

**PLANNING SERVICES COMMITTEE  
THURSDAY 20<sup>TH</sup> JANUARY 2005**

**ADDENDUM**

**REFERRED ITEMS**

<b>Referred Item R3 04/00995/COU</b>	<p>One objection received from a <b>resident</b>. The resident fears it will set a dangerous precedent in Oak Road; if more houses were to convert, the small road would not be able to cope. There will be increased parking, sewerage, more stress on an unmade road and more waste bins. Flats could be rented out - also setting a precedent. Change of use is not acceptable to residents and not in keeping with the aspect of the road.</p> <p>Letter in support of application from <b>Owner</b>. The owner states that he sought advice from the planning department pre-application and feels he has submitted a project that is in keeping with the character of the street and will not have a detrimental effect on the amenity of the neighbourhood.</p> <p>The proposal has been designed with the family in mind. The exterior of the building will not change and he feels the external appearance and internal layout and size are in keeping with the area. There is ample garden and parking space.</p> <p>Regarding comments concerning refuse bins - there will only be one extra bin. There is no reason to suppose drains would not be able to cope as the proposal would only result in one more bathroom.</p> <p>There is only one full time resident in the property at the moment and it could be argued that another family increasing the water flow may have a beneficial effect. The owner intends to live in one of the dwellings himself for the rest of his life.</p> <p><b>Rochford Parish Council:-</b> Object; the proposal is not in keeping with the style of accommodation in this area.</p> <p><b>London Southend Airport:-</b> No safeguarding objections to the proposal</p>
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**SCHEDULE ITEMS**

<b>Schedule Item 4 04/1000/FUL</b>	<p><b>London Southend Airport:-</b> No safeguarding objections</p> <p>The <b>applicant's agent</b> has submitted additional information in support of their application and comments that very special circumstances do exist:-</p>
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	<ul style="list-style-type: none"> <li>○ A Section 106 Legal Agreement has been offered to legally forego the applicants right to convert an existing outbuilding (65sqm) into a habitable room if this application is accepted.</li> <li>○ The Local Plan does not make a distinction between extensions to listed and non listed buildings within the Green Belt. The applicant claims there should be and that an extension to a listed building would represent a very special circumstance.</li> <li>○ The Local Plan policy differs from Government Advice in PPG2 (Green Belts) in that the Government advice states that <i>‘provided that it does not result in disproportionate additions over and above the size of the original dwelling, the extension or alteration of dwellings is not inappropriate in Green Belts’</i>.</li> </ul> <p>PPG15 (Planning and the Historic Environment) &amp; PPS 7 (Sustainable Development in Rural Areas) comments that</p> <ul style="list-style-type: none"> <li>○ <i>‘there is a need to preserve, or desirability of preserving, buildings of historic or architectural importance or interest, which otherwise contribute to local character’</i>. The development is not disproportionate in Green Belt terms but it does represent a significant element in the historical and architectural evolution of the building which is a very special circumstance.</li> <li>○ The orangery does not provide habitable accommodation.</li> <li>○ Listed Building Consent has already been given for the development</li> </ul>
<p><b>Schedule Item 5</b> <b>04/00946/FUL</b></p>	<p><b>Consultation Second Round – Additional Responses</b></p> <p><b>Rayleigh Town Council</b> – object to the application as it would be detrimental to the street scene and represents overdevelopment of the site by reason of the bulk of the building and the cramped nature of the development. Furthermore it is out of character with the residential buildings in the vicinity.</p> <p><b>Southend Airport</b> – no safeguarding objections.</p> <p><b>Essex Police</b> – no objections other than those submitted in previous correspondence detailed at paragraph 5.15 of main report.</p> <p><b>Essex County Council (Highways)</b> recommend conditions for any approval:</p> <ol style="list-style-type: none"> <li>1. Bollards preventing access to emergency vehicle area to be lockable;</li> <li>2. New junction warning sign on approach to Castle Drive along Station Road;</li> <li>3. Space for parking and turning to be provided within the site;</li> <li>4. A compound to be provided for the period of construction; and</li> <li>5. Existing dropped curb crossings on Crown Hill to be</li> </ol>

