



Rochford District Council

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY  
PLANNING SERVICES COMMITTEE 20th January 2005**

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

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

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

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

## **PLANNING SERVICES COMMITTEE - 20 January 2005**

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### Ward Members for Committee Items

#### **BARLING AND SUTTON**

Cllr R A Amner

#### **DOWNHALL AND RAWRETH**

Cllr C I Black

Cllr R A Oatham

#### **RAYLEIGH CENTRAL**

Cllr R G S Choppen

Cllr A J Humphries

#### **ROCHFORD**

Cllr K J Gordon

Cllr Mrs S A Harper

Cllr Mrs M S Vince

#### **WHEATLEY**

Cllr J M Pullen

Cllr Mrs M J Webster

## **PLANNING SERVICES COMMITTEE 20th January 2005**

### **DEFERRED ITEM**

|    |  |                 |        |
|----|--|-----------------|--------|
| D1 | 04/00305/FUL<br>Install Punched Lathe Metal External Security<br>Shutters To Showroom Windows<br>Ernest Doe And Sons Ltd Weir Pond Road Rochford | Mr Leigh Palmer | PAGE 5 |
|----|--|-----------------|--------|

### **REFERRED ITEMS**

|    |   |                   |         |
|----|---|-------------------|---------|
| R2 | 04/00969/FUL<br>Raise Ridge Height of Existing Outbuilding by 1.5<br>Metres to Create Habitable Annexe Connected with 4<br>Trinity Road<br>Land Rear Of 4 Trinity Road Rayleigh   | Mr Leigh Palmer   | PAGE 8  |
| R3 | 04/00995/COU<br>Conversion of Existing Property into Two Self<br>Contained Flats, Incorporating Means of Escape<br>Window with Roof Slope of Front Elevation and Also<br>Conversion of Garage into a Habitable Room<br>Including New Front Window<br>41 Oak Road Rochford | Mrs Monica Palmer | PAGE 11 |

### **SCHEDULE ITEMS**

|   |   |                   |         |
|---|---|-------------------|---------|
| 4 | 04/01000/FUL<br>Erection of Orangery<br>New Hall Sutton Road Rochford   | Mr Leigh Palmer   | PAGE 15 |
| 5 | 04/00946/FUL<br>Construction of Three Storey Building Containing 24<br>Flats, 20 x 2-bed, 4 x 1-bed and Parking and Access<br>from the Rear of the Site and One Space Direct From<br>Crown Hill for Emergency Purposes Only<br>46 To 52 Crown Hill Rayleigh | Mrs Deborah Board | PAGE 20 |

|   |   |                 |         |
|---|---|-----------------|---------|
| 6 | 04/00926/FUL<br>Redevelopment of the Site for Residential Purposes,<br>Comprising Three Detached Block of Flats Block A<br>(to front of site) 2 Storey Incorporating 6 x 2 Bed Flats<br>Block B (to NW of site) 3 Storey Incorporating 3 x 2<br>Bed Flats Block C ( to East Side) 3 Storey<br>Incorporating 6 x 2 Bed Flats and 3 x 1 Bed Flats<br>Off Street Car Parking to the Centre of the Site with<br>all Access Direct off Oast Way<br>5 Weir Pond Road Rochford | Mr Leigh Palmer | PAGE 28 |
| 7 | 04/00925/CON<br>Demolition of Shop/Workshop<br>5 Weir Pond Road Rochford  | Mr Leigh Palmer | PAGE 39 |
| 8 | 04/00675/REM<br>Details of 129 Dwellings Comprising 38 no. Four<br>Bedroomed Houses, 33 no. Three Bedroomed<br>Houses, 11 no. Two Bedroomed Houses, 4 no. Two<br>Bedroomed Apartments and 43 no. Two Bedroomed<br>Apartments for Key Workers in a Mixed Development<br>of Two, Two and Half and Three Storey Form with<br>Estate Roads.<br>Park School Rawreth Lane Rayleigh  | Mr Mike Stranks | PAGE 42 |

## **PLANNING SERVICES COMMITTEE - 20 January 2005 Item D1 Deferred Item**

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**TITLE :** 04/00305/FUL  
INSTALL PUNCHED LATHE METAL EXTERNAL SECURITY  
SHUTTERS TO SHOWROOM WINDOWS  
ERNEST DOE AND SONS LTD WEIR POND ROAD  
ROCHFORD

**APPLICANT:** ALAN RINGER

**ZONING:** RESIDENTIAL

**PARISH:** ROCHFORD PARISH COUNCIL

**WARD:** ROCHFORD

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### Deferred Report

This item was deferred, at the suggestion of a Ward Member, and officers and Ward Members have since discussed the application in detail.

- 1.1 **Rochford Parish Council** - Appreciate the need for security and would be happy to approve a shutter style that was in keeping with the Conservation Area.

### NOTES

- 1.2 The application site is situated within Rochford Town Centre and the Conservation Area. The current building dates from when the site was re-developed, providing offices, showroom, stores, depot and workshop accommodation for Doe's, which has been on the site since 1946. The building comprises a number of elements with red brickwork predominant, black timber boarded elements and pantile roof. The stores entrance has a roller shutter door.
- 1.3 The application was originally for perforated, but has been revised to punched lathe metal (colour coated) external security shutters fitted to the four showroom windows (some 13.5m wide) facing onto Weir Pond Road.
- 1.4 In line with the Authority's Supplementary Planning Guidance "Shop Fronts - Security and Design" and its track record of resisting unsympathetic external roller shutters, both within and outside Conservation Areas (as supported on Appeal, eg, 4 Golden Cross Parade, 428 Ashingdon Road and 30 Main Road, Hockley) officers have advised the applicant that this proposal is visually unacceptable. Discussions have rehearsed appropriate visual solutions ranging from glass type internal measures and shutters, to re-designing the shop front. Also, rather uniquely, the shop fronts do not back onto the pavement, but are set nearly 8m back within their own private forecourt. Officers have also suggested that more secure and permanent enclosure of the forecourt may assist them.

- 1.5 As a compromise, in this particular case officers suggested the applicant consider open roller grille type external shutters. These, if the proportions are correct, are not so visually damaging and allow the eye to read the shop front behind rather than the shutter installed to the front. The applicant explored this, but has discounted it on cost grounds (twice the cost) and considers the punched lathe style cannot be climbed whereas the tube and grille type are not robust enough for external use, can be easily climbed, which damages them, or pushed against the glass, rendering them unsuitable.
- 1.6 The applicant explains they have been experiencing 2 types of problems: burglary and anti-social behaviour. The external shutters are an attempt to address both issues. There have been at least 2 serious burglaries at the premises, which result in both loss of stock and smashed shop windows with the attendant cost and mess of shattered glass strewn around. The vandalism manifests itself in the glass and premises entrance being abused with food, drink and the like.
- 1.7 Whilst the shutters have been under discussion, the applicant has upgraded security at the premises, both electronically and with internal grills to the office windows and entrance and horizontal bars to the shop fronts. The applicant explains construction of the shop front does not lend itself to a convenient solution of an internal shutter, nor is this their preference.
- 1.8 **County Surveyor (Highways)** - has no objections.
- 1.9 **Essex County Council Conservation Officer** - comments the addition of shutters to this modern industrial building will not significantly affect n the character or appearance of the Conservation Area.
- 1.10 **Economic Development Officer** - supports the application, as it may help to retain the business in the area.
- 1.11 The occupiers of 18 and 23 Weir Pond Road - support the application as, due to the rapid increase in break-ins to the property, it has led to an increase in the feeling of vulnerability to the occupiers of the surrounding properties.

**REFUSE**

- 1 The proposed roller shutters, even in their amended forms, when in use would be alien to the appearance and character of this prominent Town Centre site and Conservation Area location. If permitted, it would create an extensive shuttered frontage with a heavy and overbearing appearance detrimental to the amenities enjoyed by surrounding residents and others in the locality.
- 2 If permitted, these shutters would set a significant precedent that would be difficult to resist. If shutters were erected in the vicinity, they would have an increasingly harmful effect on the visual amenity of the street scene and the character of the area generally. The cumulative effect would create a grossly unacceptable appearance and character to the area.

**PLANNING SERVICES COMMITTEE - 20 January 2005 Item D1  
Deferred Item**

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**Relevant Development Plan Policies and Proposals:**

SAT6, UC1, of the Rochford District Council Local Plan First Review



Shaun Scrutton  
Head of Planning Services

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

## **PLANNING SERVICES COMMITTEE - 20 January 2005 Item R2 Referred Item**

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**TITLE :** 04/00969/FUL  
RAISE RIDGE HEIGHT OF EXISTING OUTBUILDING BY 1.5  
METRES TO CREATE HABITABLE ANNEXE CONNECTED  
WITH 4 TRINITY ROAD  
LAND REAR OF 4 TRINITY ROAD RAYLEIGH

**APPLICANT:** H DARBY

**ZONING:** RESIDENTIAL

**PARISH:** RAYLEIGH TOWN COUNCIL

**WARD:** RAYLEIGH CENTRAL

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

This application was included in Weekly List no. 758 requiring notification of referrals to the Head of Planning Services by 1.00 pm on Thursday, 30 December 2004, with any applications being referred to this meeting of the Committee. The item was referred by Cllr A J Humphries.

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

However, since appearing on the Weekly List, one further letter of objection has been received.

- 2.1 **Rayleigh Town Council** - Objects to this application as it considers that the development is inappropriate back-land development.

### **HISTORY**

- 2.2 03/00090/OUT Outline application to erect 2 bed bungalow, layout and access. Dismissed on appeal.
- 2.3 In dismissing the appeal the Inspector concluded that there were two main issues; the first is the effect of the proposed development on the character and appearance of the area. The second is the impact on the living conditions of the adjoining occupiers in relation to disturbance and loss of privacy. In conclusion the Inspector commented that there was 'no harm to the living conditions of the adjoining occupiers...this is outweighed by the harm caused to the character and appearance of the area...'



- 2.4 04/00578/FUL Convert existing outbuilding into a 1 bedroom home by constructing a new roof and inserting a first floor. To be used as an independent unit of residential accommodation. Refused 14th September 2004. The refusal had two distinct elements; the first being the impact upon the amenities of the occupiers of the neighbouring properties through direct overlooking and the second reason related to the dwelling being unrelated to the established pattern of development.

NOTES

- 2.5 Full planning permission is sought to increase the ridge roof height of an existing outbuilding under construction by 1.5m (5.5m total height) to create a habitable annexe connected with No 4 Trinity Road.
- 2.6 This application is a resubmission of previously refused schemes (outlined above), and differs from the most recent refused scheme by a reduction in the overall height from 6m previously proposed to 5.5m now, and the deletion of dormer windows, being an annexe rather than an independent unit of accommodation, and is now supported by information submitted by the applicant that outlines the special needs of a relative and the desirability of an annexe in this location.
- 2.7 It is considered that, given the changes from the previous schemes, specifically the reduction in the height and the deletion of the flank windows, that the built form of the development will not now impact upon the occupiers of the adjoining properties, by reason of overlooking; in addition the Appeal Inspector concluded on an earlier scheme (more significant proposal) that there would not be any harm to the living conditions of the adjoining occupiers.
- 2.8 This application differs from the previous refused schemes in the veracity of the supporting information and the need for annexe in close proximity to the main house in order to give the close relative a degree of independent living. However, it is still considered that such a unit, which is designed to allow for full independent living and of the height proposed would not be related to the established pattern of development.
- 2.9 **Environment Agency:-** No Comment.  
**Buildings/Technical Support:-** No objections, observes that foul drainage could be a problem due to invert levels of the existing drains.
- 2.10 6 letters of objection have been received from the occupiers of nearby properties who have commented in the main on:- very similar schemes have been refused and dismissed on appeal in the past; this scheme should be refused for the same reasons; no way for cars or emergency vehicles getting to this building; may give rise to traffic problems in the area; windows overlook, raising the ridge height would look stark; noise disturbance from the use of the building as a new property; 1 bedroom home in this location would be out of keeping with the area; may set a precedent, property devaluation, if they wanted an annexe why not build an extension to the house and loss of trees already makes the area look stark.

REFUSE

- 1 A potential independent living unit in this location is unrelated to the established pattern of development and as such would cause detrimental harm to the character and appearance of the surrounding area contrary to Policies H20 and H11 of the Rochford District Local Plan First Review.

**Relevant Development Plan Policies and Proposals:**

H11, H20, of the Rochford District Council Local Plan First Review

HP6, HP14, HP18 of the Rochford District Local Plan Second Deposit Draft



Shaun Scrutton  
Head of Planning Services

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

## **PLANNING SERVICES COMMITTEE - 20 January 2005 Item R3 Referred Item**

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**TITLE :** 04/00995/COU  
CONVERSION OF EXISTING PROPERTY INTO TWO SELF  
CONTAINED FLATS, INCORPORATING MEANS OF ESCAPE  
WINDOW WITH ROOF SLOPE OF FRONT ELEVATION AND  
ALSO CONVERSION OF GARAGE INTO A HABITABLE  
ROOM INCLUDING NEW FRONT WINDOW  
41 OAK ROAD ROCHFORD

**APPLICANT:** MR R BARBER

**ZONING:** RESIDENTIAL

**PARISH:** ROCHFORD PARISH COUNCIL

**WARD:** ROCHFORD

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

This application was included in Weekly List no. 758 requiring notification of referrals to the Head of Planning Services by 1.00 pm on Thursday, 30 December 2004, with any applications being referred to this meeting of the Committee. The item was referred by Cllr K J Gordon.

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

However, since appearing on the Weekly List, 5 further letters of objection have been received. These raise the following main issues in addition to those already outlined below: poor unmade road means refuse lorries unable to go to far end, refuse collected communally, do not wish to add to this.

Also London Southend Airport confirms no safeguarding objection.

### **NOTES**

- 3.1 Full planning permission is sought for the conversion of the existing property into two self-contained flats.
- 3.2 The proposal utilises the conversion of the existing garage into a habitable room; this has planning permission under reference 04/00819/FUL; save for this change and the provision of a means of escape window within the front roof slope, there are no other changes/alterations to the external fabric of the building to facilitate the conversion.

