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**12/00429/FUL**

**35 LONDON HILL, RAYLEIGH, ESSEX, SS6 7HW**

**DEMOLISH EXISTING GARAGE AND CONSTRUCT THREE NEW DETACHED HOUSES WITH GARAGES AND PARKING SPACES, NEW DRIVEWAY AND ACCESS FROM LONDON HILL AND CONSTRUCT TWO GARAGES FOR EXISTING DWELLING.**

**APPLICANT: MR AND MRS B GUNNER**

**ZONING: RESIDENTIAL AND CONSERVATION AREA**

**PARISH: RAYLEIGH**

**WARD: WHEATLEY**

## **1 PLANNING APPLICATION DETAILS**

- 1.1 Planning permission is sought to demolish an existing garage and construct three 4-bedroomed detached houses with garages and parking spaces, new driveway and access from London Hill and construct two garages for an existing dwelling at 35 London Hill, Rayleigh.
- 1.2 The application, as initially submitted, proposed four detached houses. Whilst still invalid the detached house proposed to plot 1 was replaced with a detached bungalow.
- 1.3 During the course of the application the bungalow was removed from the proposal entirely. The detached dwelling and garage to plot 3 have also been moved further away from the boundary with Nos. 41-51 London Hill and there has been a change to visitor parking arrangements/refuse storage. Re-consultation took place on the revised proposal.

## **2 THE SITE**

- 2.1 The application site, shown edged red on the submitted location plan, is an area of land incorporating the existing dwelling (No. 35) and residential curtilage. The majority of the curtilage is lawn with ancillary out buildings also present. The plot borders the rear gardens of properties in London Hill (Nos.

27-51) and Hillview Road (Nos. 7 and 9). It also borders Rayleigh Mount to the south west and a garden area connected to Rayleigh Windmill and an overgrown area of land adjacent to No. 21. Rayleigh Mount is a Scheduled Ancient Monument and Rayleigh Windmill is a Grade II listed building.

- 2.2 The site is located within the residential area of Rayleigh and is also located within the Rayleigh Conservation Area. There are land level differences across the site with the land sloping down towards London Hill predominantly in a north eastern direction.
- 2.3 The site also includes land currently under the ownership of No. 33, which would provide for a visibility splay from the proposed access. The site area no longer includes land to the frontage where a holly and hawthorn tree are shown on the layout plan to be located as this land would be allocated to No. 33 in place of the loss of land to the front of No. 33 as part of this proposal.

### 3 PLANNING HISTORY

- 3.1 A summary of the planning history relating to this site is set out below:-

12/00430/CON - Proposed Demolition of Existing Garage. APPLICATION WITHDRAWN

11/00700/CON - Proposed Demolition of Existing Garage. REFUSED

11/00699/FUL - Demolish Existing Garage and Construct 4 New Detached Houses and Replacement Garage to Existing Dwelling. APPLICATION WITHDRAWN

03/00892/FUL - Erect Detached Workshop and Store in Rear Garden. APPROVED

02/00331/FUL - Single Storey Extension Incorporating Swimming Pool. APPROVED

02/00152/FUL - Erect Close Boarded Fence to Boundary Adjacent The Mount (Height Between 1.8m and 2m). PERMITTED DEVELOPMENT

01/00779/FUL - Erect Three 5-Bed and One 4-Bed Detached Houses with Detached and Integral Garages. Layout Access Erect Detached Garage to Existing Dwelling. APPLICATION WITHDRAWN

90/00458/FUL - Enclosed Swimming Pool. APPROVED

89/00551/FUL - Enclosed Swimming Pool. REFUSED

87/00352/FUL - Extension and alterations to dwelling and erection of detached double garage. APPROVED

ROC/873/85 – Erect 3 detached houses and garages served by a private drive. REFUSED

RAY/69/36 – Outline application for 15 terrace houses with detached garages. NO RECORD OF DECISION

T/RAY/67/67 – Erection of detached dwelling house. REFUSED

#### **4 CONSULTATIONS AND REPRESENTATIONS**

##### **Rayleigh Town Council (16/07/13)**

- 4.1 Objects to this application in view of the fact that extra traffic would be flowing onto London Hill. The Town Council also has concerns about the detrimental effect on the landscape.

##### **ECC Archaeology (10/07/13)**

- 4.2 I would not advise that an archaeological field evaluation is required prior to your submission of a revised planning application. However, given the location of the site, it is extremely likely that an archaeological condition would be attached to any consent given for a housing development. The archaeological condition would most likely ask for some investigation and recording of areas not already investigated and which may contain archaeological deposits. All previous results from archaeological watching briefs etc. on the site would be taken into account when considering an appropriate investigation and recording strategy.
- 4.3 The proposed development of four new houses at 35 London Hill lies at the heart of the historic core of the medieval town of Rayleigh (EHER 13575), immediately to the north east of the nationally important scheduled remains of the late 11th century Rayleigh Castle (EHER 13586-7 & SM 0039).
- 4.4 An archaeological excavation immediately to the east of the site in 1969 (RCHM, 1970) revealed a substantial, defensive earthen bank and ditch and the footings of medieval and post-medieval timber-framed buildings (EHER 16349), while a watching brief at 35 London Hill (EHER 47145) carried out on ground works for construction of an extension uncovered finds and features from the Roman through to the modern period.
- 4.5 A recent archaeological investigation on this site (Hertfordshire Archaeological Trust, 2000) suggests that substantial truncation had taken place on site.
- 4.6 Whilst the site of the proposed development appears to be subject to terracing, the degree of disturbance to archaeological remains can only be assessed by archaeological evaluation through trial trenching. According to our current knowledge, it is still possible medieval and post-medieval archaeological deposits will survive in this area. Also, given the proximity of the site to the scheduled medieval castle any archaeological deposits that

survive in this area could provide important evidence relating to the origins and development of the castle and the town.

- 4.7 In view of this, the following recommendation is made in line with the National Planning Policy Framework:-

- 4.8 Recommendation: Full Condition – Trial trenching and excavation

‘No development or preliminary ground works of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the local planning authority’.

- 4.9 The work should comprise the trenching of each of the four new houses (one trench across each) and subsequent excavation should archaeological deposits be found on the site. Should archaeological deposits be found during the trenching an archaeological adviser from Essex County Council (Place Services) will visit the development site and give advice on the extent of excavation required to record the archaeological deposits.

- 4.10 A professional archaeological contracting team should undertake any archaeological work. There will be a financial implication for the applicant. An archaeological brief outlining the methods of investigation can be issued from this office (on request).

#### **RDC Engineer**

FIRST (28/06/13) AND SECOND RESPONSE (15/07/13)

- 4.11 I have no objections, however have the following observation. Foul water drainage will need some detailed consideration due to the site topography. Surface water drainage will need some detailed consideration due to the site topography.

#### **Environment Agency**

FIRST (02/01/13) AND SECOND RESPONSE (22/11/13)

- 4.12 We have been consulted on the above planning application, which falls outside of the scope of matters for which we are statutory consultees. We will not therefore be issuing a response to this application.

#### **Anglian Water**

FIRST RESPONSE (03/07/13)

- 4.13 No comment.

## SECOND RESPONSE (05/03/14)

- 4.14 This is not within our criteria to comment on. We will only comment on dwellings that are 10 or more unless it is situated within a known issue area liable to flooding.

**ECC Highways**

## FIRST RESPONSE (10/07/13)

- 4.15 As contained in the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009, to be considered as one parking space a single garage should have a minimum internal measurement of 7m x 3m. Although the dimensions of the proposed garages do not meet the recommended dimensions, there is still space for two vehicles to park within the site, therefore:-
- 4.16 Essex County Council as the Highway Authority does not wish to raise objection to the proposals subject to the following conditions being attached:-
1. Prior to commencement of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres to the west and 2.4 metres by 43 metres to the east, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
  2. Prior to commencement of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.
  3. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres within the site, tapering down one-sided over the next 6 metres and provided with an appropriate dropped kerb crossing of the footway.
  4. Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

5. 2 vehicular hardstandings having minimum dimensions of 2.9 metres x 5.5 metres for each vehicle shall be provided for each plot.
6. The gradient of the proposed vehicular access shall be not be steeper than 4% (1in 25) for the first 6 metres from the highway boundary.
  1. Prior to occupation of the development the vehicular access shall be 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 not be less than 3 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway. Where necessary this shall incorporate the reinstatement to full height of the existing highway kerbing.
  2. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
  3. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
  4. Prior to the commencement of works on 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.
  5. Prior to occupation of the proposed development, the developer shall be responsible for the provision and implementation of a travel Information and marketing scheme for sustainable transport, approved by Essex County Council.

#### SECOND RESPONSE (15/07/13)

- 4.17 There appears to be no change to the layout, so my comments remain the same as those on my previous response.

#### THIRD RESPONSE (18/11/13)

- 4.18 Same as first response except condition 5 is now proposed to read as follows:-

5. 2 vehicular hardstandings having minimum dimensions of 2.9 metres x 5.5 metres for each vehicle shall be provided for each plot. Garages

having minimum internal measurement of 7m x 3m will count as one parking space.

FOURTH RESPONSE (25/11/13)

4.19 Revised figures to suggested condition 1 as follows:

1. Prior to commencement of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 33 metres to the west and 2.4 metres by 33 metres to the east, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

FIFTH RESPONSE (27/11/13)

4.20 Further revised figures to suggested condition 1 as follows:-

1. Prior to commencement of the development the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 33 metres to the west and 2.4 metres by 30 metres to the east, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

4.21 **English Heritage**

FIRST RESPONSE (10/07/13)

- 4.22 We do not have any additional comments to make on the application, but would refer you to the observations in our letter on the earlier scheme, dated 2 April 2012.
- 4.23 We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Contents of 2 April 2012 letter:-

- 4.24 The proposed development is within the Rayleigh Mount character area defined in the Rayleigh Conservation Area appraisal, and is close to, but not within, the designated scheduled monument.
- 4.25 The existing house on the site has been described as neutral, and much of the wider area around the Mount has been developed with modern housing,

although the garden of 35 London Hill does form a significant buffer zone. The proposed development would partly in-fill this green space and therefore would have an impact on the character of this part of the Conservation Area.

