



Rochford District Council

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY
PLANNING SERVICES COMMITTEE 27th November 2003**

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

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

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

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

PLANNING SERVICES COMMITTEE - 27 November 2003

HOCKLEY CENTRAL

Cllr K H Hudson

Cllr Mrs D McCarthy

Cllr J Thomass

ROCHFORD

Cllr Mrs S A Harper

Cllr D A Weir

Cllr Mrs M S Vince

TRINITY

Cllr K A Gibbs

Cllr J E Grey

WHEATLEY

Cllr J M Pullen

Cllr Mrs M J Webster

PLANNING SERVICES COMMITTEE 27th November 2003

REFERRED ITEMS

- | | | | |
|----|--|---------------|--------|
| R1 | 03/00777/COU
Change Of Use To Beauty Salon
25 Southend Road Hockley | Deborah Board | PAGE 4 |
| R2 | 03/00700/FUL
Demolish Existing Garage and Lean To: Erect Two
Storey Side Extension, Single Storey Rear Extension
and Conservatory
77 Alexandra Road Rayleigh | Deborah Board | PAGE 7 |

SCHEDULE ITEMS

- | | | | |
|---|---|--------------------|---------|
| 3 | 03/00840/FUL
Erection of Three New Buildings to Accommodate
Four Independent Units (numbers 13,14,15,16) for
Uses Falling Within Class B1, B2 + B8 (Industrial and
Storage and Distribution). Parts of Units Numbers 13
+ 16 to be Used for Class A1 Retail Use. (Gross New
Floorspace 1830 sq m - Retail Floor Space 168 sq m)
Land North Of Rochehall Way Rochford | Mr Leigh Palmer | PAGE 15 |
| 4 | 03/00720/OUT
Outline Application for One 2 Bed Bungalow (siting to
be considered now)
Land Adjacent 4 The Bailey Rayleigh | Mr Leigh Palmer | PAGE 21 |
| 5 | 03/00947/FUL
Two and Three Storey Building Containing
Supermarket, Library, 3no. Shops, 42no. Flats (1-
Bed, 2-Bed and Bedsits) and Basement Car Park;
Two and Three Storey Building Containing 34no.
Flats (1-Bed and 2-Bed) and 3no. Shops; Three and
Four Storey Building Containing 61no. Flats (1-Bed,
2-Bed and 2-3 Bed Duplex Units); Car Parking, and
Associated Works.
Land North Of Market Square/West Street And West
Of North Street Rochford | Mr Peter Whitehead | PAGE 30 |

ANY OTHER ITEMS REFERRED BY MEMBERS FROM THE WEEK ENDING 21 NOVEMBER 2003 WEEKLY LIST

PLANNING SERVICES COMMITTEE - 27 November 2003 Item R1 Referred Item

TITLE : **03/00777/COU
CHANGE OF USE TO BEAUTY SALON
25 SOUTHEND ROAD HOCKLEY**

APPLICANT: **MISS A WYMENT**

ZONING: **RESIDENTIAL**

PARISH: **HOCKLEY PARISH COUNCIL**

WARD: **HOCKLEY CENTRAL**

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

This application was included in Weekly List no. 700 requiring notification of referrals to the Head of Planning Services by 1.00 pm on Tuesday, 11 November 2003, with any applications being referred to this Meeting of the Committee. The item was referred by Cllr Mrs H L A Glynn.

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

- 1.1 **Hockley Parish Council** comment that a beauty parlour would be by appointment, and traffic generation may probably be less than previous use. However, Members wish to draw attention to the existing traffic problems on this busy part of the B1013, which might present an opportunity for improvement at this time.

NOTES

- 1.2 The proposal seeks to change the use of this vacant unit to a beauty salon. The site is one of two units in this locality, with the neighbouring unit, number 23, being a hairdressing salon. The locality around the application site is the residential area of Hockley.
- 1.3 The proposed use is of a character that would not have an adverse impact on the amenities currently enjoyed by the residential dwellings in the locality. In particular, the type of use proposed would not result in unacceptable levels of noise and disturbance to the surrounding dwellings.

- 1.4 The beauty salon use would be similar in function to that of the existing hairdressers. The parking provision required for an A1 use, such as a hairdresser's, for a unit of this size would be two spaces. Given the nature of the proposal it would be reasonable to apply the same standard here. There is room on the hard standing to the front of the site for the parking of two vehicles. In addition, the proposal is located within walking distance of the public car park behind Hockley Library.
- 1.5 One representation has been received from the owner of both 23 and 25 (who is not the applicant) in support of the proposal, the main points being:
- Historically the unit has traded as a pet shop;
 - The proposal would reduce traffic movement to the shop;
 - There is parking on the forecourt but should this be full cars can use the access road along the side of the premises;
 - Further parking was obtained as part of application 01/00791/FUL, condition 9, which made three spaces available for businesses or residents of 23/25 Southend Road.
- 1.6 **County Surveyor (Highways)** raises no objection to the proposal

APPROVE

- 1 SC4 Time Limits Full - Standard

Relevant Development Plan Policies and Proposals:

H24, of the Rochford District Local Plan First Review



Shaun Scrutton
Head of Planning Services

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

03/00777/COU



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PLANNING SERVICES COMMITTEE - 27 November 2003 Item R2 Referred Item

TITLE : **03/00700/FUL
DEMOLISH EXISTING GARAGE AND LEAN TO: ERECT TWO
STOREY SIDE EXTENSION, SINGLE STOREY REAR
EXTENSION AND CONSERVATORY
77 ALEXANDRA ROAD RAYLEIGH**

APPLICANT: **MR & MRS EVEREST**

ZONING: **RESIDENTIAL**

PARISH: **RAYLEIGH TOWN COUNCIL**

WARD: **TRINITY**

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

This application was included in Weekly List no. 700 requiring notification of referrals to the Head of Planning Services by 1.00pm on Tuesday 11 November 2003, with any applications being referred to this Meeting of the Committee. The item was referred by Cllr K A Gibbs and Cllr J E Grey.

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

2.1 Rayleigh Town Council – Comments listed below

NOTES

2.2 The Chairman of the Planning Services Committee has asked for this item to be placed on the weekly list following an approach by Ward Members due to the interest surrounding this delegated item.

2.3 Background to the Application:

The application, as originally submitted, proposed a two storey side extension and part single storey and part two-storey rear extension. During the consideration of the application revised drawings were received. The first set of revisions to the plans proposed a reduction in the depth of the first floor rear element to obscure the first floor rear windows at first floor in order to reduce overlooking. The second set of revisions submitted reduced the first floor element of the scheme to solely a side rather than rear element. This final submission is the one presented to Members in this report for their consideration.

- 2.4 The proposal now before Members is as follows:
- Single storey rear extensions to form a family room and conservatory; and
 - Demolition of the existing garage and erection of a two storey side extension that incorporates a new garage at ground floor level and forms two bedrooms at first floor.
- 2.5 The proposed single storey elements would project 3.55m to the rear and run the full width of the property, including to the rear of the side extension. The first floor element of the two storey side extension element sits flush with the existing rear wall of the house and incorporates at first floor two rear facing windows to serve the rear bedroom. Neither of these windows are obscure glazed.
- 2.6 There are three key issues in the consideration of the final revised application. These are:
1. Overlooking and loss of light;
 2. The scale and bulk of the proposal;
 3. Street scene and design.
- However, it should be noted that these plans are a substantial reduction from the original plans by deleting the rear first floor proposal. Thus a significant element of development to the rear has been deleted. The plane of the rear first floor windows is consistent with the existing house and the profile of the side elevation has been significantly reduced to virtually that of the original.
- 2.7 It should be borne in mind that this proposal is no different from many other applications for household extensions commonly dealt with and it is considered to be acceptable by officers.
- 2.8 **1. Overlooking and Loss of Light**
- With respect to overlooking, it is thought that the proposal in its final form is acceptable. There are three rear facing windows that serve habitable rooms on the original dwelling in the same plane as the two proposed. Whilst two of the existing ones are obscure glazed, the other affords direct views over neighbouring/adjacent plots. The two rear facing first floor windows within this proposal would not materially increase the direct overlooking. As such, the issue of overlooking would not be a substantive reason for resisting the proposal.
- 2.9 In terms of loss of light, the arrangement of the dwellings in this locality is such that the proposal would not excessively overshadow either the rear gardens or the windows of the surrounding properties.