- 3.3 The conversion involves one 3-bed. flat on two floors and one 3-bed. flat on three floors. One flat is to be accessed via the existing front street door, the second flat is accessed via a door to the rear of the converted garage and provides access to three floors (3rd bedroom in roof space).
- 3.4 There is no proposal to subdivide the rear garden and off street car parking is provided to the front of the site.

Application Assessment

- 3.5 The application plot is located within the defined residential area and as such there is no objection to the creation of residential units at the site.
- 3.6 The Local Plan comments that the Local Planning Authority is keen to encourage the subdivision of single dwellings into smaller units of accommodation but not, however, at the expense of the residential amenity of the surrounding properties. There is a demand for smaller properties and the conversion of existing properties, where appropriate, will allow the best use to be made of the housing stock while at the same time going some way towards satisfying this demand.
- 3.7 There is therefore the policy support for the conversion of larger dwellings into smaller units, subject to them not giving rise to a material loss of residential amenity. In this instance it is considered that given there are minimal external consequences as a result of the conversion, the appearance of the property would remain looking like a dwelling house. In addition there is no intention to subdivide the garden; the frontage car parking already exists and the conversion of the garage already has consent (04/00819).
- 3.8 The intensity of the conversion remains low with two three-bed. units, and are of a size that are likely to appeal to families. A more intensive conversion, into one bed. flats, for example, would have resulted in greater activity and car parking at the site which would be likely to result in a material impact upon the area.
- 3.9 In addition, it is considered that given the bedroom accommodation is at first and second floors above the likely flood levels and the conversion of the garage is already consented, and that the property is an existing residential property, a refusal based on the risk caused by the flooding from the ditch to the rear could not be substantiated.
- 3.10 **County Surveyor (Highways)** - The proposal is de-minimis; suggests that each flat should have a parking space.  
**Environment Agency** - Advises that the proposal involves the potential for a greater intensity of residential occupation and this should be evaluated given the ditch to the rear of the site is liable to flooding.

- 3.11 The occupier of 39 Oak Road objects:- The area is entirely family dwelling houses and this proposal would set an undesirable precedent which would change the character of the area, would lead to a loss of residential amenity with the loss of front gardens and the subdivision of rear gardens, these would become neglected over time; loss of the garage would lead to frontage car parking which would further reduce the residential amenity of the area; the property has been significantly extended over time and this has helped with this proposal and is now an overdevelopment of the site and again may set a precedent for other large extensions on properties in the area. If supported they suggest a 2m high fence should be provided from the rear of their garage to a point opposite the rear of the existing conservatory in order to provide security and privacy.
- 3.12 The occupier of 43 Oak Road opposes the application:- There is not enough parking in the street; two flats could increase numbers of cars. The drainage infrastructure in Oak Road is very old and may not be able to cope. Oak Road is an unmade road - more cars would mean more wear and tear on the road. If garage is made into a habitable room with a window their privacy would be infringed.

**APPROVE**

- 1 SC4 Time Limits Full - Standard
- 2 Before the development hereby permitted commences at the site, a layout drawing of the front garden area of the property shall be submitted to and approved in writing by the Local Planning Authority. The drawing shall show the extent and nature of all hard surfaced areas for at least two car parking spaces, as well as the surface material used; the number, position and species of all trees, plants and shrubs to be retained and/or provided; the extent and nature of boundary walls/fences; and the position and nature of refuse enclosures. The front garden area of the site shall be laid out and landscaped in accordance with the approved drawing/details in the first planting season following the commencement to the use hereby permitted and shall comply with the requirements specified in BS 3936 (1980) 'Specification for Nursery Stock Part 1 Trees and Shrubs' and in BS 4428 (1969) 'Recommendations for General Landscape Operations'. Any car parking spaces provided shall be permanently retained thereafter, in accordance with the approved drawing/details and shall not be used for any other purpose at any time. Any existing trees, plants or shrubs shown to be retained, shall be permanently retained thereafter in accordance with the approved drawings/details. No new trees, plants or shrubs planted or existing trees, plants or shrubs shown to be retained, shall be lopped or topped within a period of five years from the completion of the development. Any trees, plants or shrubs which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season in accordance with the approved drawings/details.

**PLANNING SERVICES COMMITTEE - 20 January 2005    Item R3  
Referred Item**

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- 3    No development begun before 2m-high close-boarded fences are erected between points A and B and C and D marked on the approved drawing date stamped 17th November; returned herewith. Thereafter, the said fences shall be retained and maintained in their approved form, notwithstanding the provisions of Article 3, Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification).

**REASON FOR DECISION**

The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, to the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers in Oak Road.

**Relevant Development Plan Policies and Proposals:**

H11, of the Rochford District Council Local Plan First Review

HP16, of the Rochford District Local Plan Second Deposit Draft

The local Ward Member(s) for the above application are Cllr Mrs S A Harper  
Cllr K J Gordon Cllr. Mrs M S Vince



Shaun Scrutton  
Head of Planning Services

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

## PLANNING SERVICES COMMITTEE - 20 January 2005 Item 4

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TITLE :                   **04/01000/FUL  
ERECTION OF ORANGERY  
NEW HALL SUTTON ROAD ROCHFORD**

APPLICANT :           **MR AND MRS ROUT**

ZONING :               **METROPOLITAN GREEN BELT**

PARISH:               **SUTTON PARISH COUNCIL**

WARD:                  **BARLING AND SUTTON**

### PLANNING APPLICATION DETAILS

- 4.1 Full planning permission is sought for the erection of an 'Orangery' (conservatory) to the flank of the existing building. It has a floorspace of 40.78m.sq.
- 4.2 The application property is a Grade II listed building sited within the Metropolitan Green Belt. The property has been extended previously.
- 4.3 This application is a resubmission following an earlier withdrawn scheme (identical in content); on the previous occasion it was recommended that the application be refused planning permission as the new development (orangery) would result in more than 35sqm of new habitable floor space over and above that which existed within the original property. The development was considered to amount to inappropriate development within the Green Belt. The application was withdrawn prior to any formal determination being made.
- 4.4 This application is identical in terms of the physical development (orangery) that was previously considered. However, the applicant's agent has submitted further text that amplifies why they feel that the scheme should be supported despite not complying with the Council's policy on Green Belt extensions. Their supporting statement comments in the main that:-
- *The local plan differs from the advice within PPG2 in that the Government advice refers to disproportionate extensions being inappropriate and the local plan stipulates a maximum threshold of 35sqm. The local plan policy fails to have regard to the size of the dwelling and relies on the concept of 'fairness' to justify the limitations imposed.*
  - *It is accepted that the 35sqm threshold has already been achieved through earlier developments at the property. However, the proposal does not represent a disproportionate increase as defined by PPG2 but it does represent a significant element in the historical and architectural evolution of the building which they cite as a very special circumstance.*

- *The orangery does not constitute the provision of additional living accommodation; it will only be single skin and therefore not be suitable for residential occupation and can be classified as an outbuilding ancillary to the use of the main property for residential purposes.*
- *The small link between the house and the orangery is for convenience and although the building, by way of the small link, will be physically attached to New Hall it will properly serve the function of an outbuilding in the same way as the other buildings do at the site.*
- *As the new floorspace will not be for residential purposes then it would not increase the occupancy potential of the site thus increasing the population within the Green Belt and as such a corollary car dependency and traffic generation.*
- *The location of the property and the siting of the new development are such that they would not command prominent public views and would not therefore be intrusive into the Green Belt and due to the size of the proposal against the size/scale of the existing development at the site it would not materially affect the openness of the Green Belt.*

## **RELEVANT PLANNING HISTORY**

- 4.5 00/00123/FUL & 00/00125/LBC Demolish existing ground floor extension and link, erect two storey side extension, new link, boiler room, gate post, adjoining wall and gates. Approved 29/06/2000 and implemented. These applications proposed a full two storey extension on the right hand side of the existing building and refurbishment/improvement of an existing ground floor element at the rear. The new habitable floor space proposed by this extension was 102.485sqm, this was offset by the demolition of existing ground floor accommodation with a floor space of 68.08sqm. This resulted in a net increase of new floor space of 34.405sqm (rounded up to 35sqm in all calculations)
- 4.6 03/01045/FUL & 03/01046/LBC Single storey side/rear extension and garden wall (swimming pool enclosure) 191sqm of floorspace - Refused 28/11/03
- 4.7 04/00773/LBC Erection of Orangery and link attached to southern end of the existing building - Approved 18/10/04. This was the Listed Building application, identical to both 04/00772/FUL (the withdrawn application) and to the current application. As the Listed Building aspects of the proposal was acceptable, it was approved. However, this is distinct from and without prejudice to the Green Belt considerations which fall to be considered under the planning application.
- 4.8 04/00772/FUL Erection of Orangery and link attached to southern end of the existing building. Application withdrawn prior to the formal determination.



**CONSULTATIONS AND REPRESENTATIONS**

- 4.9 **Essex County Council (Highways):-** No objection.
- 4.10 **Buildings and Technical Support :-** No objections/observations.
- 4.11 **Essex County Council Conservation Officer:-** No observations to make.

**MATERIAL PLANNING CONSIDERATIONS**

- 4.12 This application would normally be determined under delegated powers by the Head of Planning Services. However, the Chairman of the Planning Services Committee has asked for the application to exceptionally be reported to Committee. A Member site visit has also been organised.

Policy

- 4.13 The key issue in this case is the further extension of a dwelling in the Green Belt. The Council's policy of extensions to dwellings in the Green Belt has been the same since the Rochford District Local Plan in 1988, continued through the First Review and into the current Second Deposit Draft.
- 4.14 The policy is that the extensions to dwellings in the Green Belt will be restricted in size. The total size of the dwelling as extended will not normally exceed the original floorspace by more than 35 square meters.
- 4.15 In dealing with applications to extend properties in the Green Belt, applications for conservatories are considered as habitable floorspace in the same way as other extensions. An orangery is considered to be no different.

Previous Extensions

- 4.16 In this particular case the dwelling was extended with the implementation of 00/00123/FUL in 2000. This application entailed some demolition of existing elements, which allowed a more significant two storey side extension. In terms of new habitable floorspace this extension utilised the 35sq.m. allowance and achieved a consolidation of the existing rear element.
- 4.17 Applications were sought under Ref. 03/01045/FUL & 03/01046/LBC for a swimming pool and 04/00722/FUL for an identical orangery. The earlier planning application was refused on Green Belt grounds as well as its grandiose scale and design being an unsympathetic addition to the Listed Building and the latter had been signed off as a delegated recommendation for refusal on Green Belt grounds when it was withdrawn.

The Current Proposal

- 4.18 The design and appearance of the proposal in relation to the listed dwelling is not an issue. Indeed listed building consent has been granted for it under reference 04/00775/LBC.
- 4.19 However, in Green Belt terms the property has clearly already been extended up to 35sq.m. The current application would add a further 40.78m.sq., which overall, is considerably in excess of the policy provision. It is contrary to the Green Belt policy, is inappropriate development and would affect the openness of the Green Belt.
- 4.20 The proposal is considered therefore to be contrary to the development plan policy in terms of development within the Green Belt.
- 4.21 As the development is contrary to long established development plan policy it amounts to inappropriate development and it is considered that the supporting statement that accompanies the submission does not amount to such a set of very special circumstances that would outweigh the harm caused by the inappropriate form of development.
- 4.22 It is accepted that the existing property is large and set in significant grounds and the extension would be modest in comparison. However, these are no reasons to justify the approval of inappropriate development within the Green Belt. Indeed this argument could be used to justify a policy of only allowing extensions to small dwellings where a "need" is greater. However, the policy is clear, has been unchanged for many years and consistently applied throughout the District.
- 4.23 If supported it is considered that approval of this application would be cited repeatedly across the District's Green Belt, undermining the continued implementation and credibility of this well founded policy, and resulting in the gradual and incremental erosion of the Green Belt in general and the loss of the Green Belt's openness in particular.

**CONCLUSION**

- 4.24 This proposal if supported would result in new habitable floorspace of some 75.78 sqm which amounts to a 116% increase over the local plan policy allocation and is therefore very clearly contrary to the development plan.
- 4.25 Residential extensions over 35sqm are by definition harmful inappropriate development within the Green Belt

**RECOMMENDATION**

- 4.26 It is proposed that this item be delegated to the Head of Planning Services following the expiry of the press notice and that the terms of the delegation are that Committee **RESOLVES** to **REFUSE** the application for the following reason:-

- 1    The Rochford District Local Plan First Review shows the site to be within the Metropolitan Green Belt and the proposal is considered to be contrary to Policy GB1 of the Local Plan and to Policy C2 of the Essex and Southend-on-Sea Replacement Structure Plan. Within the Green Belt, as defined in these policies, planning permission will not be given, except in very special circumstances, for the construction of new buildings or for the change of use or extension of existing buildings (other than reasonable extensions to existing buildings, as defined in Policies GB2 and GB7 of the Local Plan). Any development that is permitted shall be of a scale, design and siting, such that the appearance of the countryside is not impaired.

Policy GB7 of the Local Plan provides that the total size of a Green Belt dwelling as extended, including any extension which may have previously been added, will not normally exceed the original floor space by more than 35 square metres. The proposal is considered excessive, rather than reasonable, resulting in a substantial change in the appearance and character of the property contrary to the above policies and the openness of the Green Belt.

**Relevant development plan policies and proposals:**

UC7, GB7 of the Rochford District Local Plan First Review



Shaun Scrutton  
Head of Planning Services

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

## **PLANNING SERVICES COMMITTEE - 20 January 2005 Item 5**

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**TITLE :** 04/00946/FUL  
**CONSTRUCTION OF THREE STOREY BUILDING  
CONTAINING 24 FLATS, 20 X 2-BED, 4 X 1-BED AND  
PARKING AND ACCESS FROM THE REAR OF THE SITE  
AND ONE SPACE DIRECT FROM CROWN HILL FOR  
EMERGENCY PURPOSES ONLY  
46-52 CROWN HILL RAYLEIGH**

**APPLICANT :** RYAN DEVELOPERS LTD

**ZONING :** RESIDENTIAL

**PARISH:** RAYLEIGH TOWN COUNCIL

**WARD:** WHEATLEY

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### **PLANNING APPLICATION DETAILS**

- 5.1 The application seeks full planning permission for the demolition of the dwellings 46, 50 and 52 Crown Hill and their replacement with a three-storey building containing 24 two-bedroom flats.
- 5.2 The application has been revised once with changes to the internal layouts and provision of additional windows to the side elevations to produce a proposal that would also be compliant with Building Regulations.
- 5.3 The application has made changes to the internal access arrangements to the site following the previous refusal and also provides cross sections of the proposed car park levels.
- 5.4 As the application is a full submission full details of the elevations have been submitted, including a street scene, that illustrates how the proposal would sit within the street scene.