- 4.26 Whilst English Heritage does not consider the proposed development here would significantly detract from the setting of the castle, we feel that your Council should consider whether it might set an undesirable precedent that would fail to preserve the character or appearance of the Conservation Area due to the loss of green space and the intrusion of new houses.
- 4.27 The National Planning Policy Framework (131) reminds local authorities that they should take into account the desirability of new development making a positive contribution to local character and distinctiveness and more modelling or visualisations may be necessary.
- 4.28 We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

#### SECOND RESPONSE (13/02/14)

- 4.29 The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

#### Natural England

#### FIRST RESPONSE (12/07/13)

- 4.30 Statutory nature conservation sites – no objection. This application is in close proximity to the Thundersley Great Common Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. (Officers note that this is not applicable here).
- 4.31 It is noted that a survey for European Protected Species has been undertaken in support of this proposal. Natural England does not object to the proposed development. On the basis of the information available to us, our advice is that the proposed development would be unlikely to affect great crested newts.
- 4.32 We have not assessed the survey for badgers, barn owls and breeding birds, water voles, white-clawed crayfish or widespread reptiles. These are all species protected by domestic legislation and you should use our protected



species standing advice to assess the adequacy of any surveys, the impacts that may result and the appropriateness of any mitigation measures.

- 4.33 The advice we are giving at the present time relates only to whether, in view of the consultation materials presently before us (including with reference to any proposed mitigation measures), the proposal is likely to be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range (i.e. the 'Favourable Conservation Status' test). We have not considered whether the proposal satisfies the three licensing tests or whether a licence would be issued for this proposal.
- 4.34 If the proposal site is on or adjacent to a local wildlife site, e.g. Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site, and the importance of this in relation to development plan policies, before it determines the application.
- 4.35 This application may provide opportunities to incorporate features into the design that are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.
- 4.36 This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

#### SECOND (18/07/13) & THIRD RESPONSE (06/12/13)

- 4.37 The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

- 4.38 The proposed amendments to the original application relate largely to design, and are unlikely to have significantly different impacts on the natural environment than the original proposal.

**4.39 ECC Conservation Adviser**

FIRST RESPONSE (15/07/13)

- 4.40 Most of the buildings in this proposed development would be of satisfactory appearance, as a result of the negotiations that were held in the past.
- 4.41 However, the bungalow/chalet-type building now being proposed for plot 1 is out of keeping with the design of the other houses and unsympathetic to the character of the Conservation Area. I could not consider that it would be acceptable for a location where conservation was a consideration. This design is less acceptable than that included in the previous application (11/00699/FUL) for which I recommended permission with conditions.
- 4.42 The depth of its plan (bungalow on plot 1) is excessive, which was a major criticism of the designs of these houses when the proposal was first put forward. I thought it had been established during the course of this proposal that the houses should be of traditional, or at least conventional, proportions and design.
- 4.43 In other respects, the proposal would be acceptable, subject to detailed designs of fenestration and acceptable external materials and finishes. However, I can not recommend that the application is granted permission for the above reasons.

SECOND RESPONSE (02/12/13)

- 4.44 There are two amendments to the previous plans.
- 4.45 The house on the renamed plot 3 is relocated slightly to the south-west, away from the site boundary. This would have little impact on the overall layout of the development and I raise no objections.
- 4.46 The main alteration is the omission of a dwelling on what was previously called plot 1. The previous design for this house had not been acceptable and I welcome its removal from the proposal.
- 4.47 Now that this is no longer an issue, I have no objections to the application and recommend that permission is granted, subject to the approval of detailed designs for the fenestration and acceptable external materials and finishes.

**RDC Environmental Services**

FIRST RESPONSE (19/07/13) &amp; SECOND RESPONSE (20/11/13)

- 4.48 The Head of Environmental Services has no adverse comments in respect of this application, subject to the Standard Informative SI16 (Control of Nuisances) being attached to any consent granted.

**National Trust**

FIRST RESPONSE (25/07/13)

- 4.49 It has been brought to my attention that you are currently re-consulting on an amended scheme for the development of housing on this site. The National Trust has previously objected to the proposals in April 2012 and the reasons given remain relevant:-
- 4.50 “Views across the garden of Number 35 London Hill are easily seen from the footpath, which runs adjacent to the property along the edge of the Mount. This footpath provides a very well used route between the Rayleigh High Street and the station. Although the development is set back into the garden within an area currently screened by the conifer trees it is unlikely that trees of this height and in such close proximity to one of the properties will be retained in future years by the occupant of the proposed new dwelling. It is therefore highly likely that it will not endure as an effective screen to the development, which would then become visible from the footpath. It would in this case represent a visual encroachment on the setting of the Scheduled Monument and also would impact on the amenities of the many users of the Mount.
- 4.51 The garden is one of the few remaining open areas adjacent to the monument, which are not developed and it thereby helps to provide something of a setting to it. If the principle of development is established here then it would intensify built development in close proximity to the Mount and could lead to further development of the few remaining open plots on that edge of the Scheduled Ancient Monument.
- 4.52 In addition, the proposed development does not appear to reflect the established character of the area, which tends to be linear along London Hill. The layout of the residential plots in that area tend to front onto London Hill and have long back gardens extending behind towards the Mount. The proposed development in contrast introduces backland development where no such development currently exists.
- 4.53 The garden of Number 35 forms the setting of the monument containing part of the outer bailey ditch/earth works which relate to it. Although not forming part of the Scheduled Monument itself the whole of the garden is likely to be of archaeological significance. The information submitted with the application

that is available online does not appear to provide sufficient information to determine its significance or to adequately investigate/record the archaeological remains prior to development across the site as a whole.”

- 4.54 The amendments proposed do nothing to alleviate the concerns outlined.
- 4.55 Paragraph 48 of the National Planning Policy Framework (March 2012) makes clear that the development of residential gardens cannot count towards the Council’s overall housing supply targets. Paragraph 53 suggests “Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example, where development would cause harm to the local area.” This is one area where it may well be appropriate to follow that advice. Paragraph 58 also recommends that decisions should aim to ensure that developments “respond to local character and history”.
- 4.56 The garden to Number 35 is shown on the Rayleigh AAP submission document (published May 2013) as falling within the Conservation Area. The relationship of this garden land with Rayleigh Mount is reflected in the Conservation Character Areas identified by the Council, which are based on the Conservation Area Character Appraisal (May 2007). The plan shows the area of garden closest to the Mount is annotated as falling within the same character area as Rayleigh Mount while the section nearer the roadside falls within the “Northern character” area. This lends further weight to the issues of setting, character and historic significance outlined in our original response.
- 4.57 For all these reasons the National Trust objects to the proposed re-development of the garden to 35 London Hill.

#### SECOND RESPONSE (19/11/13)

- 4.58 I wish to object as the siting of one of the proposed dwellings, in particular, is likely to have an adverse affect on the setting of the adjacent Scheduled Ancient Monument site Rayleigh Mount. For this reason I would ask that planning permission is refused for this application.

#### THIRD RESPONSE (15/01/14)

- 4.59 I have recently been contacted by our Local Management Committee for Rayleigh Mount about their continued concerns relating to the delay in a decision on this application and the potentially detrimental impact this proposed development would have on the setting of the Mount. I understand that amendments have again been made to the plans but having looked at those documents I can find no improvement of the development on the setting of this Scheduled Ancient Monument.

- 4.60 You may recall I wrote to you in July 2013, reiterating our concerns raised in relation to the application; these include the likelihood of the loss of trees on the boundary arising from the proximity of the proposed dwellings and the desire of future occupants to increase daylight into their gardens, which would leave the development exposed to view and would therefore have a strong visual impact both on the setting of the Mount and on the amenities of the users of the footpath, which runs adjacent to the garden fence. The proposed amended plans do not appear to show any changes that would alleviate this concern. I would reiterate our previous comment that “It would in this case represent a visual encroachment on the setting of the Scheduled Ancient Monument and also would impact on the amenities of the many users of the Mount.”
- 4.61 The footpath that runs around the edge of Rayleigh Mount provides a very well-used route between the station and Rayleigh town centre. It is identified as such in the Council’s current Rayleigh Town Centre Issues and Options report, which is currently out to consultation. The importance of the relationship of the town centre to Rayleigh Mount is given considerable emphasis throughout that report.
- 4.62 Paragraph 2.3.4 recognises it “is a site of national importance, mentioned in the Domesday book, and one of the oldest recorded castles in England. Abandoned as a castle in the 14th Century, it was used as a Royal Stud and then a farmyard. It is now a key area of open space in the area and is well used for recreational purposes.”
- 4.63 Paragraph 2.3.5 recognises how the features identified in 2.3.4 contribute to both the Conservation Area designation and to Rayleigh’s distinctiveness and character. It refers to the Conservation Area Appraisal (2007), which sets out a number of management proposals that will need to be considered when making proposals for the master plan; these include “better management of the trees and boundaries of the Mount”.
- 4.64 Scrub clearance on the Mount would help show the character and shape of the monument and avoid damage to the archaeology by root growth. The Conservation Plan for Rayleigh Mount and the Conservation Area Appraisal and Management Plan identify this kind of measure as desirable for the conservation of the Scheduled Monument. Presently many areas are overgrown but if scrub clearance work was to be carried out then views into this site from the Scheduled Ancient Monument would be readily afforded and future residents would be likely to suffer a loss of privacy.
- 4.65 The Conservation Plan identifies the variety of boundary treatments and unsympathetic development on the northern edge of the Mount as detractors from its heritage and recreational amenity value.

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- 4.66 Even without scrub clearance the creation and sub-division of this land into separate gardens would be likely to lead to further differences of fencing on the boundary to the Mount, with the likelihood that higher fencing for privacy would be introduced at a later date by future occupants seeking privacy in their gardens and properties from the users of the footpath.
- 4.67 The Rayleigh Conservation Area Appraisal and Management Plan published by the Council in May 2007 identified rubbish tipping by households on the boundary with the Mount, close to the footpath, as detrimental to its character and setting. It is likely this proposed development will increase the difficulties of managing the Mount through rubbish tipping - this is something that is likely to worsen if development is allowed to intensify.
- 4.68 The Council's recognition of the importance to the town centre of the Mount and its access routes, as identified in the current consultation on Town Centre Issues and Options, has to be relevant to the monument as a whole, not just the side which is most closely linked to the town centre.
- 4.69 The garden forming the development plot is one of the few remaining open areas next to the monument, which has not been developed and it thereby helps to provide a setting to it. If the principle of development is established here then it would intensify built development in close proximity to the Mount and would be very likely to lead to further development of the few remaining plots on that edge of the Scheduled Ancient Monument, to the detriment of its setting.
- 4.70 The garden to Number 35 forms part of the outer bailey ditch/earth works and while not forming part of the Scheduled Monument itself, the whole garden is likely to have archaeological significance and has a strong relationship to the setting of Rayleigh Mount. This is recognised by the definition of the Conservation Area boundary, which steps out away from the Mount to include the development site and neighbouring garden land to the south.
- 4.71 The development does not reflect the prevailing character of the Conservation Area at London Hill, where there are long back gardens extending behind the properties along the roadside. It represents back land development where no such development currently exists.
- 4.72 Policy CP2 of the Adopted Rochford Core Strategy 2011 gives guidance on how decisions will be judged in Conservation Areas. It states: "The Council will work closely with its partners to implement the actions recommended in the adopted Conservation Area Appraisal and Management Plans and will have regard to the advice in the CAAs and adopted SPDs when considering proposals for development within Conservation Areas."
- 4.73 This proposed development neither preserves or enhances the character and appearance of the Conservation Area as is required by the general duty set

out in Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990. It would be likely to cause harm to the setting of a Scheduled Ancient Monument and would impact on the visual and recreational amenity of people using the Mount and its footpaths. It runs counter to the Conservation objectives for the area, as set out in the Council's Conservation Area Appraisal and Management Plan, the Conservation Plan for Rayleigh Mount and the current consultation on the Town Centre Issues and Options and the planning application should be refused.

