



**Rochford District
Council**

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY THE
DEVELOPMENT CONTROL COMMITTEE - 24 September 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

HULLBRIDGE

Cllr Mrs R Brown

Cllr Mrs L A Butcher

Cllr P R Robinson

WHEATLEY

Cllr J M Pullen

Cllr Mrs M J Webster

DEVELOPMENT CONTROL COMMITTEE 24th September 2009

REFERRED ITEM

Item R1	09/00334/FUL	Katie Rodgers	PAGE 4
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Construct Detached Building Comprising 4 No. One
Bedroomed Flats With New Vehicular Crossovers
and Parking to Front.
Land Between 48 and 52 Waxwell Road Hullbridge

SCHEDULE ITEM

Item 2	09/00382/FUL	Judith Adams	PAGE 13
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Demolish Existing Dwelling and Construct Part Two
Storey, Part Three Storey Building Containing 14 no.
Two Bedroomed Flats with Parking and Amenity
Areas. Access From Ridgeway, Close Existing
Vehicular Access from High Road.
36 High Road Rayleigh

REFERRED ITEM 1

**TITLE: 09/00334/FUL
CONSTRUCT DETACHED BUILDING COMPRISING 4 NO.
ONE BEDROOMED FLATS WITH NEW VEHICULAR
CROSSOVERS AND PARKING TO FRONT
LAND BETWEEN 48 AND 52 WAXWELL ROAD
HULLBRIDGE**

APPLICANT: MR JAMES THORNTON

ZONING: RESIDENTIAL

PARISH: HULLBRIDGE

WARD: HULLBRIDGE

In accordance with the agreed procedure this item is reported to this meeting for consideration.

This application was included in Weekly List no 997 requiring notification of referrals to the Head of Planning and Transportation by 1.00 pm on Tuesday, 1 September 2009, with any applications being referred to this meeting of the Committee. The item was referred by Cllr P R Robinson.

The item that was referred is appended as it appeared in the Weekly List, together with a plan.

- 1.1 **Hullbridge Parish Council:** Objection was raised as it was considered this is over-development and out of character with the area, which is mainly semi-detached houses, chalets and bungalows. The proposed building is of a significantly larger size than those around it. Parking, which is already a problem, will be made worse. The road is a very busy residential street used as a cut through to avoid unadopted roads in the area; the parking problems will become worse and make the busy road more dangerous.
- 1.2 NOTE: The comments for the Parish Council were mistakenly entered as 'no objection' on the Weekly List.

NOTES

- 1.3 Planning permission is sought to construct a detached building comprising 4, one-bedroomed flats with new vehicular crossovers and parking to the front at a vacant site between Numbers 48 and 52 Waxwell Road, Hullbridge.

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- 1.4 The existing site is a plot of vacant land that is very overgrown with brambles and grass. There is an apple tree to the front of the site. The site is enclosed with close boarded fencing to the front and to both side boundaries. There is no dropped kerb to the site and there is an area of grass between the front site boundary and the footway, which is likely to be part of the highway. There is an electricity pole sited on this grassed land, close to the front boundary fence, approximately 81 cm from the side boundary with No. 52. The site is approximately level, as far as can be determined, as the site is very overgrown. There does not appear to be any significant difference in site levels with the neighbouring properties.
- 1.5 Outline planning permission was approved in 1992 for a 4-bed detached house with integral garage, reference 92/00310/OUT.
- 1.6 The proposed detached building would be approximately 11.8 metres in depth at ground floor and 9.3 metres in depth at first floor; the building would effectively be a two storey house with a single storey flat roofed rear extension, with a height of 3.1 metres. The building would have a pitched roof and be approximately 10 metres in width, with the main building being 5.2 metres in height from ground level to eaves and 7.8 metres in height from ground level to ridge. Parking spaces would be provided on-site to the front of the building.
- 1.7 The proposed building would be sited between two existing dwellings, Numbers 48 and 52 Waxwell Road. The proposed building would be sited approximately 1 metre from the side boundaries with each of these neighbouring properties and approximately 3.2 metres and 4.2 metres from the side elevations of these neighbouring properties, respectively.
- 1.8 As the proposed building would be sited between two existing properties it would be considered to be infill development. SPD 2 states minimum site frontages that are to be used as a useful measure to guard against the over-development of infill sites. Where a semi-detached property is proposed, which the proposed development is taken to resemble, a site frontage of 15.25 metres would ordinarily be required. The guidance, however, allows for the consideration of the form and character of the surrounding area and variation of the minimum site frontage accordingly.

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- 1.9 The width of the application site is shown by two boundary lines on the submitted site plan. One site width is labelled as actual site measured boundaries and this width is 12.2 metres, consistent along the length of the plot. The other boundary line is labelled as the ordnance survey site boundaries and this width is 13.2 metres, consistent along the length of the plot. Unfortunately it was not possible to measure the width of the plot during the site visit to verify the exact site width due to the overgrown nature of the site. The applicant has designed the proposal according to the smaller plot width. Although the plot width does not meet the 15.25 metre policy requirement the proposed development would maintain a 1-metre separation to each side boundary at both ground and first floor. If the plot width were 15.25 metres the side separations could increase by 1.5 metres to a distance of 2.5 metres to either side of the proposed building.
- 1.10 There does not appear to be any semi-detached properties on Waxwell Road which have a plot width as narrow as 12.2 metres, as proposed. However, there are several semi-detached properties where the plot width is less than 15.25 metres. Numbers 63 and 65 and Numbers 75 and 77 Waxwell Road are semi-detached houses which each have a combined plot width at the highway boundary of approximately 13 metres and Numbers 64 and 66 Waxwell Road is a semi-detached pair where the combined plot width at the highway boundary is approximately 12.7 metres. There are also several properties where the distance between side elevations of neighbouring properties is small. Between properties No. 57 and 59 Waxwell Road the distance between the side elevation is approximately 3.4 metres, between No. 59 and 61, 3 metres and between No. 61 and 63, 3 metres.
- 1.11 As other properties on Waxwell Road have narrower site widths than the policy requirement and are sited in close proximity to each other it is considered that the proposed development, albeit on a plot where the width does not meet the policy requirement of 15.25 metres, is not objectionable. The proposed building would not be out of scale and character with the surrounding area.
- 1.12 The impact that the proposed building would have on the level of amenity already enjoyed by the occupiers of these neighbouring properties should be considered.

