

**PLANNING APPLICATIONS WEEKLY LIST NO.1202**  
**Week Ending 13th September 2013**

**NOTE:**

- (i). Decision Notices will be issued in accordance with the following recommendations unless **ANY MEMBER** wishes to refer any application to the Development Committee on the 19.09.2013
- (ii). The Head of Planning & Transportation is to be **NOTIFIED OF ANY APPLICATION THAT IS TO BE REFERRED BY 1.00 P.M. ON WEDNESDAY 18th September 2013** via

Mr J. Whitlock            Ext 3450        DD 318080 or  
Mrs Sheradan Sibley (Secretary)    Ext 3401        DD 318137

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Application No :        13/00351/OUT        Zoning : Existing Employment  
Parish :                Hockley Parish Council  
Ward :                 Hockley Central  
Location :             27 - 29 Eldon Way Hockley Essex  
Proposal :             Outline Application to Demolish Warehouse Units 27,  
28 and 29 and Construct Three Storey Building  
Incorporating 5no. Retail Units and 20 Flats (8no. Two  
Bedroomed and 12no. One Bedroomed) and  
Associated Parking and Amenity Areas. All Matters  
Reserved.

**NOTES**

Outline planning permission is sought at this site to demolish warehouse units 27, 28 and 29 and construct a three storey building incorporating 5 retail units and 20 flats (8 x two bedroomed and 12 x one bedroomed) and associated parking and amenity areas. All matters are reserved for consideration within a reserved matters application. Therefore, appearance, access, landscaping, layout and scale would all be reserved for consideration in a Reserved Matters application, which would follow if outline permission were granted. This application will consider use, amount of development, indicative layout, scale parameters and indicative access points.

Indicative layout, elevation and floor plan drawings have been provided which show a proposed flat roofed L shaped building with 5 retail units at ground

floor level and 20 flats spread between first and second floor level with 10 flats on each level. The indicative layout shows some parking to the front onto Eldon Way to provide for the retail units and an access road providing further parking to the rear of the building for the residential use. Amenity space with bin and bicycle accommodation would be provided immediately to the rear of the building.

The indicative scale of the building includes one wing measuring 28m long x 10m wide and the second wing measuring 22m long x 10m wide. It would rise to a height of 8.3m. The retail units would provide a range of floorspace areas of 50m<sup>2</sup>, 107m<sup>2</sup> and 126m<sup>2</sup>. One tree would require removal to allocate for the parking spaces/building to the front.

## PLANNING HISTORY

12/00553/FUL - Proposed Change Of Use From Warehouse To Retail Warehouse With Mezzanine Floor, New Front Facade And External Staircase To Rear (29 ELDON WAY). APPROVED

12/00552/FUL - Proposed Change of Use from Warehouse to Retail Warehouse With Mezzanine Floor, New Front Facade, and Staircase to Rear (28 ELDON WAY). APPROVED

12/00541/FUL - Change of Use from Warehouse to Retail Warehouse With Mezzanine Floor Including New Front Facade, New External Staircase to Rear to Provide Access at First Floor Level (27 ELDON WAY). APPROVED

12/00100/FUL - Change of Use from Warehouse to Retail Warehouse Including New Front Facade, New External Staircase to Rear to Provide Access at First Floor Level (27 ELDON WAY) REFUSED

02/00828/COU - Change of Use of Existing Unit to Class B2 (General Industrial) Use (27 ELDON WAY). APPLICATION WITHDRAWN

95/00004/COU - Use Building For Class B2 (General Industrial Sheet Metal Working and Engineering) (28 ELDON WAY). APPROVED.

ROC/297/71 - Change use from Class III light industry to Class IV general industry (28 ELDON WAY). APPROVED.

A/14/70 - Erection of illuminated fascia sign. (28 ELDON WAY). APPROVED.

ROC/346/69 - Change of use Class X to Class III. (28 ELDON WAY). APPROVED.

