



**Rochford District
Council**

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY
DEVELOPMENT CONTROL COMMITTEE - 28 August 2008**

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 And Transportation, Acacia House, East Street, Rochford and can also be viewed on the Council's website at www.rochford.gov.uk.

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Ward Members for Committee Items

ASHINGDON AND CANEWDON

Cllr Mrs T J Capon

Cllr T G Cutmore

DOWNHALL AND RAWRETH

Cllr C I Black

Cllr R A Oatham

HULLBRIDGE

Cllr Mrs R Brown

Cllr Mrs L A Butcher

Cllr P R Robinson

1	08/00613/FUL	Katie Simpson	PAGE 4
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2	08/00565/FUL	Mr Mike Stranks	PAGE 14
	Demolish Existing Dwelling and Construct Part Two Storey, Part Three Storey Building Containing 5 No. One Bedroomed and 12 No. Two Bedroomed Flats With Parking to Front and Revised Access. 289 Ferry Road Hullbridge		
3	08/00541/FUL	Mr Mike Stranks	PAGE 26
	Erection of a Three Storey Mixed Use Building Comprising a Mix of Commercial Uses (Use Classes D1: Non Residential Institutions, Class A1: Shops, Class A2: Financial and Professional Services, Class A3: Food and Drink, Class A4: Drinking Establishments, Class A5: Hot Food Takeaways) and 11 No. Two Bedroomed and 8 No. One Bedroomed Flats and Associated Car Parking. Land Adjacent Asda Priory Chase Rayleigh		
4	08/00486/FUL	Judith Adams	PAGE 42
	Demolition of First Floor Leisure/Retail Use Accommodation, and Redevelopment into 12 x 2 Bedroom Apartments on New First and Second Floors; Plus New Associated Roof Gardens, Amenity Space, Ground Floor Landscaping and Minor Adjustments to Retained Ground Floor Market Hall. 89 High Street Rayleigh		

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**TITLE: 08/00613/FUL
CONSTRUCT FIRST FLOOR REAR/SIDE EXTENSION AND
MAKE ALTERATIONS TO CONVERT IN TO 4 NO. TWO
BEDROOMED FLATS AND CONSTRUCT 2 NO. ONE
BEDROOMED BUNGALOWS AT REAR AND REVISED
PARKING LAYOUT AND AMENITY AREAS
THE CHEQUERS INN, HIGH STREET, CANEWDON**

APPLICANT: MR C AND MR M OLIVER

ZONING: RESIDENTIAL

PARISH: CANEWDON

WARD: ASHINGDON AND CANEWDON

PLANNING APPLICATION DETAILS

- 1.1 The site**
The application site is to the southern side of The High Street opposite the junction to Canute Close.
- 1.2** The immediate area comprises dense residential development, with an eclectic mixture of both old and new properties. Within close proximity to the site are several Listed Buildings, these being Russell House directly next to the application site, Whinfell and The Anchor Pub on the corner of the High Street and Anchor Lane. The Old Post Office and Canute House are also Listed, to the northern side of the High Street approximately 25m and 100m respectively from the application site. Newer housing developments as seen in Canute Close, Birch close and Chequers Court surround the site.
- 1.3** A Conservation Area runs in a strip along part of the High Street, incorporating The Chequers Inn Pub. The Conservation Area however cuts through the middle of the site and hence the existing car park for the Chequers Inn is not located within the designated Conservation Area.
- 1.4** The application site has a frontage to the High Street of 19m and an average depth of 48m.
- 1.5** The site currently comprises of a public house which fronts the High Street and an associated outbuilding directly behind this to the eastern boundary of the site. An area to the south of the site provides approximately 14 car parking spaces for the pub customers.

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- 1.6 **Planning Application Details**
The application is to construct a first floor rear/side extension and make alterations to convert the public house into 4 no. two bedroomed flats and construct 2 no. one bedroomed bungalows at the rear and revised parking layout and amenity areas.
- 1.7 The public house would be converted in to four flats; a first floor rear extension approximately 6.1m in depth and 4m in width would be included to achieve this.
- 1.8 The two detached bungalows would be situated to the very south of the site each with a single allocated parking space. The bungalows would have an overall ridge height of 5.3m, being approximately 10.3m in depth and 6.9m in width exclusive of a slight roof overhang either side.

RELEVANT PLANNING HISTORY

- 1.9 There is no relevant planning history for this site.

CONSULTATIONS AND REPRESENTATIONS

- 1.10 **Canewdon Parish Council** – A well presented and thought out application, can see no reason to object. However the idea is unpopular with residents due to loss of local amenity.
- 1.11 **County Surveyor** – No objections to the application subject to the following conditions being added to any grant of consent:
- Parking of operative vehicles and storage of materials clear of highway
 - Wheels of vehicles leaving site to be cleansed
 - Parking area constructed and completed in bound materials
- 1.12 **Head of Environmental Services** – No adverse comments in respect of this application subject to standard informative SI16 being added to any grant of consent.
- 1.13 **Historic Buildings and Conservation officer** – No objections to the conversion of the pub on conservation grounds. The external appearance of the building would be altered on one side only and it is not considered that the character and appearance of the conservation area would be affected to any significant degree by the alterations.
- 1.14 The proposed bungalows however are not of the high standard of design required for a conservation area location. Whilst do not object to their erection in principle, they do not relate to the local building vernacular. They ignore the character of the conservation area generally and that of the Chequers in particular. The gable ends display 'duality' and do not meet the criteria of the Essex Design Guide. The proposed materials are bland and artificial, and the cedar boarding is an alien intrusion.

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- 1.15 It is suggest that a much more appropriate model for the bungalows would be the existing garage block which with its hipped slate roofs and white rendered walls, is more in keeping with the character of the pub.
- 1.16 Cannot for these reasons recommend permission for this application.
- 1.17 **Specialist Archaeological advice** – The proposed development lies within the historic core of Canewdon in an area of archaeological potential. It is likely that archaeological deposits may survive within the proposed development area. Such deposits are both fragile and irreplaceable and any permitted development on site should therefore be preceded by a programme of archaeological investigation which should be secured by an appropriate condition attached to any forthcoming planning consent. The planning condition based on guidance given in PPG16 now recommended by the Essex County Council Historic Environment Team to be attached to any planning consent reads:
- ‘No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority’.*
- 1.18 The archaeological work may involve the excavation of a trial trench over the development area or a programme of archaeological monitoring. All recording work should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by this office.
- 1.19 **Buildings/Technical Support (Engineers)** – No objections. Observations – No public surface water sewer available.
- 1.20 55 letters have so far been received in response to the public consultation. They in the main make the following comments:
- Impact on community
 - Concern for lack of parking
 - Development will alter the façade of the building
 - Pub attracts visitors from a wide area
 - Catastrophic for village life
 - Contradicts commitment that the Council/Government is trying to encourage for local rural communities especially within conservation areas
 - Developing the area with more residential property would diminish not enhance the conservation area
 - Inappropriate backland development
 - Emergency vehicles would struggle to gain access
 - The Chequers is the hub of the community

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- Too many of Canewdons oldest buildings have been lost to planning, need to keep what character is left
- Venue for various fund raising events
- Affect on house prices
- Affect on quality of life
- Village suffers poor public transport
- Surprised there is not a preservation order on this building
- Flats out of character with village
- Concern for the safety of listed buildings
- Bungalows cramped – tight to boundary
- Design incongruous and incompatible
- Overlooking to adjacent private amenity space
- Inadequate bin storage
- Does not meet high standards of design
- Proposal neither enhances or preserves locality
- Informed by Council that once the 'Prowtings' estate was completed there would be no further new builds in Canewdon since the sewage system could not cope with any further properties. Since then houses have been built on the original Chequers car park and the pub garden. How the Council justify further development of this area?
- The bungalows are utilitarian in every aspect
- Drawings show a desperate endeavour to cram on to the site more units than can be accommodated
- Bin areas for bungalows ignored
- Raised deck shown to provide an amenity area for the flats is likely to impact on the quality of life for the occupants of Russell House
- Proposal is over ambitious
- Three flats and one bungalow could work on the site with adequate private amenity, recycling storage and car parking
- Village could gradually be ruined by money motivated individuals
- Must be more appropriate areas to develop within the district
- Inappropriate within conservation area
- No certainty of the selling price of the bungalows or if profit will be made
- Archaeological investigation would delay the project
- Most people are able to walk to this pub thus reducing CO2 emissions, noise from vehicles etc.
- How could demolish garage without demolishing boundary wall with Russell House.
- First floor extension will lead to considerable loss of light to Russell House
- Removal of Chequers would mean less facilities

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MATERIAL PLANNING CONSIDERATIONS

Density

- 1.21 The application site has an area of 0.9 ha. The proposed six units would equate to a density of 66.6 units per hectare. Taking the site area by itself the proposal would exceed the density of 30-50 dwellings per hectare advocated within Local Plan Policy HP3 and would indicate an over development of the site.
- 1.22 By way of further comparison, a typical sample area of 1 hectare around the application site has a density of 38 dwellings per hectare. The proposal would increase the density of this sample area to 43 units. Whilst the density of the sample area is, and would remain within the range of 30-50, the density of the site would be significantly greater and would be out of place with the lower densities in the centre of the village.

Compatibility of the building with the site surroundings

- 1.23 The neighbouring property to the east of the site fronting the High Street (Russell House) is a Listed Building. The impact of the proposals upon this dwelling must be carefully considered. The proposed first floor rear extension to the public house would be sited close to the boundary with this neighbour. This side elevation does not include any windows/openings and hence overlooking is not considered to be a concern. Notwithstanding the first floor extension the Chequers will remain as existing in bulk, form and design.
- 1.24 Although it is accepted that the first floor extension will result in an increase in the bulk of the building as seen from the adjacent property, the application is not considered to unreasonably harm the setting or character of the adjacent Listed Building as to justify refusing the application.
- 1.25 The first floor addition would also bring about a concern for loss of light to Russell House. The Chequers is already is a dominant structure next to the modest sized Russell House and will already reduce slightly the amount of late afternoon sun that reaches the property and garden. It is considered that due to the already significant bulk of the Chequers the first floor extension proposed would not result in an unreasonable increase in the loss of light to Russell House.
- 1.26 To the north east of the site, the Old Post Office is also a Listed Building. As no change will occur to the front elevation of the public house, no material harm will result to the setting or character of this property.

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- 1.27 The Chequers building will remain visually the same as viewed from the street, with the exception of the removal of the pub signs and associated advertisements. The Chequers will not appear to be flats when viewed from the street and the building will retain its character and appearance appropriate within the Conservation Area and sympathetic to the eclectic nature of its surroundings. All windows and doors are kept in the original openings and new windows will respect the design and character of the existing. The change of use of the public house to four residential units is therefore considered to cause no material harm to the established nature of the Conservation Area. These observations are also agreed by the conservation officer who sees no objection to the conversion of the pub in conservation terms.
- 1.28 The boundary of the Conservation Area cuts through the middle of the site, approximately the land south of the access to Chequers Court is not designated as within the Conservation Area. Consequently the proposed location of the two bungalows is not within the conservation area. Despite this, the impact these bungalows may have on the adjoining conservation area, and to the public house building must be assessed and consequently their design is significant.
- 1.29 The two bungalows to the south of the site are of a simple form, single storey in height (5.2m) with a pitched roof and outlooks only to the north and south. Due to the low storey height there is no scope for rooms to be incorporated within the roof space.
- 1.30 Consultations with the historic buildings and conservation officer have concluded that the proposed bungalows are not to the high standard of design required for a conservation area location. They ignore the character of the area generally and that of the Chequers in particular. The gable ends display duality and do not meet the criteria of the Essex Design Guide.
- 1.31 The proposed materials are also considered to be bland and artificial and cedar boarding is an 'alien intrusion'. It is suggested by the conservation officer that the bungalows should be designed using the existing garage block as a model, hipped slate roof and white rendered walls. This suggested design is seen to be more appropriate and in keeping with the character of the pub and the conservation area.