#### **RDC Ecology (29/07/13)**

- 4.74 Just to clarify our conversation, on the assumption that the forthcoming survey reports are satisfactory and the conclusions are as expected, I believe that the only outstanding ecological issue would be the possible re-occupation of the badger holes prior to the commencement of construction work on the site. As such, and if the Council is minded to grant planning consent, it would seem wise to ask for a condition requiring a further check of the holes to be carried out as a condition.
- 4.75 The application is accompanied by survey reports covering badger, reptile and great crested newt activity. The conclusions of the reports are that none of these species remain an ecological constraint to the proposed development and so there is no ecological reason why permission cannot be granted. With respect to badgers, the presence of a disused sett raises the possibility that it may become re-occupied at any time prior to the start of construction on site. Should consent be granted, I would recommend that a further assessment of the activity of this sett be made immediately prior to the start of groundwork to ensure that an offence is not committed.

#### **The Society for the Protection of Ancient Buildings (01/08/13)**

4. 76 Although we do not wish to formally comment on the proposals, it is our hope that the works carried out will be sympathetic to local tradition and that traditional materials will be used.

#### **RDC Arboriculture**

##### **FIRST RESPONSE (13/08/13)**

- 4.77 A Tree Preservation Order 08/13 has been recently served on a walnut by the site entrance on London Hill.
- 4.78 An Arboricultural Impact Assessment produced by Open Space (Landscape & Arboricultural Consultants Limited), reference OS 413-12.Doc1 supports the application. The arboricultural report clearly outlines the trees to be retained and those to be removed. It is acknowledged that the majority of the trees, except a B Category T1 yew at the entrance, are C Category. However, it is

disappointing that no justification for the loss of the T1 yew or for each of the other trees/groups/hedges has been provided.

- 4.79 With regard to the northern boundary, part of H3 and the whole of H4 and S7 will be removed. These trees provide screening to the site and their loss has not been evaluated in terms of their screening or landscape value.
- 4.80 Ground protection is identified on the Tree Protection Plan around T2 walnut (recently subject to a TPO 08/13) during construction, however no specific reference within the report can be found. The AMS within the report refers to generic technical information but no site specific details on the feasibility of the methodology of widening the access or how it may affect T2 walnut. The report outlines tree related issues being worked through as a planning condition. However, I strongly disagree with this approach and I am disappointed that the feasibility and methodology of the access construction, along with quantification on how great the effect on the tree would be, has not been thoroughly considered but has been assumed. Without specific details of what is proposed around T2 walnut I cannot provide comment at this stage. With regard to the layout of the plots and trees there appears to be no conflict.
- 4.81 Recommendations

It is recommended that the application is refused on the grounds that the Arboricultural Impact Assessment was insufficient in outlining and justifying several important direct and indirect tree related impacts of the proposal. Further information is specifically required to demonstrate T2 Walnut on the site access will not be irreparably harmed by the proposal.

It is recommended that a brief document is prepared that outlines the feasibility of the proposal (see Section 5.4.1 and 5.4.2 of BS5837(2012)):-

- Details of T2 walnut's root protection area infringement, speculation on the impact of the proposal and possible solutions including whether or not there is to be the removal of the existing access (if there is how will it be undertaken), 'no dig' constructions, ground protection and protective fencing. Specifications to solve the issues should be discussed in relation to the site and methodologies for implementation of the project outlined. Comment is also required outlining if utilities will be within the RPA (or within a 'no dig' construction) and final ground levels of the access in relation to the tree (including direction of run off).
- Comment on the effect on amenity of the proposal and specific mitigation measures.
- Location and measures to ensure that the structure of soils in areas of new landscaping is not damaged (if applicable).



- What arboricultural supervision is appropriate during the project.

## SECOND RESPONSE (11/03/14)

- 4.82 A revised layout plan and a subsequent arboricultural impact assessment produced by Open Spaces (Landscape & Arboricultural Consultants Limited, Reference OS 695-13, October 2013) which includes a tree report, arboricultural method statement and tree protection measures has been submitted.
- 4.83 As with the previous submission and with regard to the layout of the plots and trees, there appears to be no conflict.
- 4.84 The arboricultural report clearly outlines and justifies the trees to be retained and those to be removed. The majority of the trees identified for removal are low value specimens except a B Category yew on the roadside frontage whose removal would be unavoidable. The soft landscaping plan outlining tree planting produced by Open Spaces (Drawing No. OS 695-13.3 dated October 2013) in my opinion is acceptable mitigation for the loss of trees. It is unlikely that retained trees will be affected by the proposal nor will the retained or proposed trees affect the proposed buildings in terms of nuisances, e.g. shading, future growth, etc. Finally, it is noted that the revised layout now retains much of the beneficial screening to the north west of the site.
- 4.85 Adjacent to T2 walnut (subject to Tree Preservation Order 08/13) and within its root protection zone, the access drive is to be upgraded. It is anticipated that the access drive will also be the main access to the site during construction. For the access to be upgraded it is understood that hardstanding will be removed and 'untouched' soil will be built upon. It is acknowledged that in principle the construction of the access could be undertaken to minimise the effect on the tree. However, this assumption requires specific details to be satisfactorily outlined and accepted. Therefore, it has been requested that specific details are provided to demonstrate the feasibility and methodology of the access construction to ensure that an adequate below ground solution ties in with the construction, materials and levels of the access. Above ground, the physical location and type of ground protection and protective fencing needs to be identified and how it ties in with the phasing of the project.
- 4.86 Whilst generic details have been provided within the arboricultural method statement on removing hard surfaces (7.6.2) and constructing hard surfaces within root protection areas with 'no dig' engineering solutions (7.6.5) an appropriately detailed document outlining a joined up, site specific account of the materials and methodologies to be undertaken in a 'tree friendly' manner close to T2 walnut has not been received.
- 4.87 Recommendations

It is recommended that the application is refused on the grounds that not enough information has been provided to ensure that T2 walnut will not be irreparably harmed by the implementation of the proposal.

### Neighbours

4.88 Responses have been received from 13 addresses (27, 31, 32, 33, 36, 39, 41, 45, 46, 47, 51, 53, 55 London Hill), which can be summarised as follows:-

#### 4.89 Highway Safety and Traffic

- Lorries and cars going in and out on a blind spot on the bend going down the hill.
- A risk to pedestrians who when proceeding down the hill will not be able to see traffic going in and out until they are at the exit.
- Having read other neighbours' comments, the road traffic is light and the construction traffic will not make much difference - which will be in the core day hours when most people are out.
- With 4 substantial detached houses being built, along with the existing dwelling, there will be a large increase in the number of people and, therefore, vehicles associated with that.
- The proposed exit and entrance route is also opposite our property, and situated on a dangerous blind bend that already causes concerns.
- As London Hill is a main route into and out of town, there are many pedestrians that use the pavements; an additional volume of cars coming in and out would, in our opinion, make the area far more dangerous for pedestrians, and especially young children who use this road to get to school on a daily basis.
- The proposed access/exit from the site which will accommodate, possibly, up to a further 8-12 cars of residents of the proposed development, is situated on an already dangerous bend, which is especially 'blind' to traffic coming downhill from the town centre where speeding is already a major problem, not only with road vehicles, but youngsters on skateboards and scooters as well. Should this proposal be approved, then Rochford District Council needs to consider installing speed bumps and/or speed cameras – at least on the down hill lane. Currently pedestrians, especially those with baby buggies, need to take extra care when walking down hill past the existing exit from No. 35.
- The already considerable traffic problems on the up hill lane of London Hill, especially apparent in 'rush hours', and Sunday mornings during church services, will be greatly exacerbated by traffic turning into, and out of, the site access road.
- Large vehicles, including emergency services (fire, ambulance, etc.) refuse, and removal vehicles, etc. will have great difficulty in safely turning into, and out of, the proposed new access/exit road.

- In times of heavy winter snow fall, London Hill is often impassable to traffic, especially that moving up hill (even 4 wheel drive vehicles are often abandoned until the Council has the opportunity to salt the road).
- London Hill is already under particular strain from heavy traffic and on a weekend you can expect to sit in your car for substantial periods of time before being able to enter or exit the road. The idea of construction vehicles and an additional four houses adding to this is extremely worrying.
- We are unable to park outside our own property during the week and on a Saturday and have been forced to make alternative (pricey) parking arrangements as a result. If residents can't park in their own street due to congestion, how can anyone consider adding four more houses into the equation? Even if they come with their own parking facilities, the level of congestion in the street will still be substantially increased.
- Exit from this site onto London Hill on the convex bend is highly dangerous, the sighting of traffic coming down the hill being restricted. This would apply during the building works, with large delivery lorries, diggers and pile drivers, etc. then cars from 5 residences, with 2 or 3 cars and their visitors having to exit on this bend.
- I have asked the highways for a mirror on the bend where the entrance is to Number 35 as it is so dangerous with speeding traffic down the hill; they refused as it is not totally safe to use a mirror. It is a busy hill for pedestrians, there is an alleyway opposite No. 45, which is well used, being in the middle of numerous schools, town centre and station; it is very hard to cross so adding even more traffic on a dangerous bend would add to the problems; it is only a matter of time before there is a serious accident.
- I would request that the time that a driver has to safely check right and left for traffic coming down London Hill before pulling out onto London Hill from No. 35, is physically checked, particularly on a Saturday afternoon when the majority of 'boy racers' and others in a hurry, seem to use the road to reduce their 'long journey time', down to the bottom of London Hill.
- We live on the opposite side of London Hill and have noticed that when driving downhill, the curve which starts just before Number 35's current drive is something of a 'blind' bend. We have witnessed a number of occasions where traffic has come down the hill – often over the speed limit – and has had to swerve into the uphill lane to avoid either a parked car (on Sundays and after 6pm) or a pedestrian. The drive entrance for the proposed new properties would be at the most obscured part of the bend as any vehicles pulling out of the drive would find it especially hard to see what traffic was coming down the hill.
- We believe London Hill may require more attention in terms of traffic calming as although it is not always a heavy traffic area it can be a 'back' route at rush hours and when the other roads around town are busy and very often cars are far too fast driving both up and down the hill.
- Situation made even more dangerous during conditions of snow and ice.
- Effect that the amount of construction vehicles accessing the site will inevitably have on the traffic flow into, and out of, Rayleigh during this period.