2.10 2. Scale and Bulk

The two storey element of the proposal would involve the provision of a first floor, thereby changing the side elevation and flank wall facing number 73 Alexandra Road. The existing garage is some 4 metres high, with the flank wall of the main dwelling being visible behind it. The proposed first floor would increase the height of this side element by 3 metres to 7 metres, to the height of the existing dwelling. In addition, the extension sideways would mean that the main flank wall of the extended dwelling would be 3.5 metres closer to 73 Alexandra Road.

It is thought that, whilst this does increase the size of the property, it does not do so excessively and that this change would not create an overbearing relationship with number 73 and the extension remains in character with the host property. Overall, the side profile of the extended property is similar to that of the original dwelling.

2.11 3. Street Scene and Design

The street scene of this locality is comprised of a mix of detached houses and bungalows. The dwellings to the immediate North and West of the site are houses, whilst those to the South and East are bungalows.

2.12 The design of the two storey side extension proposed reflects the roof form and proportions of the existing dwelling and other houses in this locality. The proposal does not provide any separation from the plot boundary at first floor level (Appendix to policy H11). However, this is normal in such an instance where terracing cannot occur, as the side of this plot abuts the rear of another. The aim and purpose of this policy is not to protect the amenity of neighbouring residents, but rather the built form of proposals. The aim of the one metre separation is to prevent the coalescence and terracing of properties in a run within the street scene and the resultant loss of spaciousness. The proposal, that is the subject of this application, would not harm the street scene in this way and therefore it would be unreasonable to resist the scheme for this reason.

2.13 The design and materials of the single storey element are acceptable and would match the existing property. At the highest point the roof of this element would be 3.2 metres high. This is not unreasonable and would not result in overlooking of neighbouring dwellings and is a design seen on properties throughout the district.

2.14 There were five rounds of consultation undertaken for this application. These were:

1. The original plans submitted (21 days from 11th August 2003);
2. Re-consultation – amended description (21 days from 15th August 2003);
3. Re-consultation – revised site and location plan with additional neighbours included (21 days from 22nd August 2003);
4. Re-consultation – revised scheme reducing depth of first floor rear extension with rear windows obscured (21 days from 11th September 2003);
5. Re-consultation – revised plans, reduction of first floor element, and amended description (14 days from 2nd October 2003).

- 2.15 Overall there have been 10 letters from neighbours from 4 separate households, one householder at 81 Alexandra Road has made repeated contact. The main grounds of objection are summarised below.

RESPONSES TO THE ORIGINAL SCHEME PROPOSED (ROUNDS 1, 2, & 3)

- 2.16 **Round 1**
County Surveyor (Highways) considers the application to be de Minimis
- 2.17 **Round 2**
County Surveyor (Highways) considers the application to be de Minimis
- 2.18 **Rayleigh Town Council** objects to the application as by reason of its bulk and sizing it is considered that the proposed extension would lead to problems with overlooking to the detriment of the amenity of the surrounding properties.
- 2.19 Two neighbour representations were received with the main points being:
- The proposal is gross overdevelopment of the site and out of keeping with the surrounding properties;
 - The proposal would invade the privacy of adjoining properties;
 - The proposal would interfere with natural light and overshadow the gardens of adjoining properties;
 - The first floor should surely be one metre from the boundary;
 - The proposal would create an outlook of a solid brick wall;
 - The proposal would devalue the properties.
- 2.20 **Round 3**
County Surveyor (Highways) considers the application to be de Minimis
- 2.21 **Rayleigh Town Council** objects to the application as by reason of its bulk and sizing it is considered that the proposed extension would lead to problems with overlooking to the detriment of the amenity of the surrounding properties. One metre separation should be maintained at first floor level.
- 2.22 Two neighbour representations were received with the main points being:
- An extension immediately adjacent to the boundary would inhibit access for maintenance;
 - The proposal would be aesthetically displeasing;
 - Living quarters should be 1m from the boundary line;
 - Extension is too large and not in keeping;
 - The extension should be in harmony with the character and appearance of the existing buildings;
 - The proposal would increase the number of first floor windows from three to five;
 - The two additional windows would be close to and dominate the rear garden of the adjacent dwelling 81;

- This would cause an unacceptable loss of outlook;
- The two storey extension would lead to a loss of light to the north facing garden of the dwelling to the rear;
- The proposal is contrary to the design policies of the adopted local plan;
- The proposal is out of scale;
- The extensions would breach the estate's original design and reduce the voids to the detriment of adjacent dwellings;
- The above issues are compounded by the developments that already exist or have valid permissions for other dwellings in the locality;
- The proposal would reduce air space;
- The proposal would not be harmonious in scale and form with the existing dwelling on the plot;
- The proposal would lead to an unacceptable loss of privacy to surrounding properties;
- The front façade of the proposed extension would be detrimental to the street scene.

FIRST REVISED SCHEME - REDUCTION AT FIRST FLOOR AND OBSCURE GLAZED WINDOWS

2.23 Round 4

County Surveyor (Highways) considers the application to be de Minimis

2.24 Rayleigh Town Council object to this application. By reason of its bulk and sizing of the proposed extension would lead to problems of overlooking to the detriment of the amenity of the surrounding properties. The one metre separation at first floor should be maintained at first floor level.

2.25 Three neighbour representations were received with the main points being:

- The revised plans do not fully address concerns regarding the proposal of;
 - Access for maintenance;
 - Aesthetically displeasing and loss of light;
 - Should be 1m from the boundary;
 - Too large an extension for the plot; and
 - Any extension should be in harmony.
- The proposal would still produce a solid wall 30 ft high just 40 ft from the kitchen and dining room windows of one property;
- Impact on outlook, quality of life and environment;
- The revised plans will still increase the number of rear upper floor windows from three to five;
- The two additional windows would be close and dominate the garden of the property behind;
- The overall result would be an unacceptable loss of outlook;

- The proposal would lead to loss of light to the rear garden of the adjacent dwelling to the rear;
- The proposal is out of scale;
- The proposal breaches the estate's original design concept;
- The extension would reduce the balance of voids;
- The cumulative effect of this and other extensions in the locality would be onerous;
- Proposal is still not harmonious;
- Bedroom windows should not be obscure glazed;
- The omission of a 1m separation is harmful to the streetscape.

FINAL REVISED SCHEME

2.26 **Round 5**
County Surveyor (Highways) considers the application to be de Minimis

Rayleigh Town Council objects to the revised plans due to the excessive bulk and size of the proposed extension. The one metre separation at first floor has not been maintained.

2.27 Three neighbour representations were received with the main points being:

- The reduction in depth does not overcome the concerns previously raised;
- The main concern has still not been addressed of the extension being up to the boundary and therefore the original concerns have not been addressed;
- Increase in upper windows from three to five;
- Two first floor additional windows would still be close to and dominate the rear garden of the dwelling to the rear (not now obscure glazed);
- The remaining ground floor of the proposal will contribute to the domination;
- Unacceptable loss of outlook and loss of light;
- Contrary to policies of the adopted local plan;
- The proposal is out of scale;
- The proposal breaches the estate's original design concept;
- The extension would reduce the balance of voids;
- The cumulative effect of this and other extensions in the locality would be onerous;
- Proposal is still not harmonious;
- Bedroom windows should not be obscure glazed;
- The omission of a 1m separation is harmful to the streetscape.