### **RELEVANT PLANNING HISTORY**

- 5.5 04/00158/OUT - Construction of three storey building with parking (24 flats) (siting and means of access) (covering nos. 46 to 52 Crown Hill), was reported to the Committee on 23<sup>rd</sup> September 2004 with a recommendation of approval. However, it was refused at Committee, for the following reasons:
  - 1. The proposal, by virtue of the siting and likely scale and height of a building necessary to accommodate 24 no. flats, would render it out of scale and keeping with the prevailing character of development in this part of Crown Hill, creating a visually prominent and intrusive feature in the street scene.

2. The means of access to the site (the internal access) is considered to be unacceptable. The development is proposed on a site accessed via the car park of the adjacent property, Philpot House. In the opinion of the Local Planning Authority, the constrained access proposed to the application site, in close proximity to an electricity substation, the rear of Philpot House and over changing site levels is not considered acceptable. The Local Planning Authority considers that the use of the proposed access by residents of the flats, their visitors, delivery men and other callers, as well as the existing users of Philpot House and its associated car parking, would conflict with and lead to a deterioration in the level of safety enjoyed by the users of this area.

## CONSULTATIONS AND REPRESENTATIONS

5.6 There have been two rounds of consultation undertaken on the application. These are headed as follows:

5.7 **Round 1** – Plan numbers 53 03; 53 06; 53 04; 53 05 Rev A  
**Round 2** - Plan numbers 53 03; 53 06; 53 04 Rev A; 53 05 Rev B – Plans revised to make the proposal compliant with the requirements of Building Regulations

### ROUND 1

5.8 **Rayleigh Town Council** objects to this proposal as it would be detrimental to the street scene and represents overdevelopment of the site by reason of the bulk of the building and cramped nature of the development. Furthermore it is out of character with the residential buildings in the vicinity

5.9 **Rayleigh Civic Society** – the application appears to have developed further the idea of providing access from the rear of the site. In view of the Council's comments on the previous application we assume that this application will also be refused

### Buildings/Technical Support – no objection/observations

5.10 **Essex County Council (Highways)** recommend conditions to be attached to any permission that may be granted regarding the following:

- Emergency vehicle access onto Crown Hill to be removed, there shall be no vehicular access onto Crown Hill;
- The applicant to provide and install a new junction warning sign within Station Road on the approach to Castle Drive;
- Space to be provided within the site to accommodate the parking and turning of all vehicles regularly visiting the site;
- Prior to commencement of works on site a compound shall be provided and a parking area for site construction, material and operatives with no direct access onto Crown Hill.

- 5.11 Further note that the access proposed is via third party land, all works to the highway should be agreed with the Area Highways Manager and that access to the car park may be difficult for larger vehicles (removal lorries) due to the width of the access and therefore the gate should be widened to 6m to allow large vehicles to enter and leave Castle Drive in forward gear.
- 5.12 **Environment Agency** – standard response regarding residential development.
- 5.13 **Network Rail** – no interest in the site.
- 5.14 **Essex County Council (Learning Services)** request an education contribution of £23,392 to provide additional secondary school places for Sweyne Park School
- 5.15 **Essex Police** – object to the application on the grounds that it would create opportunities for crime and the fear of crime. It is thought that the undercroft areas could become meeting areas for youths. Should this occur and there were anti social behaviour the residents of the ground floor flats and those living above the voids would suffer. These through routes would also give opportunities for burglaries as they are away from the natural surveillance of other properties.
- 5.16 Further concern is the distance between kitchen windows on the flats in the undercroft and occupants of other flats are required to walk through these areas as well as visitors and that this is not an acceptable arrangement; it could lead to neighbour conflicts.
- 5.17 **Building Control Manager** – the proposal is totally unacceptable under building regulations in respect of means of escape in case of fire
- 5.18 There have been five neighbour representations received with the main points being:
- The application is essentially the same as 04/00158/OUT that was rejected;
  - Gross and unacceptable change to the area;
  - Overdevelopment;
  - Philpot House is lower than the proposals;
  - Change in local character;
  - Loss of privacy from the many windows that would overlook gardens of surrounding dwellings;
  - Unusable amenity strips;
  - Removal of fruit trees and negative impact on the environment;
  - Provision of only 24 car parking spaces is inadequate;
  - Pressure for parking on the landscaped areas of the site;
  - Extra vehicles will make the traffic problems worse;
  - Noise and pollution in what is currently a quiet residential area;
  - Potential for damage to surrounding properties;
  - Car parking areas running the full length of the gardens of neighbouring properties;
  - Building is too big and bulky;
  - Impact on peaceful enjoyment;

- The proposed access is worse;
- The junction of Castle Drive and Station Road is already busy and the heightened use of the junction may place buses and other road users at conflict and therefore create a danger;
- This will increase the probability of an accident;
- Building flats at a speed bend opposite the station will create an accident environment.

**ROUND 2**

- 5.19 **Network Rail** – no interest in the site.
- 5.20 **Buildings/Technical Support** – no objection/observations.
- 5.21 **Essex County Council (Learning Services)** request an education contribution of £23,392 to provide additional secondary school places for Sweyne Park School
- 5.22 **Rayleigh Civic Society** – no further comments to make.
- 5.23 **Building Control Manager** - revisions now comply with means of escape requirements.
- 5.24 There has been one neighbour representation received with the main points being:
- Loss of privacy and amenity to surrounding dwellings;
  - Building is too big and bulky;
  - Close proximity of building and possibility of subsidence;
  - There are not enough car parking spaces;
  - Quiet enjoyment of gardens will be lost;
  - Security issues;
  - Out of character with the existing development in the area;
  - Loss of outlook;
  - Devaluation of property

**MATERIAL PLANNING CONSIDERATIONS****Principle**

- 5.25 **RESIDENTIAL**  
There would be no objection to the principle of residential re-development of the site given its location within the main residential area of Rayleigh. The proposal would accord with both Government, Structure Plan and Local Plan policy that seeks to steer development to appropriate sites and maximise the sites' developable potential.
- 5.26 **THREE STOREY DEVELOPMENT**  
Three storey development in itself is not objectionable in principle in this location, subject to other criteria such as character of the area, street scene and the impact upon residential amenity.

**5.27 Character of the Area**

This residential area of Rayleigh is comprised of a mix of large detached houses and semi detached houses to the north east of differing types. To the immediate north of the site is Philpot House, a substantial flat roof three-storey office building. To the south of the site (opposite) is Rayleigh railway station and the associated car parking areas.

5.28 The application site itself contains numbers 46, 50 and 52 Crown Hill, all of which are houses. The existing development is in character with the area and sits harmoniously with the surrounding properties and plots.

5.29 The proposed building would have a height (measured from the ground taking account of the changing levels) of 13m adjacent to Philpot House rising to 15m in the centre at the highest point and dropping again to 12m adjacent to 44b Crown Hill.

5.30 Given the level changes through Crown Hill and that the application site sits adjacent to Philpot House the site may be able to accommodate/accept a larger building than the traditional family dwelling house types in the vicinity without resulting in a form of development that would be materially out of character with the wider character of the area.

5.31 The street scene provided with the submission illustrates how the proposed development would sit well within the street scene in this locality. It demonstrates that the proposal would not be visually prominent and in accordance with the provision of Supplementary Guidance Note 1 would not detract from the character and appearance of the surrounding area.

**Spatial Standards****5.32 ACCESS/PARKING**

It is proposed to utilise the existing access from Castle Drive and through Philpot House to create a new access for the development to the rear of the application site. This would involve the repositioning of the existing bin store and the provision of electronically controlled gates to the north west boundary of the site. The proposal also includes an access for emergency vehicles from Crown Hill that would be controlled through the positioning of bollards on the front of the access.

5.33 The applicant has confirmed that permission has been gained from Philpot House to access the car parking area of the development through their land. Philpot House currently has parking bays marked out to the front of the site (boundary with Crown Hill) and to the rear of the building (on the boundary with 2a Castle Drive). These spaces would not be obstructed/removed as part of the application.



- 5.34 The site plan indicates 24 car parking spaces and parking and turning area to the rear of the site. This would be a provision of 1 space per unit (100%). Given current Government guidance in PPG3 and PPG13 and the adopted parking standards contained in LPSPG1 a provision of 1 space per unit is considered acceptable. This is reinforced by the site location opposite the station and in close proximity to Rayleigh Town Centre.
- 5.35 In order to overcome previous concerns regarding the internal operation of the access the site area has been reduced slightly to allow a greater area within Philpot House for larger vehicles to manoeuvre without causing a conflict with other users of the area. The County Surveyor (Highways) does not object to this arrangement but notes that the access into the site should be widened from 5m to 6m. This can be dealt with through condition.
- 5.36 Further space for emergency vehicles has been proposed, controlled by bollards, with access from Crown Hill. The County Surveyor (Highways) comments that this should be removed. At present there are accesses for three dwellings from Crown Hill. The application will remove these accesses and direct all vehicle movements associated with the day to day operation of the site through the rear access. Therefore, whilst the County Surveyor's concerns are noted, the provision of a singular access for the occasional use of 1 emergency vehicle is not considered unreasonable. This will require appropriate control through condition.

#### **AMENITY AREA**

- 5.37 The application of the Council's standards for provision of communal amenity areas would require a total provision of 600 square metres for the proposal. The application provides a total of approximately 520 square metres. Whilst this is slightly below standard, given that this is a flatted scheme in close proximity to the town centre it is considered acceptable in this location.

#### **Relationship to Existing Properties**

- 5.38 **PHYSICAL BUILDING**  
The footprint of the proposed building would not be traditional when compared to the residential properties that would surround it to the north and east. The proposed built form, in particular the gabled elements to either end, would extend further into the plot than the current dwellings on the site. The footprint of the proposal would not be dissimilar to that of Philpot House.
- 5.39 The proposal is sited within the plot such that a distance of 24m would be created between the rear most point of the built form proposed and the rear site boundary. Therefore the back to back distances between the proposal and the surrounding properties in Castle Drive and Mount Close would be in excess of this and therefore in full compliance with the Council's adopted spatial standards.

- 5.40 The rear facing windows proposed at first and second floor would relate predominantly to bedrooms and four lounges (on each floor). These rooms would be associated with less activity that could lead to overlooking and when considered in conjunction with the back to back distances and the drop in levels from Castle Drive to the application site the resultant relationship is thought to be acceptable.
- 5.41 **ACTIVITY**  
By virtue of the provision of an access through Philpot House the proposal would result in an increase in movements through the Philpot House site, which has a boundary with 2a Castle Drive.
- 5.42 The existing use of the site by Philpot House for the parking and movement of vehicles is uncontrolled. The key issue is whether the introduction of potentially 24 vehicles regularly entering and leaving the site would increase that noise and nuisance to an unacceptable level that would adversely impact on residential amenity. Whilst residents' concerns regarding this issue are noted it is considered that it is unlikely that this would occur, particularly given the elevated position of 2a.
- 5.43 **Protected Species**  
The applicant undertook an Amphibian and Reptile Survey as part of the outline application 04/00158/OUT, which put forward appropriate management and mitigation strategies for protected species on the application site, and this report forms part of the consideration of the current application.

## CONCLUSION

- 5.44 Whilst the proposal would be viewed from surrounding dwellings and extend beyond the immediately adjacent 44b it is considered that siting of the new building and its size, mass, bulk and design and distance to the boundaries of the site is such that there is not the potential for a material loss of residential amenity through loss of outlook privacy or light.
- 5.45 The provision of a well designed three storey building in this location is considered acceptable and whilst different in character to the surrounding properties would not result in harm to the street scene sufficient to resist the scheme.
- 5.46 The means of access has been modified to overcome previous concerns and, subject to appropriate conditions, is considered acceptable and has the support of the County Surveyor (Highways).

## RECOMMENDATION

- 5.47 It is proposed that this Committee **RESOLVES** to **APPROVE** the application, subject to the completion of a **SECTION 106 LEGAL AGREEMENT** covering the following:
- i. An education contribution of £23,392;

- ii. All access to the site (except emergency vehicles) to be via Castle Drive and Philpot House, no access from Crown Hill;
- iii. Provision of a traffic warning sign within Station Road on the approach to Castle Drive.

and the following heads of condition:

- 1 SC4 Time Limits
- 2 SC14 Materials to be submitted
- 3 SC23 Obscure Glazing
- 4 SC22A PD Restricted Windows
- 5 SC50 Means of Enclosure
- 6 SC59 Landscape Design Details – Full
- 7 SC76 Parking and Turning
- 8 Provision of Compound and Parking Area for Site Construction
- 9 Widening of Access to 6m
- 10 Implementation of Mitigation and Management for Ecology
- 11 Provision of Bollards across Emergency Vehicle Bay

### **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, highway safety or residential amenity such as to justify refusing the application; nor to surrounding occupiers in Crown Hill, Castle Drive or Mount Close, Rayleigh.