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- 1.13 The neighbouring property, No. 48 Waxwell Road, is a detached house, which has not been extended. The front elevation of the proposed building would be approximately in line with the front elevation of this neighbouring property. The two storey rear elevation of the proposed building would be sited approximately 0.8 metres deeper than the rear elevation of this neighbouring property, with the single storey rear elevation of the proposed building extending another 2.4 metres deeper still. Although the proposed building would project deeper than the rear elevation of No. 48, the two storey part of the proposed building would only project deeper by 0.8 metres. It is therefore considered that the proposal would not have a detrimental effect on the amenity enjoyed by the occupiers of No. 48 in terms of being overbearing or causing overshadowing. Only one window is proposed in the side elevation that would face the side elevation of No. 48 which is at ground floor and to a bathroom. It is likely that this window would be obscure glazed due to the proposed use of this room and as such would not give rise to any increase in overlooking to No. 48.
- 1.14 The neighbouring property to the east is No.52 Waxwell Road. This property is a semi-detached chalet bungalow. The front elevation of the proposed building would be approximately in-line with the front elevation of this neighbouring property. The two storey rear elevation of the proposed building would be sited approximately in line with the rear elevation of this neighbouring property, such that only the single storey element of the proposed building would project deeper than the rear elevation of this neighbouring property, by approximately 2.4 metres. It is considered that the proposed single storey element would not give rise to any significant increase in overshadowing to No.52 which would be unreasonable, nor would the proposed building be overbearing to No. 52. Only one window is proposed in the side elevation that would face the side elevation of No. 52, which is at ground floor and to a bathroom. A 2-metre high panel fence is proposed along the boundary with No. 52, which would minimise any overlooking from the proposed side window. However, is likely that this window would be obscure glazed due to the proposed use of this room and as such would not give rise to any increase in overlooking to No. 52.
- 1.15 The surrounding properties on Waxwell Road are a mixture of detached and semi-detached houses and bungalows of varying design. In this street scene, the design of the proposed dwelling is considered acceptable, in terms of scale, design and appearance.
- 1.16 The application site has no existing vehicular access. The proposal would create 2 vehicular accesses to the front of the site off Waxwell Road to 4 on-site parking spaces which would be sited to the front of the site. The parking spaces would be laid out in pairs, abutting the front boundary of the site. Each of the parking spaces would comply with the Council's SPD standard of 4.8 metres by 2.4 metres.

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- 1.17 There is however an electricity pole sited on the highway grass verge very close to the front of the site approximately 80cm in from the eastern boundary. This pole would prevent the car parking being laid out abutting the eastern boundary of the site as shown on the submitted plan. The 2 car parking spaces could however be sited 80 cm from the eastern boundary to avoid the electricity pole. This would reduce the width of the proposed paved area between the 2 pairs of car parking spaces but a gap of approximately 1.2 metres between the 2 pairs of car parking spaces in the centre of the site would remain.
- 1.18 The policy requirement for on-site parking spaces is detailed in Policy T8 of the RDRLP 2006 and would be 1 space per dwelling in an area which is considered to be a main urban area with good access to public transport and 2 spaces per dwelling in an area which is considered to be an urban location with poor off peak public transport services, although these are maximum standards. The application site, located in Hullbridge, has no access to transport by train although the site is located a short walk from Ferry Road where there is a regular bus service available. It is not considered that the application site can be perceived to be a main urban area with good access to public transport. As 4 one-bed room flats are proposed the policy requirement would be for the provision of 8 on-site car parking spaces; the 4 on site car parking spaces proposed therefore falls short of the policy requirement.
- 1.19 As the car parking standards are maximum standards the Council could take particular circumstances of this proposed development into account and consider the provision of less than 8 on-site parking spaces.
- 1.20 However, in this application, although all 4 proposed flats are described as 1 bed-roomed, the two first floor flats each include a room designated as a study on the proposed floor plan. Although the studies are both modest in size, approximately 1.75 metres in width by 3.5 metres in length, there is potential for these rooms to be used as small second bedrooms.
- 1.21 It is also considered possible that there may be more than one adult occupier of one or more of the flats, despite them being 1 bed-roomed, which may result in the need for more than 1 on-site car parking space per flat. In addition, there is no provision for visitor parking at the application site.
- 1.22 Several neighbour consultation responses have referred to there being a problem with parking on-street on Waxwell Road at present.
- 1.23 If allowed, the development would set a precedent that would make it difficult for the Council to resist similar schemes where a reduced level of parking provision is proposed in a location without good access to public transport. Replication of this development on Waxwell Road is likely to exacerbate on-street parking issues.

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- 1.24 Although the Highways Authority does not object to the proposed parking layout or the number of spaces proposed it is considered that the proposed level of on-site parking provision is inadequate for the proposed number of flats.
- 1.25 The submitted site plan shows that the rear garden area would be divided up into 4 distinct areas, presumably one garden area for each flat. Two of the garden areas are approximately 36 square metres in area and the other two areas are approximately 23 square metres. In addition, each of the rear garden areas include an area designated for bin storage. Taking the four areas together, the total rear garden area provided would therefore be approximately 118 square metres, which meets the policy requirement of the provision of useable communal garden on the basis of a minimum area of 25 square metres per flat.
- 1.26 The submitted site layout shows the proposed bin storage areas to be separate for each flat, which is acceptable. However, the siting of the 4 bin storage areas within and in the middle of the 4 designated garden areas is not perceived to be particularly well thought out. It is felt that there is enough space to the rear of the proposed building to accommodate both the bin storage and the amenity space required to meet policy. If occupiers of the flats choose to re-position the bin storage within this area this would not be considered objectionable.
- 1.27 The site is very overgrown and it is therefore possible that the site may contain wildlife, including protected species. As no ecological impact assessment has been submitted the Council cannot assess whether the proposed development would have an impact on any protected species.
- 1.28 There is an apple tree to the front of the site and vegetation within the site, but the Council's woodlands officer does not raise any objection to the proposed development in relation to trees or hedges on the site.
- 1.29 **Environment Agency:** No objection.
- 1.30 **County Surveyor (Highways):** No objection but suggested conditions:-
- parking of operatives' vehicles and storage on site
 - 2.4m x site maximum site splay
 - Pedestrian site splay
 - Driveway in bound materials
 - Driveway to be constructed to the satisfaction of Area Manager South
 - All works to be to the satisfaction of Area Manager South
- 1.31 **Rochford Council (Ecology):** No ecological survey has been submitted. Neighbours report high wildlife content.

