m to 3m, Revised Layout of Service Yard, Revised Location of Trees to Car Park, Extension of Entrance Canopy, Revised Elevations of Store to Show Location of Cash Office Transfer Unit, Provision of 2 No. First Floor Windows to Staff Restaurant and Training Room, Reduced Size of Curtain Walling Panels, Provision of Additional Fire Exit to North Elevation and Revised Position of Roof Plant.
Permission granted 23 August 2007

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- 1.26 Application No. 08/00541/FUL
Erection of a three storey mixed use building comprising a mix of commercial uses (Use Classes D1: Non-Residential Institutions, Class A1: Shops, Class A2: Financial and Professional Services, Class A3: Food and Drink, Class A4: Drinking Establishments, Class A5: Hot Food Takeaways) and 11no. two-bedroomed and 8 no. one-bedroomed flats and associated car parking.
Application withdrawn.
- 1.27 Application No. 08/00789/FUL
Erect part single storey part two storey mixed use building comprising 6 commercial units within class A1: Shops, Class A2: Financial and Professional, Class A3: Food and Drink, Class A5: Hot Food Takeaway, Class D1: Non-Residential Institutions and Class B1: Business and Associated Parking
Permission granted 20 November 2008.
- 1.28 Following the grant of outline consent a master plan established the relative proportions of the layout of the site around a single spine road and to provide a neighbourhood centre comprising retail and other uses to support the community to this part of western Rayleigh including food and drink uses and non-residential institutions such as children's nursery or medical facilities such as doctors and/or dentists. The scope of the neighbourhood centre, as set out in the outline permission, was never framed specifically other than to suggest a range of A1, A3 and D1 uses and was otherwise left open to allow flexibility.
- 1.29 The site now includes a retail store and car park with permission extant as allowed on appeal under application 05/1049/REM for an alternative mixed use building that is compliant with the outline permission. The outline permission was previously varied to allow for flats to the upper floors of the mixed use building. The development commenced construction under the appeal decision but the design of the retail store building was amended and completed under the permission granted under application 07/00588/FUL. The site of the proposal remains with a shingle covering and has been in use for overspill car parking.
- 1.30 This application is a stand alone application independent from the outline application and is not submitted as reserved matters pursuant to the outline permission or the history of the site.

CONSULTATIONS AND REPRESENTATIONS

- 1.31 **Rayleigh Town Council**
Object on the basis of over-development of the site and insufficient parking for 24 Flats.

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- 1.32 **Essex County Council Environment, Sustainability and Highways**
Make the following comments in relation to the recent revised plans from the Urban Design viewpoint:-
- 1.33 Underground parking was considered but proved unviable. No longer see parking as an issue.
- 1.34 Balconies have been added to the scheme providing 5 square metres for each unit and this area should be considered as part of the open space provision.
- 1.35 Discussion has taken place regarding the site boundary treatment and considering various options for security and enclosure. It is finally agreed that a front garden approach is the preferred and best option for the site, taking into account a subtle boundary treatment that will be reduced from the originally submitted 1800mm high down to 900mm high black railings.
- 1.36 The rationale behind the design of the roof scape has been discussed and it is agreed that the current proposals represent a satisfactory solution, given the constraints of the scheme.
- 1.37 The southwest elevation (facing onto the car park access point) has been amended to create a focus/gateway feature.
- 1.38 The northwest elevation (fronting onto Priory Chase) has been revised to provide larger more continuous shop fronts greatly improving the elevation and proposals as a whole.
- 1.39 The south-east elevation (facing onto the car park) has been improved to reduce the areas of blank wall and with shop fronts widened improving the elevation to make the shop fronts more inviting.
- 1.40 The latest plan deletes the pedestrian access point that was part of a previous layout and which met the site at the edge of the car parking area.
- 1.41 The development mix of the scheme has evolved with community use replaced by a more viable mixed use alternative with possible pharmacy. The scheme also would provide 100% affordable homes, satisfying Council planners.
- 1.42 Pleased with the amendments provided on the latest plans and find no further reason not to approve this scheme. The site is a particularly difficult development with four active frontages and a mix of uses. The willingness of the project architect to take on board comments has made the final stage of negotiations easier and in our view helped to improve an important development for Rayleigh.

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- 1.43 **Essex County Council Environment Sustainability and Highways**
No objection to raise as Highway Authority, subject to the following heads of conditions being attached to the consent:-
1. Visibility splay of 2.4m x site maximum
 2. Pedestrian visibility splay 1.5m x 1.5m
 3. Provision of details of an area within the site for the parking of operatives' vehicles and the reception of materials
 4. Submission of details for the cleaning of wheels of construction vehicles leaving the site
 5. Car parking areas to be hard surfaced, sealed and marked out
 6. All parking bays to measure no less than 2.5m x 5.0m
 7. Provision and implementation of a transport Information and marketing scheme for sustainable transport to be approved by Essex County Council and to include vouchers for 12 months free bus travel.
- 1.44 **Essex County Council Schools, Children and Families Directorate**
Advise that, according to forecasts, there should be sufficient primary and secondary places at a local school serving this development.
- 1.45 Advise that the latest Childcare Sufficiency Assessment shows that there are no available pre-school places in the locality and the development will add to that need.
- 1.46 Therefore estimate that the development will result in the need for a contribution of £11, 095 towards early years and childcare provision and therefore request a developer contribution of this sum prior to the commencement of the development.
- 1.47 **Environment Agency**
Advise that the site is situated within Flood Zone 1 and classed as low probability risk and the site area falls outside the remit of the Environment Agency. It is for the Local Planning Authority to consider surface water management.
- 1.48 Advise that it is important the development is carried out in a sustainable manner in terms of construction and design. The development should seek to minimise the use of resources and the production of waste using passive systems using natural light, air movement and thermal mass. High levels of energy and water efficiency must be ensured.
- 1.49 Recommend the following heads of conditions:-

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- 1.50 1) That prior to the commencement of the development a scheme for the provision and implementation of water resource efficiency shall be submitted for agreement and implemented.
- 1.51 2) That prior to the commencement of the development a scheme for the provision and implementation of energy resource efficiency during construction and operational phases of the development shall be submitted for agreement and implemented.
- 1.52 Advise that, prior to being discharged into any water course, surface water sewer or soakaway system, all surface water drainage from parking areas for less than fifty spaces and hardstandings should be passed through trapped gullies with an overall capacity compatible with the site being drained to prevent pollution to the water environment.
- 1.53 As an alternative to trapped gullies and positive piped systems consideration should be given to sustainable drainage schemes such as porous paving. These are encouraged as they aid flood prevention, water conservation and improve the quality of surface water run off.
- 1.54 **Housing Strategy Officer**
The strategic housing department is fully supportive of this proposed development of 24 No. one and two-bedroomed affordable homes. The Council has over 700 applicants on its housing register, which is continually increasing with the main areas of demand in the district being Rayleigh and Rochford. Rayleigh has the highest demand of all.
- 1.55 The Thames Gateway South Essex Strategic Housing Market Assessment 2008 indicated that the district has an additional net 131 homes to be provided per annum. Over the past twelve months the Council has struggled to provide half this figure for social rented homes (1 and 2 bedroom need), which is met by nominations to RSL properties, therefore demonstrating that the need is greater than the supply of affordable homes in the district.
- 1.56 The current state of the housing market has also had an impact on new affordable homes becoming available (from April 2008 to March 2009 the Council had nominations to 23 new home buy units only).
- 1.57 One Letter has been received in response to the public notification and which in the main makes the following comments and objections:-
- o Object very strongly to the three shop units as a hot food takeaway will cause further anti-social problems for residents in Priory Chase and Temple Way.

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- There are existing problems with youths and their vehicles congregating in the Asda area, underage alcohol abuse in Sweyne Park and vandalism from late night users of the leisure centre skate park and Sweyne Park. The new football pitches will add to this problem.
- Area already excessively over-developed.
- Object to the takeaway being in close proximity to the primary school, encouraging unhealthy eating habits and further anti-social behaviour in young children.
- No objection to the flats in principle but concerned that the design is not in keeping with existing flats opposite.
- Concerned that there is inadequate parking and aesthetic bin store provision.
- Concerned that visitors to the shops will park dangerously near the junction of Rawreth Lane with Priory Chase.
- Concerned about loss of trees to the frontage with Rawreth Lane.

MATERIAL PLANNING CONSIDERATIONS

Principle of the Development

- 1.58 The principle of the proposed development accords with the Local Plan allocation seeking a mixed use development and, although submitted for separate consideration to the outline permission, does, however, follow the general scope of the expectations for the site including the provision of residential flats above the ground floor commercial units found acceptable by the permission granted under application.

Design Comparisons to Previously Approved Building

- 1.59 A three storey mixed use building was allowed on appeal as part of the greater development of the site under application 05/01049/REM. More recently an alternative part two storey, part single storey building was granted permission under application 08/00789/FUL.
- 1.60 The proposal differs to those previously approved in that it would have a rectangular, as opposed to the previously approved "L" shaped, footprint to both approved schemes.
- 1.61 The current application would provide an elevation of 51.8m onto Priory Chase 0.2m less in length in comparison to the more recently approved building and 0.4m less in length in comparison to that allowed on appeal.

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- 1.62 The current application would provide a building to a width of 13.5m considerably less than the 26.5m width presented to Rawreth Lane by the recently approved building and 27m to the building allowed on appeal.
- 1.63 The current application would be about 1.5m wider as presented onto the car park access road in comparison to the previously approved buildings.
- 1.64 The building would have an overall height of 11.7m lowering to 10.65m, which closely compares to the building allowed on appeal at 11.8m. The recently approved building varied between 9.3m and 8.4m in height.
- 1.65 In considering the appeal the Inspector was not presented with reasons concerning the design of the mixed use building and did not therefore offer comment. Both approved buildings for this site compare in appearance.
- 1.66 The current application has revisited the design and breaks away from the domestic form suggested by the housing opposite in favour of a contemporary design evolved from the consideration of the commercial neighbouring buildings such as the retail store and sports centre, with industrial premises beyond and the challenge to achieve a satisfactory development that has publicly exposed frontages to all sides.
- 1.67 The design has been revised to overcome detailed objections by the County Council Urban Designer. The elevations have been uplifted in appearance and detail such that no objection is now raised to the development in Urban Design terms.

Density Issues

- 1.68 Advice contained within paragraph 47 to PPS3: Housing (November 2006) although setting a minimum density of 30 dwellings per hectare, no longer sets an upper limit, but amongst other things requires account to be taken of the characteristics of the area.
- 1.69 The site has an area of 0.21ha and, as well as the three commercial units proposed, would equate to a density for the 24 flats proposed of 114 dwellings per hectare.
- 1.70 In comparison the adjoining area for key worker flats and adjoining housing shows a typical sample area of 1ha to equate to a density of 47 units per hectare. However, the key worker flats opposite the site have a density of 144 units per hectare.

