

<p><b>Item 6</b> <b>17/00070/OUT</b></p> <p>Land between 7 and 13 Cagefield Road, Stambridge</p>	<p><b>Contents:</b></p> <p><b>1) Correction to Report</b></p> <p><b>2) Reply to Consultation from Essex County Council Highways</b></p> <p><b>3) Further Neighbour Representations</b></p> <p><b>1) Correction to Report</b></p> <p>The officer report identifies two addresses from which representations have previously been received. These addresses are incorrectly stated and were received from Nos. 33 and 35 Ash Tree Court, not the two addresses shown.</p> <p><b>2) Reply to Consultation from Essex County Council Highways</b></p> <p>From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to the following conditions:-</p> <p>1. The vehicular access at the site frontage shall be widened and constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be no wider than 14.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge and footway.</p> <p>REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interests of highway safety in accordance with Policy DM1.</p> <p>2. As shown in principle on planning drawing 102 Rev. B, the provision of four car parking spaces, each with minimum dimensions of 2.9m x 5.5m, in accordance with current parking standards.</p> <p>REASON: To ensure adequate space for parking off the highway is provided in the interests of highway safety in accordance with Policy DM 8.</p> <p>3. No unbound material shall be used in the surface treatment of the vehicular access and car parking area.</p>
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	<p>REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.</p> <p>4. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials shall be identified clear of the highway.</p> <p>REASON: To ensure that appropriate loading/unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interests of highway safety in accordance with policy DM1.</p> <p>5. There shall be no discharge of surface water from the development onto the highway.</p> <p>REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interests of highway safety to ensure accordance with policy DM1.</p> <p>6. Prior to first occupation of the proposed dwellings, the developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. One pack per dwelling.</p> <p>REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.</p> <p><b>3) Further Neighbour Representations</b></p> <p>1 Further letter has been received from the following address:-</p> <p>Ash Tree Court: 33</p> <p>And which makes the following comments and objections:-</p>
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	<p>Please note that we have already raised objection to this development as it will seriously affect our house, possibly more than any other person in the area.</p> <p>I have, after seeking advice, constructed a detailed formal objection letter that I would like placed before the planning committee in relation to this issue.</p> <p>This development is of such great importance for me to object about that I have taken advice to ensure that all of my points were considered.</p> <p>We have already formally objected. The attached letter outlines in great detail the reasons for the objections and also where I think this proposed development breaches national guidelines and in two sections breaches of our human rights, especially in regard to overlooking our property.</p> <p>I did attempt to contact your offices in relation to this matter because I wanted to ascertain the exact nature of the Local Plan in Rochford in relation to planning.</p> <p>However, with no response I have had to research.</p> <p>Please note that we have raised a strong objection, along with many neighbours, to this proposed development regarding the land between 7 and 13 Cagefield Road.</p> <p>We made it very clear to your offices that 5 years ago we enquired about buying this land and we were told that someone would get back to us and they never did. I find it astonishing that you ignore my written correspondence, you then go ahead and try to build on this land yourself.</p> <p>The reasons that we are objecting to this development are summarised below:-</p> <ul style="list-style-type: none"><li>○ It will have an adverse effect on the residential amenity of neighbours, because of (among other factors) noise*, disturbance*, overlooking, loss of privacy, overshadowing, etc.</li><li>○ It will lead to unacceptably high density/over-development of the area.</li><li>○ It will have an awful visual impact.</li><li>○ It will affect the character of the neighbourhood.</li></ul>
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	<ul style="list-style-type: none"><li>○ Design (including bulk and massing, detailing and materials, if these form part of the application).</li><li>○ The proposed development is overbearing, out of scale or out of character in terms of its appearance compared with existing development in the vicinity.</li><li>○ The loss of existing views from neighbouring properties would adversely affect the residential amenity of neighbouring owners.</li><li>○ The development would adversely affect highway safety or the convenience of road users.</li><li>○ I would like to object on the basis of the responsibilities of the Council under the Human Rights Act, Protocol 1, Article 1. This states that a person has the right to peaceful enjoyment of all their possessions, which includes the home and other land. Additionally, Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life. In the case of Britton vs SOS the courts reappraised the purpose of the law and concluded that the protection of the countryside falls within the interests of Article 8. Private and family life therefore encompasses not only the home but also the surroundings.</li><li>○ I would like to object based on the unacceptable loss of light</li></ul> <p>We wish to make you aware of a number of strong objections that we have with regard to the proposed development of an additional property on open space to the side of application number referenced above.</p> <p>As an immediate neighbour to the site of the proposed development, we are of the view that the proposed development will have a serious impact on our standard of living. Our specific objections are as follows:-</p> <p><b>1. Detrimental Impact Upon Residential Amenities</b></p> <p><i>District Wide Local Plan, Policy 4.19: Proposals for development should be of good design and respect the character of the surroundings. The Local Planning Authority will have regard for i) the appearance and treatment of spaces between and around buildings. ii) The amenities of neighbouring residents.</i></p>
