

**APPLICATION REFERRED FROM THE WEEKLY LIST****WEEKLY LIST NO. 1503 – 6 December 2019****19/00862REM****41 CROWN HILL, RAYLEIGH****RESERVED MATTERS APPLICATION RELATING TO ACCESS, LANDSCAPING, LAYOUT AND SCALE FOR OUTLINE PLANNING CONSENT (18/01144/OUT) FOR THE DEMOLITION OF AN EXISTING DWELLING AND CONSTRUCTION OF A TWO STOREY BUILDING FOR 5 FLATS****1 DETAILS OF REFERRAL**

- 1.1 This item was referred from Weekly List No. 1503 requiring notification to the Assistant Director, Place and Environment by 1.00 pm on Wednesday, 11 December 2019 with any applications being referred to this meeting of the Committee.
- 1.2 Cllr M G Wilkinson referred this item on the grounds of over-development of the site and the breach of Council policies, including various sections of the Development Management Plan and the Parking Standards Design and Good Practice Supplementary Planning Document.
- 1.3 The item that was referred is attached at appendix 1 as it appeared in the Weekly List.
- 1.4 A plan showing the application site is attached at appendix 2.

**2 RECOMMENDATION**

- 2.1 It is proposed that the Committee **RESOLVES**

To determine the application, having considered all the evidence.

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Application No : 19/00862/REM      Zoning :Residential  
Case Officer            Ms Katie Ellis  
Parish :                    Rayleigh Town Council  
Ward :                     Wheatley  
Location :                41 Crown Hill Rayleigh SS6 7HQ  
Proposal :                Application of Reserved Matters relating to Access,  
Landscaping, Layout and Scale for Outline Planning  
Consent (18/01144/OUT) for 'Demolition of existing  
dwelling and construction of two storey building for 5  
flats'.

### SITE AND PROPOSAL

#### Site and Context

1. The main form of development within the area is residential in character containing semi-detached and detached two storey dwellings and bungalows which are not uniform in design. Crown Hill is a crescent shaped road within the residential development boundary of Rayleigh outside of the Town Centre and the Rayleigh Conservation Area.
2. The application site comprises a detached, bungalow and has a deep rear garden relative to the surrounding area. To the front there is an area of soft landscaping and a driveway leading to an attached garage.

#### Proposal

3. On 27 February 2019 outline planning permission (18/01144/OUT - hereafter the 'OPP) was granted for the demolition of the existing dwelling and for the construction of a two-storey building for 5 flats.
4. The application was an outline with all matters reserved. The matters reserved would be determined via a reserved matters application at a later stage. The OPP was subject to several planning conditions which are summarised below: -
  - o Details of reserved matters to be applied for;
  - o A reserved matters application should be submitted within three years from the date of the OPP;
  - o External facing windows and doors and roofing materials shall be submitted;
  - o Siting, height, design and materials of the treatment of all boundaries including any existing hedging, gates, fences, walls, railings and piers have been submitted;
  - o Hard and soft landscaping approved pursuant to the submission of the reserved matters shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of the development;

- o Clearance or pruning of vegetation including grass, scrub, and trees shall take place between October and March (inclusive);
- o The scheme to be submitted pursuant to the reserved matters shall make provision for five car parking spaces within the site and an associated turning area as shown on planning drawing entitled 'Site Plan Proposed';
- o Construction Method Statement;
- o No discharge of surface water from the development onto the Highway;
- o No unbound material shall be used in the surface treatment of the car parking areas;
- o All dwellings to comply with Technical Housing Standards - Nationally Described Space Standards;
- o Part G (water efficiency) of the Building Regulations (2010) shall be met; and
- o Part L of the Building Regulations 2010 in respect of energy performance shall be met;

5. This application has been submitted to deal with all reserved matters following the OPP.

6. This reserved matters application therefore seeks consent for details relating to access, landscaping, appearance, layout and scale.

