



Rochford District Council

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY
PLANNING SERVICES COMMITTEE 31st July 2003**

All planning applications are considered against the background of current Town and Country Planning legislation, rules, orders and circulars, and any development, structure and locals plans issued or made thereunder. In addition, account is taken of any guidance notes, advice and relevant policies issued by statutory authorities.

Each planning application included in this Schedule is filed with representations received and consultation replies as a single case file.

The above documents can be made available for inspection as Committee background papers at the office of Planning Services, Acacia House, East Street, Rochford.

If you require a copy of this document in larger print, please contact the Planning Administration Section on 01702 – 318191.

PLANNING SERVICES COMMITTEE - 31 July 2003

RAYLEIGH CENTRAL

Cllr R G S Choppen

Cllr A J Humphries

TRINITY

Cllr K A Gibbs

Cllr J E Grey

WHEATLEY

Cllr J M Pullen

Cllr Mrs M J Webster

WHITEHOUSE

Cllr S P Smith

Cllr P F A Webster

PLANNING SERVICES COMMITTEE 31st July 2003

DEFERRED ITEM

- D1 03/00108/FUL Mr Peter Whitehead PAGE 5
Erect 6-Bed Two Storey Dwelling with Rooms in Roof
(Revised and Retrospective Application Following
Permission 99/00638/FUL)
12 Leslie Road Rayleigh Town Rayleigh

REFERRED ITEM

- R2 03/00387/COU Miss Deborah Seden PAGE 12
Change of Use of Highway Land to Form Part of
Residential Curtilage
Land Adjoining 240A - 242 Eastwood Road Rayleigh

SCHEDULE ITEMS

- 3 03/00167/REM Miss Deborah Seden PAGE 15
Erection of 2 no. Detached Dwelling Houses and
Garages, Together with Amendments to Access
(Reserved Matters Application Following Grant of
Outline Permission Under Ref. 01/00335/OUT)
28 Western Road Rayleigh Town Rayleigh
- 4 02/00617/FUL Mr Leigh Palmer PAGE 24
Erect Two Storey Building Comprising 76 Bed Elderly
Residential Care Home Layout Access and Parking
Land Opp. Cemetary Hockley Road Rayleigh
- 5 SOS/00884/FUL Mr Leigh Palmer PAGE 36
Construct Link Road Across Fossetts Farm
Part of Fossetts Farm Fronting Fossetts Way, Rear of
Wellesley Hospital Fossetts Way Southend

- | | | | |
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| 6 | 03/00418/GD | Miss Deborah Seden | PAGE 40 |
| | Erect Prefabricated Maintenance/Classroom Block
and Workshop Extension
Bulwood Hall Prison Bullwood Hall Lane Hockley | | |
| 7 | 03/00423/FUL | Mr John Wood | PAGE 44 |
| | Demolition Of Existing Bungalow. Erection Of Four
Houses And Associated Garages (Resubmission).
232 Eastwood Road Rayleigh Essex | | |

PLANNING SERVICES COMMITTEE - 31 July 2003 Item D1
Deferred Item

TITLE : **03/00108/FUL**
 ERECT 6-BED TWO STOREY DWELLING WITH ROOMS IN
 ROOF (REVISED AND RETROSPECTIVE APPLICATION
 FOLLOWING PERMISSION 99/00638/FUL)
 12 LESLIE ROAD RAYLEIGH

APPLICANT : **MR V GRIFFIN**

ZONING : **RESIDENTIAL**

PARISH: **RAYLEIGH TOWN COUNCIL**

WARD: **RAYLEIGH CENTRAL**

Deferred Report

- 1.1 This item was deferred from the last meeting for a Member site visit. That has now taken place.
- 1.2 To assist Members, the item and plan as they appeared previously is repeated below.

PLANNING APPLICATION DETAILS

- 1.3 Permission was granted under ref. 99/00638/FUL for the demolition of the existing bungalow and the erection of a replacement four bed detached house with integral garage.
- 1.4 When the new dwelling was under construction, it came to the Council's notice that the building was materially different to that approved under ref. 99/00638/FUL. The differences may be summarised as:
- Amendments to the approved roof design, and enlargement of the roof
 - The provision of windows in the flank walls, serving rooms in the roofspace
 - The provision of french doors and a balustrade detail to the first floor rear elevation
- 1.5 It was also queried whether the overall height of the roof had increased. However, measurements taken by Planning Enforcement Officers confirmed that this was not the case. Overall, however, the extent of changes to the building were considered significant; certainly not the sort of cosmetic changes that could be dealt with as minor amendments under the existing permission. These matters were pointed out to the applicant/developer, and he was advised that any further work undertaken to the property was at his own risk.

- 1.6 The current application proposes to regularise the situation, by seeking planning permission for the house as constructed.
- 1.7 NB: It has also be noted that there are a number of other minor differences between the house as approved, and built. These relate to changes to the window/door pattern at ground floor, and the use of brick to the flank wall of a conservatory in lieu of glass. These matters can be dealt with as minor amendments.

RELEVANT PLANNING HISTORY

99/00638/FUL - Demolish existing bungalow and erect replacement four bed detached house with integral garage

CONSULTATIONS AND REPRESENTATIONS

- 1.8 **Rayleigh Town Council** - no objection
- 1.9 **Essex County Council (Highways)** - *de minimis*
- 1.10 Rayleigh Civic Society - no comment
- 1.11 A total of 14 letters from seven addresses in Leslie Road have been received in response to the neighbour consultation. All the addressees object to the current proposal. The following are the broad grounds of objection:
- The property does not fit in
 - The property is too big and dwarfs the properties around it
 - Concern that the building could be converted into flats
 - Overlooking, from the 'patio doors' to the first floor rear elevation and from the additional windows in the flank elevation. Concern that a flat roof could be used as a balcony area, reach via these patio doors.
 - The property should have been restricted to 4-beds
 - Car parking
 - Drainage problems

MATERIAL PLANNING CONSIDERATIONS

- 1.12 Permission was granted in 1999 for the erection of a four bedroom house, ref. 99/00638/FUL. The local planning authority, therefore, approved a house of the scale, height and siting illustrated on the plans accompanying that application.
- 1.13 The current application relates to the house as built, which differs from the house granted permission under the above permission. The differences between the house as approved and as built are as follows:

1. The roof has been amended. The cropped hips have been reduced resulting in and the scale of the roof being enlarged
2. 2no. windows have been provided in each flank elevation, providing light to rooms in the original roofspace.
3. French doors and a balustrade feature has been provided to the master bedroom, at first floor to the rear

- 1.14 In assessing this application, due attention must be paid to the fact that permission has already been granted for a house under ref. 99/00638/FUL. The sole focus, therefore, is the acceptability, or otherwise, of the differences between the two schemes, as approved and as now built.

Amendments to Roof

- 1.15 Leslie Road is characterised by a mixture of bungalows, chalets and houses. A number of new houses have been erected in recent years.
- 1.16 It is fair to say, though, that the application property has the greater visual impact than any other single dwelling in the street scene. The reasons for this are twofold.
- 1.17 As noted earlier, the overall height of the property as built is the same as that previously permitted at 8.9m. Two storey dwellings are normally between about 8.5m-9.0m in height, so the dwelling itself is not unusually high. This said, the house as originally permitted and as now built is considered to be slightly higher than other properties in this part of Leslie Road.
- 1.18 The application site sits between two chalet type properties. No. 10, immediately to the West of the site, is situated on roughly the same 'building line' as the application property relative to the road. Whilst this is also true of No.14, and its neighbour No.14a, lying immediately to the East of the site, the front portion of both of these properties consists of a deep flat roofed double garage. The consequence of this is that, as viewed from the East, the bulk of the flank elevation of the application property is apparent in the street scene. (If the property is looked at from the West, on the other hand, much of the flank elevation is concealed by No.10.)
- 1.19 The change to the roof comprises an alteration to the hipped roof detail. This is best described pictorially, but the basic alteration is as follows: As approved, the eaves of the hips to the flank elevations commenced at 7.4m above ground. However, when the house was constructed a further 0.6m of brickwork was added to each flank wall, such that the eaves of the hips are set at 8.0m above ground.
- 1.20 The consequence of this amendment is that the hips are smaller than approved, and the roof is correspondingly larger as is the height of the side walls of the house by 0.6m.

- 1.21 In terms of compatibility, the question is whether the additional area of roof renders the property out of scale with those around it or not.
- 1.22 Although the property is already substantial, the change to the roof is considered modest in itself. As discussed above, the flank elevation of the dwelling is prominent from the East. However, it is not considered that the degree of alteration to the roof demonstrably adds to the dwellings overall visual impact or scale. Also the road is tree lined, and for the greater part when these street trees are in leaf there are not long views of the property in the streetscene.

Additional Windows

- 1.23 The house as built contains an additional two bedrooms in the roofspace, increasing it from a four bed to a six bed house. The house complies with the Council's parking standards, having a single garage plus space for 3 cars on a hardstanding to the front irrespective of the number of bedrooms.
- 1.24 However, the ramification of providing rooms in the roofspace has been the enlargement of the roof, as discussed above, plus the provision of 3 no. velux rooflights in the rear roofslope.
- 1.25 The velux rooflights, facing rearwards, do not give rise to an overlooking problem, and are considered acceptable.
- 1.26 The windows in the flank elevations, however, could result in overlooking of the adjoining properties. As installed, the windows are obscure glazed but are not, it is understood, fixed shut. Subject to the imposition of a planning condition requiring their alteration to this end, the provision of the windows is considered acceptable.
- 1.27 It is true that the presence of the windows does draw attention to the fact that the property is three storey. No other houses with loft conversions are apparent in this part of Leslie Road, so No.12 may be unique in being three storey. The question, though, is whether the presence of the windows causes any actual harm. There is an argument that the presence of the windows actually adds interest to what would otherwise be a pretty featureless flank elevation. Whether this argument is persuasive or not, it is not considered that the presence of the windows causes demonstrable harm.

French Doors and Balustrade Feature

- 1.28 A pair of French doors have been provided to the first floor rear elevation. When these were originally provided, a balcony feature was also fitted to the rear wall. The projection of this was modest, but still such that occupiers could have stood on it. It is considered that this balcony feature had the potential to allow the overlooking of neighbouring properties.

- 1.29 This balcony feature has been removed and replaced by a balustrade that projects very little beyond the rear wall of the dwelling. It is not considered that this balustrade, together with the French doors, reasonably permits any more overlooking than a conventional window.

CONCLUSION

- 1.30 The application has resulted in a large number of objections from residents in Leslie Road, and those representations have been given careful consideration. Many of those objecting take the view that the dwelling as built is out of scale with other properties in Leslie Road.
- 1.31 The dwelling as built is clearly substantial in relation to other properties in the road. However, the property as approved was also substantial.
- 1.32 Determination of this application must focus upon the differences between what was originally approved and what has been built:
- 1.33 Do the amendments to the roof tip the balance from a dwelling previously considered acceptable to one that is now out of scale with those around it? Do the windows to the flank elevation materially add to the building's impact, or otherwise cause harm? Does the balustrade feature to the rear cause overlooking?
- 1.34 These questions have all been considered in some detail.
- 1.35 The conclusion is that the changes to the roof and the insertion of the additional windows to the flank elevations are not themselves such to render the dwelling out of scale with other dwellings in the road, or otherwise cause harm. Moreover, it is concluded that the balustrade feature now fitted does not demonstrably give rise to overlooking.
- 1.36 Given these conclusions, a recommendation of approval is made.

RECOMMENDATION

- 1.37 It is proposed that this Committee **RESOLVES** to **APPROVE** the application, subject to the following conditions:
- 1 Within a month of the date of the permission hereby granted, details of a method to permanently fix shut all windows to the flank elevations of the dwellinghouse hereby approved below a height of 1.7m above the floor level of the floor to which they relate shall be submitted and approved in writing by the local planning authority. These windows shall then be fixed shut in accordance with the approved details within two months of the date of this permission. The windows shall thereafter remain fixed shut as approved, and remain glazed with obscured glass, throughout the lifetime of the development.

- 2 SC22 A PD Restricted - Windows
- 3 SC81 Garage & Hardstanding
- 4 The permission hereby granted relates to the plans drawing no DMG/01/263C which includes a balustrade arrangement to the rear of the first floor bedroom. This balustrade shall be fixed tight to the rear plane of the building such that no entry or exit is possible through the "French Doors". Thereafter, it shall be retained in this form.