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	<p><i>District Wide Local Plan, Policy 6.2: Residential development will be permitted except ii) where it would demonstrably harm the character or appearance of an area or amenities enjoyed by residents.</i></p> <p><i>District Wide Local Plan, Policy 6.49: In determining applications for residential infill development, the LPA will take into account the form, size and character of adjoining development. An acceptably sized plot in a high density area may not be of acceptable size in a low density area typically characterised by larger properties built on substantial plots. The means of access should be both safe and convenient, and should not adversely affect the amenities of any existing residential property. Adequate provision should be made for car parking. There should be sufficient space between old and new buildings to maintain the amenity and privacy of adjoining houses.</i></p> <p><i>District Wide Local Plan, Policy 6.8: Infill residential development will be permitted in appropriate locations subject to detailed considerations including density, height, site coverage, means of access, landscaping, physical considerations, open space and parking provision. New developments will be expected to (i) complement and respect the character and amenity of neighbouring developments. ii) Provide a high standard of layout and design that ensures adequate privacy for the occupants of the building and of adjacent residential properties. (iii) Provide a pleasant and safe residential.</i></p> <p>We believe that the proposed development is a direct contravention of these policies. It does not respect local context and street pattern or the scale and proportions of surrounding buildings, and would be entirely out of the character of the area, to the detriment of the local environment. The properties along Cagefield Road are typically characterised by plots with spacing in between. The proposed dwelling would be just 1m from Cagefield Road. So, the scale and design of the development will be entirely out of keeping.</p> <p>The proposal would demonstrably harm the amenities enjoyed by local residents, in particular safe and available on road parking (see point 6), valuable green space (see point 3), privacy (see point 5) and</p>
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	<p>the right to enjoy a quiet and safe residential environment.</p> <p><b>2. Need to Avoid Town Cramming</b></p> <p><i>District Wide Local Plan, Policy 4.25: The Local Planning Authority will require that, where necessary, development proposals include sufficient land for planting and landscaping.</i></p> <p><i>District Wide Local Plan, Policy 4.51: The appearance and treatment of the spaces between and around buildings is also of great importance. Where these form part of an application site, the landscape design will often be of comparable importance to the design of the buildings and should likewise be the subject of consideration, attention and expert advice. The aim should be for any development to result in a benefit in environmental and landscape terms.</i></p> <p><i>District Wide Local Plan, Policy 6.52: In re-using land in the existing built up area the Local Planning Authority will attempt to balance the demand for housing provision with the need to avoid town cramming. The appropriateness of residential re-development will depend on the social, environmental and economic characteristics of the site and the local area.</i></p> <p>We believe that the proposed development is a direct contravention of these policies. The proposed dwelling would significantly alter the fabric of the area and amount to serious 'cramming' in what is a low-density road (see point 1). The applicant states that the proposed dwelling would have a large garden, but the nature and orientation of the plot means that the garden would be very small for a three-storey dwelling, particularly compared with the large plots typically enjoyed by the surrounding properties. The proposal allows very little space for landscaping and we believe that it would lead to gross over-development of the site. The proposed development would not result in a benefit in environmental and landscape terms, to the contrary it would lead to the loss of valuable green space.</p>
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	<p><b>4. Ground Stability and Drainage</b></p> <p><i>District Wide Local Plan, Paragraph 3.57: Government guidance on land stability contained in PPG14 'Development on unstable land' states that the principal aims of considering land instability at the planning stage are to minimise the risks and effects of land instability on property, infrastructure and the public, and to assist in safeguarding public and private investment by a proper appreciation of site conditions and necessary precautionary measures</i></p> <p><i>District Wide Local Plan, Paragraph 3.60: The structure plan acknowledges that the stability of land can have significant implications as to what form of development is appropriate or could be considered. There are circumstances where the instability of land may preclude certain types of development, and implementation policy B requires that when preparing local plans and determining applications for development the local planning authorities should take into account the stability of the site and its surroundings.</i></p> <p><i>District Wide Local Plan, Paragraph 3.62: certain areas of the borough have been identified where particular consideration of instability will be needed, in particular land that is graded and subject to subterranean water flows.</i></p> <p>We have serious concerns about the impact the proposed works could have on the stability of our property. Any excavation work could have a serious adverse impact upon the stability of the existing structures.</p> <p>We have concerns about the impact of the proposed development on surrounding properties in terms of drainage as well as ground stability.</p> <p><b>5. Loss of Privacy and Overlooking</b></p> <p><i>District Wide Local Plan, Policy 6.8: New developments will be expected to (ii) provide a high standard of layout and design that ensures adequate privacy for the occupants of the building and of adjacent residential properties.</i></p> <p>The proposed site of development is at such an angle that the primary amenity area of our garden, a raised</p>
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terrace with seating, would be severely overlooked from the top rooms of the new development, resulting in a serious invasion of our privacy.

