

**20/00792/REM**

**41 CROWN HILL, RAYLEIGH**

**DEMOLITION OF EXISTING DWELLING AND  
CONSTRUCTION OF THREE STOREY BUILDING  
CONTAINING 5 FLATS WITH PARKING AND AMENITY  
AREA**

**APPLICANT: MR LEWIS AND MARK WILKINSON AND  
BECKFORD**

**ZONING: NO ALLOCATION**

**PARISH: RAYLEIGH TOWN COUNCIL**

**WARD: WHEATLEY**

**1 RECOMMENDATION**

**1.1 It is proposed that the Committee RESOLVES**

That planning permission be **APPROVED**, subject to the following conditions:

- (1) The development to which this permission relates must be begun on or before whichever is latter of the following:
  - (a) within five years of the date of the grant of outline permission; or
  - (b) no later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- (2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3678-08 Sheet 2 Rev F, 3678-08 Sheet 1 Rev F, 3678-08 Sheet 3 Rev F, 3678-08 Sheet 4 Rev F, 3678-08 Sheet 5 Rev F.
- (3) Prior to the first use of the external materials on the site, details of the external materials, indicating types, colours and finishes of bricks, render and tiles to be used, shall be submitted to and approved in writing by the Local Planning Authority, and the materials as may be approved shall be used in the implementation of the development.
- (4) The windows to be created in the first floor west elevation shall be glazed in obscure glass and shall be non opening in design below a

height of 1.7 metres above the internal finished floor level. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

## 2 PLANNING APPLICATION DETAILS

### Site and Context

- 2.1 The application site lies within a predominantly residential area containing single and two storey dwellings of varying design. The site fronts onto Crown Hill, a busy through route in an urban area, subject to a 30 MPH speed limit and contains a bungalow, set back behind the general frontage line of development on the southern side of Crown Hill. To the front of the bungalow lies a terraced garden and drive. To the south east lies a bungalow, 39 Crown Hill, which appears to have accommodation in the roof. The other neighbouring dwelling, 45 Crown Hill, is a two storey semi-detached house. The site comprises a detached bungalow on ground that falls steeply towards Crown Hill, whilst the road rises towards the south-east towards Rayleigh Town Centre. Crown Hill is a crescent shaped road within the residential development boundary of Rayleigh outside of the Town Centre and the Rayleigh Conservation Area.

### The Proposal

- 2.2 On 27 February 2019 outline planning permission (Reference: 18/01144/OUT – hereafter “the OPP”) was granted (with all matters reserved) for the demolition of the existing dwelling and for the construction of a two-storey building for 5 flats.
- 2.3 Whilst the application form described the outline proposal as a two-storey building for 5 flats, the Design and Access Statement accompanying the outline application described the proposal *“to have two flats on the ground floor, a further two flats on the first floor and one flat within the roof space. All flats will contain two bedrooms.”* In considering an appeal against latter reserved matters, the Planning Inspector’s (PI) attention was drawn to the drawings submitted supporting the outline permission. The PI commented *“Those drawings were, however, indicative and carry limited weight in regard to the determination of the reserved matters applications.”*
- 2.4 The application was an outline with all matters reserved. The matters reserved would be determined via a reserved matters application at a later stage. The OPP was subject to several planning conditions which are summarised below:-
- Details of reserved matters to be applied for;
  - A reserved matters application should be submitted within three years from the date of the OPP;
  - External facing windows and doors and roofing materials shall be submitted;

- Siting, height, design and materials of the treatment of all boundaries including any existing hedging, gates, fences, walls, railings and piers have been submitted;
  - Hard and soft landscaping approved pursuant to the submission of the reserved matters shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of the development;
  - Clearance or pruning of vegetation including grass, scrub, and trees shall take place between October and March (inclusive);
  - The scheme to be submitted pursuant to the reserved matters shall make provision for five car parking spaces within the site and an associated turning area as shown on planning drawing entitled 'Site Plan Proposed';
  - Construction Method Statement;
  - No discharge of surface water from the development onto the Highway;
  - No unbound material shall be used in the surface treatment of the car parking areas;
  - All dwellings to comply with Technical Housing Standards – Nationally Described Space Standards;
  - Part G (water efficiency) of the Building Regulations (2010) shall be met; and
  - Part L of the Building Regulations 2010 in respect of energy performance shall be met.
- 2.5 The current application has been submitted to deal with all reserved matters following the grant of outline planning permission.
- 2.6 This reserved matters application therefore seeks consent for details relating to access, landscaping, appearance, layout and scale.
- 2.7 A reserved matters application is not an opportunity to re-examine the principle of the development which has already been established by the granting of the OPP. The OPP was supported by an indicative site layout plan which showed how the proposed development at outline stage could, in one iteration, be provided at the site.