- Unfortunately, yet another vehicle collision occurred yesterday (01/12/13) on London Hill at about 1710 hours involving two cars, thus reiterating the concerns of all of us regarding the safety aspects if there were an increase in vehicle traffic exiting onto London Hill on the bend at No. 35. Regrettably, when heavy rain, or snow and ice conditions prevail, this problem will make such accidents even more serious. I am sure that the local emergency services who attended the incident yesterday, will be able to make useful comment.
- A few weeks ago my children were nearly hit by a Council recycling type truck who had decided to come down the hill at such speed not leaving me and my children enough time to cross, I have reported it to yourselves and the company contracted to you for refuse. When will this be looked at seriously? It is such a danger, I lie in bed at night hearing the cars speed down the hill and worry all the time about the safety. Will it take a fatality until you do something about it? The visibility is so poor and the road layout at the top of the hill is bad as the cars can sweep round not looking right as it's one way. How can you put the risk of adding more cars to this danger when you have not addressed this before now?
- There has been yet another accident on the bend in London Hill; this time a young boy was hit and the police and ambulance did attend. This happened today, 5 march 2014 just before 8.00 am. As pointed out numerous times, this is a very dangerous bend on London Hill; 2 accidents we have now reported in the last 3 months.

#### 4.90 Trees

- The substantial trees on the border of Number 35 mean that we have to have our kitchen light on at all time. This is manageable as the green foliage creates a nice garden view - if these are replaced with houses everything that we like about living in our home will be tainted. I know this is not just the case for us, but for many other surrounding residents too.
- There is a line of leyland cypresses that were planted about 30 years ago in the garden of No. 35, presumably as a privacy screen by the previous owner after he had erected a wooden fence along the boundary line behind the rear gardens of the adjacent properties of Numbers 41 to 51 inclusive. The surveyors and arboriculturalists do not appear to have carried out a visual study of the relationship between the boundary fence and the line of these trees as the site plan clearly shows most of these trees to be within the gardens of the properties on London Hill. This is incorrect as all the trees are well within the garden of No. 35 (each possibly by up to 1m) and are, therefore the responsibility of the applicant.
- Referring to the 'Open Spaces' prepared drawing no: OS 413-12.2, titled 'Tree Retention & Removal Plan', the red dotted line of those trees are shown on the Tree Reference Chart, as proposed for 'Removal required to allow development'. This would mean that the London Hill properties, Numbers 41 to 47, and possibly Nos. 49 and 51, would have no screening whatsoever from any buildings erected so close to this area, particularly

from the very close proximity of Plot 4, whereas we have been led to believe that tree screening would be retained.

#### 4.91 Ecology

- It is appreciated that the applicant has kindly carried out a survey on the Rayleigh Mount badger population, however due to the expanding nature of this creature, the two setts currently on the Mount will, inevitably, be increased in the future and, no doubt, the National Trust, and Essex Wildlife, will require to be consulted.
- I have recently been instructed by the National Trust that maintaining the trees in our garden could be a real problem for local wildlife, so I can only imagine what damage the building of four houses would do.
- The amount of wildlife would be affected during and after building - has a survey been done on this?
- I think the impact of such a large development so close to a National Trust site has the potential to negatively impact on the wildlife. The area is currently a haven for wildlife.

#### 4.92 Conservation

- Will cause a serious negative impact to a historic part of Rayleigh.
- To construct 4 large, executive style, detached houses, with garages, surely cannot in keeping with the objectives of the Rayleigh Conservation Area, and will be detrimental to the locality as a whole, and, in particular to the historic site of Rayleigh Mount and its indigenous wildlife.
- Need to maintain the open nature of the only open public area of historic importance to our town and maintain its rural heart.
- London Hill is steeped in history and heritage and has a really unique character which attracted us to the area. Four new builds going up in such close proximity to pieces of national heritage such as Rayleigh Mount and the Windmill is truly unthinkable. It will change the entire road and directly impact all of the many houses already sharing boundaries with number 35.
- The effect of the development on the character of the neighbourhood, bearing in mind my property was built in 1850.
- With very old cottages and houses, a windmill, a church and the Mount so close it shouldn't be allowed when there are many more appropriate places to build.
- Such an intrusive development would seem to be at odds with the objectives of maintaining such an Area (Conservation)

#### 4.93 Design

- I fully support this application after reviewing the designs. The road is in much need of new built properties, the ones existing are ageing, poorly designed and have served their notice; also, the increase in dwellings in the

area will help the selection to buyer on the market, something that is lacking in Rayleigh.

- These are large family homes and not small retirement residences. London Hill has a charm and character already with an eclectic mix of different properties and does not need to be built on any more.
- The visual impact of the new development.
- There are already bungalows in the area so think the latest plan would work and also ensure the overlooking issue is minimised for nearby properties.

#### 4.94 Residential amenity

- A 4-bedroom detached house (site section C) will be built opposite our property. The height proposed will severely affect the amount of sunlight our property is able to receive, resulting in very dark interiors which will impact on our family enjoyment of our home.
- As the property proposed is elevated due to the topography of the area this will mean that our home would be overlooked, which will eliminate our privacy, which is the reason we bought our home in the first place.
- During the darker hours of the day and night the constant beam of cars' headlights coming in and out will further impact on our privacy, and additional lighting to the area would be required to eliminate the higher risk of accidents.
- We moved here in 1967 on the premise from the estate agent that: "this property has unrestricted views across National Trust property."
- Local residents will have to endure the noise and dust pollution from vehicles serving the 'building site' during a construction period – which must surely require piling operations due to the soil nature of the sloping site – possibly for a year or so in total?
- One of the properties will directly overlook my property.
- Not only will building work infringe on the tranquillity and quiet that I and my family enjoy at the back of our garden so as to escape the noise of heavy traffic at the front but after the said properties have been built will have to listen to more traffic noise the new properties will bring. And also the noise of more people using their gardens and accessing their homes.
- As someone who shares a border with the property under application I also have grave concerns about our privacy and peace within our own garden. We are already struggling with overgrown trees and the noise of cars passing by our garden fence; if this was to increase four times our enjoyment of our own property would be ruined.
- This directly backs on to my cottage and small courtyard garden.
- Pollution from the increase in traffic generation.
- The perceived loss of property value.
- I have concerns about the impact this will have on the ground stability to the bank at the rear of my courtyard garden.
- It would mean I would be overlooked as I cannot see how the trees that are a natural screen would be allowed to stay with houses being built far too close to the boundary.

- It says on the plans that there will be improved screening - how can this be improved? I feel the plans are misleading as some of the trees are showing outside of No. 35's boundary. If this is the case I would not allow anyone to touch any trees in my garden. I moved to this house because of the privacy and quiet, this will be totally disrupted during and after building.
- The driveway that will become the proposed "road" to these dwellings runs directly next to my house and the area is simply not big enough to support a road providing access to 5 houses. This will create noise and obstruction and will diminish the value and enjoyment of the property.
- There are some large trees surrounding my property. If the intention is to remove these there is real potential for soil collapse.
- The rear wall of the proposed house on plot 4 is shown as being only 1.4m from the boundary line. It is, of course, impossible to have the existing trees left in that position and, therefore, several trees (at least) would seem to have to be removed. If this happens it means that we, and one of our neighbours, will have the sheer wall of that building as our only outlook at the rear of our property where, on the drawings it is clearly shown that "existing trees are to be retained".
- Existing leylandi restrict natural light to numbers 41 to 51. A sensible choice of any screening tree selected, such as beech, etc. would seem to be a more environmentally acceptable solution, than the fast growing leylandii.
- Invasion of privacy from having four additional properties built at the end of my garden, given that I share a boundary with number 35.
- Increased noise levels from said properties adding to the disturbances we already have to put up with from number 35's cars and dogs along our boundary wall.
- Losing further light from our garden and kitchen which is already very dark as a result of number 35's over bearing trees - but acceptable due to the level of privacy and greenery they provide.

#### 4.95 Utilities

- The development will require extensive installation of services, i.e. gas, electricity, mains water, telephone lines, and, not least, drainage and sewerage.
- Since I have resided at the property I have had constant issues with the sewerage services. How are the existing sewerage services going to support an additional 4 large dwellings when they are already problematic.
- Have the service suppliers been consulted yet?
- Electricity, gas, telecoms – all will involve yet further disruption to the smooth running on London Hill for traffic, inevitably adding to congestion on Crown Hill and the High Street during the construction period of the site (up to one year?)

#### 4.96 Drainage

- The effect of drainage on existing properties.

- Where would the sewage pipes be run? One would assume to the lowest point of the site, and connect up, with an already overloaded sewage system, into one or more of the existing gardens further down London Hill, or is it intended to install septic tanks to each of the new properties?
- Essex Water are often called to repair the existing mains water supply on London Hill; will new mains have to be run?
- Those of us who have lived on London Hill for many years are well aware of the natural water courses that exit from the Mount through some of the gardens lower down London Hill after times of heavy rain fall. This causes even more problems in winter as these freeze, both on the pathways and into the road. This 'run-off' effect from the (currently dormant) pond on the Mount, and the lake within the garden area of No. 35, needs to be addressed. The addition of the necessary piling and footings of the proposed new houses, plus garage and forefront hard standings, will only add to the drainage problems.
- My property has suffered considerably from damp in the last 12 months and the ground around my property is frequently waterlogged. I am very concerned over the impact of this new development and the impact it will have on the natural run-off of surface water. I am very worried that the removal of natural flood plain will mean the water runs off and ends up at my property and the ground around my property simply cannot take any more water.
- As far as I am aware, London Hill's sewer is the original one laid down in the 1930s. There have been several occasions where blockages have occurred due to the condition of the sewer and the increased load on it since first built. Assuming that the proposed new houses will not have septic tank disposal of waste, where will the waste from these new houses enter the sewage system? One would assume exit would have to be from the lowest end of the site, i.e. in the north west corner, which would indicate considerable excavation right across gardens in London Hill or Hillview Road?
- London Hill's water supply runs right down the centre of London Hill and as we well know, often requires repair (the most recent being only two weeks ago!). Presumably the water supply will enter the site from the upper area of London Hill/Bellingham Lane?
- Even today, water from blocked drains on London Hill is causing light flooding under the Rail Bridge, which, if not attended to quickly, will cause disruption, even accidents as the worsening winter weather arrives.

#### 4.97 General

- In my opinion there is no reason to object these plans and would see it as unnecessarily obstructive if it were to be refused. There are only positives for an ageing road.
- This development would have a hugely detrimental effect on the area environmentally, visually and personally.