### **Relevant development plan policies and proposals:**

H11, H16, H24, TP15 of the Rochford District Local Plan First Review

HP6, HP18, HP11, TP9 of the Rochford District Local Plan Second Deposit Draft



Shaun Scrutton  
Head of Planning Services

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

## **PLANNING SERVICES COMMITTEE - 20 January 2005 Item 6**

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**TITLE :** 04/00926/FUL  
**REDEVELOPMENT OF THE SITE FOR RESIDENTIAL PURPOSES, COMPRISING THREE DETACHED BLOCK OF FLATS BLOCK A (TO FRONT OF SITE) 2 STOREY INCORPORATING 6 X 2 BED FLATS BLOCK B (TO NW OF SITE) 3 STOREY INCORPORATING 3 X 2 BED FLATS BLOCK C ( TO EAST SIDE) 3 STOREY INCORPORATING 6 X 2 BED FLATS AND 3 X 1 BED FLATS OFF STREET CAR PARKING TO THE CENTRE OF THE SITE WITH ALL ACCESS DIRECT OFF OAST WAY 5 WEIR POND ROAD ROCHFORD**

**APPLICANT :** ALLIED CONSTRUCTION LTD

**ZONING :** RESIDENTIAL, CONSERVATION AREA

**PARISH:** ROCHFORD PARISH COUNCIL

**WARD:** ROCHFORD

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### **PLANNING APPLICATION DETAILS**

- 6.1 Full planning permission is sought for the demolition of the existing building at the site and the redevelopment of the site to accommodate 18 self contained flats.
- 6.2 The flats are to be accommodated within three separate blocks, with the mix being:-
- 6.3 BLOCK A:- Located to the front of the site facing Weir Pond Road is to be a full two storey in height (6 x 2 bed flats)  
BLOCK B:- Located to the NW part of the site is to be a full three storey in height ( 3 x 2 bed flats)  
BLOCK C:- Located to the east of the site is to be a full three storey in height ( 6 x 2 bed flats and 3 x 1 bed flats)
- 6.4 It is proposed to block up the existing vehicular accesses to the site direct from Weir Pond Road and to access this proposed development direct from Oast Way to the rear of the site. The access from Oast Way provides access to a car park court for 18 spaces (100%) which is located within the central portion of the site.
- 6.5 The site as a whole provides 373 sq m of communal amenity space. This is located within three distinct areas of the site, and located adjacent to each of the blocks.

**DESIGN AND APPEARANCE OF BLOCKS:-**

- 6.6 Block A:- This is a full two storey property with pitched roof over and with an 'L' shaped footprint. The elevation onto Weir Pond Road incorporates a projecting gable feature to one end and proposes the use of plain tiles to the roof and the use of stock brickwork and coloured render to the walls. The rear elevation incorporates a double gable feature and also the main entrance to the block. There is no access to the building direct from Weir Pond Road. The height of this building is 9m excluding the chimneys.
- 6.7 Block B:- This is a full three storey property incorporating a pitched roof over. The footprint of this block is almost square incorporating a front projecting gable, the access to this block is direct from the proposed car park court. This block is sited respecting the front and the rear building lines of the existing property in Oast Way. The proposed materials are to be plain tiles to the roof and stock brickwork walls. The height of this block is 11.6m.
- 6.8 Block C:- This is a full three storey property incorporating a pitched roof over, with projecting central gables to the front and the rear of the block. The footprint of this block is rectangular and due to the site constraints on this eastern boundary this block is to be sited in advance of the front building line of the existing properties in Oast Way and has access direct onto the central parking court. The proposed external materials to this building are stock brickwork and plain tiles to the roof. The height of this block is 11.7m

**SITE AND SURROUNDING AREA:-**

- 6.9 The existing site is located in the Conservation Area at Weir Pond Road and is partially surrounded by residential and commercial units. The site is currently occupied by 'Blackwells' the model/hobby shop, which is housed in a utility factory style building, and surrounded by hard landscaping that is used for informal storage and vehicle parking.
- 6.10 This part of Weir Pond Road is predominantly, small scale one and a half to two storey residential buildings. Immediately facing this site are a row of small weather-boarded/rendered cottages with rooms in the roof/dormers at first floor level, adjacent to these cottages is the larger commercial complex (Does).
- 6.11 To the western boundary of the site are Nos 1 and 3 Weir Pond Road, which are two storey brick built/rendered buildings containing ground floor shops with residential over. Immediately adjacent to the eastern boundary is an industrial/commercial building and to the front of this block fronting onto Weir Pond Road is a commercial unit which has recently been constructed in a two storey form and residential style. Further to the east is a new residential block of flats of 12 self contained flats and a height of 9.6m with accommodation on three floors (including accommodation within the roof space).

# RELEVANT PLANNING HISTORY

- |      |   |                  |
|------|---|------------------|
| 6.12 | 96/00256/OUT 40 bed elderly persons home            | Refused 10/07/96 |
| 6.13 | 96/00528/COU Change of use from timber yard to shop | Granted 29/01/99 |

# CONSULTATIONS AND REPRESENTATIONS

- 6.14 **FIRST ROUND:-** 14 letters of objection has been received commenting in the main on the following issues:-  
 Not in keeping with the other properties in the area, roads are too congested, parking problems in the area and vehicle movements will be a hazard to children playing in the area. Will be used as a short cut, graffiti and other health hazards will ensue, loss of light/sunshine and dust would be worse. Oast Way unsuitable for additional traffic, and as a cul-de-sac increase in traffic would be harmful. Contractors' lorries, deliveries and refuse collection vehicles would be hazardous, may lead to an increase in on-street car parking on Weir Pond Road removing the potential for parking by existing residents, remote parking from dwelling has resulted in an increase in vandalism. Council should introduce a residents parking scheme, lack of visitor parking, development should be scaled down considerably, loss of privacy, sewage system insufficient to accommodate the extra capacity, bin store too close to existing residential properties causing vermin and smell problems. Residential on this site may conflict with neighbouring commercial units, overlooking, loss of property values, reduced access width causing highways safety issues, there has been a previous refusal on the site, may give rise to an increase in crime due to youths congregating at the site. Not a suitable site for high density flats, loss of the unit will affect the local economy, if pedestrian access is proposed from Weir Pond Road to Oast Way this would lead to a high number of users especially those who currently use the access from North Street. Front boundary walls should be of a height in order to prevent access over the site, traffic in the area will get worse when the development in the hospital gets underway.
- 6.15 A petition signed by 72 local residents has been received objecting to the erection of three monstrosities at the site.

# FIRST ROUND

- 6.16 **Rochford Parish Council:-** Members felt that the development should be the same height as the neighbouring development, particularly bearing in mind the effect on the conservation area. There were also concerns about the traffic impact on Oast Way, Members would like to see a traffic impact study carried out.
- 6.17 **Buildings and Technical Support:-** No objections. Observes public sewer in Weir Pond Road only public surface water sewer in Oast Way only
- 6.18 **Building Control Manager:-** No comments

- 6.19 **The Environment Agency:-** The site is within 250m of a known waste disposal site.
- 6.20 **Essex County Highway Officer:-** No objections subject to conditions that prohibit access to the site from Weir Pond Road, the access onto Oast Way shall be a bound material, and that a compound for the parking of contractors' vehicles and materials prior to the commencement of work.
- 6.21 **Essex Police Architectural Liaison Officer:-** Recommends that the scheme should be designed utilising secured by design guidelines in order to reduce opportunities for crime and anti social behaviour.
- 6.22 **Essex County Council Conservation Officer:-** I have no objection to the general character of the scheme, but the designs of the buildings are at odds with the Essex Design Guide (pp 38-39) and would be unacceptable in many respects. The site is in the conservation area, opposite a row of attractive listed cottages, and a high standard of design is required.
- 6.23 The depth of the plans is generally too great for buildings which are based on the vernacular building tradition. This has led to wide gables and slack pitched roofs, for which plain tile would be unsuitable.
- 6.24 The various projection gables, such as at the front of blocks A and C are merely applied surface decoration and do not project far enough to make any real architectural statement. Their roof pitches look even slacker than those of the main buildings. The use of two windows in the gable ends would produce undesirable 'duality' (EDG p.42).
- 6.25 The extensive use of balconies and railings will produce an over fussy effect. They are out of character with the Conservation Area and should be limited or omitted.
- 6.26 The small paned windows look rather too wide in their proportions. The use of small, square sash windows should be confined to the second floor of the 3 storey elevations, in the casual manner, and they should not be combined with those of more usual vertical proportions, as on block A. Upvc windows would not be considered acceptable in a conservation situation.
- 6.27 With more articulation, narrower plan forms and more sympathetic detailing, this scheme could be made acceptable in the Conservation Area, but I could not recommend permission.
- 6.28 **Essex County Council Urban Designer:-** Concurs with the comments from the Historic Buildings Team in terms of the building form and detailing.

- 6.29 In terms of the arrangement of the dwellings this is generally acceptable . A turning head may, however, be required within the development...the appearance of the car parking area is also important as this is public frontage. I would suggest that the whole of this area (including any turning facility) is surfaced in high quality materials such as setts and the delineation of the car parking spaces is not prominent. Tree planting (in grilles) could also enhance this space. The boundary edges that can be viewed from the parking square should be in 1.8m high walling.
- 6.30 **The Environment Agency:-** Comments on the need for the development to promote a sustainable drainage scheme and that the proposed development should not pollute the existing water courses of the area.
- 6.31 **London Southend Airport:-** No safeguarding objections.

### **MATERIAL PLANNING CONSIDERATIONS**

#### Principle

- 6.32 **RESIDENTIAL** The site is located within the defined residential part of Rochford and as such the redevelopment of the site for the residential purposes would accord with both Government advice and development plan policies that aim to steer development to appropriate locations as well as maximising the developable potential of these suitable sites.
- 6.33 The redevelopment of the site for residential may help to reduce the pressure on the development within the Green Belt.
- 6.34 **THE SCALE AND CHARACTER OF THE AREA** The existing residential properties to the rear of the application are terraces of town houses and are a full three storey in height; given this there is no objection to the principle of three storey accommodation on part of the site. The wider area though is mixed residential and commercial property with the conservation area being of predominantly two storeys in height.
- 6.35 **LOSS OF THE EXISTING BUSINESS** In terms of the site's local plan land use allocation it is located within the Rochford Conservation Area and also within the residential area. Given these allocations and whilst the Local Plan comments on the desire to support local businesses within the district there are no specific policies relating to the existing business on the application site requiring that it be retained and/or provided elsewhere to meet the needs of the local community. A refusal based on the loss of the existing business could not therefore be substantiated.



6.36 FLATS The local plan comments that it is important that the range of dwelling types being provided in any local authority area is as wide as possible in order to cater for the demands from different sectors of the population. In addition subject to the development not adversely affecting the character of the area then 'in town centres and urban situations it may be possible to accommodate proposals at a higher density'. Further the precedent of purpose built flats within the Rochford area has been established for a significant period of time and is evident by the new development adjacent to No 19 Weir Pond Road.

6.37 In this case an in principle objection to purpose built blocks of flats could not be substantiated.

#### Height/Street Scene

6.38 The application proposes two distinct styles of property; full three storey properties to the rear of the plot and a two storey 'cottage' style property to the front of the site facing Weir Pond Road. This layout and scale of property is considered, in this instance, to be acceptable as the rearward blocks would echo the size and scale of the existing town house in Oast Way, and the smaller frontage building would more closely respect the scale and style of development that comprises the wider conservation area.

6.39 The site is to be accessed from Oast Way to a central car park court within the site terminated by the rear of the proposed frontage building, therefore creating and retaining the cul-de-sac road layout of this part of Oast Way. When seen from this side of the site, albeit the properties having a different external appearance from the existing properties in Oast Way, it would be read very much as an extension to the existing road and property layout and as such would not be considered to be out of scale and character with this site and the wider area.

6.40 The scheme proposes a two storey block to the front of the site adjacent to the site's boundary with Weir Pond Road. The siting of this building onto the back edge of the footpath follows the historic precedent of the historic properties within this and other conservation areas and historic centres. The building does not have any street doors on the Weir Pond Road elevation; this in itself is not necessarily objectionable, the new block of flats to the east of the site adjacent to No 19 Weir Pond Road similarly does not have any street doors.

6.41 The scale, form and design of the two storey block is appropriate and is considered to make a positive contribution to this part of Weir Pond Road in particular and to the wider Conservation & Residential areas in general.

#### Relationship With Neighbouring Properties

6.42 BLOCK A:- The location and design of Block A (frontage building) is such that there will be no adverse impacts upon the occupiers of the adjacent/opposite properties.

- 6.43 BLOCK B:- The location of Block B (NW corner) respects the front and rear building line of the adjacent building in Oast Way, the northern flank windows of the application building will face a blank flank wall of the existing property in Oast Way with only limited angled views across rear gardens and as such there should not be any undue loss of residential amenity upon the occupiers of these properties.
- 6.44 Given the distance to the rear of the properties to the south of this block, the intervening garden and windows to the main stairwell there should not be any material loss of residential amenity to the occupiers of the properties in this part of Weir Pond Road.
- 6.45 The rear elevation of this property has a window pattern of three windows per flat. It is considered that the distances to the rear of properties in North Street, their intervening gardens and car parking, the non direct back to back relationships of these properties are such that a refusal based on the loss of residential amenity could not be substantiated.
- 6.46 BLOCK C:- The location of Block C (NE corner) is such that it would not give rise to an undue loss of residential amenity to the occupiers of the existing properties in Oast Way. It is accepted that due to the site constraints the block's precise siting is in advance of the front building line of the existing properties in Oast Way by some 5.5m. This is considered, due to the separation between the corresponding flanks of these properties, and the subsequent oblique angle views that there would not be a loss of residential amenity sufficient to justify a refusal of planning permission.
- 6.47 The bulk of the rear of this block overlooks the commercial 'factory' unit immediately adjacent to the east; further to the east it would overlook the car park court of the new block of flats (adjacent to No 19). From the upper floors of this block there will be views across the rear gardens of the properties in Oast Way. It is considered that given the acute angle views, the distance involved, the intervening land and that the overlooking would be no worse than from the existing properties in Oast Way, then a refusal based on this loss of amenity could not be substantiated.

#### Access/Parking

- 6.48 Access to the site is from an extension to the Oast Way highway, providing access to a central parking court. The existing frontage vehicle access points onto Weir Pond Road are to be closed. There are two reasons for this, one being highway safety; the approach from North Street into Weir Pond Road is a blind bend and the removal of the access to/from Weir Pond Road would improve both highway and pedestrian safety. The second reason relates to the desire to ensure that the full developable potential of the site is secured at the same time making sure that the development is of a design that is appropriate for its Conservation Area location (development hard up against the back edge of the footpath Weir Pond Road).