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- 1.71 Whilst the density of the residential element of this proposal is high it compares in character to the flatted development recently constructed opposite the site. Apart from the failure in provision of amenity space considered below, there is no other conflict with the proposal in density terms.

Detailed Space Standards

- 1.72 The Council's standards would normally require the provision of some 600 square metres of amenity space.
- 1.73 Council guidance allows for exceptions to be made where the site is adjacent to an area of substantial well landscaped and properly maintained public open space. Swayne Park informal open space is near to the site as well as Rayleigh leisure centre and both a short walk from the site without having to cross a main road.
- 1.74 The layout of the site makes provision for refuse bin storage and cycle storage within the building.
- 1.75 As originally submitted, a small area of amenity space was provided at ground floor and enclosed by a 1.8m high enclosure. Provision in this way has the criticism that upper floor residents find difficulty in making use of this space because it tends to be dominated by ground floor flat occupiers and is less private for communal use. The County Council Urban Designer also expressed concern at the effect of such enclosure upon the public view of the building.
- 1.76 The layout has consequently been revised to lower the enclosure to achieve a front garden setting to the northern end of the building and enclosing a space of some 233 square metres in area within which there are proposed private balcony areas of some 26 square metres.
- 1.77 The Council's adopted Supplementary Planning Document indicates that flats should have a minimum balcony area of 5 square metres with the ground floor flats having a minimum of 50 square metres patio garden or at least 25 square metres communal garden area per flat. In this case, the design includes private balconies of between 5 and 6.9 square metres. This, together with the enclosed garden space and the availability of a substantial area of public open space a short walk from the site, is considered to provide an acceptable provision of amenity space for the proposed development.
- 1.78 The proposal would provide for windows and balconies to first and second floors overlooking the public areas of Priory Chase and Rawreth Lane as well as the car park to the rear of the site. No overlooking of adjoining private areas to residential neighbouring properties would arise from this development.

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Highway Issues

- 1.79 The previous scheme for this part of the site required some 80 car parking spaces as calculated from the specific uses to each unit as then proposed.
- 1.80 It is accepted that the commercial uses are accounted for in the general layout of the adjoining car park. The issue is therefore the need for residential parking to provide for the flats now proposed.
- 1.81 The current application would provide 33 car parking spaces including two disabled spaces. This equates to 1.3 spaces per flat or 1 space per flat and 9 visitor spaces. This is slightly below the requirements set out in new parking standards recently adopted by Essex County Council, which would require a total of 42 spaces.
- 1.82 However, officers consider that this level of provision is acceptable to serve the development, given that the flats will be managed by a housing association and there is no objection raised by the County Highway Authority to the proposal on highway grounds.

The Use Issues

- 1.83 The application is unusual in that it seeks consent for a wide ranging scope of uses. Normally, the implementation of a use would convey certain permitted development rights allowing, for example, an estate agent (A2) to become a shop (A1) without a fresh permission being necessary. The take up of any of the uses proposed would normally only allow in certain cases new shop uses to result.
- 1.84 The current application, however, seeks to allow on a permanent basis the full range of A class uses, excluding A4 Bars, at any given time, notwithstanding the lawful implementation of user rights. The effect of this would be attractive for marketing purposes, giving ultimate flexibility. Whilst the retail use desired is essentially provided by the retail store on the site, as proposed the building could be dominated at any particular time by, say, A3 or A5 use as a restaurant or takeaway effectively bypassing existing controls in place by statute, which are intended to enable consideration of nuisance, hours of operation and traffic considerations as well as the appropriateness of the full range of uses to a neighbourhood parade.

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- 1.85 Policy SAT6 seeks to secure local shopping parades for essentially retail or other purposes to serve day to day needs of the local community as well as maintaining the attractiveness of shop fronts important to the vitality and attraction to shoppers. Conditions can be used to control installation of external venting where required and the installation of security grills. However, in the consideration of the previously approved application, officers and Members found a condition acceptable that ensured an effective mix of uses would be achieved without dominance of A3 or A5 uses.
- 1.86 Officers consider that this style of condition can be adapted to suit the smaller range of commercial premises proposed in this current application.

Affordable Housing

- 1.87 The current application would normally require the provision of at least nine affordable units. The applicants are, however, offering all twenty four units as affordable housing.
- 1.88 Accompanying the application is a letter from Sanctuary Hereward Housing Association, which confirms that the association has been working in partnership with the applicants and sought grant funding for the development proposed. The association advises that it is in the final stages of agreeing legal documentation and hopes to sign shortly.
- 1.89 The matter therefore only requires a legal agreement or Unilateral Undertaking securing the affordable commitment to be completed prior to the issue of the decision notice should Members be minded to approve the application.

CONCLUSION

- 1.90 The principle of the proposed development accords with the Local Plan.
- 1.91 The current application has revisited the design and breaks away from the domestic form suggested by the housing opposite in favour of a contemporary design evolved from the consideration of the commercial neighbouring buildings, such as the retail store and sports centre, with industrial premises beyond and the challenge to achieve a satisfactory development that has publicly exposed frontages to all sides.
- 1.92 The development proposed would provide satisfactory off street car parking to serve the residential element of the development and would not give rise to conditions of loss of privacy with adjoining neighbours.

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- 1.93 The development would provide private balconies to each flat and, taken with the availability of public open space near to the site, the development would achieve a satisfactory density and contribution to affordable housing.

RECOMMENDATION

- 1.94 It is recommended that the Committee resolves to **APPROVE** the application, subject to the applicants providing an agreement or Unilateral Undertaking to provide affordable housing and to provide an education contribution for £11,095 towards early years childcare provision and to the following conditions:-
- 1 SC4B - Standard Time Limit
 - 2 No development shall commence before details, including samples of all external facing and roofing materials (including windows and doors) to be used in the development, have been submitted to and agreed in writing by the Local Planning Authority. Such materials as may be agreed in writing by the Local Planning Authority shall be those used in the development hereby permitted.
 - 3 No more than one of the permitted units shall fall within Use Class A3 or A5, as set out in the Town and Country Planning (Use Classes) Order 1987 (as amended) at any one time, without the prior written approval of the Local Planning Authority.
 - 4 Prior to the commencement of any use within use class A3 or A5 to the Town and Country Planning (Use Classes) Order 1987 (as amended) details of a mechanical extraction system to be provided to the kitchen area, together with details of all fume extraction and ventilation equipment, shall be submitted to the Local Planning Authority. The development shall be implemented in accordance with such details as may be agreed by the Local Planning Authority and shall be fully implemented and installed prior to the commencement of any use within Use Class A3 or A5 to the Town and Country Planning (Use Classes) Order 1987 (as amended) hereby permitted and shall be maintained in the approved form while the premises are in use for the permitted purpose.
 - 5 No security shutters or grilles shall be erected to the outside exterior of the building hereby approved.
 - 6 The development hereby permitted shall only accept deliveries of goods to be sold between the hours of 0700 hours and 2300 hours from Monday to Saturday inclusive and at no time on Sundays.
 - 7 The use of the development hereby permitted shall only be open to the public between the hours of 0700 hours and 2300hours on any day.

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- 8 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.
- 9 Prior to the commencement of works on the site the applicant shall indicate in writing to the Local Planning Authority an area within the curtailage of the site for the parking of operatives' vehicles and the reception and storage of materials clear of the highway.
- 10 Prior to the commencement of works on the site the applicant shall indicate in writing to the Local Planning Authority the means by which the wheels of construction vehicles leaving the site shall be cleansed.
- 11 Prior to the beneficial use of the development commencing the car parking area indicated on the submitted plans, including any parking spaces for the mobility impaired, shall be hard surfaced, sealed and marked out in parking bays. The car park shall be retained in this form at all times. The car park shall not be used for any other purpose other than the parking of vehicles that are related to the use of the development.
- 12 Prior to the first occupation of the development the applicant shall implement a transport information and marketing scheme for sustainable transport for the residential element of the development hereby permitted, in accordance with details to be approved by Essex County Council and to include vouchers for 12 months free bus travel within the applicable zone (covering the relevant zone, as set out by the local operator and Essex County Council) for each eligible member of every residential household, valid for exchange during the first 6 months following occupation of the individual flats. Details of the take up of the vouchers shall be provided to Essex County Council's Travel Plan Team on a 6 monthly basis, as indicated in Policy F32 Essex Road Passenger Transport Strategy 2006–2011.
- 13 Prior to the commencement of the development a scheme for the provision and implementation of water resource efficiency shall be submitted to and agreed in writing with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans / specification before occupancy of any part of the proposed development.
- 14 Prior to the commencement of the development a scheme for the provision and implementation of energy and resource efficiency, during the construction and operational phases of the development, shall be submitted to and agreed in writing with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans / specification at such time(s) as may be specified in the approved scheme.

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REASON FOR DECISION

The proposal is not considered 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 neighbouring streets.

Relevant Development Plan Policies and Proposals

Policies HP2, HP6, HP8, HP11, HP17, SAT2, SAT6, SAT8 of the Rochford District Replacement Local Plan (2006) as saved by Direction of the Secretary of State for Communities and Local Government 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 2006)

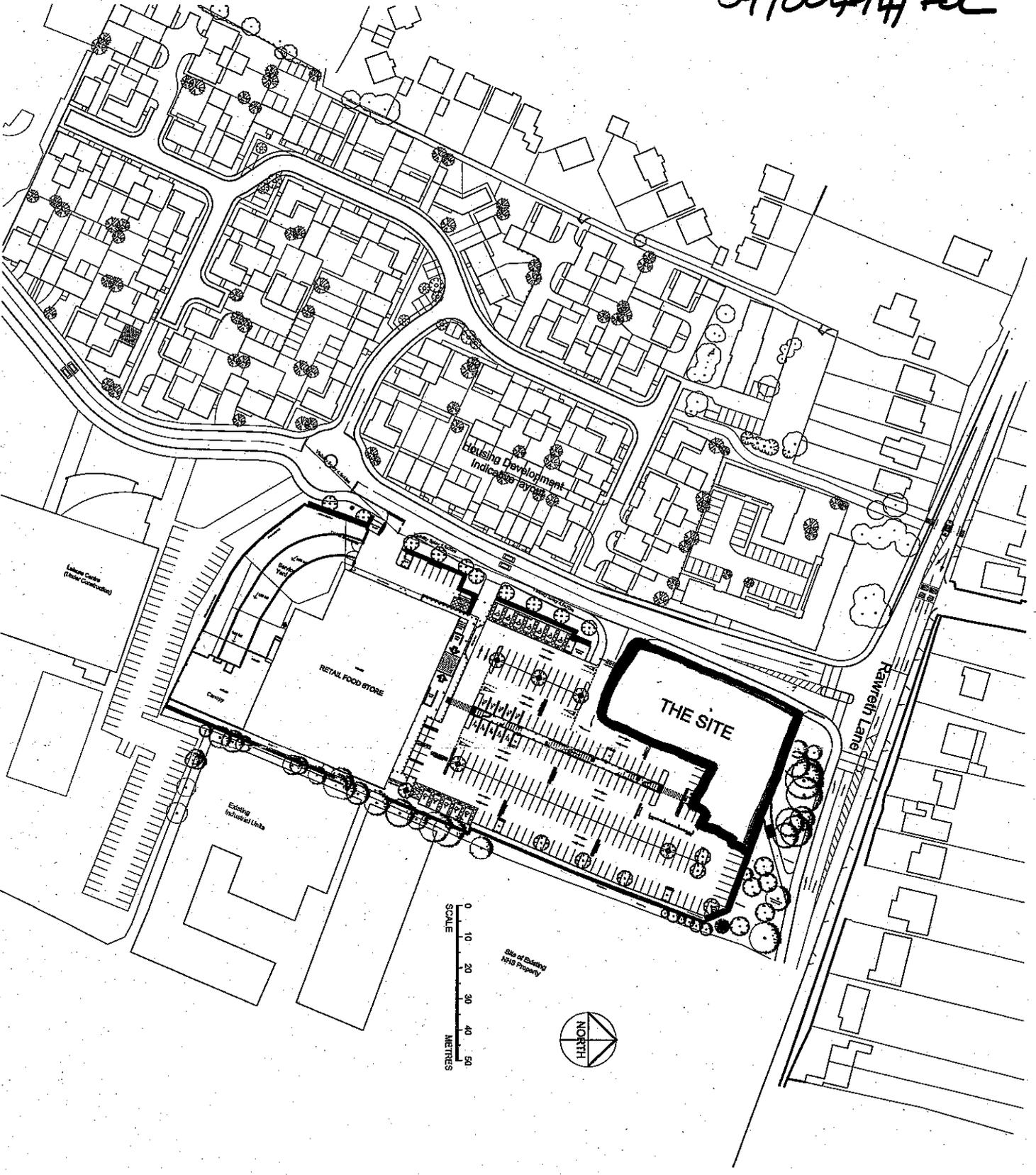
Supplementary Planning Document 5 Vehicle Parking Standards (January 2006)



