

<p><b>Item 1</b> <b>09/00305/FUL</b> 206 London Road, Rayleigh</p>	<p>Additional information has been received from the applicant in relation to trees and ecology at the site and education contributions.</p> <p><b>Impact on designated sites and protected species</b> A revised ecology study has been submitted by the applicant which includes an ecological survey carried out to investigate the presence/absence of reptiles at the application site. The presence of a slow worm population has been confirmed by this survey.</p> <p>This study identifies an area of the site which would be fenced to provide a protected habitat for slow worms during construction. Whilst this mitigation measure is considered acceptable, on completion of construction, this area would form part of the domestic garden for the proposed dwellings on the site. Domestic garden, which could be laid to grass to provide a lawn, would not form a suitable habitat for slow worms. <i>The Council's ecological adviser does not therefore consider that this area would provide a suitable, protected long term habitat for slow worms.</i> Consequently, it is considered that, if allowed, the proposed development of the site is likely to have a detrimental impact on the protected slow worm population at the site.</p> <p>Further to the revised ecological report, the applicant's ecologist has confirmed that they consider the area identified on the site layout which would be fenced during construction and would then form the domestic gardens to dwellings at the site, would provide an adequate habitat for the slow worms. Although shown to be part of the domestic garden areas on the submitted plans the applicants ecologist considers that this area is unlikely to be 'grubbed out' to make lawns as there are existing protected trees in the area and the hedgerow could be retained. The applicant has suggested that a planning condition could be imposed to ensure that the existing peripheral hedgerow is retained.</p> <p><i>The Council's ecological advisor has commented that the long term habitat that would be provided for the slow worms, which would be used as domestic garden bounded by a hedgerow, would not provide an acceptable habitat as advised by the applicant's ecologist.</i></p> <p><b>Education Contributions</b> A revised secondary education contribution estimated at £46, 486 (index linked from April 2009 using the PUBSEC index) has been requested from Essex Country Council due to the fewer residential units now proposed.</p>
--	---

	<p>The structure of this payment has been agreed between the developer and the County Council and would involve payment of 50 percent of the total sum prior to commencement of the development and payment of the remaining 50 percent 9 days prior to the anticipated first occupation or 6 months after the commencement whichever is sooner.</p> <p>The developer has confirmed that a signed Section 106 agreement dealing with the requested education contribution only will be submitted to the Council.</p> <p><b>Trees</b> The applicant has submitted further information relating to trees on the site in the form of a tree impact statement, which assesses the impact of the proposed development on the trees at the site. The Council's Woodlands Officer has provided comment on this additional information.</p> <p>(Note: trees are referred to as identified on the site plan dated July 2009)</p> <p><b>T5 and T6 – Oak trees (Frontage oak trees)</b> The applicants arboriculturalist has stated in the tree impact statement that these trees are a sufficient distance away from the nearest proposed dwellings on the site to not require any pruning during construction.</p> <p><i>The Council's Woodlands Officer does not dispute that the proposed dwellings nearest to these trees could be constructed without the requirement for pruning. However, the applicant's tree impact survey has not assessed the impact that these trees would have on the occupiers of the dwellings once constructed. Notwithstanding the lack of assessment, the Council's Woodlands Officer considers that these trees are still positioned too close to the proposed dwelling and its domestic garden area such that once the dwellings are built there is likely to be a resulting, significant amount of pressure to have this tree pruned due to nuisance of falling debris (leaf/fruit), birds excrement over the proposed foot paths and reduction of light.</i></p> <p><b>T47 – Oak tree (proposed to be felled on plot 6)</b> The applicant's arboriculturalist grades this tree as C2 in the tree impact statement and considers that as development of the site would require some tree removal, on balance it would be favourable to remove category C trees.</p> <p><i>The Council's Woodlands Officer considers that the arboriculture value, landscape value and cultural values including conservation value of this tree have not been considered in the applicant's tree</i></p>
--	---

*impact assessment. Nor has assessment or comment been provided in the tree impact assessment about when this young oak tree matures, when its ecological value would increase. The Council's Woodlands Officer grades this tree as B3 not C and recommends that the tree not be removed.*

**T18- Hazel tree (proposed to be felled beside plot 12)**

The applicant's arboriculturalist considers that this specimen might not meet the definition of a tree, grading it as category C and considers that a suitable replacement could be conditioned as part of any consent.