ROC/327/69 - Use warehouse as Class III industrial building. APPROVED

ROC/327/69 - Use warehouse as Class III industrial building. APPROVED

ROC/323/69 - Use warehouse building as Class III industrial building (28 ELDON WAY). APPROVED.

ROC/165/69 - Change use of existing building from storage (Class X) to industrial (Class III) (28 ELDON WAY). APPROVED.

ROC/471/68/1 - Erection of 7 warehouse units (amended plans). APPROVED

ROC/471/68 - Erection of 7 warehouse units with road and drainage - phase V. APPROVED

ROC/604/64 - Construction of estate roads and erection of 3 warehouse units. APPROVED

ROC/2/63 - Construction of roads and sewers. APPROVED

ROC/36/51 - Layout of industrial estate and erection of industrial units. APPROVED

ROC/28/48 - Proposed layout of Hockley brickfield for industry. APPROVED

## MATERIAL CONSIDERATIONS

### PRINCIPLE OF RESIDENTIAL AND RETAIL DEVELOPMENT

The site is currently designated as employment land within the Hockley area and is part of the existing Eldon Way Industrial Estate. The site is identified within policies H1 and ED3 of the Core Strategy as a site for redevelopment for appropriate alternative uses, including residential development. Discussion around the infrastructure requirements of such redevelopment within Appendix H1 to policy H1 will occur later. The site is also identified within the Allocations Submission Document and the Hockley Area Action Plan (HAAP) Submission Document for development. Both of these documents are unadopted however, they have been submitted to the Secretary of State and are under examination by the Planning Inspectorate. Therefore, due to the stage at which they have now reached, they can be afforded weight when considering this application. Policy RTC6 of the Core Strategy outlines the broad requirements of the HAAP.

The HAAP looks to predominantly provide new housing in the area of the application site with the proposal for some retail also venturing into this area. The application site is located within the 'Eldon Way Opportunity Site'. The plan at page 33 of the HAAP represents an overview of the framework and provides a broad indication of where development should take place. Therefore although the whole of the application site is not shown as a retail focus area, it is broadly in line with what this framework is trying to achieve in this particular location. However, as well as generally adhering to the framework plan, in order to be considered acceptable, a proposal should also adhere to the 8 policies within the HAAP and these will be assessed below.

Policy 1 requires that any proposal accords with and contributes towards delivery of the HAAP spatial framework. Whilst the proposal accords with some elements of this policy, particularly surrounding the proposal for a mixed residential/retail use, other matters have not been addressed which are paramount to the HAAP framework in general. The proposal does not make clear:

- o how it will contribute to new and improved public spaces throughout the centre including a public open space associated with the redevelopment of the Eldon Way Opportunity Site and improvements to Spa Road mini-roundabout
- o how it will contribute to new and enhanced routes linking the centre with the rail station and the surrounding area
- o how it will contribute to enhanced car parking that will serve the centre as a whole

Without clarity around how the proposal contributes to the HAAP spatial framework, the proposal is currently considered contrary to policy 1.

Policy 2 requires all proposals to either incorporate or contribute towards the schemes identified in the HAAP with regards to environmental improvements. It is not clear as to how the proposal will deliver the environmental improvements specified within this policy and the proposal is currently considered contrary to policy 2.

Policy 3 requires all proposals to either incorporate or contribute towards the schemes identified in the HAAP with regards to transport improvements. This policy also requires planning applications to be supported by a Transport Assessment and Travel Plan. It is not clear as to how the proposal will deliver the transport improvements specified within this policy and no transport assessment or travel plan has been submitted with this application which is a requirement of this policy. For this reasoning the proposal is currently considered contrary to policy 3.

