

Schedule Referred Item R2

TITLE : **08/00053/FUL
ERECT FOUR DETACHED HOUSES AND DETACHED
GARAGE WITH ACCESS ONTO PICTON CLOSE
LAND REAR OF 11 - 15 TRINITY ROAD RAYLEIGH**

APPLICANT : **MR HOWARD PANNELL**

ZONING : **RESIDENTIAL**

PARISH: **RAYLEIGH TOWN COUNCIL**

WARD: **RAYLEIGH CENTRAL**

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

This application was included in Weekly List no. 926 requiring notification of referrals to the Head of Planning and Transportation by 1.00 pm on Tuesday, 15 April 2008, with any applications being referred to this meeting of the Committee. The item was referred by Cllr A J Humphries.

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

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- 2.1 **Rayleigh Town Council:** Objects. Over-development of the site and feel it will encroach upon neighbouring properties and amenities.

NOTES

PLANNING APPLICATION DETAILS

Site and Surrounding Area

- 2.2 The application relates to the erection of four detached dwelling houses on land forming the rear gardens of three properties in Trinity Road. Access to this site is from Picton Close, to which the 4 dwellings would relate at the turning head of this cul-de-sac.
- 2.3 The application plot currently contains a number of mature shrubs and trees, some of which have tree preservation orders on them.

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Application Proposal

- 2.4 The application is a re-submission of planning refusal 07/00377/FUL which was refused due to (i) the effect/loss of the tree cover (including TPO trees) and (ii) the position and orientation of the dwellings (namely plots 1 and 4) which would affect the amenity of neighbouring properties.
- 2.5 The scheme itself proposes that the four dwellings will cluster around a private drive and will all have their frontages towards Picton Close. The proposed properties are all to be two storey and sited to the front of the plots, having generous rear gardens and access to private garaging.
- 2.6 To facilitate this development it is proposed to remove some trees and shrubs from the site, the hedge to the boundary with Trinity Close is to be retained as are the groups of trees/shrubs that exist between the rear of the plot and the existing rear gardens in Trinity Road, in addition the mature Oak tree is to be retained at the access to the site. The current scheme does not propose the removal of any TPO trees.

Assessment

Principle and Density

- 2.7 The site is located within the residential zone of Rayleigh and, as such, residential development of the site is acceptable in principle and would accord with Government advice and Local Plan policies that aim to steer development to appropriate sustainable locations. Similarly, the development of this plot for residential purposes would help to reduce the pressure of development upon the Green Belt.
- 2.8 The density of the site is 18.4 units per hectare.

Design

- 2.9 All four dwellings are to be detached and two storey in their form; three are to be four bedroomed and one is to have five bedrooms (Plot 1).
- 2.10 The character of the wider area is one of mixed residential development and seen against this backdrop, and in isolation, it is considered that the proposed house types are acceptable in design terms.
- 2.11 Given the proposed design of the elevations there is the potential for accommodation to be provided within the roof space. This can be controlled and limited by planning condition, if the scheme is considered to be acceptable.

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- 2.12 The external materials are to be drawn from a mix of brick, render and weatherboarding to the walls and tiles to the roof.

Residential Amenity

- 2.13 This issue has two factors, one relating to how residential amenity may be affected by the increase in traffic and the other relates to impact of the new buildings, eg, the loss of amenity through direct overlooking, loss of light and overbearing relationship.
- 2.14 It is accepted that as a result of this proposal local traffic will increase; however it is considered that the increase in vehicle movements to and from the site will not result in a material loss of residential amenity sufficient to substantiate a reason for refusal.
- 2.15 On the second issue it was considered in the previous application (07/377/FUL) that Plots 1 & 4 were poorly positioned/orientated and would be likely to give rise to material harm to the occupiers of the adjacent properties due to overbearing relationships and loss of privacy through direct overlooking. Plot 1 has now been handed and moved forward in the plot and plot 4 has been moved more in line with the other proposed dwellings and is at an angle. Given the orientation and distance to boundaries of the proposed dwellings, they are now considered acceptable and should not materially affect the amenity of existing neighbouring properties.

Access and car parking

- 2.16 A number of residents have commented upon the potential harm caused by the increase in vehicle movements and that there may be traffic hazards caused by an increase in indiscriminate off-street car parking as a result of this proposal.
- 2.17 County Highways do not object to the scheme with reference to off-site consequences. It is considered, therefore, that the increase in vehicle movements to and from the site can be absorbed within the capacity of the Local Highway Network without giving rise to material harm to the free flow of traffic and/or highway safety problems.
- 2.18 All of the four dwellings have access to off street parking within garages; this level of provision is considered to be acceptable and meet the likely demand generated by the proposal.
- 2.19 All of the hammer head, included the grassed area at the head of Picton Close is Public Highway and as such there are no third party ownership rights over it.

Amenity Space

- 2.20 The amenity space for the dwellings is to be provided within private rear gardens, the extent of the private amenity space is in excess of the Local Plan standards.