	<p>reinstated to a full kerb and the footway fronting the emergency access constructed to vehicular crossing construction.</p> <p>Further note that the access proposed is via third party land, all works to the highway should be agreed with the Area Highway Manager and that access to the car park may be difficult for larger vehicles (removal lorries) due to the width of the access and therefore the gate should be widened to 6m to allow large vehicles to enter and leave Castle Drive in forward gear.</p> <p><b>Officer Comment:</b></p> <p>A further head of condition is recommend as follows:</p> <p>12. NSC The Existing dropped kerb crossings onto Crown Hill to be returned to full kerb face and the footway fronting the emergency access constructed to vehicular crossing construction.</p> <p>There have been <b>two further representations</b> received on the application with the main points raised being:</p> <ul style="list-style-type: none"> <li>o Major impact on traffic flow and safety;</li> <li>o Increased noise and pollution;</li> <li>o The proposed building is being forced onto a site that is not suited to it;</li> <li>o The very long building requires a level site, but the site is on a slope;</li> <li>o Buildings should be designed to suit the contours of the site, not the other way round;</li> <li>o The proposed retaining wall adjacent to no: 46b will be very costly to build and will create an unsightly and unwelcome intrusion in the street scene. It cannot be justified simply because the proposed building demands a level site;</li> <li>o The proposed ramp in the front courtyard is again the product forcing a level building onto a sloping site. It will be visually offensive;</li> <li>o There is no decent Outdoor Amenity Space;</li> <li>o The narrow paved front forecourt is sterile. In stark contrast to the pretty treed and grassed site which it will replace. This is therefore a "negative" by product;</li> <li>o The building is well forward of the natural building line, and only 12 feet from the footpath;</li> <li>o The proposed façade is 10 ft forward of no 46b;</li> <li>o It is obvious that the building has been designed first, and the site is being "manipulated" to suit it;</li> <li>o Massive retaining walls are necessary to create the car-parking at the rear with access off Philpot House;</li> <li>o Cannot justify this major alteration to the existing natural contours of the site;</li> <li>o Unnecessary and costly contrived access to the proposed car park, via Philpot House;</li> <li>o Elevations are very attractive, though points of detail need</li> </ul>
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	<p>softening;</p> <ul style="list-style-type: none"> <li>o The style of architecture is alien to the locality and does not suit the street scene;</li> <li>o Crown Hill is characterised by the predominantly detached dwellings, which have noticeable spaces between them. A huge monolith is out of place;</li> <li>o Irregular shaped bedrooms are symptomatic of a contrived design;</li> <li>o Entrance Halls in the flats are wasteful in space;</li> <li>o Lift is a luxury and unnecessary;</li> <li>o Boundary Railing is alien to the street scene and cannot be justified. In any event the prominent brick piers will look like sore thumbs and will detract attention from the building. It will look like a prison fence. If it is deemed necessary to protect the site against vandals then that is a bad advertisement for the locality.