Policy 4 permits residential development within the Eldon Way Opportunity Site as long as the criteria within this policy is adhered to. The proposal would not result in more than 50% of the Eldon Way Opportunity Site being developed for housing. The application form confirms the site area to be 0.21ha. With a proposal for 20 residential units, the density level at this part of the Eldon Way Opportunity Site would be 95 dwellings per hectare. The policy refers to an approximate figure of 50 dwellings per hectare, this proposal is almost double the density level sought in this area. This alone is not considered to represent a reason for refusal here. The remaining Eldon Way Opportunity Site may never come forward for development but if it did it may produce a density level more akin to policy 4 which would mean the entire Eldon Way Opportunity Site including the current proposal would have a density closer to 50 dwellings per hectare. The proposal is currently considered to represent overdevelopment for reasoning referred to later in this report. In addressing these overdevelopment issues within a revised

application, the density level would be reduced to a level more akin to policy 4 anyway.

Policy 5 is not relevant to this particular proposal. Policy 6 permits retail development within the Eldon Way Opportunity Site as long as the criteria within this policy is adhered to. The proposal would provide a range of retail unit sizes and none are identified as food stores. If one unit were to be used as a food store it would not exceed 3000m<sup>2</sup> in floorspace. The proposal does not identify how it will integrate with the rail station and other areas of Hockley in terms of pedestrian links and is therefore considered to be contrary to policy 6. Policies 7 and 8 are not relevant to this particular proposal.

Neither physical measures or financial contributions have been put forward as part of this application to address the matters outlined above. Therefore how the proposal would contribute to the policy requirements of the HAAP remains unclear. This policy criteria is important in ensuring a structured development is provided with improvements to local infrastructure.

Policy ED1 of the Core Strategy encourages the creation of new enterprises. The proposal for 5 retail units would adhere to this policy, in principle, which encourages economic growth. Whilst employment land would be lost to this proposal, a change of use of all three units to retail warehouses was granted planning permission in 2012 and could still be implemented and this employment area would potentially be lost as a result of the HAAP. On this basis, the loss of employment land to a mixed residential/retail scheme is not considered objectionable here.

Policy RTC2 of the Core Strategy 2011 and the National Planning Policy Framework (NPPF) look to apply a sequential test to retail development. The proposed retail units are on an existing industrial estate in close walking distance of Hockley town centre although not located directly within it. The NPPF defines an edge-of-centre site as being 'for retail purposes, a location that is well connected and up to 300 metres of the primary shopping area... In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances'. The site is located, at its closest point, within 300m walking distance of the primary shopping area of Hockley and is considered to be well connected to it with good access to bus and train links with bus stops close to the edge of the industrial estate and the train station a short walk away. Therefore the site is considered to be defined as 'edge-of-centre' rather than 'out-of-centre' or 'out-of-town'.

Policy RTC2 prioritises retail development to the town centres of Rochford, Rayleigh and Hockley. It states in policy RTC2 that 'where town centre locations are not available, edge-of-centre locations are to be utilised with priority given to locations which have good links to the town centre and are accessible by a range of transport options'. The start of this sentence states 'where town centre locations are not available'. The application provides a supporting statement looking at all the current uses in the town centre and on the Eldon Way estate. Bearing in mind that the Eldon Way Opportunity Site is identified for retail development in the HAAP Submission Document and the

good links the site has to the town centre where a range of sustainable transport options are available, the proposal is not considered to be contrary to policy RTC2.

## IMPACT ON NEIGHBOURING PROPERTIES

There are no dwellings in close proximity to the site therefore it is not considered that the proposal would be detrimental to the occupiers of any neighbouring residential properties. The proposal would be in close proximity to commercial units but it is also not considered that the proposed development would be detrimental to the occupiers of any neighbouring commercial units. The land level drops between the commercial units to the rear (no.23, 24, 25 and 26) and the application site, therefore the building would appear less prominent to these units than it might do normally if the land were level.