APPROVE

- 1 SC4 Time Limits Full - Standard
- 2 SC15 Materials to Match (Externally)
- 3 SC22A PD Restricted - Windows
- 4 SC81 Garage and Hardstand

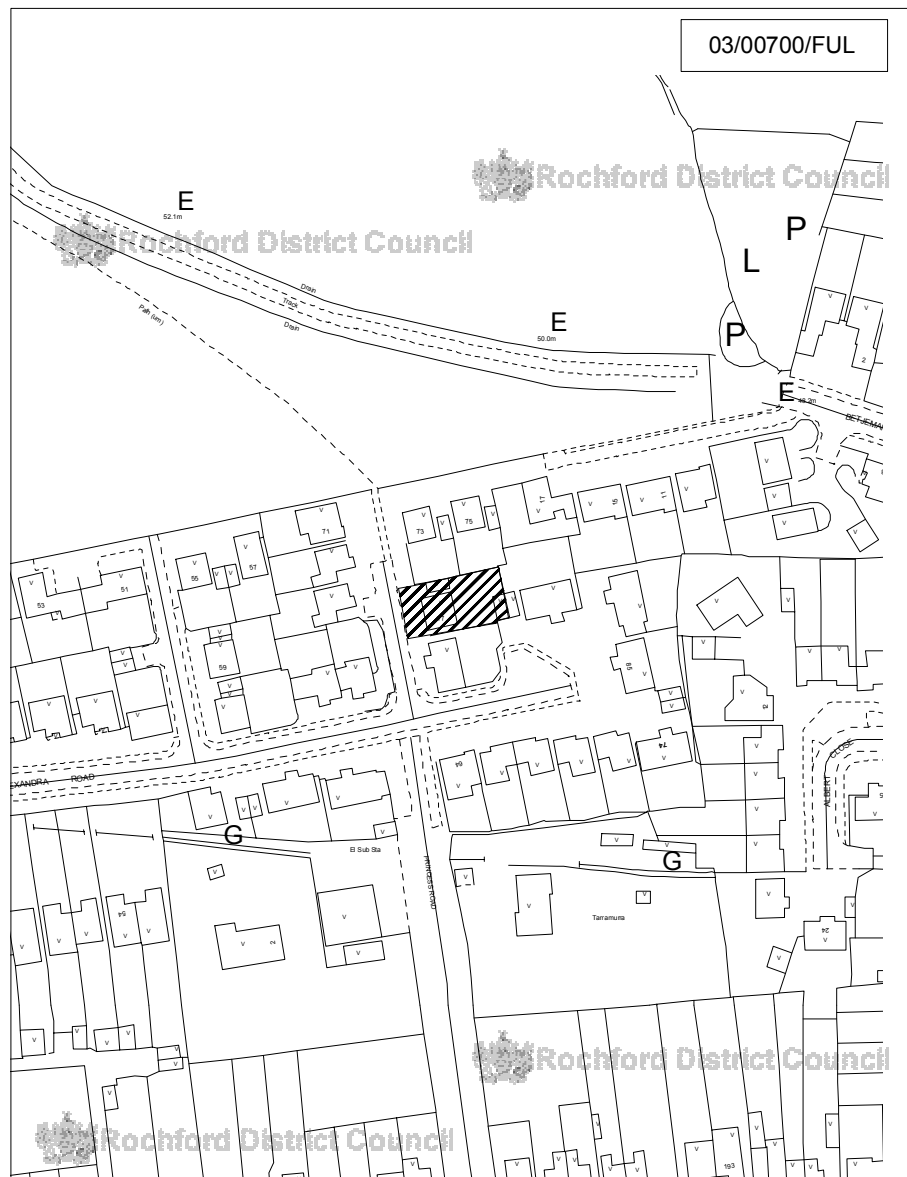
Relevant Development Plan Policies and Proposals:

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



Shaun Scrutton
Head of Planning Services

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



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PLANNING SERVICES COMMITTEE - 27 November 2003 Item 3

TITLE : **03/00840/FUL
ERECTION OF THREE NEW BUILDINGS TO
ACCOMMODATE FOUR INDEPENDENT UNITS (NUMBER 13,
14, 15, 16) FOR USES FALLING WITHIN CLASS B1, B2 + B8
(INDUSTRIAL AND STORAGE AND DISTRIBUTION). PARTS
OF UNITS NUMBERS 13 & 16 TO BE USED FOR CLASS A1
RETAIL USE. (GROSS NEW FLOOR SPACE 1830SQM
RETAIL FLOOR SPACE 168 SQM.)
LAND NORTH OF ROCHEHALL WAY, ROCHFORD**

APPLICANT : **HYDE BUILT HOMES LTD**

ZONING : **INDUSTRIAL AND EMPLOYMENT AREA**

PARISH: **ROCHFORD PARISH COUNCIL**

WARD: **ROCHFORD**

PLANNING APPLICATION DETAILS

- 3.1 **Site and Surrounding Area:-** The application site relates to an 'L' shaped parcel of land at the junction of Rochehall Way and Millhead Way. The application plot is currently vacant. The adjacent site to the north is a site currently being developed with buildings to accommodate new 'starter' employment uses. The wider context is one of various buildings of varying designs and external appearances.
- 3.2 This application proposes three detached buildings, two facing Rochehall Way and one deeper into the site.
- 3.3 The building to the rear of the plot labelled 14 & 15 has a maximum width of 23.5m, a maximum depth of 42m and a height to the top of a pitched roof of 7.6m.
- 3.4 The two units to the front of the site are handed versions of the same design and have a maximum depth of 24.5m, a maximum width of 21m and a height to the ridge of the pitched roof 8.5m.
- 3.5 Although the materials are not specified, the drawings that accompany the application highlight that the proposed buildings will utilise cladding to the walls and profile sheeting to the roof; these materials would match those used on the adjacent site.
- 3.6 Access and servicing of the site will be from Rochehall Way, with the site containing 55 off street car parking spaces.

- 3.7 The proposed buildings are to accommodate four self-contained business units. The new building to the rear of the plot is to provide two business units with each of the units to include a mezzanine floor to be used as additional office accommodation: the entire ground floor would be used for industrial and employment uses falling within Classes B1, B2 & B8.
- 3.8 The two frontage units also propose a similar mix of use including the mezzanine office space, but, as well, propose a small element approximately 84 sqm. of retail floor space. It is intended that this floor space shall operate as a trade counter for the employment uses within the same building.

RELEVANT PLANNING HISTORY

95/00084/FUL Erection of Factory With Storage Areas and Ancillary Offices and Associated External Car Parking/Services Yard and Drainage Works Granted 12.04.1995 (This permission related to the current application site and the area of land immediately adjacent to the site to the north and proposed the redevelopment of the entire site with one building).

00/00512/FUL Erection of a Warehouse Unit with Ancillary Office, Car Park and Yard Area. Granted 31.08.2000 (The starter units referred to above).

DEVELOPMENT PLAN AND POLICY AREA

- 3.9 The entire site is located within the Purdeys Industrial Employment Estate as identified within the Adopted and Emerging Local Plan.
- 3.10 It is considered that the following policies are relevant to this application:-

Structure Plan

CS1 Achieving Sustainable Urban Regeneration
CS3 Encouraging Economic Success
CS4 Sustainable New Development
CS5 Sustainable Transport
BIW1 Employment Land Provision
BIW3 Business Development The Sequential Approach
BIW4 Safeguarding Employment Land
BIW5 Business Location
BIW6 Small Firms Location

Adopted Local Plan

EB2 Use on Industrial Estates
EB4 Other uses on allocated sites

Draft replacement Local Plan

EB3 Existing Sites

EB5 Criteria for Sites

CONSULTATIONS AND REPRESENTATIONS

- 3.11 **Rochford Parish Council** No objection
- 3.12 **Essex County Council Archaeological Section** The site has previously been quarried and as such there is unlikely to be any remaining archaeological remains at the site.
- 3.13 **Head of Housing Health & Community Care** requests that if the application is to be approved then a condition be imposed that requires a site investigation to be carried out prior to the construction of the buildings in order to establish whether there are any soil contaminants that need to be addressed and whether there is methane present. They also comment that the site should be controlled by an hours of use condition and that details of all opening within the buildings shall be submitted to and approved by the Council in order to assess the potential for noise to emanate from the site.
- 3.14 **Buildings and Technical Support** No objection
- 3.15 **Essex County Council Highways Officer** No objection, subject to the developer making a financial contribution towards the improvement of the junction of Purdeys Way and Sutton Road and that the site shall accommodate all the likely off street parking and turning facilities needed for the proposed development.

