



**Rochford District
Council**

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY THE
DEVELOPMENT CONTROL COMMITTEE - 16 December 2008**

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

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

The above documents can be made available for inspection as Committee background papers at the office of Planning and Transportation, Acacia House, East Street, Rochford and can also be viewed on the Council's website at www.rochford.gov.uk.

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INVESTOR IN PEOPLE

Ward Members for Committee Items

SWEYNE PARK

Cllr Mrs J Dillnutt

Cllr Mrs J A Mockford

WHEATLEY

Cllr J M Pullen

Cllr Mrs M J Webster

DEVELOPMENT CONTROL COMMITTEE - 16 December 2008

DEFERRED ITEM

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	Construct Two Detached and Two Semi-Detached Three Storey Houses With Garages and Access Land West Of Boston Avenue Cheapside West Rayleigh		

SCHEDULE ITEM

2	08/00795/OUT	Mrs Judith Adams	PAGE 19
	Demolish Existing Bungalows and Construct Two Storey Building Comprising 11 No. Two Bedroomed and 3 No. One Bedroomed Flats With Access Onto Highfield Crescent and Parking and Amenity Areas. Site Of 9 And 11 Bull Lane Rayleigh		

DEFERRED ITEM 1

TITLE : 07/00932/FUL
**CONSTRUCT TWO DETACHED AND TWO SEMI-DETACHED
THREE STOREY HOUSES WITH GARAGES AND ACCESS
LAND WEST OF BOSTON AVENUE, RAYLEIGH**

APPLICANT : MR M TALBOT

ZONING : RESIDENTIAL

PARISH: RAYLEIGH TOWN COUNCIL

WARD: SWEYNE PARK

INTRODUCTION

- 1.1 This application was deferred at the meeting of the Development Control Committee held on 22 November 2007 following the receipt of revised plans just before that meeting and requiring a fresh round of notification with neighbours to the site before Members would be in a position to determine the application. The applicant also sought to address issues raised relating to the objections made by the Environment Agency concerning flood risk and other objections raised by the Council's arboriculturalist concerning the absence of information relating to the effect of the development upon existing preserved trees on the site.
- 1.2 In April this year the applicant submitted a Flood Risk Assessment, which was then revised in August this year as a result of discussions with the Environment Agency.
- 1.3 In May this year the applicant submitted an arboricultural assessment in support of the application, which has been the subject of consultation with the Council's arboriculturalist. Also submitted in May were revised layout plans to be consistent with both arboricultural and flood risk details.
- 1.4 Neighbours were finally notified on the confirmed final layout in September this year once it was clear that no further changes would arise as a result of discussions with the Environment Agency.

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THE SITE

- 1.5 This application is to a site at the western end of Cheapside West at the junction made with Boston Avenue. The site is irregular in shape, having a narrow frontage of 9m width onto Cheapside West, which extends along the rear boundary fences to dwellings fronting Grosvenor Road, but widens out to a broadly rectangular shaped piece of land some 37m wide and 68m in length. The site has an approximate area of 0.358ha (0.885 acres).
- 1.6 Through the wider part of the site runs an open water course. The middle part of the site is closely mown and has an appearance of a domestic garden. The outer margins of the land have a relatively dense hedge and tree margin either side of the water course. Those tree margins are part of an Area Tree Preservation Order 01/82, which extends over a large area, including part of the more recent development to the north of the site.
- 1.7 To the north of the site exists relatively wide fronted terraced houses, in terraces of four dwellings with modest garden depths of approximately 10-15m. The houses backing onto the access road are similar in design but have a garden depth of around 12m.
- 1.8 To the south of the access road exists a private nursery school. To the south of the wider part of the site exists tended land closely mown with scrub beyond.

PLANNING APPLICATION DETAILS

- 1.9 The proposal is to develop the wider part of the site with two detached three storey houses and one pair of semi detached three storey houses. The third floor accommodation is in each case provided within the roof void and the design of each dwelling features pitched roofed front dormers and roof lights to the rear.
- 1.10 The layout of the site is similar to that considered under the previous application 07/00350/FUL but is different by way of a realignment of the access road at the entrance to the site to provide for a larger bin store close to the entrance into the site on the opposite side to the back fence to existing rear gardens of adjoining dwellings fronting Grosvenor Road. The bin store would have a pitched roofed design to an overall height of 1.75m over a length of 8.85m.
 - The final form of the plan as revised shows the house to plot 1 unchanged in its siting.
 - The house to plot 2 is shown turned through approximately 5 degrees slightly away from the rearward relationship with dwellings backing onto the site but also increased in distance by between 0.5 and 1.4m increased distance away from those neighbouring dwellings backing onto the site.

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- The pair of semi detached houses to plots 3 and 4 are shown turned through some 22 degrees in their relationship to the houses at Nos. 69 – 71 Grosvenor Road moving a pinch point closer by 0.9m to these but presenting a less abrupt flank wall to these dwellings backing onto the site.
- 1.11 The layout of the site would be grouped around an access drive in the middle part of the site with detached garages adjacent to each of the three plots. The garage serving plot 2 is on land severed by the water course.
- 1.12 The dwellings are of varying design but each with gable ended roofs and with pitched roofed front dormers. Each dwelling would have an overall height of 11m.
- 1.13 The garages would also have a pitched roofed design and would be to an overall height of 4.3m
- 1.14 The semi detached houses to plots 3 and 4 would have three bedrooms. The detached houses to plots 1 and 2 would have five bedrooms and a playroom.
- 1.15 The proposal is supported by a design statement which states there are a number of constraints to developing the site such as the presence of two main drains crossing the site, a large water course, a blanket coverage Tree Preservation Order whereby the root protection zones further limit the potential developable area within the site. The applicant argues that the development proposed would provide a quality residential development appropriate to the neighbouring housing and wider context.
- 1.16 The proposal is supported by a reptile based ecological assessment of the site which established the presence of a small number of slow worms and smooth newts found to be present in the rougher grassland edges of the site. The remainder of the site being closely mown is unsuitable for reptiles.
- 1.17 The current application is further supported by an ecological survey that has established no evidence of roosting bats on the site given the absence of buildings and immature trees that lack loose bark or crevices or woodpecker holes that offer the potential for bats to roost. Bats are likely to forage within the site and this is expected to continue on the site as would be developed.
- 1.18 The construction area was neither found to have the presence of badger activity on or within 30m of the site but a Sett has been found some 100m from the site. It is recommended that during the construction period open trenches be covered overnight or left with a ramp to allow any animal falling into the trench to escape.

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- 1.19 The steep sided ditch through the site does not contain emergent vegetation to offer shelter or foraging for water voles and no evidence of their presence has been found.
- 1.20 The arboricultural assessment submitted in support of the application generally concludes that it will be necessary to undertake some works to the preserved trees on the site but that such works would be acceptable.
- 1.21 The Flood Risk Assessment concludes that the development can be implemented in a safe manner with the flood risk suitably mitigated, that surface water run-off from the development site can be suitably controlled and restricted to reduce flood risk elsewhere and that a sustainable drainage system can be designed to serve the development.

RELEVANT PLANNING HISTORY

Application No. 02/00020/OUT
Outline approval for residential development (Access off Cheapside West)
Permission Refused 4 March 2003
Reason: Site considered at a risk of flooding

Application No. 02/00737/FUL
Retention of two sheds, together with use of land for storage of a boat.
Permission granted 15 July 2007

Application No. 06/00245/FUL
Construct 3 No. five bedroomed three storey detached houses with three detached garages.
Permission refused 16 May 2006
Reason: Inadequate density and absence of an ecological assessment of the site.

Application No. 07/ 00350/FUL
Construct two detached and two semi-detached three storey houses with garages and access.
Permission refused 23 August for the following reason:-

- 1) The application is not supported by a full ecological assessment of the site and surrounding areas, as informed by paragraph 1 of PPS 9 Biodiversity and Geological Conservation and in the absence of this information it is considered that the proposal may result in harm to protected species and/or their habitat.