### **Relevant Planning History**

- 2.8 Application No. 18/01144/OUT – Approved - Outline Application with All Matters Reserved for Demolition of Existing Dwelling and Construction of Two Storey Building for 5 Flats.
- 2.9 Application No. 19/00501/REM – Withdrawn - Details of building containing 1 No. one-bedroomed and 4 no two-bedroomed flats, with parking to front.
- 2.10 Application No. 19/00862/REM – Refused - Application of Reserved Matters relating to Access, Landscaping, Layout and Scale for Outline Planning Consent (18/01144/OUT) for 'Demolition of existing dwelling and construction

of two storey building for 5 flats' – Subsequently dismissed on appeal (APP/B1550/W/20/3246467).

2.11 The above-mentioned application was refused for the following reasons:

1. *The scale, bulk, height and depth of the three-storey building proposed would be out of character in the street scene. The significant height and bulk of the building, set forward in the plot, would appear significantly larger and more dominant and out of place in the street scene in that part of Crown Hill to the detriment of visual amenity and contrary to parts (ix) and (xi) of Policy DM1 and parts (i) and (ii) of policy DM3 of the Development Management Plan.*
2. *The proposed building, as a result of the proposed scale and siting, would result in a poor relationship with neighbouring dwellings. The height and depth of the proposed building immediately adjacent to No. 45 would be excessive and overbearing and would give rise to an unreasonable perception of overlooking, harmful to residential amenity. The proposal would fall contrary to parts (ix), (x) and (xi) of policy DM1 and part (iv) of policy DM3 of the Development Management Plan.*
3. *The proposal would amount to over-development of the site and fail to accommodate adequate on site parking provision. The size and number of parking bays proposed would fall significantly short of the minimum requirement for a development of five, two-bed flats, all of significant size and likely to accommodate a significant overall number of occupants. In addition, no visitor parking nor disabled bays are proposed. The scale of the development proposed results in an inability to provide sufficient on site parking contrary to part (v) of policy DM1, part (ix) of policy DM3 and policy DM30 of the Development Management Plan.*

2.12 The scale, bulk, siting, layout and appearance of the proposed development largely follows the above-mentioned planning application but has been amended by altering the car parking layout and the terrace, together with the privacy screen at first floor to the rear, has been removed. The front projection to the design is also 0.8m deeper forward onto Crown Hill.

### **3 MATERIAL PLANNING CONSIDERATIONS**

#### **Principle of the Development**

3.1 The outline planning permission (reference: 18/01144/OUT) established the acceptability of the principle and quantum of the development proposed. Therefore, the main issues which require consideration as part of the determination of this application are Reserved Matters relating to 'Appearance', 'Layout', 'Scale', 'Access' and 'Landscaping' of the development.

3.2 In the National Planning Practice Guidance, Paragraph: 006 Reference ID: 14-006-20140306 and The Town and Country Planning (Development Management Procedure) (England) Order 2015, it clearly states that for Reserved Matters applications the following would have to be submitted in support of the application:-

- ‘Access’ —the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- ‘Appearance’ — the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- ‘Landscaping’ — the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
- ‘Layout’ — the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- ‘Scale’ — the height, width and length of each building proposed within the development in relation to its surroundings.