MATERIAL PLANNING CONSIDERATIONS

- 3.16 **Principle** There is no objection in principle to the redevelopment of the site for employment uses.
- 3.17 It is considered that the retail floor space would be contrary to the established policies for the area that seek to retain employment land for employment uses. However, given the modest retail floor area involved and that they will function ancillary to the main employment use as 'trade counters', it is considered in this instance that the overall principle is acceptable.
- 3.18 **Design and External Appearance** The design and external appearance of the buildings is acceptable. The new buildings are of a similar scale and appearance to others on the estate and the external materials are proposed to match those used on the adjacent buildings to the north.
- 3.19 **Access, Car Parking and Servicing** These elements of the scheme are considered to be acceptable and meet the adopted standards.

- 3.20 **Soil Contamination** As highlighted by the Head of Housing, Health & Community Care (HH&CC), the location of the site is within an area that is very likely to have contaminated soils and possibly the presence of methane; a planning condition is recommended to cover this point. HH&CC also requests controls over operational times and noise.
- 3.21 It is considered that, given the site's location within an allocated industrial/employment area, a planning condition to control operational times is not appropriate. Similarly, given the site's location and distance to the nearest residential property, a condition that controls noise emissions is not considered to be appropriate.
- 3.22 **Financial Contribution for Highway Works** The Essex County Highways Officer recommends that the developer makes a financial contribution towards highways improvements at the junction with Purdeys Road and Sutton Road. The applicant has committed to pay the requested sums.
- 3.23 The Highways Department has undertaken survey work in the region of this junction and concluded that the junction is operating well beyond its capacity. Financial contributions are requested to go towards the overall cost of the works, though the majority of the cost will be covered by the County Council.
- 3.24 The junction improvements are scheduled to be completed within the next few years and contributions have been taken from recent permission of the Purdeys estate over the last two years. The planning permission on the land immediately adjacent to the north of the application site was granted consent prior to the County Highways Officers requiring contributions.

CONCLUSION

- 3.25 Proposal would result in an acceptable use of the land, with buildings of an appropriate scale, design and appearance.

RECOMMENDATION

- 3.26 Subject to the developer entering a Section 106 agreement concerning Essex County Council's request for financial contribution towards highway junction improvements then it is proposed that this Committee **RESOLVES to GRANT PLANNING PERMISSION subject to the following conditions:-**
- 1 SC4 Time Limit
 - 2 SC5 Materials to be submitted

PLANNING SERVICES COMMITTEE - 27 November 2003 Item 3

- 3 Before the development is commenced, a detailed contaminated land assessment (including historical investigation, sampling and analysis of current soils and site assessment including methane investigation) shall be carried out and submitted to the Local Planning Authority. The method and extent of the assessment shall be approved in writing with the Local Planning Authority prior to commencing works. A scheme to remedy any contamination or methane identified by the assessment shall be submitted and agreed in writing by the Local Planning Authority. The development shall then be implemented and completed in accordance with the approved scheme of remediation. REASON in the interest of the area.

Relevant Development Plan Policies and Proposals

EB2, EB4 of the Rochford District Local Plan First Review

EB3, EB5 Draft Replacement Local Plan

CS1, CS3, CS4, CS5, BIW1, BIW3, BIW4, BIW5, BIW6 Essex and Southend-on-Sea Replacement Structure Plan



Shaun Scrutton
Head of Planning Services

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



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PLANNING SERVICES COMMITTEE - 27 November 2003 Item 4

TITLE : 03/00720/OUT
OUTLINE APPLICATION FOR ONE 2 BED BUNGALOW
(SITING TO BE CONSIDERED NOW)
LAND ADJACENT TO 4 THE BAILEY RAYLEIGH

APPLICANT : MR M J DRISCOLL

ZONING : RESIDENTIAL

PARISH: RAYLEIGH TOWN COUNCIL

WARD: WHEATLEY

PLANNING APPLICATION DETAILS

- 4.1 **SITE AND SURROUNDING AREA:-** The application plot is roughly 'P' shaped with the top of the site having an independent access onto the highway (The Bailey). There is a significant change of levels down from the front to the rear of the site. In addition, there is a change of levels up from the properties in Mount Close up to the properties in The Bailey.
- 4.2 The majority of the application site forms part of the established formal garden area of No 32 Crown Hill, and as such it does contain mature trees and shrubs throughout, including along the boundaries of the plot. As the plot abuts Rayleigh Mount the garden area becomes more informal, but it remains part of the domestic curtilage of the application property.
- 4.3 The predominant pattern of the development in the area comprises residential properties of mixed styles and sizes.
- 4.4 **APPLICATION DETAILS:-** Outline planning permission is sought for the erection of one 2 bedroom bungalow on land that currently forms the rear garden of No 32 Crown Hill, Rayleigh. Save for the siting of the new building, all matters that deal with the landscaping, design, means of access and external appearance of the property have been reserved for subsequent approval.
- 4.5 The siting (footprint) of the building is adjacent to the rear boundary of No 9 Mount Close, and also respects the general rear building line of No 4 The Bailey.

RELEVANT PLANNING HISTORY

- 4.6 Application 02/0553/FUL sought permission for a split level 3-bed bungalow. This was refused permission on the basis it would not offer an acceptable degree of privacy or amenity to the proposed occupants due to overlooking of its garden and side window. An appeal was dismissed, the Inspector doing so on balance, his concern being two fold. Firstly concern for the occupiers of the new bungalow in that the windows to two rooms on the side facing towards 4 The Bailey would have restricted natural light and outlook for those rooms (kitchen and bedroom). Secondly, impact of the proposal on the dwellings to the north-west, especially No. 7 Mount Close by reason of the proximity, length and height of the new bungalow relative to the neighbouring properties, would be dominant and intrusive in the outlook across the relatively short back gardens. This being reinforced by the loss of vegetation within the appeal site, close to the boundary, which currently acts to soften the outlook resulting in the new and existing building beyond (No. 4 The Bailey) appearing overbearing.
- 4.7 Application 00/00453/FUL was for the development of a split level 3-bed bungalow. Refused on the basis of impact on amenity (of both the existing and new properties) and dominance.
- 4.8 Application 00/00240/FUL. Split 3-bed detached bungalow which was to be placed further to the north-east. Refused on the basis of amenity and dominance.
- 4.9 Application 99/00758/FUL. Detached 2-bed bungalow with detached single garage. An appeal was lodged on the basis of non-determination and it was subsequently resolved that the Authority would have refused the application on the basis of amenity and the impact of the proposals on the integrity of the Mount. The appeal was dismissed on the same grounds.
- 4.10 Application ROC/751/77 outline application for two dwellings. Refused on the basis of impact on character, amenity and loss of trees and hedges.
- 4.11 Application ROC/374/79 outline application for one detached house and two garages. Refused on the basis of the same matters as the application above and an appeal was dismissed.
- 4.12 Application ROC/395/85 outline application for a house with detached garage. This was refused due to the impact on amenity and the loss of trees and hedges.
- 4.13 Application ROC/247/86 outline application for a bungalow. This was refused due to the impact on character, appearance and amenity and on the basis of the loss of foraging for protected animal species. This was the subject of an appeal, which was dismissed, although it was noted that the foraging issue was not considered to be a determining factor.

