

**PLANNING SERVICES COMMITTEE**  
**29<sup>TH</sup> AUGUST 2002**

**ADDENDUM**

Schedule Item R1	<p><b>An additional condition is recommended.</b></p> <p>Vehicular traffic using the North site entrance/exit to Hall Road shall only exit left in the direction of the roundabout at the junction of Hall Road and Cherry Orchard Way when leaving the site. There shall be no right turn from this exit of the site towards Rochford. Furthermore the applicant shall maintain the vegetation to the West of the Hall Road site exit to ensure there shall be no intrusion above 600mm above carriageway level.</p> <p>REASON</p> <p>To enable the Local Planning Authority to retain adequate control over such matters in the interests of Highway Safety.</p>
Schedule Item R2	<p>The <b>National Playing Fields Association</b> confirms that it has seen the plans for the proposed new sports pavilion and are content that the proposals do not compromise the use of the field but infact enhances the use.</p>
Schedule Item 4	<p>The Foulness Conservation and Archaeological Society objects. It considers that the buildings are the last complete example of a walled complex on the island dating back to the early 18<sup>th</sup> century period. They have recently been surveyed and there is no apparent reason for the demolition. Buildings inhabited by barn owls and bats.</p>
Schedule Item 5	<p>Further to the details set out below, the applicant has re-assessed the ground levels on the site and considers that the plans submitted do not accurately reflect this. As a result new drawings are to be prepared.</p> <p>It has been requested that the matter be <b>DEFERRED</b> to allow this re-consideration. Given that the relationship between the proposed dwelling and existing ones is very sensitive in this case it is considered that this is a reasonable way forward in this case.</p> <p><b>If the item is not deferred then the following information needs to be examined at this stage.</b></p> <p>The applicant has offered that, to overcome the potential for overlooking referred to in para 5.35 of the report, the side window to the kitchen/ dining area can be obscure glazed. In respect of the issues at paras 5.36 and 5.37 it is offered that the depth of the</p>

rear garden area be extended to 13m.

The applicant stresses that the relationship between the application site and the property at 4 The Bailey is that same now as it was at the time that permission was granted for the re-development of the property at no 4. It is considered that the proposals fully comply with the Local Plan policies and the guidance set out in PPG3.

**Officers comment** – the offer of obscure glazing reduces the potential for overlooking to the side of the property and as a consequence it is suggested that the recommendation be amended to indicate that side overlooking will be to the bedroom window only. The increase in the rear depth of the plot also requires that the refusal reason is reworded to take this into account. Having considered all the additional information supplied however, it is not considered that the recommendation should be other than for refusal.

Two additional letters of comment have been received from residents via the local Ward Members. These raise concern with a number of aspects of the Officers report, namely:

- figures for the height of the dwelling in the report show it to be greater than the application in 2000;
- figures for the proximity of the proposed dwelling to the existing dwellings in Mount Close show it to be closer to those dwellings than the 2000 application. (Regardless of both of the above, dominance and loss of privacy are not raised as reasons for refusal in this case).
- The positioning of the dwelling on the plot, and hence its impact, is not clear;
- The existing dwellings are inaccurately described as single storey giving an inaccurate impression of the impact.

#### **Officers Comment**

The reason for the apparent disparity between the height dimensions quoted is as follows:

- the current application proposals envisage the cutting in of the dwelling into the land. None of the previous applications have envisaged this. As a result the overall heights (which are quoted in the report) are reduced and hence the dominance impact is reduced. This cutting in is referred to in the report at para 5.2.

The reason for the apparent disparity between the proximity dimensions is as follows:

	<ul style="list-style-type: none"> <li>- the earlier report referred to contained a single uniform clearance distance of 1.6m. In this case a minimum clearance is referred to as it is not uniform across the site. Whilst the minimum is 1.3m, the distance at the correspondents boundary is 1.6m and therefore equivalent to the earlier distance.</li> </ul> <p>The dominance impact is made up of the height and bulk of any proposed dwelling and its proximity to the location where the impact is perceived. In this case, as a result of the movement of the proposed dwelling to the south west and after considering the additional points of the concerned residents it is not considered that dominance or potential for overlooking are sustainable reasons for refusal in relation to the impact on the Mount Close properties.</p> <p>The reason for the confusion over the location of the dwelling on the plot is as follows:</p> <ul style="list-style-type: none"> <li>- the submitted drawings inaccurately show the location of the dwelling at no 4 The Bailey. It appears that this has occurred as the applicant has some confusion as to whether the previous dwelling or the current dwelling on that site was plotted.</li> </ul> <p>Using on site measurements this indicates that the proposed dwelling will be located 1.5m to the rear of the dwelling at no 4 (and not 0.5m as quoted in para 5.1 of the plan). Using the measurements of the resident at no 7 Mount Close, this would equate to the new dwelling extending by 4.3m across the rear of their plot. It is not considered that this is materially different to change the impact of the proposals and, in any event, in discussions with Officers the resident indicates that these measurements are obtained by visual assessment. Members are cautioned that it would be unwise to base any further elaboration of the reason for refusal on such a basis.</p> <p>In relation to the style of dwelling at Mount Close the presence of dormer windows to those properties is referred to a number of times in the report such that it is considered clear that these dwellings have accommodation at first floor.</p>
Schedule Item 6	<p>In relation to the second round of consultation the following additional responses have been received:</p> <p>The <b>Environment Agency</b> has no further comments.</p> <p><b>Anglian Water</b> has no objections and no additional comments</p> <p><b>Rayleigh Town Council</b> does not raise any formal objection but</p>

	<p>observes on the nature of the use and the effect it may have for nearby residential properties for the elderly.</p> <p>The Rayleigh Civic Society does not consider that the servicing arrangements from Eastwood Road are satisfactory as there is often queuing in this location making it difficult for vehicles to access the site. The siting indicates the inadequacies of the site which, in its opinion is too small. Access is poor dependant on the ability to use the Somerfield access road.</p> <p>The <b>Highways and Buildings Maintenance Manager (Engineers)</b> has no objections.</p> <p>Reference has been made in the report (at para 6.23) to market research carried out by the applicants. The findings are included in the additional papers circulated with the report. It is relevant to note that 200 interviews were carried out as part of that research.</p> <p>Four additional local residents/ businesses have responded with one letter being submitted on behalf of all the residents of Britton Court. The only issue raised in addition to those set out in the report is that there is a belief that, notwithstanding the frontage delivery area, deliveries will still be taken from the Somerfield access road.</p> <p><b>The applicant</b> has submitted two letters subsequent to the indication from Officers that the matter was likely to receive a recommendation of refusal. These amount to some 10 pages and the following can only be a summary of the issues raised in these:</p> <ul style="list-style-type: none"> <li>- the site is within the secondary shopping area where the appropriate Local Plan policy supports the change of use to A3 uses. The site is immediately adjacent to the primary shopping area and would generally attract customers from the town centre area. It has the potential to boost the retail function of the town and is in an area where it is acceptable in principle. The form of development is one that is encouraged by the government in its advice in PPG6, supports the evening economy and other businesses. It is also in accordance with the advice in PPG13;</li> <li>- the site is small, derelict and the buildings are not viable for re-use in their current state;</li> <li>- it is in a location of mixed uses with a number of businesses operating into the evening. In that it would represent no significant impact on residential amenity in the area. In such areas close to the town centre, higher levels of activity should be expected. The Councils Environmental Health Service has raised no objection;</li> </ul>
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- the residential use at no 28 can only be considered to be in use as ancillary to the veterinary use and not as a separate residential use. The use of the rear part of the building at first floor is required by condition to be only used in association with the veterinary use (and not as a separate residential use). Therefore there is no basis for refusal on the issue of impact on amenity to the residents in that building;
- proposals will enhance the view from the first floor front rooms of the vets building;
- the applicant operates similar premises in Billericay and Colchester and utilises appropriate management practices, in association with the police and the local councils, to ensure that anti-social behaviour is avoided. The proposals cannot be rejected on the basis of a fear of crime;
- the footprint of the building represents some 70% of the site and is comfortably accommodated within the site, appropriate in terms of bulk, scale and design;
- gates to the frontage of the delivery bay can be omitted at the request of the LPA;
- the applicant indicates that he is now seeking to operate between the hours of 11am to 11pm Mon to Sat and 12 noon to 10.30pm Sunday, only;

Lastly, additional plans have been submitted by the applicant showing a revision to the layout to the site. These show a minor amendment to the width and entrance of the delivery bay to go towards meeting the requirements of the Highway Authority.