#### **Appearance, Scale and Layout**

3.3 The application site lies on the southern side of Crown Hill. It is occupied by a bungalow somewhat set back from the existing building line. Immediately to the north are two storey dwellings, some of these have been altered and extended via additions to the roof and balconies to the front. Towards the train station some 100m away to the west, three storey dwellings and a three storey block of flats exist. Three storey buildings are also apparent toward the High Street. Immediately to the east of the site is a detached, chalet-style bungalow and immediately to the west is a semi-detached two storey house. The topography of the surrounding site slopes upwards in the south-eastern direction. The site would be excavated, especially towards the rear as the site rises. There are a number of two storey dwellings and chalet bungalows of varied design in the immediate vicinity which vary significantly in size, height and design. Given the considerable variation within the street scene along Crown Hill, there is not a distinguished strong architectural cue in terms of the scale, proportions, dimensions, or architectural features of the surrounding residential dwellings.

3.4 The proposed development would comprise a three storey building of five flats with five car parking spaces and associated landscaping and external amenity space for the future residents. The appearance, scale, bulk and layout of the

proposed development follows on from the previous reserved matters (19/00862/REM) application. That particular application was considered at an appeal following a refusal and the Planning Inspector (PI) considered that *“The proposal would introduce a building onto the site with accommodation on three floors. The frontage of the building would be forward of the existing bungalow and more in keeping with the general building line of Crown Hill. Levels within the site would be reduced. Whilst the height of the building would be greater than that of No. 45 and the difference is even greater in relation to that of No. 39, there is significant variation in the scale and massing of buildings in the vicinity. Similar variations in the roof heights of adjacent buildings occur nearby. Nor is the overall scale and proportion of the building so dissimilar to others nearby as to be incongruous in the street scene and so result in material harm. Whilst the proposal would significantly increase the density of dwellings within the site, I note that flatted development exists in the nearby area. I therefore conclude that the proposal would not result in material harm to the character and appearance of the site and its immediate vicinity. It would therefore comply with policies DM1 and DM3 of the DMP in as much as these require development to be of a scale and form appropriate to the locality.*

- 3.5 As stated above, the appearance, scale, bulk and layout of the proposed development follows on from the previous reserved matters (19/00862/REM) application and where the PI found that the proposed development would not result in material harm to the character and appearance of the area. The scope of the outline permission together with this inspector's previous findings must now be given significant weight in the consideration of this current application. The inspector did not agree with the Council that the scale and bulk of that earlier proposal was unacceptable. The current application is near identical in design but would make the gabled front projection more pronounced but it would be in line ( as opposed to previously set back by 0.8m) with the forward main wall to No. 39 Crown Hill and set 1.43m behind No. 45. The enlargement of the front gabled feature would enjoy a good relationship in stagger and alignment with the neighbouring buildings and onto the street. The revised proposal would satisfy the requirements of policy CP1 of the Core Strategy and policies DM1 and DM3 of the Development Management Plan and the NPPF.

### **Car Parking and Access**

- 3.6 Policy DM30 of the Development Management Plan aims to create and maintain an accessible environment, requiring development proposals to provide sufficient parking facilities having regard to the Council's adopted parking standards.
- 3.7 Policies DM1 and DM3 of the Development Management Plan require sufficient car parking whereas Policy DM30 of the Development Management Plan aims to create and maintain an accessible environment, requiring development proposals to provide sufficient parking facilities having regard to the Council's adopted parking standards.

- 3.8 The adopted Parking Standards Design and Good Practice guide (2010) states that for dwellings with two or more bedrooms, two off street car parking spaces are required with dimensions of 5.5m x 2.9m, garage spaces should measure 7m x 3m to be considered usable spaces.
- 3.9 In accordance with paragraph 109 of the NPPF, it must be noted that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 3.10 The PI considered the car parking requirement at the site as the previous reserved matters application (19/00862/REM) was refused on the basis that *“the proposal would amount to over-development of the site and fail to accommodate adequate onsite parking provision. The size and number of parking bays proposed would fall significantly short of the minimum requirement for a development of five, two-bed flats, all of significant size and likely to accommodate a significant overall number of occupants. In addition, no visitor parking nor disabled bays are proposed.”*
- 3.11 The layout of the site broadly follows the indicative site plan provided at the outline stage. Access is gained via an existing crossover off Crown Hill whereby there would be an area of hardstanding laid out to accommodate five car parking spaces. The access is still considered acceptable and would not have an adverse impact upon highway safety.
- 3.12 The PI considered that *“the quantum of parking to be provided was determined at the time of the outline planning permission (five spaces) and that amount of parking is shown on the drawing. The issue before me, therefore, is whether the layout of the parking is practicable.*