- No objection to demolition of the garage and replacement on the existing dwelling with a new construction.
- I have lived at this address now for 72 years, and recall that, in the past, 35 London Hill was known as 'Mill Bank' and also that the owners could only build one house on that site.
- Suggest refusal in order to maintain the open nature of the only public area of historic importance to our town and maintain its rural heart.
- Total objection to this disgraceful 'mini housing estate' proposal for the centre of Rayleigh.
- If anything, my objections are now more severe as it seems Number 35 aren't sure on what it exactly is that they are planning to build, hence the fact things are changing after the application has gone in. What is to stop these plans changing again after the construction has begun?
- I strongly feel that this project would ruin everything the neighbours love about living in this unique road and it has already caused much upset for the residents. We are all having to give up a lot of time to continuously submit our objections every time the plans change or get re-submitted.
- We have also seen the responses from the National Trust and Rayleigh Town Council, who are both objecting to this application. Surely this is sufficient for you to decide this planned development should not be allowed to happen, not now and not in the foreseeable future.
- I believe that if this project is completed, after addressing several points raised (drainage as example), it will make this area more desirable to live in and would enhance house prices.
- Despite the revised plans to include the bungalow etc. this development will still affect our privacy, light and have a very negative impact on the local surrounding area and a historic part of Rayleigh.
- Ill planned intensive development within the 'Rayleigh Conservation Area'.
- It is seemingly apparent that we do not want any additional houses and/or garages on the land that we share boundaries with whether it five, four, three or one. The objections are strong across the board and the number of houses you are proposing makes little difference. Any amount of building would warrant the same objections.
- It would become impossible to sell property during the building works which I estimate could take years to complete and may affect the general value of houses which will be swapping their tree lined private boundaries for concrete houses that remove all privacy.
- Several Rayleigh Councillors have, on various occasions, expressed their desire to think long, and hard, about further developments in Rayleigh in order to avoid the mistakes of the fairly recent past on Rayleigh's architecture and amenities, so we would hope that this project is rejected, if only on the grounds of sheer common sense.
- It seems that the objections to planning permission at 35 London hill has been going on far too long. I have several times and each time it re-emerges with a change of plans.

- We feel that RDC has a responsibility to circulate all properties over the whole length of London Hill and not just those that are directly adjacent to the existing site in order to obtain comment on the effects to the whole community here and on the values of their property.
- I received notice of the application and a letter explaining how to register our concerns from another resident of London Hill. The fact that neighbours are having to form our own group to do all we can to stop this from happening should be reason enough for the application to be declined.

4.99 A letter from MP Mark Francois has been received forwarding a list of the major points of objection by residents:-

- The development proposed is sited totally within the boundary of the Rayleigh Conservation Area.
- Such a development would be detrimental to users of the adjacent National Trust property, Rayleigh Mount, where such buildings will form a visual encroachment and detract from the sylvan aspects from both footpath level, and from the view from the top of the Mount.
- Wildlife resident on the Mount (mainly badger, fox and bats), will be adversely affected by the loss of access to habitat within this site.
- The proposed vehicle access to and from the site is on an almost 'blind' bend where fast moving down hill traffic (often 30T articulated vehicles having offloaded in the High Street, even youngsters on skate boards and scooters in the middle of the road! etc) have already caused vehicle collisions and near misses with pedestrians crossing the road to enter/leave the alley between numbers 38 and 42 London Hill.
- In winter conditions of ice, snow etc. London Hill is, occasionally, impassable until gritted; this causes major traffic problems up Crown Hill and on local alternative ('rat-run') residential roads. Further increase of traffic on London Hill will increase these congestion problems pro-rata.
- The 3 houses will each have 2 car garages, plus hard standing for two further cars, which, together with the property owners' vehicles, could result in up to 16 cars using the access road onto London Hill.
- Service vehicles accessing the site (i.e. waste disposal trucks, postmen, service engineers, etc., as well as emergency vehicles) will also add to the traffic numbers.
- This will be exacerbated during the building period (12-24 months?) by heavy construction vehicles, and the various trade vehicles necessary for fitting out, also adding further to the inconvenience, noise and dust pollution, etc. to residents on the hill in general.
- The 3 houses will require concrete (or piled?) foundations, and hard standing for vehicles which will require arrangements to shed surface water. This is already an historic problem well known to the down hill side residences from existing local natural water courses off the hill, and even now, often causes water build up under the rail bridge at the bottom of the hill, in turn, causing further traffic congestion. Has no-one realised that if the

- road into Rayleigh is blocked for any reason under the rail bridge, Rayleigh would become gridlocked?
- The houses will require sewage and black water disposal. The current 1930s sewers and drains have already been overloaded, so construction of any new sewer arrangements will have to exit through existing property's land lower down London Hill, or on Hillview Road, - unless septic tank disposal is planned?
  - Provision of other essential services, such as gas, electrical mains supply and telephone/broadband installations etc. will also add to the disruption and noise to be suffered by London Hill residents and users of the roadway while under installation.
  - The 'south side' properties (i.e. down hill side) of London Hill, adjacent to this development will have two of the proposed new properties overlooking their gardens. This has already had a detrimental effect on the prices of those properties now that possible purchasers are made aware of this 'mini-estate' type development

## **5 MATERIAL PLANNING CONSIDERATIONS**

### **Principle of Residential Development**

- 5.1 The site is located within the residential area of Rayleigh where residential development is, in principle, considered acceptable.
- 5.2 Policy H1 of the Core Strategy resists the intensification of smaller sites within residential areas. However, it goes on to state that limited infilling will be considered acceptable and will contribute towards housing supply, provided it relates well to the existing street pattern, density and character of the locality. The proposed dwellings would not have a frontage onto the street so would not need to specifically relate to the existing street pattern. The existing street pattern of London Hill is varied anyway and includes the existing property at 35 London Hill, which is not part of a regular street frontage. The density on the basis of the four dwellings (including the existing dwelling that would remain) would be 9 dwellings per hectare. This area is characteristic of properties with large garden areas and this proposal is considered to be in accordance with this density characteristic. The density and character of the development is considered to be acceptable for the locality and would cumulatively contribute towards the housing supply of Rayleigh. It is advantageous that the development would also be within walking distance of Rayleigh town centre and thus the proposal would be considered to represent sustainable development under the National Planning Policy Framework (NPPF).

### **Street Scene, Design and Layout**

- 5.3 The site would be divided into 4 plots with the 3 new dwellings all being detached houses sited to the rear of properties within London Hill and to the north of No. 35. Two detached garage units would be provided to serve the

three dwellings, one a double unit shared by plots 1 and 2. Two garages would be formed for the existing dwelling along the southern and eastern boundaries of the site and a new area of garden for this property would be located within the area where a further dwelling was initially proposed to the north-east of No. 35.

- 5.4 The development would not be particularly visible from London Hill, being accessible from a private drive. Plots 1, 2 and 3 could potentially be seen in the distance when viewing up the private drive and, due to the land level differences, between the existing properties in London Hill. However, due to the approximately 46m distance between the closest point of plot 1 and London Hill, with the other plots located much further into the site, such visibility would not be prominent here. It should be noted that the existing dwelling (No. 35) cannot be seen from London Hill and the proposed dwellings are also considered to have limited impact. For this reasoning, it is not considered that the proposal would have a detrimental impact upon the street scene of London Hill.
- 5.5 London Hill has a mix of property types and styles from various ages. No. 35 is a large detached chalet, however also present are semi-detached and detached houses, semi-detached and detached bungalows and detached chalets. It is not considered that the proposal for three detached houses at this site is out of character with London Hill due to this variety and also due to the limited visibility of the site from London Hill.
- 5.6 Limited views of the site are achievable from the site of the Rayleigh windmill. The site would be visible from a footpath which surrounds the Rayleigh Mount, which will be discussed later within this report.
- 5.7 Policy H5 of the Core Strategy requires new developments to contain a mix of dwelling types. However, for developments which only contain a small quantity of properties it would be unreasonable to apply this criteria. Such criteria is more applicable to large housing developments.
- 5.8 Policy ENV9 of the Core Strategy requires all new residential development to reach an appropriate Code level For Sustainable Homes. An informative to this effect could be attached to an approval. In addition to this, policy H6 of the Core Strategy requires all new housing developments to comply with the Lifetime Homes Standard. A condition requiring details and plans demonstrating assessment of the dwelling against the Lifetime Homes Standard should be attached to an approval.
- 5.9 It is a requirement of Supplementary Planning Document 2 (SPD2) that 1m separations are provided between the side boundaries and habitable rooms of the dwelling houses. The block plan shows that such separations would be provided. The private garden areas serving the dwellings would be considerably in excess of the 100 square metre requirement within SPD2.

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- 5.10 Limited detail surrounding hard landscaping has been provided; this will need to be controlled by planning condition to ensure the design is acceptable and that surface water drainage is sufficiently considered, especially considering the difference in levels across the site and greater potential for water from the hard surfacing to run down into London Hill.
- 5.11 A soft landscaping plan has been submitted with the application. This shows the proposed inclusion of 31 trees across the site, along with various other hedging, shrubs and climbers and lawn areas. Two trees are proposed to the north eastern corner to the new garden area of the existing dwelling. These are in a position that could potentially be visible from London Hill and therefore would add amenity value to the street scene of London Hill. The soft landscaping plan is considered acceptable and a planning condition could ensure it is implemented on the site. More soft landscaping is considered to be required to the western boundary with Rayleigh Mount to strengthen the vegetation along this boundary and to reduce the visibility of the site from Rayleigh Mount when considering a discharge of condition application here.
- 5.12 The general design and scale of the new houses is considered acceptable. All would use pitched roofed gable ended forms with single storey projections to the rear. A tandem relationship would not be formed for plots 1 and 3 with properties in London Hill. Plot 2 would form such a relationship with London Hill properties, however due to the minimum approximately 50m distance (twice the normal privacy distance) between the front elevation of plot 2 and the rear elevation of the closest London Hill property, such a relationship is not considered unacceptable here. Policy DM3 of the Development Management Submission Document (unadopted, which can only be given limited weight) seeks avoidance of a tandem relationship. However, due to the distance referred to above, it is not considered that such an approach would be justified here in any case. The proposal would comply with the remaining parts of policy DM3. The National Trust raises concerns with a proposal for backland development explaining that this is not a characteristic of London Hill. However, No. 35 itself is backland development, built between the Mount and the semi-detached pair of cottages fronting London Hill that pre-date it. It is not considered that the Council would be justified in refusing this proposal just because it forms backland development.
- 5.13 SPD2 also requires that for backland development an adequate and satisfactory means of access is provided. The proposal would alter the positioning of the existing access for use by the four dwellings. Discussion around its impact on neighbouring properties and road safety will be discussed later.
- 5.14 SPD2 states that applications for backland development will need to show that the proposal will not result in any adverse impact upon sites of cultural and historic importance, or upon biodiversity and green spaces. The site's location does mean that it would have an impact on these aspects, but such an impact is not considered to be adverse or significantly detrimental to justify

refusal of this application and this is discussed in more detail under various sections below, which focus specifically on these points. SPD2 also requires backland development to be appropriate in scale and not unduly obtrusive to surrounding development. It also goes on to state that bungalows may be acceptable whereas houses may not be. In this particular instance, although houses are proposed, they are considered to be of a reasonable scale within the locality, with ridge heights of 7.6m (plot 1) and 7.8m (plots 2 and 3), which is not considered excessive for houses. The minimum 39m distance between the side elevation of plot 3 and the rear elevation of the closest London Hill property would also ensure that houses would not be considered excessive or detrimental in this location. Whilst the land does slope down from west to east as well as from south to north, the distances discussed, the reasonable scale and heights of the houses and vegetation on the boundary would ensure their acceptability here in terms of scale in relation to surrounding properties.