## DESIGN

The current proposal would create a ground floor footprint of 576m<sup>2</sup> in comparison the footprint of the existing building equates to 1162.5m<sup>2</sup>. Therefore the current proposal would create a reduced quantity of build at ground floor level in terms of scale. However, the building would be greater in height with a total height of 8.3m in comparison to the 6.4m ridge height of the existing buildings. The three existing buildings are pitched roofed whereas the proposed building would be flat roofed, therefore the scale and bulk of the proposed new building would be greater than the existing at third storey level but less at ground/first floor level. There are both two and three storey flat roofed buildings located in close proximity to the site, therefore the proposal would accord with the existing street scene of Eldon Way. No detailed design requirements are presented within the HAAP to explain the heights and scale of new buildings sought. Considering its setting, the scale and bulk of the building is considered acceptable here.

The positioning of the building within the plot, using a similar positioning to the existing buildings, is considered acceptable. The indicative layout with parking to the front and rear and amenity space to the rear would also be considered acceptable. The bins and bicycle storage would be located in an approximate area accessible from the private drive. The bins could be located in a closer positioning to the Eldon Way entrance to improve access for refuse collectors, this could be controlled by planning condition. In design terms, parking to the frontage in the style shown is not considered to present a particularly attractive appearance within the street scene creating a dominance of parked vehicles. The ECC Urban Design officer raises concerns with this particular arrangement. It is not considered sufficiently detrimental to the street scene, considering the height and scale of this building and the appearance of the existing estate, to justify refusal of this application however, a revised application could potentially address this concern.

With regards to policy H5 of the Core Strategy, the development would provide one and two bedroomed units. This policy also requires a proportion

of affordable housing provision to be in the form of three bedroomed or larger dwellings however, for the quantity of residential development proposed, it is not considered appropriate to refuse an application on the lack of three bedroomed or larger dwellings.

With regards to amenity space, the indicative elevation plan shows that two of the flats would have balconies. These would need to measure 5m<sup>2</sup> each to comply with SPD2, the indicative floor plan shows that these would not currently meet this criteria. SPD2 requires that a communal resident's garden is provided for the remaining 18 flats calculated on the basis of 25m<sup>2</sup> per flat. Only the area to the rear would be considered private amenity space and this area equates to 297.5m<sup>2</sup> (however, this includes an area that would actually partly be used for bicycle and bin storage rather than as private amenity space so this figure would need to be reduced further). For 18 flats this would provide 16.5m<sup>2</sup> (maximum) per flat, below the 25m<sup>2</sup> criteria. Although the town centre is close by and there is public open space beyond the railway line at Marylands Wood, this public open space is not that easily accessible from this site. Whilst the sites edge of town centre location would allow for a slight reduction in the quantity of amenity space provided, it is considered that the current shortfall would be excessive (particularly when considering part of the amenity shown would not be usable space as it would consist of bin and bicycle storage). Such lack of adequate amenity space provision would be tantamount to overdevelopment at this site.

It has been emphasised via the HAAP, particularly within policy 2, that part of the improvements to the Hockley centre includes environmental improvements. It is also a requirement within policy EB6 of the Local Plan that landscaping forms an integral part of employment proposals. The indicative layout shows retention of grass verge and some trees however, a greater quantity and improved level of landscaping would be required at this site and should be controlled by planning condition. There is a container located to the southern boundary of the building at no.29 Eldon Way. Approval of an application could contain a condition requiring removal of this existing container to improve the appearance of this area which forms a prominent and visible corner when viewing from Eldon Way and Spa Road.

Policy ENV9 of the Core Strategy requires all new residential development to reach Code level 3 for Sustainable Homes and also, within the period 2010 to 2013 the Council expect development to go beyond Code level 3 in terms of water conservation measures, unless such requirements would render a particular development economically unviable. Code level 3 is dealt with under the building regulations, however, an informative could also be attached to an approval. In addition to this, policy H6 of the Core Strategy requires all new housing developments to comply with the Lifetime Homes Standard and policy ENV10 requires all new non-residential buildings to meet the BREEAM rating of 'Very Good'. A condition requiring details and plans demonstrating assessment of the dwellings against the Lifetime Homes Standard and retail units against the BREEAM standard should be attached to an approval.