CONSULTATIONS AND REPRESENTATIONS

- 4.14 **English Heritage** No objection to the siting of the bungalow in relation to the setting of the castle bailey earthworks. However, were this to be agreed it would be necessary to ensure that any garaging was not located where it would impinge on the setting of the monument, and that landscaping was similarly appropriate in the vicinity of the earthworks.
- 4.15 **Essex County Council Archaeology Section.** No objection but would like a watching brief imposed on any approval in order to allow a nominated archaeologist access to the site to oversee the works.
- 4.16 **The National Trust** Requests that the Council consider the following points that the development will add another 20 century development to the curtilage of the Scheduled Ancient Monument , which is already surrounded on all sides by modern development. It will therefore detract from the setting of the monument. The National Trust acquired the Outer Bailey in an attempt to prevent further urbanisation of the site. They also highlight that the Bailey is home for a number of protected species.
- 4.17 **English Nature** The proposal will not affect a SSSI, if protected species are protected on site then they should be surveyed and mitigation in place with any permission to redevelop the site.
- 4.18 **County Surveyor (Highways)** De Minimus
- 4.19 **Buildings and Technical Support** No objections. Drainage will need to be carefully considered due to ground levels.
- 4.20 **Head of Housing and Community Care** No adverse comments, subject to the standard informative SI16 Control of Noise .
- 4.21 **Rayleigh Civic Society** Possible overlooking by No4 The Bailey and 32 Crown Road, difficult to accept new siting.
- 4.22 **Essex County Council Conservation Officer** No real objections to the proposal, although cannot make a recommendation on an outline application.
- 4.23 4 letters of objection from local residents:- Numerous applications on this site in the past have not overcome the comments made by the inspector on the previous appeal in terms of light to existing property, impact upon surrounding properties and poor relationship between existing and new development, noise and headlights from the car parking, width of the plot has caused concerns in the past, will be overlooked from No 4 The Bailey, no real private amenity space, over-development , the traffic entering and leaving the site will have an adverse effect on the wildlife in the area, devaluation of property values, trees in the area will be affected by the construction of the building.

- 4.24 One letter makes reference to the plans being inaccurate due to the presence of a garage to the rear of one of the neighbouring dwellings. This garage is present on all previous applications and the assessment of this submission is based on the garage not being in situ.

MATERIAL PLANNING CONSIDERATIONS

- 4.25 The starting point for this current application is the Inspector's latest decision letter dated 5 June 2003.

- 4.26 In dismissing the latest application 02/00553/FUL the Inspector made the following comments:-

POSITIVE COMMENTS

- ...proposal would be relatively unobtrusive...and therefore this scheme is unlikely to cause material harm to the setting of the ancient monument...'
- ...I am not persuaded that an additional dwelling here need generate so much extra traffic as to cause material hazard to inconvenience the existing residents or detriment to the objectives of the Local Plan...'
- ...With regard to appearance and massing, the bungalow would be very different from the relatively substantial detached houses which front on to The Bailey.

- 4.27 However, because of its discreet position and low profile it would not be viewed in conjunction with them, but as part of the wider surrounding area, which includes a mixture of types and sizes of dwellings. For this reason the appeal development would not to my mind be unduly out of character with or cause significant detriment to the appearance of the locality, nor be harmful to the objectives of the structure plan...

- ...the present appeal scheme has evidently sought to overcome issues raised by previous planning applications on this site. In principle, the residential development of this parcel of land complies with structure plan policy CS1 and local plan policy H2 and others, which seek to encourage and give priority to development opportunities within built up areas, and with Planning Policy Guidance Note 3...
- ...an area at the north east end is suitable in size and location to provide an adequate and sufficiently private open amenity area for occupiers of the new dwelling...
- in terms of protected species the site is in a secondary location and evidence submitted on previous schemes indicates appropriate safeguards are available.

- 4.28 **NEGATIVE COMMENTS**

- ...No 4 The Bailey has recently been rebuilt with a re conservatory and terrace which are elevated relative to neighbouring land and overlook the garden house behind, No 30 Crown Hill, and the area which would become the rear garden to the proposed bungalow...
- ...at a distance of barely one metre from the existing or any replacement screening and two metres or so from the two storey flank wall of the neighbouring house the restricted natural light to and outlook from those rooms would produce an unsatisfactory living environment for any occupiers of the bungalow...

- ...the likely impact...especially No 7 Mount Close, notwithstanding the care which has been taken with the levels, design and positioning of the proposed building, the new building, because of its proximity, length and outlook across their relatively short back gardens. Furthermore it is reasonable to assume that for access and maintenance reasons vegetation within the appeal site close to the boundary, which currently softens the visual impact of the large flank wall of No4 The Bailey some 23 metres away would be removed. These two buildings would thus appear overbearing as seen from No 7 Mount Close in particular, making that dwelling much less pleasant to live in...
- ...the appeal proposals would not result in satisfactory relationships between new and existing dwellings as required by local plan policy H20(ii) or a reasonable standard of residential amenity...

4.29 It is considered that this application differs from the appeal proposal in that it proposes a reduction in the number of bedrooms from three to two, a reduction in its size from 16m in length to 13m long; and it is located on a different part of the site moved some 4m away from the rear outlook of No. 7 Mount Close in particular.

4.30 **General Principles:** There is no objection in principle to the redevelopment of the plot for residential purposes; this accords with Government advice and development plan policies.

4.31 The Inspector on the previous appeal decision commented that the principle of a new residential unit on this part of the site complies with structure plan and local plan policies.

4.32 **Differences from the previous scheme:** There are two main differences from the previous application. These relate to the reduction in the number of bedrooms from three to two, together with the reduction in size of the building, and the re-siting of the building. The previous siting of the building was along the rear boundary of No 7 Mount Close.

4.33 **As outlined above, the previous decision by the Appeal Inspector was finely balanced, with the main concern relating to:**

- i) **The living conditions for the future occupiers of the new dwelling in terms of flank windows and useable amenity space:**

The living conditions of the future occupiers of the proposed building were of concern for the previous Inspector. The concern centred on the provision of flank windows and proximity to the existing property at No. 4 The Bailey, and that the position of the private amenity space to the rear of the new dwelling would be overlooked.

This submission is an outline application where the matters relating to the design and external appearance of the building are reserved for subsequent approval. Notwithstanding this, it is considered that the layout of the bungalow could be controlled by suitable planning conditions so as not to be reliant on any flank windows being inserted into this elevation of the new building.

In addition, it is accepted that No 4 The Bailey is a much larger property, that together with its neighbouring properties and the elevated geography of the site, is such that it does command views over the neighbouring plots. Given this existing situation it is considered that a refusal based solely on the over-looking of the rear garden of the new dwelling could not be justified. As the siting of the proposed dwelling is to be considered here it is evident that sufficient private amenity space is provided within the application plot. In this instance it is proposed to be located adjacent to the Rayleigh Mount itself at the front of the site which the Inspector found absolutely acceptable.

ii) Impact that the proposal would have upon the amenities of the occupiers on specifically No 7 Mount Close:

The second main area of concern for the Inspector on the previous application was the impact the development would have upon the amenities of the occupiers of dwellings in Mount Close especially No. 7.

As stated above, the siting of the building is to be considered here. The siting of the building, as highlighted by the drawings that accompany the application, show that the proposed building is located in a different part of the site than any previous submission and more specifically in a different location in relation to No 7 Mount Close.

