



**Rochford District  
Council**

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY  
DEVELOPMENT CONTROL COMMITTEE - 22 April 2008**

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

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

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

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Section on 01702 – 318191.**

DEVELOPMENT CONTROL COMMITTEE 22nd April 2008

SCHEDULE ITEM

- 1      08/00196/FUL      Mr Mike Stranks      PAGE 3  
Demolish Existing Dwelling and Construct 4 No. Semi  
Detached Four Bedroomed Houses and 2 No. Two  
Bedroomed and 2 No. Three Bedroomed Bungalows  
With New Accesses and Access Drive.  
58 Victoria Avenue Rayleigh

**Item 1**

TITLE:                    **08/00196/FUL  
DEMOLISH EXISTING DWELLING AND CONSTRUCT 4 No.  
SEMI-DETACHED FOUR BEDROOMED HOUSES AND 2 No.  
TWO BEDROOMED AND 2 No. THREE BEDROOMED  
BUNGALOWS WITH NEW ACCESSES AND ACCESS DRIVE  
58 VICTORIA AVENUE RAYLEIGH**

APPLICANT:            **MR R HILLIARD**

ZONING:                **RESIDENTIAL**

PARISH:                **RAYLEIGH TOWN COUNCIL**

WARD:                  **SWEYNE PARK**

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**THE SITE**

- 1.1    This application is to a site on the eastern side of Victoria Avenue 71 metres north of the junction made with Cheapside West. The site is broadly rectangular in shape having a frontage onto Victoria Avenue of 32.8m widening to 40m at the rear boundary over an average depth of 63.5m The site has an area of 0.23ha (0.56 acres). On the site exists a vacant detached bungalow sited close to the street and on the southern side of the plot. The remainder of the plot is set out as extensive lawned garden with numerous established trees, some of which are the subject of Tree Preservation Orders 26/92 and 7/97. A gentle slope exists across the site downhill from north to south.
- 1.2    The site is adjoined by more recent housing in depth to the north on the

slightly higher slope. The adjoining house at No.64 Victoria Avenue is of two and a half storey form with three rear dormers. Similar houses face rearwards across this neighbouring property and the house at No 70 Victoria Avenue also has rear dormers looking across the site.

- 1.3 Adjoining the site to the south is a detached house of 1970s design which is the last in a group of similar dwellings each fronting the southern frontage of the immediately adjoining part of the street.
- 1.4 Opposite the site is a more recent development of two houses to the front and two bungalows at the rear.
- 1.5 The street character comprises a mixture of detached and semi detached houses and bungalows varying in age and design. A short distance from the site to the south exist six flats in two buildings fronting Cheapside East.
- 1.6 On the site exists an Oak Tree to the rear of the existing dwelling. Two Poplars and a group of 2 Willows and a Poplar exist on the rear boundary of the site. A further group inside the site, comprising one Poplar and two Oak trees, are all the subject of Tree Preservation Order 26/92. A further Oak tree located on the front boundary of the site is the subject of a separate Tree Preservation Order 07/97.
- 1.7 Members visited the application site on 8th April 2006 in the consideration of a previous application. A further site visit has been arranged on 19 April in connection with the current application

#### **PLANNING APPLICATION DETAILS**

- 1.8 The proposal is to demolish the existing bungalow on the site and construct two pairs of semi detached houses to the site frontage and flanking a central access road into the site where four bungalows would be grouped around the turning head in the later half of the site.
- 1.9 The houses would be of identical design having four bedrooms and integral garages. The houses would have an overall ridge height of 10m to a bonnet ended main roof with shallow depth two storey front projecting gabled roofed wing.
- 1.10 The proposed bungalows are of an alternative design. The bungalows to plots 6 and 7 at the back of the site feature three bedrooms and are identical in design and feature a bonnet ended roof to an overall height of 6.1m. Plot 6 has an attached garage whilst plot 7 has a detached garage.
- 1.11 The bungalow to plot 5 is two bed roomed to a bonnet ended roof design and to an overall height of 5.7m with an attached garage.

- 1.12 The bungalow to plot 8 is two bed roomed to a bonnet ended roof design to an overall height of 5.1m and featuring front and rear shallow depth projecting gable wings and with a detached garage.
- 1.13 The forecourt areas to the proposed houses would be paved but retaining a planted area to the frontage. The access road would have a width of 4.5m. The access to the bungalows would be gated at a point 32.6m from the limits of the highway onto Victoria Avenue with refuse collection point for the bungalows located outside the gates alongside the access drive.

#### **RELEVANT PLANNING HISTORY**

- 1.14 The site has had an extensive recent history which began with the grant of outline planning permission to demolish the existing bungalow and construct two detached houses with two detached bungalows at the rear with access drive and which was granted on 11<sup>th</sup> January 2005 under application reference 04/00999/OUT.
- 1.15 Since that time a development of 14 flats and 4 maisonettes was withdrawn by the applicant under application reference 05/00987/OUT. An application for 14 flats and four maisonettes was refused permission on 25<sup>th</sup> May 2006 under application reference 06/00136/OUT. An application for 16 flats was dismissed on appeal under application reference 07/00023/FUL.
- 1.16 More recently detailed reserved matters for two houses to the front and two bungalows at the rear of the site with a central access drive were granted permission on 19<sup>th</sup> February 2008 under application reference 08/00018/REM, pursuant to the original outline permission.