Shaun Scrutton
Head of Planning and Transportation

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

09/00494/FUL



LOCATION PLAN

The contractor is to check all dimensions on site and report any discrepancies to the architect. All rights, designs and patents act 1988 have been generally asserted.

coluqu lwr

18 AUG 2009

A	04/08/09	Drawn -	Checked -
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PLANNING APPLICATION

-	04/08/09	Drawn -	Checked
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Initial Issue

CFArchitects

2 Parkside Terrace
Recreation Ground Road
Stamford
Lincolnshire
PE9 1LX

Tel: 07880 503530

Page 19(a)

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Project:
Mixed Development
Raweth Lane
Rayleigh

Drawing

Location Plan

Scale	1:1250@A3	Date	August 2009
Ref. Number	09-02 01	Rev.	A

SCHEDULE ITEM 2

TITLE: 09/00511/FUL
DEMOLISH FRONT WALL. CONVERT EXISTING BUILDING INTO 4 No. THREE-BEDROOMED TERRACED HOUSES INCORPORATING SLOPED ROOFED FRONT AND REAR DORMER ALTERATIONS, CONSTRUCT TWO STOREY BUILDING TO FRONT CONTAINING 2 No. TWO-BEDROOMED FLATS AND CONSTRUCT THREE-BEDROOMED HOUSE AT REAR
SITE OF 80 WEST STREET, ROCHFORD

APPLICANT: G.H.T. PROPERTIES

ZONING: EXISTING RESIDENTIAL DEVELOPMENT

PARISH: ROCHFORD

WARD: ROCHFORD

PLANNING APPLICATION DETAILS

The Site and Location

- 2.1 This application is to a site on the northern side of West Street 40m west of the junction with Bradley Way. The site has a frontage contained by a brick wall and gates to West Street of 24.8m in width and is broadly rectangular in shape over a depth of 42.2m, but widens at the rear to some 35m. On the site is a two storey pitched roofed building that has been vacant for a number of years, but which was originally built as a terrace of four houses and last used as a day care centre and offices. A former garage block at the rear and wider part of the site has since been demolished by previous site owners.
- 2.2 The site is adjoined to the west by a listed former house now used as offices and the former doctors' surgery now used as the Rochford Parish Council rooms. To the east of the site is the Milestone public house and restaurant and a cleared site, which benefits from planning permission for a retail store at ground floor with six flats above. At the rear of the site exists the Rochford Primary School playing field.

SCHEDULE ITEM 2

- 2.3 The site is allocated as existing residential development in the Council's adopted Local Plan (2006) and is within the Rochford Conservation Area. The building on the site is of modern construction and is not listed of special architectural or historic importance. A number of trees exist on the site benefiting from the general protection given to the site by the Conservation Area but the large lime tree to the front of the site is also the subject of a separate Tree Preservation Order No. 21/08.
- 2.4 There has been no demolition of buildings arising from these proposals and therefore no application for Conservation Area Consent is required to accompany the application.

The Proposal

- 2.5 The current application follows the consideration of three separate applications considered on the site. Following the decision to refuse the application the Chairman, Portfolio Holder and Ward Members met with officers and the applicants to discuss a suitable way forward that might be acceptable to the Council.
- 2.6 The current application reflects the comments made at the meeting and provides for the development of the site presented as one application rather than in constituent parts, as previously.
- 2.7 The development would be served from the existing site access onto West Street. In this current proposal the entrance would not be gated. The layout would utilise the existing car parking spaces to the front part of the site and provide three further spaces to the rear of the site. In total seven spaces are proposed.
- 2.8 A refuse store is proposed adjoining the site entrance. This enclosure would be walled to a height of 2.3m and contain space for 14 No. residential refuse and recycling bins to accord with the Council's domestic collection requirements.
- 2.9 The building proposed to the front of the site has been revised to a rectangular plan with a two-bedroomed flat at ground floor and a two-bedroomed flat at first floor. The design features a false door to the front of the building to give the appearance of a pair of semi detached houses. The building would have an overall height of 8.45m to ridge line and would be finished in red brick work and Spanish natural slate to the roof with timber windows and doors.
- 2.10 The existing building, which was originally constructed as four terraced houses, is proposed to be converted back into four houses, but with modification to provide front and rear sloping dormers. These works have been carried out and this part of the application is therefore retrospective.

SCHEDULE ITEM 2

- 2.11 To the rear of the site is proposed a detached three-bedroomed house. This building would be finished in red brick work with natural slate roof consistent with the flatted building to the front of the site.
- 2.12 Following the submission of the application a further meeting has taken place that resulted in concerns expressed at the awkward arrangement for the false door to the building at the front and the need for the building at the rear to be reduced to two bedrooms so as to meet the Council's garden area requirements.
- 2.13 Concern was also expressed at the ill fitting nature of the proposed refuse bin enclosure in the site frontage, the need to provide a storage area alongside the existing building for collection day only, and the need to improve the layout to provide extra car parking. The applicant is considering these comments and an update will be provided at the meeting.

RELEVANT PLANNING HISTORY

- 2.14 Application No. ROC/1135/72
Erect 4 No. two storey houses for staff
Permission granted 6 March 1973.
- 2.15 Application No. ROC/1135/72 A
Erect block of four pre-cast garages
Permission granted 29 November 1974
Application No. CC/447/90
Change of use from residential to day centre and offices.
No objection raised by Rochford District Council 15 November 1990.
- 2.16 Application No. 07/01010/FUL
Demolish existing building and construct two storey building comprising retail store at ground floor with 3 No. first floor two-bedroomed flats with access parking area.
Permission refused 5 June 2008.
- 2.17 Application No. 08/00683/CON
Demolish garages on part of site.
Permission granted 30 September 2008

SCHEDULE ITEM 2

- 2.18 Application No. 09/00223/FUL
Convert existing building into 4 No. three-bedroomed terraced houses including alterations to form sloped roofed front and rear dormers (Block B)
Permission refused 23 July 2009.
- 2.19 Reasons: (summarised) uncharacteristically large dormer features, limited amount of car parking and over-development, insufficient access for refuse vehicles and insufficient space for refuse bin storage, limited rear gardens.
- 2.20 Application No. 09/00235/FUL
Construct two storey pitched roofed building comprising 2 No. two-bedroomed self contained flats (Block C) at front of site.
Permission refused 23 July 2009.
- 2.21 Reasons: (summarised) Bland and undistinguished design out of character with Conservation Area, limited amount of car parking and over-development, insufficient access for refuse vehicles and insufficient space for refuse bin storage, fragmented narrow amenity space.
- 2.22 Application No. 09/00236/FUL
Construct two storey pitched roofed building comprising 2 No. one-bedroomed self contained flats at rear of site (Block A)
Permission refused 23 July 2009.
- Reasons: (summarised) Unacceptable backland, limited amount of car parking and over-development, insufficient access for refuse vehicles and insufficient space for refuse bin storage, insufficient private amenity space.

CONSULTATIONS AND REPRESENTATIONS

- 2.23 **London Southend Airport**
No safeguarding objections.
- 2.24 **Essex County Council Environment Sustainability and Highways Specialist Archaeological Advice**
Identify the site as lying immediately south and west of the medieval core of Rochford. This area, and particularly West Street, represents a planned late 15th Century expansion of the town. The importance of the medieval settlement of Rochford means that it was potentially larger than present evidence suggests and therefore it is possible that deposits associated with the medieval development will be found in the development area. The development also lies within the Roach Valley and directly upon River Thames terraces known to present great potential for pre-historic archaeology.
- 2.25 Recommend condition requiring trial trenching and possible excavation.

SCHEDULE ITEM 2

2.26 Woodlands Section

Agree the removal of the trees as recommended in the consultant report accompanying the application.

2.27 Advise that the replacement planting to the front of the site is adequate, but further information regarding size, planting method and aftercare be supplied as a condition of planning consent.

2.28 The proposed planting locations and species choice to the rear of the site is poor. Recommend that the cherry and paulownia (foxglove tree) be replaced for different species more in keeping with the district's Conservation Areas. This may include black mulberry, small leaved lime, holly, copper beach.

2.29 Planting locations should be chosen where the tree has room to grow (crown and root) and where they are unlikely to cause significant nuisance from fruit/leaf dispersal, shading, direct/indirect root damage. Further information regarding size, planting method and aftercare should be supplied as a condition of the planning consent.

2.30 Advise also that the accompanying report will not result in any detrimental effect on bat populations in the area.

MATERIAL PLANNING CONSIDERATIONS

Principle of the Development

2.31 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. These saved policies still carry development plan status and are material considerations until such time as they are replaced by policies that will come forward in the Council's emerging Local Development Framework. Policies not saved by the direction are no longer material considerations.

2.32 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 notwithstanding the presence of other commercial uses on adjoining sites.

2.33 The re-development of this town centre site would recycle urban land and would thus generally accord with the Policy CS1 to the saved Local Plan and national policy set out at paragraph 41 to Planning Policy Statement 3 (Housing) 2006.

SCHEDULE ITEM 2

- 2.34 The site is within Rochford town centre, which is served by a main line rail station opposite the site and a regular bus service. The town centre shops and services are a convenient walk from the site. The location is highly accessible in accordance with part (i) to policy HP6.