7. A reserved matters application is not an opportunity to re-examine the principle of development which has already been established by the granting of the OPP. The OPP was supported by an indicative site layout plan which showed how the proposed development at outline stage could, in one iteration, be provided at the site.

#### Planning History

8. 18/01144/OUT - Approved - Outline Application with All Matters Reserved for Demolition of Existing Dwelling and Construction of Two Storey Building for 5 Flats.

9. 19/00501/REM - Withdrawn - Details of building containing 1 No. one bedroomed and 4 no two bedroomed flats, with parking to front.

#### Background to the application

10. The previous application was withdrawn as officers considered that there were a number of concerns relating to the proposal with regard to design and neighbour impact. This scheme revises the roof form and reduces the height. During the course of the current application further amendments have been sought to remove the bin store from the front boundary and incorporate further soft landscaping to the site frontage.

#### Principle of Development

11. The outline planning permission (ref: 18/01144/OUT) established the acceptability of the principle of the development proposed. Therefore, the main issues which require consideration as part of the determination of this application are

Reserved Matters relating to 'Appearance', 'Layout', 'Scale', 'Access' and 'Landscaping' of the development.

12. In the National Planning Practice Guidance, Paragraph: 006 Reference ID: 14-006-20140306 and The Town and Country Planning (Development Management Procedure) (England) Order 2015, it clearly states that for Reserved Matters applications the following would have to be submitted in support of the application: -

- o 'Access' —the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

- o 'Appearance' — the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

- o 'Landscaping' — the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;

- o 'Layout' — the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

- o 'Scale' — the height, width and length of each building proposed within the development in relation to its surroundings.

#### Appearance, Scale and Layout

13. The application site lies on the southern side of Crown Hill. It is occupied by a bungalow somewhat set back from the existing building line. Immediately to the north are two storey dwellings, some of these have been altered and extended via additions to the roof and balconies to the front. Towards the train station some 100m away to the west, three storey dwellings and a three storey block of flats exist. Three storey buildings are also apparent toward High Street. Immediately to the east is a detached, chalet-style bungalow and immediately to the west is a semi-detached two storey dwelling. The topography of the surrounding site slopes upwards in the south-eastern direction. The site is being excavated, especially towards the rear as the site rises. There are a number of two storey dwellings and chalet bungalows of varied design in the immediate vicinity which vary significantly in size, height and design. Given the considerable variation within the streetscene along Crown Hill, there is not a distinguished strong architectural cue in terms of the scale, proportions, dimensions, or architectural features of the surrounding residential dwellings.

14. The proposed development would comprise a two and a half storey building of five flats over three floors with five car parking spaces and associated landscaping and external amenity space for the future residents.

15. The existing bungalow is acknowledged to make a limited contribution to the character and appearance of the area due to its tired and visually unattractive appearance.

16. The layout of the site broadly follows the indicative site plan provided at the outline stage and is found acceptable.

17. Although the height of the proposed development would be of a larger scale than the neighbouring residential dwellings either side, the situation would not differ to existing situations along Crown Hill towards Rayleigh Train Station and towards High Street. The scale is not considered to cause harm to the character and appearance of the area, particularly given the varied nature of the streetscene referred to above. Its larger scale and deep footprint would not render it overly dominant or incongruous within the streetscene.

18. Furthermore, the elevations of the proposed development would be broken up by the proposed brick and white rendered elevations and grey roof tiles. The palette of colours and materials of the proposed development would be acceptable given the wide range of colours and materials within the surrounding streetscene, including render, brick, and tile hanging. The treatment of the flank elevations of the proposed provides visual interest, while the windows and balconies also help articulate the building. Dormers are a common feature within the streetscene. Their use within the proposed development is not out of keeping with the chalet bungalows visible on Crown Hill. The proposed roof is large and would have an area of flat roof to the rear to reduce the overall bulk of the building. Given the varied character and appearance of the area, it is not considered that any of the aforementioned architectural features of the proposed development would cause unacceptable harm in this instance.