*The Rochford District Council Parking Standards Design and Good Practice Supplementary Planning Document – 2010 - (the Parking SPD) stipulates a minimum parking bay size for a car of 2.5m by 5m, and the proposed spaces would satisfy this. None of the parking spaces indicate an increased width and so there is no indication of their suitability for use by those with a disability. However, the SPD has no minimum requirement for such provision where parking is provided in the curtilage of the dwelling.*

*The Parking Standards pre-date the National Planning Policy Framework - 2019- (the Framework). The Framework advises that when setting local parking standards for residential development, policies should take into account, amongst other things, the accessibility, the type, mix and use of development, the availability of and opportunities for public transport. The Parking SPD does make allowance for such factors and so, in broad terms the Parking SPD is in accordance with those aims of the Framework which seek to promote sustainable transport, and the document can, in this respect, be afforded moderate weight. The Framework is silent on the matter of the dimensions of car parking spaces.”*

- 3.13 The NPPF promotes sustainable forms of transport and at paragraph 109 states *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”* Furthermore, the NPPF at paragraph 110 a) places an emphasis on giving priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second, so far as possible, to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use. The site is situated in close proximity to Rayleigh Town Centre and local public transport such as bus stops. Rayleigh’s train station is within walking distance. It is considered the location of the site is highly sustainable, the PI recognised this and affords moderate weight on the NPPF. Additionally, the Council’s adopted Policy DM30 of the Development Management Plan and the Parking Standards both confirm that reductions of the vehicle standards may be applied if the development is within an urban area that has good links to sustainable transport. It has therefore been established that this location is a highly sustainable location.

The PI also noted that *“whilst the Parking SPD encourages the provision of larger spaces; this is a preferred size. The Parking SPD allows the use of the minimum size only in exceptional circumstances “as determined by the LPA”. In the current situation it falls to me to determine whether there are such circumstances as to justify the exception. I have little substantive evidence before me to suggest that all households would keep vehicles at the smaller end of the scale. It is likely that there would be some requirement for spaces of the preferred size and so, whilst a mix of provision in terms of parking space sizes may be justified, the provision of parking solely in line with the minimum dimensions would be restrictive.”*

- 3.13 The consideration here is not one relating to the amount of car parking spaces proposed as this was determined at the outline stage, but whether the layout of car parking spaces is practicable. The site plan No. 3678-08 Sheet 3 Rev F shows five car parking spaces mostly laid parallel to Crown Hill providing a mixed car parking provision in terms of three spaces now proposed of the preferred (2.9x5.5m) size and two spaces at the minimum (2.5x5m) bay sizes. The applicant has considered the PI comments and have proposed a mixed car parking provision to address the inspector’s concerns to accommodate varying car sizes. District officers consider that the revised layout proposed is acceptable and addresses the inspectors concerns such that there is no longer a material parking objection.
- 3.14 The PI goes on to state that *“no manoeuvring diagrams have been provided to indicate that large family vehicles would then be able to turn to enter and leave the site in forward gear.”* The Applicant has provided swept path manoeuvring diagrams that demonstrate vehicles can exit the site in a forward gear without causing an obstruction to vehicular traffic along Crown Hill.



- 3.15 There is no specific provision made for visitor parking within the site, and any unmet demand from the proposal would be likely to appear on street. Crown Hill and nearby streets are subject to on street parking controls. Whilst some visitors may seek to park on the side streets, the inspector held the view that there is little substantive evidence to demonstrate that this would have a significant impact upon the safety of highway users.
- 3.16 The application proposes five, two-bedroom flats. Five car parking spaces are proposed, two measuring to the minimum dimensions of 2.5m by 5m and three to the preferred bay size of 2.9m by 5.5m as stipulated in the Parking Standards and would be situated to the front of the building. The range in bay sizes are considered adequate in this instance.
- 3.17 It has been demonstrated by a manoeuvring diagram that the layout of the site would incorporate a suitable turning area for vehicles to exit the site in forward gear. It is not considered that the proposed development would be to the detriment of highway safety or the free flow of traffic and it is therefore considered to comply with EPOA Parking Standards and policies DM1, DM3 and DM30 of the Development Management Plan.