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CONSULTATIONS AND REPRESENTATIONS

- 1.22 **Rayleigh Town Council:** Object on the basis that the proposal does not accord with the minimum 30 dwellings per hectare density required; this is contrary to PPS3 and Policy HP3 of the Replacement Local Plan. The low density provided within this development would provide an inefficient use of residential land restricting the district to fulfil development requirements and potentially creating pressure to develop the Metropolitan Green Belt.
- 1.23 **Natural England:** No objection.
- 1.24 **Essex County Council Highways and Transportation:** No objection.
- 1.25 **Environment Agency:** Refer to the additional information received dated August 2008. The Flood Risk Assessment (FRA) satisfies the concerns raised previously and are now able to remove the Agency's previous objection as the FRA establishes that the development will remain safe and not create flood risk elsewhere for its entire lifetime.
- 1.26 Natural England should be consulted to provide comment on the ecological survey submitted with this application.
- 1.27 Advise that any culverting or works affecting the flow of the water course will require the prior written approval of the Environment Agency under the terms of the Land Drainage Act.
- 1.28 **Rayleigh Civic Society** - Object on the basis that the roof in both the detached and semi-detached houses is 50 degrees, which results in wide gable ends, which are uncharacteristic of traditional buildings in Essex. The result is an uneconomically large roof space and large flank walls which will be out of keeping with those in Cheapside West and Grosvenor Road.
- 1.29 **Buildings Technical Support (Engineers)** - No objections or observations. Public foul sewer within site area. Development adjacent main river water course and risk of fluvial flooding.
- 1.30 **Woodlands Section** - Advise that the ecological survey and report was completed by a suitably experienced ecologist and all wildlife and ecological concerns have been met in full.
- 1.31 Advise that an arboricultural assessment has been provided. If development is permitted all tree works are to be submitted for approval whether being specific tree management works to facilitate the development or sound arboricultural practice. All tree works to be carried out to BS 5837 and prior to the development.

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- 1.32 All trees are to be protected as per section 5.1 appendices 1 and 2 and drawing reference: 08.06.1057. All protection barriers to be as per section 9 to the assessment. All tree protection to be erected/constructed before development takes place.
- 1.33 Where the development encroaches the root protection area the developer will utilise the method of working as per sections 5.2 and 5.3.
- 1.34 Details to be submitted for consideration of an on site office/contractors parking/storage of materials compound. All materials to be stored using the methodology set out in section 7.0. to the statement.
- 1.35 No service runs to encroach the root protection area or crown spread of any retained tree unless a suitable method statement for installation has been agreed.
- 1.36 Any hard surface area within the root protection area of any retained tree to utilise the construction methods and materials as set out in section 12.0 and appendix 4 to the assessment.
- 1.37 **Head of Environmental Services:** No adverse comments to make, subject to the standard informative SI16 (Control of Nuisances) being attached to any consent granted.

First Round Response to Neighbour Notification.

- 1.38 10 letters were received in response to the first round public consultation and which in the main made the following comments and objections:-
- Loss of light, privacy and overlooking
 - Noise and disturbance
 - Insufficient drainage and increased risk of flooding
 - Areas of nature and tranquillity will be spoilt
 - Adverse effect upon wildlife in the area
 - Application needs to be rejected for good to stop wasting everybody's time
 - Area at saturation point with over-populated estate
 - If this gets approved the Council are a joke
 - Told previously that this land would never get developed
 - De-valuation of property
 - Loss of trees and vegetation
 - Traffic generation/Access
 - Loss of view, particularly with an ugly phone mast in close proximity
 - Would have little objection if the dwellings were two storey or bungalows and sited further away
 - Argument that there are no flooding problems is not true

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- Disturbance and traffic associated with construction
- Too narrow access for emergency vehicles
- Gates to the nursery adjoin the access
- Poor design
- Bin store located adjoining neighbour's fence
- Natural pond has been filled and lost
- Over-development
- Parking
- Permission should not be granted until full arboricultural report considered
- There are no 5 bedroomed 3 storey houses in the locality or loft conversions so claim in the design statement that in character and keeping is wrong
- Consider that the application still promotes inefficient use of land. The developable area calculated does not include the other aspects that are inherent in the construction of the dwellings such as roads, parking and garden areas
- Loss of security if gates removed
- Development would be intrusive
- Garages proposed will be intrusive upon existing gardens
- Vehicle noise and fumes will harm enjoyment of existing gardens
- Layout is close to trees and their root protection areas
- Side elevation of the dwelling to plot 3 will be an eyesore
- Existing trees will provide no screening in winter months
- Inconsistency between the plans
- Issues of land slip and instability on the site

Second Round Response to Neighbour Notification.

- 1.39 7 letters have been received in response to the second round public consultation in response to the revised plans and which in the main make the following comments and objections:-
- The Council's arboriculturalist recommended that the application not be permitted until a full arboricultural report to BS 5837 has been submitted and assessed and was the same situation for the previously refused application 07/00350/FUL.
 - The design and access statement is factually incorrect in its claim that the development is in scale and character with its surroundings. There are no five bedroomed three storey houses in the area or any homes with windows in the roof sections. Wide gable ends uncharacteristic. Uneconomically large roof to provide upper floor accommodation.
 - Do not wish to have garages at the rear of adjoining neighbours' gardens which will have large bricked walls and intrusive 4m high pitched roofs and give rise to noise and fumes into adjoining private gardens.
 - Loss of more trees.

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- Development remarkably close to preserved trees which may require felling and/or lopping to accommodate the development.
- Side elevation and siting of garages and dwellings generally will give a very poor outlook from neighbouring dwellings Nos. 61–71 Grosvenor Road.
- Unacceptable loss of privacy from roof windows proposed and raised elevation of the site relative to adjoining dwellings.
- In the winter months have no screening from existing trees.
- Clarification required as to the effect of the proposed garages upon the preserved trees.
- Understand that the edge of Beeches Brook was the subject of land slippage and original developers Crest Homes were required to return and construct gabions to secure the edge of the land bringing back limits of the gardens to existing neighbours. Question the structural integrity of the land to the opposite bank which is equally unstable and should not be developed. The applicant is currently using beams to support this side of the bank. Concern that developing this unstable site will damage neighbouring property.
- Adverse effect upon view from adjoining dwellings and will reveal phone mast, which will adversely affect value of these adjoining dwellings.
- Concern for the filling of a pond previously existing on the site and the effect upon the drainage of the area.
- Questions if the movement of the garages will comply with building regulations as will be within 20 metres of adjoining dwellings.
- Understand that a garage, if more than 5m from the dwelling, is a shed.
- Is the structure a garage or shed?
- Building Regulations require structures made of combustible material must be sited at least 2m from the main house and contrary to siting of G4?
- Previous refusal cited an inadequate density. The site is not suitable for residential homes. There is not enough space to build a satisfactory development and Government standards.
- Concern at the inability of emergency vehicles and vans to turn within the site.
- Concern at close proximity of the access to the adjoining nursery.
- Endless applications for this site wasteful of time and energy and a burden upsetting and worrying for all.
- Noise and disturbance; tranquillity will be spoiled and problems with construction dust and nuisance.
- Concerns at the effect of the development upon existing wildlife on the site.
- Traffic generation next to a children's nursery.
- Loss of land available to soak up rain water.
- Concern for flooding and future subsidence despite the advice of the Environment Agency and problems with the debris that blocks the two brooks.

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MATERIAL PLANNING CONSIDERATIONS

- 1.40 The site is allocated for residential purposes in the Council's adopted Local Plan (2006) where the use of the site for residential purposes is acceptable in principle. The information concerning fluvial flooding of the site has been revised and the site is no longer located within a fluvial flooding area, as confirmed in the earlier history by the Environment Agency.