</li> </ul> <p>The <b>applicant's agent</b> has submitted comments regarding some of the issues raised in the consultation process. They are summarised as follows:</p> <ul style="list-style-type: none"> <li>o The site is on a slope, and the reason the building has been set into the site is to minimize the impact on the street scene and the properties to the rear of the site by making the parking area below the level of the gardens this is simply the most appropriate design for the site;</li> <li>o The retaining wall between the site and 44b will be in the region of 0 to 1.2m high to the front of the property, which will not provide an unsightly and unwelcome intrusion into the street scene as with suitable landscaping it will not even be seen;</li> <li>o The contours of the site either existing or proposed require ramps to gain access to the building in line with current regulations;</li> <li>o The proposals for the front courtyard actually has less hard landscaping than currently exists on the three properties, also a landscaping scheme will be discussed with the council should an approval be granted;</li> <li>o Discussion of the Highways issues have brought us to the scheme as it stands at present and access from Crown Hill we know is not acceptable to the Council in any form;</li> <li>o The elevations are not out of character with the street scene, the street scene is varied and the building at the top of Crown Hill and Philpott House already exist and must be taken into consideration;</li> <li>o Comments on irregular shaped rooms are noted but have no bearing on a planning decision;</li> <li>o Comments regarding entrance halls are again noted but have no bearing on a planning decision;</li> <li>o The inclusion of a lift in the development is a choice that</li> </ul>
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	<p>the developer has chosen to make and again not a consideration for a planning decision.</p>
<p><b>Schedule Item 6</b> <b>04/00926/FUL</b></p>	<p><b>Essex County Council:-</b> There are no Educational needs arising from the development.</p> <p><b>Essex Police Architectural Liaison:-</b> No objections - advice that the development should be subject to 'secured by design'</p> <p>7 further letters have been received from local residents who comment in the main:- access from Oast Way would cause major access and parking problems, most properties have two vehicles; and a reduction in the amenities of residents in the local area. Danger to children playing in the cul-de-sac; why can't they access the site from Weir Pond Road?; construction lorries will cause a disturbance and out of character with the surrounding buildings. Block A should be moved to allow for access onto Weir Pond Road; Oast Way also contains the Residential Care Home Romney House had to put up with noise and dirt from the development currently under construction in Weir Pond Road. The commercial use on No 3 Weir Pond Road may give rise to a loss of amenity to the occupiers of the new residential units; loss of privacy; loss of light; increase in pollution; out of character with Rochford which is predominantly family housing; and extra wear on a residential road.</p> <p>At the site visit Members asked if Planning Conditions could be imposed to cover:-</p> <ul style="list-style-type: none"> <li>• pedestrian access onto Weir Pond Road</li> <li>• the provision of a store for electric buggies</li> <li>• a method statement relating to the method of and phasing of construction and deliveries to ensure that construction access is taken from Weir Pond Road.</li> </ul> <p>If Members are minded to approve the scheme then <b>Officers will add such conditions to cover these issues.</b></p>
<p><b>Schedule Item 8</b> <b>04/00675/REM</b></p>	<p>A correction is necessary to the details regarding the trees to be removed at paragraph 8.90 page 55 of the report. The nine trees referred to are wrongly identified and mistaken in species. A total of 16 trees are proposed to be removed and which comprise 2 Alder, 3 Ash, 1 Horse Chestnut, 2 Lime, 1 Norway Maple, 4 Oak, 1 Scots Pine and 2 Whitebeam.</p> <p>It is felt that as individual specimens, although part of a group order, the loss of value they contribute will be offset by the greater number of trees to be planted in the submitted landscaping scheme.</p> <p>The applicant confirms that the submitted Landscaping Scheme totals 76 replacement trees comprising 3 Italian Alder, 3 Fastigate</p>