Density

- 2.35 Policy HP3 to the Council's adopted Local Plan previously advocated a density within a range of 30-50 dwellings per hectare. This policy has not been saved by the ministerial direction. National policy set out at paragraphs 47-50 to Planning Policy Statement 3 (Housing) 2006 states that developments at less than 30 dwellings per hectare would need justification but that in Conservation Areas and other areas of special character new development opportunities can be taken without adverse impacts upon the area's character and appearance. In short there is no upper limit to the density possibilities provided the character of the area is maintained or improved. Existing density should not stifle change by producing replication of older style or form.
- 2.36 The site has an area of 0.119ha. The combined development of the site, as proposed, would achieve seven units at a density of 58 units per hectare, which officers consider is an acceptable density given the town centre location and characteristics of the area. The proposal would therefore meet the requirements of part (iv) to Policy HP6.

Amenity Space

- 2.37 The proposed layout would achieve a private amenity space for the proposed flats to the front of the site of 28 and 30 square metres each in accordance with Council guidance. The area for the second floor flat is, however, divided by the access path. This area would be available for limited recreation, but It has been suggested a new access be formed to the side of the building making this area more useable. However, even without this change, it is considered that the currently proposed layout for this part of the site achieves a satisfactory private amenity space to serve the two flats.
- 2.38 The four terraced houses would have rear garden areas of between 50 and 101 square metres in accordance with the Council's standards, which require 50 square metres for terraced dwellings.
- 2.39 The rear garden to the detached three-bedroomed house is shown at 50 square metres. Although irregularly shaped, the area would be useable, but conflict with the minimum size required in Council guidance for detached dwellings. The argument for a greater space is, in this instance, somewhat undermined by the fact that the terraced houses have three-bedrooms, but only require 50 square metres amenity space.

SCHEDULE ITEM 2

- 2.40 Although the applicant is reconsidering this building with a view to revising the layout to two bedrooms, which would then comply with guidance, officers consider that this failing alone, given the town centre location and public open space at the Rochford Reservoir opposite the site, which can also be taken into account, would not be substantial enough to justify refusing the application. It would, however, be justified to remove permitted development rights for future extensions to this building.

Design and Form

- 2.41 The buildings proposed would have a domestic scale and form that would generally form part of the greater composition of the area, as required by parts (i) and (ii) to Policy BC1.
- 2.42 The buildings would be sited 1m or more from the site boundaries, as required by the Council's supplementary guidance.
- 2.43 The buildings proposed would not be sited in such a way as to appear incompatible with the more general mix of residential and commercial uses.
- 2.44 The scale, height and bulk of the flatted building proposed would not conflict with part (iii) to Policy HP11.
- 2.45 The external materials are considered acceptable but because of the encouragement of theft from existing historic buildings the use of second hand bricks is no longer encouraged. The applicant has submitted samples that are considered acceptable and it would therefore be necessary to condition these and the bonding of the external brickwork as a condition to any approval that might be given.

Overlooking/Privacy Issues

- 2.46 The flatted building proposed to the front of the site includes no windows in the side elevation. The applicant is considering a suggestion that an alternative access be formed on the western side adjoining Sovereign House. This neighbouring property has no side windows that would be affected by any such revision.
- 2.47 The proposed flatted building would overlook the public street at the front, but the rear elevation to this building would face the terraced housing in the middle of the site. Whilst the ground floor windows could be screened by fencing the upper floor flat kitchen window would be only 8m from the front windows to these houses. Whilst this distance is way below the 35m normally required, officers consider that the need to complete the site frontage in street scene terms would justify the use of obscure glazing to the kitchen window to maintain privacy for future residents.

SCHEDULE ITEM 2

- 2.48 The proposed terraced houses would provide a conventional front rear arrangement without significant overlooking problems arising.
- 2.49 The detached house proposed at the rear of the site would feature no side windows facing the adjoining 'Milestone' Public House/Bar and with a kitchen window facing onto parking and turning areas. The upper floor windows to this dwelling would face away from the amenity areas of the terraced houses and into the service yard of the adjoining retail and flatted development to the east and school playing field to the north.
- 2.50 The forward facing windows would look across the approved residents' parking area to the approved shop and flats on the neighbouring vacant site to the east. This adjoining approved development would provide a balcony/upper deck amenity area and windows some 19.5m from the front windows to the proposed building the subject of this application. Whilst this situation is less than the 25m distance usually required between dwellings, given the town centre location the arrangement is considered to be acceptable.

Parking/Traffic Issues

- 2.51 The layout of the site would achieve one car parking space for each dwelling proposed. The County Council has recently adopted new parking standards requiring 2 parking spaces for dwellings with 2 or more bedrooms. In this case, the parking requirement would be for at least 14 spaces, but in an urban area a reduction in this standard can be considered where there are good links to sustainable transport. Taking account of the new standards and of the advice in the Council's supplementary guidance, it is considered that the parking provision of one space per dwelling is acceptable in this instance.
- 2.52 The proposed flats and houses would generate traffic movements and general disturbance that would be indistinguishable above the backdrop of town centre noise. The domestic movements would not adversely affect the commercial offices and the Rochford Parish Council rooms to the west or the playing field at the rear of the site. There is a residence at the 'Milestone' Public House and Restaurant and approved flats above a shop on vacant land to the east. Given the town centre location it is not considered that the proposal would give rise to traffic conditions adversely impacting upon these adjoining uses or the amenity of existing or future residents adjoining the site. The proposal would not therefore conflict with part (i) to Policy HP11.

Arboricultural Matters

- 2.53 The arboricultural impact assessment accompanying the application finds that all the existing trees on the site should be removed in favour of re-planting.

SCHEDULE ITEM 2

- 2.54 The large lime tree to the front of the site and the subject of TPO/21/08 is described to be afflicted with decay fungus, which results in the brittle fracture of the tree. Re-planting of a new tree is favoured, but away from the area of the existing tree, which could still contain infectious spores that would harm new planting.
- 2.55 It is considered acceptable to fell the holly tree located on the boundary with No. 82 West Street because of the effect its presence has upon the neighbouring Listed Building.
- 2.56 The group of laurel and elder located on the eastern boundary, together with laburnums on the western part of the site and a horse chestnut in the rear part of the site are all considered poor or low value specimens and that the appearance of the site would benefit from the proposed re-planting, which could be carried out to suit the presence of existing buildings and those proposed.
- 2.57 The greater site would see the existing laburnum tree at the rear of the site adjoining the Rochford Parish Rooms retained and six trees provided, five in the rear garden areas to the proposed houses and one to the front of the site in replacement of the lost lime tree; the species proposed is European holly (ilex aquifolium) The proposed trees would be provided within lawns and set in beds top dressed with bark chippings.
- 2.58 Laurel and red robin hedging would be provided to parts of the boundaries of the amenity areas to the flatted application sites and to the western boundary with the adjoining Rochford Parish Rooms.
- 2.59 The driveways and pathways are to be finished in black asphalt but the two side car parking spaces and the three car parking spaces to the rear and adjoining the trees planted in the rear gardens to the proposed houses would be finished in permeable paving.
- 2.60 The approach to planting within the site has attracted the request by the Council's arboricultural officer for a condition requiring better details as to planting and aftercare of the proposed landscaping. This matter can be addressed as a condition to any approval that might be given.

Flood Risk

- 2.61 The site is located within the Rochford town centre and in a sustainable location recycling urban land. There are no alternative sites available and the application is part of the re-development of part of the town centre and Rochford Conservation Area.

SCHEDULE ITEM 2

- 2.62 The site is within flood zone 2, but taking account of the above circumstances it passes the sequential test under the requirements of Planning Policy Statement 25.
- 2.63 The previous development proposals were found acceptable to the Environment Agency, subject to a number of conditions repeated in the recommendation below.

CONCLUSION

- 2.64 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 notwithstanding the presence of other commercial uses on adjoining sites.
- 2.65 The development is to an acceptable density, given the town centre location of the site. The layout would give rise to some minor overlooking problems between the first floor kitchen flat and terraced housing, which can in this case be addressed by a suitable condition requiring the obscure glazing of that window.
- 2.66 The shortfall in garden area for the detached house can exceptionally be allowed given the town centre location and availability of public open space near to the site. Furthermore, the standard required is at odds with that acceptable for adjoining terraced housing forming part of the same scheme. In these circumstances and given that the site is not suburban infilling, the shortfall in amenity space can exceptionally be permitted.
- 2.67 The buildings proposed would have a domestic scale and form that would generally continue to the greater composition of the area and would enhance the character of the Rochford Conservation Area.
- 2.68 The development would provide acceptable levels of parking to serve the development in this town centre location.

RECOMMENDATION

- 2.69 It is recommended that the Committee resolves to **APPROVE** the application, subject to the following conditions:-
- 1 SC4B Time limits standard

SCHEDULE ITEM 2

- 2 The proposed flatted building and detached house shall be finished in Acme sandstorm clay plain tile, N17 Cupa natural Spanish slate and Madehurst Red Multistock facing bricks or such other alternative external facing material as shall first be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as may be agreed.
- 3 The brick walling to the new buildings hereby approved shall be finished in a Flemish Bond.
- 4 SC59 Landscape Design – Full
- 5 The rainwater goods to the development shall be of metal design and black painted finish.
- 6 Prior to the construction of the walled areas of the new buildings to the development hereby approved the applicant shall submit to the Local Planning Authority detailed designs for the proposed windows and doors at a scale of not less than 1:20. The development shall be implemented in accordance with such details as may be agreed by the Local Planning Authority.
- 7 No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been submitted to and agreed in writing by the Local Planning Authority.
- 8 The first floor kitchen window to the flat proposed shall be obscure glazed and not capable of being opened below a height of not less than 1.7m from finished floor level and shall be permanently retained as such.
- 9 Prior to the first occupation of the development the applicant shall submit details of any fences or other means of enclosure to be provided on the site. The development shall be implemented in accordance with such details as may be agreed by the Local Planning Authority.
- 10 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 extensions shall be erected on any elevations of the detached house hereby permitted.
- 11 The new buildings hereby permitted shall be constructed with a minimum finished floor level of 6.00 AOD.