19. It is therefore considered that the proposed development would have an acceptable effect on the character and appearance of the area. It would therefore be compliant with the requirements of policy CP1 of the Core Strategy and policies DM1 and DM3 of the Development Management Plan and the NPPF.

#### Car Parking and Access

20. Policy DM30 of the Development Management Plan aims to create and maintain an accessible environment, requiring development proposals to provide sufficient parking facilities having regard to the Council's adopted parking standards.

21. Access is gained via an existing crossover off Crown Hill whereby there would be an area of hardstanding laid out to accommodate five car parking spaces. The access is considered acceptable and would not have an adverse impact upon highway safety.

22. The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards for residential development.

Given the location of the site in close proximity to Rayleigh Town Centre and local public transport such as bus stops and Rayleigh's train station this location is considered to be highly sustainable. Policy DM30 and the Parking Standards both confirm that reductions of the vehicle standards may be applied if the development is within an urban area that has good links to sustainable transport. It has been established that this location is a sustainable location and accordingly a reduction of off-street car parking spaces would be considered acceptable.

23. The application proposes five, two-bedroom flats. Five car parking spaces are proposed measuring to the minimum dimensions of 2.5m by 5m as stipulated in the Parking Standards and would be situated to the front of the building. Whilst, the Council would normally encourage the larger bay sizes of 2.9m by 5.5m, the minimum bay sizes are considered adequate in this instance as the layout of the site would incorporate a suitable turning area and appropriate landscaping within the site. It is not considered that the proposed development would be to the detriment of highway safety or the free flow of traffic and it is therefore considered to comply with EPOA Parking Standards and policy DM30 of the Development Management Plan.

#### Landscaping

24. As part of the Reserved Matters application for 'Landscaping', hard and soft landscaping details have been submitted for consideration. On drawing no. 3551-05-3 rev D, it shows that the site would be laid to grass at the rear. Shrubs would be planted along the front, eastern and western flank boundaries. Shrubs would also be planted along the building's frontage. A 1-metre high white rendered wall is proposed to the eastern flank boundary which forms part of the front garden and a 1.8m high timber fence would enclose the rear garden area of the property. This is considered acceptable for the future occupiers of the site. The driveway and paths would be made up of marshalls priora permeable paving which would also be acceptable.

#### Other Matters

##### Residential Amenity

25. The windows in the front elevation overlook the highway which is considered acceptable as these would not impinge on the privacy of existing residents.

26. The proposed building is situated in a position whereby there would be sufficient distances between the proposed building and the adjacent residential dwellings to the east and west; it is not considered that the proposal would have a detrimental impact upon the private amenity of the occupiers at these properties in relation to having an overbearing or overlooking impact.

27. It is the Council's long-standing practice to measure the 45 degree test from the edge of the window; however, the most recent guidance does not explicitly state where the measurement should be taken from. A recent appeal decision APP/B1550/D/19/3220909 establishes that the a 45-degree line drawn from the centre of the window is acceptable. This appeal was allowed.

28. The Council most recent guidance (2007), Rochford District Council's Supplementary Planning Document 2 Housing Design (SPD) states that first floor extensions shall be decided on their merits. In order to prevent excessive overshadowing, extensions at first floor level should be sited to ensure that their projection does not form a horizontal angle greater than 45 degrees with the nearest habitable room window of any adjacent property. This guidance is also useful in considering the impacts arising from new developments.

29. The proposal includes a staggered first floor rear element set away from the side boundary with No. 45 Crown Hill. In light of the most recent appeal decision the 45 degree test is reluctantly taken from the centre of the window. It is therefore considered that the first floor of the proposed building would not breach the 45-degree angle for either neighbouring property to the east or west and therefore, would not result in overshadowing or domination.