*The Council's Woodlands Officer grades this Hazel B3 not C and considers the Hazel to be very beneficial to wildlife and does not accept the applicants arboriculturalist's view that 10 years would be sufficient time to establish a replacement coppice specimen the size as the one at this site today. It is considered that this tree should be retained.*

**T10 – Bay tree (proposed to be felled on plot 13)**

The applicant's arboriculturalist considers this tree to be graded B, understands that this tree has to be removed to allow for the construction of a vehicular access to the site and considers that this tree should not be allowed to influence good design and land use when a suitable replacement could be conditioned.

*The Council's Woodlands Officer considers that simple design modification or use of special construction techniques should allow this tree to be retained in its current location whilst enhancing the entrance to the proposed housing estate. No arboricultural method statement considering the use of special construction techniques around the tree has been provided. It is considered that this tree should be retained.*

In addition the Highways Authority has confirmed informally that the vehicular access to the site could be re-positioned in a more central position; this might allow for the retention of this tree.

Officers are not clear whether the applicant's arboriculturalist would accept removal of this bay tree if he was aware that there might be a possibility of moving the position of the vehicular access to the site.

**Recently planted Birch tree (Shown on plan but no identification number) (proposed to be felled on plot 12)**

The applicant's arboriculturalist has only considered trees shown on the tree survey plan in the tree impact assessment and correctly states that this birch tree was not shown on the tree survey plan. The applicant's arboriculturalist considers that the birch was not

shown due to its small trunk diameter and considers that in any case this tree is of very limited value and a replacement could be conditioned.

*The Council's Woodlands Officer explains that the reason that this birch tree was not part of the tree survey plan was because at the time of the survey and report, dated 21<sup>st</sup> April 2009, this birch tree, which is subject of tree preservation order 13/87 and the subject of appeal tree replacement notice app/trn/b1550/304, was not planted. It was planted at the beginning of July 2009. At appeal the inspecting officer agreed that in time this tree will be able to replace the Horse Chestnut that was illegally felled at the site. The inspecting officer did not dispute the size, species or location and as such dismissed the appeal submitted by the landowner. The Council's Woodlands Officer, therefore, considers that this protected birch tree should be retained.*

**Tree Preservation orders at the site**

The applicant's arboriculturalist considers that the tree preservation order which was served in relation to trees T47-Oak, T48-Oak, T18-Hazel would probably be removed on appeal to the Secretary of State as none of these trees can be seen from a public place.

*The Council's Woodlands Officer considers that Rochford District Council served the Tree Preservation Order for the trees T47-Oak, T48-Oak, T18-Hazel correctly and have acted with in the terms of the legislation.*

**Impact of the proposed development on trees at the site**

*The Council's Woodlands advisor considers that at present the impact of the proposed development on the trees at the site cannot be fully assessed as a full tree impact assessment, arboricultural method statement and tree protection plan have not been provided.*

**Additional consultation responses**

**Neighbour Consultation – 3 additional responses received**

- Comment that this proposal for 14 units instead of the 33 proposed before would cut the volume of traffic down.
- Concern that building would be 3 storey and would cause over shadowing and be out of character with the area.
- Concern that parking would still be an issue.
- Concern that view will change from trees and vegetation to multiple dwellings and that loss of vegetation will cause loss of wildlife habitat.
- Concern about the proposed access onto London Road and that the increased volume of traffic resulting from the development would increase the potential of a serious