- 6.49 The parking at the site is within a central parking court accessed direct off an extension to Oast Way. The car parking court provides space and turning for 18 cars (100%) and a refuse/bin enclosure.
- 6.50 A car parking provision of 100% one for each flat is considered to be acceptable in this instance given the balance that needs to be struck between the desire to maximise the developable potential of the site, against the desirability of the new scheme as well as safeguarding the amenities of the occupiers of the adjacent properties/plots.
- 6.51 In addition this level of provision is considered to be appropriate given the site's location close to the commercial centre of Rochford and close to public transport links.
- 6.52 The access and car parking arrangements have, subject to conditions, the support of the County Highway officers.
- 6.53 A refusal based on the level of car park provision and / or the fear of an increase in indiscriminate on street car parking could not be substantiated.

#### Amenity Space

- 6.54 The amenity space provision at the site is in the region of 24 sqm per flat, the local plan standard requires 25sqm per unit. This modest shortfall is considered to be appropriate given the site location within the centre of Rochford and the precedent set by the new development adjacent to No 19 Weir Pond Road.

#### **CONCLUSION**

- 6.55 The application has been revised since the application was originally submitted. The revisions have been to the internal layout of block B and the articulation and window arrangements to all of the proposed blocks and a full reconsultation has been carried out with responses awaited. These revisions have addressed concerns of the County Conservation Officer and moreover it is considered that the design and appearance of the proposed blocks are acceptable and would make an important contribution to the street scene and townscape character of this part of the Rochford Conservation Area.

#### **RECOMMENDATION**

- 6.56 It is proposed that this Committee **RESOLVES** to **APPROVE** this application subject to the following conditions:-
- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
  - 2 No development shall commence before details of all external facing (including windows and doors) and roofing materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Such materials as may be agreed in writing by the Local Planning Authority, shall be those used in the development hereby permitted.

- 3 Notwithstanding the details shown on the plans hereby approved all windows and doors shall be formed using timber and be painted. No other material or finish shall be used unless previously approved in writing by the Local Planning Authority.
- 4 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) the window(s) marked OBS on the approved drawing(s) 04 6092 – 07, 04 6092 – 06 and all windows on the eastern elevation of Block C, shall be glazed in obscure glass and shall be of a design not capable of being opened below a height of 1.7m above first floor finished floor level. Thereafter, the said windows shall be retained and maintained in the approved form.
- 5 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) no enlargement of or the provision of additional windows, door or other means of opening shall be inserted on any of the elevations hereby permitted, in addition to those shown on the approved drawings.
- 6 No development shall commence, before plans and particulars showing precise details of any gates, fences, walls or other means of screening or enclosure, to be erected, have been submitted to and agreed in writing by the Local Planning Authority. Such details of screening or other means of enclosure as may be agreed in writing by the Local Planning Authority, shall be erected prior to the buildings to which they relate first being occupied and thereafter maintained in the approved form, notwithstanding the provisions of Article 3, Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification).
- 7 The development shall not be occupied before the car parking spaces shown on the approved drawings have been defined or otherwise marked on the finished surface of the car parking areas, in accordance with details which shall previously have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the said car parking spaces shall be used solely for the parking of vehicles and for no other purpose which would impede vehicle parking.
- 8 The development shall not be occupied before the car parking areas shown on the approved drawings have been laid out and constructed in their entirety and made available for use. Thereafter, the said car parking areas shall be retained and maintained in their approved form and used solely for the parking of vehicles and for no other purpose which would impede vehicle parking.
- 9 No development shall commence, before written details of a scheme to deal with the contamination of the site so as to render the land innocuous, which shall include details of the investigation and assessment undertaken to identify the extent of contamination and the measures to be taken to avoid risk to when the site is developed, have been submitted to and agreed in writing by the Local Planning Authority and the full extent of any measures as may be agreed have been implemented in their entirety.

- 10 No development shall commence, before written results have been submitted to the Local Planning Authority, of a soil survey of the site (at such depths and in such locations as may previously be stipulated in writing by the Local Planning Authority) and a scheme for the decontamination of any contaminated areas as may have been revealed by the survey, submitted to and agreed in writing by the Local Planning Authority. Any decontamination scheme as may be agreed in writing by the Local Planning Authority shall be implemented in its entirety and completed before.
- 11 No development shall commence before plans and particulars showing precise details of a satisfactory means of surface water drainage (including attenuation measures if appropriate) for this site, have been submitted to and agreed in writing by the Local Planning Authority. Any scheme of drainage details as may be agreed in writing by the Local Planning Authority, shall be implemented commensurate with the development hereby permitted and made available for use upon completion of the development .
- 12 No development requisite for the erection of the development shall commence before plans and particulars showing precise details of a satisfactory means of foul water drainage for this site have been submitted to and agreed in writing by the Local Planning Authority. Any scheme as may be agreed in writing by the Local Planning Authority shall be implemented commensurate with the development hereby permitted and made available for use prior to the occupation of the buildings to which they relate.
- 13 Prior to the beneficial occupation of the site the vehicular access onto Weir Pond Road shall be sealed in a manner to be approved by the Local Planning Authority and the footway along the site frontage shall be re-instated to a width not less than 2m.
- 14 Prior to the beneficial occupation of the site the car parking area and access onto Oast Way shall be constructed and completed in permanent materials as approved by the Local Planning Authority for a distance not less than 6m from the nearest edge of the highway.
- 15 Prior to the commencement of any works on site there shall be provided an area for the parking of operatives' vehicles and the reception and storage of building materials clear of the highway.

#### **REASON FOR DECISION**

The proposal is considered not to cause demonstrable harm to any development plan interests, nor harm to other material planning considerations including residential amenity such as to justify refusing the application.

**Relevant Development Plan Policies and Proposals**

H11, H15, H16, H12, H2, H19, H24 of the Rochford District Local Plan First Review



Shaun Scrutton  
Head of Planning Services

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

## PLANNING SERVICES COMMITTEE - 20 January 2005 Item 7

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TITLE : 04/00925/CON  
DEMOLITION OF SHOP/WORKSHOP  
5 WEIR POND ROAD ROCHFORD

APPLICANT : ALLIED CONSTRUCTION LTD

ZONING : RESIDENTIAL, CONSERVATION AREA

PARISH: ROCHFORD PARISH COUNCIL

WARD: ROCHFORD

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### PLANNING APPLICATION DETAILS

- 7.1 Conservation Area Consent is sought for the demolition of the existing building at the site. Formal consent is required in this instance given the site's location within the Rochford Conservation Area.

### RELEVANT PLANNING HISTORY

- 7.2 Planning application ref 04/00926/FUL seeks to redevelop the site with 18 flats in 3 blocks, as reported previously with a recommendation of approval in this schedule.

### CONSULTATIONS AND REPRESENTATIONS

- 7.3 **Essex County Council Conservation Officer:-** This building has no historic or architectural interest, and could not be said to make a positive contribution to the character or appearance of the conservation area. I would have no objections to the granting of Conservation Area Consent for demolition, when a full detailed application for a replacement building has been approved.
- 7.4 **English Heritage:-** On the basis of the information provided we do not consider that it is necessary for this application to be notified to English Heritage under the statutory provisions and therefore have no comments to make.
- 7.5 **Essex County Council Highways Officer:-** No objection, subject to conditions controlling the demolished materials clear of the highway and that all vehicles must leave the site in a forward gear.
- 7.6 **The Environment Agency -** comments that any residential development should discharge into the existing sewers, and that their consent is required if any culverting is proposed.
- 7.7 The occupier of No 5 Middle Mead objects to the provision of more flats in the area and loss of light.

- 7.8 The Occupier of 3 Weir Pond Road objects as the demolition would create noise, dirt and dust and therefore result in the environmental pollution of the area. The building may contain hazardous materials; these should be disposed of properly given the potential health and safety risk to existing residential properties.

**MATERIAL PLANNING CONSIDERATIONS**

- 7.9 It is considered that given that there is a suitable and appropriate scheme for the redevelopment of this site ( under planning application 04/00926/FUL) then there is no objection to the demolition of this building.
- 7.10 Notwithstanding the above comments it is considered that the existing building is of utilitarian appearance and does not in itself make a positive contribution to this part of the Conservation Area, and as such there is no objection if it were demolished and removed from the site.

**RECOMMENDATION**

- 7.11 It is proposed that this Committee **RESOLVES** to **APPROVE** the application, subject to the following conditions:-
- 1 SC4 Time Limits Full - Standard
  - 2 The loading of the demolished materials shall be carried out clear of the highway and the material on the vehicles shall be appropriately covered so as to prevent dust and deleterious matter from being deposited on the highway.
  - 3 All vehicles entering and leaving the site shall do so in forward gear only.
  - 4 There shall be no demolition of the existing buildings at the site nor shall there be removal of materials from the site, nor shall there be any vehicle movement to and from the site outside of the following times:-  
07.00 – 18.00 Monday to Friday and  
07.00 – 13.00 Saturday and not at all on  
Sundays, Bank and Public Holidays.
  - 5 At no times shall there be the burning (bonfires) of demolished material anywhere on the application site.
  - 6 SC95 Demolition -redevelopment



**REASON FOR DECISION**

The proposal is considered not to cause demonstrable harm to any development plan interests, nor harm to other material planning considerations including residential amenity such as to justify refusing the application.

**Relevant Development Plan Policies and Proposals**

UC1, UC5 of the Rochford District Local Plan First Review



Shaun Scrutton  
Head of Planning Services

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

**TITLE :                    04/00675/ REM  
DETAILS OF 129 DWELLINGS COMPRISING 38 No. FOUR  
BEDROOMED HOUSES, 33 No. THREE BEDROOMED  
HOUSES, 11 No. TWO BEDROOMED HOUSES, 4 No. TWO  
BEDROOMED APARTMENTS AND 43 No. TWO  
BEDROOMED APARTMENTS FOR KEY WORKERS IN A  
MIXED DEVELOPMENT OF TWO , TWO AND A HALF AND  
THREE STOREY FORM WITH ESTATE ROADS  
PARK SCHOOL RAWRETH LANE RAYLEIGH**

**APPLICANT :            GEORGE WIMPEY EAST LONDON LTD**

**ZONING :                EXISTING SECONDARY SCHOOL**

**PARISH:                RAYLEIGH TOWN COUNCIL**

**WARD:                  DOWNHALL**

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#### **PLANNING APPLICATION DETAILS**

- 8.1    This application is to the site of the former Park School located on the southern side of Rawreth Lane opposite the junction Parkhurst Drive.
- 8.2    The site received outline Planning Permission for a mixed use development under application 01/00762/OUT ON 18<sup>th</sup> June 2003. The current application is submitted as details pursuant to that outline.
- 8.3    This application was originally submitted for 144 dwellings comprising 71 Four bedroomed, 27 three bedroomed houses, 3 two bedroomed apartments and 43 apartments for key workers. The applicants, however, revised the layout to take into account the Council's garden area requirements, the early views of Essex County Council's Principal Urban Designer and Regeneration officer.
- 8.4    The revised scheme was again subject to reconsultation. A minor revision to the layout was received on 13<sup>th</sup> December to correct the handing of the Chisnal House type and affecting 14 plots.
- 8.5    The current application is for 129 dwellings overall and comprises 38 Four bedroomed Houses over five different house types, 33 Three Bedroomed Houses over four different house types, 11 Two bedroomed Houses between two house types and 4 Two bedroomed apartments. The apartments are at first floor level located above garaging to the ground floor.

- 8.6 The housing area is composed of a mixture of detached, semi detached, linked and terraced forms fronting the estate road and private drives.
- 8.7 The Key worker housing units comprise 43 two bedroomed apartments proposed to buildings of predominantly three storey form and located at the northern end of the site around car parking and communal amenity areas.
- 8.8 The application is accompanied by a travel assessment, a Travel Plan and flood risk assessment considered in more detail below.

**Development Plan Policies**

- 8.9 The site is allocated as Existing Secondary School in the Rochford District Local Plan First Review (1995).
- 8.10 The site is allocated for Mixed Use Development in the Second Deposit Draft Rochford District Replacement Local Plan (May 2004).

**RELEVANT PLANNING HISTORY**

- 8.11 01/00762/OUT  
Outline application for a mixed use development comprising housing, neighbourhood centre, public open space primary school and leisure centre.  
Permission Granted 18<sup>th</sup> June 2003.
- 8.12 04/00612/REM  
Details of Spine Road, Associated Footpaths and Footpath/Cycleway, Roundabout and turning facilities  
Permission Granted 26<sup>th</sup> August 2004.
- 8.13 04/00677/REM  
Details of two storey building to provide Sports and Leisure Centre with outside playing areas, Skateboard Park, access and parking areas.  
Permission Granted 21<sup>st</sup> October 2004.

**CONSULTATIONS AND REPRESENTATIONS****Rawreth Parish Council**

- 8.14 **First Round** – Consider the scale of the development is out of place with its location. The proposal exceeds the Government's density requirements of 30–50 dwellings per hectare; does not conform to the Essex Design Guide, out of step with other developments in the area; more suited to a town than edge of Green Belt.
- 8.15 **Second Round** – welcome the reduction in the number of units but repeat previous objections.

**Rayleigh Town Council**

- 8.16 **First Round** – Object on the grounds of overdevelopment and will put pressure on local amenities such as doctors, schools, public transport and sewerage systems.

**Second Round** – Repeats the above objections.

**Rayleigh Civic Society**

- 8.17 **First Round** – Concerned about the poor layout of the dwellings and the inappropriateness of the large blocks given the edge of the rural countryside; Architecture gives a prison like appearance; very high density; proposed footpath link is too long.

- 8.18 **Second Round** – Concerned at the three storey dwellings, one in particular on the north east side of the site needs to be split up into two separate blocks to reduce its overbearing appearance.

- Absence of landscaping details;
- Questions access to Swayne Park;
- Requests shopping facilities be provided;
- Absence of surface treatment to be used for access and garages;
- States the density appears to be 13.6 dwellings per acre or 95.5 bedspaces per hectare;
- Comments that little consideration appears to have been given to the provision of leisure facilities for the occupants of this development.