LOCATION / BLOCK PLAN

09/00511/R/L

~~6007~~

15 SEP 2009

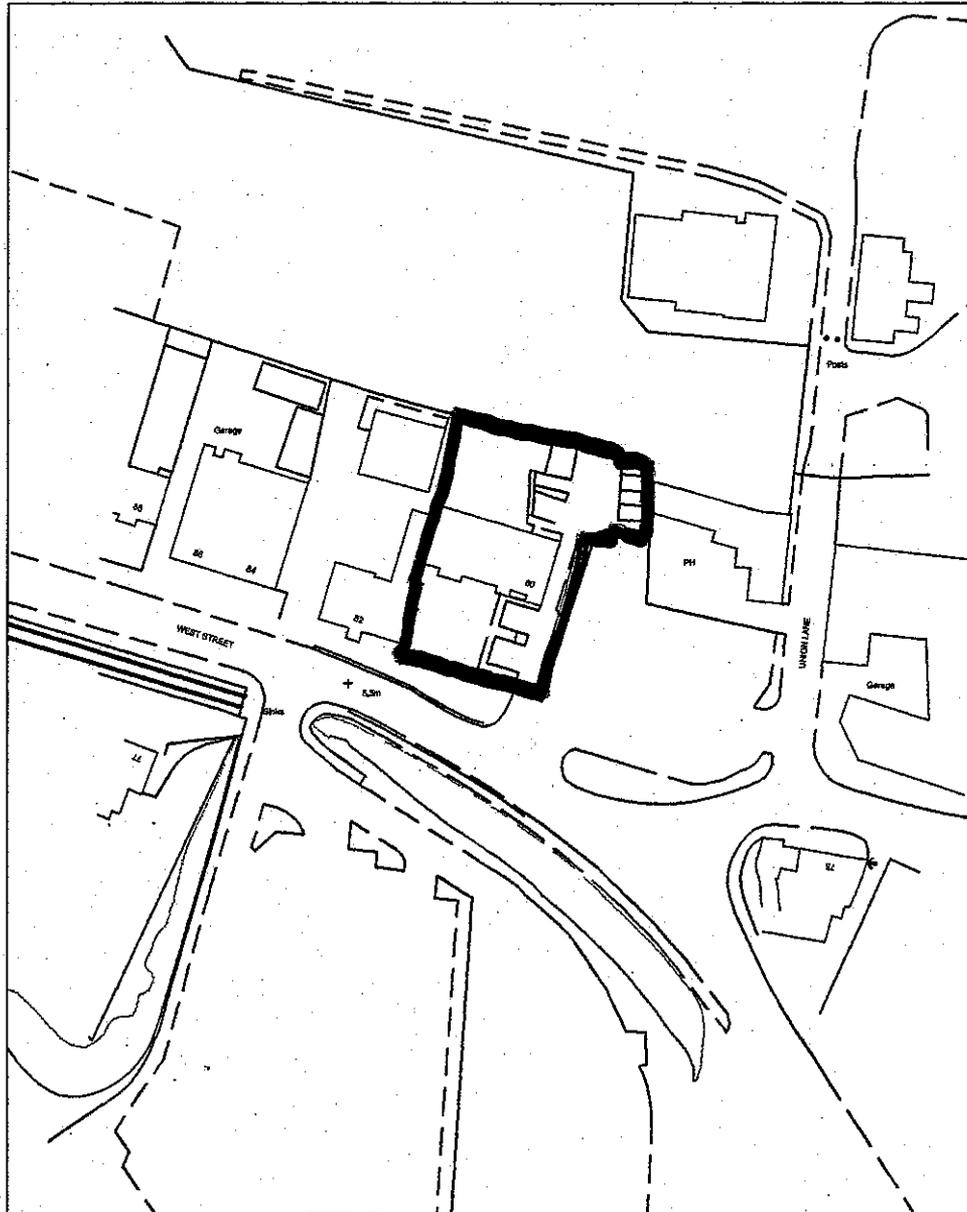
This drawing is not to be copied or reproduced without prior written consent of Brian Davison Associates. Copyright reserved. The contractor is to verify all dimensions on site before commencement of work. Figured dimensions only to be taken from the drawing. No dimensions to be scaled. report any discrepancy to Brian Davison Associates. All materials to comply with current B.S. & C.P. requirements and work carried out in accordance with Local Authority regulations. All electrical & gas installations to conform with current safety regulations & standards.

Construction (Design & Management) Regulations 1994

The Client is hereby advised that the above Regulations may apply to these works. The client should appoint a planning supervisor; provide information on health and safety to the planning supervisor; appoint a principle contractor; ensure that those appointed are competent and adequately resourced to carry out their health and safety responsibilities; ensure that a suitable safety plan has been prepared by the principle contractor before construction work starts; and ensure that the health and safety file provided at the end of the contract is kept available for use.

The Party Wall, ect. Act 1996.

The client is hereby advised that notice must be served at least one month one month (two months if the work involves a party wall) of works that involves building on the party boundary, or within 3 metres of the neighbour's building where that work will go deeper than the neighbour's or within 6 metres where the work will cut a line drawn downwards at 45° from the bottom of the neighbour's foundations. Notice must be given in writing in the proper manner as laid down in the Act. The client is advised to seek advise.



Proposed Location Plan
Scale 1:1250

SCHEDULE ITEM 2

- 12 Prior to the occupation of the development details of the adoption and maintenance of the surface water system shall be submitted to and agreed in writing by the Local Planning Authority.
- 13 Before occupation of the development hereby permitted the measures as detailed in the Flood Risk Assessment by JNP Group consulting engineers dated March 2008 and referenced S81590, together with the surface water drainage scheme, including the use of permeable paving and attenuation tank, shall be implemented in accordance with the drainage strategy (referenced 40482 and dated March 2009). The surface water outfalls draining from the site into Anglian Water Sewer shall be restricted to a maximum combined total of 8.2 litres per second.

REASON FOR DECISION

The proposal is not considered 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 neighbouring streets

Relevant Development Plan Policies and Proposals

CS1, HP6, BC1, TP8 of the Rochford District Replacement Local Plan (2006) as saved by Direction of the Secretary of State for Communities and Local Government 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 2006)

Supplementary Planning Document 5 Vehicle Parking Standards (January 2006)

Supplementary Planning Document 6 Guidelines for Conservation Areas (January 2006)



Shaun Scrutton
Head of Planning and Transportation

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

SCHEDULE ITEM 3

TITLE: 09/00470/COU
RETROSPECTIVE APPLICATION FOR A CHANGE OF USE
OF BUILDING FROM USE AS A SHOP, REFRESHMENT
ROOM, CHANGING ROOMS, AND TOILETS ANCILLARY TO
THE GOLF DRIVING RANGE TO A MIXED USE CLASS A3
RESTAURANT AND USES ANCILLARY TO THE GOLF
DRIVING RANGE.
THE ROSE GARDEN, 33A ALDERMANS HILL, HOCKLEY

APPLICANT: MR TERRY HARROLD

ZONING: METROPOLITAN GREEN BELT

PARISH: HOCKLEY PARISH COUNCIL

WARD: HOCKLEY WEST

PLANNING APPLICATION DETAILS

- 3.1 This application seeks retrospective planning permission for a change of use to part of an existing single storey building at the Golf Driving Range, to the south of Aldermans Hill in Hockley.
- 3.2 The site is located within the Metropolitan Green Belt to the south of a residential area that extends to the west of Hockley and runs along Main Road, Aldermans Hill and High Road. To the north the site directly borders the rear gardens of eleven dwellings that front Aldermans Hill and to the western boundary it abuts the rear of five properties within Bullwood Approach. There are no residential properties within adjacent land to the east and south and the area beyond the site boundaries in these directions is woodland.
- 3.3 The site was formerly a mushroom farm that was granted planning permission in the 1980s for a change of use to a golf driving range and covers an area of land of approximately 4 hectares.
- 3.4 Access is achieved from a narrow private driveway that runs down into the site from between two residential properties fronting Aldermans Hill, which terminates in a car park area within the north east corner. This car parking area adjoins the driving range bays and an adjacent single storey detached building to the south. There is a concurrent application under 09/00471/FUL for retrospective permission for an extension to part of the car park adjoining the rear of Nos. 21 and 23 Aldermans Hill; this wraps around the existing ancillary building and extends to the eastern site boundary.

SCHEDULE ITEM 3

- 3.5 The existing building has an approved use, ancillary to the golf driving range facility, as a shop, refreshment room, changing rooms and toilet. The unauthorised restaurant use, which occupies the eastern half of the footprint, shares a common entrance with the remainder of the building. There is an attached open patio area to the southern elevation that is accessed from the restaurant via French doors.
- 3.6 The application form states the opening hours of the restaurant to be 0900 - 2100 Monday to Saturday with the same hours for Sundays and Bank Holidays.

RELEVANT PLANNING HISTORY

- 3.7 **Planning Applications**
ROC/273/82 – Use and layout of land as a private golf range with pitch and putt course. Not determined by the Council as correct fee not paid. Appealed.
- 3.8 ROC/604/83 – Change of use from mushroom farm to private golf driving range. Approved on 11 July 1984.
- 3.9 ROC/882/85 – Convert existing farm building to shop, refreshment room, changing rooms and toilet, ancillary to golf driving range – failure of Rochford District Council to give notice of its decision within the appropriate period. Appealed and appeal allowed.
- 3.10 ROC/058/87/1 Erect single storey building to provide shop, refreshment room, changing rooms and toilets ancillary to golf driving range. Approval of outline planning permission 13 July 1987.
- 3.11 ROC/058/87/1 – Erect single storey building to provide shop, refreshment room, changing rooms and toilets ancillary to golf driving range. Approval of reserved matters 23 February 1988.
- 3.12 Appeal (reference T/APP/C/B1550/28/PN6) against an enforcement notice dated 19 October 1989 – Construction of golf driving bays and removal of all subsequent materials from the site – Appeal allowed and planning permission granted for the retention of the development.
- 3.13 00/00700/FUL - Remove Condition 4 of Permission ROC/058/87 (Prohibiting Sale of Intoxicating Drinks in Refreshment Room on Site). Refused 19 December 2000.
- 3.14 07/001007/COU – Continued use of part of the building as a gym/physio room and ancillary golf shop. Refused 28 December 2007.

SCHEDULE ITEM 3

- 3.15 08/878/FUL - Retention of Two 4m High Lighting Columns. Approved 16 January 2009.
- 3.16 07/00946/LDC – Use of the building as a restaurant. Refused on 19 June 2008. Appeal dismissed 1 June 2009.
- 3.17 08/00218/LDC – Construction of a car park. A split decision issued on 17 July 2008, which refused the extended area of car parking, subject to the current concurrent planning application 09/00471/FUL. Appeal dismissed 1 June 2009.
- 3.18 Appeal (APP/B1550/C/08/2085885) against an enforcement notice dated 2 September 2008 in respect of a breach of planning control with regard to the change of use of the building to mixed use as a restaurant and uses ancillary to the golf driving range and the laying of a hard surface to form additional car parking. Appeal dismissed and requirements of enforcement notice to cease the restaurant and to break up and remove the hard surface upheld.
- 3.19 09/00471/FUL - Retrospective Application to Form Hard Surface Extension to Existing Car Park. Concurrent application currently under consideration.