Policy ENV8 would require the development to secure at least 10% of its energy from decentralised and renewable or low-carbon sources, unless this is not feasible or viable. This could be controlled by planning condition.

## TREES

There are four trees within the vicinity of this site, two Hawthorn to the south and two crab apple trees to the east. One of the crab apple trees would require removal to allocate for the building and parking area. The supporting statement advises that more trees would be planted as part of a landscaping scheme, this could be controlled by planning condition. The Council's Arborist does not object to removal of the crab apple tree but suggests a condition requiring a tree protection plan at reserved matters stage which could be imposed.

## HEALTH & SAFETY

A consultation response from the Health & Safety Executive advised that the PADHI+ software should be used where necessary. Use of the PADHI software is only necessary where any pipeline is considered a major pipeline. Contact with National Grid has confirmed that low or medium pressure (below 2 bar) gas pipes and associated equipment are located within the vicinity of the proposed scheme. However, these are not considered major pipelines for the purposes of the PADHI+ software. In which case, the proposal is not considered to have health and safety implications material to the application in terms of the siting of pipelines. The applicant is advised to contact National Grid with regards to the positioning of such pipelines and the implications for the scheme in a private capacity.

## NOISE

The flats within the indicative layout would be located 28m (furthest distance) from the rear elevation of the industrial units at no.23, 24, 25 and 26. The closest flat would be located 6m from the rear elevation of these units. The 6m distance could generate noise disturbance to the occupiers of the closest flats however, the Council's Environmental Services department do not object to the proposal. They consider a planning condition requiring an acoustic report and noise insulation scheme to be submitted to, agreed and then implemented by planning condition would sufficiently protect the residential properties from externally-generated noise.

## DRAINAGE

Policy ENV4 of the Core Strategy requires all residential development over 10 units to incorporate runoff control via SUDS. No information has been supplied to demonstrate how such SUDS measures would be provided on the site. However, details of such measures which could include permeable paving, green roofs and rainwater harvesting, swales and basins, infiltration trenches and filter drains, ponds and wetlands, to be submitted to and agreed in writing, could be controlled by planning condition. The site does slope down



from the commercial units to the west to Eldon Way to the east. Therefore, any proposal to address drainage issues would need to consider such sloping and would need to ensure that the rear parking spaces in particular, considering their proximity to higher land to the west, do not become flooded. The application form confirms that the proposal would connect to mains sewerage in accordance with policy UT2 of the Local Plan.

Anglian Water has confirmed that they have assets close to or crossing this site or there are assets subject to an adoption agreement. The applicant should be aware that this development may require diversion of the sewers in accordance with Anglian Water. An informative to such effect should be attached to an approval. Anglian Water suggest a condition relating to implementation of the surface water strategy provided. But as no such specific strategy has been supplied a condition requiring this to be submitted to and agreed in writing could be controlled by planning condition rather than the condition suggested by Anglian Water.

## S106 CONTRIBUTIONS

ECC Education have confirmed that they will not be seeking a financial contribution with regards to this proposal. ECC Highways have also not sought a financial contribution in their consultation response.

Policy H1 of the Core Strategy not only prescribes the sites proposed for redevelopment but also the infrastructure provision which must be delivered at each general location in order to ensure that new residential development across the District is comprehensively planned. Appendix H1 to policy H1 advises that Eldon Way/Foundry Industrial Estate should provide new infrastructure to accompany residential development. It states as follows:

Contribution towards Hockley centre regeneration to be determined through development of Area Action Plan, including:

- o Public transport infrastructure improvements and service enhancements
- o Healthcare facilities
- o Public open space
- o Landscaping and street furniture
- o Pedestrian links between centre and train station, linking residential development to both
- o Early years and childcare facility
- o Youth and community facilities
- o Local highway capacity and infrastructure improvements, including Spa Road/Main Road junction improvements

This should be provided in a proportionate manner when considering proposals for development of parts of general location sites. None of the above has been addressed as part of the current application either in the form of physical or financial contribution. In order for such a proposal to be considered acceptable, contribution towards the wider regeneration works required to Hockley via the HAAP would be required. Without clarity from the

applicant as to whether such contributions would be provided, the proposal cannot currently be considered acceptable.