Density and Form

- 1.41 The site has an area of 0.358ha (0.885 acres). Due to the unusual site shape the access area is unlikely to be developed. The wider part of the site has an area of 0.2468ha (0.6098 acres).
- 1.42 Advice from Central Government and contained within Policy HP3 to the Council's adopted Local Plan (2006) seeks densities at not less than 30 dwellings per hectare and that the best use of land will normally be achieved at densities of between 30-50 dwellings per hectare (net) depending upon the character of surroundings. Planning Policy Statement No. 3 sets a minimum density of 30 dwellings per hectare but does not specify any upper density limit.
- 1.43 The density of the current development based upon the whole site identified equates to 16.2 units per ha. This improves upon the earlier refused application 06/00245/FUL which previously equated to 12.15 units per ha. The actual net area available for development, taking into account the constraints presented by sewers Beeches Brook, sloping site and the preserved trees alongside the water course is significantly smaller and equates to a lesser area of some 0.1052 ha, resulting in a density of 38 units per ha for the development currently proposed.
- 1.44 A typical sample hectare measured from the adjoining more recent development and mainly of terraced housing to the north and east but including the site includes 33 dwellings. The proposal would increase this density to 37 dwellings.
- 1.45 Although the density proposed is relatively low, taking into account the adjoining development, the difficult shape of the site and the particular constraints presented, together with the consideration of the passage of traffic along the rear boundaries of adjoining dwellings backing onto the access road, it is considered that the slight increase in density over the refusal in 2006 does now make the proposal acceptable in this respect. Indeed as endorsed by the refusal of 07/00350/FUL on ecological grounds alone.

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- 1.46 The layout of the site would achieve satisfactory off-street parking by way of garages and driveways to each dwelling. No objection is raised to the proposal by the County Highway Authority. It is therefore considered that the turning arrangements within the site, particularly for emergency vehicles, are acceptable.
- 1.47 The dwelling proposed to plot 2 would be sited a minimum 25.6m from the rear wall of the nearest house No. 65 Grosvenor Road and in excess of the 25m minimum guidance required to safeguard overlooking to houses backing onto the site as set out in the Essex Design Guide.
- 1.48 It would, however, be reasonable to impose a condition to ensure the roof lights on the rear facing elevation be positioned a minimum of 1.7m from the finished floor level of the loft room.
- 1.49 The side flank elevation to the semi detached house to plot 3 would be located between 16.8m to 22m to the rear walls of Nos. 71–73 Grosvenor Road and backing onto the site. The angle between the existing and proposed dwellings would allow for a closer distance than where the siting of dwellings would directly oppose each other. No flank windows are shown to this dwelling but it is considered necessary to control by condition provision of any such windows as part of any approval that might be given.
- 1.50 The garden areas would each be in excess of the Council's requirements.

Ecological Issues

- 1.51 The accompanying ecological report established the presence within the grassed margins of the site of a small population of slow worms and smooth newts on the northern side of the site close to the water course. From the survey results it is suggested that other reptile species are absent from the site. The report recommends that the site be kept closely mown to discourage migration of reptiles onto the proposed development site from surrounding areas. The report further recommends that the slow worms and smooth newts should be relocated to a suitable receptor site on adjoining grassland within the applicant's control but outside the development site. Subject to suitable conditions to require details of a method statement for the capture and relocation of reptiles on the site and mitigation with regard to badgers potentially being harmed from open foundation works, there are no other known ecological issues for protected species and thus any outstanding conflicts with Policy NR9.

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Arboricultural Issues

- 1.52 The arboricultural Impact assessment identifies the need to prune back a number of trees including those to the rear of the garage building G3 and G4, together with the group at the bend in the access to the site and to the rear of the garage G2.
- 1.53 The garage G2 will need to be constructed on raised concrete pad with mini-piles to reduce the need for excavation.
- 1.54 Development will also occur within the root protection area to the large over mature willow on the northern boundary and a further willow and field maple on the same boundary affected by the garage building G3 and G4. Given, however, that this large tree is in need of further pollarding and that it is on the bank of a stream it is submitted that such work is acceptable.
- 1.55 The garage G1 to plot 1 will also slightly encroach into the root protection area to the two trees forming a single crown in the south western corner of the site. This group is, however healthy, with potential rooting zone elsewhere to offset any harm.
- 1.56 The Council's arboricultural officer has no objection to raise against the various works proposed, subject to satisfactory conditions, as set out in the recommendation. The revised siting of the houses proposed to plots 3 and 4 now overcomes previous concerns raised at the effects of the development upon trees adjoining plots 3 and 4.

Flooding Issues

- 1.57 The fluvial flooding information has been revised since earlier application 02/00020/OUT, which raised this as a reason for refusal. As a consequence the Environment Agency no longer considered the river to involve a risk of flooding, thus overcoming this previous concern in the earlier history of the site, which was not subsequently repeated as a reason for refusal.
- 1.58 The Environment Agency is now satisfied that the Flood Risk Assessment accompanying the application overcomes its previous concerns and accordingly withdraws its previous objections.

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CONCLUSION

- 1.59 The site is allocated for residential purposes but is constrained by its slope and the presence of a water course, sewer and preserved trees which in turn limits the area available for re-development. A long access road to the rear of existing dwellings would serve the site. A more intense use different to that proposed may give rise to an unacceptable increased noise and disturbance through traffic movements upon the amenity of adjoining residents. The proposal therefore achieves an optimum density for the development of the site.
- 1.60 The information supporting the application establishes the limited presence of reptiles on the site that with suitable mitigation and translocation to a site nearby overcomes previous ecological concerns.
- 1.61 The further submission of both an arboricultural impact assessment and Flood Risk Assessment each address previously outstanding issues for the drainage of the site and effect upon trees that now allow for the framing of appropriate and reasonable conditions to the grant of permission.

RECOMMENDATION

- 1.62 It is proposed that this committee **RESOLVES TO APPROVE** this application, subject to the following heads of conditions:-
- 1 SC4B – Time limits Full Standard
 - 2 SC 14 - Materials to be used externally
 - 3 SC22A – PD Restricted windows to northern side elevation Plot 3
 - 4 SC67 – Pedestrian visibility splays
 - 5 SC83 – Levels
 - 6 SC90 – Surface Water Drainage
 - 7 SC91 – Foul Water drainage
 - 8 Notwithstanding the submitted plans the roof lights shown to the rear roof slope of the house to plot 2 shall be positioned such that their cill shall be a minimum of not less than 1.7m above finished floor level to the room they serve.
 - 9 SC22- PD Restricted windows/roof lights to rear roof of plot 2.
 - 10 Prior to the commencement of the development the applicant shall submit to the Local Planning Authority details for the design and construction of the garage G2 foundation base. The development shall be implemented in accordance with such details as may be agreed.
 - 11 Prior to the commencement of the development the applicant shall submit details to the Local Planning Authority for all tree works being either specific tree management works to facilitate the development or whether sound arboricultural practice. Such works shall be carried out to BS 5837 (2005) and prior to the development commencing, as may be agreed by the Local Planning Authority.

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- 12 The trees and hedgerows to be retained shall be protected by stout fencing in accordance with the advice and recommendations as contained within sections 5 and 9 and appendices 1 and 2 contained within the Tree Survey and Arboricultural Implication Assessment dated 11 August 2006 and drawing reference: 08.06.1057, as received on 20 May 2008 and submitted in support of the application. All such tree protection measures shall be erected /constructed before development commences.
- 13 Where the buildings and hard surfaces encroach the root protection area to the trees and hedgerows to be retained and as identified on drawing reference: 08.06.1057, as received on 20 May 2008, the developer shall utilise the method of working as per paragraphs 5.2 and 5.3 contained within the Tree Survey and Arboricultural Implication Assessment dated 11 August 2006, submitted in support of the application.
- 14 Prior to the commencement of the development the applicant shall submit to the Local Planning Authority details for the provision within the site of an area for the reception and storage of materials and the parking and storage of contractors' vehicles and equipment. The development shall be implemented in accordance with such details as may be agreed. All materials shall be stored using the methodology set out in section 7.0 to the Tree Survey and Arboricultural Implication Assessment dated 11 August 2006 submitted in support of the application.
- 15 No service runs shall encroach the root protection area or crown spread of any retained tree as shown on drawing reference: 08.06.1057, as received on 20 May 2008 submitted in support of the application unless a suitable method statement for installation has first been agreed in writing by the Local Planning Authority.
- 16 Any hard surface area to be provided within the root protection area of any retained tree as shown on drawing reference: 08.06.1057, as received on 20 May 2008 submitted in support of the application shall utilise the construction methods and materials as set out in section 12.0 and appendix 4 to the Tree Survey and Arboricultural Implication Assessment dated 11 August 2006 submitted in support of the application.
- 17 Ecological receptor site details for slow worms and smooth newts and badger protection measures to be submitted to and agreed by the Local Planning Authority and implemented.