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- 1.32 **Rochford Council (Building Control):** No objections or observations.
- 1.33 **Rochford Council (Woodlands):** No comments.
- 1.34 Neighbours: Occupiers of No. 68 Waxwell Road:
- parking is a problem in Waxwell Road and 4 flats may have 8 cars creating more of a problem
 - there are no other flats in Waxwell Road - flats would look out of place
 - the proposed area is currently home to wildlife
 - there is a need for affordable accommodation, not luxury flats
- 1.35 Occupier of 1 Meadow Road:
- it is not clear from the proposed application what would happen to the stand of mature trees between the application site and No. 1 Meadow Road. Hopes the trees will be retained as they provide a screen and a habitat for wildlife
 - Would have preferred the height of the proposed building to be in line with No. 52 to improve outlook
- 1.36 Neighbour objector, address unknown:
- there are already parking problems in Waxwell Road and the addition of 4 flats would make this problem worse. As four parking spaces are proposed to the front a large dropped curb would be required, which would reduce the availability of on-highway parking as vehicles could not park on the highway in front of the on-site car parking spaces as access would be blocked. This could create safety problems.
- 1.37 Occupier of 3 Meadow Road:
- flats not in keeping with houses and bungalows
 - existing trees provide a screen, privacy and outlook
 - concern about noise and disruption that would result
- 1.38 Occupiers of No. 83 Waxwell Road:
- Parking problems on Waxwell Road would be made worse
 - Flats are out of character with the area
- 1.39 Occupiers of No. 59 Waxwell Road:
- Parking in Waxwell Road is already a problem and 4 x 1-bed flats are likely to be occupied by couples, both of whom would have a car, plus their visitors.
 - Flats will devalue our property
 - Flats are not characteristic of the area
 - A precedent would be set for other flat development in Waxwell Road.

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REFUSE

- 1 The level of on-site parking is considered insufficient for the number of residential units proposed and contrary to Policy TP8 of the Local Plan, which requires generally the maximum standard of 2 spaces per dwelling to be met. The lack of adequate on-site car parking spaces and siting of the on-site parking to the front of the site would lead to on-street parking away from the site, which would cause obstruction to other road users to the detriment of general highway safety.
- 2 The application has not been supplemented by a protected species survey, and as such there has been no assessment of the likely habitat for legally protected mammals, reptiles and amphibians. The Local Planning Authority considers that an ecological assessment would be required to confirm the presence or absence of any protected species at the site as the site is very overgrown. As no ecological assessment was submitted the Local Planning Authority cannot be satisfied that the proposed development would not have any adverse impact on protected species.

Relevant Development Plan Policies and Proposals

HP6, TP8, of the Rochford District Council Adopted Replacement Local Plan
As saved by the Secretary of State on 5th June 2009

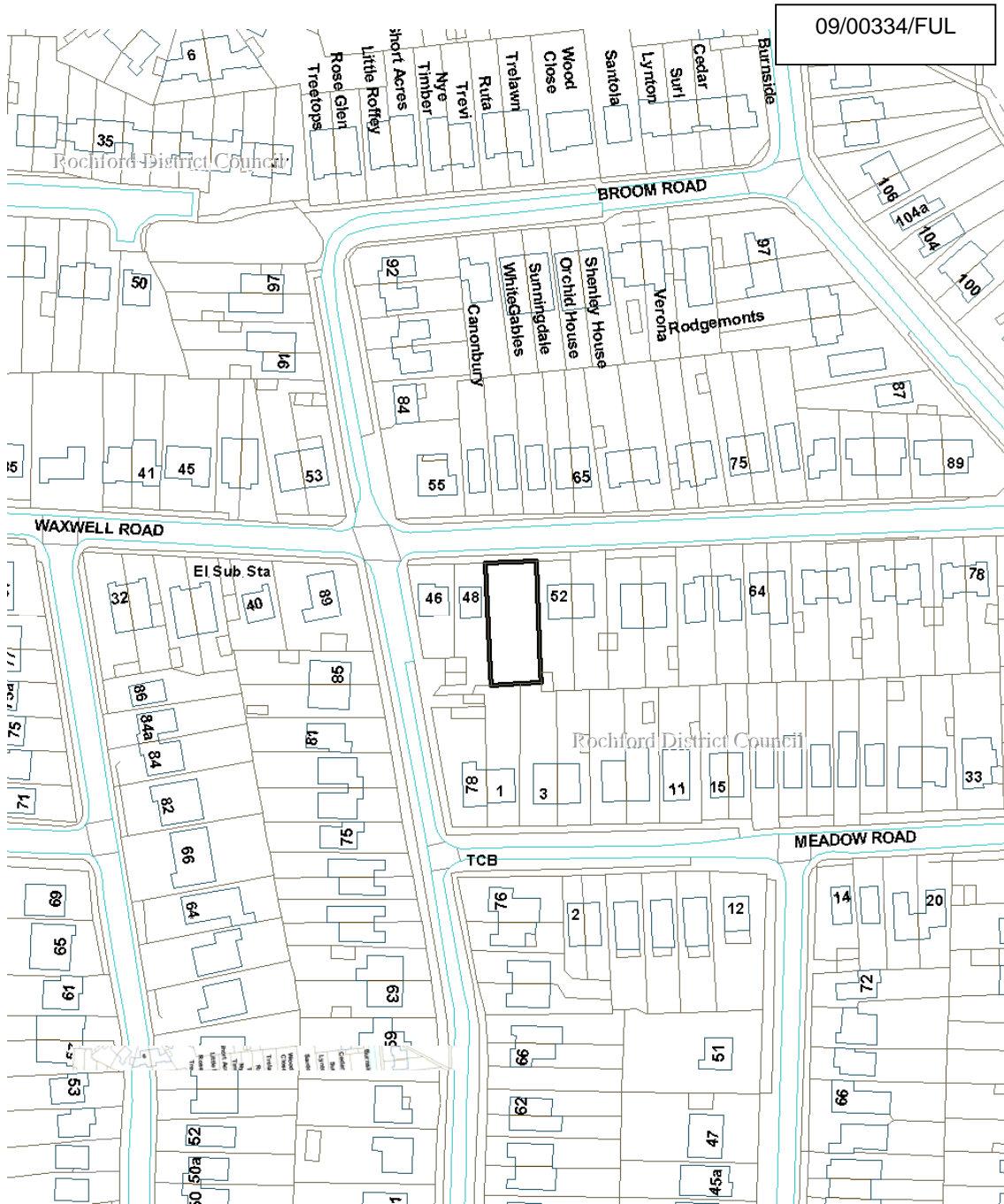
Supplementary Planning Document 5 (Vehicle Parking Standards),
Supplementary Planning Document 2 (Housing Design)



Shaun Scrutton
Head of Planning and Transportation

For further information please contact Katie Rodgers on (01702) 546366.