	<p>Field Maple, 3 Fastigate Purple Maple, 10 Himilayan Birch, 2 Hornbeam, 4 Ash, 3 Manna Ash, 10 Honey Locust, 6 Tulip Tree, 1 Fastigate Crab Apple, 10 Ornamental Pear, 4 Pink Cherry, 5 Wild Cherry, 3 False Acacia, 7 Rowan and 2 Yellow Berried Rowan.</p> <p>The applicants have advised that the landscaped frontage and the Ecology Strip will be transferred into the ownership of the Green Belt Group Ltd who for an adoption fee payable by the applicant will manage and maintain these areas in perpetuity.</p> <p><b>Officer Comment:</b> It is considered that there is a need to ensure the perpetual maintenance of the landscaped and ecological areas as proposed by the applicant. It is considered that to ensure this provision it is necessary for the applicants to enter into a Legal Agreement or amend the existing Agreement to include this matter.</p> <p>One letter has been received from <b>Mark Francois MP</b>, enclosing two letters of objection from constituents and which raises concerns at the overlooking of existing dwellings by the proposed three storey flats and additional concern at the capacity of the sewers to take sewage and drainage from the site especially during periods of heavy or prolonged rainfall. Considers the system to be inadequate given the amount of development on this site and the condition of the ditch and raises the question of future maintenance of the ditch given the number of residential properties which adjoin it.</p> <p><b>Environment Agency</b> - advises that following applicants inclusion of a wet pond/swale to the north western corner of the site that this arrangement is now acceptable to the Agency.</p> <p>Further Advise that the Agency is satisfied that the Flood Risk Assessment completed by the applicants is in line with the requirements of PPG 25 and that it states that surface water from the site will be attenuated to the existing rate and therefore the flood risk off site will not be increased as a result of the development.</p> <p><b>Woodlands and Environmental Specialist</b> - advises with regard to the submitted Landscaping Scheme that there are a good number of trees with some good specimens suggested. Further advises on the preference for more native species with more upright form such as Silver Birch.</p> <p>Requests to know what is contained within the Ecology Strip?</p> <p><b>Essex County Council Highways</b> - confirm that the submitted layout accords with the Essex Design Guide and there is therefore no material objection to the layout in Highway terms.</p>
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	<p>Confirm that the layout of the two Urban Squares is now considered satisfactory. The engineering drawings currently with Essex County Council confirm the carriageway route through the two Squares will be at a lower level than adjacent raised areas but higher than normal carriageway level, thereby positively identifying the vehicular route.</p> <p>Advise that the bollards currently shown on those drawings will be re-sited clear of the footways as part of the Section 38 Agreement.</p> <p>Advise that the Transport Assessment is, in their view, flawed in that no account has been taken of the capacity of the junction onto Rawreth Lane as part of this assessment and this is yet to be proven. Until this issue is overcome the application will therefore continue to attract an objection from the Highway Authority.</p> <p>Advise that the Assessment should be extended to include the assessment of the junction and review of the junction design if found inadequate. Suggestion is made of the alternative option for a traffic signal controlled access or the provision of two accesses instead of the one.</p> <p><b>Officer Comment:</b>  The Outline application was accompanied by a Travel Assessment that determined that the principal cause of accidents along Rawreth Lane is end – on – shunting of vehicles waiting to turn right into junctions. It was therefore considered essential that any new junction serving a significant level of development must be provided with a suitable right turn facility to provide protection for right – turning vehicles.</p> <p>A drawing prepared by the Consultants demonstrated the suitability of the site to accommodate a high grade of access provision. The assessment accompanying the outline consent concluded that the detail of the site access and the capacity to accommodate the proposed development may be established once the exact development breakdown is resolved. This assessment concluded that alternative access options may be investigated if appropriate and subject to land availability and design considerations.</p> <p>The recommendations of Essex County Highways Department on the outline application requested that the access to the site be based upon the drawing referred to above and which was the subject of condition 11 of the outline consent and which would be subject to further Safety Audit at the reserved matters stage.</p> <p>The issues of concern would be considered by the County Highway Authority under the necessary agreement under Section 278 of the Highways Act 1980. The County Council have advised by phone that consent can still be granted but would require a condition to</p>
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	<p>any consent given that development shall not commence until an agreement under Section 278 of the Highways Act has been entered into by the applicants with the Highway Authority and that no part of the development shall be occupied until the subject of the agreement are completed to the satisfaction of the Highway Authority.</p> <p><b>Officer's comments:</b>  Officers are uneasy with such a condition which, in effect, would pass responsibility to discharge the condition to Essex County Council. Officers consider that there is a commitment to the existing junction details and that an alternative approach at this stage to try and resolve the County Surveyor's concerns would be to include in the delegation to the Head of Planning Services the requirement for an extended Travel Assessment Plan to his satisfaction in liaison with the County Surveyor.</p> <p><b>Delegate to the Head of Planning Services, subject to the applicants amending the existing agreement or being required to enter into a further Legal Agreement to provide the maintenance of the landscaped areas and Ecological Strip and the submission of an extended Travel Assessment Plan to his satisfaction in liaison with the County Surveyor.</b></p>
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