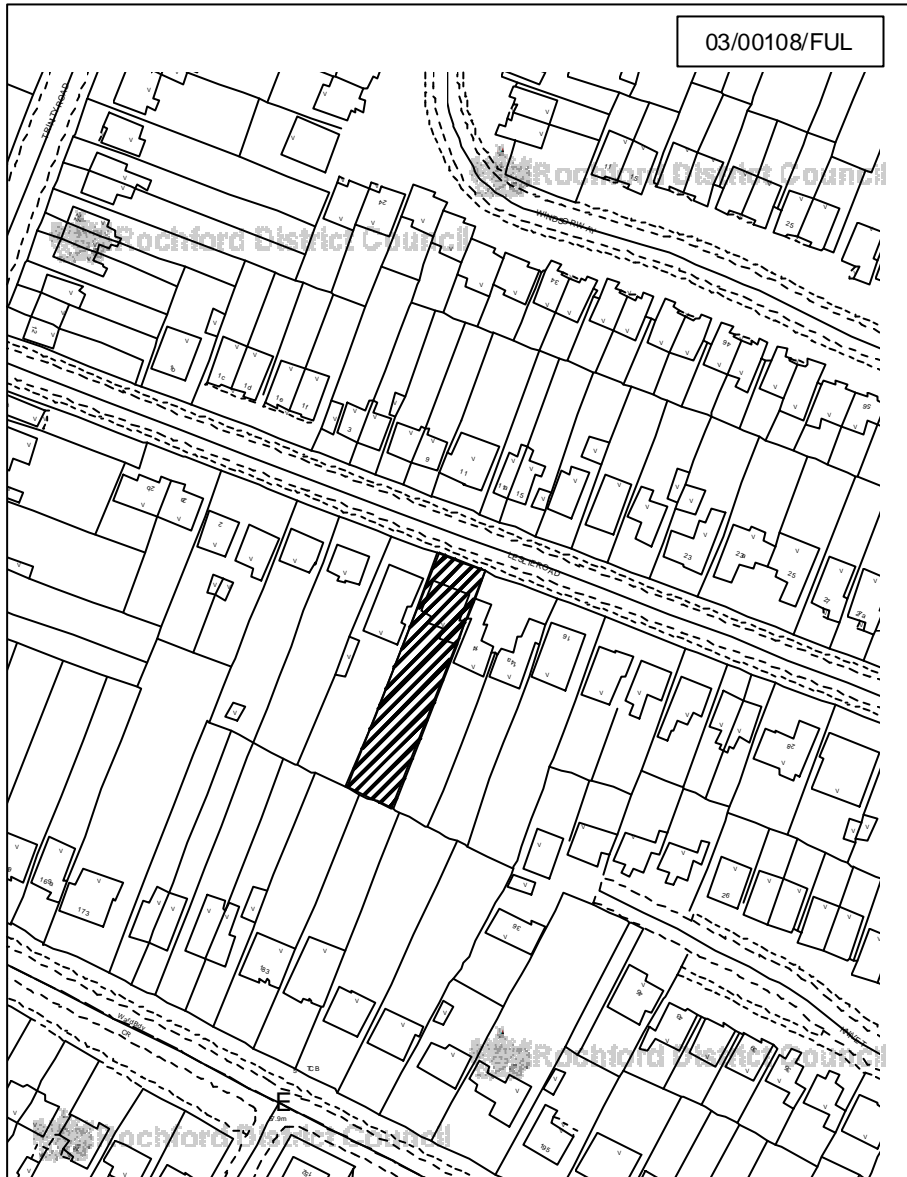
Relevant Development Plan Policies and Proposals

H11 of the Rochford District Local Plan First Review



Shaun Scrutton
Head of Planning Services

For further information please contact Peter Whitehead on (01702) 546366.



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PLANNING SERVICES COMMITTEE - 31st July 2003 Item R2
Referred Item

TITLE : **03/00387/COU**
 USE OF LAND AS PART OF GARDEN CURTILAGE
 LAND ADJOINING 240A-242 EASTWOOD ROAD RAYLEIGH

APPLICANT: **MR AND MRS L WILLIAMS**

ZONING: **RESIDENTIAL**

PARISH: **RAYLEIGH TOWN COUNCIL**

WARD: **WHITEHOUSE**

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

This application was included in Weekly List no. 682 requiring notification of referrals to the Head of Planning Services by 1.00pm on Tuesday 8th July 2003, with any applications being referred to this Meeting of the Committee. The item was referred by Cllr P F A Webster.

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

- 2.1 **Rayleigh Town Council** – object to the removal of highway rights on the land. It is believed that if the rights on this piece of land are removed it will set a precedent to surrounding corner properties. It was noted that the vehicular access to the property was in Southview Close, vehicular movements onto Eastwood Road should not be necessary.

NOTES

- 2.2 The proposal seeks permission for the change of use of this area of grass verge to form part of the residential curtilage of 240A-242 Eastwood Road.
- 2.3 The highway authority has raised no objection to this proposal and it would not conflict with sight splays. In terms of the street scene the inclusion of this piece of land as domestic curtilage would not dramatically alter its appearance and as such would be acceptable. There is a significant tree on the site of amenity value which is addressed through condition.
- 2.4 **County Surveyor (Highways)** has no objection to the application

APPROVE

- 1 SC4Time Limits Full - Standard
- 2 The tree located within the area hatched on the approved plan number 83/11/149 dated 16th May 2003 shall not be lopped, topped, cut down, up rooted or destroyed without the prior written agreement of the Local Planning Authority.

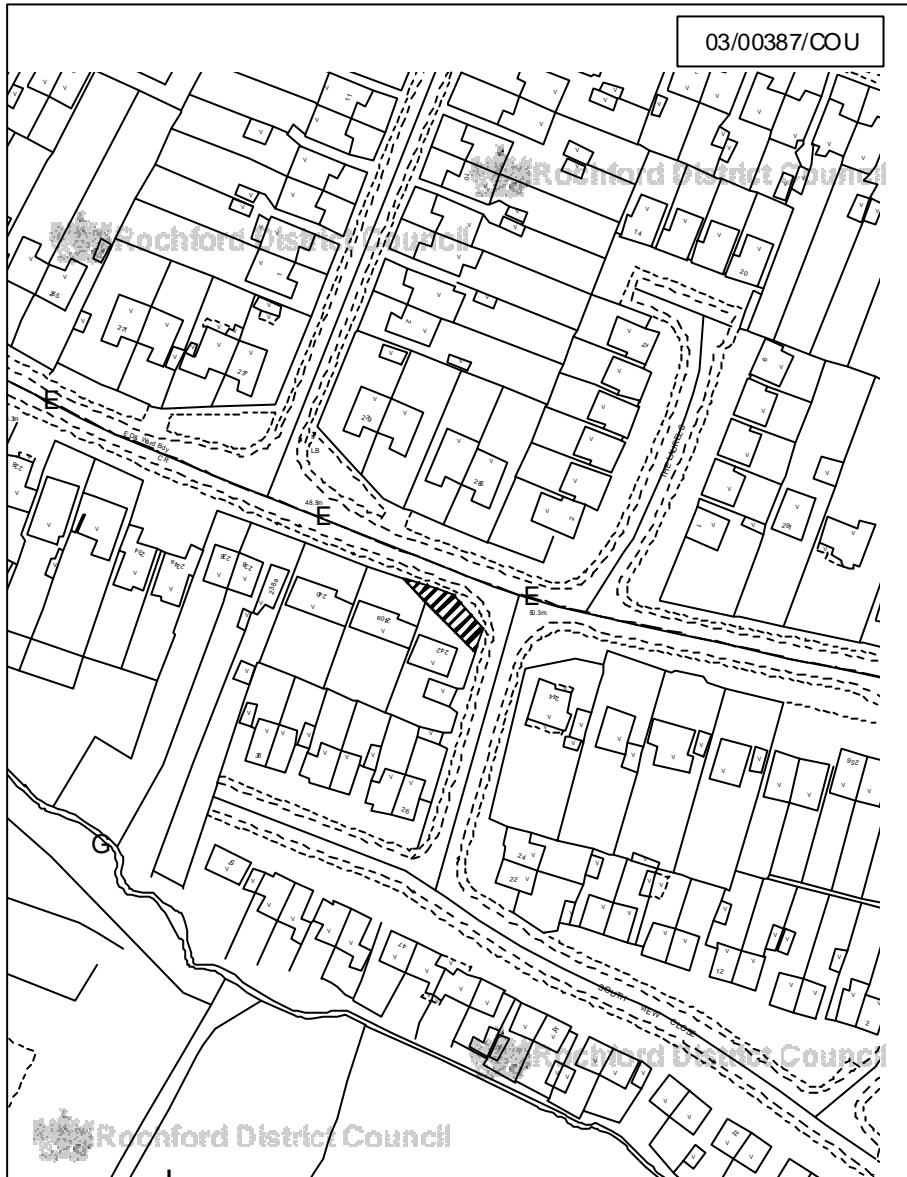
Relevant Development Plan Policies and Proposals:

H26 of the Rochford District Local Plan First Review



Shaun Scrutton
Head of Planning Services

For further information please contact Deborah Seden on (01702) 546366.



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TITLE : **03/00167/REM**
ERECTION OF TWO DETACHED DWELLING HOUSES AND
GARAGES TOGETHER WITH AMENDMENTS TO ACCESS
(RESERVED MATTER APPLICATION FOLLOWING OUTLINE
PERMISSION 01/00335/OUT)
28 WESTERN ROAD RAYLEIGH

APPLICANT : **MR L G BRIGGS**

ZONING : **RESIDENTIAL**

PARISH: **RAYLEIGH TOWN COUNCIL**

WARD: **WHEATLEY**

PLANNING APPLICATION DETAILS

- 3.1 This application is a reserved matter application following an outline approval for this site. The original outline application had reference OL/0697/97/ROC and this was renewed as reference 01/00335/OUT. The renewal of the outline permission reserved all matters, that is siting, design, external appearance and access.
- 3.2 The outline applications agreed the principle of the provision of two detached houses and garages. Therefore the current reserved matter application sets out the details of the scheme with respect to siting, design, external appearance and access as well as providing details of how the site is to be enclosed.
- 3.3 The development is for two detached houses to be built to the front of the property known as 'Treehurst' (28 Western Road). The application site is a substantial open area to the front of the site. Apart from this gap the street scene of Western Road is characterised by large detached dwellings.
- 3.4 The access serving 'Treehurst' and the adjacent house would be through the centre of the site and a new dwelling positioned either side fronting onto Western Road. Each of these dwellings would have separate access from Western Road.
- 3.5 The northern and southern boundaries of the site are defined by well established pollarded poplars.
- 3.6 To the front of the site Western Road contains an avenue of attractive Lime trees. These are protected under Tree Preservation Order 12C/84.

RELEVANT PLANNING HISTORY

ROC/721/84 – Planning permission APPROVED to erect a detached six-bedroom house with adjoining garage.

F/0214/90/ROC – Planning permission was APPROVED to erect a 4 Bed detached house on land adjacent to the dwelling approved in 1984. This permission was granted in conjunction with a legal agreement preventing the trees on the northern and southern boundaries of the site being cut down, topped, lopped, uprooted or removed without the prior written consent of the council and any tree which is lost shall be replaced with a tree of an appropriate size and species.

F/142/96/ROC – Planning permission REFUSED to enclose the frontage of 28 Western Road with metal railings incorporating gates and brick piers. The siting and design and their foundation construction was considered to be detrimental to the well being of the mature Lime Trees protected under TPO 12C/84.

F/0386/96/ROC – Revisions to the above proposal were made and APPROVAL was given for enclosure.

OL/0697/97/ROC – Outline application to erect two detached houses with garages (provide alternative access driveway to existing dwellings). This application was APPROVED.

01/00335/OUT – Outline application to erect two detached houses with garages (provide alternative access to existing dwellings) (renewal of permission OL/0697/97/ROC). This application was APPROVED with all matters being reserved, namely siting, design, external appearance and access.

CONSULTATIONS AND REPRESENTATIONS

- 3.7 There have been four neighbour representations received. The main points raised are:
- The stated distance on the plan is given as being 1.8m from the boundary to the proposed dwelling;
 - According to the council's original report under planning history F/0214/90/ROC it is stated that the distance from the boundary to the TPO covered trees should be 2.75m and not 1.8m as proposed.
 - The garage should be 1.75m from the boundary as a separate building;
 - See no reason why there should be more than one access from Western Road to serve the dwellings;
 - Large walls and iron gates are unsightly and should not be allowed, the rural setting of Western Road should be preserved;
 - The whole scheme clearly contravenes policy H8 where it is stated that such tandem and obtrusive development will normally be refused;

- The gates proposed are far too large and clearly spoil the open frontage of Western Road frontage and would set a precedent;
- If the gates are approved then the height should be restricted;
- The gates should be constructed at the end of the proposed driveway directly in front of the two existing houses;
- Application F/0142/96/ROC was refused relating to double gated and brick piers;
- Why is the building line so far forward on the plans for the garages and buildings?