- 5.15 Due to the difference in land levels visible across the site retaining walls will be required in various locations. Details of these will be needed by planning condition to ensure the acceptability of their design, heights and use of materials. The engineering details of such walls would also be required to ensure the feasibility of such works, particularly in relation to surrounding properties and land. The layout plan confirms that new boundaries are to be defined by native hedge plantings with metal post and wire lines. Considering the location of this site, such boundary treatment is considered acceptable and could be controlled by planning condition. More detail around the existing boundary that surrounds the entire site should be controlled by planning condition to be clear as to whether any new boundary treatment is proposed and to ensure the acceptability of such treatment.
- 5.16 Policy DM5 of the Development Management Submission Document (unadopted) requires proposals to consider light pollution. This application was submitted prior to this document's current status, which still carries limited weight, and thus a lighting strategy was not submitted with the application. However, it is considered that a lighting strategy could be required by planning condition and any mitigation incorporated into the scheme.
- 5.17 The area for refuse collection is shown to be along the boundary with No. 39. This property has a small triangular garden area and with the greater land level within the application site and lack of planting buffer it is not considered that this would form a good relationship with this neighbouring property. A better position would be alongside the boundary wall forming the garden area to the remaining dwelling near to plot 1 or for it to be sited partly within this garden area with a subsequent loss of some of the garden to this existing dwelling to form a more improved position for the refuse stores. It is not clear why the size of garden area to the remaining dwelling is retained. 100m<sup>2</sup> of garden would still remain even with the refuse stores located within this area to serve the existing dwelling. A change in positioning could be controlled by planning condition. The floor plan to the refuse stores shows the ability to locate the 16 bins required to the correct sizing. However, it is unlikely that a

refuse lorry would access the steep narrow slope of this private gated drive to collect the bins due to the gradient, distance from the road and narrow width which would not provide the 5m minimum width required. Therefore, on collection day it would still be necessary for residents to bring the bins to the front outside of the gate from the collection point. The area in front of the gate alongside the boundary with No. 39 would provide sufficient space for the siting of the bins on collection day and there would remain sufficient space to site the bins and for the pedestrian visibility splay to remain free. This area would need to be hard surfaced in some form to provide such provision which could be controlled by planning condition.

### **Residential Amenity**

- 5.18 The site is surrounded by residential properties, with 13 to its direct boundaries, so it is important to consider the acceptability of the proposal in relation to residential amenity.
- 5.19 The 45 degree angle, used to assess unacceptable overshadowing, would not be breached for any property. Whilst SPD2 only requires this to be strictly applied in cases of first floor extensions to existing residential properties, it is a useful aid with which to assess the potential overshadowing of new dwellings.
- 5.20 The Essex Design Guide considers that a minimum distance of 25m between the rear faces of opposite houses reduced to a minimum of 15m where the backs of houses are more than 30 degrees to one another form acceptable relationships.

### **27-33 London Hill**

- 5.21 These 4 properties are modest semi-detached houses with particularly narrow garden depths. The dwelling at plot 1 would be the closest dwelling to these houses, with its side elevation located 32m away. However, this is considered to be a reasonable distance, even when considering the greater land level and approximately 4m greater height difference than, in particular No. 33, the property located on the lowest level of the London Hill slope of these four properties. Due to this distance, it is also not considered that unacceptable overlooking or overshadowing would occur to these properties.
- 5.22 A new garage is proposed to serve the existing dwelling in close proximity to the boundary with No. 27 (approximately 2.5m away). This would rise to a height of 4m. Due to the close proximity to the boundary of this property, the land level differences that exist and the narrow garden depth of No. 27, which could result in this garage appearing quite prominent to this property it is considered that increased planting would be required along the boundary with this property. In addition, a section drawing should be submitted to and agreed in writing by the Council showing the relationship between the proposed garage and No. 27 and showing a reduction in land level where the

garage would be located such that it is cut into the higher part of the land on which it is located with even a slope down to the garage to reduce the impact upon No. 27.

- 5.23 The proposal would increase the usage of the access to the site to serve the four properties however, due to the approximately 7.3m distance between the side elevation of No. 33 and the access it is not considered that such an increased usage would be detrimental to the occupiers of this property.

39 and 41 London Hill

- 5.24 No. 39 has an unusual triangular shaped garden forming the side and rear boundary with the site. The access is in closest proximity to this bungalow, located 3.8m away however, this is still considered to represent a reasonable distance to ensure no detrimental impact would occur. Planting along this boundary would also help to act as a buffer.
- 5.25 The house at plot 1 would be located approximately 27m away from the rear elevation of No. 39. It is not considered due to this distance that the dwelling at plot 1 would be overbearing to No. 39, even though there would be land level differences between the two. This distance, together with the angle of the property, would also ensure that no detrimental overlooking would occur. No first floor side windows are proposed that would look towards No. 39, only small ground floor lounge windows which are not considered to generate unacceptable overlooking.
- 5.26 It should be made aware that an application is currently pending consideration at the site of No. 39 for extension works which would change the property from a bungalow to a house (Ref: 14/00124/FUL). It is not considered that this proposal would have a detrimental impact upon the current scheme.
- 5.27 The closest proposed dwelling to No. 41 is plot 1 located approximately 31m away. Due to this distance, it is not considered that the proposed dwelling would be detrimental to this property in terms of overshadowing, overbearing or overlooking. The visitor parking space would be located alongside the boundary of this properties garden however, due to the depth of this properties rear garden, it is not considered that this would be sufficiently detrimental to justify refusal of this application.

43-51 London Hill

- 5.28 These properties have long gardens with a minimum depth of 29m between the rear elevation and site boundary with No. 35 (this is measured from No. 43). Plots 2 and 3 are located at a lower ground level than plot 1. Due to the depth of the garden areas and the established leylandi to remain on the boundary it is not considered that the proposed dwellings would be detrimental to these properties. The distance would also ensure that the intensified use of this access would not be detrimental here.



## 7 and 9 Hillview

- 5.29 There is a distance of approximately 41m between the rear elevation of No. 7 and the rear elevation of plot 3 and a distance of approximately 47m between the rear elevation of no.9 and the rear elevation of plot 3. There appears to be vegetation within the rear garden areas of these properties, including many Tree Preservation Orders attached to trees within the garden of No. 9. Due to this vegetation cover and the distance between these properties and the proposed houses, it is not considered that any detrimental impact would occur. The occupiers of these properties have not objected to the proposal.

## 21 London Hill

- 5.30 Due to the distance between this property and the site boundary (approximately 18m) and the greater land level to which No. 21 is sited it is not considered that the proposal would be detrimental to this property.

## 35 London Hill and Plots 1-3

- 5.31 As well as impact on existing properties, it is important to consider the relationship the plots would have upon each other and No. 35 in terms of amenity.
- 5.32 The following windows have the potential to generate unacceptable overlooking between the plots and a planning condition requiring them to be obscure glazed and fixed shut below a height of 1.7m should be attached to an approval:-
- First floor window serving en suite to plot 3 overlooking plot 2's garden
  - First floor window serving en suite to plot 2 overlooking plot 1's garden/existing dwelling
  - First floor windows to rear (south-east) of plot 1 overlooking existing dwelling
- 5.33 All other windows are considered to form an acceptable relationship.
- 5.34 A condition preventing further windows from being installed to prevent unacceptable overlooking should be imposed to the following elevations:-
- First floor sides to plot 3
  - Ground and first floor side (north-west) to plot 2
  - First floor side (south-east) to plot 2
  - First floor rear (south-east) to plot 1

- 5.35 The relationship of plots 1, 2 and 3 to each other is considered acceptable. Even though there would be land level differences between the plots it is not considered that any one plot would appear too dominant to another or have a detrimental impact upon residential amenity that would justify refusal of this application.
- 5.36 Plot 1 would have a close relationship with the remaining dwelling No. 35; its rear elevation would be located 6.5m from the rear elevation of No. 35. However, due to the land level differences with the ground floor windows of No. 35 looking out towards the eaves of plot 1 it is not considered that such a close proximity would be sufficiently detrimental to justify refusal of this application. Both the existing dwelling and plot 1's garden areas are angled so that they would be to the side rather than the rear so the usable garden areas would not share such a dominant proximity. Plot 1 would have limited fenestration to the rear and its internal arrangement has been designed so that the most usable rooms and windows are angled towards the private garden located to the side rather than towards the close rear relationship with No. 35.

### **Trees**

- 5.37 There are trees and hedging proposed for removal as part of this application. 18 trees/hedgerows are proposed for removal (two hedgerows would be only partially removed) and 9 would be retained. All those proposed for removal (except for one) have been categorised as grade C (with low quality or value, minimum of 10 years value remaining) or U (less than 10 years value and therefore could be removed). Ornamental shrubs were not categorised. One tree, T1, which is a yew tree at the site entrance, is categorised as a grade B (moderate quality or value, minimum of 20 years value remaining). However, the tree report explains that removed trees can be mitigated by the planting of new trees. As this is the only grade B tree proposed for removal, new planting to counteract the removal of this and other trees on the site is considered acceptable here. 31 new trees are proposed as part of the scheme on the soft landscaping plan submitted which is considered to represent an acceptable replacement of the trees lost.
- 5.38 During the course of this application the Council's arborist visited the site and has placed a provisional Tree Preservation Order (TPO) (Reference TPO/00008/13) on the walnut tree to the entrance to the site, described as T2 in the arboricultural report. Therefore the works proposed at page 11 of the report including 'remove dead branch at 3m facing south' and 'remove secondary branch' will require separate consent. Considering the potential detrimental implications of construction works to widen the access at this site upon the TPO tree, the report provides limited information surrounding the feasibility and methodology of such works, which are particularly concerning considering the land level differences at the site and proximity of the access to the tree. The only information provided within the report is that 'the proposed driveway will be constructed with no-dig methodology with rain water shed

onto the proposed shrub border where the tree is growing'. Further information was requested and provided by the agent, however this contradicted the general specifications of a 'no dig' construction and did not provide sufficient clarity. Without more detailed information regarding how the access would be constructed in such close proximity to the tree it is unclear that such construction would be effective in ensuring no detrimental impact to the tree.