30. There is sufficient back to back distance that would remain between the proposed building and the dwellings situated at the rear.

31. Windows would exist in the flank elevations and serve a bathroom, communal hallway and lounge/kitchen areas. The windows serving lounge/kitchen areas would be high level and secondary in nature and therefore, would not have an impact with regard to overlooking. The window serving a bathroom is not a habitable room and therefore, considered acceptable as overlooking would not occur from this window but would still be conditioned to be obscure glazed and not capable of being opened below a height of 1.7m above finished floor level.

32. A terrace would be introduced at first floor level. Given the position and the extent of the terrace it would introduce a level of overlooking upon the occupiers of the neighbouring property to the west. However, drawing no. 3551-05-1 rev D shows a screen to the edge of this terrace measuring at least 1.8m high. It is recommended to impose a condition to retain this screening along the edge of the terrace to prevent overlooking upon the occupiers of the neighbouring property to the west in perpetuity.

33. Proposed inset balconies would be included at the front and rear. It is not considered that these would overlook the private amenity area of the neighbouring properties as they are inset balconies that would be screened by walls or the roof form.

34. French doors and Juliet balconies would be incorporated in the rear elevation and are shown to serve a living area. The Juliet balcony would have no external access and therefore would not be considered materially different to a window.

35. It is considered that the proposed development, by reason of its scale, bulk and siting, would not detrimentally impact the amenity of surrounding neighbouring occupiers. The proposed building is contrary to policy DM1 and DM3 of the Development Management Plan.

#### Technical Housing Standards

36. The Ministerial Statement of the 25th March 2015 announced changes to the government's policy relating to technical housing standards. The changes sought to rationalise the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building Regulations on water and access, and a new national space standard.

37. Rochford District Council has existing policies relating to all of the above, namely access (Policy H6 of the Core Strategy), internal space (Policy DM4 of the Development Management Plan) and water efficiency (Policy ENV9 of the Core Strategy) and can therefore require compliance with the new national technical standards, as advised by the Ministerial Statement.

38. Until such a time as existing Policy DM4 is revised, this policy must be applied in light of the Ministerial Statement. All new dwellings are therefore required to comply with the new national space standard as set out in the DCLG Technical housing standards - nationally described space standard March 2015.

39. The proposal comprises five, two-bedroom flats. As set out in the Technical standards, a two bedroom, three-person flat would require a minimum Gross Internal Area of 61 square metres with 2 square metres of built-in storage and a two-bed, 4-person flat would require a minimum Gross Internal Area of 70 square metres with 2 square metres of built-in storage.

40. Three of the flats are adequate to accommodate four people and two of the flats are adequate to accommodate three people. The proposed self-contained flats would meet the national space standard.

41. Until such a time as existing Policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to water efficiency. Consequently, all new dwellings are required to comply with the national water efficiency standard as set out in part G of the Building Regulations (2010) as amended. This matter has already been dealt with by way of planning condition that would have to be complied with on the OPP.

42. In light of the Ministerial Statement which advises that planning permissions should not be granted subject to any technical housing standards other than those relating to internal space, water efficiency and access, the requirement in Policy ENV9 that a specific Code for Sustainable Homes level be achieved and the requirement in Policy H6 that the Lifetime Homes standard be met are now no longer sought.

#### Ecology and Trees

43. Policy DM25 seeks to protect existing trees particularly those with high amenity value. Although the proposed development would be constructed in the vicinity of a row of trees, these are not subject to Tree Preservation Order and are not of significant amenity value. In order for construction works to be carried out, the trees would need to be pruned. A condition has been imposed on the OPP that works can only be carried out to the trees outside of bird nesting season.

44. The site is such that it is considered unlikely that the proposal would have an adverse impact on any other protected species, in any case this is a matter that has already been dealt with at the outline stage.

