

---

**REFERRED ITEM R3**

**TITLE: 08/00427/FUL  
DEMOLISH EXISTING DWELLING AND CONSTRUCT ONE  
DETACHED FOUR BEDROOMED HOUSE WITH INTEGRAL  
GARAGE, TWO SEMI-DETACHED FOUR BEDROOMED  
HOUSES WITH INTEGRAL GARAGES, TWO DETACHED  
BUNGALOWS AT REAR WITH ATTACHED AND DETACHED  
GARAGES, NEW ACCESS ROAD AND CROSSOVERS.  
58 VICTORIA AVENUE RAYLEIGH**

**APPLICANT: MR R HILLIARD**

**ZONING: RESIDENTIAL**

**PARISH: RAYLEIGH TOWN COUNCIL**

**WARD: SWEYNE PARK**

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

This application was included in Weekly List no. 939 requiring notification of referrals to the Head of Planning and Transportation by 1.00 pm on Tuesday, 15 July 2008, with any applications being referred to this meeting of the Committee. The item was referred by Cllr Mrs J A Mockford.

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

- 
- 3.1 **Rayleigh Town Council** – No objections to this application.

NOTES

**The Site**

- 3.2 This application is to a site on the eastern side of Victoria Avenue 71 metres north of the junction made with Cheapside West. The site is broadly rectangular in shape having a frontage onto Victoria Avenue of 32.8m widening to 40m at the rear boundary over an average depth of 63.5m. The site has an area of 0.23ha (0.56 acres). On the site exists a vacant detached bungalow sited close to the street and on the southern side of the plot. The remainder of the plot is set out as extensive lawned garden with numerous established trees, some of which are the subject of Tree Preservation Orders 26/92 and 7/97. More recently the site has been cleared of the shrubs and non-preserved trees.

**REFERRED ITEM R3**

- 3.3 A gentle slope exists across the site downhill from north to south.
- 3.4 The site is adjoined by more recent housing in depth to the north on the slightly higher slope. The adjoining house at No. 64 Victoria Avenue is of two and a half storey form with three rear dormers. Similar houses face rearwards across this neighbouring property and the house at No. 70 Victoria Avenue also has rear dormers looking across the site.
- 3.5 Adjoining the site to the south is a detached house of 1970s design which is the last in a group of similar dwellings each fronting the southern frontage of the immediately adjoining part of the street.
- 3.6 Opposite the site is a more recent development of two detached houses to the front and two bungalows at the rear similar to that with permission for the current application site.
- 3.7 The street character comprises a mixture of detached and semi detached houses and bungalows varying in age and design. Further south the street is dominated by semi detached dwellings. The site is within an area dominated by detached housing and bungalows but a semi detached pair of houses exists near to the site at Nos. 54 and 52 Victoria Avenue.

**Relevant Planning History**

- 3.8 On the site exists an oak tree to the rear of the existing dwelling. Two poplars and a group of 2 willows and a poplar exist on the rear boundary of the site. A further group exists inside the site and comprising 1 poplar and two oak trees. These trees are all the subject of Tree Preservation Order 26/92. A further oak tree located on the front boundary of the site is the subject of a separate Tree Preservation Order 07/97.
- 3.9 The site has had an extensive recent history which began with the grant of outline planning permission to demolish the existing bungalow and construct two detached houses with two detached bungalows at the rear with access drive and which was granted on 11th January 2005 under application reference 04/00999/OUT.
- 3.10 Since that time a development of 14 flats and 4 maisonettes was withdrawn by the applicant under application reference 05/00987/OUT. An application for 14 flats and four maisonettes was refused permission on 25th May 2006 under application reference 06/00136/OUT. An application for 16 flats was dismissed on appeal under application reference 07/00023/FUL.

**REFERRED ITEM R3**

- 3.11 Earlier this year detailed reserved matters for two houses to the front and two bungalows at the rear of the site with a central access drive were granted permission on 19th February 2008 under application reference 08/00018/REM pursuant to the original outline permission.
- 3.12 The most recent application to demolish the 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 was refused permission on 22nd April under application reference 08/00196/FUL and 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 12.071815 submitted in support of the application and referred to in the accompanying "Tree Survey and Arboricultural Implications Assessment" dated 18th December 2007. If granted, the arboricultural work required by way of 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 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 over-development 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 side space in accordance with the Council's standards, contrary to Policy HP6 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.