### **Landscaping**

- 3.18 As part of the Reserved Matters application for 'Landscaping', hard and soft landscaping details have been submitted for consideration. On plan No. 3678-08 Sheet 3 Rev F, it shows that the site would be laid to grass at the rear. Shrubs would be planted along the front, eastern and western flank boundaries. Shrubs would also be planted along the building's frontage. A 1-metre high white rendered wall is proposed to the eastern flank boundary which forms part of the front garden and a 1.8m high timber fence would enclose the rear garden area of the property. This is considered acceptable for the future occupiers of the site. The driveway and paths would be made up of marshalls priora permeable paving which would also be acceptable.

### **Other Matters**

#### **Residential Amenity**

- 3.19 The PI considered the Council's 45-degree test contained in the Rochford District Council's Supplementary Planning Document (SPD) 2 Housing Design (2007) and states *"although the proposal does not relate specifically to purpose build new developments, this guidance is reflective of standard practice in assessing the effect of proposals on the amenity of neighbours."*

*The wording of the SPD infers that the measurement should be taken from the nearest edge of the window, rather than the centre line. However, both of the main parties refer to a recent appeal decision which discusses the measurement of the line from the centre line. Given the width of the window in question the centre line would reflect the likely position of an observer at the window."*

- 3.20 The layout of the proposed building follows that layout previously refused (19/00862/REM). The layout of the proposed building includes a staggered first floor rear element set away from the side boundary with No. 45 Crown Hill. In light of the most recent appeal decision the 45-degree test is taken from the centre of the window. The PI concluded *“The way in which the proposal is stepped back at first floor level ensures that solid walls are outside of this line when the line is drawn from the centre line of the closest window on the rear face of No. 45.”* It is therefore considered that the first floor of the proposed building would not breach the 45-degree angle for either neighbouring property to the east or west and therefore, would not result in overshadowing or domination.
- 3.21 The PI expressed a concern with regard to the privacy screen that would flank a terrace at first floor. The first floor rear balcony element has now been removed from the proposed development and therefore the objection raised by the PI that led to the previous appeal being dismissed now falls away.
- 3.22 The PI acknowledged that the proposed development would project substantially beyond the rear of No. 45 but concluded it would be unlikely to result in any significant increase in sense of enclosure by anyone in the rear garden of No. 45, close to the house.
- 3.23 The proposed fenestration to the east and west flank elevations was considered by the PI, in which he concluded that these windows are not principal windows and, where the windows serve a bathroom, a suitable planning condition could be imposed requiring the window to be obscure glazed and not capable of being opened below a height of 1.7m above finished floor level. These windows would not, therefore, significantly increase overlooking or the sense of overlooking for occupiers of the neighbouring properties.
- 3.24 Proposed inset balconies would be included at the first floor front and second floor rear elevations. French doors and Juliet balconies would be incorporated in the rear elevation and are shown to serve living areas. The PI considered the impact of these upon neighbouring occupiers and considered that the Juliet balcony would not be materially different to a window. The balconies include screening to limit views to the side and their principal view would be towards the garden. The PI concluded that *“whilst there would be some oblique views of rear gardens of the neighbouring properties, these would be towards the ends of those gardens away from the dwellings, rather than those areas closest to the dwellings which provide the most private amenity areas. These areas already experience a degree of overlooking and the additional windows and balconies would not increase this to a degree that would constitute an unacceptable additional loss of privacy.”*
- 3.25 The proposed scale, bulk, siting, and layout of the building follows that previously refused (19/00862/REM). The proposed development has been amended to remove the offending balcony at first floor together with the privacy screen which the PI raised an objection to. The PI did not raise a

concern with regard to other aspects of the scheme in relation to impact upon neighbouring occupiers. It is therefore considered that the revised scheme now proposed, by reason of its scale, bulk, siting and layout, would not detrimentally impact the amenity of surrounding neighbouring occupiers. The proposed building is in accordance with policy DM1 and DM3 of the Development Management Plan.