In addition to this, policies CLT5 and CLT7 require open space and play space to be provided with all new residential development. Whilst it may not be appropriate to provide this actually on the application site, this could also be provided by financial contribution. However, no physical or financial contribution has been put forward.

Policy H4 of the Core Strategy requires at least 35% of dwellings on all developments of 15 or more units to be affordable. At this site, it would result in the need for 6 units to be affordable with a split of 80% social and 20% intermediate housing. The application form confirms that 12 key worker units are proposed and 8 private market units. However, no detail is provided around the proposed affordable housing provision particularly in relation to the needs of the area in terms of unit sizing and type of affordable housing and how an 80% social / 20% intermediate split would be achieved here. On this basis the proposal cannot currently be considered acceptable.

#### PARKING/HIGHWAYS

The indicative layout shows that the minimum parking bay sizes are used here measuring 5m x 2.5m to achieve the number of spaces proposed. As this proposal relates to an entirely new development the preferred 5.5m x 2.9m measurements including 2.9m x 6m for parallel spaces should be used. Within the existing parking layout, this would reduce the number of parking spaces actually achievable at the preferred size to 32 from the 38 shown. Whilst there may be the capacity to provide the further 6 spaces within the layout, this would not be without a reduction in the quantity of amenity space (which is already below the SPD2 criteria) and the loss of further green spaces, to the detriment of the appearance of the street and the high quality of design sought for the occupiers of new residential properties. No exceptional circumstances have been put forward to explain why the minimum parking bay sizes should be accepted here and the Council do not see what reasoning exists for a new development such as this to use the minimum rather than the preferred sizing. No disabled bays are shown but 3 bays or 6% of the total capacity would be required here as a minimum, this applies to the retail and residential uses. Therefore, 6 disabled bays would be required. As disabled bays must meet disabled bay sizing criteria this would further reduce the number of parking spaces available. An area for the parking of bicycles is shown. This would need to provide space for 23 bicycles for the flats including visitors and 4 for the retail units, totalling 27. The area shown for the storage of bicycles would have implications for the quantity of amenity space required. Parking provision for powered two wheelers is not shown. Such provision would need to equate to a minimum of 4 for the retail units and 4 for visitor spaces for the flats. It is unclear how this could be provided within the existing layout and this would again further reduce the quantity of parking spaces available if existing spaces are used or reduced in size to supply powered two wheelers.

The indicative layout shows parking for 38 vehicles to serve the 8 two bedroomed and 12 one bedroomed flats and the 5 retail units (although it is clear from the paragraph above that a maximum of 32 could be provided within the existing layout and to the preferred bay sizes). The Parking Standards document would require a minimum of 28 vehicle spaces for the 20 flats, 12 for the one bedroomed, 16 for the two bedroomed. For the retail units, assuming they would not serve food stores, the requirement is for a maximum of 1 vehicle space per 20 sqm. With a total floor area of 545sqm, there would be a requirement for a maximum of 27 spaces. In addition, visitor parking for the flats would require a minimum of 5 additional parking spaces. Therefore, to strictly adhere to the Parking Standards document, there would be a requirement for 60 parking spaces, 22 more spaces than the number shown and 28 more than the maximum number of spaces achievable to the preferred bay size criteria.

