

<p>Schedule Item 3 05/00023/FUL</p>	<p>Essex County Council Education Department:- No educational contribution will be sought as the development is below the 12 qualifying units</p> <p>Essex County Council Urban Designer:- The unit fronting Hockley Rise is very close to the rear of the terraced units with the lounge window very close to the garden boundary. Parking is generous at 200% while the garden sizes, particularly for the 3 bed units, are small.</p>												
<p>Schedule Item 4 05/00028/FUL</p>	<p>The total letters of objection received are:-</p> <table border="1" data-bbox="432 667 1398 1003"> <thead> <tr> <th></th> <th>PROPERTIES</th> <th>PEOPLE</th> </tr> </thead> <tbody> <tr> <td>STANDARD LETTERS</td> <td>38</td> <td>45</td> </tr> <tr> <td>INDIVIDUAL LETTERS</td> <td>22</td> <td>28</td> </tr> <tr> <td>TOTAL</td> <td>60</td> <td>73</td> </tr> </tbody> </table> <p>Of those properties responding, 9 forwarded a standard letter and an individual letter.</p> <p>A further letter received from 168a Daws Heath Road Objects:- Block C 6 – 10 has rear facing roof lights this will lead to over looking and loss of privacy.</p> <p>A further letter has been received from 6 Wyburns Avenue East, which comments on the Officers report with the main themes and Officers' response outlined below:-</p> <ul style="list-style-type: none"> • Backland development that will compromise residential amenity due to the height and design of the building block E • Loss of light claimed under the Rights of Light Act 1959 <p>The application site is not 'backland development' it is served from an adopted highway and the access carriage way has been designed to an ECC specification. This road layout has the approval of the County Highways Officer.</p> <p>The property closest to No 6 Wyburns Avenue East is two storey, (no accommodation within roof space), perpendicular to the rear of No 6 and offset from the rear of that property by 10m. These characteristics are such that a refusal based on impact upon this property would be difficult to substantiate.</p>		PROPERTIES	PEOPLE	STANDARD LETTERS	38	45	INDIVIDUAL LETTERS	22	28	TOTAL	60	73
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	<p>Residential amenity is assessed on all applications that involve residential development, part of this assessment is the impact of a proposed development in terms of light loss. On this issue it was considered that a refusal based on the light loss to No 6 Wyburns Avenue East could not be justified. In addition, the ‘Right to Light’ legislation is not a material planning consideration.</p> <ul style="list-style-type: none"> • No tree survey with the application and unauthorised works to TPO trees <p>The Council’s Woodlands & Environmental Specialist has commented within the report that he has no concerns in relation to wildlife or trees. If there has been unauthorised works to TPO trees then this is a separate matter outside this application.</p> <ul style="list-style-type: none"> • No flood risk accompanying the application, and the Council should exercise a precautionary approach <p>The site is located outside the flood risk area as identified by the Environment Agency and as such there is no formal requirement for a flood risk assessment. It is considered that the Council have exercised the precautionary approach to the development of this site in that the earlier applications were refused for a number of reasons one of which was the absence of information.</p> <p>This application has been accompanied with information in relation to the drainage at the site; this information has been assessed by the Council’s Engineers who have no objections to the developers proposals.</p> <ul style="list-style-type: none"> • Roads and access to the site are very congested and hazardous <p>The access to the site and access road that serves the development has the approval of the County Highways Officer and there has been no adverse comments received in relation to highway safety and congestion.</p> <ul style="list-style-type: none"> • Existing sewage system could not cope with additional properties. <p>Anglian Water, the Council’s specialist advisor on foul drainage has confirmed that they raise no objections to an additional 16 dwellings being connected to the existing foul drainage system.</p>
<p>Schedule Item 6 05/00105/FUL</p>	<p>One letter previously omitted from the report from a resident adjoining the site makes the following comments in support of the application:-</p>