### **Technical Housing Standards**

- 3.26 The Ministerial Statement of 25 March 2015 announced changes to the government's policy relating to technical housing standards. The changes sought to rationalise the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building Regulations on water and access, and a new national space standard.
- 3.27 Rochford District Council has existing policies relating to all of the above, namely access (policy H6 of the Core Strategy), internal space (policy DM4 of the Development Management Plan) and water efficiency (policy ENV9 of the Core Strategy) and can therefore require compliance with the new national technical standards, as advised by the Ministerial Statement.
- 3.28 Until such time as existing policy DM4 is revised, this policy must be applied in light of the Ministerial Statement. All new dwellings are therefore required to comply with the new national space standard as set out in the DCLG Technical housing standards - nationally described space standard March 2015.
- 3.29 The proposal comprises five, two-bedroom flats. As set out in the Technical standards, a two-bedroom, three-person flat would require a minimum Gross Internal Area of 61 square metres with 2 square metres of built-in storage and a two-bed, 4-person flat would require a minimum Gross Internal Area of 70 square metres with 2 square metres of built-in storage.
- 3.30 Three of the flats are adequate to accommodate four people and two of the flats are adequate to accommodate three people. The proposed self-contained flats would meet the national space standard.
- 3.31 Until such time as existing policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to water efficiency. Consequently, all new dwellings are required to comply with the national water efficiency standard as set out in part G of the Building Regulations (2010) as amended. This matter has already been dealt with by way of planning condition that would have to be complied with to the OPP.
- 3.32 In light of the Ministerial Statement which advises that planning permissions should not be granted subject to any technical housing standards other than those relating to internal space, water efficiency and access, the requirement in policy ENV9 that a specific Code for Sustainable Homes level be achieved

and the requirement in policy H6 that the Lifetime Homes standard be met are now no longer sought.

### **Ecology and Trees**

- 3.33 Policy DM25 seeks to protect existing trees particularly those with high amenity value. Although the proposed development would be constructed in the vicinity of a row of trees, these are not subject to Tree Preservation Order and are not of significant amenity value. In order for construction works to be carried out, the trees would need to be pruned. A condition has been imposed on the OPP that works can only be carried out to the trees outside of bird nesting season.
- 3.34 The site is such that it is considered unlikely that the proposal would have an adverse impact on any other protected species, in any case this is a matter that has already been dealt with at the outline stage.

### **Private Amenity Space**

- 3.35 Policy DM3 of the Development Management Plan requires the provision of adequate and usable private amenity space. In addition, the Council's adopted Housing Design SPD advises a suitable garden size of for each type of dwelling house. Paragraph 127 criterion (f) of the NPPF seeks the creation of places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users.
- 3.36 In addition, the Council's adopted Housing Design SPD advises a suitable garden size of for each type of dwelling house. For flats, a minimum balcony area of 5m<sup>2</sup> with the ground floor dwelling having a minimum patio garden of 50 m<sup>2</sup>; or the provision of a useable communal resident's garden on the basis of a minimum area of 25 m<sup>2</sup> per flat.
- 3.37 The development as shown on the drawing no. 3678-08 Sheet 1 rev F would provide balconies (7.3m<sup>2</sup> and 9.8m<sup>2</sup> respectively) and in excess of 5m<sup>2</sup> and a communal garden area well in excess of 125m<sup>2</sup>. The private amenity areas are in excess of the requirements stipulated above. Therefore, the development would provide adequate amenity space in accordance with DM3 and the Housing Design SPD.

### **Refuse and Recycling**

- 3.38 The refuse storage area is proposed as an inset part of the side elevation to the building. The area proposed would be adequate to serve the proposed number of dwellings and in this position, it would not be overly prominent to the detriment of visual amenity in the street scene.

**Ecology Regarding Development Within the Zone of Influence (Zol) for the Essex Coast RAMS (Recreational Disturbance Avoidance Mitigation Strategy)**

- 3.39 The application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMs). This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressures.
- 3.40 The development for one dwelling falls below the scale at which bespoke advice is given from Natural England. To accord with NE's requirements and standard advice and Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMs) Habitat Regulations Assessment (HRA) record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European Site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment are listed below:

*HRA Stage 1: Screening Assessment – Test 1 – the significant test*

Is the development within the zone of influence (Zol) for the Essex Cost RAMS?