- 3.8 **Rayleigh Town Council** had no objection to the application.
- 3.9 The **Head of Housing Health and Community Care** has no adverse comments in respect of this application subject to SI16 (Control of Nuisances) being added to any consent granted.
- 3.10 **Buildings/Technical Support** has no objections or observations.
- 3.11 **County Surveyor (Highways)** considers the application to be de Minimis.
- 3.12 **Rayleigh Civic Society** say that they are unable to make any comment as they did not have a copy of drawing 1403.4, site layout plan.
- 3.13 **Woodlands/Environmental Consultations**
There are five protected Limes to the front of the site and the two access points from Western Road are to be created between the protected Lime trees. With suitable no dig construction of these access points and a method statement to ensure the protection of the trees the access could be achieved without serious threat to the trees. There are a number of trees along the Southern Boundary that are outside the plot, in the adjacent residence. Only the Cedar trees along this boundary are protected.
- 3.14 *Following submission of Tree/Landscape/Ecological Preliminary Implications Survey –*
The report submitted in support of the development at this site successfully highlighted the condition of and status of all the trees on site and the potential effects the development may have on them.
- 3.15 With regard to the ecological implications it stated what further survey works are required with reference to woodpeckers and bats using the Poplars to the two flanks of the site. It fully covered both the potential tree issues and wildlife concerns in that it highlighted what further reports, method statements and landscape designs are required/should be provided. Suggested that the information that the consultant says is required is completed and submitted to the authority for assessment.
- 3.16 *Comments on Bat Survey –* All salient points covered. No bat roosts present, no bat related problems and therefore poplars can be removed.

MATERIAL PLANNING CONSIDERATIONS

- 3.17 The application site falls within an area allocated for residential development in the Rochford District Local Plan First Review.
- 3.18 In terms of key material considerations, the following are considered pertinent:
- The compatibility of the dwellings in the street scene;
 - Impact upon Neighbours;
 - Car parking and access;
 - Impact on protected trees; and
 - Enclosure of the site.

Compatibility

- 3.19 The site is situated on Western Road, which is characterised by large detached dwellings, and the new development will continue the existing built frontage along Western Road in an appropriate form and scale.
- 3.20 Numbers 34 and 26 are both two storey dwellings and the properties to the rear of the application site, 'Treehurst' (28) and the adjacent dwelling, are also large detached properties.
- 3.21 The submitted plans show two dwellings of identical footprint each having an overall height of 9.5m. Each house would have five bedrooms and a rear conservatory element.
- 3.22 In terms of scale, mass and height these dwellings are similar to those that surround them. It is considered that the proposed houses are in keeping with the development around them; indeed they blend in well with the development around them.
- 3.23 In street scene terms it is also pertinent to note that the front elevations of the dwellings are broken by projecting gables therefore providing difference and variety in the street scene.

Impact on Neighbours

- 3.24 It is noted that the proposal in its current form would bring the proposed dwellings closer to the boundary with the surrounding properties. This would be more significant for the relationship of Plot 1 to number 26 Western Road. The issue with respect to Plot 1 is that the dwelling would now be some 1.8m from the plot boundary rather than 2.75m as suggested in the outline application OL/0697/97/ROC. However, the renewal of the outline permission, 01/00335/OUT, reserved all matters and therefore the submission and consideration of a marginally different siting is quite appropriate.

- 3.25 Whilst the separation between the dwellings will be reduced the application being presented here is in accordance with Local Plan Policy on this matter and moreover it will not result in a loss of spaciousness in the street scene. An access way exists between the boundary of Plot 2 and number 34 thereby maintaining a large degree of separation in this instance. It is noted that this element of the scheme has raised neighbour concerns regarding impact on the protected trees on the boundaries of the site. This issue will be discussed separately further on in this report.
- 3.26 The dwellings do not project significantly beyond the front or rear elevation of the adjacent dwellings and therefore accord with the '45 degree rule' applied to two storey extensions to dwellings and as such would not lead to light loss to the main windows of the surrounding dwellings.
- 3.27 In terms of privacy and overlooking the proposal does not raise any significant concerns in this respect. There are not any first floor side windows proposed thus protecting the privacy of the adjacent neighbours. The dwellings to the rear have a separation distance of some 33m between Plot 2 and 'Treehurst' and in excess of 35m across the rest of the site.

Car Parking and Access

- 3.28 Car parking for each plot is proposed in the form of a double garage for each dwelling and an area of paving. This would create adequate parking provision for the five bedroom dwellings proposed.
- 3.29 The access arrangements proposed differ from those illustrated at the outline stage. However, as the outline permission reserved all matters it is acceptable for the authority to be presented with the scheme of access presented here.
- 3.30 The proposal seeks an access through the centre of the site to serve the existing dwellings to the rear of the site. The two detached dwellings that are the subject of this application will each have an access from Western Road.
- 3.31 These accesses are to be provided between the Lime Trees along the frontage of Western Road. These trees are protected under TPO 12C/84 and the construction of the accesses should be conditioned to incorporate protection of the trees and subject to this are an acceptable arrangement.

Trees

- 3.32 There are two groups of protected trees that require consideration as part of this application. These are the Lime trees that are the subject of Tree Preservation Order 12C/84. These trees are situated on the frontage of the site and form part of the avenue of Lime trees that extends along the full length of Western Avenue. The second group of trees is the pollarded Poplars that are situated along the northern and southern boundaries of the site. This group of trees are protected by a legal agreement.

- 3.33 The applicants tree survey (provided by OCA UK Limited) draws attention to the trees covered by the legal agreement. It describes these trees as over mature and being in a poor condition structurally. It is highlighted that many of the trees are hollow and in an advanced state of decay. Further the declining condition of the trees can be seen in the lack of re-growth normally associated with topped Poplars. It is suggested that the replacement of these trees would be the best solution regardless of the development proposal. The Council's own Woodland's and Environmental Officer does not dispute the issues and potential solutions set out in the Tree Survey provided.
- 3.34 Therefore the securing of replanting of these trees along both the Northern and Southern boundaries of the site through condition is thought to be appropriate. This would not conflict with the legal agreement that protects the trees, as this route would secure the Authority's approval in writing.
- 3.35 In terms of the buildings siting the submitted report suggests that the foundation design of the development can be achieved in such a way as to protect the root systems of the trees both on and off the site. Therefore a condition that requires the details of such a method to be agreed prior to the commencement of development is appropriate. Whilst it is noted that the proposal brings the buildings closer to boundary and thus the Poplar trees both the Woodlands and Environmental Officer and the applicant's Consultant feel that these trees have reached the end of their natural life. Therefore a suitable scheme of replanting combined with suitable foundation design (subject to Building Regulations) should ensure that screening is maintained on this boundary without any harm to trees.
- 3.36 With respect to the protected Lime trees at the front of the site the key issue is the provision of the two new access points on the frontage of Western Road. These access points would be positioned between the Lime Trees. The consultants report suggests that these access points will require a detailed method statement to ensure that the construction does not impact on the protected trees. The comments of the Woodland's and Environmental Officer concur with this and states that the no dig construction proposed would allow the accesses to be achieved without serious threat to the trees.

Enclosure

- 3.37 The outline permission for the site required the details of any enclosure to be submitted with the reserved matter application. In accordance with this the applicant has provided details of the gate and fencing proposed to the access that is proposed through the centre of the site.
- 3.38 The submitted plan indicates that a 2.3m metal gate, brick wall and brick piers are proposed facing onto Western Road. This feature would be set back some 10m from the road edge and would provide the entrance to the dwellings at the rear of the site.

- 3.39 This arrangement is preferable to that previously approved, F/0386/96/ROC, as the enclosure would be set back from the protected trees at the front of the site by some 8m and would also reduce its visibility within the street scene. Further this proposal is less ornate and whilst there are no other examples of gates along Western Road those proposed here would not be detrimental to the street scene of the locality.
- 3.40 Along the boundaries of the both Plot 1 and Plot 2 with the central avenue a 1.8m timber fence is proposed.

CONCLUSION

- 3.41 The dwellings proposed are of a good design and are considered to be acceptable within a street scene that is comprised of large detached dwellings. Further the siting proposed would not impact upon the neighbouring dwellings in such a way that there would not be any resulting loss of amenity.
- 3.42 There is sufficient car parking proposed with garages and areas for both parking and turning of vehicles. The access arrangements are acceptable and can be achieved without harm to the protected trees.
- 3.43 There has been no disagreement between the Authority's own Woodland and Environmental Officer and the Applicant's Independent Consultant with respect to the way forward for trees on the site.

RECOMMENDATION

- 3.44 It is proposed that this Committee **RESOLVES to APPROVE** the application subject to the following conditions:
- 1 SC14 Materials to be submitted
 - 2 SC22A PD Restricted – Windows
 - 3 SC60 Tree and Shrub Protection (Where TPO)
 - 4 SC76 Parking and Turning Space
 - 5 SC90 Surface Water Drainage
 - 6 SC91 Foul Water Drainage
 - 7 SC19 PD Restricted Fences Etc (Any other means of enclosure)
 - 8 No development shall commence before details of the foundation design and details of construction for both Plots 1 and 2 have been submitted to and agreed in writing by the Local Planning Authority.
 - 9 No development shall commence before a method statement for the construction of the new access points indicated on drawing 1403.4 dated 28th February 2003 has been submitted to and agreed in writing by the Local Planning Authority.

- 10 No development shall commence before a method statement for the re-planting of the trees on the northern and southern boundaries of the site, indicated by the hatched areas on plan 1403.4 dated 28th February 2003, has been submitted to and agreed in writing by the LPA. Thereafter no tree to which the scheme relates shall be lopped, topped, felled, uprooted or damaged without the prior written consent of the LPA. Any tree (including replacement trees) removed, uprooted, destroyed or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer or their successors in title, with species of the same type and size and in the same location as those removed, in the first available planting season following removal.

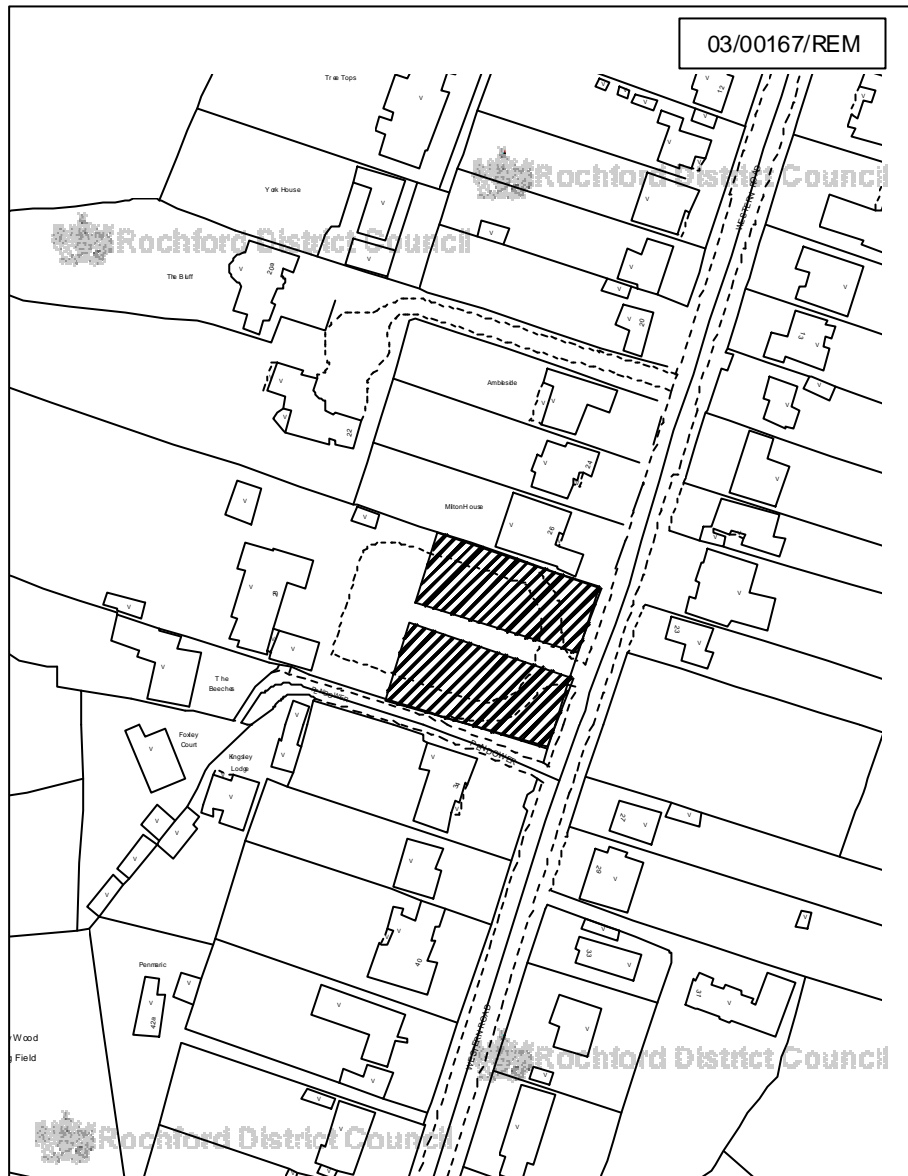
Relevant Development Plan Policies and Proposals:

H11, H24, H19, TP15 of the Rochford District Local Plan First Review



Shaun Scrutton
Head of Planning Services

For further information please contact Deborah Seden on (01702) 546366.