REASON FOR DECISION

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

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Relevant Development Plan Policies and Proposals

HP3, HP6, NR3, NR11, NR12, of the Rochford District Replacement Local Plan
(Adopted 16th June 2006)

Supplementary Planning Document 2 – Housing Design (January 2007)

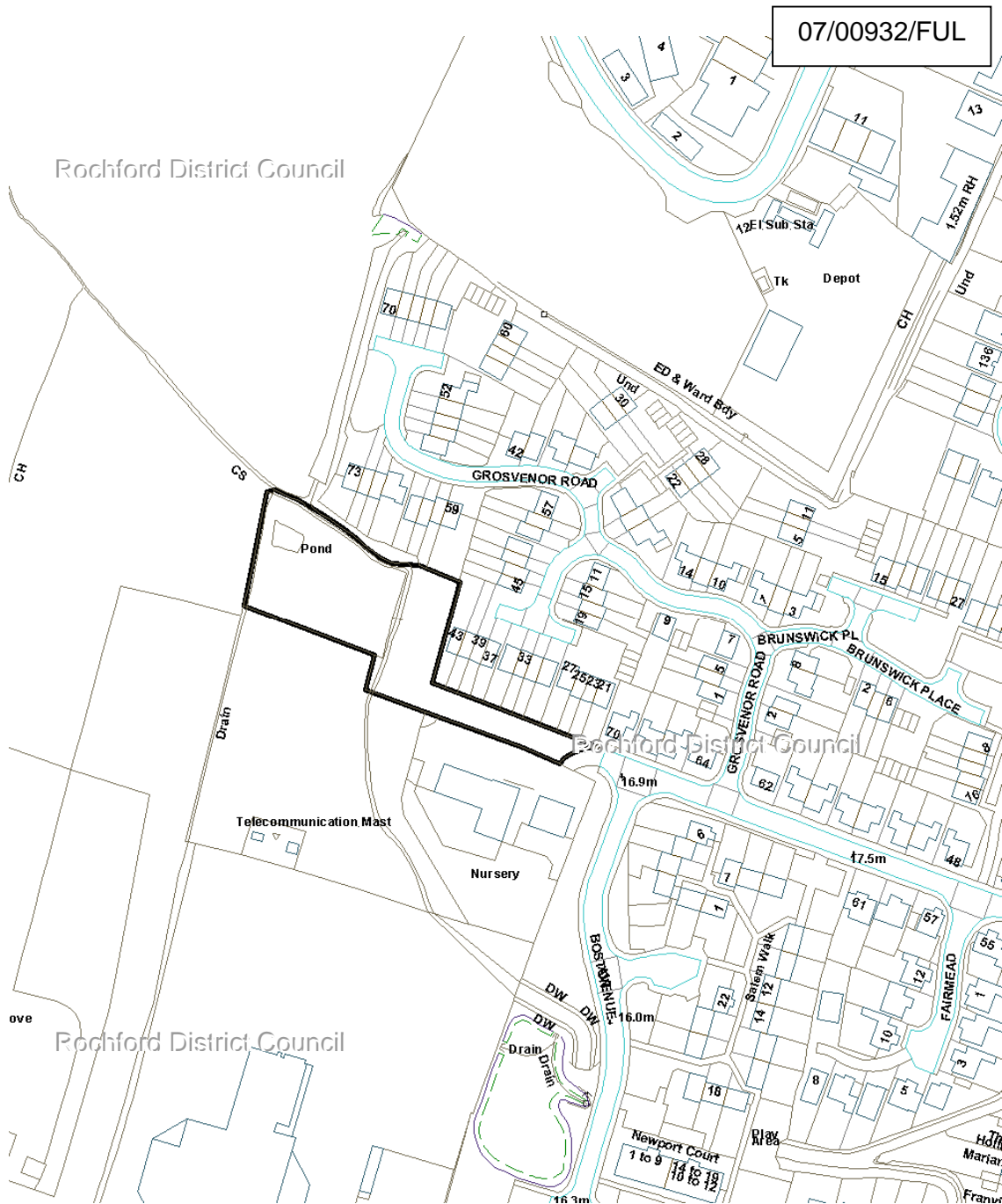
Supplementary Planning Document 5 – Vehicle Parking Standards
(January 2007)



Shaun Scrutton
Head of Planning and Transportation

For further information please contact Mike Stranks on (01702) 318092.

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NTS



SCHEDULE ITEM 2

TITLE: 08/00795/OUT
DEMOLISH EXISTING BUNGALOWS AND CONSTRUCT
TWO STOREY BUILDING COMPRISING 11 NO. TWO
BEDROOMED AND 3 NO. ONE BEDROOMED FLATS WITH
ACCESS ONTO HIGHFIELD CRESCENT AND PARKING AND
AMENITY AREAS.
SITE OF 9 AND 11 BULL LANE RAYLEIGH

APPLICANT: SANDHURST NEW HOMES LTD

ZONING: RESIDENTIAL

PARISH: RAYLEIGH TOWN COUNCIL

WARD: WHEATLEY

PLANNING APPLICATION DETAILS

- 2.1 Planning permission is sought for the demolition of existing dwellings and garage out buildings and the construction of a two storey building containing 11 two bed-roomed flats and 3 one bed-roomed flats at 9-11 Bull Lane, Rayleigh.
- 2.2 The application site is located to the north eastern side of Bull Lane in a corner position with a return frontage along Highfield Crescent. The plot forms a trapezium shape in outline that tappers towards the Bull Lane frontage. From the junction with Websters Way the road slopes down so that the ground level adjacent to 7A Bull Lane is some 1.87m higher than that at the edge of the road in Highfield Crescent.
- 2.3 At present the site is occupied by a pair of semi-detached bungalows facing Bull Lane and a small block of four garages adjoining the rear garden to No. 11 Bull Lane and adjacent to No.1 Highfield Crescent. The existing dwellings are accessed from Bull Lane and the garages from Highfield crescent.
- 2.4 The site is located immediately opposite the King George V recreation park. Adjoining the plot boundaries are a pair of semi-detached bungalows in Highfield Crescent and a short row of two-storey terrace housing in Bull Lane. Further to the south within Bull Lane there are pairs of semi-detached bungalows. Highfield Crescent is composed of a mixture of semi-detached bungalows and chalets. To the north west of the site at the junction with Websters Way there are a variety of larger scale buildings and to the north east to the rear of the site are the Civic Suite and offices at Barringtons.