- 5.39 Policies DM1 and DM25 of the Development Management Submission Document (unadopted) require proposals to protect existing trees such as this within developments or to provide appropriate mitigation. The proposal is considered to be contrary to the aspirations of these policies.
- 5.40 The NPPF at paragraph 118 explains that when determining applications, local planning authorities should aim to conserve and enhance biodiversity. It goes on to explain that planning permission should be refused for development resulting in the loss of aged or veteran trees found outside ancient woodland unless the need for, and benefits of, the development in that location clearly outweigh the loss. Whilst the proposal does not include removal of T2, it does not provide adequate information to ensure that its longevity will be secured. Without such information, the proposal could potentially result in the loss of this aged tree not necessarily immediately but in the future, which is precisely what the NPPF at paragraph 118 seeks to avoid. It has not been demonstrated by the applicant nor indeed is it considered to be the case by the Council that the potential eventual loss of such tree would be outweighed by the benefits of the proposal in that location.
- 5.41 It should be noted that T2 can be seen from London Hill, a Class III classified road connecting Rawreth to Rayleigh/Hockley and linking to Rayleigh High Street. It is well used by pedestrians and those in vehicles. The site is also located within the Conservation Area of Rayleigh. Therefore, it is important that it is understood, before determining the application, how this tree with such amenity value within the Conservation Area will be retained and protected as part of this application to ensure its longevity.
- 5.42 It is not reasonable to impose a condition requiring details to be submitted, the contents of which could potentially result in the proposal being undevelopable without knowledge as to what they may contain as there remains no information to confirm that the works could be undertaken without detrimental impact to the tree. Therefore the proposal would fall foul of the 'reasonable' test set out within planning circular 11/95 and referred to within paragraph 206 of the NPPF. The Council's arborist also does not consider that this can be sufficiently addressed by planning condition.

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**Ecology**

- 5.43 The application is supported by survey reports covering badger and great crested newt activity and a supporting statement with regard to reptiles. The site has the potential for these species to be present.
- 5.44 The survey results confirm no presence of great crested newts and badgers. A statement from the ecological surveyor confirms that he did not consider the site to hold significant value to reptiles without undertaking a full survey. The Council's ecological consultant does not object to the proposal but because there is the presence of a disused badger sett suggests a planning condition be attached to an approval requiring further assessment of the activity of this sett prior to start of the groundwork to ensure that it does not become re-occupied between the survey dates and commencement of development. Such a condition should be attached to an approval.
- 5.45 Natural England also does not object to the proposal. In its consultation response it suggests that the Council should consider securing measures to enhance the biodiversity of the site from the applicant if minded to grant planning permission. Whilst a planning condition controlling such measures may not in many circumstances be considered reasonable, in the current circumstance, with the site's proximity to historic Rayleigh Mount and the presence of badgers it is considered that such a condition would be reasonable here.
- 5.46 Natural England standing advice would suggest that due to the nature of the site and surrounds, a bat survey would be required here. No such survey has been supplied but there has been no suggestion that bats are present at the site and it is not considered reasonable, after discussions with the Council's specialist adviser, to require such a survey before determining this application. Indeed, Natural England has not raised objection to the application nor raised this as an issue. Policy DM27 of the Development Management Submission Document (unadopted) states that planning permission will only be granted for development provided it would not cause harm to priority species and habitats which is not considered to be the case here.

**Archaeology**

- 5.47 Policy ENV1 of the Core Strategy requires the Council to protect landscapes of historical and archaeological interest. Due to the site's proximity to Rayleigh Mount there is potential that archaeological deposits exist within the application site. ECC Archaeological team state that according to their current knowledge, it is still possible medieval and post-medieval archaeological deposits will survive in this area. Also, given the proximity of the site to the scheduled medieval Castle, any archaeological deposits that survive in this area could provide important evidence relating to the origins and development of the castle and the town. They suggest a planning condition be attached to

an approval requiring the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the local planning authority. Based on the site's proximity to Rayleigh Mount and previous archaeological finds on and in close proximity to the site this is considered to be a reasonable condition to impose on an approval.

### **Conservation Area, Ancient Scheduled Monument and Listed Building**

- 5.48 The site is located within the Conservation Area of Rayleigh. It borders both Rayleigh Mount and Rayleigh Windmill and therefore is within a historically significant part of the Conservation Area.
- 5.49 Policy CP2 of the Core Strategy requires consideration of the Rayleigh Conservation Area Appraisal and Management Plan 2007. Within this document the Conservation Plan at figure 3 identifies this site as 'unsympathetic development'. Part of the site is identified as being within the Rayleigh Mount character zone and part within the northern character. At paragraph 10.1 when referring to London Hill it states 'this very steep hill provides a good approach to the conservation area, with a mixture of older buildings on the south side...'. The windmill is described at paragraph 10.64 as a 'landmark building which figures in long views from various points within the town'. No. 35 is shown at figure 47 to have a 'neutral' contribution to the character of the Conservation Area.
- 5.50 Paragraph 10.25 states that 'from the top of the motte there is only one distant view, to the north-west (Fig. 24), whilst there are no views of the town, only a glimpse of the mill and church tower'. It should be noted that from the top of the Mount the application site cannot be seen. However, visibility into the site from the footpath surrounding the lower level of the Mount can be achieved.
- 5.51 The most relevant recommendation within the Rayleigh Conservation Area Appraisal and Management Plan 2007 with regards to the Mount and the application site is improved boundary treatment. Such improvement to the boundary at the site of No. 35 could be controlled by planning condition as part of this application.
- 5.52 English Heritage does not object to the proposal and does not consider that the proposed development would significantly detract from the setting of the castle, however its response does ask the Council to consider whether it might set an undesirable precedent that would fail to preserve the character or appearance of the Conservation Area due to the loss of green space and the intrusion of new houses. The ECC Historic Buildings and Conservation Area officer does not object to the proposal in principle, subject to detailed designs of fenestration and acceptable external materials and finishes being provided by discharge of planning condition. The design of the proposal is considered to be acceptable and in accordance with policy CP1 of the Core Strategy which seeks good, high quality design. The National Trust, however, objects

to the proposal. It considers that the garden is one of the few remaining open areas adjacent to the monument which are not developed and it thereby helps to provide something of a setting to it. It is concerned about the precedent such development would set for other residential gardens in close proximity to the Mount.

- 5.53 The site has long existed as a residential dwelling with garden, pre-dating the Town and Country Planning Act 1947. Although the garden area is open in nature this is just how the owners past and present have chosen to leave this area of their garden. Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) allows for the construction of out buildings within the residential curtilage (as long as they are not within the curtilage of a listed building). Therefore, there is the potential for 4m high out buildings to be constructed in this area which would reduce the open appearance of the site but would not require planning permission. In addition, there are already properties located in close proximity to the Mount within Hillview Road. It would be difficult to argue that the current proposal would have a significantly detrimental effect on the setting of the Mount considering existing relationships between the Mount and residential properties in Hillview. It is considered that a good level of tree and shrub planting as a buffer would ensure that the Mount would not be detrimentally affected by the proposed new houses. Whilst this would have the potential to set a precedent, each case must still be considered on its individual merits.
- 5.54 Bearing in mind that this area is currently residential garden where out buildings could be constructed, it is designated residential within the Local Plan 2006, views of the application site can only be achieved from the footpath alongside the site, not from the top of the Mount and because buffer planting controlled by planning condition could adequately mask the houses from the Mount it is not considered reasonable to refuse the application on the basis of a detrimental impact of the proposal upon the Conservation Area.
- 5.55 Policy BC2 of the Local Plan 2006 considers demolition in Conservation Areas. The proposal includes the demolition of an existing garage. An application for Conservation Area consent was considered and refused in 2012 for such a proposal. Since this application was determined a subsequent application was submitted but withdrawn for the same proposal. The reason for its withdrawal was because it became apparent that such consent was not required to demolish the building as it is less than 115 cubic metres in volume. As such, consent would not be required anyway; it would unreasonable to strictly apply policy BC2 to the proposal. Demolition of a domestic garage is not considered objectionable here.
- 5.56 Historically, when considering other applications for residential development at this site, the Ancient Scheduled Monument was identified as being partly within the site of 35 London Hill. A supporting letter with this application confirms that English Heritage has reviewed this position and the site of No. 35 is no longer within the boundaries of the Ancient Scheduled Monument. Its

consultation response reflects this position. On this basis, the current situation has changed in comparison to the view reached on previous applications, particularly a 1985 application which was dismissed at appeal. It is no longer considered to be the case that the proposal would have a detrimental impact upon the setting of this Scheduled Ancient Monument. Neither ECC Historic Buildings Adviser or English Heritage consider that the development would detract from the setting of the Mount.

### **Drainage**

- 5.57 Policy UT2 of the Local Plan 2006 requires the development to connect to mains sewerage which is confirmed would be the case within the application form submitted with the application. Anglian Water has been consulted on the application but has no comment to make; it does not usually provide comment for proposals for 10 dwellings or less.
- 5.58 Policy DM28 of the Development Management Submission Document (unadopted) requires submission of a flood risk assessment in cases where there is a perceived risk of flooding from surface water run-off arising from the development of 10 residential units or fewer. This document is unadopted so can only be given limited weight. Due to the sloping nature of the land at this site there is the potential for surface water flooding from the development towards London Hill. A flood risk assessment should be required by condition outlining sustainable drainage and other drainage methods to address any potential surface water flooding.

### **Parking**

- 5.59 The Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010 requires that for dwellings with two or more bedrooms, a minimum of two parking spaces should be provided off street per dwelling. Such spaces should also measure 2.9m x 5.5m or if they are provided within a garage the internal measurements should be 7m x 3m in order for spaces to be considered usable. The 3 new dwellings would have 3 driveway spaces each measuring 5.5m x 2.9m and 3 garage spaces each measuring 5.5m x 3.5m. The driveway spaces would comply with the Parking Standards document.
- 5.60 The garage spaces would not strictly adhere to the guidance in terms of the length, but would exceed the width criteria. Paragraph 3.4.14 of the Parking Standards document states that 'garages need to be large enough to accommodate a modern, family sized car and some storage' and 3.4.16 goes on to state when referring to the 7m x 3m measurement that 'garages of the above dimension and over are considered large enough for the average sized family car and cycles, as well as some storage space'. Two of the garages, serving plots 2 and 3 would have bike stores to the back of the garages and a log store. Considering that the 7m length is to allocate for this type of storage which has already been allocated for on two of the plots; this is considered

acceptable and the garages to these plots are considered usable parking spaces. A log and bicycle store is proposed to plot 1 within the garden area of this plot which is considered acceptable.