**Sport England**

**First Round** – No comments to make.

- 8.19 **Essex County Council Specialist Archaeological Advice**

Advise that the development area has been fully evaluated with no archaeological deposits being found. No recommendations to make.

- 8.20 **English Nature**

**Second Round** - Advise that the legislative issues with regard to protected species appear to be adequately addressed by the findings and recommendations of the 2003 report.

- 8.21 Advise further that protected species may have re occupied the site during the time that has lapsed since the last survey. Advise that the Local Planning Authority should consider whether or not an updated survey will be necessary before work commences.
- 8.22 Recommend further that the Local Planning Authority consider the report's proposal for a "buffer strip" or wildlife corridor.
- 8.23 **Essex County Council Principal Urban Designer and Regeneration Officer**
- 8.24 **Second Round**  
Comments that there has been some improvement in the road layout but the arrangement of the dwellings has become more fragmented resulting in less continuous two storey frontage with dwellings of more fragmented appearance.
- 8.25 The sawtooth arrangement of dwellings fronting the new access road still remains and the revised proposal has omitted many of the trees, which should be reinstated.
- 8.26 Notes the strange projections of walling to plot 63 and 86; these appear incongruous and serve no purpose.
- 8.27 The disposition of the flats has improved though there needs to be more visual relief to the surfaced car parking area which can be achieved with trees and grilles between some of the spaces.
- 8.28 Suggests that the car parking area be block paved.
- 8.29 Advises that the amenity space provision appears at less than 25 square metres per flat and therefore the developer should provide some balconies for some of the flats.
- 8.30 The emergency access to the school should have a different character to the main carriageway. Beyond the turning head the surfacing could be different and the carriageway narrowed.
- 8.31 With regard to the house types consider that the apartments are dreadful, lacking a hierarchy to the fenestration resulting in unbalanced appearance. The half dormers will result in a mass of down pipes. Recommends a full three storey elevation would be preferable.
- 8.32 The skin deep gable of the corner blocks should also be omitted. The change in brick colour of the end blocks and the panels above the entrances should also be avoided.
- 8.33 With regard to the Chisnall 2 and York 2 there is a duality of fenestration. There should be one centrally placed window on the first floor to reinforce the central axis of the gable . On the York 2 there needs to be articulation in wall plane between the front gable and the link.

8.34 With regard to the Nova, the dormers should be set within the roof plane.

8.35 **Essex County Council Highways and Transportation**

8.36 **First Round** – No objections raised to the proposal, subject to the following

- 1) Necessary steps being taken to ensure the continued safe and unobstructed passage of users of the definitive public footpath
- 2) If the route of the definitive footpath is to be varied the applicant should be asked to enter into an appropriate agreement to cover the legal diversion of the path
- 3) None of the dwellings should be brought into beneficial use until the estate road has been constructed up to an agreed level. The footways and footpaths commensurate with the frontage of each dwelling should be constructed and completed within twelve months from occupation of the dwelling.
- 4) The roundabout forming the primary access into the application site will need to be the subject of a safety audit.
- 5) Internal road layout appears based upon a road type 4 but with two 1.8 metre wide footways which as a cul-de-sac can serve up to 100 dwellings. If the school does not go ahead any continuation of the road system from the current application site south of the school boundary would need to be provided with a second junction onto the major access road.
- 6) To ensure that the maximum number of dwellings served from this road type has not been exceeded, a plan should be submitted showing which houses and their associated parking arrangements have access other than from the internal estate road system.
- 7) Some aspects of the layout design are unclear such as the status of the access to plots 64 – 69 and 34 – 41.
- 8) Purpose of the area described as an “Urban Square” serving as access to plots 34 – 41 is also unclear unless to form traffic calming measure. Swept paths of surface vehicles will need to be confirmed. This similarly applies to the area adjacent to plot 61 leading to the parking court behind plot 48 which is unsatisfactory as it utilises the footway outside plot 53 within the overall width of the opening.
- 9) There should be no access either vehicular or pedestrian between this development and the proposed school site to ensure that parents are not tempted to park within the estate to the inconvenience of future residents.
- 10) The two independent footpath links between the development and the primary access road should, together with the link from the estate via the flats to Rawreth Lane, be of suitable dimensions to both legally and practically accommodate cycles. All independent footpaths/cycleways may need to be drained but will have to be lit and laid out in accordance with current practices.

Advise further that the submitted application has not been accompanied by a Travel Assessment or Travel Plan.

**Second Round**

- 8.37 No objections raised to the proposal, subject to the following;
- 8.38 Repeats points 1,2,3,5,9,10, above.
- 8.39 Comment that the roundabout forming part of the infrastructure road is subject to outstanding audit. Recommends that until this matter is resolved no house building work be carried out within the vicinity of the roundabout .
- 8.40 Comment that the purpose of the raised areas previously described as Urban Square serving plots 20–34 and 40–56 is to form traffic calming measures. The shared surface is unacceptable here. Furthermore the swept path of vehicles would need to be confirmed through these areas.
- 8.41 Recommends the following Conditions (summarised)
- 1) Condition to prevent the fitting of doors or gates on the highway approach side of any car ports or covered parking area.
  - 2) In situations where a road is provided with two footways at least one of them is provided to a width of 2 metres
  - 3) The carriageways of the proposed estate roads be constructed up to at least base level prior to the commencement of the erection of any residential development – and construction up to base course to ensure prior to occupation each dwelling has a properly consolidated and surfaced carriageway.
  - 4) Submission of details of proposed surface finishes of access ways intended for adoption. All statutory undertakers equipment and services shall be laid prior to the erection of dwellings intended to take access there from.
  - 5) 1.5 m x 1.5 m pedestrian visibility splays to be provided on both sides of all vehicular accesses.
  - 6) The first 6 metres of any private access way shall be finished with a bound surface dressing.
  - 7) Any gates erected should open away from the highway and sited a minimum of 1.5 metres back from the highway
  - 8) The convenient location of any visitor cycle parking near to the entrance of buildings
- 8.42 And informatives (summarised):-
- a) Serving of each dwelling by operational system of street lighting
  - b) In situations involving single width drives where gates are located behind the pedestrian visibility splay as long as the gates are in pairs, acceptable to open outwards towards the highway.
  - c) Cycle parking to be in accordance with Council Standards
  - d) Steps to be taken to ensure the developer provides sufficient turning and off loading facilities for delivery vehicles within the limits of the site, together with off street parking for employees on site.

- e) Agreement of a regime for street cleansing for the duration of the construction works
- f) All works affecting the highway to be carried out to the satisfaction of the Area Manager.

8.43 Advise that the travel plan as revised on 8<sup>th</sup> December is acceptable.

8.44 Comments on travel assessment - awaited.

8.45 **Essex Police Architectural Liaison Officer**

8.46 **First Round** – Object on the basis that the proposed footpath link would be better served if it were a dual footpath and cycle track. If wider it would attract more use and reduce opportunities for crime.

8.47 Plots 98 and 99 questions rights of way to the parking area. States there is no need for all users to have access as it will lead to anti social behaviour.

8.48 Plots 45 and 46 and 55 concerned at narrow non illuminated alleyway.

8.49 The central parking lacks natural surveillance.

8.50 Plot 82 concern at gate to alleyway.

8.51 Overall the development has too many permeable routes.

8.52 Require clarification of the roofed structures around the flats. Concerned at siting of that nearest the footpath as lacks surveillance and would be a target for thieves.

8.53 Railings should be used to prevent access to grounds of plots 102–110.

### **Second Round**

8.54 Objects on the basis that the perimeter fence running from plot 49–24 will be 1.8 metre high chain link and will not be secure for housing or car parking facilities and increases the fear of crime. If it is intended to allow natural light and surveillance the use of weld mesh would be preferred. The use of berberous planting on the development side of the fence would also add security.

8.55 Questions whether the footpath will be illuminated by the developer.

8.56 States the intention of the Police to seek a Section 106 contribution from the developer with regard to future Policing needs given the impact of this development.



**8.57 Essex Bridleways Association**

**8.58 First round** - Comment that horse riders have been ignored. Advise that the footpath link should be redefined as a footpath/cycleway/bridleway.

**8.59 Environment Agency**

**8.60 First Round** – No response

**8.61 Second Round** - State that the Flood Risk Assessment has confused part of the pre application advice of the Agency in that only an equal amount of hardstanding equivalent to that lost to the demolition of the school can drain to the existing sewer and ditch. Any new development must be attenuated to the existing greenfield run off for the 1:1 year to the 1:100 year rainfall event.

**8.62** In addition the applicant has failed to consider the benefits of sustainable drainage systems as a preference.

**8.63** On this basis the applicant has not met the requirements of condition 16 to the Outline consent.

**8.64 Rochford District Council Woodlands/Environmental Officer**

**8.65 First Round** – Advise that the Tree Preservation Order protected the existing trees because of their combined amenity value. There is no arboricultural information supporting documentation to explain what trees will be lost or retained and no method statement explaining how protected trees will be safeguarded.

**8.66** No information has been provided with regard to ecological assessment. New desk top and extended phase 1 surveys are required.

**8.67 Second Round** - Applicants have acknowledged their responsibilities and agreed to follow a working practice suggested by the Council's Ecologist. Following these guidelines the site has been successfully cleared under the supervision of the Council's Ecologist. All possible ecological concerns have now been successfully addressed. There are now no ecological constraints and development can proceed.

**8.68 Rochford District Council Head of Housing , Health and Community Care**

**8.69 First Round** – Recommends conditions to any approval that might be given on the following matters

- 1) Submission of a scheme of measures for the control and suppression of dust.
- 2) No burning of waste materials
- 3) Standard informative SI25 (contaminated land)
- 4) Standard Informative SI16 (control of nuisances) Parts A and B

- 5) Informative: applicant strongly encouraged to attain at least a "Good " Rating under the BRE Eco Homes Scheme.
- 6) Informative: Supports inclusion of a legal agreement to provide affordable housing on this site

**Second Round** - Repeats the above advice

### **Neighbour representations**

#### **First Round**

8.70 14 letters have been received from residents in response to the notification and which make the following comments and objections;

- Requests the border of mature trees be retained.
- Concerned at the two houses flanking onto 22 Laburnum Way; requests the first floor window be obscure glazed and screen fencing to prevent overlooking.
- Questions what will happen to the land between the existing properties and the submitted layout. Happy to take on responsibility for the upkeep of this area.
- Concern that ecological strip will become a dumping ground. Requests to incorporate this area into existing garden and take responsibility for its maintenance.
- Concern for uses to commercial area shown.
- Concern at the loss of trees to be removed by the roadside.
- Concern at siting of the three storey buildings.
- Questions provision of car parking for the commercial development.
- Questions siting of access road and enquires whether access will be made via a roundabout.
- Increased traffic and slowing down of traffic due to junction loading.
- Object to the number of dwellings proposed.
- Parking problems caused by inadequate off street provision in the layout.
- More traffic will use Down Hall Road to gain access to A127 greatly increasing risk of accidents.
- Loss of privacy.
- Loss of property value.
- Plans are being considered without any consultation with the people most affected.
- Three storey buildings should be moved elsewhere.
- Loss of light brought about by three storey buildings close to existing houses. These buildings should be located next to the industrial areas.
- Due to extent of building in the locality there will be a shortage of school places.
- Development inconsiderate and unnecessary.
- Object to three storey building at bottom of existing gardens.

- Will only have a view of bricks and mortar because of visual impact of the three storey buildings. Houses should be built adjoining existing housing.
- Loss of open space and views enjoyed cannot be understated.
- Concerned that not one single item put forward in response to the notification is reflected in the plans put forward.
- With regard to the ecological strip adjoining Laburnum Estate concern that the council is unable to confirm its width.
- Loss of light to garden of No.26 Laburnum Way that will cause notable plants to be lost such that the resident will be seeking compensation from the Council should the plans be approved.
- Understand that neither the Council or Developer are keen to take ownership of this ecological strip.
- Formal boundary treatment has not been provided and insist that this strip of land be secured.
- Questions how the ecological strip will be managed in terms of keeping space clear of garden rubbish, general dumping and use of alleyway that will degenerate into a den of iniquity.
- Proposes that the residents of Laburnum estate take ownership of the ecological strip immediately to rear of respective gardens and with boundaries secured by fencing and with residents bound to maintain strip in accordance with requirements.
- Seek confirmation that the plans embrace drainage that avoids using the ditch between the site and the Laburnum estate.
- Seek confirmation that the development will not compound existing problem of blockage to ditch along Rawreth Lane frontage.
- Layout shows houses with bedroom windows facing directly into the gardens of Laburnum residents. Requests that this be redesigned to avoid overlooking of the existing residents' gardens.

### **Second Round**

8.71 Six Letters have been received from residents in response to the notification and which make the following comments and objections;

- Despite the reduction in dwellings the three storey building remains just 19 metres from our garden. This should be removed elsewhere away from properties fronting Rawreth Lane. These buildings would be intrusive and not in keeping with the Local Area.
- Overlooking and loss of privacy.
- Three storey buildings will reduce levels of natural light and overshadow adjoining two storey existing homes.
- Will dominate the skyline.
- These three storey buildings will adversely affect the quality of life existing residents previously have enjoyed.
- Trees will not provide a sufficient screen for many years.
- Effect on property prices.

- Concern that the amount of water entering the ditch adjoining the site.
- Concern at extra traffic.
- Object to loss of trees to make way for the development.
- Three storey buildings should be reduced to two storeys to reduce visual impact.
- With regard to the ecological strip adjoining Laburnum Estate this is of an inadequate width to ensure access for necessary maintenance. These plans should not be approved without adequate provision for appropriate access.
- Understand that neither the Council or Developer are keen to take ownership of this ecological strip and understand developer will put money into a management fund to cover future maintenance requirements. Seek details of how this strip will be managed in terms of keeping space clear of garden rubbish, general dumping and use of alleyway that will degenerate into a den of iniquity.
- Proposes that the residents of Laburnum estate take ownership of the ecological strip immediately to rear of respective gardens and with boundaries secured by fencing and with residents bound to maintain strip in accordance with requirements.
- Understand that the ecological strip will be secured along its entire length by fencing or walls so that access is denied.
- Plans show a garage to be built that will cause loss of light to garden of No. 26 Laburnum Way that will cause notable plants to be lost such that the resident will be seeking compensation from the Council should the plans be approved.
- Seek confirmation that the plans embrace drainage of the site that will avoid use of the ditch along the site boundary which is subject to winter flooding.
- Seek confirmation that the development will not compound existing problem of blockage to ditch along Rawreth Lane frontage.
- Alleyway between detached and terraced housing to the rear of 26 Laburnum Way will be open to all comers giving concerns for security and would also be used for inappropriate storage given limited garden sizes. An alternative option for access is requested.