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NTS



TITLE : 02/00617/FUL
ERECT TWO STOREY BUILDING COMPRISING 76 BED
ELDERLY RESIDENTIAL CARE HOME, LAYOUT ACCESS
AND PARKING
LAND OPPOSITE RAYLEIGH CEMETARY HOCKLEY ROAD,
RAYLEIGH

APPLICANT : RUNWOOD HOMES PLC

ZONING : RESIDENTIAL

PARISH: RAYLEIGH TOWN COUNCIL

WARD: TRINITY

- 4.1 Members may recall this application being reported to committee on the 17th December 2002 with an officers recommendation that the application should be refused on the basis of:-
- impact on TPO tree unclear
 - lack of pedestrian provision
 - no adequate survey for reptiles.
- 4.2 The issues in the case were debated and the members resolved to defer consideration of this item in order to allow officers and the applicant time to address the points of concern.
- 4.3 With reference to the above points of concern;
- the impact of the proposal upon the TPO tree has now been clearly represented on the application drawings and it is considered that the proposed new building subject to suitable conditions that protect the tree during the construction period should not give rise to a any material concern and has the support of the County Council.
 - The pedestrian access has also been clarified however the off site works required to give a pedestrian safe route to and from the site remains to be controlled by way of a Legal Agreement (Section 106).
 - A reptile survey and mitigation strategy has now been supplied with the application and English Nature have no objections to the proposed development and are pleased to see that measure are in place to ensure that the protected species are retained on site.
- 4.4 **Rayleigh Town Council** has no objection to the proposal and the revised details.

- 4.5 **Woodlands and Environmental Section** Now that the survey information and mitigation strategy has been submitted, more comfortable with the proposal, however raises concerns that as this is a piecemeal development with other parts of the site to come forward for development in the future what would be the implications for the protected species then.
- 4.6 **Essex County Council Arboriculturist** Application land is covered by TPO 5/57, however the above TPO should not be affected by the proposal.
English Nature Note the survey and mitigation report and recommends that the retaining populations of native reptiles on site represents an adequate approach to the legislative issues regarding protected species on the site of the proposed development.

RECOMMENDATION

- 4.7 It is considered that given the changes and additional information to the application now being assessed that the proposal is acceptable in principle and **subject to the satisfactory Legal Agreement being entered into the Head of Planning Services be authorised to approve** subject to the following conditions:

Heads Of Legal Agreement:

- (i) Pedestrian footway/shared surface to be provided from the site to the existing highway network to allow pedestrian free unencumbered access to the site .
- (ii) Age of the occupant and or surviving spouse shall be limited to a minimum of 55

Conditions:

- 1 SC4 Time Limits Full - Standard
- 2 SC14 Materials to be Used (Externally)
- 3 No development shall commence before all reasonable steps have been taken to implement mitigation measures for all protected animal species on the site in with the Herpetological Survey and Mitigation Strategy dated May 2003 that accompanied this application. There shall be no translocation of species off site without prior written approval from the Local Planning Authority.
- 4 SC50 Means of Enclosure - Full (PD Restr)
- 5 SC59 Landscape Design - Details (Full)
- 6 No development shall commence before all existing trees subject to Tree Preservation Order TPO 5/57 and shown to be retained under this application have been protected by chestnut paling fencing erected at the full extent of the crown spread, which shall remain for the duration of the development hereby permitted. Such protective fencing shall be removed only when the full extent of the development (including all underground services and works) have been completed. Under no circumstances shall any equipment or materials (including displaced soil) be stored or buildings or structures erected (including site offices), nor shall any changes be made to the existing ground level within the area marked by the chestnut paling fencing.

- 7 SC90 Surface Water Drainage
- 8 SC91 Foul Water Drainage

Relevant Development Plan Policies and Proposals:

H11, H20, TP15, RC10 of the Rochford District Local Plan First Review

CS1, CS2, CS4, BE1, T6 of the Essex and Southend on Sea Replacement Structure Plan



Shaun Scrutton
Head of Planning Services

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

The previous report dated 17th December 2002 is attached for ease of reference.

PLANNING APPLICATION DETAILS

- 5.1 The development proposed is on land which has long had the benefit of planning permission for residential development. This proposal occupies a portion of that land, not much more than 20%, in the south east corner and is bounded to the south by residential development on Victoria Road (and behind it) and to the east by the public space of the Fairview playing field.
- 5.2 An 'H' shaped building is proposed, on two floors with a pitched roof. The building as a whole will measure some 46m in width and 44m in depth. It will have a height to the eaves of 5.3m and to the ridge of 8.8m. Hipped roofs are shown to all sides, but there are also two gable features to each side and one to the frontage.
- 5.3 Access is to be achieved from the Hockley Road in the location of the existing, albeit currently blocked, access to the land. Within the site of this application the access will pass to the south of the building with a car parking area to the rear (east). 26 car parking spaces are to be provided.
- 5.4 The building will be operated as a residential care home. All of the residents will be dependant, to some extent, on medical and other staff, for their health and quality of life. Some of the residents may be totally dependant in this respect. This is not a proposal where residents are leading independent lives, but with some element of communal provision and servicing. Care staff will be on hand at the building 24 hours a day.

RELEVANT PLANNING HISTORY

- 5.5 Various permissions have been granted for residential development on the larger site of which this constitutes part. The first of these was in 1971 for 50 houses. Further permissions were granted in 1975, 1978 and 1979. That in 1979 related to 82 houses and 4 flats. This last consent remains extant by virtue of a material start on site through the construction of the main spine road.

CONSULTATIONS AND REPRESENTATIONS

- 5.6 Two rounds of consultation have been undertaken firstly on the basis of the initially submitted application and secondly on the basis of a revised description for the proposals. The second round has not concluded at the time of report writing and any responses to that will be set out in the addendum paper.

First Round

- 5.7 **Essex County Council Highway Authority** initially raised no objection and specified the requirements to be met for the access to the site to be adoptable. Further discussions have revealed that one of those requirements is that an access roadway side footway be provided to encourage non car journeys to the site. This is not being offered by the applicant.
- 5.8 **Essex County Council Arboricultural Officer** notes that, although the whole site is covered by TPO Order 5/57, there are no significant trees in the centre of the site, and those which are there have grown after 1957 and are therefore not covered by the Order. However, there are a number of trees on the perimeter of the site which are valuable specimens. Those retained should be protected during development to prevent damage to roots. The officer suggests that some management work to the protected trees would be of benefit.
- 5.9 The **Environment Agency** recommends that foul and surface water flows pass to the public sewer. Suggestions are made in relation to measures which could be implemented to prevent pollution during construction and in the longer term. The need for consent from the Agency for culverting works is pointed out.
- 5.10 **Anglian Water** has no objection but suggests the implementation of a condition requiring full details of drainage methods to be submitted and agreed.
- 5.11 When initially consulted **English Nature** (EN) noted the possibility of protected species on or near the site and suggested appropriate survey work to explore this issue. In response to such a survey EN suggests additional checks on mammal habitats prior to the commencement of work (to be secured by condition). It also advises that clearance work on the site should proceed with caution.
- 5.12 The **Essex Badger Protection Group** (verbally received) has no comments to add to the submitted ecological report, but notes that, if any drainage connections are to be made to an area of existing sewers, this is likely to disrupt animal habitat.

Rayleigh Town Council has no objections.

- 5.13 Rayleigh Civic Society considers it unfortunate that this development is to be 'hidden away' thus depriving the elderly residents of the benefit of nearby activity. A site on the frontage of the site to Hockley Road is suggested. It considers that the design and appearance is 'institutional', forbidding and depressing. The small size of the kitchen is noted.
- 5.14 **Essex Police Crime Reduction Officer** suggests the use of side gates to provide greater security at the proposed development site.

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- 5.15 The Property Maintenance & Highways Manager (**Engineers**) notes the presence of public surface and foul water sewers in Hockley Road and Victoria Road. There is also a land drainage ditch along the southern boundary of the site. Whilst the initially submitted plans show the disposal of surface water to an existing ditch, it would have to be demonstrated that sufficient capacity would be available.
- 5.16 The **Head of Housing, Health and Community Care** has no adverse comments
- 5.17 The **Woodlands and Environmental Specialist** indicates that the comments in the protected animal survey carried out are correct and accurate, however he requested that an additional statement be submitted in relation to measures to protect animals during and after construction. (This has subsequently been submitted). He indicates that the application is considered to be incomplete without a reptile/amphibian survey.
- 5.18 When initial survey work was carried out in this respect he indicated that it was relevant and acceptable, but that it indicated that a full survey would be required in the spring prior to any planning decision.
- 5.19 He raises a serious concern in relation to the piecemeal development of the larger area surrounding the application site. Assessing the impact of each application individually (if there are more) will not address the complete effect.
- 5.20 Three neighbouring occupiers have responded to consultations on this application raising, in the main, the following issues:
- loss of privacy;
 - enclosure and overdominance/ overdevelopment;
- 5.21
- impact on protected animal species;
 - impact of lighting within site;
 - disruption caused by activity and vehicles on the site;
 - impact on TPO trees;
 - inconsistent information with regard to water disposal/ inadequate proposals;

MATERIAL PLANNING CONSIDERATIONS

Principle of Use

- 5.22 The whole of the site is zoned for residential development in the Local Plan. As such this proposal, which is of course a form of residential development, is acceptable in principle. As indicated, there has been a longstanding permission for the development of the site for conventional dwellings. This permission remains extant as initial implementation took place as a result of the creation of the access into the site.

Visual and Amenity Impact

- 5.23 The site is not a readily apparent one in public views of the site. To the west there is the remainder of the extant planning application site between the current site and the Hockley Road. On the Hockley Road there are a number of existing and substantial trees which will effectively block views of the building on the site from that direction.

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- 5.24 To the east are the tennis courts, basketball area and other land associated with the Fairview Playing fields. Again, there are substantial existing trees on this boundary which will do much to reduce the visual impact of the development. In any event, as use of the land in this direction is as a playing field use, there are no implications for overlooking or loss of privacy.
- 5.25 There is no existing development adjacent to the site to the north, but to the south are the three existing bungalow properties at 19, 19a and 19b, Victoria Road. Of these properties, 19b is the most well enclosed with existing planting and the orientation of it is such that it does not face the new development directly. The closest intervening distance between the two buildings is 28m and the main façade of the new building is located 15m from the boundary with the existing dwelling. These distances meet the guidelines set out in the Essex Design Guide.
- 5.26 The dwellings at 19 and 19a have much less enclosing planting to their rear boundaries. Again, the separation distances are broadly in accordance with the guidance in the Design Guide but there are some shortfalls (of approx 1.5m max) in separation distances where, for example, the proposed building has projecting gables.
- 5.27 It is not considered that there will be an unacceptable impact however. The applicant has indicated a willingness to accept conditions requiring the provision of new planting to this boundary to offset any potential privacy impact. The applicant also indicates a willingness to accept conditions requiring agreement to any scheme of external lighting. There was a concern from neighbouring occupiers that any such lighting may be intrusive.
- 5.28 With regard to dominance, a two storey building is proposed to the rear of bungalows. Whilst the scale of the building is considerably larger than the bungalows, because it has been kept to two storey only, its impact is considered to be acceptable. There is a fall in the level of the ground across the site such that the bungalows are set lower than some parts of the site. With control over the level of the base of the building, which will require some earth moving works to be carried out on the site, any dominance impact should be kept to an acceptable minimum.

Wildlife Impact

- 5.29 The impact of development proposals on protected animal species is clearly a material consideration, by virtue of guidance in PPG9, Nature Conservation. Two reports have been submitted in relation to protected animal species on the site. The first of these confirms that the animal habitat is more than 30m from any part of the building proposed to be constructed, the animals have not in the past created any habitat on the part of the site to be used for the building and therefore licensing from English Nature is unlikely to be required to allow the development to go ahead. On request, further information has been provided in relation to the steps to be taken during construction to offset any impact on the animals.

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- 5.30 When considering this application, the fact that there is an extant permission for the development of the wider area of land here has to be borne in mind at all times. However, that permission was granted prior to the legislation which is now in place protecting animal species. There is some reasonable argument therefore that the permission which is in place cannot in fact be implemented unhindered. To do so would result in any developer falling foul of the later animal protection legislation. So, whilst there is an extant permission, it appears that due weight should be given to the issue of animal protection.
- 5.31 Whilst the submitted report has determined that licensing from English Nature may not be required to allow the development to proceed, it appears not to have considered the wider picture of longer term animal protection. Even taking that into account however, it is clear that the development proposed now allows the possibility of access to the site by the protected mammals and longer distance access routes. Given that this developer cannot be in a position to anticipate what other development may take place on the site, and therefore what longer term impact there may be for the protected animals, it is not considered reasonable to withhold permission for this development on the basis of any wider strategic concern.
- 5.32 In the second report it is set out that the site does hold potential for reptiles and that suitable habitats occur over most of the site. In the recommendations contained in the report it is set out that a herpetological survey should be carried out at an appropriate time of year (April onwards) and that a mitigation strategy can only be drawn up after the presence of the animals has been confirmed (or not).
- 5.33 It has been suggested that, if all else is acceptable, a planning permission could be granted on the basis that a condition required the completion of the appropriate survey work and mitigation strategy implementation (if necessary). Whilst this does give the developer some benefit, if the condition was fully complied with, the development could not be implemented prior to the animal survey period next year. In addition and although this may not be likely, if that survey work were to show significant populations of protected reptile animals on the site, amendments to the proposals at the very least or a new application may be required.