#### **CONSULTATIONS AND REPRESENTATIONS**

- 1.17 This application expires on the 14<sup>th</sup> May 2008, but to comply with government targets on the determination of planning applications, it has been necessary to report the application to the Committee on the 22 April. The date for the receipt of consultation responses is the 21 April, though it should be noted that the site notice does not expire until the 24 April 2008. All further consultation responses will be reported through the addendum.
- 1.18 **Buildings/Technical Support (Engineers)** - No objection. Advise that a public foul sewer runs through the site and a classified main river also runs through the site.
- 1.19 Three letters have so far been received in response to the public consultation and which in the main make the following comments and objections;
- o Unable to view documents on line and request details of the car parking within the scheme



- o Overdevelopment
- o Noise and disturbance
- o General traffic access
- o Concern at driveway proposed directly opposing access to dwelling opposite
- o Dangerous traffic situation
- o Parking
- o Surprised and dismayed to see a further application which doubles the residencies from those approved to eight
- o Concerned at foul and surface water drainage problems
- o Continue to support development for 4 dwellings previously approved

### **MATERIAL PLANNING CONSIDERATIONS**

#### **Density issues HP3**

- 1.20 The site is located within an area of existing residential development. The demand for better use of urban land is long established by central government guidance and advice which generally advocates the use of higher densities where considered compatible with the character of the area concerned and urban design controls.
- 1.21 Policy HP3 to the Council's adopted Local Plan (2006) argues for a density of not less than 30 dwellings per hectare and that the best use of urban land will be achieved in the range between 30 - 50 dwellings per hectare. However, PPS 3 Housing, published in November 2006, post dates the local plan and states that density is a measure of the number of dwellings which can be accommodated on a site or in an area. The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. Advice at paragraph 47 to PPS 3 suggests a range of densities can be considered over a plan area but a broad density range of 30 dwellings per hectare net should be used as a national indicative minimum to guide decision-making. Densities below this minimum will need to be justified having regard to demand and land availability, capacity of infrastructure and services, efficient use of land, accessibility, characteristics of the area and the desirability of achieving high quality well designed housing.
- 1.22 The site has an area of 0.23ha. The proposal would achieve a density on the site of 34.7 dwellings per hectare in accordance with the requirements of Policy HP3 and in line with PPS3. To assist Members' consideration, an assessment has been made of the density of development around the application site.
- 1.23 A typical sample area of one hectare, including the site, shows an existing

density of 15 dwellings per hectare. If account is then taken of the development proposed, the density of the same sample area would rise to 22 dwellings per hectare.

- 1.24 Taking into account, at the time of writing, the absence of any ecological concerns, adverse landscape issues or strong objections from specialist consultees and urban designers, the mixed character of adjoining development including development in depth and the limited impact on residential amenity, it is considered the proposal achieves the best use of land at a density that would not have a harmful impact on the character and appearance of the area.

#### **Comparison to the previous appeal decision**

- 1.25 In a previous application for a 16 unit flatted development (Application Ref: 07/00023/FUL) the Inspector considered that the resultant built form in that application was harmful by way of the mass and bulk of the buildings proposed which would have failed to integrate with and complement existing development and cause the loss of views to the street of skyline, vegetation and openness.
- 1.26 The houses proposed are more modest in form, in comparison with the previous flatted buildings which featured deep return elevations facing onto the proposed access. The low rise nature of the bungalows at the rear of the site would retain views of the trees within the site and to the adjoining parkland. The scale and form of the dwellings proposed would be compatible with the street and it is therefore considered that this proposal achieves a satisfactory form of development overcoming the Inspectors previous concerns.

#### **Amenity/garden areas**

- 1.27 The proposed house to plot 1 has a garden area with a short fall of 7.6 square metres less than the 100 square metres required. Similarly the house to plot is short by 3.4 square metres and that to plot 3 short by 0.9 square metres in area. Despite the shortfall the gardens are generally rectangular in shape and of a useable area. The house to plot four exceeds the requirement by over 10 square metres.
- 1.28 The Bungalow to plot 5 would be short of the requirement by 5.5 square metres. That to plot 6 would however exceed the requirement by over 25 square metres. Similarly the bungalow to plot 7 would exceed the requirement by over 18 square metres. The bungalow to plot 8 would fall short of the garden area requirement by 17.5 square metres. The garden area to this particular plot is spread about the building pocket areas abutting the projecting elements of the building and including a walled area to the front.



- 1.29 Of the eight dwellings proposed three houses and two bungalows show a shortfall in garden area. The shortfall for plot 8 is more significant particularly given the irregular shape to different garden areas within this plot that will limit the usefulness of the space available.
- 1.30 However, the site adjoins the Sweyne park area of Public Open space. In these circumstances it is considered that the availability of this alternative for recreation can reasonably off set the shortfall in garden area within the scheme and making it difficult to demonstrate how the amenity of future occupiers of the dwellings proposed would be harmed unreasonably such as to substantiate the withholding of permission for this reason.