## **MATERIAL PLANNING CONSIDERATIONS**

### **Design Matters**

- 8.72 Officers considered that the original plans presented good house type designs in the housing element but considered that the affordable house blocks of flats were of a utilitarian design.
- 8.73 Early in the life of the application there was a meeting tabling all the concerns regarding design matters between ECC urban designer, officers and the applicant.
- 8.74 The applicant resubmitted an entire set of revised drawings for the development, the approach driven largely by ECC's Urban Designer in improving the layout and Urban

- 8.75 Design generally including the Urban Squares and also some house types for example. This has resulted in a significant reduction in the number of units and improved garden size provision.
- 8.76 Members will note the comments of the ECC Urban designer on the revised plans which include some detailed concerns particularly Apartment Block 3. However, officers consider that overall the house type designs are of a high standard and the design of the affordable flats is much improved over the originals. In terms of Block 3 the Gateway Block, it is felt that the benefit of the “two and a half storey element” in reducing the mass and the scale outweighs concerns regarding the number of downpipes.

**Layout Considerations**

- 8.77 The submitted layout is in two parts comprising 2.43 ha (6 acres) of housing served from a roundabout off the spine road and estate roads with private drive extensions. The footways extend to the spine road to give good pedestrian access and connectivity through the layout and connecting by way of a footpath with Rawreth Lane.
- 8.78 At the northern part of the site an area of 0.4 ha (1 acre) is given over to the provision of affordable housing in the form of two types of two bedroomed apartments totalling 43 units between three blocks of three storey buildings.
- 8.79 The development achieves a density of 45 dwellings per hectare (18 dwellings per acre) which accords with the Government directive which advocates densities of between 20–50 dwellings per hectare (net).

**Housing Area Layout and Considerations:**

- 8.80 Generally the layout follows the principles accepted in the Essex Design Guide in terms of design and form of the dwellings which are shown in a mixture of detached, semi detached, linked and terraced units achieving the enclosure of urban spaces with built frontages and which is a particular requirement of the design guide for development in excess of 20 dwellings per hectare.
- 8.81 The submitted layout comprises 12 different house types including the “Blackmore “ which is used to turn the corner of streets. Six “Lister “ and eight “Tollerton” house types provide accommodation in the roofspace by the use of gable end details and front facing dormer windows respectively. The layout also includes four “Nova” first floor flats each proposed above a bank of three garages. The remaining 68 houses are of two storey form.
- 8.82 The ridge height of the houses varies between the house types from 7.7m to the two bedroom Allerton to 8.65m to the Chisnall link. The two and a half storey Lister and Tollerton are slightly higher at 9.6m and 9.5m respectively.

- 8.83 Of the 86 residential units on this part of the site 14 plots fail to meet the Council's garden area requirements for either larger or terraced dwellings by less than 10 square metres and a further 26 plots fail to meet the requirement by more than 10 square metres (on average by around 20 square metres shortfall). The four Nova apartment type units that are designed as first floor flats above garages are shown without garden areas. This has, however, been an accepted feature of this particular unit type.
- 8.84 In contrast to the remaining 42 of the plots compliant with the garden area requirements the Tollerton to plot 49 at 130 square metres, the Waldron to plot 1 has an over provision at 125 square metres, the Sandford to plot 34 at 122 square metres and which are typical of those plots which exceed the minimum garden area provision.
- 8.85 Most of the flank walls to the proposed house types feature no windows in order to maintain privacy between occupiers. It will, however, be necessary to include a condition requiring individual consent for future windows to these walls.
- 8.86 The existing houses located in the Laburnum estate and which back onto the western boundary of the site are generally sited 15m from this boundary. The exceptions are the dwelling at No.5 Sycamore Close which is set at an angle to the site boundary and which would place the Tollerton house type proposed to plot 24 only 12m between the existing and proposed houses. Given the skewed alignment and absence of windows directly overlooking it is considered that this feature is acceptable in planning terms and no adverse overshadowing would result. Similarly the existing dwelling at No. 27 Laburnum Way has a garden depth of only 10 metres but is skewed in alignment towards the south of the site and again not directly opposed to the dwellings proposed.
- 8.87 The shortfall in garden area provision can be offset by the availability close to the site of the substantial area of informal Public Open Space and children's play area to the south of the site and a short walk from this development. It is, though, considered reasonable and necessary to remove Permitted Development Rights by condition to those plots with the smaller garden areas.
- 8.88 Car parking provision varies between plots. Predominantly provision is at two or three car parking spaces per dwelling including garage spaces. The larger Tollerton to plots 38 and 49 provide six car parking spaces including a double garage. The two bedroomed semi detached Ashfields to plots 80 and 81 are provided with only one off street space each. However, the layout of the Urban Square at this point does include six additional off street spaces without dedication.
- 8.89 The layout would achieve an appropriate degree of spaciousness for the individual buildings given the density to be achieved. Where provision is made in detached or semi detached form the layout achieves the Council's requirement for a separation of 1 metre to the plot boundary. In most cases, however, this feature is absent in favour of the use of linkages favoured by the Essex Design Guide.

- 8.90 The submitted layout will necessitate the loss of the following trees . A Norway Maple 6m high, Lime 6m high, Italian Black Alder 9m high, Lime 5m high, and White Beam 6m high (plots 1, 2, 3, 8 and 9) 14m high Lombardi Poplar (Plot 65) a 14m high Crack Willow and two Norway Maples each 7m high (plot 63 /64) All these trees are in good condition. It is felt, however, that as individual specimens the value they contribute in amenity terms will be offset by the landscaping to be provided.

### **Highways Considerations**

- 8.91 The road type is based on a Type 4 as specified in the Essex Design Guide as acceptable to serve up to 100 dwellings. The carriageway width is therefore 4.8 m wide between kerbs with a 1.5m footway to both sides. Subject to the conditions specified by Essex County Council no material objection is raised against the proposal in Highway terms.

### **Affordable Housing Layout and Considerations:**

- 8.92 The affordable housing provision is proposed to an area of the site equating to 0.4ha (1 acre) which satisfies the requirements of condition 3 of the Outline Consent and the requirements of the Legal Agreement.
- 8.93 The parking provision is at one parking space per flat to which no objection has been raised by the Highway Authority and which is considered acceptable in Planning terms given the location of the site near to a major route and the provision of some services locally, together with those expected for the neighbourhood centre opposite the site, which should reduce dependency upon car ownership.
- 8.94 The communal amenity area totals some 1,023 square metres representing a shortfall of 52 square metres. The distribution provides a disproportionate amount (339 square metres) about the smallest building Block 1. There is, however, a greater outlook for Block 3 over the area at the site entrance from which the buildings are set back . The communal area between Blocks 2 and 3 is convenient to both buildings and the car park. Taking into account the setting of Block 3 onto Rawreth Lane and the availability of informal open space a short distance to the south of the site, it is considered that no material objection can be raised in planning terms to the provision of amenity space proposed for this part of the scheme.
- 8.95 The overall design of the buildings has accommodation provided in three storey form. Each building would have an exterior rendered finish in buttermilk to the ground floor with lbstock Dorking red brick and lbstock Surrey cream multi brick used in combination to break up the elements of the buildings between wings and floors. Each building would be finished with Eternit blue/black artificial slates.

- 8.96 Whilst concern has been expressed at the three storey form and as shared in paragraph S1.38 to the Council's supplementary guidance, the three storey form would make the necessary statement required to the entrance to the development and would be set a generous distance back from the line of Rawreth Lane on a lower part of the site. Three storey development is also precededented to the Reads Nursery site nearby as approved under application reference 02/00710/FUL and which are to an overall ridge height of 10.4 m.
- 8.97 The general arrangement of the buildings on this part of the site would retain the existing trees with the exception of a 6m high White Beam to be lost to the car parking area adjoining Block 1 and a 9m high Silver Birch to be lost to the formation of the footpath link to be formed onto Rawreth Lane. It would, however, seem possible to retain the Birch tree through revised alignment of the path. This could be achieved by a Planning Condition to any approval that might be given.
- 8.98 The details submitted show provision of a detached bin store adjacent to Block 1, together with enclosures for 8 bins under the archway accessing the proposed car parking areas. As submitted this provision is inadequate but can be addressed by the submission of further details by a condition to any approval that might be given.
- 8.99 Block 1 is located in the north western corner of the site immediately to the rear of existing houses fronting Rawreth Lane and adjoining more recent housing on part of the Laburnum Estate immediately to the west. This building has a height of 11.4 m to the ridge of the crosswing but is predominantly to a ridge height of 10.5 m.
- 8.100 Block 1 would be located at a pinch point of 2.5 m widening slightly to 3.5 m from the boundary of the site but sited adjacent to the ecological strip retained alongside the western boundary of the site. The adjoining dwelling No.4 Sycamore Close is located a further 9 m west. The Council's supplementary Planning Guidance allows three storey development to retain a sidespace of 1m. Whilst sited on the boundary of the site, given the isolation of 2.5 m provided by the ecological strip, it is considered that the arrangement is acceptable in planning terms as the building would not appear of a cramped setting.
- 8.101 The western end elevation of Block 1 has secondary windows to living room and bedroom on each of the floor levels. Given that these windows would be less than 35 metres from the dwelling at No. 4 Sycamore Close it would be necessary to ensure these specific windows are obscure glazed by condition to any approval that might be given.



- 8.102 Block 2 would be located in the middle of the site fronting onto the car park. The height to the ridge of the crosswing would be 11.4 m and the general height of the ridge of the remainder of the building would be 10.45m. This building would be sited such that an isolation space of 7m would exist between the building and the site boundary with No 145 Rawreth Lane. The closest part of this building would be 19m from the existing dwelling but at an oblique angle whereby windows would directly overlook the bottom of existing gardens or Rawreth Lane. The elevations of this building and the rear elevations of existing dwellings would not be directly opposed and in these circumstances it is considered that the resultant siting relationship is acceptable.
- 8.103 Block 3 would be located to front Rawreth Lane and the spine road. The height to the ridge of the crosswings would be 11.4 m and the main ridgeline to a height of 9.8m overall. In this block the second floor windows break the eaves line to the roof in a Georgian style.
- 8.104 Block 3 envelopes the proposed parking area, access to which is through an archway fronting onto the spine road. Whilst this building would be set within a metre of the line of the spine road at a pinch point to the north facing elevation, the siting of the building would widen to over three metres for the remainder of the elevation as would be presented to the entrance to the estate and achieving a satisfactory setting for the building proposed.

### **Details of Fencing and Boundary Treatment**

#### **Housing Area**

- 8.105 Condition 6 of the Outline consent requires the submission of details of the boundary treatment to allow consideration of this matter in the interests of amenity.
- 8.106 The dividing fencing between residential curtilages would in the main comprise 1.825m high close boarded fencing between concrete posts and on gravel boards. The exceptions to this are where the return boundaries to some dwellings front onto private drives where the applicant proposes to use 1.8m high brick walls with piers at 1.9m high.
- 8.107 The use of a constant 1.8m high fence throughout will achieve a high degree of privacy to which there can be no material objection in planning terms.
- 8.108 The ecological strip will be bounded by a 1.8m high chain link fence except at the ends of the private drives backing onto it where there will be a change to the 1.8m high hooped railings and to the parking area to the rear of plot 44 where it would be comprised of a 1.825m high close boarded fence on concrete gravel boards and between concrete posts.

- 8.109 The chain link to enclose the ecological strip would be a relatively weak fence subject to damage and relatively easy breaches of security. It is considered that the use of weld mesh style fencing should be used in this part of the site that would overcome the disadvantages of chain link. The submission of details of the design of this type of fencing could be the subject of a condition to any approval that might be given.
- 8.110 The close boarded fencing around the car parking area would be easily damaged by vehicles and subject to vandalism. A wall 1.8 m high would provide necessary protection and better insulation against noise to adjoining residents. This can be addressed by a condition to any approval that might be given.

**Affordable Housing Area**

- 8.111 The applicant proposes a 0.6m high double Arris rail on softwood posts to the front of Block 3 fronting the spine road and onto Rawreth Lane. This changes to 1.8m high hoop top railings between Block 2 and the adjacent footpath link onto Rawreth Lane and then bounding the curtilage to Block 1. A 1.8m high brick screen wall divides the amenity area between blocks 2 and 3. This wall would be gated to allow access between the two areas.
- 8.112 A 1.8m high brick wall would bound the rear gardens and the curtilage of the flats with returns onto the spine road and along plot 5 adjoining the footpath link.
- 8.113 These boundary treatments offer the necessary degree of privacy and security of space, together with a satisfactory setting for this part of the development to which no material objection can be raised in planning terms.

**Details of Landscaping**

- 8.114 Condition 7 of the outline consent requires the submission of precise details of the hard and soft landscaping to be considered concurrently with the reserved matters

**Housing Layout**

- 8.115 Throughout the layout of the housing area the applicant proposes the use of quality meadow turf and a mix of shrubs, ornamental hedging and native hedging in front of buildings and adjoining pathways or access points. Throughout the estate a number of trees are proposed including the use of heavy standards at the Urban Squares. Trees are proposed in the rear gardens to an intermittent number of dwellings to provide natural relief. Species include Himalayan Birch, Ash, False Acacia, Pink Cherry, Wild Cherry and Rowan.