Loss of Public House

- 1.32 There is no doubt that the loss of amenities including public houses, post offices, shops and so on is of great concern for residents in rural communities. The question is though whether there is a planning policy framework in place that is capable of successfully resisting the loss of such facilities.

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- 1.33 It is in most instances it is an economic decision to close a pub or village shop, though of course such decisions can be taken for other reasons. The Local Plan recognises the challenges presented by closures, but rather than seek to prevent this from happening in the first instance, Policy R10 (New Retail Uses) coupled with R9 (Re-use of buildings) seek to support, in appropriate cases, opportunities for retail uses that will support rural communities.
- 1.34 The assessment of the suitability of the Chequers for conversion to residential has been carefully considered and found to be acceptable in principle – there is no policy in the Local Plan that promotes the retention of village pubs as a local amenity in rural areas.

Residential Amenity

- 1.35 The change of use of the pub is unlikely to bring about unreasonable loss of amenity to surrounding neighbours. The first floor rear extension will be more prominent from Russell House but it is considered that it is of a design and form that will not cause unreasonable harm to this neighbour.
- 1.36 The raised decking amenity area for the flats does extend to the boundary with Russell House. An increase in noise and disturbance is not expected to be material and cause a detriment to the amenity currently enjoyed by the residents of Russell House.
- 1.37 The proposed bungalows reach a maximum ridge height of 5.2m. It is therefore unlikely that the development will result in unreasonable overlooking or loss of privacy to adjoining neighbours. Overshadowing is also highly unlikely. The bungalows have been designed with no side elevation windows as to prevent any possibility of overlooking to sites either side of the development. A refusal based upon direct overlooking could not be substantiated. Adequate fencing on the boundary will offset any unreasonable loss of amenity to the occupiers of the dwellings south of the site in Birch Close.

Amenity Space

- 1.38 The useable garden area for the flats proposed would equate to 77m². Together with the strip of land on the eastern boundary (proposed as amenity space) which is not considered to be useable space would only take the amenity space total to 91.04m². 77m² is significantly below the standard of at least 100m² (25m² per flat) as specified in Council Guidance.
- 1.39 The amenity space for the one bed roomed bungalows should be at least 50m². The amenity space for the bungalows is 45.08m² for bungalow no. 2 and 39.98m² for bungalow 3. These areas are considerably below the specified standard. It is noted however that the gardens areas are of a useable shape.

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- 1.40 Canewdon provides a rural setting and areas of open space. Close to the site these can be found at the Village Green to the west of the application site and a playing field to the north east. Although both of these are within walking distance from the site neither are adjacent to the site and could justify a reduction of private amenity space below the Councils specified standards.
- 1.41 It is considered that the resultant garden sizes' being below standards represents a significant over development of the site.

Parking/increased traffic movements

- 1.42 The site already has an existing crossover and access. It is considered that the traffic movements into the application site would not change significantly from movements seen in and out of the site now with regard to the pub trade and use of the car park for visiting clientele.
- 1.43 Each of the bungalows has one off street parking space which is seen to be adequate for these dwellings. There are 7 parking spaces for the four flats. This equates to 1.75 parking spaces per flat. The nine parking spaces represent 1.5 car parking spaces per residential unit (flats and bungalows).
- 1.44 The car parking provided meets requirements and is deemed satisfactory for this development in this location.
- 1.45 The Highways Authority does not raise an objection to the application.

CONCLUSION

- 1.46 It is considered that with regard to the conversion of the public house to four flats the proposal is considered acceptable. The proposal is seen to be satisfactory in conservation terms and is unlikely to result in a loss of residential amenity to surrounding neighbours. The two bungalows however are deemed to be poor in design for their location close to the conservation area, not respecting the character of the surrounding locality and the Chequers in particular. It is deemed that the design of these bungalows could be greatly improved as to sympathise with their surroundings.
- 1.47 The significant lack of private amenity space for both the flats and the bungalows is a significant concern and indicates an unacceptable over development of the site.

RECOMMENDATION

- 1.48 It is proposed that this committee **RESOLVES** to **REFUSE** the application for the following reasons:-

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- 1 The proposal would result in an over development of the site failing to provide sufficient private amenity space for the flats and bungalows proposed. If allowed the development would provide insufficient private amenity space for sitting out, limited open storage, drying and limited recreation for future occupiers of those dwellings detrimental to the expectations those future occupiers ought reasonably expect to enjoy.
- 2 The proposed bungalows by reason of their design are considered to be inappropriate and unsympathetic to the Conservation Area, ignoring the established character of the area. Bungalows of hipped slated roofs and white rendered walls are considered to be more suitable. The proposal is therefore considered to be contrary to Policy BC1 of the Rochford District Replacement Local Plan (2006).

Relevant Development Plan Policies and Proposals

HP3, HP6, HP14, BC1 of the Rochford District Replacement Local Plan (Adopted 16th June 2006)

Supplementary Planning Document 2 Housing Design (January 2007)

Supplementary Planning Document 5 Vehicle Parking Standards (January 2007)

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



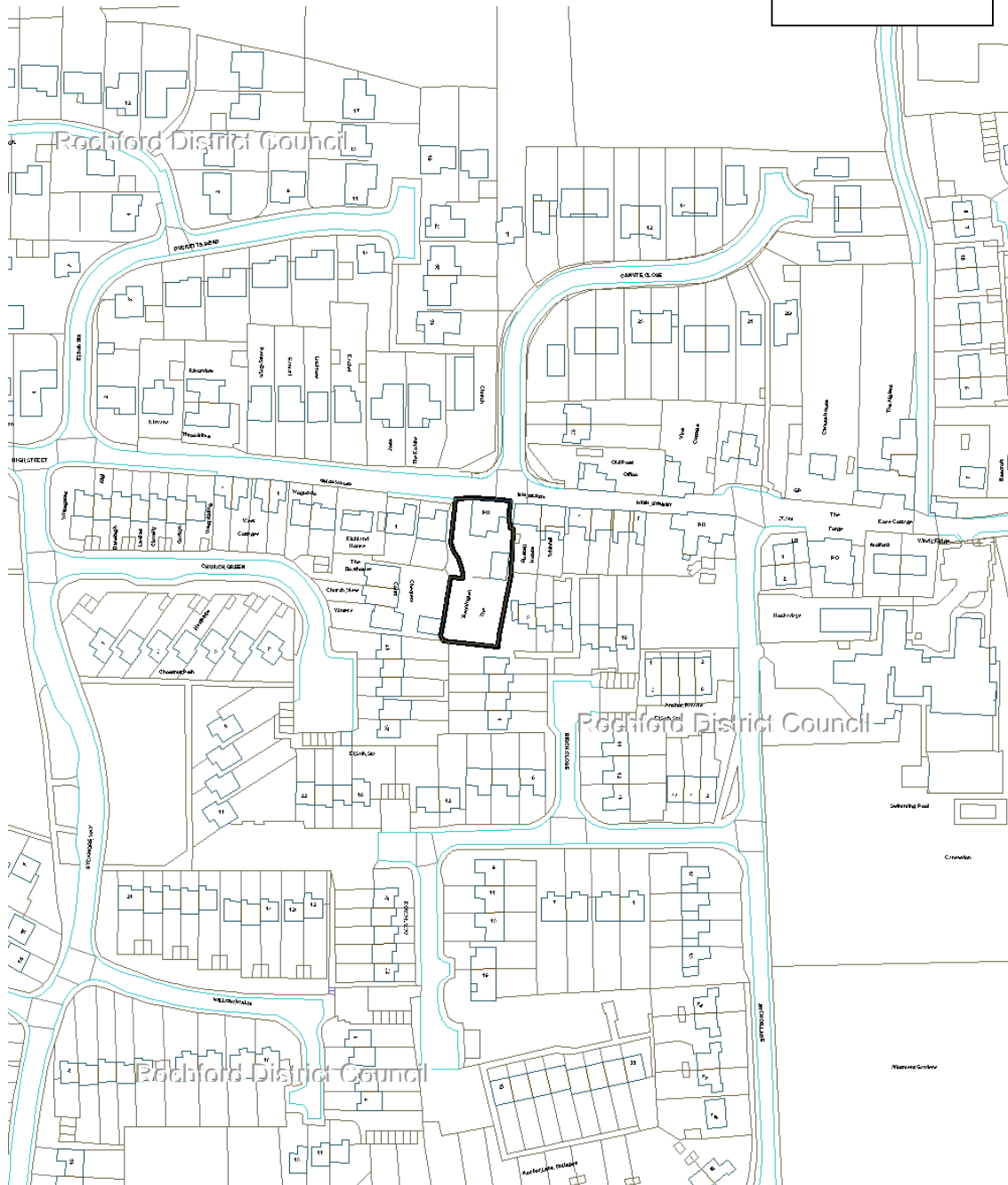
Shaun Scrutton

Head of Planning and Transportation

For further information please contact Katie Simpson on (01702) 546366.

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NTS



Schedule Item 2

**TITLE: 08/00565/FUL
DEMOLISH EXISTING DWELLING AND CONSTRUCT PART
TWO STOREY, PART THREE STOREY BUILDING
CONTAINING 5 NO. ONE BEDROOMED AND 12 NO. TWO
BEDROOMED FLATS WITH PARKING TO FRONT AND
REVISED ACCESS.
289 FERRY ROAD HULLBRIDGE**

APPLICANT: MR ROGER HUNTLEY

ZONING: RESIDENTIAL

PARISH: HULLBRIDGE

WARD: HULLBRIDGE

PLANNING APPLICATION DETAILS

The site

- 2.1 This application is to a site on the western side of Ferry Road 40 metres north of the junction made with Pooles Lane. On the site exists a detached chalet style house sited in the middle of the plot which has a frontage to Ferry Road of 30m and an in-out access drive accessed at each end of the site frontage. The frontage and drive is bounded by a row of approximately 5m high Lleylandi trees.
- 2.2 A slope exists uphill from the level of the street into the site, rising gradually with the depth of the rear garden. A slope also exists across the street frontage downhill towards the river. The site is level at the position of the existing dwelling but the site is generally approximately 0.6m higher than the adjoining property No. 293 Ferry Road to the north.
- 2.3 The site is opposite the bus turn around and public car park and is adjoined by modest dwellings set in deep plots but to a generally consistent building line. The site backs onto a local nature reserve.

The Proposal

- 2.4 The proposal seeks to demolish the existing building and construct a part two storey and part three storey building comprising twelve two bedroomed and five one bedroomed flats.

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- 2.5 The building would be generally of a pitched roofed design with various roof elements to different parts of the building at heights of 9.6m to the middle three story element, 8.9m to the main two story cross wing to the southern side and lowering to 6.9m adjoining the flats to No. 283 Ferry Road and 7.2m lowering to single story adjoining No. 293 Ferry Road. The layout of the building would provide the main bulk situated across the width of the site but with projecting wings and varied elements to make a greater composition.
- 2.6 The front garden area would be laid out for car parking for 17 spaces together with cycle and refuse store. The access into the site would adjoin the existing access to the recently completed scheme for 8 No. flats on the adjoining site of No. 283 Ferry Road.