REFERRED ITEM 1



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NTS



SCHEDULE ITEM 2

TITLE: 09/00382/FUL
DEMOLISH EXISTING DWELLING AND CONSTRUCT PART
TWO STOREY, PART THREE STOREY BUILDING
CONTAINING 14 NO. TWO-BEDROOMED FLATS WITH
PARKING AND AMENITY AREAS. ACCESS FROM
RIDGEWAY, CLOSE EXISTING VEHICULAR ACCESS FROM
HIGH ROAD
36 HIGH ROAD, RAYLEIGH

APPLICANT: AUTOSECOND LTD

ZONING: RESIDENTIAL

PARISH: RAYLEIGH TOWN COUNCIL

WARD: WHEATLEY

PLANNING APPLICATION DETAILS

- 2.1 Planning permission is sought for the demolition of the existing house, which has previously been converted into flats some years ago and the construction of a part two storey and part three storey building containing 14 no. two-bedroomed flats at Rayleigh House, 36 high Road, Rayleigh.
- 2.2 The application relates to a site located on the northern side of High Road, Rayleigh some 350m from the junction with Great Wheatley road. The main part of the site forms an irregular shape fronting the main road and behind No. 34 High Road. This part of the site is occupied by a large detached house set within a mature garden accessed from the High Road. There is also an area of overgrown land to the north of the house, formerly occupied by a block of detached garages (now demolished) that extends to the rear and is accessed from a narrow access off Ridgeway.
- 2.3 The garden contains a number of mature imposing trees that are covered by an Essex County Council tree preservation area order 5/57. In addition there is a Tree Preservation Order served by Rochford District Council on 6 November 2008, confirmed as of 18 February 2009, which covers a number of trees within the site. The existing house, which is currently divided into seven flats, dates to the Victorian era. Whilst not listed, it has a distinctive character and attractive appearance.
- 2.4 Viewed from the High Road the site enjoys an elevated position and is approximately 3m higher than pavement level.

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- 2.5 The application proposes a part two storey, part three storey block of 14 self-contained 2 bedroomed flats with associated parking
- 2.6 The application, as originally submitted, was for the same number and type of units but positioned the building slightly deeper within the plot with gabled ends to the roof of the main block and providing 19 parking spaces and 2 disabled parking spaces. This was subject to consultation and notification of neighbours and press advertisement in the usual way.
- 2.7 In considering the objections made by the County Council's Urban Design team and the Highway Authority, the applicant has since revised the design of the main block and brought it further forward within the plot towards the High Road frontage by 2m, together with amendments to the parking layout to provide 21 parking spaces and a vehicle turning area.
- 2.8 The application, as revised, is subject to a new round of consultation and notification with neighbours. The consultation period runs until 19 September.
- 2.9 The building has a rectangular footprint with the three storey element positioned behind No.19 Ridgeway and the attached two storey 'gatehouse' further to the north east. It has an overall length of 36.6m and width of 12.4m, of which 28.6m comprises the main three storey block. In comparison with the existing house it is set slightly closer to the High Road. The main block, which contains 12 flats arranged equally over three storeys, has a ridge height of 9.8m and incorporates dormer windows to the front roof space and velux windows to the rear and both sides. The two storey 'gatehouse' element provides 2 flats, including one within the roof space at first floor level. This element has a ridge height of 6.8m and incorporates velux windows to the side elevation.
- 2.10 The design approach adopts a traditional vernacular styled appearance with hipped ends to the main roof and a gabled profile to the 'gatehouse', which is perpendicular to the main building. The main block incorporates three equally spaced gabled features with the front and rear roof space.
- 2.11 It is proposed to close the existing vehicular access from the High Road, which currently serves the flats on site, and use the access from Ridgeway. This leads to 10 parking bays alongside the rear of no.19 Ridgeway and a vehicle turning space to the south of the building and further car park with 11 spaces to the front of the building. The existing garden to the front of the site, together with an additional area to the north east of the site, is proposed as private communal amenity space.

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RELEVANT PLANNING HISTORY

00/00382/FUL – Conversion of existing building into seven flats. Approved 1 August 2000. This has since been implemented.

01/00036/FUL – Erection of three 2 bed terrace to the north of Rayleigh House with access from Ridgeway. Refused 3 April 2001

01/00718/FUL – Demolition of existing garage block and erection of 2 semi-detached dwellings. Refused 27 November 2001

03/00083/FUL – Erection of a 4 bed detached house (demolish existing garages). Approved 22nd January but not implemented. This permission expired on 22 January 2009.

04/00379/FUL – Conversion of existing loft space to create 3 x 1 bed flats and demolition of existing garage block replaced by two storey structure containing 5(no.) 1 bed flats using access onto Ridgeway. Refused 22 June 2004

04/00765/FUL – Conversion of existing loft space to create 3(no.) 1 bed flats. Approved 19 October 2004 but not implemented. This permission expires on 18 October 2009.

05/0008/FUL – Demolition of garage block and erection of 4 x 1 bed flats with car parking and access onto Ridgeway. Refused 1 March 2005

05/00684/FUL – Demolition of garage and erection of two storey building containing 4 x 1 bed flats with access onto Ridgeway. Refused 25 June 2006.

08/00249/FUL - Demolish Existing Dwelling and Construct Part Two Storey, Part Three Storey Building Containing 14 no. Two Bedroomed Flats with Parking and Amenity Areas. Access From Ridgeway, Close Existing Vehicular Access From High Road.

CONSULTATIONS AND REPRESENTATIONS

- 2.12 **Rayleigh Town Council:** First round consultation response:
- 2.13 Initially responded that the application appeared to be in line with the previous approved planning application and they had no further comment to make, although concern was expressed regarding access from Ridgeway.