However, the retail provision is a maximum rather than a minimum figure and the document states that a lower provision of vehicle parking may be appropriate in urban areas (including town centre locations) where there is good access to alternative forms of transport and existing car parking facilities. There are good bus links through the town centre, a short distance away, and Hockley train station is also within walking distance. There is also a public car park in walking distance of the site, however, this is an approximately 10 minute walk away and therefore not particularly usable to residents of the flats. There is estate parking available to the premises which a statement produced by the agent for a previous application explains equates to 83 spaces (however such parking is also available and shared with other estate users). Whilst a lower provision, due to the sites location, would be considered acceptable here, the quantity achievable at the preferred bay size and taking into consideration the need to provide disabled bays and powered two wheeler provision which would further reduce the overall number of parking spaces, is not considered to provide acceptable parking provision for the mixed use development proposed at this site. Such lack of parking provision to serve the quantity of development proposed is tantamount to overdevelopment of the site and may result in occupiers/visitors of the flats and visitors to the retail unit parking on roads around the estate.

This proposal would intensify use of an existing access however, ECC Highways do not object to this. Nor do they object to a row of parking spaces to serve the retail units all accessible from Eldon Way. The parking is positioned to the rear closest to the industrial units which is considered to represent the best positioning for such parking on the site.

No information has been provided to demonstrate how the retail units would be serviced as per policy SAT7 of the Local Plan, particularly units 1 and 2 which have no parking to the front and amenity space to the rear. Therefore the proposal is also considered unacceptable for this reasoning.

## **Representations:**

HOCKLEY PARISH COUNCIL - If it is part of the HAAP we have no objections

RDC ARBORIST - Comments as follows:

- o The site comprises of a number of mature and good quality thorn trees and two lower quality crab apples.
- o No specific tree information supports the application. However, in the Design and Access statement it states that the proposals would require the removal of one crab apple tree which is not significant.
- o Recommendations:
- o In principal there is no arboricultural objection to the proposal, given adequate protection of the retained trees.
- o It is recommended that at a reserved matters application a finalised Tree Protection Plan to BS5837:2012 methodology is submitted. The Tree Protection Plan should clearly identify:

Trees to be retained and those to be removed

Details of any facilitation pruning

Details of any infringements of Root Protection Areas of retained trees by construction, landscaping (including any changes in soil level, planting and fencing) and/or site access.

Location and specifications of any special engineering solutions when working/construction within Root Protection Areas of retained trees

Location and specification of protective tree fencing, in addition to appropriate ground protection where required within Root Protection Areas

Location and species of replacement trees including specifications of tree size, staking and pit size

Location for access, material storage, welfare facilities etc.

RDC ENGINEER - The only drawings I have of a gas pipeline shows a major pipeline through the district from Hainault to Shoeburyness. This obviously doesn't mean there isn't another gas pipeline through Eldon Way etc. I would recommend checking with the National Grid.

RDC ENVIRONMENTAL SERVICES - if Members are minded to approve the application, the following condition should be attached to any consent granted:

- 1) An acoustic report should accompany any subsequent application such that the residential properties are protected from externally-generated noise. The noise insulation scheme shall be submitted to and agreed by the LPA. The scheme shall be installed and maintained in the approved manner for the duration of the permitted use.

ECC HIGHWAYS - No objection subject to the following conditions:

1. Prior to commencement of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of each vehicular access.

Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

2. Parking spaces having minimum dimensions of 2.9 metres x 5.5 metres and 2.9 metres x 6 metres for parallel bays shall be provided in accordance with Parking Standards Design and Good Practice September 2009 (Essex Planning Officers Association/ECC).
3. Prior to occupation of the development the vehicular accesses shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the accesses at the junction with the highway shall not be less than 3 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.
4. A minimum dimension of 6m shall be provided between the rear of the parking bays within the parking court.
5. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of the footway tapering one-sided over the next 6m to a minimum width of 3m.
6. The existing vehicular crossings shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the reinstatement to full height of the highway footway kerbing, to the satisfaction of the Highway Authority immediately the proposed new access is brought into use.
7. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
8. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be identified clear of the highway, submitted and approved in writing by the Local Planning Authority.
9. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
10. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include 6 All Essex Scratchcard tickets.