The siting of the proposed building has moved deeper into the site in a south westerly direction and taken the new building away from directly behind the rear boundary of No. 7 Mount Close. This new location is considered to be acceptable as there is the potential for soft landscaping to be planted along the boundary with the north western boundary with No. 7 in order to soften the built form if it is considered to be necessary. In addition in its new location there is the existing garden of No 30 Crown Hill between the new building and the properties at 9 and 11 Mount Close and their gardens. This would act as a further soft buffer between the development and the properties in Mount Close. Further it is considered that its new position would result in views from No 7 & 9 Mount at an angle only and some 15m distant. Also the reduction in the size of the building by 3m reduces its impact.

Whilst matters of detail and specifically the size and design are reserved for subsequent approval, the proposal is for a two bedroom bungalow. It is proposed that the height of the bungalow be controlled by a condition to a height lower than that considered by the previous Inspector (5.4m the condition requires 5m).

As commented by the appeal Inspector, the provision of a bungalow at the site, whilst not conforming to the predominant pattern of development in the area, would not be unduly out of character with or cause significant detriment to the appearance of the locality.

CONCLUSIONS

- 4.34 The Inspector had no objection to the principle of the plot being developed for residential purposes, and commented that the principle was in accordance with both the Structure Plan and Local Plan policies.
- 4.35 It is considered that for the reasons outlined above, the application to be determined here is materially different from the previous appeal decision and has overcome the concerns raised on balance by the Inspector in his decision letter.
- 4.36 There is no impact upon The Bailey in terms of visual intrusion nor from any increase in traffic.
- 4.37 Subject to conditions that control the height of the new building and further ones that control any further development at the property without first obtaining written approval from the Local Planning Authority, then it is recommended that the application be recommended for approval.

RECOMMENDATION

- 4.38 It is proposed that this Committee **RESOLVES** to **APPROVE** the application, subject to the following conditions:-
 - 1 SC3 Time Limits Outline - Standard
 - 2 SC2 Reserved Matters for all but the siting of the building
 - 3 The height of the proposed dwelling shall not exceed an external height above natural ground level of 5.0m
 - 4 SC17 Restricted - Extensions
 - 5 SC18 PD Restricted - Outbuildings
 - 6 SC16 PD Restricted - Fences
 - 7 The development hereby permitted shall only take place in accordance with a programme of archaeological work as set out in a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority prior to the commencement of work. The archaeological work, as approved, shall only be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

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- 8 No development shall commence before an ecological impact assessment of the site has been undertaken and submitted to and agreed in writing by the Local Planning Authority in consultation with English Nature. The assessment shall include appropriate mitigation measures for any protected species that may be found on site. Furthermore, before development shall commence, all reasonable steps necessary shall be taken to implement the identified mitigation measures for all protected animal species on the site. No trans-location of these species, should it prove necessary, shall commence until written details of receptor sites together with a management plan including monitoring, have been submitted to the Local Planning Authority and approved by it in writing.
- 9 The reserved matters as approved under Condition 2 above shall show in terms of fenestration only high level and/or obscure glazed windows in either flank wall of the proposed dwelling. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any Statutory Instrument revoking, re-enacting or amending that Order, no further doors, windows or openings of any kind (other than those approved under Condition No. 2 above, which shall be retained in the form shown under Condition 2 above) shall be inserted in either flank wall of the property without the grant of a further specific permission from the Local Planning Authority.

Relevant Development Plan Policies and Proposals

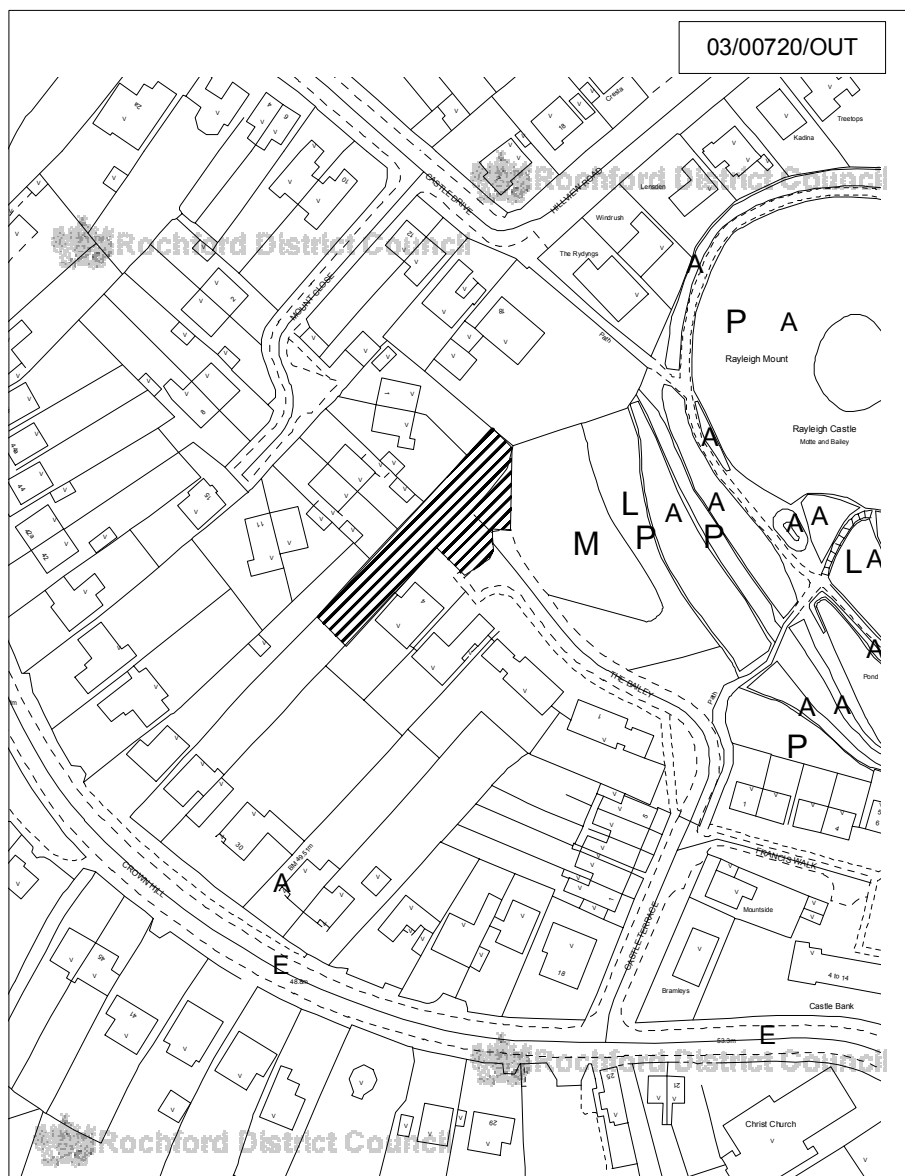
H1, H2, H11, H19, H20, TP15, UC12, UC13, PU3 of the Rochford District
Local Plan First Review

CS1, HC5, BE1, H2, H3, H4 of the Essex and Southend-on-Sea Replacement
Structure Plan



Shaun Scrutton
Head of Planning Services

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



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NTS



TITLE : 03/00947/FUL
TWO AND THREE STOREY BUILDING CONTAINING
SUPERMARKET, LIBRARY, 3NO. SHOPS, 42NO. FLATS (1-
BED, 2-BEDS AND BEDSITS) AND BASEMENT CAR PARK;
TWO AND THREE STOREY BUILDING CONTAINING 34NO.
FLATS (1-BED AND 2-BED) AND 3NO. SHOPS; THREE AND
FOUR STOREY BUILDING CONTAINING 61NO. FLATS (1-
BED, 2-BED AND 2-3 BED DUPLEX UNITS); CAR PARKING
AND ASSOCIATED WORKS
LAND NORTH OF MARKET SQUARE / WEST STREET AND
WEST OF NORTH STREET ROCHFORD

APPLICANT : HOUSECHERRY LTD

ZONING : SUPERMARKET/NO ZONING

PARISH: ROCHFORD PARISH COUNCIL

WARD: ROCHFORD

SITE FRONTAGE: - **SITE AREA:** 1.25HA

PLANNING APPLICATION DETAILS

- 5.1 This application is brought before Committee under the Council's 'fast-track' procedure, whereby any proposal likely to result in the generation of 10+ jobs is so reported. The purpose of this report is to appraise Members of the application, and at this early stage identify the key issues emerging as relevant to its consideration.
- 5.2 Members are invited to raise any additional issues that they consider pertinent to explore.
- 5.3 A full report discussing the application, including a recommendation from officers, will be placed before Committee in due course.
- 5.4 **The Application Site**
The application site comprises a parcel of land covering 1.25ha, situated to the north of Market Square and West Street, West of North Street and South of Pollards Close. The southern part of the site (adjoining Market Square) currently comprises two fields. A dilapidated and vacant elderly persons home known as 'The Bungalow' is situated on the northern part of the site. Rochford Hospital lies to the west of the site.