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Trees and Ecology

- 2.21 The current scheme no longer proposes the removal of TPO trees and the Council's Woodlands Officer does not object to it and recommends tree protection conditions to be added to any approval.
- 2.22 **County Highways:** No objection, subject to conditions re: parking of operatives' vehicles, wheel washing, bound materials for driveway, turning heads and garage to be 6m. from the road.
- 2.23 **Engineers:** No objections or observations.
- 2.24 **Woodlands:** Tree protection conditions to be added to any approval.
- 2.25 **Environment Agency:** No comment.
- 2.26 **Natural England:** No objection.
- 2.27 38 households have responded to the application and made the following comments:-
- Similar application refused before, this scheme is no better
 - Over-development
 - Picton Close is too narrow to accommodate this new development
 - Possible problems from construction traffic accessing the site
 - Scheme may increase surface water run off which may lead to localised flooding
 - Overshadowing
 - The green at the end of Picton Close used for summer gatherings and community celebrations will be lost with the access into the site
 - Access should be from Trinity Road not Picton Close
 - Block sunlight
 - Loss of mature trees would damage the environment
 - Increase in residential activity
 - Increase in vehicle activity in Picton Close;
 - Drainage system can not cope with additional units
 - Delivery vehicles not being able to access Picton Close due to parked vehicles
 - May also be problems with emergency vehicles accessing the site
 - Loss of wildlife would affect the character of the area
 - Removal of mature trees may affect localised subsidence
 - Property devaluation
 - Overburden on town's infrastructure
 - Light pollution from street lighting
 - Loss of outlook
 - Loss of privacy through direct overlooking
 - Parking for Plot 4
 - Vehicle turning area too close to existing property

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- o Noise from construction

APPROVE

- 1 SC4B Time Limits Full – Standard
- 2 SC14 Materials to be Used (Externally)
- 3 SC59 Landscape Design – Details (Full)
- 4 No development to commence before works recommended in section 4, appendix 6 and plan ref: 06.07.1483 of the Arboricultural Assessment have been carried out. All tree works are to be carried to BS 3998 specification.
- 5 No development shall commence before all trees are protected as per section 5.1 and drawing 06.07.1483 of the Arboricultural Implication Assessment. All protection barriers are to be constructed using a scaffold frame with wire mesh attached as per BS 5837 section 9. All fencing is to have signage attached explaining the protection limits and tree status.

Where development encroaches the Root Protection Area (RPA) the developer is to utilise the methods of working as per section 5.2 and 5.3.

The access road is to be laid as part of the tree protection for the site, before any development commences. A structural engineer is to provide the construction profile, details of which are to be submitted and agreed in writing by the Local Planning Authority for approval before development is commenced with development in accordance therewith.

- 6 No development shall commence before the location of the site office, contractors' parking and compound for storage has been submitted to and agreed by the Local Planning Authority and development is in accordance therewith.
- 7 All materials are to be stored using the methodology supplied in section 7.0 of the arboricultural assessment.
- 8 No development shall commence, before precise details showing existing and finished land levels relative to the siting of the approved development, including cross-sections of the site, have been submitted to and agreed in writing by the Local planning Authority. Thereafter, the development shall be implemented in accordance with any details as may be agreed in writing by the Local Planning Authority and in particular section 10 of the Arboricultural Assessment.

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- 9 No service runs are to encroach into the RPA or crown spread of any retained tree until a suitable method statement for installation has been submitted and approved by the Local Planning Authority and any such works are to be in accordance with the agreed scheme.
- 10 Any hard surface within the RPA of any retained tree, is to utilise the construction methods and materials as supplied in section 12.0 and appendix 4 of the Arboricultural Assessment.
- 11 No development requisite for the erection of the dwellings shall commence before plans and particulars showing precise details of a satisfactory means of surface water drainage (including attenuation measures, if appropriate) for this site have been submitted to and agreed in writing by the Local Planning Authority. Any scheme of drainage details as may be agreed in writing by the Local Planning Authority shall be implemented commensurate with the development hereby permitted and made available for use upon completion of the development.
- 12 No development requisite for the erection of the dwellings shall commence, before plans and particulars showing precise details of a satisfactory means of foul water drainage for this site have been submitted to and agreed in writing by the Local Planning Authority. Any scheme as may be agreed in writing by the Local Planning Authority, shall be implemented commensurate with the development hereby permitted and made available for use prior to the occupation of the dwellings.
- 13 Prior to commencement of works on the site the applicant shall indicate in writing to the Local Planning Authority an area within the curtilage of the site for the parking of operatives' vehicles and the reception and storage of building materials clear of the highway, such scheme to be agreed in writing by the Local Planning Authority and development to be in accordance therewith.
- 14 Prior to any works commencing on site the applicant shall indicate in writing to the Local Planning Authority the means by which the wheels of vehicles leaving the site shall be cleansed, such scheme to be agreed in writing by the Local Planning Authority and development to be in accordance therewith.
- 15 Prior to the beneficial use of the development commencing the driveway shall be constructed and completed in bound materials in accordance with details which shall have previously been agreed in writing by the Local Planning Authority and thereafter shall be retained in the approved form.
- 16 A size 3 turning head shall be provided to the north of the site adjacent to plot 4 for the turning of larger vehicles visiting the site.