We believe that the proposed development is a direct contravention of Policy 6.8 of the District-Wide Local Plan. The design of the proposed development does not afford adequate privacy for the occupants of the building or of adjacent residential properties, particularly regarding their right to the quiet enjoyment of garden amenities. We would urge you to consider the responsibilities of the Council under the Human Rights Act Protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. We believe that the proposed development would have a dominating impact on us and our right to the quiet enjoyment of our property. Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life. In the case of *Britton vs SOS* the courts reappraised the purpose of the law and concluded that the protection of the countryside falls within the interests of Article 8. Private and family life therefore encompasses not only the home but also the surroundings.

#### **6. Inadequate Parking and Access**

*District Wide Local Plan, Appendix 4:* According to the parking guidelines set out in this document, a two storey development in general residential development is required to have parking space for a minimum of two cars, provided that there is access to a further unassigned space nearby. We believe that the proposed development does not provide sufficient parking space to meet these requirements. In addition to this, there is already intense on-street parking pressure on Cagefield Road, and we believe the proposed additional parking provision will damage both highway safety and residential amenity.

#### **7. Non-Compliance with other District-Wide Local Plan Policies**

*District-Wide Local Plan, Chapter 6, Objective 4: To enable the provision of affordable housing to meet local need and to ensure that the housing will continue to meet that need in perpetuity.*

*District-Wide Local Plan, Chapter 6, Objective 5: To ensure that the new housing development on infill sites is appropriate and takes account of the characteristics of each site.*

The applicant states that the development is considered to be applicable to objectives listed in Chapter 6, however, we consider the proposed development to be a direct contravention of the above objective from the same chapter. See points 1 and 2.

### **8. Non-Compliance with Government Guidance**

*Government Planning Policy Statement PPS1, Paragraphs 17 – 19: The Government is committed to protecting and enhancing the quality of the natural and historic environment, in both rural and urban areas. Planning policies should seek to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole. A high level of protection should be given to most valued townscapes and landscapes, wildlife habitats and natural resources.*

*Government Planning Policy Statement PPS3: Housing, Paragraphs 13-14: Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. LPAs should encourage development that creates places, streets and spaces which meet the needs of people, are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity and maintain and improve local character.*

We believe the proposal to contravene this guidance as it is to the detriment of the quality, character and amenity value of the area, as outlined in the points above.

In conclusion, we would also like to request that, should the application be approved, the Council considers using its powers to enforce controlled hours of operation and other restrictions that might make the duration of the works more bearable.

	<p>The proposed site of development is very small and contained, with no road frontage, so we would ask that consideration be made about how and where construction vehicles and staff would gain access to the site for unloading and parking without causing a highway hazard or inconveniencing neighbours.</p> <p>We would be grateful if the Council would take our objections into consideration when deciding this application. We would welcome the opportunity to meet with a representative of the Planning Department at our home to illustrate our objections at first hand.</p>
<p><b>Item 7</b>  <b>16/01228/FUL</b></p> <p>Car Park, The Approach, Rayleigh</p>	<p><b>Response to Consultation Essex County Highways</b></p> <p>From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following condition:-</p> <ol style="list-style-type: none"> <li>1. The cycle parking shall be provided in accordance with the EPOA (Essex Planning Officers Association) Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.</li> </ol> <p>REASON: To ensure appropriate cycle/powered two wheeler parking is provided in the interests of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies, as adopted as County Council Supplementary Guidance in February 2011.</p>
<p><b>Item 8(1)</b>  <b>16/01243/FUL</b></p> <p><b>Yard adjacent to “Elmdene” Ironwell Lane, Hawkwell</b></p>	<p><b>Further Neighbour Representations</b></p> <p>One further letter has been received from the following address:-</p> <p>Ironwell Lane: “Innisfree”</p> <p>And which in the main makes the following comments and objections:-</p> <ul style="list-style-type: none"> <li>○ Object as the site is in a residential area and in the Green Belt.</li> <li>○ The change of use will result in an increase in traffic movements and noise nuisance to myself and neighbouring residential properties.</li> <li>○ Some days the traffic can be quite heavy.</li> </ul>

	<ul style="list-style-type: none"><li>○ Even though the applicant says she is not running a business, someone is. My fear is that if the application is passed, a business and light industrial with several recycling buildings, the site will be used as a recycling place which will increase the volume of traffic which will disrupt my life even more.</li></ul>
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