**Side space**

- 1.31 The house proposed to plot 1 to the front of the site would provide a sidespace of 0.8m widening to 1.1m at first floor level to the rear and similarly that to plot 4, 0.9 m widening to 1.6m at the rear. This arises in part from the skewing boundary of the site with No. 56 Victoria Avenue. A pinch point also would result for the bungalow to plot 8 where the wall would meet the rear boundary of the dwelling to plot 2 without a sidespace due to the siting relationship of the building to the group of bungalows.
- 1.32 It is considered that the development would achieve a satisfactory setting for the houses within the street and that the widening out of the sidespace would offset the slightly undersize siting of the outer walls to the boundary of the site. The bungalow to plot 8 is set away from the street as part of a group of dwellings in their own setting. The angle of the bungalow to the boundary would achieve a sidespace of 1.6m reducing down to the pinch point with the back fence to plot 2 but in reality raises no material issues for the future coalescence of the dwellings given the bottom of a garden flanks this boundary rather than a building.

**Access ability and parking**

- 1.33 Victoria Avenue also serves a wider residential area and makes a junction with London Road and the local bus network. The site is considered an urban location with reasonable access to public transport and local shops.
- 1.34 No details of the boundary treatment have been provided in this application. The area typically features walls and fencing. Precise details for the scheme can be the subject of a condition to any approval that might be given.
- 1.35 The development would provide for a garage and parking space to each dwelling. It is considered that given the location of the site relevant to a regular bus service in London Road and the location of the site within walking distance from Rayleigh Station that an acceptable level of off street

parking is to be provided within the layout of the site. Subject to no adverse comments being raised by the County Highway on the merits of the application it is considered at this stage that no material objection can be raised against the proposal on highway grounds.

**Landscaping**

- 1.36 The accompanying design and access statement sets out in brief the provisional landscaping of the site to comprise essentially lawns to front and rear gardens with hard surfacing to the parking areas within each plot. An area of soft landscaping would be retained about the preserved Oak tree to plot 2 the subject of TPO 07/97. This feature is repeated for new planting to the front of plot 3. More precise details for the landscaping of the site could be the subject of a condition to any approval that might be given.

**Fenestration and privacy**

- 1.37 The houses to the front of the site feature first floor bathroom windows to each side and these can be obscure glazed as part of any approval that might be given. The bungalows proposed would similarly not give rise to closely opposing windows. It would however be necessary to require the submission of boundary fencing details to secure privacy between adjoining gardens and to remove permitted development rights for future dormers and windows within the proposed bungalow roof areas, as conditions to any approval that might be given.

**Affect on trees/ecology considerations**

- 1.38 The application is accompanied by a survey to establish the effect of the proposal upon the existing preserved trees. Members will also be aware that the ecological concerns for the site were addressed in more recent applications where it was established that no Bats were present on the site but that bat foraging activity would be likely to continue after the development. The site was also not found to contain reptiles and that the site was cleared in accord with specialist advice to prevent reptiles populating the site.

**Flood Risk**

- 1.39 The proposal is accompanied by a flood risk assessment which concludes that the development can be implemented with flood risk suitably mitigated.

**CONCLUSION**

- 1.40 The proposal would provide a satisfactory development in depth to an appropriate density and of an acceptable scale and form within the street.





The proposal demonstrates a slight shortfall to some of the garden areas of five of the units proposed and pinch point to sidespaces for three of the plots proposed that are off set by the proximity of the site to a large area of public open space and the alignment of the plot boundaries to adjoining development such that the shortfall in sidespace would not lead to a coalescence of dwellings to the detriment of the character and appearance of the street.

**RECOMMENDATION**

1.41 It is proposed that this Committee **RESOLVES** to **DELEGATE** to the Head of Planning and Transportation to determine the application on the expiry of the outstanding notification period and subject to the following heads of conditions, and any others that may be necessary:

- 1 SC4 - Time limits full standard
- 2 SC14 - Materials to be used externally
- 3 SC59 - landscaping design - details
- 4 SC50 - Means of enclosure
- 5 SC 60 - Tree and shrub protection where TPO
- 6 SC67 - Pedestrian Visibility splays
- 7 SC90 - Surface water drainage
- 8 SC91 - Foul water drainage
- 9 SC23 - Obscure glazing to specified windows
- 10 SC20 - PD restricted dormers

**REASON FOR DECISION**

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

**Relevant Development Plan Policies and Proposals**

Rochford District Replacement Local Plan (Adopted 16<sup>th</sup> June 2006)  
HP 3, HP 6, NR 3, NR 9, NR 11,

Supplementary Planning Document 2 Housing Design (January 2007)

Supplementary Planning Document 5 vehicle Parking Standards (January 2007)



Shaun Scrutton

Head of Planning and Transportation

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For further information please contact Mike Stranks on (01702) 546366.

08/00196/FUL



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## CODE OF CONDUCT FOR PLANNING MATTERS

### GENERAL PRINCIPLES

Members and Officers must:-

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

In Committee, Members must:-

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

Members must:-

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

Officers must:-

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