Trees

- 5.34 Some of this application site, and indeed much of the larger area of land at Hockley Road, is covered by an area preservation order (TPO). However, approximately up to 40% or so of the eastern side of the site is not covered by that order. There are a number of significant trees in that area. Only one of these would appear to be in jeopardy as a result of the proposals. This tree is located such that it would be immediately adjacent to the rear access road. Although steps could be taken to reduce the impact of the development/ realign the roadway slightly, it is not clear at this stage that the developer has fully taken into account the presence of and impact of the development on the tree. Other trees which are outside the area covered by the TPO are either poor, self set specimens, or can be accommodated within the landscape zone around the proposed building.

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- 5.35 Conversely, within the part of the site that is subject to TPO coverage, there is only one significant tree. Unfortunately, on the basis of the current proposals, it is almost certain that this would need to be removed. This is on the basis of an Officer assessment of the location of the tree. On a site that is difficult to survey due to significant undergrowth, it would appear that the tree is located where the access road to the frontage of the building is to run. The applicant has been requested to submit further information about the location of the tree to enable accurate assessment of its location, but has not addressed this point.
- 5.36 When considering the extant approval it is also not abundantly clear whether the tree is proposed to be retained. There is however, certainly more scope that it would be accommodated within one of the garden areas to the proposed dwellings.

Highway and Access Issues

- 5.37 The comments of the Highway Authority are set out above. It has been requested that an access roadside footway be provided between the site and the Hockley Road. The applicants have declined to do this and, indeed, on the submitted plans that land is shown to be outside their control.
- 5.38 Although the intended use is as a residential care home, the Highway Authority argues that a footway is necessary to encourage journeys to the site by staff and visitors. Although residents are likely to be largely unable to leave the building unaided, it is also argued that a footway will encourage visitors to aid residents with short walking trips from the site, perhaps for example, for visits to the cemetery nearby.
- 5.39 The applicants point of view is that a roadside footway is not necessary, the road will simply act as a 'access drive' to the building and can be shared by all users (on foot or in vehicles). Traffic levels will be light and, in any event, residents will be most unlikely to enter/leave the building on foot due to their poor health. In due course, when the remainder of the site is developed for housing, they argue, the normal roadside footways will be provided.
- 5:40 In PPG13, Transport, the government sets out its view that better conditions for pedestrians can lead to changes in travel choices (para 4.12 onward). The sort of infrastructure which is necessary to make areas safer and more attractive to pedestrians is referred to. Whilst the actual provision of roadside footways is not on the list, it is considered that this is because it is such a fundamental prerequisite.
- 5.41 The Highway Authority makes the point that the land between the site and the existing highway is not within the control of the applicant and therefore an adequate connection cannot be ensured. This does not appear to be a fundamental issue in that there is clearly a route in place to access the site. If it is not within the control of the applicant then clearly they will not be in a position to implement the development, if permission were to be granted. This risk is not dissimilar to that taken by any developer who accesses a site, for example, from a private road or track over which rights of access are not always clear.

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- 5.42 Within the site the access route loops round the south side of the building to a parking area at the rear (east). The number spaces provided is consistent with the guidelines for the proposed type of use.

CONCLUSION

- 5.43 The principle of the form of development is considered acceptable, given the extant permission for the development of the site and, in amenity terms, it is not considered to have significant harmful impact. In relation to the reptiles likely to be present no adequate survey work has yet taken place.
- 5.44 The development proposals also have shortcomings in relation to the impact on protected and other trees and the highway infrastructure to be provided. Although these do not appear to be insurmountable issues, the applicant has declined to address them or does not consider the requirements of the Authority valid ones.

RECOMMENDATION

- 5.45 It is recommended that this Committee **RESOLVES** to **REFUSE** this planning application on the basis of the following reasons:
- 1 Initial survey work undertaken by the applicant indicates that protected reptile animal species are likely to be present on the site. However, to date, such survey work has been inconclusive. In the view of the LPA and in accordance with the conclusions of the initial reptile survey work, it is necessary for full survey work to be carried out and a mitigation strategy to be devised (if appropriate) in advance of any positive determination of the planning application.
 - 2 Inadequate information has been provided with regard to the impact of the proposed development on existing trees on the site. Whilst it has been indicated that no trees are proposed to be felled in order to allow the development it appears to the LPA that at least two significant trees will be at risk if the development is implemented, one of which is protected by Tree Preservation Order (Area A2 of TPO 05/57). The LPA is of the view that, without adequate and sufficient justification for the apparent loss of these trees, or amendment to the scheme to ensure their preservation, development should not be permitted to proceed.
 - 3 The development site is shown to be accessed by an existing roadway, between it and Hockley Road, which is outside of the control of the applicant. No roadside footway is proposed to be provided adjacent to this access. The LPA is of the view that some form of segregated provision for pedestrians is necessary prior to the commencement of operation of the proposed use in order to encourage and allow journeys to the site other than only by motor vehicle. The provision may constitute a shared surface form of road but with some dedicated space for pedestrians. In the absence of such provision, or the putting in place of measures to ensure such provision, the LPA is of the view that the proposed development should not proceed.

PREVIOUS REPORT APPENDED TO 02/00617/FUL

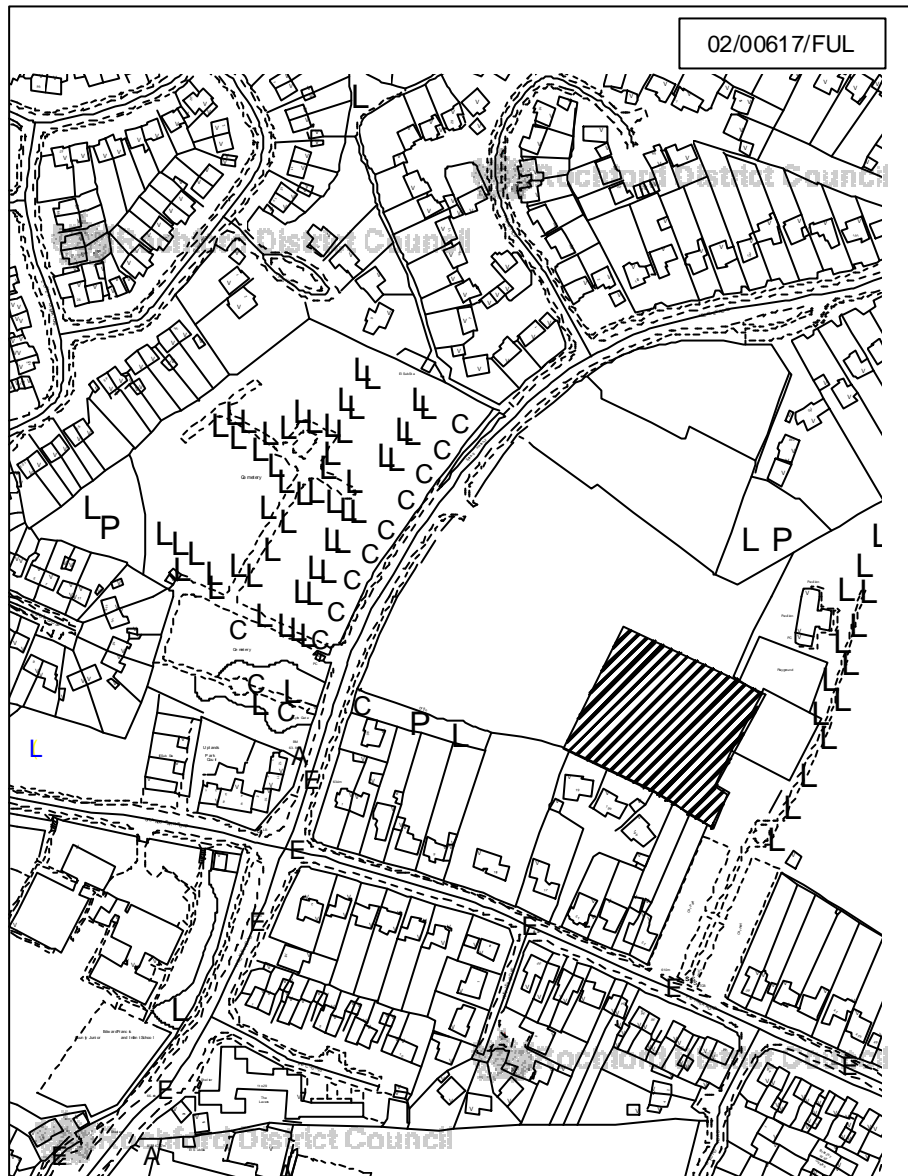
Relevant Development Plan Policies and Proposals

H11, H20, TP15, RC10 of the Rochford District Local Plan First Review

CS1, CS2, CS4, BE1, T6 of the Essex and Southend on Sea Replacement Structure Plan

A handwritten signature in black ink, reading 'Shaun Scrutton'.

Shaun Scrutton
Head of Planning Services



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NTS



PURPOSE OF THE REPORT

- 5.1 The views of Rochford District Council have been sought by Southend on Sea Borough Council on a planning application that they are currently processing.
- 5.2 The consultation period lasts for 28 Days from 27/06/03
- 5.3 The consultation document is being reported to members in order to give members the opportunity to consider the proposal and form a view to be relayed to Southend on Sea Borough Council.

APPLICATION REFERENCE :- SOS/03/00884/FUL

ADDRESS:- PART OF FOSSETTS FARM FRONTING FOSSETTS WAY, REAR OF WELLESLEY HOSPITAL, FOSSETTS WAY SOUTHEND ON SEA.

PROPOSAL :- CONSTRUCT LINK ROAD ACROSS FOSSETTS FARM TO SERVE EXISTING AND FUTURE DEVELOPMENTS WITHIN THE VICINITY AND ON FOSSETTS FARM

BACKGROUND :-

- 5.4 Members may recall that the above site has been identified within the Southend-on-Sea Local Plan as an area of "Safeguarded Land" outside the Green Belt that should be reserved for possible future development requirements, including employment, a crematorium/cemetery extension and football stadium.
- 5.5 Since the site's allocation it now accommodates a retail warehouse (Waitrose with permission to extend). A non-food retail warehouse (B & Q) is under appeal at the time of writing and there is also an extant planning permission for a retail warehouse on the site (not implemented). The remainder of the site is undeveloped.

THE PROPOSAL:-

- 5.6 Full planning permission is sought for the construction of a link road across Fossetts Farm to serve the existing and future developments within the vicinity and on Fossetts Farm.
- 5.7 The route of the proposed link road extends northwards from the existing Fossetts Way which leads off the Fossetts Way roundabout on Eastern Avenue (A1159). The proposed road runs northwards to the boundary of Fossetts Farm site and then extends westwards following the northern boundary of the site. The road then joins Sutton Road at the existing roundabout where Sutton Road and Chandlers Way meet. The link road will be 1.3km in length, there will be a pavement for its entire length which will be 3m wide and will combine a cycleway and footway.

- 5.8 The application is accompanied by two supporting documents i) An Environmental Impact Assessment and ii) Traffic Impact Assessment.
- 5.9 The **environmental impact assessment** looked at the proposed new road under the following headings with its conclusions in italics:-
- **Cultural Heritage and Archaeology;** *subject to archaeological investigation being carried out prior to the stripping off the land then a positive minor benefit is identified, minor affect to the setting the Scheduled Monument and the Pill Box during the operational phase of the construction of the road, this will be mitigated by the proposed soft landscaping (native hedge along the western boundary of the road.*
 - **Landscape and Visual Character;** *the road is at ground level and will not be intrusive into the surrounding landscape, vehicles moving along it will be intrusive this will be mitigated to a certain extent by the native planting proposed, will reinforce the urban fringe/green belt boundary*
 - **Lighting;** *surrounding levels of lighting are generally typical of urban locations, however the proposal is in an area that is almost entirely unlit, may impact upon the safety of Southend Airport, propose to use lamps that do not spill any light upwards and given this proposal there should not be any significant impact on surrounding receptors or the night – time scene*
 - **Transport;** *slight increase in traffic during the construction phase after which there will be suitable capacity, access to the site will also be from other forms of transport (bus cycle)*
 - **Noise and Vibration;** *Some during the construction phase, this is minor given the short time frame involved, noise will be of minor significance during the operational times of the road and, Smithers Cottage will be soundproofed*
 - **Air Quality;** *Short term during construction times, very modest increase in pollutants due to the use of the road, these are minor*
 - **Ecology;** *loss of habitat due to the position and run of the road, this will be replaced by the proposed soft landscaping*
 - **Water Quality and Resources;** *increase in surface water run off, may give rise to an increase in flow of exiting watercourses which may exacerbate localized flooding, this is acknowledge and an attenuation scheme has to be agreed with Anglian Water and the Environment Agency and implemented prior to the works commencing.*
 - **Socio-economic Issues;** *a number of jobs will be created during the construction phase and potential for upwards of 1000 jobs to be created from the redevelopment of the site, which give rise to significant benefits to the local economy and community*
- 5.10 The **traffic impact assessment** looked at three scenarios in terms of highway capacity, these were:-
- The first being the existing traffic plus the extension to the Waitrose store and the existing retail warehouse permission

- The second scenario adds the proposed B&Q store to scenario one and
- The third considers a variety of indicative uses that are yet unknown but might include employment/training, leisure, diagnostic treatment centre and light industrial.