## **REFERRED ITEM R3**

### **Application Details**

- 3.13 The current application proposes a detached four-bedroomed house with integral double garage adjoining No. 64 Victoria Avenue and a pair of semi detached four-bedroomed houses with integral garages adjoining No. 56 Victoria Avenue. Between these frontage buildings an access drive would be formed to two three-bedroomed bungalows at the rear of the site. The bungalow to plot four adjoining No. 54 Victoria Avenue would have a double garage linked to the bungalow by a study. The bungalow to plot five would have a detached double garage.
- 3.14 The two bungalows and the detached house each feature conservatories to the rear of the dwellings proposed.

### **Supporting Documents**

- 3.15 The application is accompanied by a design and access statement, tree survey and arboricultural implication assessment, survey for reptiles and flood risk assessment.

### **Material Considerations**

#### The Effect on Preserved Trees

- 3.16 The application is supported by a tree survey and arboricultural implications assessment which sets out the effects of the proposal on the trees on the site and in particular those preserved trees to be retained. The revised layout now positions the bungalows proposed away from the group of preserved trees within the site, overcoming previous objections regarding the crown shape and longevity of those trees. The assessment provides the basis on which conditions would be required to ensure the protection of those trees retained and which would be required as part of any approval that might be given.

#### Density and Form of Development

- 3.17 The current application has been submitted in response to Members' concerns at the failing of some aspects of the previous scheme for eight dwellings to meet all the Council's supplementary guidance and which effectively would have over-developed the site. The current application is, therefore, for less dwellings in more spacious surroundings.

---

**REFERRED ITEM R3**

- 3.18 The proposal meets or exceeds all the Council's space standards in terms of side isolation space and garden areas and garage size. Apart from the semi detached houses, the garages to the detached dwellings are double sized and will achieve parking off street to the equivalent of the higher standard required. The semi detached houses would feature an in – out forecourt arrangement that could also achieve a single garage and two off street parking spaces, again to the maximum requirement.
- 3.19 The development would equate to a density of 21.7 dwellings per hectare and below the minimum 30 dwellings per hectare required by national guidance and policy HP3 to the Council's adopted Local Plan. In comparison a typical example of one hectare in the locality and including the site has a density of 19 dwellings per hectare which would be raised to 23 dwellings per hectare if this proposal were implemented. Given the previous failing of greater development proposals including a more intense development for flats dismissed on appeal it is considered that the lower density now advocated in reality best develops the site in an acceptable manner, appropriate to the site surroundings.
- 3.20 The dwellings proposed are of a good design and would achieve a satisfactory relationship to the street and adjoining dwellings. It would be necessary to condition side facing windows to the detached houses at first floor level to be obscure glazed and removal of permitted development rights for the provision of dormers to the bungalows by way of conditions to any approval that might be given.

Drainage Issue

- 3.21 The brook crossing the site is identified as a "Critical Ordinary Watercourse" (COW) by the Environment Agency. The Agency has considered the submitted flood risk assessment but found it currently lacking in certain areas that results in the agency raising a formal objection to the application and supporting flood risk assessment as it currently stands. Accordingly it is therefore recommended the application be refused on this basis.
- 3.22 **Essex County Council Highways and Transportation:** No objection, subject to the following heads of conditions:-
- 1) Visibility splay 2.4m x site maximum
  - 2) Pedestrian visibility splays 1.5m x 1.5m
  - 3) Provision within the site of an area for the parking of operatives' vehicles and the reception and storage of materials clear of the highway
  - 4) Provision of wheel cleaning facility for the duration of the construction period
  - 5) Driveway to be constructed in bound materials