RELEVANT PLANNING HISTORY

- 2.7 The history of this site is associated with the adjoining site of No. 283 Ferry Road.
- 2.8 On 25th October 1995 outline Planning Permission was renewed under application reference OL/0390/92/ROC to demolish the two existing dwellings and develop the site with a two storey building to provide 28 sheltered housing flats with parking area to the front. This scheme provided development to the depth of the site but maintained side isolation space of 3m between the building proposed and the site boundaries. This permission has now lapsed.
- 2.9 On 2nd October 1997 outline Planning Permission was refused under application reference 97/00046/OUT to construct a building to comprise a 43 bedroomed old peoples rest home which provided a two storey development at the front and single storey development in depth to the rear of the site. This was based upon an earlier appeal for a near identical development under application ROC/402/88. In allowing the Appeal the Inspector considered the general siting of the building in line with adjoining development to be acceptable together with the provision of the car park to the front. The development common to both schemes however featured single storey development to the rear of the site.
- 2.10 On 1st November 2005 Planning Permission was refused under application reference 05/00633/FUL to demolish the existing dwelling and construct a part two storey, part three storey building for 16 flats with access, parking and amenity areas and bin store. This application was refused permission because of the overall size and bulk of the building considered incompatible with the site surroundings and considered detrimental to the streetscene.
- 2.11 Although dismissing the appeal the inspector reasoned ...

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- 2.12 "... I agree that redevelopment with flats would be appropriate in this location given its sustainable credentials and the varied form of surrounding development... I see no reason why the development of this site should not incorporate a three storey element within the building... it is necessary to ensure that any such structure is not over bulky in terms of its relationship with the adjacent streetscene which includes predominantly single family dwellings of a more domestic scale... the siting of the proposed block so close to the common boundary, with no scope for meaningful landscaping, is likely to create unacceptable overshadowing and will represent a dominant and overbearing structure as viewed from the patio area of that property.." (No. 293).
- 2.13 Permission was granted more recently on 15th May 2007 and under application reference 07/00085/FUL for the development of the site to provide 14 flats.
- 2.14 An identical application to the current proposal was refused permission on 11th December 2007 under application ref: 07/00889/FUL and solely for the reason of the application failing to make provision for affordable housing in light of local and national policy and as set out below;
1. The proposal and details accompanying the application fail to make provision for affordable housing contrary to the advice contained at paragraph 29 to Planning Policy statement 3 Housing (2006) and Policy HP 8 to the Rochford District Replacement Local Plan (2006). If allowed the development of the site as proposed would see the loss of an opportunity to provide affordable housing and the effective use of land in accord with national and local Planning Policy.

CONSULTATIONS AND REPRESENTATIONS

- 2.15 **Hullbridge Parish Council:** Concern expressed regarding increased traffic on an already very busy area and the proposed three storeys are out of character and contrary to street scene.
- 2.16 **Essex County Council Highways and Transportation:** Recommend the following heads of conditions:-
1. No obstruction above a height of 600mm above the level of the carriageway within a 2.4m parallel band visibility splay across the entire site frontage.
 2. Pedestrian visibility splay
 3. Space to be provided within the site for the parking and turning of all vehicles regularly visiting the site.
 4. Provision and implementation of a transport information and marketing scheme for sustainable transport, approved by Essex

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County Council to include vouchers for 12 months free bus travel within an applicable zone.

- 2.17 Note also the desire for the provision of a footway to the front of the site and that the highway boundary is considered to be 1.5m back from the edge of the carriageway.
- 2.18 **Natural England:** Based on the information provided (including a bat survey in relation to a previous submission for development at this site), Natural England has no objection to the proposed development in respect of legally protected bats, as no evidence of bats was found at the time of the survey within or close to the development site. We are not therefore aware that they are likely to be adversely affected by the proposal.
- However, if any other information such as representations from other parties highlights the possible presence of another protected or BAP species, the local planning authority should request further survey information from the applicant before determining the application in line with paragraph 99 of Circular 06/2005. If the application is amended with this additional information, Natural England should be re-consulted for a further 21 days in accordance with Circular 08/2005.
- 2.19 **Environment Agency:** The proposal falls outside the scope of matters on which the agency is a statutory consultee. No comments therefore to make.
- 2.20 **Anglian Water:** Advise that foul flows and wastewater from this development can be accommodated within the foul sewerage network that at present has adequate capacity.
- 2.21 Surface water is not shown to be drained to a public sewer and therefore outside Anglian Water jurisdiction. Recommend the views of the Environment Agency sought.
- 2.22 **Buildings/Technical Support (Engineers):** No objections. Advise public surface water sewer available which may be a better solution than soakaways if capacity available.
- 2.23 **Woodlands section:** No wildlife issues, no further concerns.
- 2.24 Recommend suggested tree planting between parking bays 14/15 be removed. Field Maples have a low spreading habit that will cause future residents a nuisance.
- 2.25 Recommend the proposed boundary hedge consists of Hornbeam rather than Hawthorn or Black thorn which is not appropriate close to a footway.
- 2.26 All trees are to be standard container grown specimens BS 3936-1;

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- 2.27 All trees/hedgerows to be feathered not root balled BS 3936-1;
- 2.28 All planted to BS4428.
- 2.29 **Head of Environmental Services:** No adverse comments to make subject to inclusion of standard Informative 16 Control of nuisances being included as part of any approval that might be given.
- 2.30 Four letters have been received in response to the public notification and which in the main make the following comments and objections;
- Only in October 2007 this project was refused
 - Object to 17 flats because when purchased No. 293 were of the understanding that no more than 12 flats would be allowed on this site
 - Previous appeal turned this down
 - Ferry Road now a building site for flats with more than enough
 - Increased Traffic. This end of Ferry Road is small and gets very busy with all the buses and at school time
 - Increased pressure on the road
 - Area used for boating clubs to get access to the water
 - Would mean 17-34 more cars
 - Overdevelopment
 - Concern for run-off water from such developments when existing drains cannot cope and more concrete will make existing problems worse
 - Hullbridge is a village environment with quiet walks along the river
 - If flats built, won't be able to see the river
 - Loss of light into adjoining homes
 - Hullbridge being blighted
 - Character rapidly disappearing
 - Skyline looking more like an ugly city and just more urban sprawl

MATERIAL PLANNING CONSIDERATIONS

- 2.31 The site is allocated for residential purposes and the provision of flats reflects the demand for smaller households.
- Density**
- 2.32 The site has an area of 0.23ha. The proposal would have a density of 74 units per hectare.
- 2.33 Policy HP3 to the Council's adopted Local Plan (2006) argues for a density of not less than 30 dwellings per hectare and that the best use of urban land will be achieved in the range between 30 - 50 dwellings per hectare. This followed advice from central government contained within paragraph 58 to Planning Policy Guidance Note 3: Housing in effect at the time the current local plan was produced.

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- 2.34 Whilst the density of the proposed development would exceed the range set out in Policy HP3 the advice contained within paragraph 47 to PPS3: Housing (November 2006) post dates the adoption of the Councils Local Plan (June 2006) and supersedes the previous advice, in PPG3. This more recent government advice although setting a minimum density of 30 dwellings per hectare, no longer sets an upper limit but amongst other things requires account to be taken of the characteristics of the area.
- 2.35 A typical sample area of one hectare of the locality and including the site shows an existing density of 14 dwellings per hectare. These dwellings comprise mostly detached single dwellings in large plots but where permission is granted for flatted developments on the application site and for an age restricted scheme to the site of No. 289 Ferry Road. Outside the sample area but in the site vicinity there are other flatted schemes or flats existing above shops. Flatted development is not inappropriate in this location and was accepted by the Inspector in the previous appeal on the site to which the current application relates.
- 2.36 If account is then taken of the existing permission on the application site for 14 flats and the recently approved scheme for 8 flats to the site of No. 299 Ferry Road the density in the sample area increases to 34 units. The proposal would further increase the density of the sample area to 37 units.
- 2.37 Although the density on the site exceeds the upper limit of 50 units set down in Policy HP3 to the Local Plan (2006) the proposal would not conflict with more recent government advice regarding density shortly after adoption of the Council's Local Plan. The proposal meets the Council's space standards in all other respects and this shows the development to be capable of being accommodated on the site.

Car parking and access

- 2.38 No objection is raised to the proposal on highway grounds by the Service Director for Essex County Council Highways and Transportation. Whilst there will be an increase in traffic associated with the more intense use of the site proposed, the locality is busy providing a bus turn around and public car park directly opposite the site together with the junction of Pooles Lane. The provision of flats against the background activity on the highway would not give rise to additional activity that would be considered detrimental sufficient to justify refusing permission for this reason.

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- 2.39 Adjoining dwellings provide off street parking to varying degrees of site coverage but in common make extensive use of varying proportions of the front garden areas. The adjoining site of No. 283 is under construction for a scheme of 8 Flats with parking to the front of the building. The proposed parking area to the front of the building occupies almost all of the site frontage but contained by landscaped areas between the car parking spaces and the plot boundaries. The locality is dominated by highway layout associated with the bus turn and public car park opposite the site. Given this particular feature to the street scene the extent of car parking to the front of the building would not prove so visually detrimental that amenity would be harmed to the extent that permission should be refused for this reason.
- 2.40 The parking provision within the scheme equates to one space per flat. The site is served by a regular bus service and a public car park exists opposite the site. Whilst in some cases the County Highway Authority is in the emerging practice of recommending a higher standard of 1.5 spaces for two bedroomed flats and possibly a further 6 spaces to serve this scheme within the site, the County Highway Authority have not done so in this case. Given that the location has good access to bus service and other local shops in the vicinity of the site, officers consider that the provision of one car parking space per flat is acceptable in this scheme. This is the standard approved to the adjoining scheme on the site of No. 283 Ferry Road now complete.
- 2.41 The site would be served by an adequate access to adjoin the neighbouring flatted development to which there is no objection subject to the conditions required for adequate visibility as recommended by the County Highway Authority.

Space standards and overlooking issues

- 2.42 The proposed layout would provide extensive amenity area of 834 square metres and way in excess of the 425 square metres required. The amenity area adjoins neighbouring gardens at the rear and the local nature reserve and in a satisfactory relationship.
- 2.43 The proposed bin/cycle store would be located 14m from the highway and 3.9m from the northern boundary of the site with No. 293. The bin store would have a satisfactory relationship to the setting of the building proposed and the adjoining bungalow. Consideration of the elevations to the bin/cycle store can be the subject of a condition to any approval that might be given.

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- 2.44 The group of buildings in the vicinity vary in size. The dwelling on the site is more substantial but is sited centrally to the plot. The proposed building would also be sited over the position of the existing building but would extend to the sides and front and rear of the existing footprint. The design of the building breaks it down into a number of elements but it is a large bulkier building than its neighbours and has an element of three storey development. However, given the spacious setting of the plot, the comparison to the size of the new flatted building at the adjoining site the proposal and the comments of the Inspector in the previous decision the proposal is not considered to prove harmful to the street scene and townscape generally.
- 2.45 The proposed siting of the building would achieve a side isolation space of 4m from the site boundary with No. 293. Unlike the approved building for 14 No. flats, the current proposal would continue the northern flank adjoining No. 293 past the rear of the adjoining bungalow but at single storey level with a pitched roof design. The overall depth of this immediate elevation would be to 11m at two story level and a further 6m at ground floor. The resultant form on this part of the site would not create an unsatisfactory relationship to No. 293 or be in conflict with the Inspectors previous findings which were based on the two storey element of the appeal building being only 1m from the common boundary and to a land level 0.6-0.8m higher than this neighbouring dwelling.
- 2.46 Ground floor windows to the flank elevation adjoining No. 293 would serve bathrooms. An upper floor side window to the front projection would be 18.5m from the front boundary with No. 293 but given the angle to the neighbouring dwelling would not give rise to unreasonable conditions of overlooking necessitating it being obscure glazed.
- 2.47 Ground floor windows are proposed to the south elevation directly facing the proposed flats. Privacy can however be maintained on this elevation by fencing as part of a condition to any approval that might be given. A first floor window is proposed to the living room flank wall in the forward projection towards the adjoining flats. Oblique views would be possible into the adjoining flats and this window should be obscure glazed by a condition to any approval that might be given.