CONSULTATIONS AND REPRESENTATIONS

- 3.20 **Hockley Parish Council**
Members found it difficult to decide on this retrospective application since there appears to be a following for the restaurant among Hockley residents, but the Members do not wish to approve an unauthorised change of use in Green Belt that could potentially create a precedent.
- 3.21 **Essex County Council Environment, Sustainability and Highways**
No objection. Advise that they are satisfied with regard to safety, accessibility, efficiency/capacity, road hierarchy and parking standards of the proposal.
- 3.22 **Neighbours**
11 letters of objection to the proposal have been received from the occupiers of adjacent properties in Aldermans Hill and Bullwood Approach, which in the main make the following comments and objections: -
- Quiet residential area not compatible with restaurant use
 - Siting of the restaurant out of keeping with domestic housing
 - Increased traffic to and from site including delivery vehicles
 - Cooking smells detrimental to enjoyment of outdoor space
 - Increased noise disturbance, including slamming of car doors and loud voices, especially late at night
 - View that neighbours have had to put up with unlawful use since 2007 and that this should stop and enforcement action taken
 - Increased vermin activity associated with restaurant use

SCHEDULE ITEM 3

- Additional adverse impact from increased numbers of people using the site and the new type of use
- Concern that the site could be developed even further to allow weddings and other events
- Prior to opening of restaurant gates to driving range were closed at 9pm every night. Since restaurant in operation gates are regularly left open until midnight
- View that retrospective application is an attempt to bulldoze through planning process
- Increased vehicular use of the site leading to dangerous traffic conditions on Aldermans Hill
- Additional use of site leading to increased congestion in adjacent roads and possible adverse impact on access for emergency vehicles
- External lights left on
- Concern regarding security with more people present late at night
- Over-development
- Potential dangers of intensification of vehicular traffic to premises
- Driveway 100ft long and can only accommodate one vehicle forcing cars to wait in the road
- Previous licensing application rejected on, amongst other grounds, public safety due to traffic congestion
- Applicant has little regard for planning regulations, which other individuals and businesses have adhered to
- Anti-social behaviour
- Green Belt location
- Surrounding areas provide ample facilities for dining out.

3.23 14 letters of support for the proposal have been received from the occupiers of properties on the northern side of Aldermans Hill and Hillside Road within the immediate vicinity, together with residents within Elizabeth Close, Broadlands Avenue, Wellington Avenue, Woodpond Avenue, Rectory Road, The Westerings, Church Road and The Hylands, which in the main make the following comments and objections: -

- Premises cannot be seen from main road
- Due to remoteness of area cannot be considered detrimental to neighbour amenity
- Very fine distinction between restaurant and approved tearoom
- Frequently eaten at restaurant and left around 11pm, claims that restaurant open until 2am an exaggeration
- Premises prohibited from selling alcohol
- Impression of being a fast food type of establishment misleading
- Neighbours' views distorted
- Hundreds of clients over past two years have enjoyed good quality meals in quiet and comfortable surroundings

SCHEDULE ITEM 3

- Restaurant is well valued and a great asset to local community
- Would be great shame to see family run business close in current economic climate
- Houses adjacent to car park are set well back from the site with very long gardens
- Noise from busy main road to front of properties would be greater than cars using restaurant
- Entrance onto busy main road can only serve to slow down traffic and no more dangerous than traffic turning into the Bull
- Used mainly by local families who will be deprived of another facility if planning permission not granted
- Fail to believe that the extra vehicles can cause a level of noise worthy of complaint
- Have not experienced any noisy children or disturbance by restaurant patrons
- Restaurant is of exceptional standing and quality
- Very little noise from restaurant as family orientated without a liquor licence
- Situated in an urban area and urban activities should be expected.
- Restaurant provides a safe environment to enjoy a quite meal
- Restaurant usually closed at 11.30 pm or before on Saturdays
- Objections by few residents backing onto the site are weak and mostly unfounded

3.24 In addition to the above points mention is made of a petition in favour of retaining the restaurant. Nevertheless no such petition has been received by the Council.

MATERIAL PLANNING CONSIDERATIONS

3.25 Green Belt Policy

The site is located within the Metropolitan Green Belt. Policy advice contained within Planning Policy Guidance 2: Green Belts generally advocates the change of use of existing buildings because they are already in existence, provided that no harm would arise as a result.

3.26 Saved Policy R9 of the adopted Local Plan (2006) allows for the re-use of farm and other existing buildings, subject to a number of criteria. In this respect there is support for the application as far as the building relates to the surroundings and is capable of conversion as being of sound construction. Nevertheless the policy also requires that the proposed use of the building and associated land would not have a materially greater impact than the permitted/lawful use on the openness of the Green Belt or the fulfilment of its purposes. In addition the policy requires that the proposed use would not introduce additional activity or traffic movements likely to materially and adversely affect the character of the Green Belt.

- 3.27 The driving range does not operate on a membership basis and therefore members of the public are free to turn up and play on an *ad hoc* basis. Clearly a stand alone restaurant use is not related to this golfing activity and, as shown by the representations received in support of the application, it attracts substantial numbers of non-golf playing customers to the site, again on an unrestricted basis. The use of the building as a restaurant therefore generates new activity and traffic to the site not associated with its authorised leisure use.
- 3.28 The increased activity resulting from the introduction of the restaurant business has intensified the uses of the site to a level in excess of that which arises from the permitted golf range use alone. This has given rise to increased traffic movements and parking requirements that have changed the character of the site by necessitating the provision of additional car parking hardstanding.
- 3.29 The additional car parking area has a direct impact on the character of the Green Belt by reducing its openness contrary to PPG2 , SS7 of the East of England Plan and R9 of the adopted Local Plan. In addition it is also harmful to the visual amenity of the area.
- 3.30 Whilst the restaurant has support within the wider local community no special circumstances, which would override such policies, have been put forward by the applicant.
- 3.31 **Residential Amenity**
In consideration of the approved use of the building as shop, refreshment room, changing rooms and toilets ancillary to the golf driving range it was felt that such facilities would be attractive only to visitors whose prime purpose would be to practise stroke play and that therefore the level of activity generated would be limited by this association. Nevertheless, in order to protect local residential amenity, it was considered necessary to ensure by condition the shop to sell only golfing equipment.
- 3.32 It is considered that the further intensification of activity arising from the restaurant use, together with the associated car parking area, would generate a level of activity, noise, smell and disturbance that would be significantly above that associated with the driving range (especially at weekends) and that, given the proximity to neighbouring dwellings, this would be materially harmful to residential amenity. In this respect it is likely that noise and disturbance from people outside the building would be very noticeably increased in the late evening, especially in the summer months, and if outdoor seating were provided on the patio area adjoining the south of the building.
- 3.33 Use of the driving range and the external lights to the building is limited by condition to cease at 2100. Any disturbance resulting from activity taking place after this time would therefore be intensified by the comparative quietness of the remainder of the site. It is not clear from the stated opening hours whether it is proposed that the restaurant itself would close at 2100 hours or whether this would be the time of the last booking.

SCHEDULE ITEM 3

It is not normal practice for restaurants providing evening meals to be closed at this time and in general it is not considered reasonable to impose such a restrictive condition on this type of business enterprise. In respect of the current opening hours a number of the letters received in support of the application state that the restaurant use usually closes at between 2300 and 2330 hours.

- 3.34 In conjunction with the associated use of the unauthorised extended car park, it is felt that the additional noise and disturbance generated by the proposal would have a significantly detrimental impact on the resident amenity currently enjoyed by the occupiers of dwellings backing onto and in close proximity to the site.
- 3.35 **Highways**
A number of highway issues have been raised by adjoining residents concerning the inadequacy of the access and adjoining road network to accommodate the intensification of the use.
- 3.36 Notwithstanding this the County Highway Authority has no objection to the application and does not raise any concerns against the proposal.

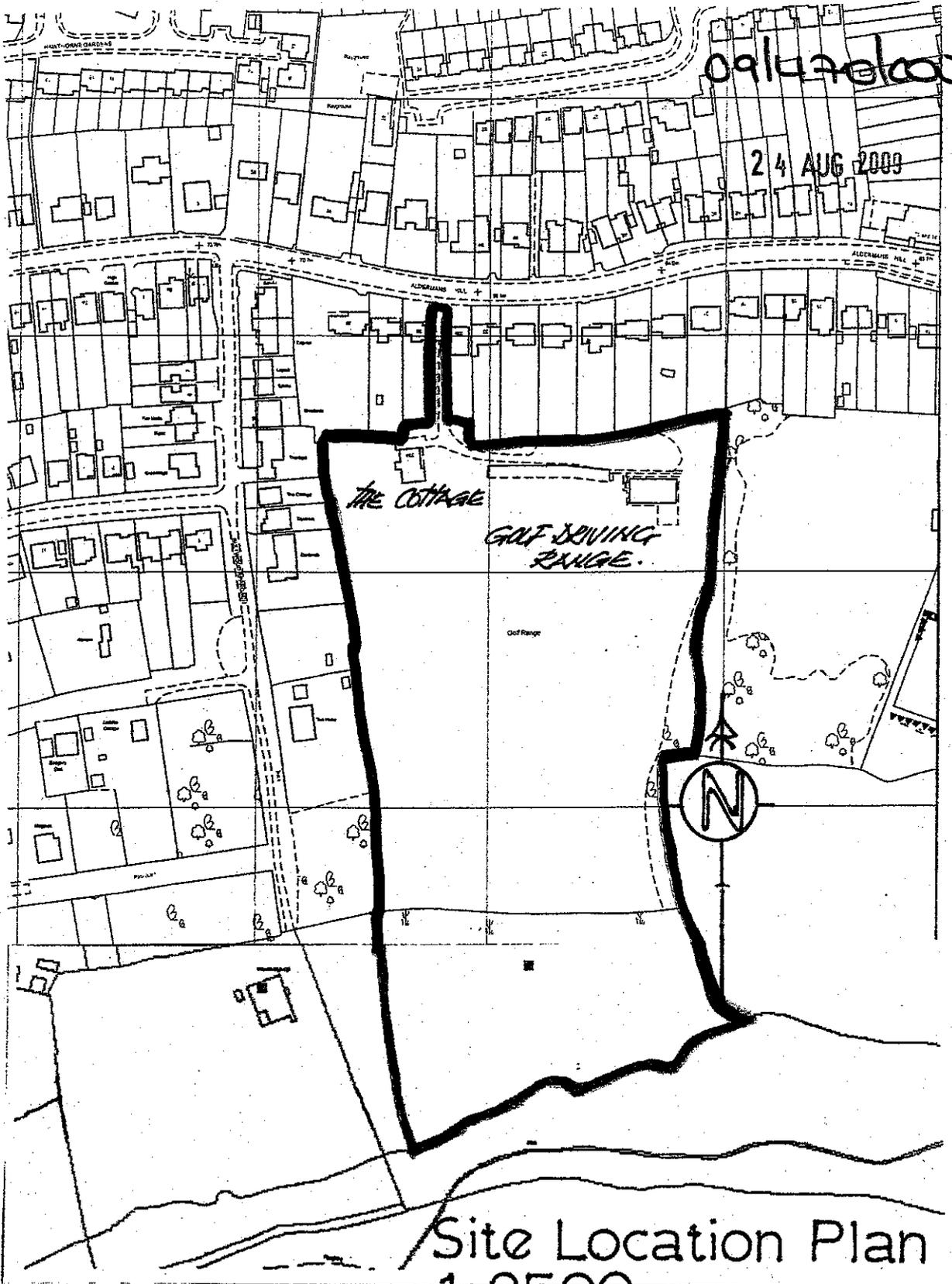
CONCLUSION

- 3.37 It is considered that the increased activity generated as a result of the proposal has a detrimental impact on the openness and character of the Green Belt contrary to central Government guidance and policies within the adopted Development Plan.
- 3.38 Furthermore, the level of additional noise and disturbance resulting from the restaurant use is of significant harm to the level of residential amenity enjoyed by the occupiers of the dwellings immediately adjacent to the northern boundary of the site.
- 3.39 It is felt that these objections to the proposal could not be overcome through the imposition of any planning conditions.