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- 17 No part of the garage shall be closer than 6.0m. to the roadway as measured perpendicularly from the garage door.
- 18 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) the window(s) marked OBS on the approved drawing(s) 52 and 53 date stamped 22nd January 2008, shall be glazed in obscure glass and shall be of a design not capable of being opened below a height of 1.7m above first floor finished floor level. Thereafter, the said windows shall be retained and maintained in the approved form.
- 19 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) no window, door or other means of opening shall be inserted above first floor finished floor level on the north-eastern elevation of plot 4 hereby permitted, in addition to those shown on the approved drawing 52 and 53 date stamped 22nd January 2008.
- 20 SC23 – PD Restricted – Windows (above first floor level)
- 21 SC22 – PD Restricted – Obscure glazing

REASON FOR DECISION

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

Relevant Development Plan Policies and Proposals

CS2, HP1, HP3, HP6, TP8, NR3, NR4, UT1, of the Rochford District Council Adopted Replacement Local Plan.



Shaun Scrutton
Head of Planning and Transportation

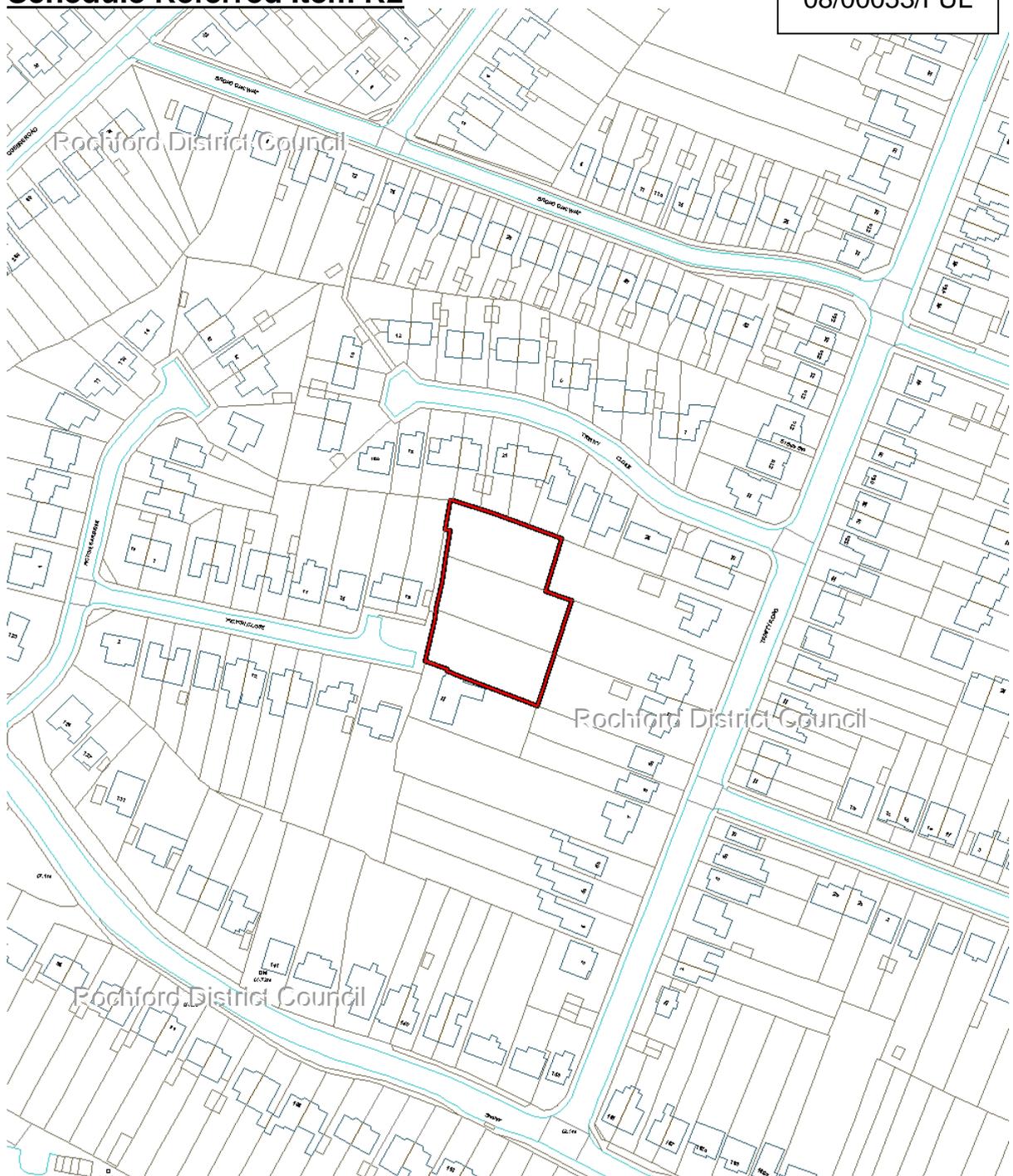
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The local Ward Member(s) for the above application are Cllrs Mrs P Aves and A J Humphries.

For further information please contact Monica Palmer on (01702) 546366.

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