Affordable Housing provision

- 2.48 The proposal is of a size that requires the applicants to make provision for affordable housing as part of the development. The threshold for provision is lowered to schemes of 15 or more units by the provisions of Planning Policy Statement 3 Housing (November 2006). Local Plan policy HP8 although setting a higher threshold predates this more recent central government advice. Policy HP8 however establishes provision to be not less than 15% of the units proposed (although the East of England Plan suggests up to 35% level of provision) and in this case equating to 2.55 units which would round up to 3 units within the scheme.

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- 2.49 The applicant has since the last application been in discussion with officers and Hastoe Housing Association Ltd who are one of the Council's approved providers. In this case a legal agreement to provide 2 No. two bedroom units and 1 No. one bedroomed unit together with three car parking spaces is at an advanced stage and is expected to be completed in time for the committee meeting and to allow members to make a decision. The level of provision would meet the 15% provision at issue in the previous application and whilst the provisions of the East of England Plan now argue for greater provision of up to 35% it is considered that in this case and given that negotiations began on the basis of the previous decision, it is reasonable to accept 15% provision in this particular scheme. If however there is no hope of the matter being concluded against expectation prior to issue of the decision by the determination period ending on 12th September 2008, officers consider that it would be acceptable to refuse planning permission on the basis of the matter being outstanding and no provision forming part of the application.

CONCLUSION

- 2.50 The acceptability in principle of flatted development on this site is clearly established from the development plan allocation and planning history of the site and adjoining area. The proposal would provide a higher density in conflict with Local Plan Policy but this policy itself is outdated by more recent advice which does not set an upper limit to the acceptability of density. The proposal satisfies the tests set down in other policies and considerations and would take an overall form acceptable in the street scene. The proposal would not result in a building having an unsatisfactory relationship to adjoining buildings and the amenity of occupiers thereof.
- 2.51 The applicant has shown commitment to the provision of three affordable units within the scheme overcoming previous objections on this sole issue which lead to this previous application being refused. On the basis that the necessary agreement to secure affordable housing in perpetuity is completed within time to allow the Council to issue a decision by the determination date of 12th September 2008 the proposal is acceptable.

RECOMMENDATION 1

- 2.52 Should the agreement required to achieve the provision of affordable housing not be completed by midnight 8th September 2008 that the **Head of Planning and Transportation be delegated to REFUSE** planning permission for the following reason:-
1. The proposal and details accompanying the application fail to make provision for affordable housing contrary to the advice contained at paragraph 29 to Planning Policy statement 3 Housing (2006) and Policy HP8 to the Rochford District Replacement Local Plan (2006). If allowed the development of the site as proposed would see the loss of

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an opportunity to provide affordable housing and the effective use of land in accord with national and local Planning Policy.

RECOMMENDATION 2

- 2.53 On the basis that the agreement required to achieve the provision of affordable housing is completed on or before midnight 8th September 2008 **the committee is recommended to resolve to APPROVE** the application subject to the applicants and owners entering into an **AGREEMENT under section 106** of the act to secure in perpetuity the provision of not less than three units for affordable purposes and to the heads of conditions set out below;

- 1 SC4B – Time limits standard
- 2 SC14 – Materials to be used externally
- 3 SC23 – Obscure Glazing to specified window
- 4 SC22 – PD Restricted windows above first floor
- 5 SC50A – Means of enclosure
- 6 SC59 – Landscaping
- 7 The details of the landscaping of the site to be submitted with regard to condition 6 above shall omit the proposed tree planting between parking bays 14/15 as shown on the approved layout DRG. No. DMG/07/355/1 because Field Maples have a low spreading habit that will cause future residents a nuisance. Furthermore the proposed boundary hedge shall consist of Hornbeam rather than Hawthorn or Black thorn which is not appropriate close to a footway. All trees are to be standard container grown specimens BS 3936-1; All trees/hedgerows to be feathered not root balled BS 3936-1 and planted to BS4428.
- 8 No obstruction above a height of 600mm above the level of the carriageway within a 2.4m parallel band visibility splay across the entire site frontage.
- 9 SC66 - Pedestrian visibility splay
- 10 Provision and implementation of a transport information and marketing scheme for sustainable transport , approved by Essex County Council to include vouchers for 12 months free bus travel within an applicable zone.
- 11 The provision of a footway to the front of the site and that the highway boundary is considered to be 1.5m back from the edge of the carriageway.
- 12 SC75 – parking and turning space
- 13 SC91 - Foul water drainage
- 14 SC90 Surface water drainage
- 15 Submission of details of bin/cycle store elevations

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REASON FOR DECISION

The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area, to the street scene or residential amenity such as to justify refusing the application nor to surrounding occupiers in neighbouring streets.

Relevant Development Plan Policies and Proposals

HP3, HP6, HP8, HP11 Rochford District Replacement Local Plan (2006)

Supplementary Planning Document 2 Housing Design (January 2007)

Supplementary Planning Document 5 Vehicle Parking Standards (January 2007)

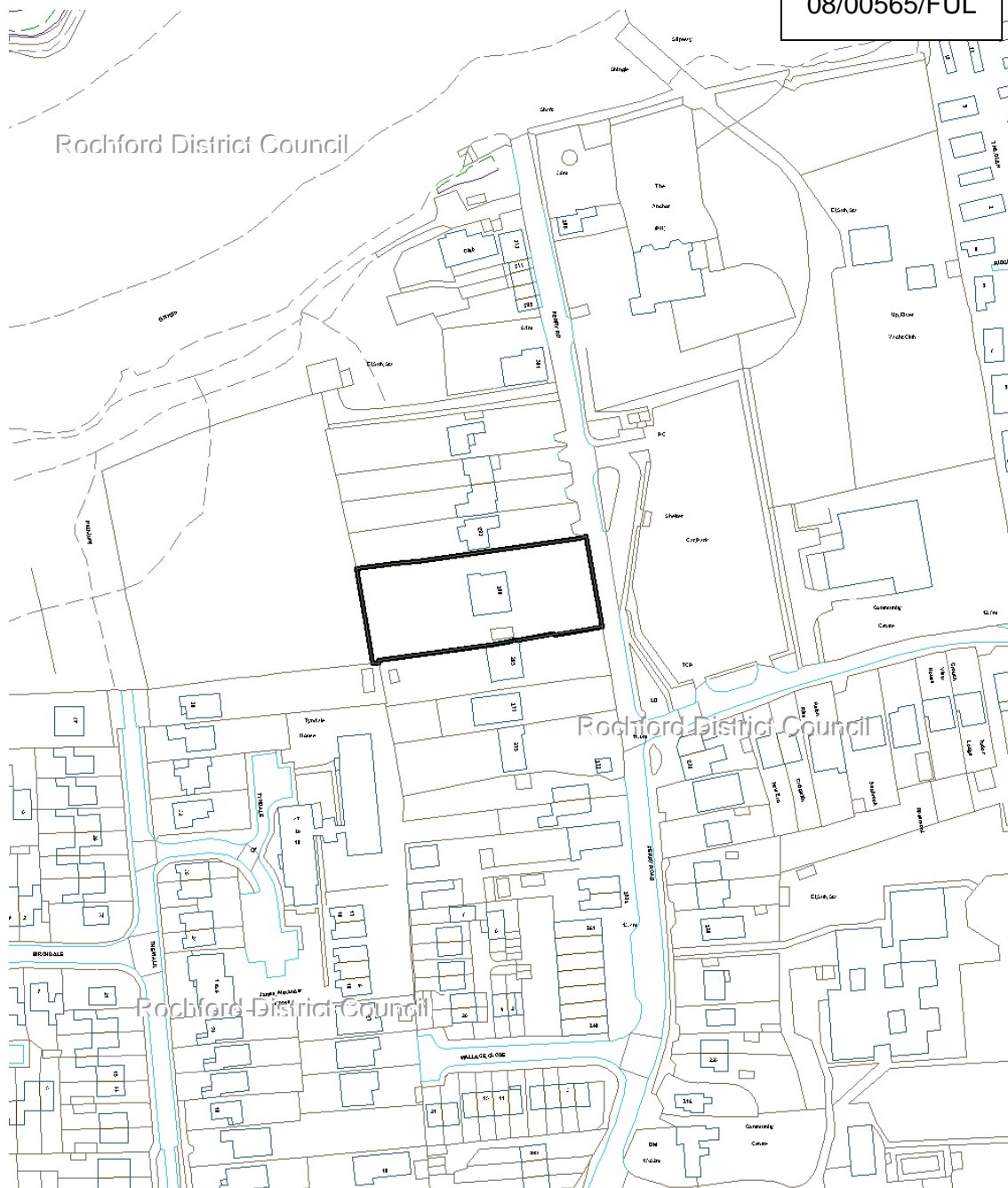


Shaun Scrutton

Head of Planning and Transportation

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

08/00565/FUL



NTS



Rochford District Council, licence No.LA079138

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**TITLE: 08/00541/FUL
ERECTION OF A THREE STOREY MIXED USE BUILDING
COMPRISING A MIX OF COMMERCIAL USES (USE
CLASSES D1: NON RESIDENTIAL INSTITUTIONS, CLASS
A1: SHOPS, CLASS A2: FINANCIAL AND PROFESSIONAL
SERVICES, CLASS A3: FOOD AND DRINK, CLASS A4:
DRINKING ESTABLISHMENTS, CLASS A5: HOT FOOD
TAKEAWAYS) AND 11 No. TWO BEDROOMED AND 8 No.
ONE BEDROOMED FLATS AND ASSOCIATED CAR
PARKING
LAND ADJACENT ASDA PRIORY CHASE RAYLEIGH**

APPLICANT: PROJECT CORAL (RAYLEIGH) LTD

**ZONING: MIXED USE DEVELOPMENT (THE PARK SCHOOL SITE)
(HP2)**

PARISH: RAYLEIGH TOWN COUNCIL

WARD: DOWNHALL AND RAWRETH

PLANNING APPLICATION DETAILS

The site

- 3.1 This application is to a site on the southern side of Rawreth Lane on the inside of the junction made with Priory Chase. The site is the remaining part of a mixed development providing housing, including key worker flats, sports centre, primary school and is located on the edge of the car park to an existing ASDA retail store.
- 3.2 The site is contained by Priory Chase to the west and Rawreth Lane to the north with intervening land forming a wide verge with established trees from the former school setting fronting onto Rawreth Lane. Opposite the site and also Fronting Rawreth Lane are detached housing, bungalows and chalets. Opposite the site and fronting Priory chase is a building of two storey form with accommodation in the roofspace for key worker flats.
- 3.3 The southern and eastern edges of the site adjoin the car park serving the Asda store but also serving the approved mixed use building for this part of the site to which the current proposal is an alternative to the approved scheme.