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- 2.14 A subsequent letter from the Chairman of the Parish Planning Committee dated 13 August 2009 states an error has occurred with reference to our response from Planning Committee meeting 3 August 2009 and 8 December 2008. It is now acknowledged that application 08/00879/FUL was not approved and therefore withdraw comments stated on Local Council Observation 9 December 2008 and 4 August 2009 and concur with the decision of 6 January 2009 on application 08/00879/FUL.
- 2.15 The Town Council objects to the application as it does not want to see this attractive Victorian building demolished.
- 2.16 Second round consultation response awaited.
- 2.17 **Essex County Council Environment, Sustainability and Highways:** First round consultation response:
- 2.18 Objection. Advise that, as far as can be determined from the submitted plans, there does not appear to be sufficient space within the site to enable all vehicles to turn and approach the highway in forward gear.
- 2.19 Second round consultation response awaited.
- 2.20 **Essex County Council Urban Design Team:** First round consultation response:
- 2.21 Advise that there are a number of issues that result in the proposal being unacceptable. In particular the following issues are a cause for concern:-
1. The wide-span low pitched roof of the main block is unsatisfactory and does not reflect the character of the design precedent based on historic, buildings which much of the rest of the proposal attempts to follow. The effect would be to accentuate the bulk of the building rather than to break it down into manageable visual components
 2. The widespread use of obscure glazing is an unsatisfactory way of achieving an acceptable level of privacy for neighbouring owners and is not an option outlined in the Essex Design Guide. The Guide suggest that the use of high level windows, windows facing different directions from projecting rear wings and the positioning of bathrooms and landings are means of alleviating privacy issues. Obscure glazing is not seen as a reliable or realistic option in these circumstances

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3. The roof planes are broken up by an unfortunate mixture of wide and dominant dormers, together with a large number of roof lights. The dormer windows, rather than being subservient features, are wider than any of those in the main block. Although the roof lights are aligned satisfactorily they would create rather too many 'holes in the roof,' which would not be expected in a building that generally follows a traditional design
4. There are a number of instances where a duality of fenestration is shown on gable ends (see page 93, Essex Design Guide). The existing building mitigates the visual effect of duality on the main gable by centralising the windows to each side of a central pier and linking the two windows with a decorative brickwork feature above. The replication of this in the main front gable of the proposal is considered to be satisfactory, but the much narrower gables on the Ridgeway elevation do not benefit from the same inter-relationship between windows not between wall and void and therefore the composition presents an overall unsatisfactory appearance
5. The block labelled as 'Gatehouse' has a similarly unsatisfactory roof form to that referred to above and although the general outline of the building is basically acceptable, the roof does not relate well to the 'gatehouse' concept.

2.22 Advise that for these reasons it is considered that the proposal is not acceptable from a design viewpoint. The proposal would present an unsatisfactory composition in a prominent raised position in relation to Rayleigh High Road and a more carefully conceived design should be sought in this instance. They note that the scheme is obviously intended to reproduce something of the character of the existing building on site, which is a reasonable approach, but stress the importance of not falling between two stools, ie, going so far but not really following this approach through the project as a whole.

2.23 **Second Round Consultation Response**

Advise that the revisions result in an improvement and go some way to meeting the concerns expressed in respect of the original application. Note that the only matter that has not been addressed is the design of the 'gatehouse' element with regard to an increase in the pitch of the roof. However, further advise that this is a relatively minor consideration in relation to the scheme as a whole and in the context of the other improvements made to the proposal is not felt to be a sustainable objection

2.24 Consider that the revised proposal is acceptable from an urban design point of view.

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- 2.25 **Essex County Council Schools, Children and Families Directorate:** First round consultation response:-
- 2.26 Advise that as 7 units are proposed to be demolished and since the net increase is only 7 units the proposal is below their threshold of 10. Therefore a request for a developer contribution will not be made.
- 2.27 As the number of units proposed has not altered no re-consultation has been made.
- 2.28 **Environment Agency:** first round consultation response:-
- 2.29 No objection, subject to the following conditions:-
- Prior to the commencement of 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.
 - Prior to the commencement of 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.
 - Advise that surface water from roads and impermeable vehicle parking areas shall be discharged via trapped gullies. That only clean, uncontaminated surface water should be discharged to any soakaway, water course or surface water sewer and it is an offence to pollute surface or groundwater under the Water resources Act 1991.
- 2.30 As the number of units proposed has not altered no re-consultation has been made.
- 2.31 **Anglian Water:** First round consultation response:-
- 2.32 Provide the following informative statements (summarised):-
- 2.33 Advise:
- there are no assets owned or adopted by Anglian Water within the development site boundary.
 - The views of Essex and Suffolk Water should be sought with regard to water supply network and water resources
 - That foul flows from the development can be accommodated within the foul sewerage network system that at present has adequate capacity.

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- The development can be accommodated within the public surface water network system, which has at present sufficient capacity
 - The foul drainage from this development will be treated at Rayleigh East Sewage Works that at present has available capacity
- 2.34 Second round consultation response awaited.
- 2.35 **Natural England:** First round consultation response:-
- 2.36 Objects to the development. Recommend the local planning authority refuses planning permission on the grounds that the application contains insufficient survey information to demonstrate the scale of any potential adverse effect by the development on protected species.
- 2.37 State their concerns relate specifically to the lack of information regarding the population of brown long-Eared bats utilising the site. Natural England agrees with the submitted bat survey's conclusion that further investigation is required within the May to July time frame, in order to confirm the status of the roost found within the roof space and the potential population size utilising it.
- 2.38 **Second Round Consultation Response**
Note the revised plans still involve the loss of roof space, which may provide roosting for a number of brown long-eared bats (potential maternity roost) and, as previously suggested, further information is required to determine the population size of bats likely to be affected.
- 2.39 In addition they advise that the site was previously assessed as having potential for nesting birds. The revised plans appear to suggest tree removal and landscaping works are now associated with the proposal.
- 2.40 Objection to the proposed development and recommend the Local Planning Authority refuses the planning application on the grounds that the application contains insufficient information to demonstrate the scale of any potential adverse effect by the development on the population of brown long eared bats utilising the site.
- 2.41 Recommend with regard to the potential on nesting birds of any demolition/vegetation clearance works, that these should be given a timing condition to take place outside of the bird nesting season (1 March to 31 August) or are otherwise preceded with checks for nest presence by a suitably qualified ecologist
- 2.42 **Essex County Council Tree Team:** First round consultation response
Advise the following comments:-

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- 2.43 The removal of the six trees (T1-T6) would not be detrimental, or a significant loss of visual amenity, however, I would wish to see the removed trees replaced in suitable locations within the site on completion of the works. T1-T6 are only visible from within the site; these specimens are not visible from a public vantage point.
- 2.44 With regard to the protection of retained trees, provided strict adherence to the recommendations provided in BS 5837 (2005) are followed, I would have no further comment to make to concerning this application.
- 2.45 **Woodlands Section:** First round consultation response:-
- 2.46 No ecological information provided. This is an old residential site with mature tree specimens. No information/survey work has been presented for this authority's consideration. The scheme does not address the requirements of PP59 or NERC Biodiversity Legislation. An informed decision is not possible without the appropriate ecological information.
- 2.47 The Arboricultural Officer advises that the submitted tree impact assessment is inadequate and without further information it is not possible to fully assess the impact of the development on the protected trees.
- 2.48 Second round consultation response awaited.
- 2.49 In addition the following third party responses have been received:-
- 2.50 **Buildings/Technical Support (Engineers):** First round consultation response
No objection. Observation that there is a public surface water sewer in The Ridgeway
- 2.51 **Second Round Consultation Response**
No objection. Observation that there is no public surface water sewer within High Road at this location
- 2.52 **Head of Environmental Services:** First round consultation response:-
No adverse comments to make, subject to Standard Informative SI16 (Control of Nuisances) being attached to any consent.
- 2.53 Second round consultation response awaited.