5.11 The traffic impact assessment concludes that there will be sufficient road way capacity for the redevelopment of the site and the provision of this road and other modification to the local highway network will significantly assist in reducing localised congestion.

ASSESSMENT OF THE PROPOSAL

5.12 As the site has been allocated within the Southend-on-Sea Local Plan there can not be any objections to the principle of the proposed long term redevelopment of this site.

5.13 With specific reference to the application proposal it is considered that subject to the points made in the environmental impact assessment, with specific reference to the new native soft landscaping, drainage and sound attenuation and lighting measures, being fully implemented then there is unlikely to be any material harm upon Rochford District Council administrative area.

RECOMMENDATION

5.14 It is recommended that Southend on Sea Borough Council be informed that Rochford District Council has **no objections** to the proposal.

5.15 This view is subject to:

- i) the full implementation of the requirements of the Environmental Impact Assessment and
- ii) the understanding that this application related solely to the proposed access/highway works.

5.16 Southend-on-Sea Borough Council also be informed that this Authority maintains its objection to the use of the site as a site for a new football stadium due to its likely impact on the area and the local traffic implications on the highway network.



Shaun Scrutton
Head of Planning Services

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

NO MAP AVAILABLE ELECTRONICALLY.

TITLE : 03/00418/GD
ERECT PREFABRICATED MAINTENANCE/CLASSROOM
BLOCK AND WORKSHOP EXTENSION
BULLWOOD HALL PRISON, BULLWOOD HALL LANE,
HOCKLEY

APPLICANT : HM PRISON SERVICE

ZONING : METROPOLITAN GREEN BELT, SPECIAL LANDSCAPE
AREA, ROACH VALLEY CONSERVATION ZONE

PARISH: RAYLEIGH TOWN COUNCIL

WARD: TRINITY

PLANNING APPLICATION DETAILS

- 6.1 This application is for the provision of two additional buildings on the site for use for educational facilities. This is to include a pre fabricated maintenance/classroom block and an extension to an existing workshop building.
- 6.2 The prefabricated building is to be located to the North of the site and would replace an existing portable building in this location.
- 6.3 The workshop is located to the far East of the site and the extension is proposed to the Southern elevation of the building. An existing kiln is to be removed to allow the construction of the extension.

RELEVANT PLANNING HISTORY

- 6.4 The most recent planning history for the site is:

01/00086/GD – NO OBJECTION, Install '5 Wire' Security Feature to Inside Top of Existing Security Fence

99/00327/GD – NO OBJECTION, Retrospective permission to retain Extension to Existing Workshop Building

98/00472/GD – NO OBJECTION, Erect 40 Person Accommodation Block, New Workshop and Re-Align Security Fence

CONSULTATIONS AND REPRESENTATIONS

- 6.5 **Rayleigh Town Council** has no objection to the application.

- 6.6 **London Southend Airport** comment that whilst the proposed development infringes our protected surfaces it is noted that the proposals do not increase the height of the existing buildings or project above the current ridge and generally remain within the envelope of the existing buildings. In the circumstances, after careful consideration, given the particular nature of this case we do not raise any objection. Please note that each proposal must be individually assessed and therefore this decision does not set any precedent in respect of any future proposal at either the site or the surrounding area.
- 6.7 **Local Plans Section** notes that the land in question is allocated within the Rochford District Local Plan (First Review) as lying within Metropolitan Green Belt, Special Landscape Area and Roach Valley Nature Conservation Zone. Whilst the latter is of limited importance the other designations would be material planning considerations.
- 6.8 **Essex Fire Authority** states that no unsatisfactory fire precautionary matters were found.
- 6.9 **County Surveyor (Highways)** considers the application to be de Minimis.

MATERIAL PLANNING CONSIDERATIONS

- 6.10 The site is located within the Metropolitan Green Belt, a Special Landscape Area and Roach Valley Nature Conservation Zone. Therefore the key material consideration is the provision of these structures on this site in the green belt.
- 6.11 Inappropriate development is development that would be harmful to the green belt. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In this instance no very special circumstances are explicitly set out by the prison but they do make clear the intended uses of the buildings for additional facilities for the prison for educational purposes. Therefore the key consideration is whether there would be any demonstrable harm to the green belt resulting from the proposals that would outweigh the need for these facilities.
- 6.12 The extension of the workshop would be an extension to an existing building on the site. This would not undermine the objectives that underpin green belt policy as it would not increase activity within the green belt and it will be located such that it would not impact on the open nature of the green belt. Further this building is a reasonable design and the use of timber cladding reflects materials already used for existing buildings on site.
- 6.13 The portable building will replace an existing structure on site. The building would have a larger footprint than that currently on site. However the building would not increase in height and would be of an improved quality to that on presently site. Again, this building would not impact on the open character of the green belt being set within the complex of existing buildings on site.

CONCLUSION

- 6.14 The buildings proposed would not cause any demonstrable harm to the surrounding green belt and are acceptable in their respective locations. Whilst the materials of the portable building are not ideal the appearance of the building will be an improvement. For these reasons.

RECOMMENDATION

- 6.15 It is proposed that this Committee **RESOLVES** that **NO OBJECTIONS** be raised to the proposal.

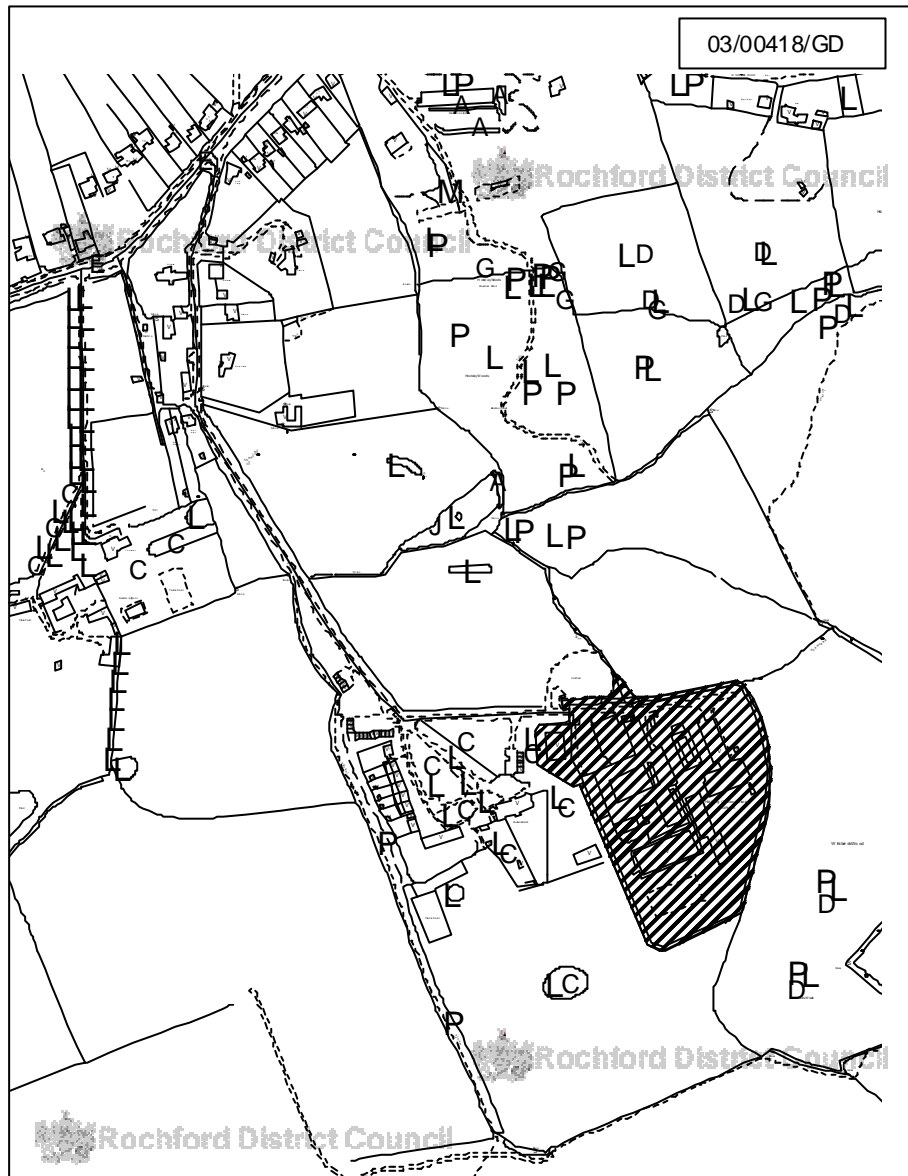
Relevant Development Plan Policies and Proposals

GB1, RC7 of the Rochford District Local Plan First Review



Shaun Scrutton
Head of Planning Services

For further information please contact Deborah Seden on (01702) 546366.



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NTS



TITLE : **03/00423/FUL**
DEMOLITION OF EXISTING BUNGALOW. ERECTION OF
FOUR HOUSES AND ASSOCIATED GARAGES . LAY OUT
PRIVATED DRIVE (RESUBMISSION)
232 EASTWOOD ROAD RAYLEIGH ESSEX.

APPLICANT : **KNIGHT DEVELOPMENTS LTD.**

ZONING : **RESIDENTIAL**

PARISH: **RAYLEIGH TOWN COUNCIL**

WARD: **WHITEHOUSE**

SITE AREA: 0.2 Ha.

PLANNING APPLICATION DETAILS

- 7.1 This is an amended application following refusal of Application No. 02/00036/FUL against the Officer recommendation on 20 March 2003, following a site visit. The application was refused on the grounds of adverse impact on preserved trees and the amenities of surrounding residents. A copy of the previous Committee Report is attached for information.
- 7.2 An appeal has been lodged against that refusal which is being dealt with by means of written representations and the decision is awaited.
- 7.3 This revised application similarly proposes the demolition of the existing bungalow frontage dwelling at 232, Eastwood Road, the erection of one house on the frontage and the construction of a private drive to serve three detached houses at the rear.
- 7.4 This new application fundamentally differs from that subject of the current appeal however, in that the new private drive giving access to the three houses at the rear of the site has been transposed from the east to the west side of the site and the house on the frontage has been re-sited accordingly. The reason for doing this is to remove the detrimental impact on the preserved oak tree on the boundary with 234, Eastwood Road.
- 7.5 Another change to the refused scheme is that the roof to Plot 4 has been hipped and lowered to reduce the overshadowing and prominence as far as 234a, Eastwood Road is concerned. The floor level to the house on this plot is also to be 0.5m. below the garden to 234a. In addition, the position of Plots 2, 3 and 4 have been slightly amended which officers assess as being a very marginal improvement to other preserved trees close to the boundary with No. 2, The Croft, which is a small cul-de-sac adjoining the site to the west.

- 7.6 The proximity of Plot 2 The Crofts has not improved and given a realignment of the boundary on the plans the building to building distance appears closer at 12.4 rather than 13.4.
- 7.7 Apart from Plot 4, the houses are to have gabled roofs and are all 5 metres high to the eaves and between 7.8 and 9 metres to the ridge. Some elevations are higher above ground level however, due to the slope on the site. Plots 1, 2 and 4 have detached garages, although that to Plot 4 is in the rear garden and is approached through a gated archway under the house and will be situated behind 236, Eastwood Road. Plot 3 has a double integral garage.
- 7.8 Also included with the application were a Flood Risk Assessment and Surface Water Drainage Strategy and a Pre-Development Tree Survey.

RELEVANT PLANNING HISTORY

00/00406/OUT – Erect 5 dwellings on the site, one to the frontage and 4 to the rear. Planning permission refused and appeal dismissed.

02/00036/FUL – Erect 4 detached dwellings, one to the frontage and 3 to the rear. Planning permission refused and appeal lodged. Decision awaited.