5.5 **The Application**

The application proposes the erection of 3 substantial buildings on the site, incorporating a supermarket, library, 5no. lock-up shops and 137no. flats.

5.6 Further details of the three buildings are as follows:

5.7 **Block A** - comprises a two and three storey building containing a supermarket, together with 3no. lock-up shops, a public library, 42no. flats (1-bed, 2-beds and bedsits) and a 90 space basement car park. The supermarket would have a retail floorspace of 929sq.m and a storage area of 464sq.m. (The gross floorspace would therefore be 1393sq.m or 14994sq.ft). The public library is considerably larger than the existing library in the Market Square and is intended to replace this facility. Balconies, together with roof terraces covering 460sq.m, are proposed as amenity space to serve the flat-dwellers.

5.8 **Block B** - comprises a two and three storey building containing 34no. sheltered flats (1-bed and 2-bed) and 3no. lock-up shops at ground floor. A total of 32 parking spaces and an amenity area stated to cover 303sq.m are also proposed.

5.9 **Block C** - comprises a three and four storey building containing 61no. flats (1-bed, 2-bed and 2-3 bed duplex units). A total of 83 car parking spaces are proposed. In terms of amenity space, an amenity area stated to cover 1057sq.m is proposed. A substantial number of the flats also have balcony areas.

5.10 Vehicular access to the site would be gained via two existing accesses off North Street: one known as Roche Close, which formally served The Bungalow and Hospital sites, and a further secondary access situated adjacent to Rochford Post Office.

5.11 Roche Close would provide vehicular access to the car parks associated with Blocks A and C, together with all servicing associated with the supermarket, library and lock-up shops in Block A.

5.12 The access adjacent to the Post Office currently provides vehicular access to car parks at the rear of shops in Market Square, together with a house fronting North Street. The submitted plans illustrate that access would be maintained to these car parks, albeit in an amended manner. At the time of writing, these details need to be clarified with the applicants. This access is also proposed to provide access to the new car park to the rear of Block B. (It is noted that this access was approved to serve 42no. sheltered flats under permission ref. ROC/479/89 - see below for details).

5.13 A pedestrian link between the application site and Market Square (between the Nat West bank and the existing library buildings) is indicated on the submitted plans, but its provision is not part of the application as currently submitted and, indeed, the strip of land in question lies outside the application site, or other land in the applicant's control. A note on the submitted plans indicates that this is 'subject to ongoing negotiations.' The provision of this link would result in the loss of some existing parking spaces.

- 5.14 This pedestrian link would lead through to a tree-lined court between Blocks A and B which, in turn, would lead down to a junction with Roche Close.

5.15 **Additional information**

A great deal of additional information is currently expected from the applicant, the bulk of which is anticipated prior to this meeting. This information comprises a full Traffic Impact Assessment, an Ecological Statement, together with further plans including a site survey demonstrating changes in levels across the site, perspective views of the buildings, illustrative street scenes, etc.

RELEVANT PLANNING HISTORY

5.16 **Planning Applications:**

As discussed above, the northern part of the site currently accommodates a dilapidated building known as 'The Bungalow.' This was formerly run by the County Council as an elderly persons home. The building is now vacant, and suffering the effects of vandalism.

- 5.17 The applications below relate to the southern part of the site, which has not been developed:

ROC/479/89 - Erect 42 Sheltered Housing Units - APPROVED. This permission has been commenced and, therefore, remains a valid permission to this day. This being so, it could still be implemented if the site owners so chose.

95/00051/ROC - Renewal of Application ROC/479/89 to Erect 42 Sheltered Housing Units - REFUSED for the following reason:

"The application falls within an area designated as a site for a retail food store in the Rochford District Local Plan First Review as now modified and as such the proposed residential use is contrary to the provisions of Local Plan First Review Policy SAT20."

02/01123/FUL - Erect Twelve 1-Bed And Twelve 2-Bed Flat Units (Total 24) In Three 3-Storey Residential Blocks Layout Access Car Parking And Amenity Areas. WITHDRAWN.

03/00204/FUL - Erect Twelve 1-Bed And Twelve 2-Bed Flat Units (Total 24) In Three 3-Storey Residential Blocks Layout Access Car Parking And Amenity Areas. WITHDRAWN.

5.18 **Local Plan History:**

The southern part of the site is allocated for the purposes of a supermarket in the existing Local Plan First Review (1995), and is covered by Policy SAT20. However, despite the 'in principle' support for a supermarket provided by this policy, and despite interest in the site, no application for a supermarket resulted.

- 5.19 The 'Bungalow Site' has become available for redevelopment in recent years, and the inclusion of this parcel of land in the overall site was considered by the Council's Transportation and Environmental Services Committee in September 2000. This Committee resolved that the Council supports in principle the provision of a retail food store and associated development on the overall site. Accordingly, in the emerging Local Plan, the overall site is allocated for a 'retail food store and associated mixed use development, including a library.'

CONSULTATIONS AND REPRESENTATIONS

- 5.20 At the time of drafting this report, no consultation responses or representations have been received.
- 5.21 However, it should be noted that a significant number of bodies have been consulted on this application and a large number of residential and commercial properties abutting or close to the site have also been notified. In addition, site notices have been displayed in four locations around the boundaries of the site.

MATERIAL PLANNING CONSIDERATIONS

- 5.22 This is a fast-track application and the purpose is to enable Members to raise the issues that they consider should be explored further in the consideration of the proposals.
- 5.23 At this early stage, it would appear that these should include:
- 5.24 **Local Plan Allocation**
As noted above, in the current Local Plan, the southern part of the site is allocated for a proposed supermarket, to which Policy SAT20 applies. The northern part of the site is erroneously included within the boundaries of Rochford Hospital. In the emerging Local Plan, the whole site is allocated for mixed use development including a supermarket.
- 5.25 The whole site also falls within the Rochford Conservation Area.
- 5.26 Besides relevant Local Plan and Structure Plan policies, two other key documents will inform consideration of the current application. These comprise a Design Brief, also completed by the Council in respect of the southern part of the site in the mid-1990s, and a Retail Study, also completed on behalf of the Council in 1999.
- 5.27 The primary objective of the Retail Study was to ascertain the size of food store that the town could realistically support and to consider whether the provision of such a store posed a threat or an opportunity to existing retailers in the town. The Study concluded that the town could support a food store of a maximum of 1862sq.m (20,000sq.ft) gross, and that such a store would enhance the viability of the town centre provided that it did not include service facilities found elsewhere in the town centre.