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- 2.5 The proposal takes the form of an outline application with consideration of layout, scale and access to be assessed at this stage. Appearance and landscaping are reserved matters.
- 2.6 The building proposed is two-storey arranged on an L-shaped footprint with a 25m frontage to Bull Lane and a 31.7m frontage to Highfield Crescent. Within Highfield Crescent the building is positioned to the same building line as the adjacent bungalows and is set slightly forward of the adjacent houses in Bull Lane. However, due to the tapered nature of the site the south west corner of the building finishes much closer to the highway boundary on the corner of Bull Lane and Highfield Crescent (within 0.8) than these neighbouring dwellings.
- 2.7 Immediately adjacent to No. 7A, the proposed building has a depth of 7.1m. It is then stepped out in two stages to a total depth of 14.6m at some 8.5m from the boundary with this dwelling. The depth of the building adjacent to No. 1 Highfield Crescent is 7.6m.
- 2.8 The façades of the building are divided into a number of different blocks through the use of a modulated building line and a variety of roof heights. The roof design is predominantly pitched throughout the scheme with gabled ends, although there is a half hip adjacent to No. 1 Highfield Crescent. The depth of the frontage to Bull Lane gives rise to a double pitched roof between which there is a small section of flat roof.
- 2.9 The roof heights within the Bull Lane frontage range from 8.4m adjacent to the existing houses increasing slightly to 9.1m midway along the elevation before being reduced to 7.8m at the junction with Highfield Crescent. On the return frontage within the latter road the height on the corner increases to 8m due to the slope of the road. This is then increased to 9.2m within the middle section before reducing to 8m above the carriageway and again to 7.4m adjacent to No. 1 Highfield Crescent.
- 2.10 The scheme proposes access through the building via a carriageway from Highfield Crescent leading to a rear parking court with 12 spaces. A further 2 spaces are proposed to the front of the site adjoining the access drive between the building's façade and the footpath.

RELEVANT PLANNING HISTORY

Two previous applications

07/00582/FUL – Demolition of 9 & 11 Bull Lane, Rayleigh and Associated Out Buildings, and Erection of 16 x Two Bedroom and 3 x One Bedroom, Retirement Apartments, in Part 2 Storey Part 3 Storey Building, with 12 parking Spaces

Refused 11 September 2007

SCHEDULE ITEM 2

Reasons for Refusal:-

1. The proposed building is considered to be out of scale with its surroundings and an over-development of the site. Furthermore, of the excessive depth and flat roofed element, and the relationship of the ground floor units to the footpath on the Bull Lane element of the scheme is considered to give rise to a poorly designed and proportioned building, that would be intrusive and out of character with the site and surrounding area, as well as giving rise to a form of development that would result in unacceptable living conditions to the occupiers of these ground floor units.
2. The application is considered to be deficient in detail in respect of the interconnectivity between the site and town centre and other services likely to be used by the users and occupiers of this development. The absence of this information is considered to result in a poorly located and accessible site, given the local highway network, pedestrian crossing points and distance to support services (shops and medical facilities).
3. The scheme does not provide any affordable housing units as requested by policy HP8 of the Replacement Local Plan and also PPS3 Housing. The failure to provide any affordable housing would result in a lack of affordable housing infrastructure across the District.

08/00078/FUL – Demolish Existing Dwellings and Construct Part Two Storey, Part Three Storey Building Containing 13no. Two Bedroomed and 4no. One Bedroomed Retirement Apartments with Parking Spaces

Refused 6 May 2008

Reasons for Refusal:-

1. The revisions to the built form following the previous refusal have not amended the scale and/or design of the building to an acceptable level. It remains a building that is considered poor in terms of massing and proportion to be out of scale with its surroundings. It would be unacceptably dominant at both Bull Lane and Highfield Crescent frontages and would be an over-development of the site to the detriment of the established street scene. Furthermore, the excessive depth and flat roofed elements are considered to give rise to a poorly designed and proportioned building that would be intrusive and out of character with the site and surrounding area.

SCHEDULE ITEM 2

2. The proposal and the details accompanying the application fail to make formal provision for affordable housing contrary to the advice contained at paragraph 29 to Planning Policy Statement 3 Housing (2006) and Policy HP8 to the Rochford District Replacement Local Plan (2006). If allowed, the development of the site as proposed would see the loss of an opportunity to provide affordable housing and the effective use of land in accordance with national and local planning policy.

CONSULTATIONS AND REPRESENTATIONS

- 2.11 **Rayleigh Town Council:** Object to the application as it does not comply with HP11, is not compatible to its surroundings in terms of bulk and spaciousness and there seems to be insufficient amenity space. Furthermore, it would appear that car parking spaces 13 and 14 are inaccessible
- 2.12 **Buildings/Technical Support (Engineers):** No objections. Observation that there is no public surface water sewer in Highfield Crescent.
- 2.13 **Essex County Council Schools, Children and Families Directorate:** Does not require a developer contribution under the terms of Section 106 of the Town and country Planning Act 1990 but reserves the right to review this decision in light of any subsequent applications or changes to the application
- 2.14 **Woodlands Section:** Advise that no ecological information has been supplied and comment that information is required so that a consultation response can be provided for the development control officer. The arboricultural officer comments that full details of tree retention and planting should be submitted and approved by Rochford District Council.
- 2.15 **Essex County Council Historic Environment Branch (Archaeology):** Advise that the Essex Historic Environment Record identifies the development area as being located on the north eastern side of the medieval town of Rayleigh and that there is the potential for medieval occupation to extend into the development area. In addition, within the general area of the proposed development archaeological deposits of a Roman date are recorded.
- 2.16 In view of a condition relating to trial trenching and possible excavation is attached to any approval is recommended:-
 1. No development or preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been submitted by the applicant and approved by the local planning authority.

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- 2.17 Further recommendations are made that a professional archaeological team should undertake the archaeological work. The archaeological work would consist of a series of trial trenches to assess the importance, nature and depth of the archaeological deposits followed by any larger scale excavation to record the deposits prior to their destruction.
- 2.18 **Anglian Water:** Advise that the existing foul and surface drainage networks and existing wastewater treatment capacity are able to accommodate the foul and surface water flows from the development.
- 2.19 **Essex County Council Highways and Transportation:** No objection, subject to the following recommended conditions being attached to the grant of consent:-
1. A visibility splay of 2.4m x site maximum, as measured from the carriageway edge, shall be provided with no obstruction over 600mm above the level of the adjacent carriageway
 2. Prior to the beneficial use of the development commencing there shall be provided 1.5m x 1.5m pedestrian visibility splays to both sides of the vehicular access at the rear of the highway boundary.
 3. Prior to the commencement of works on site the applicant shall indicate in writing to the Local Planning Authority an area within the curtilage of the site for the parking of operatives' vehicles and the reception and storage of building materials clear of the highway.
 4. Prior to any works commencing on site the applicant shall indicate in writing to the Local Planning Authority the means by which the wheels of vehicles leaving the site shall be cleansed
 5. Prior to the beneficial use of the development the access to be splayed to a suitable dropped kerb crossing, details to be agreed with the highway authority
 6. Prior to the beneficial use of the development commencing the car parking area indicated on the submitted plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The car park shall be retained in this form at all times. The car park shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.
 7. All works within the highway to be laid out and constructed and completed to the satisfaction of the Area Manager South, details to be agreed before the commencement of works.
- 2.20 **Natural England:** No objection.