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for five dwellings

Proceed to HRA Stage 2: Appropriate Assessment - *Test 2 – the integrity test*

Is the proposal for 100 houses + (or equivalent)?

- No

Is the proposal within or directly adjacent to one of the above European designated sites?

- No

- 3.41 The current proposal has been considered in respect of the Habitat Regulations, taking account of advice submitted by Natural England and the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) developed by Essex County Council which seeks to address impacts (including cumulative impacts) arising from increased recreational activity. The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) was adopted by Rochford District Council on 20 October 2020. Advice from Natural England in August 2018 has been followed and the HRA record template completed.

- 3.42 The conclusion of the HRA is that, subject to securing appropriate mitigation, the proposed development would not likely result in significant adverse effects on the integrity of the European site along the Essex coastline.
- 3.43 The applicant has paid the suggested financial contribution to contribute towards longer term monitoring and mitigation along the coastline, to mitigate adverse impact from the proposed development on the European designated sites by way of increased recreational disturbance.

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

##### **ECC Highway Authority**

- 4.1 As stated in the Parking Standards Design and Good Practice September 2009, a lower provision of vehicle parking may be appropriate in urban areas where there is good access to alternative forms of transport and the proposal site is considered to be in a sustainable location in the immediate vicinity of Rayleigh Town Centre with good access to public transport and other facilities, therefore no objection subject to the following conditions;
- Construction Method Statement has been submitted;
  - Provision of five car parking spaces and associated turning area;
  - No discharge of surface water onto the highway;
  - No unbound materials shall be used; and
  - Residential Travel Pack information to be provided by the developer.

##### **ECC Archaeology**

- 4.2 No archaeological features directly impacted by the proposed development. Therefore, no archaeological recommendation is being made on this application.

##### **NEIGHBOURS**

- 4.3 Twelve letters have been received from the following addresses:

Crown Gardens: 2.

Crown Hill: 32, 28 (two letters) 47 (two letters) 30, 45.

Leasway: 11A, 12, 6.

Station Road: 18.

And which in the main make the following comments and objections:

- Loss of light
- Loss of view due to the building's depth and scale
- Inadequate car parking provision
- The scale, bulk and height of the proposed building to be significantly larger and more dominant and out of character with the surrounding area
- Over dominant

- The plans clearly indicate a three storey building as opposed to the two allowed at outline stage
- Unsympathetic to surrounding neighbouring properties
- Over-development of the site
- Appearance is out of character
- Overlooking
- Noise and disturbance due to the increased amount of dwellings on site
- The additional cars using the site would cause further congestion along Crown Hill
- Loss of privacy due to Large windows and balconies
- How will the balconies be used
- Only minor changes made to the proposed development
- Impact upon the local infrastructure
- Bat Survey completed incorrectly
- Surface water
- Construction Method Statement incorrect
- Dragging refuse bins across the front of the property

## **5 QUALITY AND DIVERSITY IMPLICATIONS**

- 5.1 An Equality Impact Assessment has been completed and found there to be no impacts (either positive or negative) on protected groups as defined under the Equality Act 2010

## **6 CONCLUSION**

- 6.1 The application seeks to construct a three-storey building comprising five flats. The previous application No.19/00862/REM was refused on the basis that the development would appear out of character with the area, would have a poor relationship with neighbouring dwellings and inadequate car parking. The applicant has sought to address the concerns through alterations being made to the car parking layout and the terrace together with the privacy screen at first floor to the rear has been removed to reduce its impact upon No. 45 Crown Hill as identified of concern by the previous inspector. It is considered that the reasons for a refusal on those grounds previously identified and tested at appeal above could not now be sustained.
- 6.2 It is considered that the access, appearance, landscaping, layout and scale (the reserved matters) of the proposed development are in general conformity with the outline planning application (Reference: 18/01144/OUT). Having due consideration to the detail of the application and having regard to the NPPF, the policies in the adopted Rochford District Development Plan together with all other material considerations, it is recommended that the Committee resolves to grant planning permission subject to the conditions recommended.