	<p>accident.</p> <ul style="list-style-type: none"><li>- Parking is already a serious issue with much on-street parking; the proposed development is likely to exacerbate this problem with residents from the development site also parking on-street.</li><li>- Rayleigh has already been overdeveloped and many of its resources (doctors/roads) are overstretched. The proposed development will add to the over development and result in a negative impact on the neighbourhood and Rayleigh as a whole.</li><li>- The amended plans are a great improvement, with the impression of space and character and some TPO's are to be retained with planting to replace others.</li><li>- The vehicle access could still be problematic but could maybe be dealt with effectively with road markings.</li></ul> <p><b><i>Second Round Consultation Responses</i></b></p> <p><b>Rayleigh Town Council</b> Object due to insufficient parking, amenities and over-development of the site.</p> <p><b>Essex County Council Environment, Sustainability and Highways</b> Second round consultation response the same as the first round response except that the requirement for the following heads of conditions, to be added to any approval that may be given, have not been listed;</p> <p>(10) Vehicle hard standings between wall to be 2.7m x 4.8m in size (15) Parking within the flat development to be laid out such that each vehicle has clearance of 6m to allow access and egress to all spaces.</p> <p><b>Essex County Council Urban Design Team</b> No second round consultation response received</p> <p><b>Essex County Council Schools, Children and Families Directorate</b> Based on the proposal to erect 14 houses each with 2 or more bedrooms, Essex County Council request a developer contribution towards secondary school places. The sum requested is estimated to be £46,486 index linked from April 2009 using the PUBSEC index.</p> <p>Following discussion with the developer we have agreed that 50 percent of any contribution shall be paid prior to commencement of the development. The remaining 50 percent to be paid 9 days prior to the anticipated first occupation or 6 months after the</p>
--	--

	<p>commencement, whichever is sooner, should the development be approved.</p> <p>The County Council reserve the right to vary the amount requested if changes to the number of units proposed or the site area are proposed.</p> <p><b>Rochford District Council Woodlands Section (ecology)</b></p> <ul style="list-style-type: none"><li>- The survey has identified that slow worms are present on the application site.</li><li>- Taking into account the whole site area and the fact that only parts of the site would be suitable habitat for slow worms the density of the slow worm population is not low.</li><li>- The mitigation proposed is good and would protect/retain the population of reptiles within the site. However, the retained and enhanced habitat for the reptiles will be a substantial part of the gardens for the new properties. This retained habitat is not shown on the proposed layout for the site submitted by the applicants.</li><li>- Unless the retained/managed habitat for the slow worms is excluded from the development then it will have very little chance of surviving and this authority would have difficulty in its future protection under a planning condition.</li><li>- The long term habitat that would be provided for the slow worms, which would be used as domestic garden bounded by a hedgerow, would not provide an acceptable habitat as advised by the applicant's ecologist.</li></ul> <p><b>Rochford District Council Woodlands Section (trees)</b></p> <p>Comments have been incorporated into the discussion relating to individual trees at the site above.</p> <p><b>REVISED RECOMMENDATION</b></p> <p><b>DELEGATE</b> determination to the Head of Planning and Transportation on expiry of the press advertisement.</p> <p>On consideration of the revised ecological survey, the officer recommendation is amended. Reasons 1 and 2 of the officer recommendation as detailed on the Committee report are to remain unchanged. The third reason for refusal as detailed on page 16 of the committee report should be amended to read as follows;</p> <ol style="list-style-type: none"><li>3. The revised ecological study proposes suitable mitigation measures and a suitable protected area to form a habitat for the slow worms on the site during construction, however, this area would form part of the domestic gardens for proposed dwellings on the site once construction is complete. Used as domestic garden the area of land would</li></ol>
--	--