CONSULTATIONS AND REPRESENTATIONS

- 7.9 **Rayleigh Town Council** – No objections
- 7.10 **County Highways** – No objection subject to conditions: 1. Existing access to be permanently closed and kerb returned to full height; 2. Vehicle access to be min. 4.8m. wide with suitable splay from highway boundary to dropped kerb crossing; 3. Space to be provided and maintained for parking and turning of vehicles laid out and paved as may be agreed with the LPA; 4. Accessway to be constructed in permanent material for first 6m. from highway boundary.
- 7.11 **RDC Building Control** – Recommend: 1. Provision of land drainage to Plot 4 since has floor level approx. 0.5m. below garden to 234a, Eastwood Road (not controlled under Building Regulations) and any paved areas providing disabled access are adequately drained. 2. Recommend consultation with Environment Agency as to the incidence/possibility of the adjoining brook flooding and the appropriate measures to be taken. 3. Adequate provision to be made for draining rainwater from the roofs of the buildings. 4. Disabled access to be provided to each dwelling (dependent upon gradients)
- 7.12 **RDC Engineers** – No objections but foul drainage will more than likely require pumping due to site levels. Flood protection from Eastwood Brook required in accordance with PPG25.

7.13 Six letters of objection have been received following neighbour notification, four from Eastwood Road, one from The Croft and one from Poplar Road opposite the site. The grounds of objection in the main are:

- Noise and disturbance;
- Loss of privacy, security, light and outlook;
- Destruction of wildlife and habitat;
- Detrimental to pedestrian and road safety;
- Lack of parking/turning space including for visitors;
- Site liable to flooding;
- Does not comply with Government's affordable housing guidelines;
- Access not possible for refuse and emergency vehicles.
- Potential for loft conversions leading to overlooking.

7.14 The occupant of 230, Eastwood Road, which would adjoin the proposed private drive, stresses that the property is a bungalow and sleeping accommodation is therefore on the ground floor. Disturbance from noise and headlights from vehicles using the new access would therefore be particularly noticeable.

MATERIAL PLANNING CONSIDERATIONS

Previous Appeal

7.15 This related to an outline application for 5 houses (ref. 00/00406/OUT) and was dismissed on 26 September 2001. A number of comments on the principle of developing the site were made by the Inspector however as follows:

- i. The site lies within an area where residential development is acceptable in principle provided it complies with other policies in the development plan;
- ii. The access from Eastwood Road is acceptable in terms of highway safety;
- iii. The Council has failed to produce any evidence that the site is a valuable wildlife habitat;
- iv. No built development is proposed in the area liable to flood;
- v. In my view there is no difficulty in replacing the bungalow at No. 232 with a two-storey house of the size and position indicated on the layout plan;

- vi. Para. 10.40 of the Committee Report acknowledges that there will be some harm to residential amenity caused by noise and disturbance arising from the proximity of the access road to No. 234 (Eastwood Road) and to the new dwelling on Plot 1. However, this is a similar arrangement to that at The Croft and it would not be reasonable to resist the development on these grounds;
- vii. This is certainly a site that is capable of being developed at a sufficiently high density to meet the aim of maximising the use of suitable land within urban areas.

7.16 The appeal was dismissed by the Inspector however because the group of dwellings as positioned did not create a sense of place; there was an unsatisfactory relationship between new and existing dwellings; the scale and visual appearance of the development would be unacceptable due to its cramped appearance and it would result in the loss of preserved trees.

Trees

7.17 In relation to preserved oak tree T1 of TPO 04/00 on the boundary with 234, Eastwood road, the moving of the private drive from the east to the west side of the site will mean that it is not prone to damage from vehicles or surface treatment as the access is now outside the spread of the tree. The effect of the house on Plot 2 on preserved Trees T1 and T2 of TPO 03/00 on the west side of the site is not considered to be materially different to the previous application.

Visual and Amenity Impacts

- 7.18 The visual impact of the house on Plot 4 on 234a Eastwood road will be reduced by the introduction of a hipped roof and there has been a significant reduction in the ridge height from 9.2m. to 7.8m. The visual impact for the remainder of the scheme will be the same as for the previously refused proposal.
- 7.19 The fundamental change in amenity impact will be on 230, Eastwood Road since the private drive will now run down the east flank of that property instead of the west flank of 234, Eastwood Road. However, as referred to in para. 7.15 above, the Inspector who determined the previous appeal against the outline refusal for 5 dwellings made a favourable comparison with the development at The Croft to the west and felt that "it would not be reasonable to resist the development on these grounds."

Vehicle Access and Parking

7.20 There is potential for cars to be parked in front of the garages/accesses to Plots 3 and 4 which would impinge on the turning bay which it is necessary to provide, particularly for emergency vehicles. No objection to this has been raised by County Highways, but it is considered that these plots should have automatic doors/gates to encourage use of the garages and discourage obstructing the turning head and are conditional as such.

Drainage

- 7.21 See attached report to Planning Services committee on 20 March 2003.

Wildlife

- 7.22 See attached report to Planning Services Committee on 20 March 2003.

CONCLUSION

- 7.23 The repositioning of the private drive access has fundamentally improved the situation as far as the effect of the development on the preserved oak tree on the boundary with 234, Eastwood Road is concerned and there should now be no detrimental effect on this tree. To this extent, the first previous reason for refusal has been largely met and the potential effect on the other preserved trees on the western boundary was much less clear cut.
- 7.24 As far as effect on amenity is concerned, i.e. the second reason for refusal of the previous application, it is not considered that any effects of this revised scheme will be any less acceptable than the previous proposal, although the property most affected by the proposed private drive is now different. However, as referred to above, from a previous appeal decision, it is clear that support is unlikely to be forthcoming on this particular aspect from the Inspectorate should it again go to appeal and it will be interesting to see the decision on this matter when the current outstanding appeal is determined. Marginal improvements have also been made to the siting of Plots 3 and 4
- 7.25 No reason is therefore seen to put forward a different recommendation on this revised application, indeed the proposal has been significantly improved as far as the effect on one of the preserved trees is concerned and the amenities and outlook of adjoining properties. Additional conditions are recommended however, namely P.D. restrictions on dormers and windows, which will further protect the amenities of adjoining properties and meet objections made.

RECOMMENDATION

- 7.26 is proposed that this Committee **RESOLVES** to **APPROVE** this planning application subject to the following heads of condition:
- 1 SC4 Time Limits
 - 2 SC9A Removal of existing building
 - 3 SC14 Materials
 - 4 SC 22A PD Restricted – Windows
 - 5 SC20 PD Restricted - Dormers
 - 6 SC23 PD Restricted - Obscure Glazing
 - 7 SC50A Means of enclosure
 - 8 SC59 Landscaping
 - 9 Accessway construction details

- 10 Foul and surface water drainage
- 11 Implementation of flood protection measures
- 12 TPO and tree protection
- 13 Bat roost habitation survey/mitigation
- 14 Automatic garage doors/gates to Plots 3 and 4

Relevant Development Plan Policies and Proposals:

H1, H2, H11, H19, H20, H24 Rochford District Local Plan First Review

CS1, CS2, BE1, H2, H3, H4 Essex and Southend-on-sea Replacement Structure Plan



Shaun Scrutton
Head of Planning Services

For further information please contact John Whitlock on (01702) 546366.

PREVIOUS REPORT APPENDED TO 03/00423/FUL

PLANNING SERVICES COMMITTEE - 20 March 2003
Deferred Item

Item D1

TITLE : **02/00036/FUL**
 ERECT FOUR 4-BED DETACHED DWELLINGS (THREE
 WITH DETACHED AND ONE WITH INTEGRAL GARAGE)
 LAYOUT PRIVATE DRIVE AND ACCESS (DEMOLISH
 EXISTING DWELLING)
 232 EASTWOOD ROAD, RAYLEIGH

APPLICANT : **KNIGHT DEVELOPMENTS LTD**

ZONING : **RESIDENTIAL**

PARISH: **RAYLEIGH TOWN COUNCIL**

WARD: **WHITEHOUSE**

SITE AREA: **0.2Ha**

This item was deferred from Planning Services Committee 20th February 2003 for a Site Visit.

The report is repeated below.

PLANNING APPLICATION DETAILS

- 1.1 The proposals anticipate the demolition of the frontage dwelling at 232 Eastwood Road. In the place of this dwelling a new dwelling and access road would be provided. The access road would service a further three dwellings which are proposed to the rear (south) of the plot and behind the neighbouring dwellings at 230, 234, 234a and 236.
- 1.2 The dwellings have heights which vary, but with the greatest being to the eaves of 5.8m and to the ridge of 9.8m. Three of the dwellings are to be provided with detached double garages and the fourth is to have an integral garage, again, double. At the rear of the plot the dwellings are to be arranged around a hard surfaced turning area.

RELEVANT PLANNING HISTORY

- 1.3 Application 00/00406/OUT. This proposed the development of five dwellings on the site (one to the frontage and four to the rear). This was refused by the Authority and an appeal dismissed.

CONSULTATIONS AND REPRESENTATIONS

- 1.4 Essex County Council **Highway Authority** raise no objections subject to conditions in relation to the width of the accessway, parking spaces and the materials of construction of it.
- 1.5 Essex County Council **Urban Design Team** makes some detailed comments about building design but raises no fundamental objections. It is suggested that the integral garage to plot three could be altered to the opposite end of the dwelling.
- 1.6 **English Nature** notes that no designated sites of wildlife interest are likely to be affected, but that bats may use the existing frontage dwelling. The presence of protected animals is a material consideration and, if any are found to be present, appropriate survey work should be commissioned.
- 1.7 The **Woodlands and Environmental Specialist** initially commented that an assessment should be provided by the developer of the impact of the proposed development on trees on/adjacent to the site. Once such an assessment was received he comments that the submitted report is thorough, accurate and relevant. He is concerned at the impact of one of the proposed dwellings in relation to two TPO trees on the site. He considers there will be a requirement to trim the trees and their future growth will not be accommodated.
- 1.8 The **Environment Agency** notes that the application site is at risk from fluvial flooding and initially objected to the proposals prior to the submission of an acceptable flood risk assessment. Now that such an assessment has been provided the EA has commented verbally (at present) that its objection is now withdrawn.
- 1.9 **Anglian Water** has no objections and reiterates its comments in relation to the previous application on this site. These were that a condition should be applied requiring details of surface and foul water drainage systems be submitted and agreed.
- 1.10 **Rayleigh Town Council** has no objections.
- 1.11 **Essex Police** Architectural Liaison Officer has no objections but suggests appropriate signage to enable the dwellings to be identified. Secured by design is promoted.
- 1.12 Rayleigh Civic Society considers that the proposals are a minor improvement to the previously refused scheme. Concern is raised with regard to the potential for damage to two trees. Privacy for some of the dwellings is considered poor and the site layout cramped. Location to avoid flood risk implications probably causes this.
- 1.13 The Property Maintenance & Highways Manager (**Engineers**) notes the location adjacent to the main river and the associated flood risk.

PREVIOUS REPORT APPENDED TO 03/00423/FUL

- 1.14 With regard to the response received from neighbouring occupiers, eleven copies of the same letter were received, four of which had no identified address. Individual responses were received from a further five other local residents. The issues raised, in the main, were:
- insufficient detail or inaccuracies on the submitted plans/ drawings;
 - loss of security, privacy and sunlight/daylight;
 - overdominant impact;
 - insufficient parking/ exacerbate congestion and road/accident hazards;
 - noise
 - inadequate pedestrian access, or for large vehicles;
 - potential flood risk;
 - requirement for pumped foul drainage/ inadequate capacity;
 - implications for wildlife;
 - lack of attention to the issues identified as part of the earlier appeal dismissal;
 - disruption/damage during construction and to the school (Wyburns) to rear.
- 1.15 Reconsultation has been carried out with immediate neighbours to the site on the basis of a revised site layout plan (moving the dwellings by amounts of up to 1.5m). The results will be set out in the addendum paper to the committee.

MATERIAL PLANNING CONSIDERATIONS

Previous appeal

- 1.16 Members will see from the detail in relation to previous applications above, that recent proposals on this site were refused by this Authority with a subsequent appeal dismissed. Despite that decision the Inspector, in the appeal decision, set out a number of views which must now have a bearing on the decision made here. They are taken into account in the appropriate section of the report below.

Trees

- 1.17 There are a number of trees on the site and, in particular, some which are protected by TPO. Those which are likely to be affected by the proposals are T1 of TPO 04/00, an oak tree which is located in the area of the accessway to the site, and trees T1 and T2 of TPO 03/00 which are an ash and oak located to the west side of the development site.
- 1.18 As indicated, the applicant has engaged consultants to undertake a tree assessment report. In the report, the consultant has assessed all existing trees in terms of the desirability of their retention in accordance with a British standard approach. The TPO trees are identified as either desirable or most desirable to retain.
- 1.19 In relation to tree T1 of 04/00, it is noted in the report that the oak is at less than a third of its life expectancy. Within a distance of 5m of this tree the driveway access to this site should be formed by a no dig construction. When dealing with the previous appeal the Inspector indicated that the driveway should be directed away from the tree and a separation distance of 2.5m from the trunk is now achieved.