**Affordable Housing Layout**

- 8.116 The lawn areas will be sown with low maintenance grass seed mix and quality meadow turf. To the outside of the proposed fencing and below the ground floor windows of each block on the inside elevations the applicant proposes the use of shrubs and native hedging. To the front of Block 3 fronting the spine road the applicant proposes shrubs and ornamental hedging. The western end elevation to Block 1 facing onto the Laburnum Estate is proposed with a wall climbing plant. In addition 11 standard trees comprising 2 No. Pink Cherry, 3 No. False Acacia, 3 No. Wild Cherry and 3 No. Fastigate Field Maple are proposed on this part of the site.
- 8.117 It is considered that the landscaping for this part of the development would provide the desirable natural relief to complement the development.

**Details of Hard Landscaping****Housing Area Layout**

- 8.118 The private drive surfaces are proposed to be finished in pavers of a burnt ochre colour.
- 8.119 The dual use area to the Blackmore house types to allow use of part of the garden for additional parking or amenity area are proposed to be finished Traffica paving. The remaining private parking areas to individual dwellings or communal areas are proposed to be finished in black Bitmac.
- 8.120 The two Urban Squares are proposed with the carriageway finished in brindle pavers and the shared parking and walk way finished in charcoal pavers to delineate the vehicular areas from the pedestrian and parking areas.
- 8.121 It is considered that the choice of surface finishes to the hard surface areas will have a satisfactory appearance in amenity terms to which no material objection can be raised in planning terms.

**Affordable Housing Area Layout**

- 8.122 The car parking area is proposed to be finished in black Bitmac. Whilst the suggestion to provide this area in block pavers has been raised by the County Principal Urban Designer and Regeneration Officer it is considered that the use of black Bitmac in this setting balanced against the soft landscaping would not be detrimental in appearance.

**Ecological Assessment**

- 8.123 The outline application was accompanied by an ecological report of the site which concluded on the presence of protected species in two locations and the need for retention of a strip of vegetation of at least 5 m in width from the fence line so that protected species could continue to forage along the site boundary corridor.

- 8.124 The applicants have submitted an assessment and mitigation strategy building on the conclusions of the previous report as required by Condition 10 of the Outline consent .
- 8.125 The results of the further work revealed that the single bat recorded as making use of the site was not making use of the old school as a roost but as foraging area.
- 8.126 The subsequent report further recommends that a buffer zone of at least 2 metres in width from the fence line be retained to permit a wildlife corridor to exist for the movement of birds, mammals and invertebrates and provide a potential foraging feature for Bats. In addition, the hedgerow along the western perimeter of the site is considered to be a valuable habitat feature and should be retained throughout its length.
- 8.127 This further assessment noted no activity from previous protected species and accordingly no mitigation with respect to this species is recommended.
- 8.128 The submitted layout reflects the reduction in width to the ecology strip recommended in the revised assessment. The issue of future management of this area, however, remains outstanding.

**Travel Plan**

- 8.129 Condition 12 of the Outline Consent requires the applicants to submit a Travel Plan to promote sustainable transport methods seeking to minimise car travel. The Travel Plan submitted considers the residential and sports centre components of the overall site.
- 8.130 The Travel Plan proposes two new bus shelters at the two bus stops either side of the access into the development.
- 8.131 The plan includes additional and replacement pedestrian refuge islands along Rawreth Lane and at the site access.
- 8.132 A footpath link is proposed within the layout of the site adjoining the affordable housing to connect the residential layout with Rawreth Lane . The pedestrian link at the southern end of the site will be reopened in the form of a shared footpath and cycleway to improve access to the London Road and Victoria Avenue areas. The agreed spine road includes provision for a cycle route.
- 8.133 It is also proposed as part of this Travel Plan to include good quality secure covered cycle parking facilities and provide showers, lockers and changing facilities to the commercial parts of the overall site to further encourage future workers on the site to be encouraged to cycle.
- 8.134 The Travel Plan advocates parking restraint. Given the maximum 296 spaces required for the residential development, the plan advocates total provision at 236 spaces.

- 8.135 For the leisure centre the maximum provision of 145 spaces is reduced to 100 spaces.
- 8.136 The plan states that parking management measures will be implemented to prevent potential on street parking within the development. Yellow lines will be used within the residential area and long stay restrictions for over three hours will be enforced over the neighbourhood centre. Priority will be given to the allocation of employees parking where those employees participate in car sharing.
- 8.137 The key worker affordable housing provision is intended for key workers needing to afford accommodation close to work. By its very nature this provision should reduce dependency on the car.
- 8.138 In addition further softer measures are proposed including car sharing through the promotion of a car share database will be promoted for groups of residents and employees. This scheme would be promoted by the Travel Coordinator who will be appointed as part of the management company for the whole site and with responsibility to promote awareness of the scheme and ensure that it is operating properly.
- 8.139 Other initiatives include the provision of company and resident cycles to be housed at a central location determined by the travel coordinator, and the provision of home delivery services for retail customers.
- 8.140 A partnership group consisting of all relevant representatives within the development would be established to develop and monitor the transport plan.
- 8.141 The plan will be subject to annual monitoring and review for a period of five years . An initial payment of £2500 shall be made to Essex County Council at the outset of the plan. Should the annual report not be produced, £500 per annum will be drawn from the fund in order for Essex County Council to undertake the necessary review work.
- 8.142 Essex County Council Highways have commented that this plan is acceptable and there would therefore appear no material objections to the Travel Plan in planning terms.

**Travel Assessment**

- 8.143 Condition 13 of the Outline consent requires the applicant to submit a Travel Assessment to provide further traffic impact analysis relating to the specific development to be provided.
- 8.144 The submitted assessment addresses the reserved matters application for the Residential, Primary School and Leisure Centre development on the site.

- 8.145 An automated traffic count survey was undertaken on Thursday 16<sup>th</sup> September 2004. The results indicated that Rawreth Lane accommodates 1273 two way vehicle flows in the AM peak hour. At school peak hour a lower flow of 1013 two way movements was recorded and the evening peak hour flow was observed at 1319 movements.
- 8.146 Assessment of that attributable to the former Park School is 63 two way movements for the AM peak hour and 34 movements for the afternoon school peak hour period.
- 8.147 The assessment takes into account the known factors of the residential layout and approved sports centre and makes assumptions on the proposed school having a maximum of 222 places and further assumptions regarding the composition of the neighbourhood centre.
- 8.148 The development is forecast to add a further 721 two way movements at the point of access into the site at the AM peak hour. At school peak hour and PM peak hour forecasts both show 664 two way movements at the point of access to the site at the junction of Rawreth Lane.
- 8.149 At the time of writing the comments of the Essex County Highways and Transportation Department are awaited.

**Flood Risk Assessment**

- 8.150 The applicants have submitted a Flood Risk Assessment as required by Condition 16 to the Outline consent. The assessment has undertaken hydraulic modelling of the discharge and surface water run off of the former use and proposed uses for residential, new school and sports centre into account. Account is taken of climatic change and recorded rainfall records.
- 8.151 The surface water drainage of the site is shown to make two connections to the existing ditch along the western boundary of the site adjoining the Laburnum Estate. The first is to the north western corner adjoining Block 1 of the affordable units and the second a further 85 metres further south.
- 8.152 The assessment concludes that the site is not at risk from flooding due to the 1:100 year event under current climatic conditions. Taking into account a 20% increase in the 1;100 year peak flow to allow possible effects of climatic change the site is still not shown to be at risk from flooding. The assessment also concludes that the development does not present a risk of flooding to the surrounding or downstream areas.

- 8.153 The Environment Agency, however, states that the assessment has not taken into account alternative options to provide a sustainable drainage solution such as an open pond into the design. Furthermore, the Agency states that the comparison with the existing situation of the former school has been misunderstood. As such, the Agency considers that the assessment has failed to comply with the requirements of Condition 16.
- 8.154 The Council's Engineer (contracted services) also expresses concerns that the Assessment has failed to note the presence of two structures over the main watercourse alongside Rawreth Lane and formed by vehicular accesses to Nos. 155 and 159 Rawreth Lane.
- 8.155 These concerns have been shared with the applicant and an amended assessment is expected to overcome these issues.

**Archaeological Details**

- 8.156 Condition 17 of the Outline consent requires that the reserved matters be accompanied by the results of a field evaluation to establish the nature and complexity of any surviving archaeological deposits on the site.
- 8.157 The site of the former school building was considered to have been previously explored and or damaged. The remainder of the site comprising the greater grounds and playing fields were subject of 24 trial trenches. The area had already been identified as an area of known Saxon activity and cemetery.
- 8.158 Deposits in the trenches were investigated and recorded. All visible finds were retrieved from the excavated features. A metal detector was used around the area of known Saxon activity located to the south east of the site.
- 8.159 The evaluation demonstrated the survival of archaeological remains in a limited area of Saxon activity. The entire site had suffered from modern disturbance probably as a result of the laying out of the playing fields.
- 8.160 Early Saxon remains were located in a discrete area and consisted of cremation and inhumation deposits, possibly of a female of high status.
- 8.161 The finds are understood to be the subject of further conservation and publishing. It is therefore considered that the requirements of Condition 17 are fully discharged.

**CONCLUSION**

- 8.162 Subject to resolution of the outstanding revision to the Flood Risk Assessment and views of the County Highways Authority upon the Travel Assessment, the submitted layout and details accord with the requirements of the Outline consent and would develop the site to a density making the best use of the land available in accordance with central Government guidance.

- 8.163 The layout accords with the design principles of the Essex Design Guide for development in excess of 20 dwellings per hectare. The layout would provide for a range of dwelling types desirable for a mixed development of the site and whilst some failings are evident to the size of garden areas this is offset by the availability close to the site of a large area of Public Open Space and children's protected playspace. The layout is generally considered acceptable to the Highways Authority and notwithstanding the views awaited on the Travel Assessment it is considered that there can be no material objection raised against this proposal in Highway terms.
- 8.164 The applicant has demonstrated that the site will be finished in materials and finishes to accord with adopted guidance of both the District and County Authorities and with a satisfactory degree of landscaping to enhance the completed development.
- 8.165 Officers are therefore continuing to attempt to resolve the issues of Flood Risk Assessment, County Highways Authority comments on the Travel Assessment, the Urban Square junctions and to confirmation from the applicants as to the future management of the ecological strip and any necessary Legal Agreement. Members will be updated at the Committee.

### **RECOMMENDATION**

- 8.166 It is proposed that this Committee **RESOLVES** to **APPROVE** the details, subject to the following heads of conditions:-
- 1 The windows situated in the proposed flank elevation of the building identified as Block 1 and serving the living room and bedroom 1 to the proposed Largo apartment to plots 87, 88, and 89 shall be glazed in obscure glass and shall be of a design that is not capable of being opened below a height of 1.7m above finished floor level. Thereafter the said windows shall be maintained in the approved form.
  - 2 Notwithstanding the submitted plans, the applicant shall submit prior to the commencement of the development revised details for the alignment of the proposed adopted footpath link which shall be of an alignment to avoid removal of existing preserved trees. The development hereby approved shall be implemented in accordance with those revised details as may be agreed by the Local Planning Authority.
  - 3 Notwithstanding the submitted plans the applicant shall submit prior to the commencement of the development further details for the provision of refuse bin storage to serve the affordable apartments proposed. The development shall be implemented in accordance with those details as may be agreed by the Local Planning Authority.
  - 4 SC22A PD Restricted Windows (above first floor level only)
  - 5 SC23 PD Restricted – Obscure Glazing
  - 6 SC17 PD Restrictions -Extensions to Plots



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- 7 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Class A of the Town and Country Planning (General Permitted Development Order) 1995 (including any order revoking or re-enacting that Order, with or without modification) no doors, gates or means of enclosure shall be constructed to the Highway Approach side of the carport design detailed on Drawing No. 714–55–06.
- 8 The carriageways of the proposed estate roads shall be constructed up to and including at least at base level , prior to the commencement of the erection of any residential development intended to take access therefrom. Furthermore, the carriageways and footways shall be constructed up to and including base course surfacing in order to ensure that prior to occupation each dwelling has a properly consolidated and surfaced carriageway and footway between the dwellings and an existing highway which shall thereafter be maintained in good repair until the final surface is laid. Until such time as the final surfacing is completed, the footway base course shall be provided and maintained in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths commensurate with the frontage of each dwelling shall be fully completed with final surfacing within twelve months from the occupation of the dwelling
- 9 SC67 Pedestrian Visibility Splays (Plural)
- 10 SC74 Driveways Surface Finish
- 11 Notwithstanding the provisions of Article 3, Schedule 2, Part 2 Class A of the Town and Country planning (General Permitted Development ) Order 1995 (including any Order revoking or re – enacting that Order, with or without modification ) any gates erected to the vehicle entrance to each plot shall be of a design that shall open away from the highway and be sited a minimum distance of 1.5 metres back from the highway boundary.
- 12 Notwithstanding the submitted plans, the applicant shall submit details for the location and enclosure of an area for the parking of residents' and visitors' cycles to serve the affordable units proposed . Such details shall be located convenient and near to the entrance of the buildings hereby approved
- 13 Phasing of plots 15,16,17,83, 84 and 85 until completion of safety audit to roundabout to satisfaction of County Highways Authority.
- 14 Provision of Contractors' compound to provide parking and storage area for employees and delivery of equipment and materials clear of the highway – details of size and location to be submitted and agreed prior to the commencement of development on the site.
- 15 Provision of delivery and visiting vehicle wheel washing facility on the site.
- 16 Revised details to boundary treatment of car parking area plots 40,41,42,43,44 to provide 1.8m high wall - details to be agreed.
- 17 Revised details of boundary treatment of ecological strip to be 1.8m high weld mesh – details to be agreed.

**REASON FOR DECISION**

The proposal is considered not to cause undue demonstrable harm to any development plan interests. The proposal is compliant with Local Policy and Supplementary Guidance and would not prove harmful to the character and appearance of the street scene or residential amenity to the surrounding occupiers in the locality such as to justify refusing the application.

**Relevant Development plan policies and proposals:**

H11 of the Rochford District Local Plan First Review

A handwritten signature in black ink, appearing to read 'Shaun Scrutton', is positioned above the printed name. The signature is fluid and cursive.

Shaun Scrutton  
Head of Planning Services

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For further information please contact Mike Stranks on (01702) 546366.

# 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.**