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- 2.21 **Historic Buildings and Conservation Advice:** No recommendation is made. The County Historic Buildings adviser makes the following observations.
- 2.22 The submitted drawings indicate the building or group of buildings would look quite sympathetic to their surroundings and would not be harmful to the Conservation Area although not actually enhancing it. The scheme appears to be based on a vernacular style with different elements held together in terms of appearance and scale. Some chimneys would be welcome. Less successful is the use of two windows in a gable end on the south east elevation, causing duality. The arrangement of three dormer windows on the north west elevation with the smallest dormer in the middle looks weak.
- 2.23 It is, however, noted that as this is only an outline it is not appropriate to discuss details in too much depth.
- 2.24 **Rayleigh Civic Society:** Objection. The changes proposed are noted but the new proposal remains unacceptable for the following reasons:-
1. The proposed size and bulk of this development would be totally out of keeping with the surrounding properties which are modest sized bungalows, chalets and two-storey cottages. Hence it would still be an overdevelopment of the site
 2. The development would be very close to Barringtons, a Grade II listed building
 3. It is a poorly located and accessible site
 4. There appears to be ambiguity regarding the number of storeys the new development will have - is it 2 (as stated in the initial proposal (above), 1.5 (as stated in item 3.1(2), or 3 (as stated in item 7.6)?
 5. There still remain two parking spaces in front of this development (to which we objected in our letter of 23/7/2008) which are not at all attractive and would be a hazard to pedestrians. In total, there is insufficient parking space allocation for the number of residents for which the development is designed. This will inevitably lead to overspill of parking into the already inadequate road parking spaces available in Highfield Crescent.
 6. The roof line in drawing No. 204A (lower drawing) seems unnecessarily high and unattractive. Is the reason for this to apply for dormer windows at a later stage and thereby reintroduce the original aim of achieving a three storey development?
 7. Access into Highfield crescent via the drive through is very near to the corner of Highfield Crescent and Bull Lane and therefore a hazard to traffic
 8. We note the corner of the development at the junction of Highfield Crescent and Bull Lane is on the extreme edge of the footprint of the plot and thereby restricts vehicular sight-lines as well as being particularly unattractive
 9. We are concerned for the protection of existing trees and hedges which appear to have been totally forgotten by the developer.

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10. There is also the serious issue of existing properties being overlooked by the new development and existing residents' privacy being adversely affected
- 2.25 It is not accepted that the development will not cause undue harm to the residential amenity of neighbouring properties and is in keeping with the scale and character of the surrounding area and that the attractiveness of the street scene will be enhanced and will make a positive contribution to the regeneration of the area.
- 2.26 Highfield Crescent and Bull Lane Residents Group third party submissions.
- 2.27 Urban Design Consultation Report
This addresses issues relating to the footprint of the building, the design, landscape and views main points include:-
- Footprint
- Parking area pushed close to site boundaries
 - Amenity area reduced to 18m² per unit and fragmented
 - Building frontage pushed close to road boundaries on both sides
 - Deep plan building and worry that it might encourage subsequent application for upward extension contained in larger roof
 - Design
 - Existing neighbouring frontage characterised by front doors lacking in proposed development on Bull Lane and with only one on Highfield Crescent
 - Frontages would be screened by above eye-level railings very different treatment from neighbouring frontages
 - Unsatisfactory layout of two parking spaces between the road and bedroom window
 - Lack of roofline interest
- 2.28 In addition highlights comments made by the County Urban Design Officer with regard to criticism of the previous proposal that remain unresolved including wide gable feature with unsatisfactory duality of windows, presence of non-traditional half dormers, use of visually ambiguous feature (brick arches in rendered façades) and use of clip-on balconies.
- 2.29 Landscape
- Replacement of hedge with railings would detract from street scene and aspect of new development
 - Trimmed hedge would form an attractive foil to the development and help assimilate it into the street
 - Lack of planting to screen rear parking from amenity areas and flats

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2.30 Views

- New development 2.5m in front of line of existing bungalows
- Two storey scale would have a much stronger impact on the street scene
- Uphill view of corner of Highfield Crescent would have correspondingly more impact
- Proposed two-storey development would impinge practically to road frontage
- From Websters way currently only tops of trees and ridge of bungalow visible

2.31

Concludes that the most fundamental problems of the proposal stem from too much accommodation on the site resulting from an over large built footprint. Suggest it would be possible to increase density comparable to adjacent houses with two-storey development without giving rise to these problems. Suggests impact would be much less if footprint small enough to allow frontages to be set further back allowing retention of hedge and parking within carriages under the building, freeing up the rear of the site for amenity space.

2.32

Planning Consultation Report

This report addresses the application in the context of planning policy; main points include:-

- Many of the more inappropriate features of the earlier schemes remain including the oversized footprint and poor parking arrangements and amenity provision, the poor massing and scale relative to the sloping site and the wider urban context.
- Only the oversized roof and inappropriate “landmark feature” have been removed
- At ground and first floor it is still for a very similar scheme to that previously applied and the use of high ridge double pitched roofs to replace the poorly articulated flat roof is still clumsy and inappropriate and will give an overbearing effect and sit uncomfortably with the low rise mainly lower pitched roof character of the area
- A number of errors and discrepancies within the submitted Design and Access Statement are highlighted, including the stated density and height of the development
- Concern that that if the mass and scale of the development is approved then there is scope for a revised roof design for further over-development and for another higher density sheltered scheme and opinion that this must be clarified by the applicants

2.33 Matter Arising in the New Scheme

- The revised scheme has a density of about 107.6 dph which is many times above the national minimum of 30 dph and the new Core Strategy preferred policy.

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- The previous applications were deficient in a number of material design considerations and this follows through the same cramped and inappropriate response
- This is a location where more intensive development is inappropriate
- The amenity space and potential for landscaping remains too small and separate
- There would be scope for additional and attractive landscaping, were the footprint of the proposed development reduced
- The in-site number of spaces reduces the area for amenity space and creates car activity along the boundary of the adjoining bungalow and the adjoining property in Bull Lane.
- The location of parking will be injurious to the amenity of the adjoining occupiers and to some of the flat residents
- A single parking access point and area is a design flaw compounded by a wider crossover area.
- Reversing in or out of spaces adjoining the site entrance will be hazardous
- The location of the refuse store within the drive will create difficulties
- The surrounding area is low density with a low-rise character that is essentially suburban.
- The site does not form part of the central business area of Rayleigh town centre and is outside the defined town centre activity area in the adopted replacement Local Plan
- The location is separated from much of the town by a local park
- There is a demand for the housing types present
- There is also a demand for lockup garages for rent and investment
- The buildings and current uses are not obsolete
- The revised application still appears to comprise a single large bulk of an L-shaped development too close to the junction of Bull Lane and Highfield Crescent
- A two-storey development has a double pitched roof and high ridge line and substantial mass
- Parking provision is awkward and the development still has a single access/egress for all vehicles and pedestrians.

2.34 Report Summary

11.1 This application can be safely refused as an inappropriate and out of scale and character of development.

11.2 The proposals are contrary to the following policies:-

2.35 Adopted Local Plan: CS6, CS7, CS8, HP3, HP6, and TP8

2.36 Adopted Supplementary Policy and Guidance: SPD2 and SPD5

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2.37 Emerging Preferred Core Strategy: H1, H2 and H4.

11.3 Further material considerations indicate a failure to ensure:-

- i. Adequate private and useable communal space
- ii. Safe and practical pedestrian permeability and vehicle access and egress with no on site large vehicle turning space
- iii. Potential for conflicting vehicle and pedestrian movements
- iv. Loss of residential amenity due to over-provision of parking too close to habitable rooms and amenity space of both existing and future occupiers
- v. Inadequately arranged landscaping with no tree survey or guidance as to tree or hedgerow retention
- vi. A layout that does not give adequate consideration to designing out crime
- vii. A layout that is cramped to boundaries and gives rise to overlooking and loss of privacy to the existing and future occupiers
- viii. A loss of residential and visual amenity by size and bulk of the scheme relative to the character of the area
- ix. Poor articulation of design and design elements out of character of the area by reason of ridge heights; varying ridge heights and overlarge footprint and bulk and so harmful to visual amenity
- x. Possible loss of sunlight and outlook detrimental to adjoining occupiers without any evidence to demonstrate otherwise
- xi. This is poor design and so fails to meet PPS1 requirements and the planning design guidance of the local planning authority

11.4 The application can be refused with sound and reasonable grounds based upon national, adopted and emerging local policy and full assessment of all the material considerations.

2.38 114 letters of objection have been received from the occupiers of surrounding dwellings in Bull Lane, Highfield Crescent, Hockley Road, Rectory Garth, Derwent Avenue and Keswick Close.

2.39 A further 6 letters of objection have been received from the occupiers of dwellings in Scotts Walk, Willow Drive, Eastview Drive, Tyms Way and London Road.