PREVIOUS REPORT APPENDED TO 03/00423/FUL

- 1.20 In relation to trees T1 and T2 of 03/00 the report suggests that these can be accommodated and that access can be achieved for construction scaffolding during development. Tree T1 is noted as a multi-stemmed Ash which would possibly require surgery irrespective of any proposed development. T2 is noted as an early mature oak, but there is no comment as to the possible impact on the growth of the tree.
- 1.21 Taking account of the comments of the Woodlands and Environmental Specialist above it is considered that a reasonably thorough assessment of the impact of the development has been made and suitable recommendations put forward in relation to
- 1.22 T1 of TPO 04/00. In relation to trees T1 and T2 of 03/00 it was considered that the proposals in their initial form, would lead to pressure on the trees in the longer term, and problems of access to allow development. As a result, the applicant has now modified the proposals slightly to move the proposed dwellings marginally further from these trees and reduce the pressure on them during development and thereafter.
- 1.23 Previously the Inspector was concerned at the proposed loss of T2 (which was proposed on the earlier scheme). The impact in relation to T1 was less clear, but it appeared that there would be no direct impact as a result of the earlier scheme.

Access

- 1.24 Access is to be created within the plot of the current 232 Eastwood Road and what will become plot 1 of the new development. The access which comprises a private drive will have a width of 4.5m for the first 10m (wider where it meets the Eastwood Road carriageway) and then narrows down to some 3.8m. This is similar to the arrangement proposed previously. Although permission was refused, the access arrangement and specification and any impact it would have on amenity was not a reason for refusal previously. The appeal Inspector considered that the access was acceptable.

Visual and Amenity Impacts

- 1.25 Previously it was considered that the development proposals for the site constituted a cramped form of development which would appear as over development. The Inspector commented that there was no difficulty in replacing the bungalow at no 232 with a two storey house of the size proposed at the time. The two storey dwelling now proposed is of a similar footprint. In terms of height it is not considered (at ridge height of 9.2m) to have an unacceptable visual or other impact. The only windows at first floor to the sides are to be obscure glazed.

PREVIOUS REPORT APPENDED TO 03/00423/FUL

- 1.26 Previously the dwelling to the east of no 2 The Croft was located 13m from it. The removal of the intervening tree would, it was considered, lead to the new dwelling having an unacceptable impact on the existing. The closest part of the dwelling to plot 2 is now marginally increased at some 13.4m approx. from no 2 The Croft. Now however the width of the part of the dwelling which is this close has reduced from 7.5m to 5.5m. The new dwelling is to have a further projecting rear element, but this is some 21m from no 2 at the closest, and where it is visible. In addition, the intervening trees are now to be retained (trees T1 and T2 of TPO 03/00). There will be some raising of the levels of the land here (in response to flood risk issues – see below) such that the dwelling will be some 0.9m above the average level of the ground here. The dwelling here is to have a height of 7.9m to the ridge.
- 1.27 There are no first floor windows to the gable end of the new dwelling which faces no 2 The Croft and only one to the rear projecting element which faces this way which is to be obscure glazed. There is a garage which is to be placed adjacent to the boundary with no 2 The Croft but this will be located behind an existing outbuilding within the curtilage of the dwelling at The Croft. Given these overall layout circumstances, it is not now considered that the amenity impact on the occupiers of no 2 The Croft is an unacceptable one.
- 1.28 Previously the dwelling to plot 5, which was to present a rear elevation of 11.5m length to the dwellings at 234 and 234a Eastwood Road, 1m from their boundaries, was considered by the Inspector to have an overbearing impact. The dwelling which now most affects these dwellings is that proposed to plot 4. It presents a flank of 7.1m width to the adjacent properties still at 1m distant from the common boundary. The overall separation distance from building to building will be 18.4m and a blank gable will be presented by the new dwelling.
- 1.29 The dwelling to plot 4 is located such that its rear elevation is 8.4m approx from the boundary of the garden to 238 Eastwood Road. This distance is less than the Essex Design Guide stipulation of 15m but, as appeal decisions elsewhere have indicated, Inspectors do not consider that slavish adherence to those standards is appropriate given the later government guidance aimed at ensuring the efficient use of land in PPG3, Housing. In this case there are a number of established trees within the garden to no 238 rear of the new dwelling which are to be retained, it is also a very long rear garden. In addition, where views are had, this will be at a distance some 25 to 30m from the rear of the dwelling at no 238 and therefore distant from the most sensitive part of the dwelling.
- 1.30 Other instances where overlooking may occur are from the upstairs of the new dwellings on plots 2 and 3 towards the existing dwellings on Eastwood Road to the north. The building on plot 2 is located some 8m distant from the rear boundary to 230 Eastwood Road. The two buildings will be approx 31m apart. The front of the building to plot 3 is 15m from the boundary of 234 Eastwood Road to the north and there is 33m between the buildings.

PREVIOUS REPORT APPENDED TO 03/00423/FUL

- 1.31 With regard to the previous scheme, the Inspector considered that the layout was cramped and awkward, without any sense of place and that some of the dwellings had particularly awkward inter-relationships. Now it is considered that the layout has produced a form of development where the buildings, visually, relate well to each other with garaging much less prominent in the appearance of the area. It is considered that much better attention has been paid to ensuring a design and form of development which is appropriate for the site rather than the previous scheme where pre-determined house types were then superimposed on the site.

Drainage

- 1.32 The applicants have carried out a flood risk assessment for the site given the initial objections raised by the Environment Agency (EA). In conjunction with this a surface water drainage strategy has been devised. The consultants engaged to undertake the exercise have proposed that the dwellings be sited at a height greater than the flood risk level for the site (provided in advice from the EA). As this will require raising the level of the land, and hence reduce the flood storage capacity, alternative capacity equal to that displaced is to be provided at the south east end of the site. As indicated the EA have verbally confirmed that this approach is acceptable. The drainage strategy aims to ensure that the drainage rate from the site to the brook is the same after development as it is at present. This is to be achieved by the provision of 'oversized pipes' (which accommodate storage) and a hydrobrake (which only allows outflow at the current undeveloped site rate. The hydrobrake is fitted with non return valves which prevent backflow in times of flood or significant rainfall.

Wildlife

- 1.33 The possibility of wildlife interest on the site was raised when the earlier proposals for the development of the site were presented. No substantive evidence of any such interest was demonstrated however and the Inspector, when dealing with the previous appeal dismissed the issue.
- 1.34 English Nature raises the issue of the possibility of the frontage dwelling being a bat roost, and the implications of this can be met by an appropriate condition. Otherwise, the Woodlands and Environmental Specialist has not raised the possibility of interest on the site as an issue and it is considered that it would be inappropriate to resist any development on that basis.

CONCLUSION

- 1.35 The scheme represents a form of backland development which is similar to that which has been implemented to the west of this site at The Croft. An earlier scheme has been considered and dismissed, but many parameters for the development of the site have been established as a result.
- 1.36 The access to the site is considered acceptable. The development proposals will have some impact in relation to the protected and other trees on the site and the residential amenity of the adjoining occupiers. Overall however it is considered that the impacts are not so excessive that the proposals should be resisted on the basis of them.

PREVIOUS REPORT APPENDED TO 03/00423/FUL

- 1.37 Flood risk and drainage assessments have been carried out and any issues in relation to these matters addressed.

RECOMMENDATION

- 1.38 It is recommended that this Committee **RESOLVES** to **APPROVE** this planning application subject to the following heads of condition:

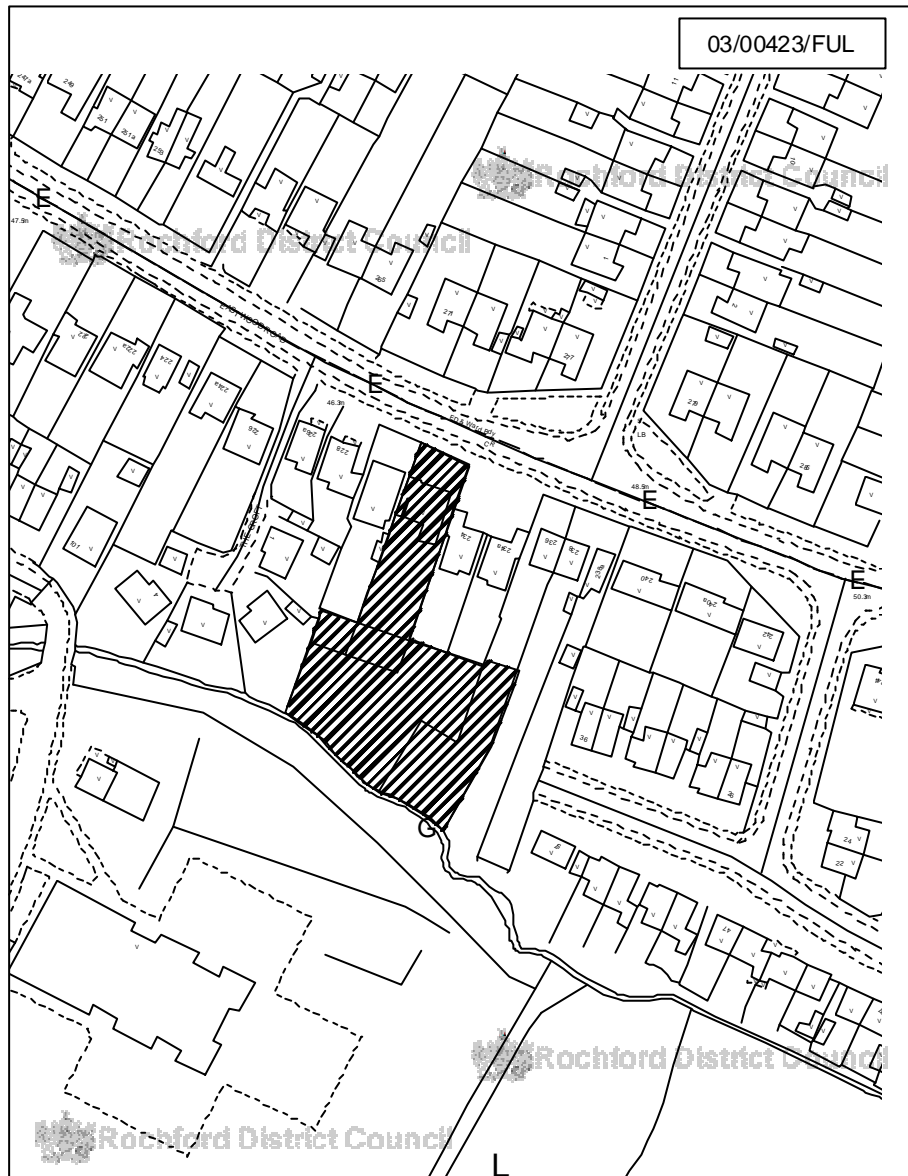
- 1 SC4 Time Limits
- 2 SC9A Removal of existing building
- 3 SC14 Materials
- 4 SC23 PD Restricted obscure glazing
- 5 SC50A Means of enclosure
- 6 SC59 Landscaping
- 7 Accessway construction details
- 8 Surface water drainage
- 9 Foul water drainage
- 10 Implementation of flood protection measures
- 11 TPO and tree protection
- 12 Bat roost habitation mitigation

Relevant Development Plan Policies and Proposals:

H1, H2, H11, H19, H20, H24 Rochford District Local Plan First Review

CS1, CS2, BE1, H2, H3, H4 Essex and Southend-on-sea Replacement Structure Plan





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NTS



CODE OF CONDUCT FOR PLANNING MATTERS

GENERAL PRINCIPLES

Members and Officers must:-

- **at all times act within the law and in accordance with the code of conduct.**
- **support and make decisions in accordance with the Council's planning policies/Central Government guidance and material planning considerations.**
- **declare any personal or prejudicial interest.**
- **not become involved with a planning matter, where they have a prejudicial interest.**
- **not disclose to a third party, or use to personal advantage, any confidential information.**
- **not accept gifts and hospitality received from applicants, agents or objectors outside of the strict rules laid down in the respective Member and Officer Codes of Conduct.**

In Committee, Members must:-

- **base their decisions on material planning considerations.**
- **not speak or vote, if they have a prejudicial interest in a planning matter and withdraw from the meeting.**
- **through the Chairman give details of their Planning reasons for departing from the Officer recommendation on an application which will be recorded in the Minutes.**
- **give Officers the opportunity to report verbally on any application.**

Members must:-

- **not depart from their overriding duty to the interests of the District's community as a whole.**
- **not become associated, in the public's mind, with those who have a vested interest in planning matters.**
- **not agree to be lobbied, unless they give the same opportunity to all other parties.**
- **not depart from the Council's guidelines on procedures at site visits.**
- **not put pressure on Officers to achieve a particular recommendation.**
- **be circumspect in expressing support, or opposing a Planning proposal, until they have all the relevant planning information.**

Officers must:-

- **give objective, professional and non-political advice, on all planning matters.**
- **put in writing to the committee any changes to printed recommendations appearing in the agenda.**