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The proposal

- 3.4 The proposal is to construct a three storey building fronting the corner of the junction between Priory Chase and Rawreth Lane to comprise a mix of commercial uses at ground floor within all the A classes contained within the Town and Country Planning Use classes order (1987) and normally common to town centres and shopping parades. The exception is a two storey unit at the eastern return of the building fronting Rawreth Lane shown Use Class D1 use and which could provide a range of community uses including halls, clinic, crèche or day nursery, gallery, museum or non-residential education and training facilities.
- 3.5 At first and second floors the building would contain 11 No. two bedroomed and 8 No. one bedroomed flats.
- 3.6 The building would be finished in a combination of red brickwork and render with grey powder coated aluminium windows. The roof design would be sloped to the street and viewed from the outside in a Mansard style incorporating flat roofed dormers. Behind the ridge lines to the roof parapet would exist flat roofed areas with skylights set below the outside roof view.
- 3.7 The layout of the site would incorporate 19 car parking spaces including two disabled spaces and each accessed from across the adjoining car park.
- 3.8 In a more recent revision to the layout reducing the extent of paving and enclosed outside space to the D1 unit to the east of the building, the applicants have revised the car parking provision to change the arrangement of the service bay and provide for 25 car parking spaces.
- 3.9 The building would incorporate two rooms with external access onto the car park for refuse and separate recycling bin storage, which meets the requirements of the Council's refuse contractors; a cycle store for 10 cycles is also shown in a similar manner in addition to 6 No. bicycle stands to the external paved area adjoining the car park.
- 3.10 The applicants, Project Coral (Rayleigh) Ltd, have a conditional contract with the site owner ASDA Stores. Should the application not be successful then ASDA retain the site ownership and will decide how to best utilise the land to meet their commercial/operational requirements.

RELEVANT PLANNING HISTORY

Application No. 01/00762/OUT

Outline application for a mixed use development comprising housing, neighbourhood centre, public open space, Primary school and Leisure Centre
Permission Granted 18th June 2003.

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Application No. 04/00975/FUL

Variation of conditions attached to Outline Permission No. 01/00672/OUT to allow for separate reserved matters to be submitted and to allow flats above retail units in the neighbourhood centre.

Permission granted 17th February 2005

Application No. 05/00599/REM

Details of retail foodstore and part two storey part three storey building comprising 4 No. A1 (retail) units and 1 No. café/restaurant to ground floor, 3 No. D1 (Non residential Institutions) units at first floor and 8 No. Two bedroomed flats at first and second floor with access and car parking layout.

Permission refused 24th November 2005

For reasons that the proposal failed to comply with the requirements of condition 4 of the outline consent in providing for a range of uses valuable to the local community, that the results within the travel assessment were considered unacceptable in terms of traffic movements arising from the development and the capability of the highway network to absorb those movements and the size of the retail store would be likely to have an adverse effect upon Rayleigh Town Centre.

Application No. 05/01049/REM

Details of retail foodstore and part two storey part three storey building comprising 5 No. A1 (Retail) units and 1 No. A3 café, 3 No. D1 (non residential institutions) 1 No. D1 Nursery at ground, first and second floor with access and car parking layout floor

Permission refused 25th May 2006 for reasons that the results within the travel assessment were considered unacceptable in terms of traffic movements arising from the development and the capability of the highway network to absorb those movements, the size of the retail store would be likely to have an adverse effect upon Rayleigh Town Centre and the noise and disturbance associated with the retail store would be detrimental to residential amenity of nearby residents in Priory Chase.

Appeal allowed 25th January 2007.

Application No. 06/00508/FUL

Variation of condition 2 of outline permission 01/00762/OUT to extend the time allowance for the submission of reserved matters applications by three years.

Permission granted 20th June 2006.

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Application No. 07/00588/FUL

Alterations to Approved ASDA Store Building Comprising Covered Walkway to Car Parking Area, Provision of Smoking Shelter to Staff Parking Area, Provision of External Cash Machine Pod and Removal of one Car Parking Space, Provision of Draft Lobby to Store Entrance, Raise Height of Service Yard Wall From 1.8m to 3m, Revised Layout of Service Yard, Revised Location of Trees to Car Park, Extension of Entrance Canopy, Revised Elevations of Store to Show Location of Cash Office Transfer Unit, Provision of 2 No. First Floor Windows to Staff Restaurant and Training Room Reduced Size of Curtain Walling Panels, Provision of Additional Fire Exit to North Elevation and Revised Position of Roof Plant.

Permission granted 23rd August 2007

Following the grant of outline a master plan formed as part of the agreement to the outline permission established the relative proportions of the layout of the site around a single spine road, to provide a neighbourhood centre comprising retail and other uses to support the community to this part of western Rayleigh including food and drink uses, and non-residential institutions such as children's nursery or medical facilities. The consent allowed for a range of uses from Classes A1, A3 and D1 to be provided on the neighbourhood centre.

The site that now includes a retail store and car park with permission extant as allowed on appeal under application 05/1049/REM for an alternative mixed use building that is compliant with the outline permission. The outline permission was previously varied to allow for flats to the upper floors of the mixed use building. The development commenced construction under the appeal decision but the design of the retail store building was amended and completed under the permission granted under application 07/00588/FUL. The site of the proposal remains with a shingle covering and in use for overspill car parking.

This application is a stand alone application independent from the outline application and is not submitted as reserved matters pursuant to the outline permission or the history of the site.

CONSULTATIONS AND REPRESENTATIONS

- 3.11 **Rayleigh Town Council:** Object because the proposal does not conform to the original outline planning permission i.e. no community useage and it is an overdevelopment of the site and does not conform to SPD2 8.2 on flat roof dormers.
- 3.12 **Rawreth Parish Council:**
1. In the original application mention was made that a health centre or nursery was proposed, however this does not appear on the application. Is it included i.e. D1?

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2. The provision of flats was not included on the original master plan and there is a lack of adequate car parking allocation to which the Council objects.
3. The application is not specific enough and each individual unit should have a specific use applied for.
4. The use of the upper storey should be restricted to community use as originally detailed in the master plan, failing that the use should be restricted to offices only.
5. Takeaway establishments are not necessary or suitable for this development. There are already facilities at the end of Rawreth Lane in Hambro Parade and the inclusion of them on this site would cause increased nuisance for the immediate neighbours by way of noise, traffic and rubbish.
6. A drinking establishment is not necessary or suitable for this development and area and would cause increased nuisance for the immediate and surrounding neighbours by way of noise and traffic.
7. Have no objection to the coffee shop but opening hours should be controlled under any permissions given.

3.13 Essex County Council Highways and Transportation: Object on the following grounds:-

1. The proposal does not provide sufficient parking within the site for the residential part of the proposal. The lack of parking within the site may well lead to vehicles being parked within the highway, causing obstruction to other road users to the detriment of general highway safety. The proposal would therefore be contrary to Policy 1.1 (Safety) and Policy P7 (parking standards) Appendix G: Development Control Policies and Processes, Essex Local Transport Plan 2006/2011.

3.14 Further comment that whilst it is accepted that there is a large car park to the adjoining ASDA store and that customers for the commercial element of the proposal will use it, the lack of any residential car parking for the flats proposed may well lead to residents vehicles being parked within the private car park to the store and susceptible to any changes such as parking restrictions that may well prevent residents making use of it. This would lead to on street parking elsewhere. Furthermore, the lack of public transport is likely to lead to higher levels of car ownership and therefore parking should be provided to reflect this. If the residential element were to be provided with 150% provision and in this case 29 spaces, the highway Authority would reconsider the proposal.

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- 3.15 **Rayleigh Civic Society:** Understand the inevitable inclusion of flats but seriously question the need for 6 shops in this location. This concept was tried at Rayleigh Weir by Sainsbury some years ago but abandoned because some of them failed. There is already a row of shops at the entrance to Rawreth Lane, including a thriving chemists and hot food takeaway. Consider two drinking establishments unnecessary, an off licence perhaps but not two pubs.
- 3.16 Presume the shop classes quoted in the application are not hard and fast. The number of car parking spaces seems inadequate bearing in mind the number of staff, customers and flat occupiers.
- 3.17 **Head of Environmental Services:** Recommends the following conditions and informatives to any approval that might be given:-
- 3.18 Each individual non-residential unit will require the following conditions to be discharged prior to first occupation (it is presumed that any subsequent change in use is not controllable through the planning process if the application is approved in the current form):
1. A mechanical extraction system shall be provided to the kitchen area in accordance with details submitted to and agreed in writing with the Local Planning Authority. Such agreed works shall be fully implemented prior to the commencement of any use hereby permitted and shall be maintained in the approved form while the premises are in use for the permitted purpose.
 2. Prior to installation, details of all fume extraction and ventilation equipment shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed as approved and shall be maintained in the approved form while the premises are in use for the permitted purpose.
 3. Prior to the commencement of any development, details of any external equipment or openings in the external walls or roofs of the building proposed at any time in connection with the permitted use, shall be submitted to and approved in writing by the Local Planning Authority before the machinery is installed or the opening formed. The equipment shall be installed or the openings formed as approved and shall be maintained in the approved form while the premises are in use for the permitted purpose.
 4. Before the use commences (the unit envelope) shall be insulated against the egress of internally generated noise, in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority. Such agreed works shall be fully implemented prior to the commencement of any use hereby permitted and shall be maintained in the approved form while the premises are in use for the permitted purpose.

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5. Details of the proposed sound insulation scheme for the development, including predictions of the noise level at the boundary of the application site, in accordance with Planning Policy Guidance PPG24, Planning and Noise, shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed works shall be fully implemented prior to the commencement of any use hereby permitted and shall be maintained in the approved form while the premises are in use for the permitted purpose.

Informative:

- 3.19 In order to prepare the scheme referred to in Condition (insert condition No), the applicant will need to make an assessment of a) the pre-existing background noise levels at the site, taking into account the permitted hours of operation; b) the noise levels likely to be generated from activities at the premises (including the use of any amplifying equipment, music, singing, dancing or other activity); c) any proposed method of ventilation/extraction.
- 3.20 Prior to any such use commencing, details of any proposed facility for the teaching of music or the playing of amplified sound shall be submitted to and agreed in writing by the Local Planning Authority.
- 3.21 No amplified speech or music shall be broadcast on the open areas of the site.
- 3.22 Prior to the commencement of the development hereby permitted, details of the proposed method of storage and disposal of waste matter shall be submitted to and agreed in writing by the Local Planning Authority. Such agreed works shall be implemented prior to the commencement of any use hereby permitted and shall be maintained in the approved form whilst the premises are in use for the permitted purpose.
- 3.23 Prior to any such use commencing, details of any proposed A3, A4 or A5 establishment shall be submitted to and agreed in writing by the Local Planning Authority.
- 3.24 Recommend the following informatives:
- SI 16 (A&B)
SI 25
Inf: Food Establishment
- 3.25 **Buildings/Technical Support (Engineers):** No objection. Advise that surface water drainage will need to be attenuated due to restrictions to ditch where estate discharges.
- 3.26 14 letters have been received in response to the public notification and which in the main make the following comments and objections:-

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- Original plans had far more community useage
- Overdevelopment
- Areas of nature
- Drainage concerns that since ASDA has been completed the Brook that crosses under Parkhurst Drive has flooded twice and the adjoining field is more boggy
- The extra ATM is unnecessary and will cause more noise and disturbance
- Insufficient car parking for the number of properties and shops
- No landscaping plan submitted, further trees are required in Rawreth Lane
- If allowed the same restriction on outside noise , delivery times and opening hours must be applied as to ASDA
- Increased traffic, noise and pollution
- If the flats are for key workers, the occupants use of public transport to and from work is not appropriate
- There may be couple with additional cars
- Retrospectively poor planning for the key worker flats has lead to problems with parking. Residents are currently allowed to park on the proposed site and double yellow lines restrict on street parking. There has been a lack of co-operation from the district Council.
- Has Priory Chase been adopted by the Rochford District of the County Council and if so will the council be ion a position to remove the double yellow lines or allow residents permits to park there.
- If the application is passed and there is damage to residents vehicles as a result of lack of parking will the Council accept liability for the injuries/damage. Does The Council's public liability insurance cover this?
- Does the area warrant a fourth take-away?
- Will lead to anti- social youths and an increasing problem around the ATM machines
- Can financial and professional service be properly defined?
- Is the reference to drinking establishments in the form of Public Houses or off licence? bearing in mind the liquor licence already held by ASDA
- As a resident paying extortionate council tax would like to direct the council to hold a full site meeting prior to the planning meeting
- Ever since ASDA has opened have experienced higher than previous level of anti social behaviour increased since the opening up of the bridleway route to connect to the store
- Cannot believe there is demand for these type of establishments within a peaceful and quiet residential area
- Will further devalue property
- Enough of Rochford Council bending its knees to ASDA/Walmart
- Wasting tax payer's time and money seeking comments from local residents that will be totally ignored. Make full use of the ASDA store and will similarly with the proposed new services however object to the