RECOMMENDATION

- 3.40 It is proposed that the Committee **RESOLVES** to **REFUSE** the application for the following reasons:-

LOCATION PLAN



Site Location Plan
1:2500

SCHEDULE ITEM 3

- 1 The Rochford District Replacement Local Plan 2006 shows the site to be within the Metropolitan Green Belt. Within the Green Belt planning permission will not be given, except in very special circumstances, for the construction of new buildings or for the change of use or extension of existing buildings (other than reasonable extensions to existing dwellings, as defined in Policies R2 and R5, the reasonable replacement of existing dwellings, as defined in Policy R6, and the re-use of existing rural buildings as defined in R9 of the Local Plan).

Policy R9 of the Replacement Local Plan provides that the re-use of buildings and associated land should not have a materially greater impact than the permitted/lawful use on the openness or the fulfilment of its purposes and that it should not introduce additional activity or traffic movements likely to materially and adversely affect the character of the Green Belt.

The proposal, by virtue way of the intensification of the use of the site, the additional activity, traffic and parking generated, is considered to have a materially greater impact than the permitted use resulting in a substantial change in the visual appearance and character of the site contrary to the openness of the Green Belt, Policy SS7 of the Regional Spatial Strategy for the East of England (2008) and to parts (v & vi) to Policy R9 to the Council's adopted Local Plan, as saved by Direction of the Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004.

- 2 The proposal, by way of the proposed restaurant use, would result in the increased intensification of uses and activity on the site, giving rise to increased noise, traffic movements and disturbance, as well as emission of food smells to the detriment of the amenity that ought reasonably be expected to be enjoyed by residents backing onto and in close proximity to the site.

SCHEDULE ITEM 3

Relevant Development Plan Policies and Proposals

SS7 of the Regional Spatial Strategy for the East of England (2008).

R9 of the Rochford District Replacement Local Plan (2006) As saved by Direction of the Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004. (5 June 2009)



Shaun Scrutton
Head of Planning and Transportation

For further information please contact Judith Adams on (01702) 318091.

SCHEDULE ITEM 4

TITLE: 09/00547/FUL
DEMOLISH EXISTING DWELLING AND CONSTRUCT
RESIDENTIAL DEVELOPMENT COMPRISING 10 No. THREE
BEDROOMED AND 4 No. FOUR BEDROOMED HOUSES IN
TWO AND THREE STOREY HOMES (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

PLANNING APPLICATION DETAILS

The Site and Location

- 4.1 This application is 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 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.
- 4.2 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.
- 4.3 The site is adjoined to the east by the three storey E-ON electricity company building.
- 4.4 The site is adjoined to the west by an access road serving Timber Grove residential development for persons with learning disabilities and a scout hall and other hall.
- 4.5 Opposite the site exists semi-detached hipped roofed housing set back from the street and fronting a service road parallel to London Road.

SCHEDULE ITEM 4

- 4.6 The site is allocated as existing residential development in the Council's adopted Local Plan (2006), as saved by ministerial direction dated 5 June 2009.
- 4.7 Members inspected the site on 1 August 2009.

The Proposal

- 4.8 The current application has revised the layout to that considered under the previous application by siting the access more centrally to the site and west of the originally proposed position.
- 4.9 The layout had been revised such that the houses proposed to the front of the site would no longer front London Road so allowing for side garden areas to provide side spaces within which the preserved trees along the site frontage could flourish and cause less nuisance and pressure for works to those preserved trees from future residents to the scheme affected by nuisance.
- 4.10 The layout would provide each dwelling fronting the proposed access road with single and double garage elements breaking the built frontage. The dwellings to plots 7 and 8 (previously plots 8 and 9) are now sited deeper into their respective plots enhancing the setting and area about the preserved oak tree retained on this part of the site.
- 4.11 The development, as previously, would provide ten three-bedroomed and four four-bedroomed houses with two off street spaces for the three-bedroomed dwellings and four off street car parking spaces for the four-bedroomed dwellings, including garages.

RELEVANT PLANNING HISTORY

- 4.12 Application No. ROC/586/87
Demolish existing bungalow and erect new dwelling.
Permission granted 16 October 1987.
- 4.13 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.
- 4.14 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.

SCHEDULE ITEM 4

- 4.15 Application No. ROC/137/97
Erect two detached 4-bed dwellings (chalets) and formation of new vehicular access.
Outline permission granted 28 May 1997.
- 4.16 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.
- 4.17 Application No. 06/00312/OUT
Outline application for 2 No. Four-bedroomed chalets and provision of new access.
Permission granted 6 June 2006.
- 4.18 Application No. 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.
Permission refused 20 August 2009
- Reasons (summarised) Proximity of dwelling to preserved trees, loss of preserved oak, silver birch, hazel and bay trees, effect of the proposal upon preserved species (slow worms) inadequate garden areas.
- 4.19 This application is now at appeal.

CONSULTATIONS AND REPRESENTATIONS

- 4.20 **Environment Agency**
Has reviewed the application and confirms no objection.
- 4.21 In view of the impacts of climate change and the need to incorporate the highest possible standards of sustainable construction recommend the following heads of conditions:-
- 1) That prior to the commencement of the development a scheme for the provision and implementation of water resource efficiency shall be submitted for agreement and implemented.
 - 2) That prior to the commencement of the development a scheme for the provision and implementation of energy resource efficiency during construction and operational phases of the development shall be submitted for agreement and implemented.

SCHEDULE ITEM 4

- 4.22 Advise that, prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas for less than fifty spaces and hardstandings should be passed through trapped gullies with an overall capacity compatible with the site being drained to prevent pollution to the water environment.
- 4.23 As an alternative to trapped gullies and positive piped systems consideration should be given to sustainable drainage schemes such as porous paving. These are encouraged as they aid flood prevention, water conservation and improve the quality of surface water run off.
- 4.24 **Woodlands Section**
Advise that the applicant has not supplied a tree protection plan or arboricultural method statement. This information should be supplied as a condition of any consent.
- 4.25 **Buildings/Technical support (Engineers)**
No objections. Advise that public foul sewer is not immediately available. The surface water sewer capacity should be checked with Anglian Water.

MATERIAL PLANNING CONSIDERATIONS

- 4.26 Residential re-development 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 accord with Local Plan Policy HP1.
- 4.27 The site has an area of 0.384ha and the development would equate to a density of 36 units per hectare which, given the constraints of retaining preserved trees on the site, together with the suburban character, is considered by officers to be acceptable.

Arboricultural Issues

- 4.28 There are many trees on the site, particularly to the site margins. A tree preservation order was served on two oak trees to the site frontage and a horse chestnut when the current bungalow on site was considered in 1987.
- 4.29 The site has been the subject of re-development pressure. A previous tree preservation order was revoked after unsuccessful court proceedings, which followed action after most of the trees were found to have been notched with severe cuts. This includes the large poplar trees to the front of the site close to the existing bungalow. These trees and most of the others for various reasons are no longer fit for preservation as their longevity is reduced.

SCHEDULE ITEM 4

- 4.30 A more recent Tree Preservation Order protects a further six trees on the site, including two oak trees also previously notched, which are recovering with expected longevity of some 70 years. This new order is in the confirmation stage whereby objections can be considered until 29 December 2009.
- 4.31 The current layout follows discussions between the applicants and officers with a view to overcoming the Council's reasons for refusal of the previous application.
- 4.32 The layout has been revised to turn the frontage dwellings to present a side elevation and side gardens to London Road with a deep building line of some 8m from the front boundary of the site in order to protect the preserved trees. Similar treatment on the eastern side and re-positioning of the access will allow the preserved bay tree to develop. These revisions overcome the first reason for refusal and second reason partly.
- 4.33 The proposal would still involve the loss of the preserved oak tree to plot 4, the new replacement silver birch to plot 11 and the hazel tree to plot 12. The revised layout, however, provides a better siting relationship to retained trees, which would predominate at the site edges away from the proposed buildings and hard surfaced areas and better shaped garden areas to support new planting. The Council's arboricultural officer supports the revised layout in that these advantages overcome the loss of amenity from those trees to be lost in the development, particularly as the site frontage onto London Road will accommodate the established trees and provide a desirable setting and situation for those trees.
- 4.34 The previous objections raised are therefore withdrawn, subject to technical requirements for tree protection during the construction period being submitted by way of a condition to any consent.

Impact on Designated Sites and Protected Species

- 4.35 The site is not near any designated site such as county wildlife sites or SSSI.
- 4.36 The previous application identified a presence of slow worms on the site and officers were concerned that the mitigation to provide receptor sites in the resulting garden areas would not be sufficient.
- 4.37 The current application is supported by a revised phase 1 habitat survey, which identifies that a low population of slow worms with a maximum of nine present at any one survey visit would be adequately mitigated by receptor sites established for the duration of the construction period around the western and part eastern boundary.

SCHEDULE ITEM 4

- 4.38 The comments of the Council's ecologist are awaited at the time of writing as to whether these findings and mitigation now overcome previous concerns.

Accessibility

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

Car Parking/Highway Aspects

- 4.40 The three-bedroomed dwellings would be provided with either a garage and forecourt parking space or two spaces in the submitted layout and equating to the maximum parking standard for rural or suburban locations, as set out at Policy TP8 to the Council's saved Local Plan (2006).
- 4.41 The four-bedroomed houses would be provided with double garages and double forecourts in excess of the maximum parking standard for rural or suburban locations as set out at Policy TP8 to the Council's saved Local Plan (2006).
- 4.42 Whilst the proposal would meet the Council's parking requirements the comments of the County Highway Authority on this latest application are awaited at the time of writing. Members will, however, be aware that this revised application has been the subject of discussions with the County Highways officers and that no objection was raised on highway grounds to the previous applications.
- 4.43 The County Highway Authority has recently published revised car parking standards and it is anticipated that the comments awaited will work to those new standards.
- 4.44 The proposal provides garages and forecourt spaces in accordance with the District Council guidance except for the garages to plots 7 and 8, which are slightly less in depth by 0.2m at 4.7m deep. Given the extensive front garden area and hard surfacing it is not felt that in this case the shortfall would displace vehicles onto the highway. However, officers consider it necessary that the garages across the scheme be protected from future conversion in a condition to any consent.
- 4.45 The layout would fail the new guidelines adopted by the County Council because of the larger internal garage floor space of 7m depth by 3m width. Whilst the layout would achieve the required width of side space for many plots, each forecourt or space would fail the emerging standard depth by 1m or so over the two in-line spaces.