Marcus Hotten

Assistant Director, Place and Environment

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

Rochford District Council Local Development Framework Allocations Plan Adopted February 2014

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) – CP1, T8

Rochford District Council Local Development Framework Development Management Plan adopted 16th December 2014. – DM1, DM3, DM25, DM27, DM30

Rochford District Council Local Development Framework Supplementary Planning Document 2 Housing Design (January 2007)

Parking Standards Design and Good Practice (2010)

National Planning Policy Framework 2019

### **Background Papers**

Appeal Decision APP/B1550/W/20/3246467

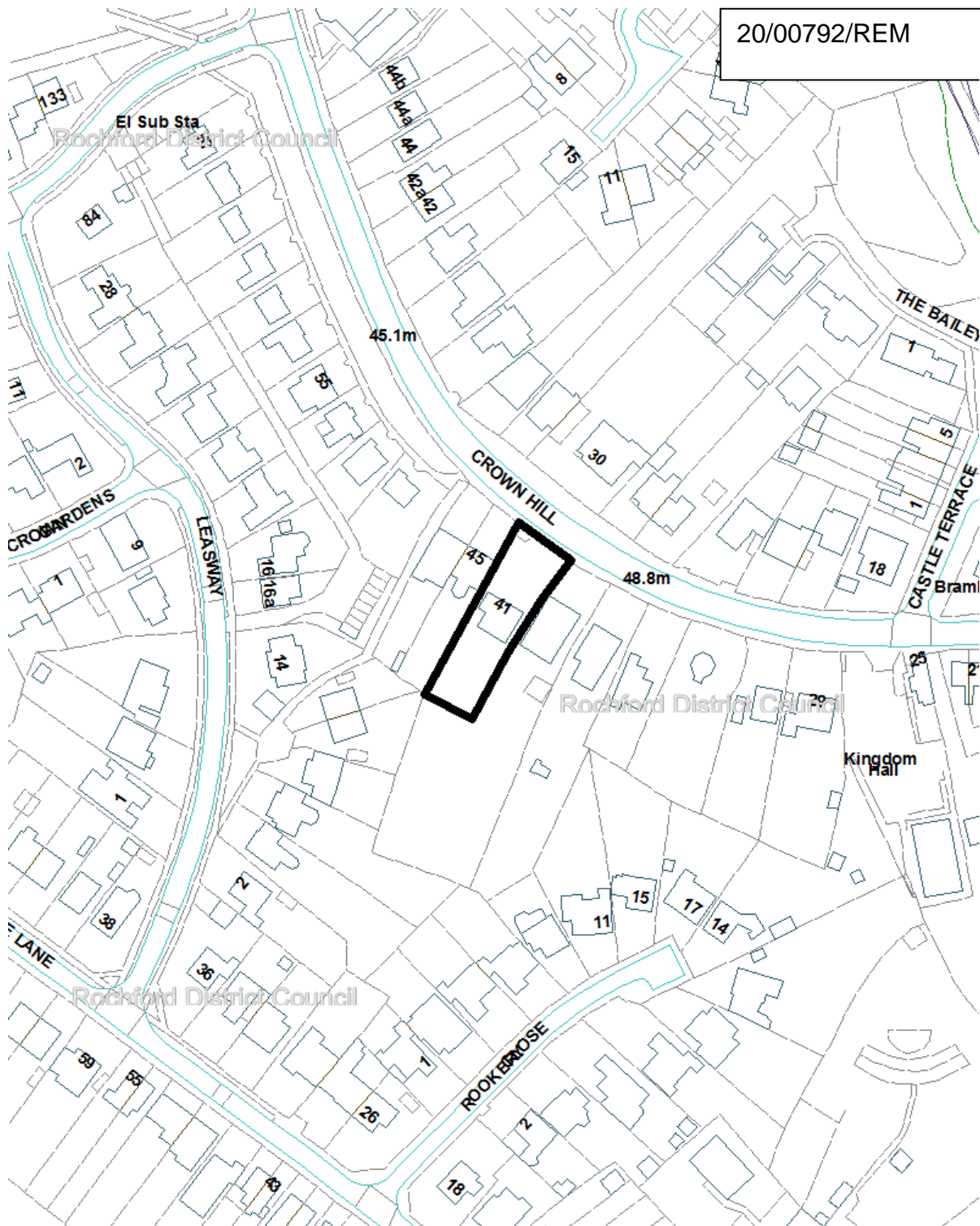
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