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- misrepresentation that opinions of the local community matter when they obviously do not.
- Pleased to have a mix of commercial use shops but the 20 flats will not be in character with other surrounding houses
- Will bring jobs to the area which cannot be a bad thing
- Would be like a small festival leisure park but Basildon have kept it away from the residential areas
- Have skate board area, Leisure Centre, Supermarket and now proposed drinking establishments and hot food takeaways – surely this cannot be allowed to happen, put the residents first
- The size of this development could not be accommodated in the area
- The area still has a rural aspect that would be lost by building in this open aspect of the site
- Object to especially the A4 and A5 uses. Residential would be acceptable and would ensure the residential element of the area is maintained
- Already have far too many disruptions late at night and early in the morning and do not need the problems that come with food and drink
- inadequate consideration has been given to the balance of residential housing and commercial retail outlets
- ASDA Rawreth is a fine example of where commercial clout overpowers the basic requirements of residential development. Website on line focus has countless examples documenting this new store as a difficult neighbour and the inadequacy of authority support when issues are raised
- Like living in the area because it is near Rayleigh but not in the centre of it therefore avoiding the noise and rubbish that come from numerous pubs and takeaways
- Enjoy having the convenience of ASDA however the surrounding estate consists mostly of young families and a drinking establishment to create more noise, attract nuisance and increase in rubbish and risk of drink driving and possible accidents to school children and surrounding families
- Takeaway on the adjoining Industrial Estate 2 minutes away and at the end of Rawreth Lane a 10 minute walk away
- It is like a microtown is trying to be introduced to this area

3.27 One letter has also been received from Mark Francois MP and which makes the following comments and objections:-

- Declare an interest as being a local resident in the Rawreth Lane Area
- Appreciate that as part of the original campaign to build a store ASDA offered to erect a building of this type with a number of shop/office units. However also recall that the company offered to build a small community hall as part of this development and this planning application does not appear to include any such facility.
- It seems therefore that the company has not honoured its original

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- commitment to the local community and should not be granted planning permission

MATERIAL PLANNING CONSIDERATIONS

Principle of the development

- 3.28 The principle of the proposed development accords with the local plan allocation seeking a mixed use development and although submitted for separate consideration to the outline permission does however follow the general scope of the expectations for the site including the provision of residential flats above the ground floor commercial units found acceptable by the permission granted under application 04/00975/FUL.

Design Comparisons to previously approved building

- 3.29 The proposal would occupy a near identical footprint to the approved building for this site being 0.2m longer in elevation to Priory Chase and 0.4m longer in elevation to Rawreth Lane. The southern flank end presented to the car park entrance would be wider by 1m and the eastern flank end to the Rawreth Lane return would be wider by 0.4m. The building would be sited 1.1m closer to the pavement to Priory Chase but would not be changed in siting to Rawreth Lane.
- 3.30 The design of the roof is also similar to the building allowed on appeal in that the mansard slope and upstand design concealed a flat roof area behind. The building allowed on Appeal took a three story form at the junction and lowered to two storeys midway along the return onto Priory Chase. The proposal is for a full three story form along its entire length but at 11.1m from ground level, is 0.7m lower in height compared to the building approved.
- 3.31 In considering the appeal the Inspector was not presented with reasons for refusal concerning the design of the mixed use building and did not therefore offer comment on this aspect. Given the strong similarity in the appearance between the building allowed on appeal and that currently proposed, the extension of the three storey form throughout is the only material difference, and given the presence of the flatted scheme opposite is not considered objectionable.

Matters of space standards

- 3.32 The Council's standards would require the provision of some 475 square metres of amenity space. The layout of the site makes provision for refuse bin storage but there is no other space shown for limited outside storage or recreation for flat occupiers that ought to be expected and as indeed was the case for the key worker flats provided on the opposite corner of Priory Chase.

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- 3.33 Council guidance allows for exceptions to be made where a site is adjacent to an area of substantial well landscaped and properly maintained public open space. Sweyne Park informal open space is near to the site as well as Rayleigh Leisure centre and both are a short walk from the site. However, whilst the presence of these facilities would a lower provision of amenity space, it is considered there is no justification to support the provision of a scheme with no access, albeit limited, to some private or at the very least, common amenity space. This is considered a significant failing given the high number of flats and households proposed on this part of the site.
- 3.34 The proposal would provide for windows to first and second floors overlooking the public areas of Priory Chase and Rawreth Lane as well as the car park to the rear of the site. Therefore no significant overlooking of adjoining residents would result.

Density issues

- 3.35 Policy HP3 to the Council's adopted Local Plan (2006) argues for a density of not less than 30 dwellings per hectare and that the best use of urban land will be achieved in the range between 30 - 50 dwellings per hectare. This followed advice from central government contained within paragraph 58 to Planning Policy Guidance Note 3: Housing in effect at the time the current local plan was produced
- 3.36 Whilst the density of the proposed development would exceed the range set out in Policy HP3 the advice contained within paragraph 47 to PPS3: Housing (November 2006) post dates the adoption of the Council's Local Plan (June 2006) and supersedes the previous advice, in PPG3. This more recent government advice although setting a minimum density of 30 dwellings per hectare, no longer sets an upper limit but amongst other things requires account to be taken of the characteristics of the area.
- 3.37 The site has an area of 0.205ha and this would equate to a residential density of 92.7 dwellings per hectare. In comparison the flats and housing opposite have a density of 47 units per hectare. The element of the key worker flats opposite the site has a density of 144 units per hectare, has included amenity space.
- 3.38 Whilst the density of the residential element of this proposal is high it compares favourable in character to the flatted development recently constructed opposite the site. Apart from the failure in provision of amenity space, there is no other conflict with the proposal in density terms.

Highway Issues

- 3.39 The previous scheme for this part of the site required some 80 car parking spaces as calculated from the specific uses to each unit as then proposed.

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- 3.40 In the current scheme the proposed flats, allowing for the higher standard for two bedroomed dwellings at 1.5 spaces per flat, together with the commercial uses between classes A1, A2 and A5 and the D1 use would require a total of 6.3 car parking spaces.
- 3.41 If the floorspace for the commercial units were to be given over to only class A4 and A5 together with the flats and D1 use in the current scheme, the required parking would rise to 149 units.
- 3.42 In the layout previously approved the site provided for 18 car parking spaces. The revisions to the current application have only provided for an increase in 6 spaces.
- 3.43 Whilst it can be accepted that parking for the commercial uses is accounted for in the general layout of the adjoining car park, the issue is the need for residential parking to provide for the flats now proposed. The current scheme provides 24 spaces especially for use by occupiers to the residential flats.
- 3.44 The County Highway Authority object to the original layout submitted in the current application. Their comments are awaited upon the revision. They have previously advised that the applicant would need to provide 29 spaces to allow them to reconsider their view. Whilst the commercial requirements can reasonably be accommodated within the wider car park adjoining the site, it is anticipated that the shortfall in five residential parking elements cannot be accepted.

The use issues

- 3.45 The application is unusual in that it seeks consent for a wide ranging scope of uses. Normally, the implementation of a use would convey certain permitted development rights allowing for example an Estate Agents (A2) to become a shop (A1) without fresh permission being necessary. The take up of any of the uses proposed would normally only allow in certain cases new shop uses to result. The current application however seeks to allow on a permanent basis the full range of A class uses at any given time, notwithstanding the lawful implementation of user rights. The applicant seeks consent on this basis as it would be attractive for marketing purposes, giving ultimate flexibility. Whilst the retail use desired is essentially provided by the adjacent retail store on the site, the building as proposed could be dominated at any particular time by say A4 use as a pub or bar effectively bypassing existing controls in place by statute to allow consideration of nuisance, hours and traffic considerations as well as the appropriateness of the full range of uses appropriate to a neighbourhood parade.

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- 3.46 Policy SAT6 seeks to secure local shopping parades for essentially retail or other purposes to serve day to day needs of the local community as well as maintaining the attractiveness of shopfronts important to the vitality and attraction to shoppers. Whilst conditions can be used to control installation of external venting where required and the installation of security grills, it remains difficult to frame conditions that would be reasonable or precise to achieve what the applicants seek and remain compliant with policy to secure a diverse neighbourhood parade. Whilst such an approach as proposed may be suitable to out of town shopping centres such as Lakeside and Bluewater, the vesting of control and make up of the local parade effectively with the landlord would undermine the objective of securing a diverse range of uses within public control and to the benefit of the wider community. It is considered that granting consent for such a wide range of uses, without controls, would not be appropriate.

Affordable Housing

- 3.47 The applicants argue that affordable housing for key workers was achieved in the housing component of the greater redevelopment of the former park school site. They however also recognise that an alternative approach would be to meet the Council's policy of 15% provision for the lower threshold established since November 2006 under the provision of PPS3 Housing. In this case the applicants are prepared to provide three units for affordable purposes however no agreement or details to confirm such provision accompany the application and therefore the application fails to meet this requirement.

CONCLUSION

- 3.48 The proposed building is of a comparable design and appearance to a similar building previously allowed on appeal. The changes to the siting and size of the building are minor and given the setting of the building would not prove harmful to the character and appearance of the area.
- 3.49 The proposal however introduces a considerable number of flats to the upper floors above commercial uses to ground floor that whilst giving life and vitality out of hours would have no amenity space or sufficient car parking necessary to meet the reasonable expectations of those future occupiers.
- 3.50 The applicant seeks to achieve consent for a wide range of commercial uses that serve the local community in the range of services that would be provided. However, no information is provided as to how the variety of uses might be secured in perpetuity. Control would be rested with the landlord and could lead to a domination of particular uses effectively by-passing controls by statute that is in place to address community acceptability.

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- 3.51 The proposal includes sufficient numbers of flats such that provision should be made for affordable housing. Although the applicant makes a case for no provision in view of provision on the greater site elsewhere, nonetheless accepts that the provision of at least three units is required. No particulars or agreement have been submitted to achieve this as part of the consideration of the application.

RECOMMENDATION

- 3.52 It is proposed that this committee **RESOLVES** to **REFUSE** the application for the following reasons:-
- 1 The proposal by way of the lack of any garden or amenity space to serve the flats proposed would result in an unsatisfactory form of development lacking space to provide external storage, drying and limited outdoor recreation to serve the needs of future occupiers of the flats proposed. If allowed the proposal would result in a poor quality form of residential accommodation contrary to Policies HP6, HP11 and HP17 to the Rochford District Replacement Local Plan (2006) proving detrimental to the amenity that future occupiers of the flats ought to reasonably expect to enjoy.
 - 2 The proposal does not provide sufficient parking within the site for the residential part of the proposal. The lack of parking within the site may well lead to vehicles being parked within the highway, causing obstruction to other road users to the detriment of general highway safety. The proposal would therefore be contrary to Policy 1.1 (Safety) and Policy P7 (parking standards) Appendix G: Development Control Policies and Processes, Essex Local Transport Plan 2006 /2011.
 - 3 The proposal by way of the wide range in uses sought in perpetuity would fail to secure a sufficient guarantee that a range of uses would be retained to serve day to day needs of local residents or would not give rise to noise, disturbance or increased traffic beyond which the Local Planning Authority should not give up statutory responsibility for the consideration of the future range of uses in the wider interests of serving the local community in this area. If allowed the proposal would effectively undermine Policy SAT6 to the Rochford District Replacement Local Plan (2006) to the detriment of the vitality and attractiveness of the local parade and neighbourhood centre and to the detriment of amenity adjoining residents ought reasonably expect to enjoy.
 - 4 The proposal and details accompanying the application fail to make provision for affordable housing contrary to the advice contained at paragraph 29 to Planning Policy Statement 3 Housing (2006) and Policy HP8 to the Rochford District Replacement Local Plan (2006). If allowed the development of the site as proposed would see the loss of an

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opportunity to provide affordable housing and the effective use of land in accordance with national and local Planning Policy.