#### Private Amenity Space

45. Policy DM3 of the Development Management Plan requires the provision of adequate and usable private amenity space. In addition, the Council's adopted Housing Design SPD advises a suitable garden size of for each type of dwellinghouse. For flats, a minimum balcony area of 5m<sup>2</sup> with the ground floor dwelling having a minimum patio garden of 50 m<sup>2</sup>; or the provision of a useable communal resident's garden on the basis of a minimum area of 25 m<sup>2</sup> per flat.

46. The development as shown on the drawing no. 3551-05-3 rev D would provide balconies in excess of 5m<sup>2</sup> and a communal garden area well in excess of 125m<sup>2</sup>. The private amenity areas are in excess of the requirements stipulated above. Therefore, the development would provide adequate amenity space in accordance with DM3 and the Housing Design SPD.

#### Refuse and Recycling

47. Whilst initially the submitted plans indicated the siting of a refuse store very close to the highway to the site frontage this has been amended in the course of the application. The refuse storage area is now proposed as an inset part of the side elevation to the building. The area proposed would be adequate to serve the proposed number of dwellings and in this position, it would not be overly prominent to the detriment of visual amenity in the street scene.

#### Conclusions

48. The proposal accords with the Outline Planning Permission at this site which has approved, in principle, a building to accommodate 5 No. flats. The layout, scale, appearance, landscaping and access proposed are considered acceptable as would be the appearance of the scheme albeit that this is a Reserved Matter not for determination here.

#### **Representations:**

1. Rayleigh Town Council – Objects to this application as the proposal is an over development of the site, the proposed plans overlook neighbouring properties, the bin store is unsightly and out of character with the rest of the street scene at the boundary, there are no allocated spaces for disabled or guest parking and there appears to be inadequate space for vehicles to manoeuvre on two parking areas nearest the bin store.
2. Essex County Council – Place Services – Archaeology –

The Historic Environment Record shows that there are no archaeological features directly impacted by the proposed development. Therefore, no archaeological recommendation is being made on this application.

3. ECC – HIGHWAY AUTHORITY – Previously comments on the OPP raising no objections. The layout of car parking has been re-orientated in comparison with the OPP but there are no changes with regards to the amount of car parking and access for the site.

As stated in the Parking Standards Design and Good Practice September 2009, a lower provision of vehicle parking may be appropriate in urban areas where there is good access to alternative forms of transport and the proposal site is considered to be in a sustainable location in the immediate vicinity of Rayleigh Town Centre with good access to public transport and other facilities, therefore; no objections raised subject to the following conditions: -

- Construction Method Statement has been submitted;
- Provision of five car parking spaces and associated turning area;
- No discharge of surface water onto the highway;
- No unbound materials shall be used; and
- Residential Travel Pack information to be provided by the developer.

#### Neighbours

4. The following comments have been received from the following addresses and have been summarised below: -

28, 30, 35, 39, 45, 47 Crown Hill  
10, 12, 14 Leasway  
9 Rookery Close

- Loss of light
- Loss of view due to the building's depth and scale
- Inadequate car parking provision
- The scale, bulk and height of the proposed building to be significantly larger and more dominant and out of character with the surrounding area
- Over dominant
- The plans clearly indicate a three storey building
- Unsympathetic to surrounding neighbouring properties
- Over-development of the site
- Appearance is out of character
- Overlooking
- Noise and disturbance due to the increased amount of dwellings on site
- The additional cars using the site would cause further congestion along Crown Hill
- An increase in number of bedrooms compared to the last application
- Loss of privacy due to Large windows and balconies
- 10 wheelie bins would be excessive and left on the highway

Comments received from Cllr Wilkinson

I have reviewed the outline plans submitted under reference 19/00863/REM. I  
Would like to make the following observations;