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- 2.54 **Save Britain's Heritage:** Object to the proposal.
- 2.55 Advise that Rayleigh is a small traditional market town with the main buildings of interest located in the vicinity of the High Street – precious survivals from major re-development during the last century. This fine red brick house was built by a successful farmer, William Isaac Belcham, in 1873 and was originally known as Turret Barn Field Mansion. It was converted to multiple occupancy after 1931 and during World War II it was used as the headquarters for the local air corps.
- 2.56 Although it is much altered and has lost its coach house, stables, laundry house and outbuildings it is in good condition and eminently capable, if re-used.
- 2.57 **The Victorian Society:** Comment that Rayleigh House is a substantial and attractive Victorian building that makes a positive contribution to the character and appearance of the area. Notes that it was placed on the former local list of buildings of architectural or historic interest, which is likely to be reinstated.
- 2.58 States local and national policy sets out a presumption in favour of retaining such buildings and that a number of Policies (CS1, CS2 and CS7) within the Council's Core Strategy are relevant to any assessment of the application. Also question the environmental implications of the scheme with regard to the embodied energy contained within the existing building and that it can be more sustainable to retain a building and improve its energy efficiency than demolish and replace with a new one.
- 2.59 State that replacement with a new structure of a similar size that has a relatively short design life is unsustainable and note have been given no reason to believe that demolition is structurally necessary.
- 2.60 Concludes that the demolition of Rayleigh House would be unsustainable, damaging to the historic environment and contrary to local and national planning policies.
- 2.61 Neighbours: 24 letters have been received in response to the first round of public notification and which in the main make the following comments and objections:-
- o Rayleigh House is a beautiful Victorian building which enhances the entrance to Rayleigh and should be retained
 - o Proposed vehicular access to The Ridgeway is totally unsuitable – it is too narrow and too long a driveway
 - o On-site parking provision for 21 cars is insufficient and will lead to parking within the Ridgeway

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- Three storey building would be invasion of privacy for surrounding dwellings.
- Ridgeway is a residential road already heavily congested and used as a 'rat run' use by additional vehicles will be unacceptable
- Major disruption from construction works would be detrimental to existing residents
- Residents directly opposite the access in Ridgeway will suffer light and noise nuisance especially when dark
- Proposed density too high
- Insufficient space within site to allow for the turning of vehicles forcing them to reverse into Ridgeway to the detriment of highway safety
- service/delivery and emergency vehicles will have difficulty using the proposed narrow access.
- Adverse impact on wildlife, in particular bats
- Proposal will reduce amount of light reaching adjoining property (no. 2 Great Wheatley Road)
- Not environmentally sustainable to demolish the existing building
- Existing access in High Road is more suitable and has sufficient sight lines and should be retained
- Ridgeway already suffers from congestion
- Vehicles often parked both sides of Ridgeway
- Loss of View
- Overlooking
- Mains drains at proposed entrance require strengthening
- Unacceptable noise and disturbance to no.17 from vehicles using site
- Rayleigh House should be listed
- The proposal is contrary to Local Plan Policies HP3, TP8 and NR4
- Suggested removal of trees unacceptable.
- Demolition and construction work likely to have detrimental impact on preserved trees
- The proposal is unsympathetic and out of character with the surrounding area
- Over-development and out of scale with neighbouring properties
- Rayleigh House is a landmark building
- Obscure glass does not overcome problem of overlooking

2.62 Four additional letters have been received in response to the second round of public notification and which in the main make the following comments and objections:-

- Rayleigh House should not be demolished
- Vehicles accessing Ridgeway will add to volume of busy road
- Concerns regarding removal of trees not addressed
- Further survey work should be carried out with regard to bats
- Proposed turning area seems rather awkward and potentially inconvenient to use
- Overflow of parking onto Ridgeway inevitable

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- To retain privacy min 2m high close boarded fence of brick wall should be provided to boundary with No. 15 Ridgeway
- Upstairs windows to 'gatehouse' should be obscured glass
- Rayleigh House should be listed

2.63 In addition two letters have been received from the Member of Parliament for Rayleigh, enclosing copy of correspondence from two constituents regarding concerns about the future of Rayleigh House and plans to demolish property and re-develop site and a short history of Rayleigh House setting out the chronological ownership of the property and previous alterations since it was built in 1873.

MATERIAL PLANNING CONSIDERATIONS

2.64 The Development Plan

2.65 With regard to the Rochford District Replacement Local Plan the Secretary of State has made a direction that saves the majority of the policies contained within the Local Plan until such time as policies that expressly replace them are adopted.

2.66 However Policies HP3, NR3 and NR9 were not saved and therefore expired on 15 June 2009. Of the saved Policies HP1, HP6 and HP11 are considered relevant to the application.

2.67 With regard to the emerging Local Development Framework (LDF), the Core Strategy submission document has been approved by the Full Council on 9 September 2009 for submission to the Secretary of State and consultation is scheduled in October with regard to the soundness of the document.

2.68 At this stage the Policies contained within the Core Strategy do not form part of the Development Plan and therefore have no significant weight as a material consideration to the assessment of this application.

Principle

2.69 The site has a long planning history mainly relating to the re-development of the northern part of the plot, ie, the former garage court, manoeuvring space and access from Ridgeway. In summary planning approval was given for the re-development of the northern part of the site for the construction of a single detached house accessed from Ridgeway (03/00083/FUL). This permission, which has not been implemented, expired in January of this year. In addition planning approval was granted for the creation of 3 additional 1-bed flats within the roof space of the existing house (04/00765/FUL). This extant permission, which also not yet been implemented, expires in October this year.