- 5.28 As noted above, the proposed supermarket has a gross floorspace of 1393sq.m or 14994sq.ft, in line with the recommendation of the Retail Study.
- 5.29 **Scale of the New Buildings**
As discussed above, the proposed development comprises a mixture of two, three and four storey buildings. The scale of the proposed buildings against that of existing buildings in Market Square, North Street and Pollards Close needs to be carefully considered, both in terms of compatibility in conservation area terms, and in terms of physical impact upon adjoining residents.
- 5.30 **Design of the New Buildings**
The design and detailing of any new buildings in the conservation area needs to be of a high standard, and respectful of the character and details of surrounding buildings.
- 5.31 **Location of the New Buildings**
The relationship of the new buildings to existing buildings needs to be considered, to ensure, amongst other issues, that the separation between buildings is sufficient to avoid overlooking problems, light loss, etc.
- 5.32 **Site Density**
The overall density of development on the site needs to be considered. Amongst other criteria, the guidance of PPG3 (Housing) would inform this judgement.
- 5.33 **Traffic Issues**
Given that all vehicular access to the site would be via North Street, and the existence of the one-way system through the town, it is evident that all traffic will reach North Street and the site via either South Street or East Street, and leave the site via Dalys Road or Weir Pond Rd.
- 5.34 Clearly then, the development will significantly affect traffic flows in the town centre as a whole. To explore this issue further, a Traffic Impact Assessment has been commissioned by the applicants, and the results of this are currently awaited. This report will set out the likely traffic flows to/from the site, the likely implications of this upon current traffic flows and the capability of the road network to assimilate the additional traffic. This report will be fully considered by the Highway Authority, as well as Planning Officers.
- 5.35 **Car Parking**
The site is a town centre site where reduced car parking standards may be acceptable. This said, the level of car parking proposed to serve the various uses on the site needs to be carefully considered to confirm whether it is reasonable or not.
- 5.36 **Pedestrian Link to Market Square**
The application plans indicate the possibility that a pedestrian link could be provided between the site and Market Square, via an existing alley between the Nat West bank and the existing library. This is subject to ongoing negotiations. Policy SAT20 states that the provision of a pedestrian link to the Market Square should be 'an essential and integral part of the proposal.' The outcome of these negotiations will need to be clarified, and considered.

5.37 Noise

The relationship of the supermarket's servicing area to existing and proposed dwellings needs to be considered, given the propensity of the servicing area to attract HGV movements at day/night, and the potential for these to cause noise and disturbance.

5.38 Crime Reduction

The application includes a number of routes open to the public at day or night, in addition to a basement car park. The Police Crime Reduction Officer has been consulted on the application, and any views received will be taken on-board.

5.39 Affordable Housing

The application includes the construction of 137no. dwellings, but none of these would be 'affordable'. This is arguably contrary to Local Plan Policy H14, and the guidance of PPG3. The implications of this need to be explored.

5.40 Public Library

Whilst no affordable housing is being offered, the applicants are proposing a replacement public library, a weighty planning contribution in itself. The details of this offer also need to be clarified.

5.41 Educational Contribution

The new dwellings proposed may give rise to children, who would need to attend the local primary and secondary schools. This, in turn, may have implications upon the capability of the existing schools to cope with the additional pupils, and a request from the Education Authority for a financial contribution to provide improved buildings/facilities to cope. This issue will be considered once the response of the Education Authority has been received.

5.42 Drainage and other Infrastructure Issues

The implications of the application in terms of surface and foul water drainage need to be considered. Anglian Water and the Environment Agency have been consulted.

5.43 Trees and Wildlife

As noted above, the applicants have commissioned an Ecological Assessment. This should establish whether any protected species are present on the site.

5.44 The site also includes a number of trees, which it would appear necessary to fell in order to implement the development. The quality of these trees, and the implications of their loss, need to be explored.

5.45 Archaeology

Given the location of the site partly within the recognised Medieval core of the town, the County Council's archaeologist has been consulted. Any response they make will be taken into consideration.

5.46 Demolition of Buildings

The demolition of the buildings on the Bungalow site does not require planning permission. However, given that the site lies within a conservation area, their demolition requires conservation area consent. The applicants are aware of the need for this, and will be submitting such an application in due course.

CONCLUSION

- 5.47 The application is brought before Committee as part of the fast-track procedure to brief Members upon the proposals, and invite comment regarding key considerations that could impinge upon them.
- 5.48 As is clear from the above discussion, a great number of considerations are considered material to this application; and others Members may wish to explore.
- 5.49 Following full consideration of all issues arising, the application will be brought back to committee in the normal way.

Relevant Development Plan Policies and Proposals:

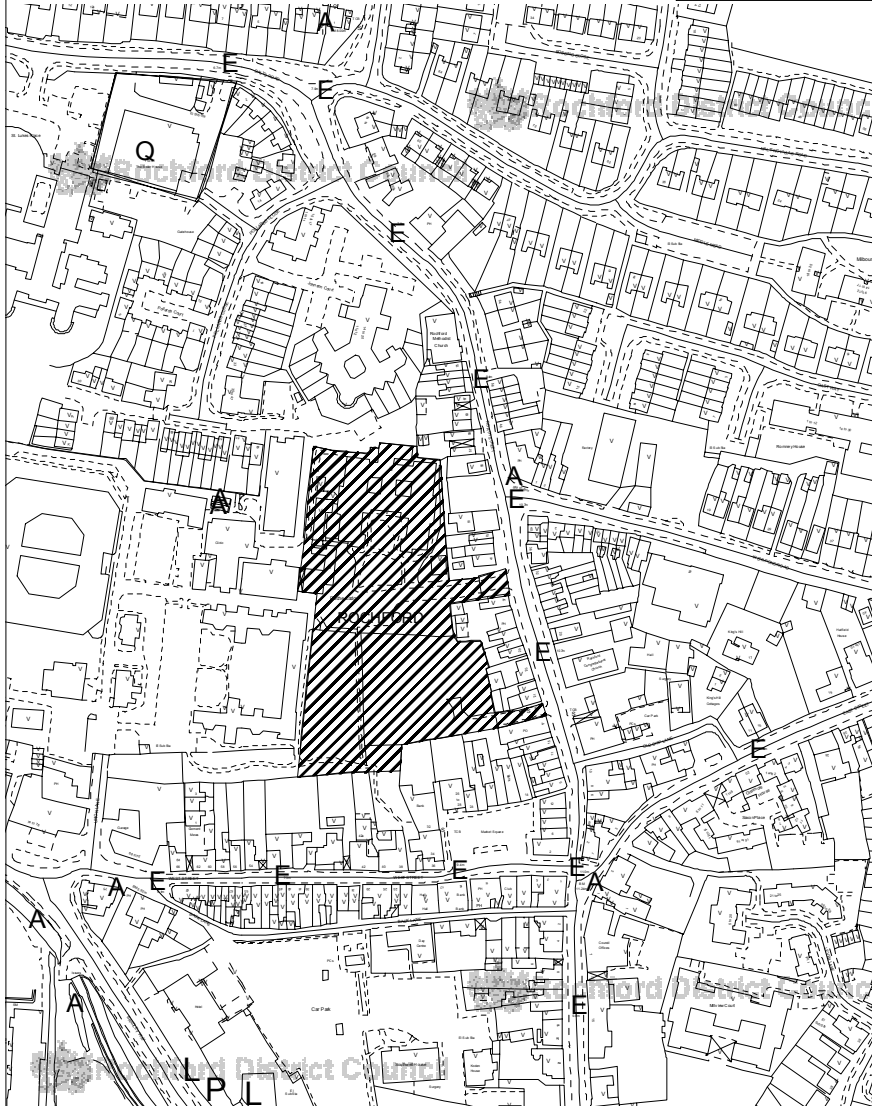
SAT20, UC1 and UC3 of the Rochford District Local Plan First Review



Shaun Scrutton
Head of Planning Services

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

03/00947/FUL



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NTS



CODE OF CONDUCT FOR PLANNING MATTERS

GENERAL PRINCIPLES

Members and Officers must:-

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

In Committee, Members must:-

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

Members must:-

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

Officers must:-

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