	<p>provide an unprotected and unsuitable habitat for slow worms. Neither this area of the site nor the retention of the existing peripheral hedgerows is considered to provide a suitable long term habitat for slow worms. Consequently, if allowed, the proposed development of the site is likely to have a detrimental impact on the protected slow worm population at the site.</p>
<p><b>Item R2</b>  <b>09/00356/FUL</b>          12 Eastcheap,          Rayleigh</p>	<p><b>The applicant has submitted the following information and comment in response to several questions which were raised by Members during the application site visit and requests from officers;</b></p> <p><b>Bat Survey</b>          A bat survey has been undertaken and submitted to the Council. The survey found no evidence of bats at the application site. The report concludes that the proposed development would not have a detrimental impact on the local bat population.</p> <p><b>Vehicle Parking</b>          Parking has been provided in line with Essex Design Guide and Vehicle Parking Standards Document. We feel that the parking provision proposed meets the criteria in the design guide.</p> <p><b>Building Line</b>          The proposed dwelling facing Eastcheap has been designed and sited to maintain the original building line and does not project beyond the adjacent property, No. 10 Eastcheap.</p> <p><b>Site Hole and trampled grass</b>          A Council officer is to investigate but the activity is likely to be due to foxes.</p> <p><b>Site drainage</b>          The private drainage system for the site would be connected to the existing street foul and surface water drainage. A detailed layout would be submitted with the building control submission.</p> <p><b>Plot frontages</b>          The frontages have been designed to respect the existing form and character of the immediate area and the 1-metre boundary distances are compatible with the local neighbourhood and in line with the guidance and advice in the Council's Supplementary Planning Document No.2.</p> <p><b>Site boundary</b>          The boundary of the development site is as shown on the submitted planning application location and site plans and follows the sizes indicated on the original title deeds relating to 'Land at 12,</p>

Eastcheap, Rayleigh'. The ownership of the trees and the existing chain link fence to the western boundary is not clear to my client and any minor encroachments from neighbouring gardens will be resolved during the landscaping works at the site.

**Obscure Glazing**

Obscure glazing has been specified in the first floor gable windows on all properties at the site; these are windows would service either bathrooms, en-suites or shower rooms. The landscaping proposals submitted makes allowance for the installation of new 2-metre high boundary fencing along the north, west and eastern boundaries of the site to promote privacy and also prevent overlooking to the adjacent neighbouring houses and gardens.

**Strip of land**

The strip of land is identified on the submitted site and location plans and is between the northern fence line and the pavement line of Willow Close and is approximately 1-metre wide.

**Private right of way**

The Bowen family have had a private goodwill agreement with the neighbour at No.8 Willow Drive for a number of years which allows access through 12 Eastcheap to the gate identified on the site on the western boundary.

**Telecom Pole**

British Telecom will be requested to re-site the existing telegraph pole on the western boundary of the site frontage as is standard practice to facilitate the vehicle driveway access.

***Additional consultation responses received***

**Rochford District Council, Woodlands Department (ecology)**

- The site has been visited and there are no well worn badger runs on the site, no latrine areas, no badger footprints or characteristic guard hair on any part of the site.
- There is no active or disused set on any part of the site.

**Neighbour consultation – 4 additional responses received**

- Concern that asbestos is buried at the site and an asbestos shed has recently been knocked down and remains on the site; concern that there is a severe risk of contamination and to the health and safety of residents and any new residents of the site.
- Concern that the applicant has cut down several mature trees at the site prior to making the application and that the stumps remain on the site which would be a risk to any new buildings.
- The site contains a fresh water well which could be a risk to

	<p>any new buildings.</p> <ul style="list-style-type: none"><li>- The proposed driveway in loose material would cause a hazard to pedestrians and cause unsightly and hazardous problems for motorists and residents in this very narrow road.</li><li>- Garden areas proposed are ridiculously small with far larger areas being hard surfaced; this would result in an unacceptable loss of habitat.</li><li>- The increase from 2 bedrooms and a maximum population of 4 on the site to 14 bedrooms and a maximum population of 28 on the site has not been accounted for in the local road or public infrastructure provision.</li><li>- No attempt has been made by the applicant to consult local residents on this character changing development.</li><li>- Concern about increase in traffic from the site onto Eastcheap.</li><li>- Concern about disruption that would result from a large project on a narrow road.</li><li>- Parking is already difficult and would become impossible whilst construction went ahead.</li><li>- The site is too small for the planning development.</li></ul> <p><b>REVISED RECOMMENDATION</b></p> <p>On consideration of the possible contamination by asbestos at the site, officers recommend that the following informative is attached to the decision;</p> <p>‘Prior to the commencement of the permitted development, the applicant is advised to undertake a suitable and sufficient site investigation and any necessary risk assessment to ensure the land is free from significant levels of contamination. The Local Planning Authority should be given prior notification of any proposed remediation scheme.</p> <p>The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination. The applicant is responsible for the safe development and safe occupancy of the site.’</p>
--	---