- 5.61 The existing dwelling would have two garages one measuring 6.5m x 5.5m and another measuring 5.5m x 3.5m. The single garage would have a separate log and bike store similar to plots 2 and 3 and the double garage would have a separate log store. It is considered that the proposed single and double garages whilst below the length criteria would provide usable parking spaces at this site for the 2 off-street parking spaces required for the reasoning outlined for the other 3 plots above. There would also be potential parking provision on the driveway to the existing dwelling. Sufficient cycle spaces are provided for all plots.
- 5.62 The Parking Standards document also requires the provision of visitor parking (unallocated) at 0.25 spaces per dwelling (rounded up) which on this site would equate to 1 visitor parking space. The proposed parking layout provides 3 visitor parking spaces measuring 5.5m x 2.9m. The visitor parking space to the existing dwelling would not be accessible to the other plots. The two spaces close to the 3 new dwellings are labelled as being for plots 1 and 2. It is unlikely that the other plots would use the one directly to the front of plot 2 however, plot 1 and 3 could share the space labelled as 'Plot 1 V.P'. Visitor parking should also include space for two powered two wheelers and one visitor space should be to a disabled bay size standard. There is capacity within the layout for the parking of powered two wheelers and specific spaces could be required by planning condition. The visitor space labelled as 'Plot 1 V.P' could be increased to disabled bay standard by planning condition without interfering to a detrimental extent with the private access.

### **Access**

- 5.63 Much concern has been raised by local residents with regard to the access to the site and highway safety. ECC Highways does not object to the proposal but suggests planning conditions be attached to an approval to, among other things, ensure safe access to and from the site. One of these is a visibility splay with dimensions of 2.4 metres by 33 metres to the west and 2.4 metres by 30 metres to the east. The initial visibility splay distance suggested ECC Highways was queried by officers with ECC Highways as it did not appear that this could be achieved here. As a result ECC Highways revisited its suggested splay sizing several times, as shown in its consultation responses, and concluded on the measurements referred to above as being the appropriate required sight splay. In order to provide this to the south of the access the frontage to No. 33 has been shown within the site boundary. This is currently within the ownership of No. 33. A planning condition requiring this visibility splay to be provided should be attached to an approval and it would then be for the landowners to resolve the ownership matter to ensure this can be provided for here. If it cannot be provided then the permission could not be implemented. This area to the front of No. 33 is currently used a driveway and



front garden with a wall which extends into the splay. This wall would need to be removed to allow for the splay and any parking on the driveway would need to be clear of the splay. A planning condition should be imposed to ensure that sufficient walling is installed to replace that removed on the line of the splay from a design perspective. Whilst the driveway to No. 33 would be reduced in length, it is not currently of a depth which would allow for the parking of two vehicles anyway. The driveway would be reduced in depth to 6.1m which would still meet the 5.5m length criteria within the Parking Standards document. It may also be possible for the additional land No. 33 would acquire from No. 35 to be used as an extended driveway. Because such a visibility splay could be achieved at the site and controlled by planning condition and ECC Highways do not object to the proposal on highway safety grounds it is not considered that the Council would be justified in refusing the application on the basis of highway safety.

- 5.64 The driveway width is currently shown as 5m. ECC Highways suggests a condition requiring this to be 5.5m for the first 6m which could be achieved here. 1.5m x 1.5m pedestrian visibility splays outside of the access could also be provided as required by a suggested condition of ECC Highways. The gradient required for the entrance could also be controlled by planning condition.
- 5.65 The other conditions suggested by ECC Highways could be included within an approval where they are considered reasonable.
- 5.66 The site is located within a sustainable location within easy walking distance of Rayleigh town centre where public transport, including Rayleigh train station, are available. Therefore the site's location reduces reliance on the private car and is well related to public transport in accordance with policies T1 and T3 of the Core Strategy.

#### **Open Space, Play Space and other issues**

- 5.67 Policies CLT5 and CLT7 of the Core Strategy require the incorporation of new public open space and play space within residential developments. However, the proposed dwellings and existing dwelling would have sizeable gardens and are located in walking distance of Rayleigh High Street where King George's Playing Field is located. For this reasoning, it is not considered reasonable to require specific space to be provided for at this site.
- 5.68 It is not considered that any financial contributions towards education or healthcare are required due to the modest quantity of dwellings proposed. ECC Highways has not requested a financial contribution towards works to the highway.

## 6 CONCLUSION

- 6.1 In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

## 7 RECOMMENDATION

- 7.1 It is proposed that the Committee **RESOLVES**

**To REFUSE** this application, for the following reason:-

- 1 Lack of information has been provided within this application regarding the feasibility and methodology of works to construct the access in such close proximity to T2 walnut tree, which is subject to Tree Preservation Order Reference TPO/00008/13. This tree is located within a prominent position of London Hill, a well used Class III classified road connecting Rawreth to Rayleigh/Hockley and linking to Rayleigh High Street. The tree is also located within the Rayleigh Conservation Area. Without such information it is not possible for the Council to be confident that the tree, which provides good amenity value to London Hill and the Conservation Area, will not be irreparably harmed by the proposal. Policies DM1 and DM25 of the Development Management Submission Document (unadopted) require proposals to protect existing trees such as this within developments or to provide appropriate mitigation, the proposal is considered to be contrary to the aspirations of these policies.

The NPPF at paragraph 118 explains that when determining applications, local planning authorities should aim to conserve and enhance biodiversity. It goes on to explain that planning permission should be refused for development resulting in the loss of aged or veteran trees found outside ancient woodland unless the need for, and benefits of, the development in that location clearly outweighs the loss. Whilst the proposal does not include removal of T2, it does not provide adequate information to ensure that its longevity will be secured. Without such information, the proposal could potentially result in the loss of this aged tree not necessarily immediately but in the future which is precisely what the NPPF at paragraph 118 seeks to avoid. It has not been demonstrated by the applicant nor indeed is it considered to be the case by the Council that the potential eventual loss of such tree would be outweighed by the benefits of the proposal in that location.



Shaun Scrutton

Head of Planning and Transportation

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### **Relevant Development Plan Policies and Proposals**

HP6, HP10, BC2 and UT2 of the Rochford District Replacement Local Plan 2006.

H1, H5, H6, CP1, CP2, ENV1, ENV9, CLT1, CLT2, CLT3, CLT5, CLT6, CLT7, CLT8, T1, T3, and T8 of the Core Strategy 2011

DM1, DM2, DM3, DM4, DM5, DM8, DM25, DM26, DM27, DM28 and DM30 of the Development Management Submission Document (unadopted)

National Planning Policy Framework (NPPF)

Parking Standards Design And Good Practice Supplementary Planning Document (Adopted December 2010).

Supplementary Planning Document 2 – Housing Design (2007)

Supplementary Planning Document 6 – Design Guidelines for Conservation Areas (2007)

Rayleigh Conservation Area Appraisal and Management Plan (2007)

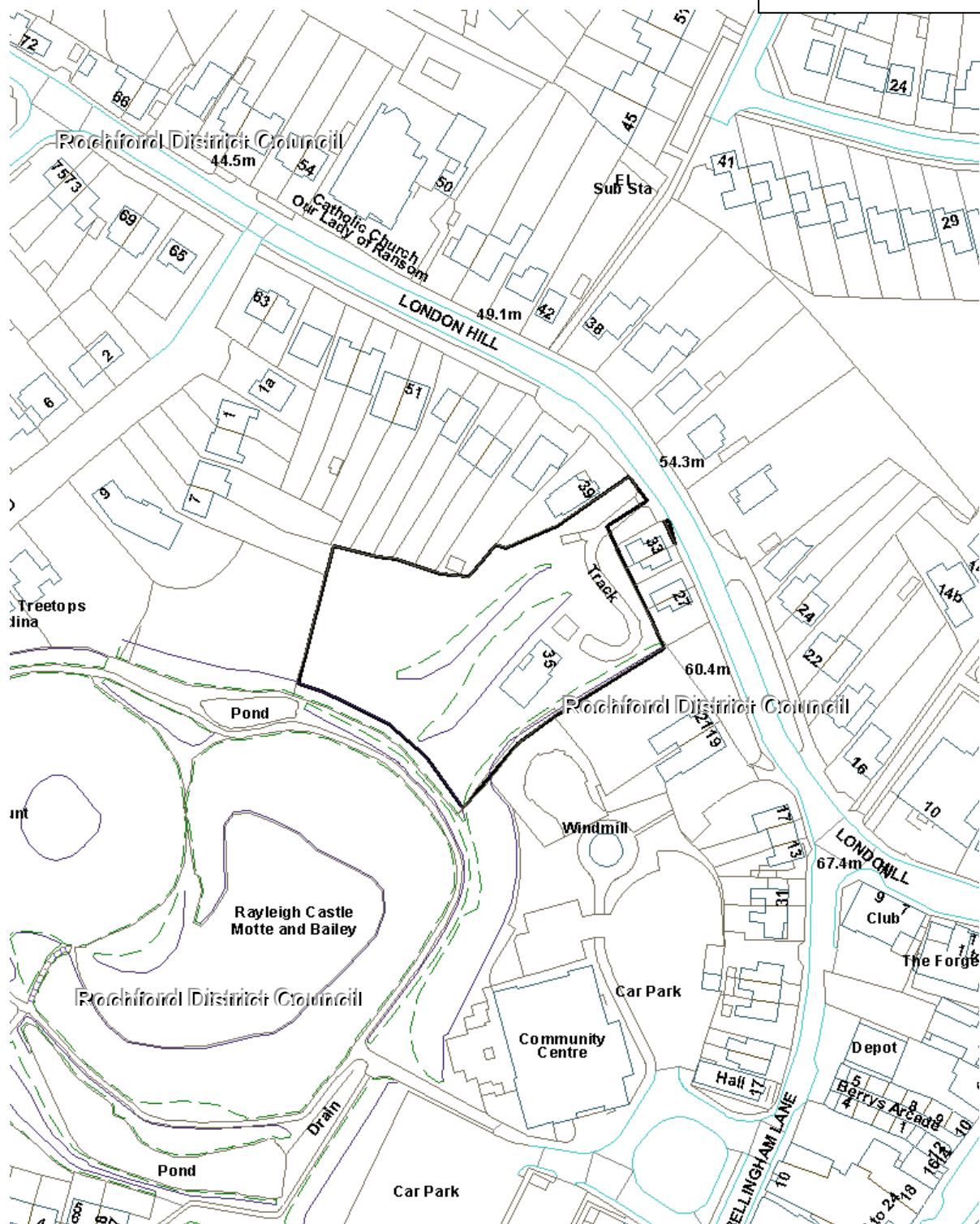
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NTS