1. Parking. The Parking Standards Design and Good Practice Supplementary Planning Document which was adopted by full council on 17th December 2010 details precisely how parking must be dealt with by planners and developers in a variety of circumstances. Section 3.2.1 details the precise dimensions of residential parking spaces. It states that a bay size must be at least 5m x 2.9m. It goes further to allow a smaller bay size of 5m x 2.5m IN EXCEPTIONAL CIRCUMSTANCES ONLY. Having viewed the submitted plans, the bays proposed are 5m x 2.5 m and therefore are too small. No exceptional circumstances exist and therefore this alone should prompt a refusal.
2. Parking. Also, within the same document, the quantity of parking provision is discussed. This development falls within class C3 which states that for each property of 2 or more bedrooms, 2 parking spaces per property must be provided. The plans propose 5 two-bedroom flats. That equates to 10 spaces which must be provided. The plans show five parking bays. Bearing in mind even with only 5 bays these are already too small, this is indicative that this plot is simply not big enough to support this kind of development.
3. The same document also requires developers to provide sheltered parking for pedal cycles to promote more sustainable travel. A minimum of 1 space per flat. There is no such provision within the plans. RDC has committed to become carbon neutral by 2030 and as such we must promote this within our policies and decision-making process. Provision for more sustainable travel must be a part of every development from now on and the council planning department must demand this of developers. This commitment agreed by full council on 16th July this year was a full commitment to carbon neutrality. Not a half in half out attitude. Therefore, the concept of carbon neutrality must naturally migrate to how decisions are made as a consideration by planners.
4. Overbearing size. The parish list describes this as a two-storey development whereas is fact it is clearly a three storey building. This is precisely the same as previously submitted and refused. Albeit the rear balcony is smaller, it is still there and in the same inappropriate location. The plot is on a steep hill and a whole storey taller than neighbouring properties. The gradient of the hill accentuates the height difference between the development and the neighbouring houses.

Residents understand that the site needs to be developed, in fact they welcome it to remove the derelict bungalow which is currently on the site. However, this site is only suitable for development into a family house. A 4 bedroomed detached family home as with all the neighbouring plots of this size. That would be in keeping with the surrounding area and the local street scene.

It is my opinion that this development is only designed to maximise the profit for the builder. It does not acknowledge the affect it will have on neighbouring families. This

is the third submission which has reached this stage in the process, i.e. consultation process.

It is inappropriate. It is contrary to various policies which the council have adopted, and which planners must not ignore.

**APPROVE**

- 1 The development to which this permission relates must be begun no later than whichever is later of the following:
  - (a) within five years of the date of the grant of outline permission; or
  - (b) the development to which this permission relates must be begun no later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
  
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 3551-05-1 rev D, 3551-05-3 rev D, 3551-05-4 rev C.
  
- 3 Prior to commencement, details of external materials, indicating types, colours and finishes of bricks, render and tiles to be used, shall be submitted to and approved in writing by the Local Planning Authority, and the approved materials shall be used in the implementation of the development and thereafter so retained.
  
- 4 Screening shall be provided to the western flank edge of the terrace located at the rear prior to first occupation of the flat which it serves. This screening shall obscure glass (unless alternative material is agreed in writing by the Local Planning Authority), shall have a minimum height of 1.8m from finished floor level of the terrace and shall be retained in perpetuity.
  
- 5 The window to be created in the first-floor west elevation shall be glazed in obscure glass and shall be non-opening below a height of 1.7 metres measured from the internal finished floor level. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

**Relevant Development Plan Policies and Proposals:**

Rochford District Council Local Development Framework Allocations Plan Adopted February 2014

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) - CP1, T8

Rochford District Council Local Development Framework Development Management Plan adopted 16th December 2014. - DM1, DM3, DM25, DM27, DM30

