

<p>Item 1 09/00148/FUL 247 London Road, Rayleigh</p>	<p>Rayleigh Town Council – The Town Council objects to this application because the design, if permitted, by virtue of its bulk and siting would create an incongruous feature in the street scene. Furthermore, the proposal would be to the detriment of amenities enjoyed by neighbouring properties by virtue of being overlooked and is contrary to Policy HP12 of the Rochford District Replacement Local Plan.</p> <p>Louis Drive Estate Residents Association – The reason for re-consultation is not terribly apparent apart from a small increase in the size of the garden at the rear of 131 Louis Drive West. The size and dimensions of the building still remain the same and so, in words of the planning authority in their decision of 20 January 2009, is considered to be detrimental to the appearance of the street scene.</p> <p>Considering the scale of the building and the business to be conducted, we consider that the amount of traffic, in the way of delivery vehicles, bin collections and other necessary traffic, will be excessive and disturbing to the neighbours. Extra vehicles during the night and in the early hours are also possible, which would not be at all acceptable.</p> <p>10 further neighbour letters have been received which make in the main the following comments:-</p> <ul style="list-style-type: none">• A two storey home, which is excessively large and clad with wooden boarding, will prove detrimental to the visual amenity arising from the established character of the dwellings in the street.• The provision of only 15 parking spaces will be too few to accommodate the staff. This will mean that parking is inevitable on Louis Drive East, which will create a nuisance to residents.• The large number of vehicles required to service the home will cause excessive noise to the residents of Louis Drive and damage to the road surface.• Visitors to the home will inevitably park in Louis Drive West. This will make it difficult for residents to exit and enter their driveway. These problems will be exacerbated when the new parking restrictions in Little Wheatley Chase are implemented.• Main problem is the sheer number of residents and staff on such a small footprint of land• The area is quiet and residential. A building of this magnitude and all the facilities this would entail is unacceptable. There is already a lot of on street parking.• The area cannot sustain the development.• Great increase in noise levels.• The planning department have already refused an application for a care home; the current changes will make no difference to the effect on the Louis Drive Estate.
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- The development would affect the enjoyment of residents' homes and gardens.
- Impractical for emergency services.
- Scheme would reduce the attractiveness of the area.
- Location of kitchen door will result in unacceptable smells, especially to no. 1 Little Wheatley Chase.

At the Members' site visit on 13 June 2009 Councillors raised a number of questions to be answered by the agent. These questions and answers are as follows:-

- 1. How many staff will be present at the site/employed – relevant to the parking provided?** *The maximum number of staff on site at one time will be approximately 12.*
- 2. Have the fuel storage tanks been fully dealt with or would they present contamination risks?** *The fuel tank situation has been addressed by the environmental report which accompanied the application. The tanks will be removed to approved guidelines and Local Authority Environmental Control.*
- 3. Where is the air conditioning equipment being sited?** *The ventilation to the kitchen will be sited on the north wall of the proposed building 5.5 – 6m from the boundary above the level of the lean to roof and 6m from ground level. The attenuation and filtration of the extractor will be to the approval of the Local Authority Environmental Department. (See drawings within presentation)*
- 4. Site levels between the site and neighbouring gardens and how storm water will be prevented from flooding neighbours' gardens. It was accepted that this could be a condition to any approval that might be given, but Members may take some comfort if that can be shown to have been considered/how will it be addressed?** *The site levels will change once the tank and concrete car display areas are removed. The grass and planted area will be increased to allow surface water to percolate. The new driveway and parking areas and general paving will be laid with 'Charcon' filtration blocks. The boundaries to the south and west have new 225mm brick walls to protect adjoining neighbours. There will be a comprehensive surface water scheme prepared as part of the building regulation application.*
- 5. Will provision be made within the scheme for the parking and charging of electric mobility scooters – are they accommodated within the layout or can they be provided for in the development ?** *My clients advise me that it is likely that residents of the home will not be allowed out unaccompanied. However, a supply point near to the cycle area will provide for a possible scooter use.*