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- 2.70 The most recent application (08/00249/FUL) was the first application to involve demolition of the existing house. This was refused in August last year for the following reasons:-
1. The survey information provided by the applicants indicates that bats are using habitats that would be affected by the proposal and insufficient information has been provided to demonstrate how the impact of the proposal on this protected species will be adequately mitigated. In the absence of this information it is considered that the proposed demolition of the existing building and the development of the site as proposed would be likely to have an adverse impact upon legally protected species and therefore considered to be contrary to the advice contained in Planning Policy Statement 9 and policies NR4 & NR9 of Rochford District Replacement Local Plan (2006).
 2. The submitted arboricultural assessment that accompanies the proposal contains insufficient information to demonstrate how the proposal impacts on the existing preserved and retained trees, in particular the report lacks a suitable arboricultural method statement. In the absence of such information the Local Planning Authority is not able to assess whether any adverse impact to the protected and retained trees will be suitably mitigated contrary to Policy NR3 of the Rochford District Replacement Local Plan (2006).
 3. The layout of the development would give rise to unreasonable overlooking conditions over the private garden amenity space of No. 19 Ridgeway immediately to the west of the site and No.34 High Road immediately to the north of the site to the detriment of the expectations that occupiers of these dwellings ought reasonable expect to enjoy and contrary to Policy HP6 of the Council's adopted Local Plan (2006).
 4. The proposal, by virtue of its design, use of inappropriate materials, bulk and height, would be an intrusive development, out of scale and character with the prevailing pattern of residential development in the locality and thereby resulting in a visually intrusive and overbearing form of development on this prominent and elevated site.
- 2.71 There is no objection in principle to this site being developed as a flatted scheme and consent has already been granted for three further units within the existing building and a detached house within the grounds to give a total of 11 units on the site overall.

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Demolition of the Existing Building

- 2.72 Any building operation consisting of the demolition of a building is permitted development under Part 31 of the Town and Country Planning (General Permitted development) order 1995 as amended. This is subject to prior notification of the method of demolition and any proposed restoration of the site.
- 2.73 Whilst the building is considered to be attractive in its own right it is not statutorily listed or situated within a Conservation Area. Within the adopted Local Plan there are no specific policies which relate to the retention of non-listed buildings outside Conservation Areas.
- 2.74 Government advice contained within PPG15 *Planning and the Historic Environment* with regard to a presumption in favour of retention of listed buildings and non-listed buildings in Conservation Areas that make a positive contribution to the character and appearance does not extend to unlisted buildings outside Conservation Areas.
- 2.75 There is therefore no duty placed on the decision maker to have special regard to the desirability of retaining the building and, given that permission simply for its demolition would not be required, it is considered that a reason for refusal based on the demolition of the existing building could not realistically be sustained.

Density

- 2.76 The site is located within a residential area situated within 800m of the Rayleigh town centre and is on a main bus route. As such, the principle of residential development to a greater density to what currently exists is in accordance with Government advice that seeks to steer development to appropriate sustainable locations.
- 2.77 The site has an area of 0.25ha. The development proposed would equate to a density of 56 units per hectare. At present the existing dwelling has 7 flats, which equates to a current density of 28 units per hectare. If the permissions granted for the 3 additional flats, together with single new dwelling to the former garage area, are included the site density would be 48 units per hectare.
- 2.78 By way of comparison, a typical one hectare density of the surrounding area, including the application site, is 20 units per hectare. However, this is somewhat skewed by the unusually large garden size of No.36 (the application site).
- 2.79 Given the location of the development and the character of the surrounding area the proposed density is considered to be acceptable.

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Access and Car Parking

- 2.80 The site currently has two separate accesses, from the High Road to the front and from Ridgeway to the rear. Both these accesses currently allow for the ingress and egress of vehicles. The Highway Authority considers the existing access onto the High Road to be substandard, having restricted visibility in particular to the Rayleigh side.
- 2.81 In a number of previous applications relating to the re-development of the northern portion of the site, use of an access onto Ridgeway had been opposed by the Highway Authority, mainly due to problems arising from a lack of provision for on-site turning.
- 2.82 The previous application for re-development of the whole site under 08/00249/FUI included closure of the High Road entrance with access being achieved from Ridgeway alone. The Highway Authority did not raise an objection to this proposal and access/car parking did not form the basis of any reason for the refusal of this most recent application.
- 2.83 The Highway Authority remains of the view that, with regard to highway safety, it is preferable to provide access via a minor road to the rear of the site than to maintain any access onto High Road, whether through retention of the existing substandard access or the provision of a new access elsewhere along the frontage.
- 2.84 The level of parking provision at 21 spaces is considered to be sufficient to meet the likely needs generated by the proposal.
- 2.85 During the first round of consultation the Highway Authority raised an objection to the submitted scheme. The Highway Authority has not yet made a response to the revised scheme and therefore this objection is maintained.

Residential Amenity

- 2.86 The proposal achieves a communal private garden of 50m² per flat.
- 2.87 The recently expired permission for further flats within the roof space included a dormer window and three velux windows albeit to a building with a smaller footprint.

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- 2.88 The layout would result in the provision of windows within 13.7m and 16.2m of the closest part of the existing dwellings at No.19 and No.17 Ridgeway respectively. In relation to No.19 the proposal is no closer than the existing first floor windows and in addition this dwelling has a single obscured glazed window to its rear elevation. The proposal will introduce additional overlooking with regard to the rear of No.17 Ridgeway but, due to the angle between the two buildings, this does not allow for any direct back to back overlooking.
- 2.89 Given the addition of obscure glazing to the lower sash of the rear elevation it is not considered that the development will have a detrimental impact on the residential amenity of this dwelling sufficient to justify a refusal.
- 2.90 To the front elevation the addition of first floor and second floor windows in close proximity to the boundary with No. 34 High Road will allow oblique views into the private rear amenity rear of this house. It is not proposed to provide obscure glazing to these windows that serve a living room at first floor and a living room and kitchen at second floor.
- 2.91 The velux windows proposed within the first floor to the gatehouse are at 90 degrees to the rear garden of No.15 Ridgeway.
- 2.92 Whilst there are parking spaces proposed immediately adjacent to the boundary fence with No.19 Ridgeway, any impact could be mitigated by appropriate walling that could be the subject of a condition to any approval.

Trees and Ecology

- 2.93 The Council's Arboriculturalist advises that the submitted tree impact assessment is inadequate and without further information it is not possible to fully assess the impact of the development on the protected trees.
- 2.94 The application has been accompanied by a bat survey undertaken on 11 and 25 April 2008, which identified the droppings of brown long-eared bats within the roof space of the building, indicating that it had been used as a roost over several years. In addition one brown long eared bat was found roosting within the roof space. The survey suggested this roof space may be used as a maternity roost.
- 2.95 No additional details have been received with regard to the likely impact of the development on this protected species nor how any impact will be mitigated. In the light of the absence of such information Natural England recommends that the application is refused.