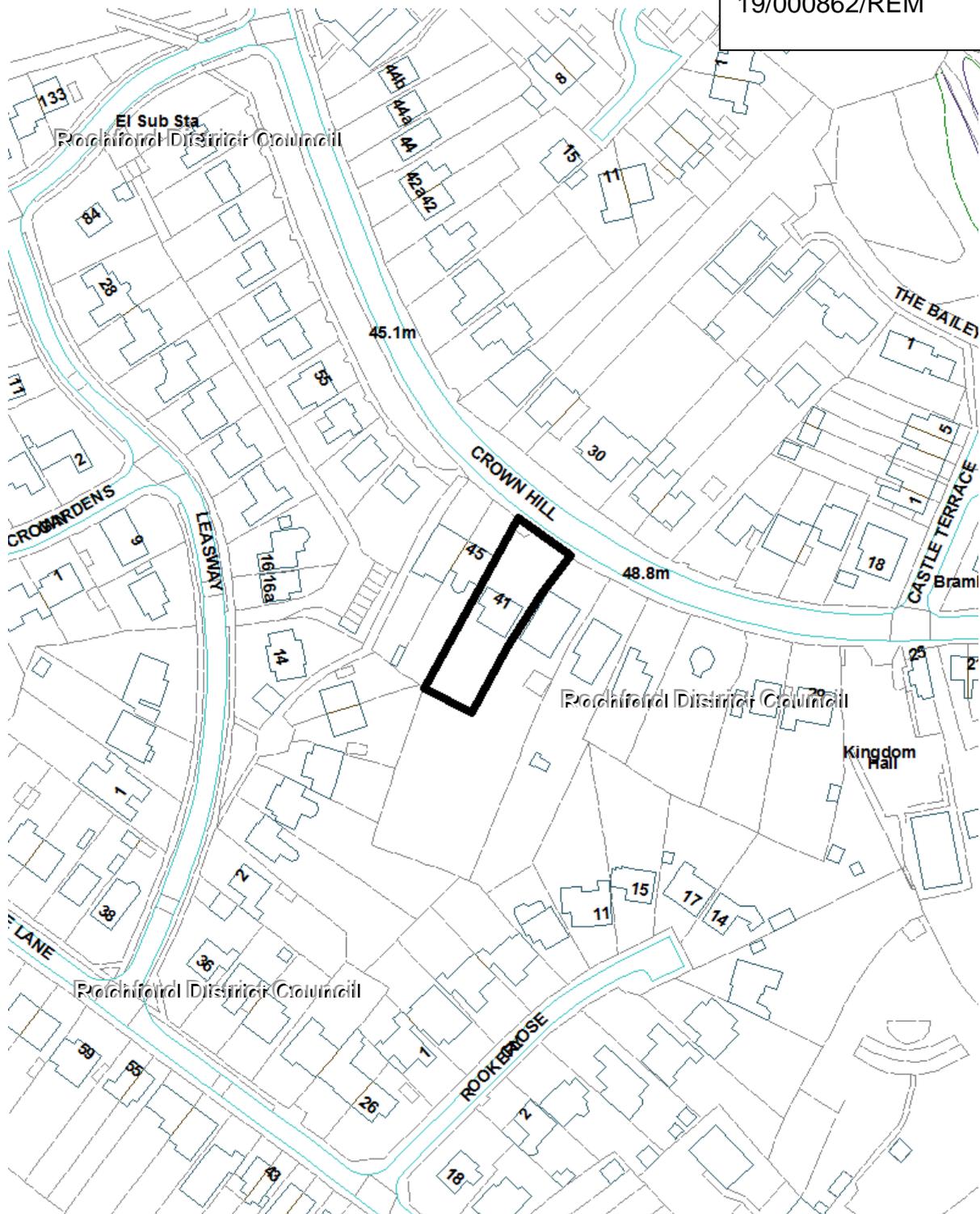
Rochford District Council Local Development Framework Supplementary Planning Document 2 Housing Design (January 2007)

Parking Standards Design and Good Practice (2010)

National Planning Policy Framework

The local Ward Member(s) for the above application is/are Cllr M Wilkinson Cllr J C Burton Cllr R R Dray

19/000862/REM



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