SCHEDULE ITEM 4

- 4.46 At present these new car parking standards are yet to be adopted by the District Council. As such the prevailing standard is contained in the Council's Supplementary Guidance (2007). Whilst the new requirements are to be welcomed, in this case the decision falls on the watershed between the new and existing guidance and on balance it is considered that the parking provision shown in the application can be considered as acceptable.

Boundary Treatment

- 4.47 The application particulars anticipate that the resulting boundaries would be enclosed by 1.8m high close boarded fencing but would accept consideration of this detail by way of a condition to any consent.

Gardens/Play and Other Shared Spaces

- 4.48 The previous application was refused permission due to a number of garden areas being undersize. The applicant has revised the layout achieving a range of garden areas between 100 and 203 square metres. Officers, however, find the garden area to the three-bedroomed house to plot 2 to be slightly under the required standard at 98 square metres and that to the three-bedroomed house to plot 12 to be at 99 square metres. In both cases the garden areas are useable. Officers consider that this minor failing would not be sufficient to justify refusing the application on this basis.

Overlooking Privacy/Amenity

- 4.49 The site adjoins commercial offices to the east, which are three storeys in height and which closely neighbour the rear part of the site (plots 8 and 9). This neighbouring commercial building is set some 20mm within that site from the boundary.
- 4.50 The gardens to the layout proposed on the eastern side of the site vary in depth between 8.3m (plot 14) and 12.2m (Plot 12). This distance would satisfy the guidance contained within the Essex Design Guide in a residential area requiring a distance of 25m between opposing domestic windows.
- 4.51 The western boundary of the site is adjoined by low rise halls, a scout hut and car parking area. The rear gardens to the dwellings proposed on the western side of the site vary in depth between 8m (plot 1) and 10.4m (plot 5) with the nearest buildings at 15m -20m beyond the site boundary. These buildings are low rise and have lower occupancy rates. In these circumstances officers consider the development would not give rise to unreasonable overlooking conditions of those adjoining premises.

SCHEDULE ITEM 4

- 4.52 The two four-bedroomed houses located at the rear of the site to plots 7 and 8 would be located between 1m -1.5m to the rear boundary of the site with Timber Grove residential care home. The side elevations to these houses would be 7.2m to the eastern boundary with the commercial offices and 4.5m to the boundary with Timber Grove.
- 4.53 The rear elevations would feature only bathroom windows whereas the first floor side elevations would include a bedroom window.
- 4.54 Both neighbouring buildings would, however, be set 18m and 20m into their respective sites and again meeting the residential guidance between opposing windows. In these circumstances officers consider the development would not give rise to unreasonable overlooking conditions of those adjoining premises.

Relationship to Nearby Buildings

- 4.55 The detailed comments of the County Council's Urban Design team are awaited at the time of writing. District officers consider that the proposed layout fairly reflects Design Guide principles and, given the relative isolation of the site from other residential development, the proposal would have a satisfactory relationship with houses opposite and the developments to both east and west of the site and to the north at the rear.

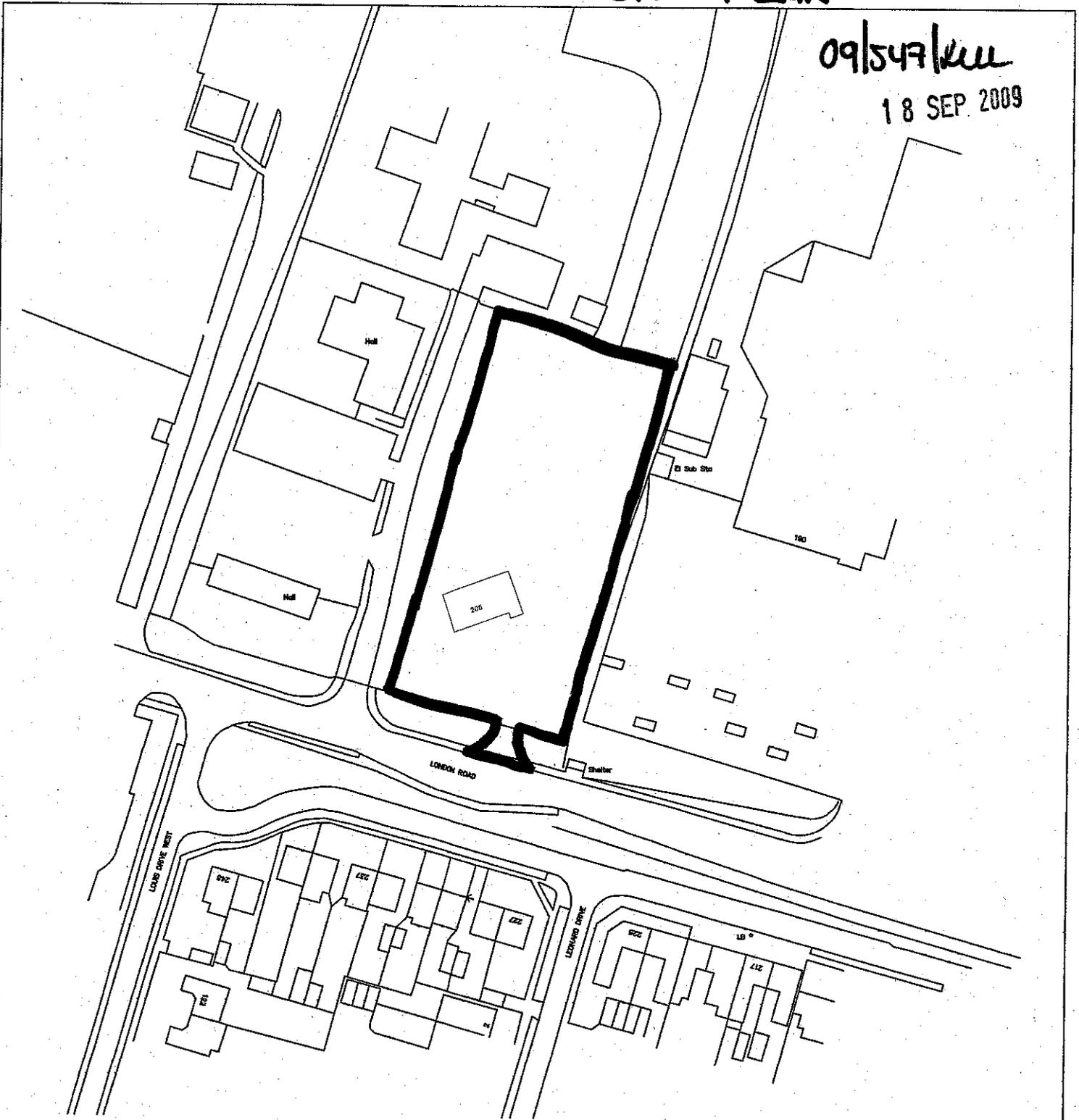
Scale and Form

- 4.56 The two storey houses proposed would have overall ridge heights of between 8.35m and 9.0m. The three storey houses would have ridge heights of 9.0m. The buildings would be finished generally in a mix of brick and render with roof tiles and white Upvc or timber windows. The applicant would accept a condition requiring submission of better details as a condition of a consent. Officers consider the design of the houses to be of good proportions for the type of development.
- 4.57 The garages would be of pitched roofed design to an overall ridge height of 5.3m and compatible with the house design types.
- 4.58 Whilst more detailed comment from the County Council's Urban Design team is awaited District officers consider the scale and form of the development broadly acceptable.

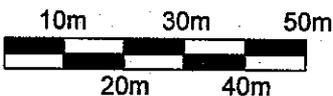
LOCATION PLAN

09/1547/kul

18 SEP. 2009



Planning



Letter	Revisions	Date	Project	
			206 London Road Rayleigh Essex	
			Title Site Location Plan	
Scale 1:1250		Date Sep 09		
Drawn TCT		Checked SRH		
Drawing No. 143/09/101				Revision -

**ASHBY
DESIGN
LIMITED**

7A SALISBURY SQ,
OLD HATFIELD,
HERTS, AL9 5AD
TEL: 01707 270 077
FAX: 01707 270 078

Weston
Thomas P/6
Page 51 (a)

SCHEDULE ITEM 4

Education Contribution

- 4.59 The previously refused application attracted a request for a secondary education contribution of £46,486. As the mix of dwellings is not changed in this current application officers similarly anticipate that a contribution will be required and understand the applicant has this matter in hand at the time of writing.

CONCLUSION

- 4.60 The proposal would re-develop the site, making better use of urban land. The layout proposed overcomes previous concerns at the effect of the proposed development upon the preserved trees on and adjoining the site. The development would achieve a satisfactory density, given the constraints of existing trees to be retained and the leafy suburban location of the site.

RECOMMENDATION

- 4.61 It is recommended that the Committee resolves to **DELEGATE** to the Head of Planning and Transportation to **APPROVE** the application following expiry of the press advertisement consultation period after 23 October 2009 and subject to the applicants providing an **AGREEMENT** or **Unilateral Undertaking** to provide the appropriate contribution to education provision in the site locality and subject to the following conditions:-
- 1 SC4B – Time limits standard
 - 2 SC14 – Materials
 - 3 SC49A – Means of enclosure
 - 4 SC59 – Landscaping
 - 5 SC66 – Pedestrian visibility splays
 - 6 Prior to the commencement of the development details shall be submitted to the Local Planning Authority of a tree protection plan showing the trees to be retained, their root protection areas, the design and position of protective barriers, means of ground protection, provision of a site storage area, site welfare facilities and contractors' and plant parking. The development shall be implemented in accordance with such details as may be agreed by the Local Planning Authority.

SCHEDULE ITEM 4

- 7 Prior to the commencement of the development details shall be submitted to the Local Planning Authority of an arboricultural method statement in accordance with BS 5837 to show working techniques, foundation design and provision of underground services within the root protection areas of the trees to be retained.
- 8 The garages hereby permitted shall be retained for the parking of vehicles and shall not be converted to habitable accommodation.
- 9 Prior to the commencement of the development a scheme for the provision and implementation of water resource efficiency shall be submitted to and agreed in writing with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification before occupancy of any part of the proposed development.
- 10 Prior to the commencement of the development a scheme for the provision and implementation of energy and resource efficiency, during the construction and operational phases of the development, shall be submitted to and agreed in writing with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans / specification at such time(s) as may be specified in the approved scheme.
- 11 The development shall be implemented in accordance with the advice and recommendations for the mitigation of protected species and in this case slow worms, as set out in the Phase 1 Habitats Survey (Extended) and method statement for reptiles by Messrs. Wildlife Matters Consultancy dated 14 September 2009.

REASON FOR DECISION

The proposal is not considered 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 neighbouring streets

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)

SCHEDULE ITEM 4



Shaun Scrutton
Head of Planning and Transportation

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

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.**