**Officers Comment.** Given the above it has been considered appropriate to investigate further the legitimacy of the residential use at 28 Eastwood Road (the veterinary operation). Planning permissions indicate that non-residential uses have increasingly, over the years, taken a greater proportion of the building. Not all of the building has permission for non-residential use although it is considered that any residential use could only be operated as ancillary to and occupied by someone associated with the veterinary use (in that some facilities are shared and no separate access is provided).

Importantly, the rear first floor area of the building is controlled by condition such that it should only be used by the employees of the veterinary use. Whilst this restricts the occupancy of this part of the building it has already been indicated that it is considered that the residential part could only be occupied by a person associated

	<p>with the veterinary use.</p> <p>Reference is made to the impact on the residents at first floor at no 28 at para 6.57 of the report and thereafter. It is already indicated that this residential use is an unconventional one. Given the further information it is considered that Members should view the residential use as being ancillary to the veterinary use and only reasonably capable of occupation by some one associated with it. It should be considered as a residential use and not as a separate 'flat' or 'property' as has been referred to in the report. <b>If Members agree the recommendation as put forward, there should be minor changes to the wording to reflect this situation.</b></p> <p>Given the controlled use of the rear first floor part of the building, it is considered that less weight should be applied to the amenity impact outlined in para 6.71 of the report. In any event this does not form part of the reason for refusal.</p> <p>The layout revision referred to above further enhances the frontage deliver bay to the detriment of the frontage street scene. The offer from the applicants to delete any frontage gates, it is considered, does not assist. This layout change, it is considered, further fragments the frontage of the building and <b>Officers suggest that the issue of fragmentation is added to the second reason for refusal.</b></p> <p>It is not felt that the substantive letters from the applicants raise any further new issues which are not considered in the submitted report.</p>
Shedule Item 8	<p>Essex County Council <b>Highway Authority</b> recommends that permission be refused on the basis of inadequate visibility at the junction of the access road with Poynters Lane and the inability of the applicant to secure improvements.</p> <p>The Highway Authority also refers to the proposal giving rise to additional movements on a sub-standard access located opposite a major road junction leading to danger and hazard to other road users.</p> <p><b>Officers Comment</b> – the applicant indicates that he has secured agreement with an adjoining occupier to facilitate the removal of a length of hedging to improve visibility. These details have yet to be formalised, but the improvement to visibility will have to be judged against any visual impact that the removal of hedge will have.</p> <p>The second concern of the Highway Authority, in relation to the additional traffic generated may remain however.</p>

	<p>One additional <b>neighbouring occupier</b> has responded to consultation raising, in the main, the following issues:</p> <ul style="list-style-type: none"> <li>- access road is narrow and un-adopted, maintenance not identified;</li> <li>- junction with Poynters Lane dangerous;</li> <li>- inadequate parking may lead to off-site parking;</li> <li>- loss of privacy, additional activity, disturbance and litter;</li> <li>- Local Plan policy does not allow general retail sales.</li> </ul>
Schedule Item 9	<p>The <b>Environment Agency</b> has no further comments.</p> <p>A further <b>neighbour letter</b> has been received to the revised plans reiterating earlier objections. The objection is not the development of the land, but:-</p> <ul style="list-style-type: none"> <li>- a 3 storey semi-detached being out of character with Hogarth Way; and</li> <li>- safety and parking issues.</li> </ul> <p>The applicant's Environmental Consultant has confirmed there are no mature trees or other structures on site suitable to provide either a summer roost or winter hibernation roost for bats.</p> <p>The <b>Crime Reduction Officer</b> raises no objection. One point of concern is an alleyway link connecting 3 plots to garage blocks, suggesting this be redesigned or specific fencing, light levels and corner angles be utilised, together with locks, so it is only available to the residents who need to use it.</p>