	<p>6. What is the size of the garden area to be retained for the bungalow at 131 Louis Drive West? <i>The garden area to no. 131 will be 70sqm which is 20sqm above the minimum standard required.</i></p> <p>7. Concern raised as to the depth and need to retain the retaining wall along the western boundary to the existing car park given the difference in levels to properties in Little Wheatley Chase. <i>The differing levels to the new layout will not interfere with the adjoining neighbours. The surface water problem will be dealt with as question 4. The existing tree screen will be protected by Chestnut pailing prior to the commencement of works.</i></p> <p>8. Clarification as to the obscure glazing of the first floor side windows facing the rear of dwellings in Little Wheatley Chase. <i>The windows facing to rear of the dwellings to Little Wheatley Chase will have obscured glazing.</i></p>
<p>Item 2 09/00169/OUT 32 Brook Road, Rayleigh</p>	<p>Members' attention is drawn to the submitted Green Travel Plan, which officers are comfortable with and to condition 9 in the report which requires the measures within it to be implemented in full.</p> <p>An extra condition no. 10 is also recommended requiring these measures to be assessed one year after first occupation. A further additional condition is proposed with regard to the protected tree outside the site.</p> <p>REVISED RECOMMENDATION for APPROVAL to include conditions 10 and 11 set out below:-</p> <p>Condition 10 One year after first occupation of the building an assessment in writing, by an appropriately qualified Transport Engineer, shall be undertaken of the effectiveness of the measures in the Green Travel Plan which shall be submitted to the Local Planning Authority.</p> <p>Condition No.11 The Reserved Matters identified in Condition 1 above shall be accompanied by a tree survey and arboricultural method statement (including protection measures and plan) in accordance with BS 5837 to be carried out by an appropriately qualified consultant, to establish the impact of the proposal upon the adjacent tree subject to Tree Preservation Order TPO 17/84 marked 'A' on the approved drawing 9.02/1.01 date stamped 2 April 2009 and any measures necessary to mitigate this impact.</p>

Item 3
09/00192/FUL
68-72 West
St, Rochford

Three letters have been received from the agent and which make the following comments in response to the officer recommendation:-

The appearance of the proposals in generality, with the exception of the corner treatment, was accepted by the inspector at the last appeal. This included the use of materials, fenestration and roof line to which officers now object.

State that do not agree with comments on the design of the building as set out in the officer report. Do not agree to the application being deferred.

The entrance details were considered satisfactory by the previous inspector. The relationship between the rendered porch and weatherboarding of the main wall is quite satisfactory in our opinion. The design approach was agreed by District and County officers previously. The design does not attempt to ape the vernacular or to achieve some sort of pastiche.

Disagree with the criticism regarding the change in materials within the plane. The juxtaposition of the materials is the same as in the previous appeal. The scale of the drawings hardly allows for the detail to be represented adequately but it was always intended there should be articulation in the wall surface at the junction of differing materials. The external line of the walls shown on the plan is indicative only and cannot be expected to show at this stage in the design every development detail. The brick face to the end elevation is an expression of the brick wall overlooking the boundary and to render it on one face would create an ugly and unnecessary detail unacceptable to us. The design shown is more "honest".

Disagree that the windows between ground and first floor to the corner feature are too close.

Disagree that the window proportions to the stairwells are inappropriate. The design echoes the other staircase tower and was not an issue raised by officers or the inspector previously.

Consider the requirement for a support detail to the projection in the elevation is inconsistent and again was part of the previous application to which neither the Council, County officers or the inspector had objection.

More generally the design does not need to incorporate false chimneys. Ventilation stacks are included. The inclusion of "dummy" stacks is unnecessary for any other reason. The design does not attempt to ape the vernacular or achieve some sort of pastiche.

Sliding sash windows are not part of the palette of materials. Casement windows offer more flexibility in terms of light and ventilation to suit the room dimensions they serve and again was not an issue previously raised.

To officers' request for a communal satellite dish to be incorporated into the scheme, reply that have no intention of incorporating satellite antennae either individually or communally. Each unit will have cable feeds for telephone, internet and TV services.

Advise that rainwater goods will be in black UPVC.

With regard to access for the disabled, advise that the scale of the drawings hardly allows for the detail to be represented adequately but it is intended that level access will be provided to all ground storey entrances in compliance with AD and Part M of the Building Regulations.

Believe that the agreement reached with officers prior to the application being submitted was correct. If the Committee defers the application, the client has advised he will appeal with an application for costs. Offering an opportunity to reconsider the design gives no guarantee that the application will be approved, even supposing that an agreement can be reached along the lines suggested by the historic buildings adviser.