	<ul style="list-style-type: none"> • The existing yard causes problems from customers parking and obstructing access to adjoining property • The yard is an eyesore and should not be within the Green Belt • Endless problems with large vehicles coming up and down the road and on occasions it is more or less impassable • Adjoining property is plagued with rats causing problems for children playing in garden • Totally support the application for three houses because it will make the area a better place to live • It would be much better to see houses than an industrial estate and a better place to bring up a young family <p>Since the preparation of the report two additional letters have been received from residents in Trenders Avenue and which make the following comments in support of the application;</p> <ul style="list-style-type: none"> • Should we be faced with the prospect of choosing between increased commercial activity at the site or redevelopment for housing, our preference would be for housing, subject to Trenders Avenue being upgraded and maintained to standard road quality. • Totally opposed to increase in commercial activity on this site and others in the locality • No objection to this development provided it can be treated as an exception rather than the rule. • At least one of the properties should be made affordable and all three made available for local people • Would hold the Council to protect the residents with proper controls in planning access and environmental terms <p>Eighteen standard letters in support have been received from residents in the vicinity of the site. The applicant advises these have been submitted in a standard format because originally prepared letters submitted with the application have been mislaid. They comment:-</p> <ul style="list-style-type: none"> • Fully support the application to redevelop from a commercial yard to three dwellings • Applicant has done their best to be good neighbours but through no fault of their own must now move or face financial ruin • Proposal is the best way forward for residents and the applicant and the business • If application is not approved the applicant will be forced to expand the lawful commercial activity which can only be a bad thing for the neighbourhood • Whilst aware of the sites Green Belt status and the need for special circumstances to be proven believe that it takes little more than common sense to see the special
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	<p>circumstances and the obvious advantages to be gained from the redevelopment</p> <ul style="list-style-type: none"> • Requests that the application be supported so that residents can be rid of such an unsuitable site. <p>A further report has been submitted by the applicants' agent containing advice from Counsel and which makes the following points in response to the officer recommendation;</p> <ul style="list-style-type: none"> • States that there are no limitations upon the existing use by way of quantities or height of materials that can be stored, hours of operation and numbers of staff. • The Council can do little to control the intensity of the use if new structures are not involved • Formal discontinuance action would involve payment of substantial compensation • Concerned that only limited publicity has been given to the application • Concern that the very special circumstances case has not been properly evaluated ... in particular that the harm by inappropriateness is clearly outweighed by other considerations. • The Appeal example submitted with the particulars of the application is a good example of this weighting process in action whereby the potential harm to residents in the locality from noise , general disturbance an traffic movement was recognized. The improvement in Greenbelt openness and amenity generally which would flow from the scheme was appreciated. • Officers have not given sufficient weight to the positive aspects of the proposal and the greening of the local environment which would result. • Officers concerns at potential estate development would be impossible to argue as only low density development would increase openness and which could qualify as very special circumstances • Consider concern with precedent is misplaced . If there are other sites where similar arguments can be put, these will have to be examined with the same care. If it can be satisfied it will only have a positive effect enhancing the Green Belt and environment generally, then it would be in the public Interest. • The Highway authority concerns are understandable but they fail to deal with the fact of significant development in the area now and the major improvement to Trenders Avenue which would result by comparison with present and potential traffic generated by the yard and that resulting from three dwellings. • Do not understand reason four. If there is some evidential
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	<p>basis to suggest protected species may be present then a requirement for a survey is reasonable. To say that it is possible that development could harm protected species without saying why it is thought they might be is not reasonable.</p> <p>Members are advised that the necessary press advertisement and site notice for Departure does not expire until 13th May.</p> <p>If members are minded to Approve the application it will be necessary to refer the application to the Secretary of State to establish whether the application will need to be called in.</p> <p>The revised Recommendation is that Authority be Delegated to the Head of Planning Services to REFUSE the application at the expiry of the advertisement period.</p>
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