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Design and Appearance

- 2.96 The surrounding area is defined by a mixture of dwelling types, including single storey and storey, detached and semi-detached properties; the immediate neighbour is a two storey detached house.
- 2.97 The proposed three storey part of the building is approximately to the same ridge height of the existing building, although due to its greater length it represents an increase with regard to its overall mass and bulk.
- 2.98 With regard to the 'gatehouse' addition, there is an extant planning permission for a two storey dwelling to the north of the existing house. This approved scheme involves provision of a full two storey dwelling orientated to face Rayleigh House and adjacent to the boundary fence with No.15 Ridgeway. This approved dwelling has a larger bulk than the proposed 'gatehouse' and is located marginally closer to the boundary fences with the surrounding properties.
- 2.99 The vernacular design approach adopted is considered to be suitable for the residential character of the surrounding area and has incorporated a number of features that echo the appearance of the existing building. The County Council Urban Design team finds the development acceptable in design terms.

CONCLUSION

- 2.100 Whilst Rayleigh House is an attractive late 19th century red brick building, which is valued by a number of local residents, it is proposed to be replaced by a well designed scheme that is considered to be compatible with the scale and character of the surrounding area.
- 2.101 Notwithstanding the general acceptability of the replacement dwelling, the proposal involves a substantial degree of overlooking to No. 34 High Road that is considered to have a significantly harmful impact on the level of residential amenity currently enjoyed by the occupiers of this dwelling.
- 2.102 In addition it fails to provide sufficient information with regard to the impact of the development on the protected trees and protected species present at the site.

RECOMMENDATION

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

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- 1 The layout of the development would give rise to unreasonable overlooking conditions over the private garden amenity space of No. 34 High Road immediately to the north of the site to the detriment of the expectations that occupiers of these dwellings ought reasonably expect to enjoy and contrary to saved Policy HP6 of the Council's adopted Local Plan (2006).
- 2 The survey information provided by the applicants indicates that bats are using habitats that would be affected by the proposal and insufficient information has been provided to demonstrate how the impact of the proposal on this protected species will be adequately mitigated. In the absence of this information it is considered that the proposed demolition of the existing building and the development of the site, as proposed, would be likely to have an adverse impact upon legally protected species and therefore considered to be contrary to the advice contained in Planning Policy Statement 9 Biodiversity and Geological Conversion.
- 3 The submitted arboricultural assessment that accompanies the proposal contains insufficient information to demonstrate how the proposal impacts on the existing preserved and retained trees. In the absence of such information the Local Planning Authority is not able to assess whether any adverse impact to the protected and retained trees will be suitably mitigated.
- 4 The submitted plans does allow for sufficient space within the site to enable all vehicles to turn and approach the highway in forward gear to the detriment of the free and safe flow of traffic and highway safety in The Ridgeway.

Relevant Development Plan Policies and Proposals

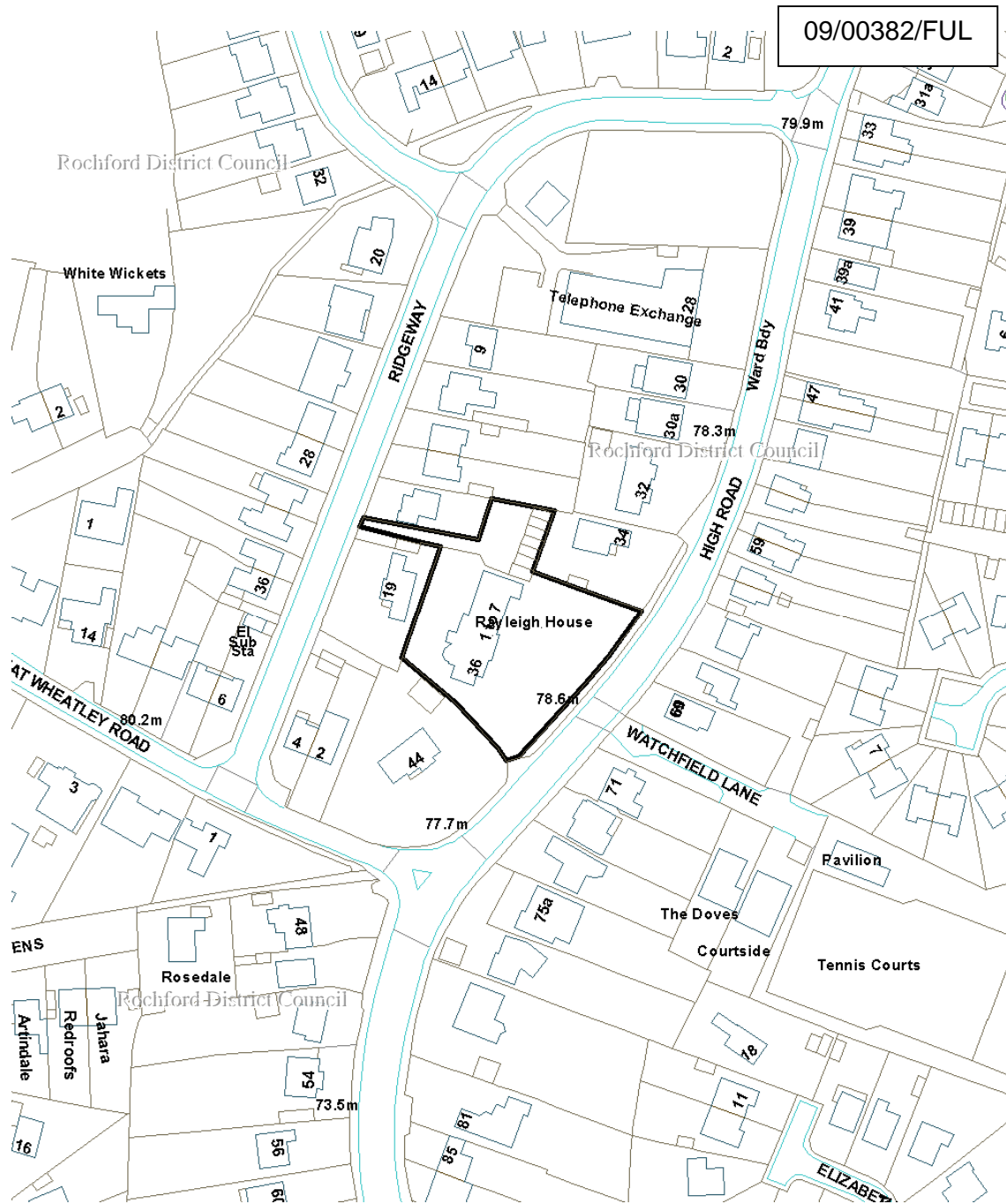
HP1, HP6, HP11 of the Rochford District Replacement Local Plan (2006)
As saved by Direction of the Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004. (5th June 2009)



Shaun Scrutton
Head of Planning and Transportation

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

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NTS



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.**