If the Council wishes to avoid an appeal and the risk of incurring costs, they must approve the scheme. If a condition is added which requires agreement to certain aspects of the design, we may still appeal if we are uncertain that a reasonable compromise can be reached.

The appearance of the scheme, substantially as now presented, was accepted by English Heritage and Essex County Council Urban Design Unit following lengthy correspondence and a face to face design meeting at which all areas of concern were discussed.

The loss of amenity to the side window of No. 66 West Street was not an issue raised at any time by the Council during the design development of the current proposals since the last appeal. At the appeal hearing and site visit it was not possible for the inspector to ascertain the nature of the room behind that first floor window. We have photographic evidence that the room is a kitchen and not a habitable room. As such, the alleged loss of amenity to that room by the proximity of the new development is not so great as to be a material consideration any longer. Furthermore, until now this has not been an issue that has ever been raised by the Council or any of its specialist advisers as a material consideration.

Contrary to the advice in the officer report, the application includes 10 No. units of affordable homes (25%) In the current economic climate, this should be seen by the Council as a very welcome investment.

Recommending refusal of the application on design grounds flies in the face of the advice given to us by the Council and its advisers prior to the application being submitted. Should the Committee be minded to accept officers' recommendation we would strongly recommend that a third appeal is lodged and costs sought from the Council. We are confident that a third inspector will not so lightly set aside the conclusions of the previous one, as the officers appear to be doing, and with costs awarded.

Even though the Council's advice to us has inexplicably changed, we refute your argument that there is any design issue that cannot be satisfactorily resolved should the Council be minded to approve the application, subject to conditions. We should appreciate being given the opportunity to do so.

The applicant is at an advanced stage of concluding an agreement with Moat Housing for the affordable homes element of the scheme. We anticipate providing you with evidence of this within the next few days with the intention of providing a Unilateral Undertaking in this respect before 16 July at the very latest.

Are awaiting clients' instructions with regard to the educational and highways contributions requested and assume these would be the subject of conditions, should the application be approved.

One letter has been received from the applicant and which makes the following comments in response to the officer recommendation:-

Write to confirm the costs incurred to date on this single application and from the agent are £44,000 + VAT for the drawings and £7500 + VAT for the consultancy fees. The costs incurred from the last appeal were £20,000 + VAT.

Presume that for any future appeal the costs will be similar. The agent advises that if the scheme has to go back to the drawing board and start again, the fees could be in excess of £50,000.

The agent has forwarded the offer and section 106 Unilateral notice from Moat Housing for the 10 affordable housing units to which officers have agreed. These 10 units are considerably more than the 4 units acceptable in the previous applications.

Sincerely hope that some of the above costs that have been incurred on this scheme are taken into consideration. Have written e-mails giving confirmation that officers and related departments will give approval on this scheme. Myself and my architect are still in agreement with all aspects of this scheme and would like to see this approved as officers had intimated before money was spent commissioning and submitting final drawings.

I am very disappointed with Rochford Planning Department that at the 11th hour officers simply may have a change of opinion of design. We have worked on this project now for a couple of years and everybody was satisfied that the scheme was acceptable. On approval I am in agreement with paying the educational and highway department fees.

Please inform all parties, including the Committee, that I will seek 100% compensation for all costs incurred to date and any new application costs if you do not give this scheme your recommendation as you had agreed before we submitted our application.

This letter is accompanied by a draft Unilateral Undertaking setting out the general structure of an agreement to provide affordable housing. This is further accompanied by a letter from Moat Housing confirming an offer for ten units and that they are confident of securing the necessary grant funding required to develop the scheme, subject to a number of conditions including obtaining planning consent.

REVISED RECOMMENDATION regarding outstanding affordable housing contribution.

In the likelihood that the applicant is able to resolve the matter of ensuring the provision of 10 affordable housing units, as set out above, and upon receipt by the Head of Planning and Transportation of a signed agreement on or before 16 July 2009, **Members are requested that the Head of Planning and Transportation be DELEGATED TO REFUSE the application for reasons 1 and 2 as set out in the report.**

Or,

If this matter has not been resolved by 16th July 2009 Members are requested that the Head of Planning and Transportation be DELEGATED TO REFUSE the application for reasons 1, 2 and 3 as set out in the report.