Relevant Development Plan Policies and Proposals

HP2, HP3, HP6, HP8, HP11, HP17, SAT2, SAT6, SAT8, Rochford District Replacement Local Plan (2006)

Supplementary Planning Document 2 Housing Design (January 2006)

Supplementary Planning Document 5 Vehicle Parking Standards (January 2006)

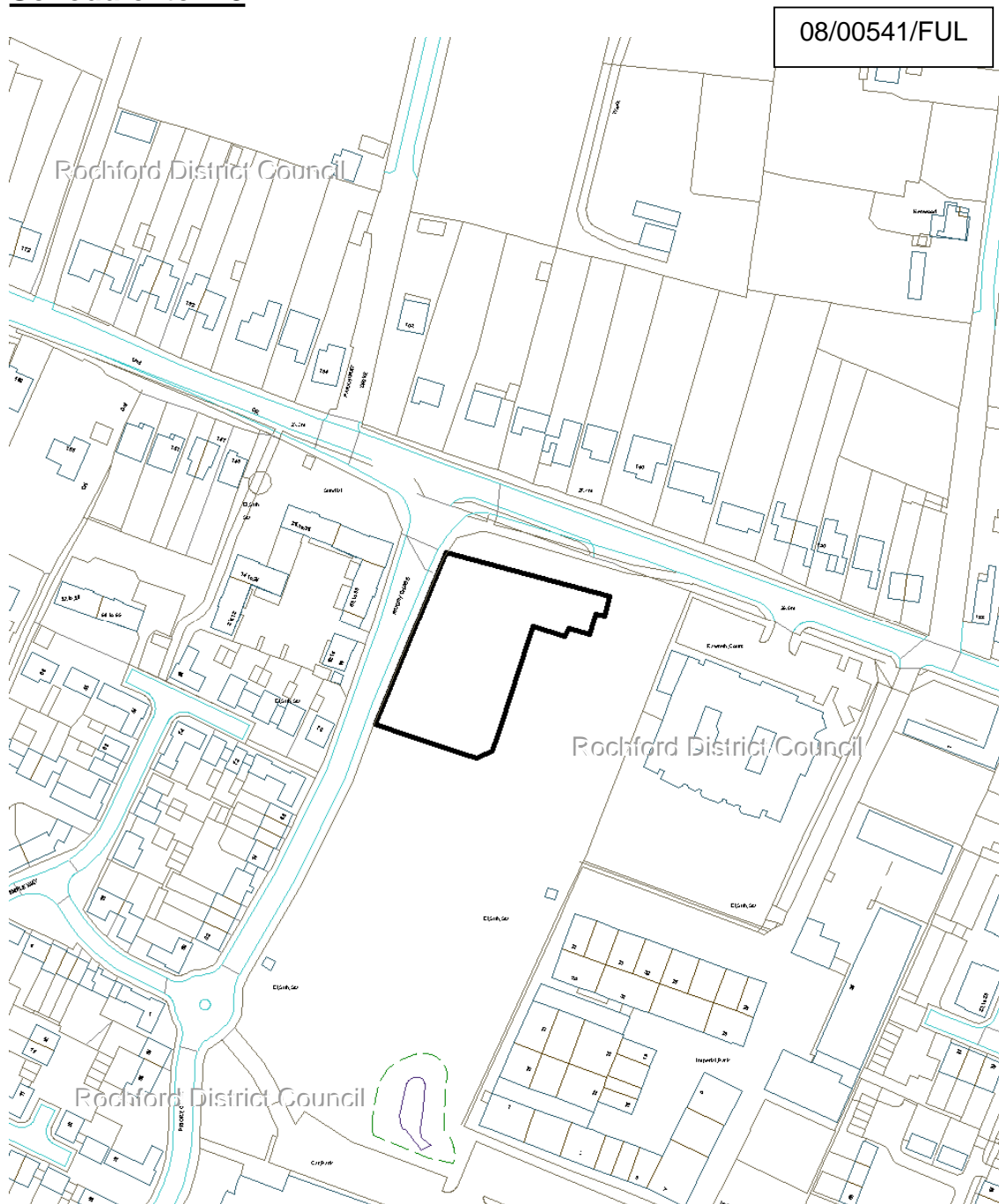
A handwritten signature in black ink, reading 'Shaun Scrutton'.

Shaun Scrutton

Head of Planning and Transportation

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

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**TITLE : 08/00486/FUL
DEMOLITION OF FIRST FLOOR LEISURE/RETAIL USE
ACCOMMODATION, AND REDEVELOPMENT INTO 12 X 2
BEDROOM APARTMENTS ON NEW FIRST AND SECOND
FLOORS; PLUS NEW ASSOCIATED ROOF GARDENS,
AMENITY SPACE, GROUND FLOOR LANDSCAPING AND
MINOR ADJUSTMENTS TO RETAINED GROUND FLOOR
MARKET HALL.
89 HIGH STREET RAYLEIGH ESSEX**

APPLICANT: MR M HARKIN

ZONING: PRIMARY SHOPPING

PARISH: RAYLEIGH

WARD: WHEATLEY

PLANNING APPLICATION DETAILS

- 4.1 Planning permission is sought for the partial redevelopment of the site to provide a three storey building providing 12 two bedroom flats.
- 4.2 The application site is situated at the heart of the town centre within the Rayleigh Primary Shopping Area and is also within the Rayleigh Conservation Area. It has dual access from the High Street and from Websters Way. It occupies a roughly rectangular plot that is slightly narrower at the High Street end.
- 4.3 The building is currently occupied by a Market Hall at ground floor level with a snooker club at first floor level. The proposal involves the demolition of the existing first floor and replacement with two upper floors, resulting in a three storey building. The new building would be of mixed use comprising the existing ground floor retail use with the new residential flats above.
- 4.4 The accommodation proposes 12 self-contained two bedroom flats that are split equally between the two upper floors. Whilst the existing ground floor footprint remains unaltered the proposed flats will occupy a smaller gross area due to provision of roof gardens at first floor level. The second floor flats sit immediately above those below and have provision for individual balconies. The majority of the flats are single aspect with windows, roof gardens and balconies facing northeast, although there are also flats directly overlooking both the High Street and Websters Way. Access to all the flats is achieved via an entrance incorporating staircase and passenger lift from Websters Way.

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- 4.5 The existing building has a double height first floor. The new flat roof of the redeveloped upper floors is some 11.23m high and will increase the overall height of the building by 1m in comparison with the current structure. To the rear the roof of the lift shaft overruns the rest of the building of some 2.34m. The existing ground floor elevation to the High Street will remain unaltered with the new upper floors set back behind a render 'frame' that incorporates provision of balconies to both floors. Within the rear elevation a new 'canopy' is proposed, at first and second floor level that overhang the existing Market Hall entrance.
- 4.6 In addition to the redevelopment of the upper floors the proposal includes provision of new, rationalised signage scheme to the ground floor and the creation of a new landscaped open area to the rear of the building fronting Websters Way.
- 4.7 The applicants have submitted a supporting design and access statement within which they state, amongst other things, that the proposed development will: -
- Create a more stimulating and welcoming High Street elevation that will enable passers by to see and experience that high quality modern architecture can successfully exist in a town centre location
 - Create a dynamic and challenging rear elevation to Websters Way that will clearly define the upper floor residential and ground floor retail uses
 - Create a more open and welcoming front and rear entrances to the existing Market Hall that will give easy way-finding for its users, whilst providing aesthetically stimulating destination points when viewed from either the High Street, Crown Hill or Websters Way
 - Assist in maintaining the vitality and vibrancy of the town centre
 - Comply with both central Government and Local Plan advice and policies, all of which seek to steer development to appropriate locations as well as maximising the development potential of suitable sites.

RELEVANT PLANNING HISTORY

- 4.8 No. 89 High Street was originally developed and operated as a Co-Op supermarket. Following closure of this store in the late 1970s the freehold was sold and Rayleigh Lanes, an indoor Market Hall, was created. There are no planning conditions requiring the provision of any remote facilities, including parking, attached to the consent for the site.
- 4.9 Redevelopment of the adjacent vacant site at No.91 was granted planning permission in 2006 for a new four storey building providing 15 two bedroom flats with 18 off-street car parking spaces. This approved building is also rectangular in shape and would be attached to the blank flank wall of the existing Rayleigh Lanes Building, perpendicular to the highway.

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CONSULTATIONS AND REPRESENTATIONS

- 4.10 **Rayleigh Town Council:** Objection raised as the proposal does not conform to Policy TP8 Car Parking Standard C3 Residential, also regret expressed with regard to the loss of an other leisure facility
- 4.11 **ECC Schools, Children and Families Directorate:** Initial advice that there are no available early years and childcare places in the ward and that consequently a developer contribution of £14,326 would be requested for the provision of one early year and childcare place. However this consultation has subsequently been amended to advise that whilst an education contribution under terms of s.106 of the TCP Act 1990 is currently being sought, nature/extent of contribution needed is still under consideration.
- 4.12 **ECC Historic Buildings and Conservation:** The Conservation officer advises that the scheme is very much as discussed at a pre-application meeting and that he considers the work would serve to enhance the character and appearance of what is presently an unattractive part of the conservation area. He recommends permission is granted subject to conditions.
- 4.13 **Rayleigh Civic Society:** With reference to policy HP11 Flatted Development it is questioned whether application meets policy requirements and that there appears to be very little provision for car parking or any attempt to provide a design statement.
- 4.14 **Anglian Water:** Advise that the existing foul and surface drainage networks and existing wastewater treatment capacity are able to accommodate the foul and surface water flows from the development.
- 4.15 **Essex County Council Highways and Transportation:** Advise that they have an objection to the application for the following reason:

1. The proposal does not provide any parking for the residential part of the proposal. The lack of parking within the site may well lead to vehicles being parked within the public car parks. This may well lead to displaced parking on to the highway network, causing obstruction to other road users to the detriment of general highway safety. The proposals would therefore be contrary to Policy 1.1 (Safety) and Policy P7 (parking standards), Appendix G: Development Control Policies and Processes, Essex Local Transport Plan 2006/2011.

Note: it is accepted that there is a large car park close to the development – however the lack of residential parking may well lead to resident's vehicles being parked within the public car parks, reducing the available space for shoppers visiting Rayleigh Town Centre.

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- 4.16 **Head of Environmental Services:** Reports that there is a potential for future occupants of the proposed development to suffer noise and disturbance from neighbouring commercial activities, such as deliveries/collections and external equipment, which may not be addressed by current environmental health legislation. If Members are minded to approve the application, the following conditions should be attached to any consent granted:

1. Details of the proposed sound insulation scheme for the development, including predictions of the noise level at the boundary of the application site, in accordance with Planning Policy Guidance PPG24, Planning and Noise, shall be submitted to and agreed in writing with the L.P.A. Such agreed works shall be fully implemented prior to the commencement of any use hereby permitted and shall be maintained in the approved form while the premises are in use for the permitted purpose.

