

## **Development Control Committee – 22 April 2008**

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Minutes of the meeting of the **Development Control Committee** held on **22 April 2008** when there were present:-

Chairman: Cllr S P Smith  
Vice-Chairman: Cllr Mrs H L A Glynn

Cllr Mrs P Aves	Cllr J R F Mason
Cllr C I Black	Cllr D Merrick
Cllr Mrs L A Butcher	Cllr Mrs J A Mockford
Cllr P A Capon	Cllr R A Oatham
Cllr Mrs T J Capon	Cllr C G Seagers
Cllr T G Cutmore	Cllr D G Stansby
Cllr Mrs J Dillnutt	Cllr M G B Starke
Cllr J E Grey	Cllr J Thomass
Cllr K H Hudson	Cllr Mrs M J Webster
Cllr A J Humphries	Cllr P F A Webster
Cllr C J Lumley	Cllr Mrs B J Wilkins

### **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs Mrs R Brown, M R Carter, Mrs L M Cox, K J Gordon, T Livings, Mrs J R Lumley, J M Pullen, P R Robinson and Mrs C A Weston.

### **OFFICERS PRESENT**

S Scrutton	- Head of Planning and Transportation
J Whitlock	- Planning Manager
M Stranks	- Team Leader (North)
A Law	- Solicitor
M Power	- Committee Administrator

### **PUBLIC SPEAKING**

Mr Dagg – for Schedule Item 1  
Mr Dagg – for Schedule Item 2  
Mrs Reynolds – for Schedule Item 2

### **142 MINUTES**

The Minutes of the meeting held on 27 March 2008 were approved as a correct record and signed by the Chairman.

### **143 DECLARATIONS OF INTEREST**

Cllr A J Humphries declared a personal interest in item R2 of the Schedule by virtue of being acquainted with the applicant.

**144 SCHEDULE OF DEVELOPMENT APPLICATIONS AND RECOMMENDATIONS/ITEMS REFERRED FROM THE WEEKLY LIST**

The Committee considered the schedule of development applications, together with item 08/00053/FUL, which had been referred from the Weekly List.

**Item 1 – 08/00196/FUL – 58 Victoria Avenue, Rayleigh**

**Proposal** – Demolish existing dwelling and construct 4 no. semi-detached four bedroomed houses and 2 no. two bedroomed and 2 no. three bedroomed bungalows with new accesses and access drive.

Mindful of officers' recommendation for refusal of the application on the grounds of damage to two preserved oak trees, Members considered that the application be refused also on the grounds of over-development of the site. Although it was considered by officers that the proximity of the site to the Sweyne park area of public open space would compensate for the shortfall in garden area within the scheme, concern was expressed that garden sizes were too small; there were also frontage and separation issues and, in this respect, the scheme would be out of keeping with the surrounding street scene. Members were concerned that there was no easy access from the housing to the Sweyne Park area.

**Resolved**

That it be delegated to the Head of Planning and Transportation to refuse the application upon expiry of the outstanding site notice notification period for the following reasons:-

- 1 The proposal would result in the significant removal of crown material and significant loss of root protection area by way of the close proximity of the proposed bungalow to plot 8 with respect to the two preserved oak trees the subject of Tree Preservation Order 26/92 and as shown as TO10 and TO11 on the tree constraints plan 12.07.1815 submitted in support of the application and referred to in the accompanying 'Tree Survey and Arboricultural Implications Assessment' dated 18 December 2007. If granted, the arboricultural work required by way of the excessive crown and root pruning to enable the development would produce a flat sided crown to both oak trees and a resulting reduction in tree health, which would adversely affect the longevity of those preserved trees and their contribution to visual amenity in the longer term. Furthermore, such a reduction on one side of the crown would alter the naturally occurring mechanical stresses of those preserved trees. This would increase susceptibility to mechanical failure and the loss of those trees. In addition the trees would naturally attempt to recover the lost growth resulting in conflict by way of shading to the proposed dwelling to plot 8 resulting in nuisance and interference with the building, leading to further tree work applications to maintain the crown in its proposed state,

resulting in the potential loss of the preserved oak trees to the detriment of visual amenity they afford to the street scene.

- 2 The proposed development of the site is unsatisfactory as it would amount to an overdevelopment of the site, failing to provide adequate rear garden areas in respect of the proposed houses to plots 1 and 2, giving insufficient space for reasonable outdoor recreation, drying and limited outdoor storage for future occupiers of those houses. Furthermore, the houses to plots 1, 2, 3 and 4 fail to provide adequate frontage and first floor sidespace in accordance with the Council's standards, contrary to Policy HP 6 to the Council's adopted Local Plan. If allowed, the development would have a cramped appearance detracting from the otherwise spacious setting and character, proving out of keeping with the surrounding street scene.

### **Item 2 – 08/00053/FUL – Land rear of 11-15 Trinity Road, Rayleigh**

**Proposal** – Erect four detached houses and detached garage with access on to Picton Close.

Members were concerned that a protected species might be in danger should the development be allowed, in spite of confirmation from the Council's Environmental Specialist that there was not a badger set on the site.

Members were concerned that there was insufficient parking in the proposed scheme.

Mindful of officers' recommendation to approve the application, Members nevertheless considered that the application should be refused on the grounds that the new development would be intrusive and un-neighbourly, that there was insufficient parking, that there would be a loss of tree cover, that the access to the development was inadequate and that it had not been satisfactorily established that a protected species would not be put in danger as a result of the development.

### **Resolved**

That the application be refused for the following reasons:-

- 1 That the proposal would result in loss of a significant amount of tree cover from the site (including a preserved tree T4 Acacia of Tree Preservation Order 01/04), which would have a detrimental effect upon the character and the amenity of the locality.
- 2 The proposal, by reason of the position and orientation of the dwellings on the site is such that it is considered to result in an intrusive and un-neighbourly development, that would have a serious and adverse impact upon the amenities enjoyed by the occupiers of the neighbouring properties. This impact will be extenuated by the creation of a turning

head in the open position on site in front of plot 4 and rear of properties in Trinity Close, which is likely to be further compounded by the highway authority requirement to increase the size of the turning head to a size 3.

- 3 If permitted, the proposal will provide inadequate off-street parking in such a suburban location where the requirement is for 3 spaces per 4 bedroom dwelling. This under-provision is likely to compound the parking issues experienced in Picton Close and the inadequacy of the proposed access arrangements to the detriment of the free flow of traffic and highway safety.
- 4 The proposal by way of the alignment of the access formed from the existing verge and turning head at the end of Picton Close would appear awkward and contrived resulting in conflict between vehicle movements at the end of Picton Close and further conflict with vehicle movements associated with the adjoining dwellings nos. 19 and 22 Picton Close, to the detriment of the free flow of traffic and highway safety. Furthermore, the private drive within the site will be compromised in its effectiveness due to the inadequate length of the off-street parking to plots 2 and 3, which is likely to result in parked cars overhanging the private drive.
- 5 The application has not been supplemented by a protected species survey and, as such, there has not been a thorough assessment of the likely habitat for legally protected mammals, reptiles and amphibians. In the absence of this information, it is considered that the development of the site as proposed may 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 and NR9 of the Rochford District Replacement Local Plan.

The meeting closed at 8.45 pm.

Chairman .....

Date .....

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