---

**REFERRED ITEM R3**

- 6) All works within the site to be laid out and constructed to the satisfaction of the Area Manager South
  - 7) Sufficient space within plots 2 and 3 to park two vehicles clear of the highway
- 3.23 **Environment Agency:** Object to the proposal as the FRA does not demonstrate that the development does not increase flood risk on site or elsewhere.
- 3.24 The following issues need to be amended for any future FRA that is submitted regarding the proposed development at the site.
- i The flood levels obtained for the development using a computer model need to have climate change added for the lifetime of the development. As this is a residential development that means the levels should have climate change calculations for 100 years after completion of the development.
  - ii Land drainage is a material planning consideration and as such all plans for surface water from the site need to be clearly stated before permission can be granted. This includes the detailed designs of all SUDs present and rates of infiltration and discharge for the area.
- 3.25 **Natural England:** Based on the ecological information provided has no objection to raise.
- 3.26 **Woodlands section:** All ecological considerations addressed by previous reports. The absence of protected fauna has been confirmed. No further concerns or works required.
- 3.27 Advise that if the development is permitted all works to trees to be submitted to the Council's Woodlands Section for approval. All such works to be to BS 3998 and carried out before development commences.
- 3.28 All trees to be protected as per section 5.1.12 appendix ½ of the accompanying arboricultural assessment and drawing ref. 12.07.1815. All protection barriers are to be constructed using a scaffold frame with wire mesh to BS 5837 Section 9. All fencing to have signage attached explaining the protection limits and tree status.
- 3.29 Where development encroaches into the root protection area the developer is to utilise the methods of working as per sections 5.2 and 5.3 of the accompanying arboricultural assessment.
- 3.30 No service runs to encroach into the root protection area or crown spread of any retained tree until a suitable method statement for installation has been supplied and approved by the Local Planning Authority.

---

**REFERRED ITEM R3**

- 3.31 Any hard surfaces within the root protection area of any retained tree to utilise the construction methods and materials as set out in section 12.0 and appendix 4 to the accompanying arboricultural assessment.
- 3.32 No change in soil levels until a suitable method statement has been supplied to and agreed by the Local Planning Authority.
- 3.33 Prior to the commencement of the development the applicant to provide a contact monitoring specification, detailing contact details of key staff involved in the project , the frequency of site visits and a pro forma demonstrating checks and actions required.
- 3.34 Provision within the site of a contractors' parking compound.
- 3.35 All materials to be stored on the site shall use the methodology set out at section 7.0 to the accompanying arboricultural assessment.
- 3.36 Buildings/Technical Support (Engineers): No objections. Advise that a public foul sewer and water course exist through the site. The water course is maintained by the Environment Agency.
- 3.37 Five letters have been received in response to the public notification and which in the main make the following comments and objections:-
- No specific objection to the application but point out that the architects are still working to an out of date site map incorrect to the deeds and which reduces the amenity area to the dwelling adjoining No. 64 Victoria Avenue.
  - Concerned at the history of the site and repeat applications, thought approval for four was the end of the matter. Consider if this application for five units passed a further application will be made for 6, then 7 dwellings.
  - Consider the current application to be over-development.
  - Congestion and parking problems on a road used as a single access to an estate and forces pedestrians to walk in the street.
  - Street narrows at the point of the development.
  - Concern at main sewer running across the site.
  - Application better than previous but parking still inadequate.
  - Speeding traffic conditions.
  - Large oak to the front of the site not shown in the plans and concern for its safety.
  - Previously approved application for four dwellings should be adhered to.
  - Stated in previous application that if permission were not granted then no other application would be submitted.
  - A pair of 4 bed semi detached houses would still overload the drainage and parking along Victoria Avenue.

---

**REFERRED ITEM R3**

- Concern at how services will get to the rear properties as there is a stream crossing the site.
- Insufficient drainage.
- Loss of trees and vegetation.
- Noise and disturbance.
- Over-development.
- Parking.
- Poor layout – over-development.
- Protection of wildlife.
- Traffic generation/access.

**REFUSE**

- 1 The proposed development and the accompanying flood risk assessment fails to demonstrate that the development does not increase flood risk on the site or elsewhere. The submitted flood risk assessment fails to take into account modelling of flood levels arising from climate change for the lifetime of the development and plans for the drainage of surface water from the site and the rates of discharge for the area. If allowed, the development could result in increased flooding.

**Relevant Development Plan Policies and Proposals**

HP3, HP6, UT1, of the Rochford District Council Adopted Replacement Local Plan



Shaun Scrutton

Head of Planning and Transportation

---

For further information please contact Mike Stranks on (01702) 546366.

The local Ward Member(s) for the above application are Cllrs Mrs J Mockford and Mrs J Dillnutt