2.40 Summary of main points raised in objection include:-

- Application just a variation on a theme and very little different to the previous refused schemes
- Same issues will occur as in the last proposal and previous concerns re-iterated
- Rayleigh needs more houses and bungalows, not flats

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- Proposal out of character with the area which is predominantly low rise bungalow development
- Increased traffic generated will create further problems in crowded local roads and added nuisance
- Insufficient on-site parking for occupiers of flats plus visitors leading to on street parking in area already suffering from restricted parking
- Parking overflow into Highfield Crescent would cause difficulties and annoyance to existing residents
- Dangerous blind bend will be created at junction of Bull Lane and Highfield Crescent with potential for accidents
- Loss of views of the church and park
- Inconsistencies within DAAS highlighted in particular mention of range of height from 1.5 to 3 storeys and references to both apartments and retirement apartments
- Overlooking of gardens and windows to adjacent dwellings
- Construction work would generate unacceptable noise, pollution and disturbance for a considerable time
- If application is allowed would create precedent for future schemes of a similar size
- High level building will change entire demographic of area
- 'Footprint' is the same as the original building
- Although reduction in height welcomed by some still felt that the roof is too high, in particular could allow for potential rooms in the roof later
- Not opposed to new building but other areas in district are more suitable for development
- Loss of existing hedge/vegetation which makes a contribution to character of area
- Building out of scale with adjacent dwellings
- Over development and over intensification of the site
- Visually intrusive and incongruous feature that will be an eye sore
- Loss of light
- Loss of privacy
- Volume of traffic in Bull Lane is already excessive and is used as a rat run for cars avoiding the town centre
- Density too high
- Concern that local infrastructure and facilities will not be able to cope with additional flats
- Elderly residents and pedestrians accessing the town centre would face additional difficulties
- Potential danger of new access carriageway to pedestrian
- Proposal is for a continuous unbroken block
- Size, bulk and height of proposal out of keeping with surrounding bungalows and cottages
- Proposal does not blend in with surroundings
- Application wrongly states no hedges/trees will be removed
- Adjacent dwellings will be overshadowed

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- Loss of lock up garages will cause further parking need
- Rayleigh already has significant problems with traffic congestion, the proposal will only make this worse
- Existing bungalows attractive and well maintained, such dwellings are well sought after and there is no need to replace them
- Parking in court to rear of building too close to boundary with No. 1 Highfield Crescent to the detriment of residential amenity of the occupiers, eg, noise pollution and disturbance and overlooking to garden area and side windows
- Layout will comprise security of No. 1 Highfield Crescent
- Proposal appears to be purely for financial gain of developers rather than any benefit to local community
- Metal railings to front less attractive than existing hedge
- Rayleigh fast losing its character to development such as this
- Creation of light pollution
- Building line out of keeping with existing development
- Concern that local drains will be under too much pressure
- Existing area is very suburban
- Increased noise levels generated by occupiers of flats
- Concern that unsold flats would be filled with people on housing association lists
- Detrimental impact on look and ambiance of the area
- Concern regarding the safety of occupiers of the proposed flats as only one area of access for people living on the upper floor
- Concern with regard to the security of the rear parking court and new access to adjacent gardens
- Design lacks defensible space and natural surveillance from windows
- The Council's planning department must do the job we as ratepayers require, namely to protect the built environment and not destroy the character of the town
- Rayleigh will find it difficult to cope with an even greater population
- Bull lane's busy bus route with problems due to street parking
- Loss of front gardens

MATERIAL PLANNING CONSIDERATIONS

- 2.41 The current application seeks to overcome the previous reasons for refusal through a reduction in the scale, mass and height of the building, a revised roof layout, the omission of a third storey and a reduction in the number of units proposed to below the level that triggers a requirement for affordable housing.

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LAYOUT

- 2.42 **Density**
The site is located within a residential area situated within 24m of the boundary of Rayleigh town centre and is on a main bus route. As such the principle of the residential development of the site to a greater density to that which currently exists is in accordance with Government advice and also Local Plan policies that seek to steer appropriate development to sustainable locations. Similarly, there is no objection in principle to this site being developed as a flatted scheme, notwithstanding an acceptance that the immediate vicinity of the site within Bull Lane and Highfield Crescent is predominantly characterised by bungalow and chalet style properties.
- 2.43 The site has an area of 1336m² (some 0.13ha) as measured from the Council's ordnance survey base map. The development proposed would equate to a density of 105 units per hectare; a level that is considerable higher than that of the neighbouring residential area in Bull Lane and Highfield Crescent. However, given the close proximity of the site to the town centre where large buildings and high density schemes exist and the substantial area of adjacent open public space within the King George V recreation park, it is considered that the proposed density is acceptable and is in line with policy requirements. The higher density of units contained within the previous proposals for the site was not considered to be a determinative issue and was not included within the reasons for refusal.
- 2.44 The Core Strategy is currently undergoing public consultation and does not form part of the Development Plan for the district, nor does it supersede any of the adopted policies within the Rochford District Replacement Local Plan (2006). It is a material consideration to this application that has therefore been given little weight.
- 2.45 **Footprint**
The siting of the building close to the boundary of the site in Bull Lane and Highfield Crescent gives rise to a continuous developed frontage along these roads. This creates a new two-storey street scene that is considered to be compatible with the surrounding area. The orientation of the building does not create a back-to-back relationship with the existing residential dwellings in either Bull Lane or Highfield Crescent. Whilst the layout of the site would result in the provision of windows within the rear elevations of the building, the position of these windows in conjunction with their distances from adjacent dwellings would not give rise to any significantly harmful amount of direct overlooking.

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- 2.46 Car Parking
Off-street parking within the site boundaries is shown to provide 14 spaces (100%) located to the rear of the building. The proposed layout of the parking spaces has not raised any adverse comments by the County Highway Authority who consider that this level of provision is sufficient to meet the likely needs generated by the proposal.
- 2.47 The impact on adjoining residential amenity of the parking to the rear of the building can be mitigated by appropriate walling and planting that could be the subject of future condition to the reserved matters
- 2.48 Amenity Space
The amenity space within the layout is provided by four areas of communal garden spaces to the rear of the plot adjacent to the car parking area. These provide for a level of some 18m² per flat which falls short of the 25m² required in SPD2 Housing.
- 2.49 However, the site is located directly opposite the King George V recreation ground and some of the proposed flats would have windows that overlook this open public space. There is also scope to provide balconies to a number of the first floor units which would provide additional amenity for the occupiers of these flats as well as increasing the overall level of amenity within the development. The level of amenity area provision when assessed in this light including the added amenity of views over and into the adjacent substantial public open space is considered acceptable, particularly given the location of the site in close proximity to the town centre.
- 2.50 A condition is recommended that further details are supplied with regard to the provision of refuse and recycling facilities in order to achieve provision of a suitable area of a size large enough to contain refuse and recycling materials.

SCALE

- 2.51 The current proposal represents a decrease of the ridge height to all the building's roofs and reduces the overall maximum height by 5.3m (from 14.5m to a maximum of 9.2m). Adjacent to No. 1 Highfield Crescent the height is reduced by 1.6m (from 9m to 7.4m) and next to No. 7A Bull Lane the building has a reduced height of 0.3m (from 8.7m to 8.34m).
- 2.52 In addition it has removed the substantial bulk of the awkwardly proportioned flat roofed area previously proposed to the north west elevation adjacent to the existing properties in Bull Lane.