Informative: In order to prepare the scheme referred to in Condition (insert condition No), the applicant will need to make an assessment of a) the pre-existing background noise levels at the site, taking into account the permitted hours of operation; b) the noise levels likely to be generated from activities at the premises (including the use of any amplifying equipment, music, singing, dancing or other activity); c) any proposed method of ventilation/extraction.

2. Prior to the commencement of any development, details of any external equipment or openings in the external walls or roofs of the building proposed at any time in connection with the permitted use, shall be submitted to and approved in writing by the L.P.A. before the machinery is installed or the opening formed. The equipment shall be installed or the openings formed as approved and shall be maintained in the approved form while the premises are in use for the permitted purpose.
3. Prior to installation, details of all fume extraction and ventilation equipment shall be submitted to and approved in writing by the L.P.A. The equipment shall be installed as approved and shall be maintained in the approved form while the premises are in use for the permitted purpose.
4. Standard Informative SI16 (Control of Nuisances) (Parts A & B)
5. Standard Informative SI25 (Contaminated Land)

Neighbour and Public Representations

- 4.17 One letter of objection has been received from the proprietor of the Rayleigh Lanes Snooker Club. Summary of main points:-

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- Change from leisure to residential not in keeping with the retail units in the town centre
 - Will be another loss for Rayleigh as a leisure unit
 - Already many flats in and around Rayleigh – with 2006 permission for 15 two bed flats next door – over development – also these flats do not fall within guide lines of new development having car parking spaces
 - Flat owners sitting in roof gardens will only be able to sit and look at backs of shops – also have noise of heavy traffic from both sides (High Street and Websters Way) – will also have to pay six days a week for parking
 - If this club closed will be severe blow to many local people
- 4.18 A petition received containing 225 signatures objecting to the application which make the following comments.
- Loss of the snooker club not acceptable
 - Yet another loss of amenity in Rayleigh
 - More flats are not needed
 - Younger people will have nowhere else to go
- 4.19 In addition a letter of objection has been received from the constituency MP in which he states that the application is an inappropriate development that would mean the end of the snooker club with over 4,000 members. As such it represents loss of an important amenity to the local community, in particular the young people of the district. In addition the application's parking arrangements are considered wholly inadequate as it would be unreasonable to expect potential flat owners to pay to park in Websters Way and that this would also represent a loss of valuable parking spaces for visitors to the town.

MATERIAL PLANNING CONSIDERATIONS

Principle

- 4.20 The application site is located within Rayleigh Town Centre and also located within the Primary Shopping Frontage zone. Within this zone Local Plan Policies seek to ensure that there should not be an over concentration of non-retail uses and that if non-retail uses are supported then they should reinforce the retail function of the centre. Given that the application proposes retention of the ground floor retail function it is not felt that this policy is of particular relevance in this case.
- 4.21 Residential redevelopment of the upper floors of the site not only creates additional housing, it would also attract a mix of residents back to the commercial heart of the town, creating critical mass vital to economic and social regeneration. In this respect it is considered that the proposal would support the health, vitality and vibrancy of the town centre, by adding to the

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range of uses within the centre and also assisting in ensuring that the commercial centre does not become a 'dead' centre after the commercial uses have ceased trading.

- 4.22 Whilst it is acknowledged that the scheme if approved would result in the loss of the snooker club that currently occupies the first floor, there are other facilities of a similar nature located close by at Nos.106-108 High Street.
- 4.23 Given the location of the development and the character of the area the proposed density is considered to be in line with policy requirements.
- 4.24 **Parking/Access**
Given the retention of the ground floor and the existing site coverage the scheme does not allow for the inclusion of any on-site parking. However the site is located within the commercial centre of Rayleigh and as such the Local Plan car parking standard allows for residential development with zero parking to be supported given the availability of other means of transport.
- 4.25 The proposal is situated at the very heart of a town centre that provides significant retail shopping facilities in addition to other professional and ancillary services. A number of major bus routes are within a few metres of the site and the main line railway to London is some 5-10 minutes walk away. In addition the style of living proposed by the application is one in which people are often willing to forgo car ownership in return for the convenience of town centre living. In addition immediately adjacent to the site is a public car park of substantial size.
- 4.26 **Design & Appearance**
The proposal does not significantly increase the height of the existing building, which presents a bulky, bland but nevertheless imposing elevation onto Webster Way.
- 4.27 Externally the flats have a 'modernist' appearance that uses structural glazing to relieve the mass of the outline and the bulk of the building is further reduced through the provision of the roof gardens at first floor level. In addition it is considered that the proposed development incorporates a degree of articulation and modulation, as represented by the canopy feature that would present a more appropriate and aesthetically pleasing elevation onto Webster Way.
- 4.28 In townscape terms the application has the support of the County Conservation officer who is of the opinion that it represents a substantive visual improvement especially to the rear. The modern style of the proposal avoids the pastiche of trying to reproduce the style of the adjacent listed building, which would be unsuitable at this scale and also out of historic context. Within the immediate vicinity the surrounding Conservation Area has in the past suffered from a significant degree of unsympathetic redevelopment and overall it is considered

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that the proposal would add to the character and appearance of this part of the town centre.

4.29 Residential Amenity

In seeking to promote more use of commercial buildings within town centres for residential use of the upper floors. It is important to ensure that accommodation resulting in a poor living environment, with inadequate access or a poor relationship to surrounding uses, is avoided

- 4.30 The proposal includes provision of either a roof garden or balcony for each individual flat together with a small area of communal space to the main entrance. These provide an acceptable level of amenity space that conforms to Local Plan policy requirements and it is considered that the nature of this provision is entirely appropriate given its town centre location. The overlooking created by the proposal is to public space. It would not give rise to a material loss of residential amenity to the occupiers of any surrounding dwellings and given the increase in natural/passive surveillance afforded by the proposal it may assist in deterring crime.

4.31 Servicing

There is currently a small open area to the rear of the site that forms a loading bay and service area for Rayleigh Lanes from Websters Way, although this is often utilised for other purposes such as parking of vehicles and advertisement display. It proposed to replace this with a service area immediately to the front of the Market Hall entrance that would allow for use to be divided between pedestrian use and provision for delivery vehicles. The service operation of this area would be retained through the use of retractable bollards that would prevent unauthorised use.

- 4.32 It is proposed that part of this area adjoining the plot boundary wall will be used to provide a refuse storage. Individual flats are to be provided with their own under sink bins which would be taken to the central collection point. In addition a cycle store for 12 bikes is located adjacent to the flats' entrance. An area of landscaping is proposed between the back of the pavement and the rear elevation to the building in Websters Way that provides secure gated entrance to the flats that also incorporates provision of semi-public planting. This will be maintained by the landlord.

CONCLUSION

- 4.33 The application offers the opportunity to increase the number of people living within the town centre through the provision of a scheme that is both sustainable and that also affords a rare opportunity to enhance the character of the Conservation Area.
- 4.34 Whilst concerns regarding the lack of parking provision are noted it is felt that given the town centre location of the application site, the close proximity of the

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public car park opposite and the general level of car parking provision within the town centre that lack of on-site parking is not of sufficient to justify a refusal of planning permission.

RECOMMENDATION

4.35 It is proposed that this Committee **RESOLVES** to **APPROVE** the application subject to the following conditions:

- 1 SC4B – Time limits
- 2 SC14 – Materials to be Used (Externally)
- 3 SC 22A – PD Restricted - windows
- 4 SC 50A – Means of Enclosure – Full
- 5 SC59 – Landscape Design – Full
- 6 SC66 – Pedestrian Visibility Splays
- 7 SC70 – Vehicular Access - Details

REASON FOR DECISION

The proposal is considered not to cause demonstrable harm to any development plan interests, other material planning considerations, including the character and appearance of the area and or residential amenity such as to justify refusing the application.

Relevant Development Plan Policies and Proposals

CS4, CS7, CS8, HP1, HP3, HP6, HP11, HP17, BC1, SAT4, SAT7 Rochford District Replacement Local Plan (2006)

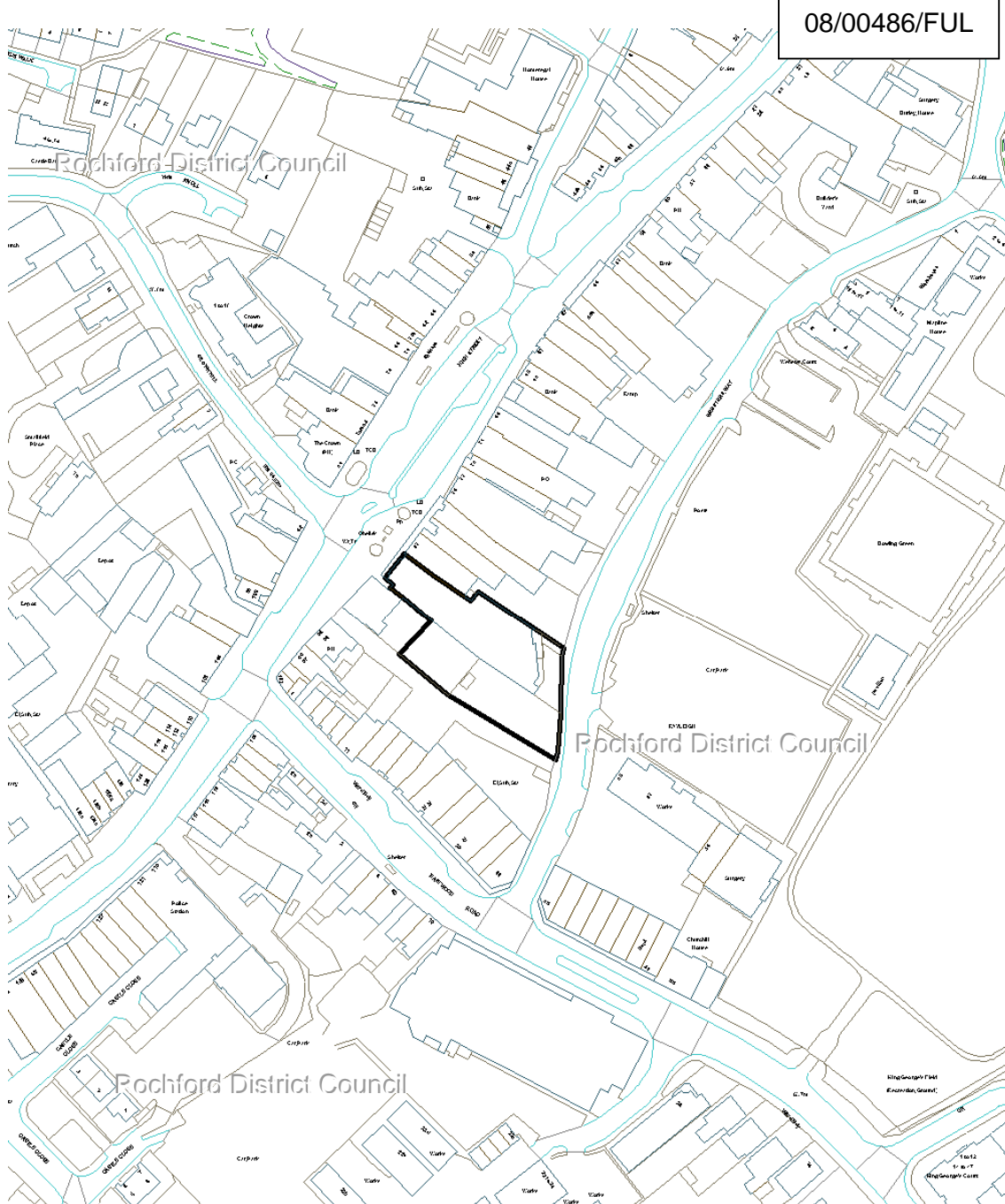


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CODE OF CONDUCT FOR PLANNING MATTERS

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.**