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- 2.53 A number of residents have commented that, notwithstanding the reduction in the height of the proposal, it would be out of character with the existing development in Bull Lane and Highfield Crescent. The prevailing pattern of development within these roads is bungalow or chalet single family dwellings. Nevertheless, the proposal for a single block flatted scheme is considered to be of an overall scale that would be acceptable in this location at the end of Highfield Crescent at its junction with Bull Lane close to the town centre and buildings of larger scale. This view is further re-enforced by the significant reduction in the overall height of the building and the decrease in mass afforded by the revised ridge heights in conjunction with the breaking up of the façades into a number of visually separate units.
- 2.54 In conjunction with the modulated frontage of the building the overall effect of these changes is to substantially reduce the bulk of the building and create the visual impression of a row of two-storey residential development within the street scene.
- 2.55 It is considered that the layout and scale of the proposal, whilst proposing a different form of residential development, is unlikely to result in material harm to the character and appearance of the site or the surrounding area sufficient to substantiate a reason for refusal.
- 2.56 **ACCESS**
Access to the development is proposed from Highfield Crescent at a point some 23m from the junction with Bull Lane.
- 2.57 Residents have commented upon the loss of amenity from the increase in traffic as a result of the proposal and that Bull Lane is used as a 'rat run' for those vehicles wishing to avoid the town centre. It is accepted that as a result the increase in residential units on the site there will be an increase in vehicle movements over and above the existing situation. There are no adverse comments received from the County Highway Authority in terms of this application having any material impact upon the local highway network either by way of congestion or highway safety. Given the size and capacity of Bull Lane and surrounding roads it is considered that the upturn in vehicle movements could be readily accommodated without pressure upon the capacity of the local highway network.
- 2.58 In addition some residents have raised issues relating to the speed that some vehicles travel on Bull Lane and Highfield Crescent and parking restrictions within these roads. This is an existing situation and is outside the control of this planning application.
- 2.59 It is considered therefore that a refusal on the basis of an unsatisfactory means of access, highway safety, congestion or loss of residential amenity through increased traffic movements could not be substantiated.

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2.60 OTHER MATTERS

The retention of the boundary hedge along Highfield Crescent, together with other landscaping issues, is a reserved matter but the principle of brick and railing treatment to the street frontages is considered acceptable.

2.61 With respect to the potential use of the roof for additional accommodation/loft conversion, whilst the occupiers of flats do not enjoy householder permitted development and therefore any such proposal would require planning permission.

2.62 The consultation response from the ecological officer is noted. Given that a lack of submitted ecological information was not raised as problematic in the previous refused applications in which the ecological officer's opinion was that there were no ecological concerns or issues and that no further ecological surveys were required it is therefore not considered justifiable to refuse the application on these grounds. The application has not raised any objection from Natural England and a condition can be imposed requiring ecological assessment.

2.63 Notwithstanding the discrepancies within the submitted Design and Access Statement, which are noted, the Local Planning Authority considers the information provided by the applicant with respect to the scale, layout and access are sufficient to determine the application. The indicative elevations clearly show the eaves and ridge heights of a two-storey building. The application is not for a scheduled flatted scheme and the age of any future occupants is not considered to be a determinative issue.

CONCLUSION

2.64 The site is allocated for residential purposes whereby the further intensification in the use of such land is generally encouraged by national and Local Plan policy, seeking to make better use of previously developed land and providing a range of good quality housing of mixed dwelling types within accessible locations.

2.65 Notwithstanding the modest nature of the residential development to the south and east of the site, the two-storey scale of the building proposed would not prove out of character in the wider context of this location.

RECOMMENDATION

2.66 It is proposed that this committee **RESOLVES** to **APPROVE** the application ,subject to the following conditions:-

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- 1 SC1 – Time Limits Reserve Matters
- 2 SC22A – PD Restricted – windows
- 3 SC49 – Means of Enclosure – outline
- 4 SC66 – Pedestrian Visibility Splays
- 5 SC70 – Vehicular Access – details
- 6 Reserved Matters Submission
- 7 Archaeological work
- 8 SC64A – Visibility Splays (Site Maximum)
- 9 Operatives' Vehicles
- 10 Wheel Cleaning
- 11 SC76 – Parking and Turning
- 12 Refuse and Re-cycling Facilities
- 13 Ecological Site Assessment

REASON FOR DECISION

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

Relevant Development Plan Policies and Proposals

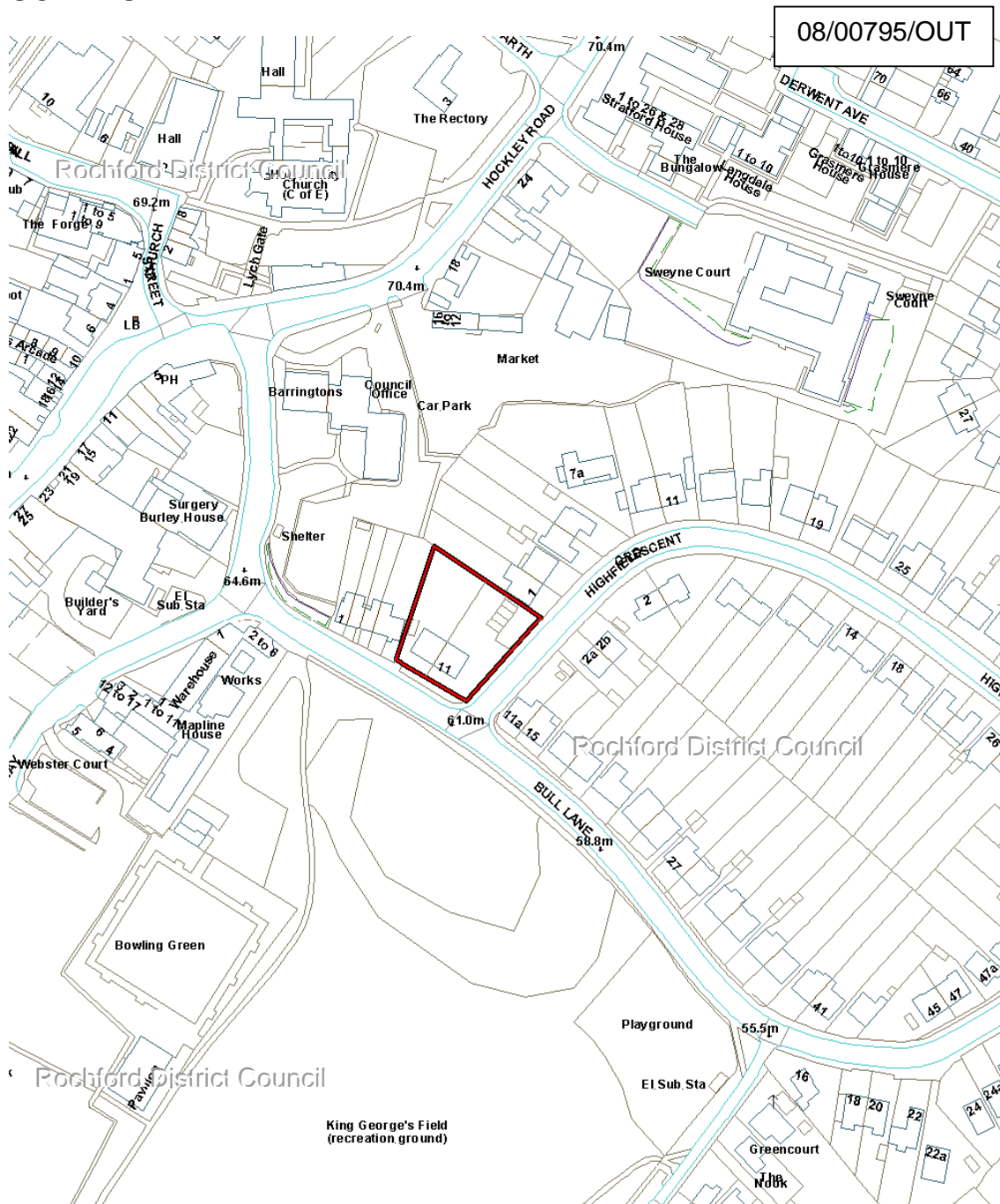
HP1, HP3, HP4, HP5, HP6, HP10, HP11, HP15, HP21 of the Rochford District Council Adopted Replacement Local Plan



Shaun Scrutton
Head of Planning and Transportation

For further information please contact Judith Adams on (01702) 318091.

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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.**