ECC EDUCATION - Comments as follows:

- o I can confirm that we are satisfied that there is likely to be sufficient places available at pre-school, primary and secondary level to serve the needs of the above development and therefore we will not be seeking a s106 education contribution.

ECC URBAN DESIGN - Comment as follows:

- o The Hockley Area Action Plan (AAP) provides the key policy background to the sites regeneration. However, the Hockley AAP only provides a broad-brush framework and ideally a more detailed masterplan should be produced to ensure the different parts are brought together at the more detailed level to maximise synergies and place-making. This might be undertaken by an organisation owning much of the land (i.e. as part of a comprehensive development process) or through the Council, e.g. as an addendum/companion to the AAP.
- o If a decision has to be made on this relatively small site, without a more detailed framework being in place, we would recommend the need for a robust development which facilitates and complements a suitable range of wider regeneration possibilities.
- o In this respect, we are sceptical about the sustainability of the retail element of the proposals which are relatively small-scale (pedestrian-based), yet quite detached from existing retail circuits (100m away) and unlikely to contribute to a viable town centre retail circuit/destination in the future. We would therefore recommend refusal and a rethink in partnership with the local authority and/or other key land owners.
- o The outline height, massing and form of the proposed development appears reasonable and support the proposed density levels. The heights are consistent with the moderately high densities envisaged in the AAP, and within the existing estate there are similar building heights and no known local sensitivities. The relative depth of the building at 10m supports the retail element of the proposal, though might also be considered domestic in scale given a suitable architectural design treatment.
- o Car parking is a key issue in determining density levels. In this respect the proposal demonstrates that 22 car parking spaces can be provided in the rear courtyard. We would recommend against the other proposed car parking arrangements which does not comply with the Essex Parking Standards, i.e. (i) the 3 resident spaces on the proposed access road which would unattractively involve widening the gap in development frontage, and (ii) the 13 x 90 degree parking spaces which would unreasonably dominate the street scene and might conflict with traffic on the loop road (approximately 6 parallel spaces might alternatively work). Therefore it must be queried whether the scheme can support the proposed density given the likely net loss of 9 of its 38 spaces, unless alternative parking arrangements are proposed (e.g. underground, decked) and/or reduced standards are agreed with the Parking Authority based on proximity to the town centre and rail station.
- o The proposed architectural articulation is very basic, though this can be improved noting all matters are reserved.

NATIONAL GRID - The National Grid apparatus that has been identified as being in the vicinity of your proposed works is:

Low or Medium pressure (below 2 bar) gas pipes and associated equipment.  
 (As a result it is highly likely that there are gas services and associated apparatus in the vicinity)

LONDON SOUTHEND AIRPORT - No safeguarding objections

HEALTH & SAFETY EXECUTIVE - Comments as follows:

- o Advise that PADHI+ software should be used where necessary.

ANGLIAN WATER - Comment as follows:

- o There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

"Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence."

- o The foul drainage from this development is in the catchment of Rochford STW that at present has available capacity for these flows.
- o The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.
- o The preferred method of surface water disposal would be to a sustainable drainage system (SUDS) with connection to sewer seen as the last option.
- o The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable.
- o We request that the agreed strategy is reflected in the planning approval.
- o The planning application includes employment/commercial use. To discharge trade effluent from trade premises to a public sewer vested in Anglian Water requires our consent. Anglian Water would ask that the following text be included within your Notice should permission be granted.

"An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.

Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such

facilities could result in pollution of the local watercourse and may constitute an offence.

Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991."

- o Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

"No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority."

REASON - To prevent environmental and amenity problems arising from flooding.

LOCAL RESIDENTS - 2 comments received (25B Belchamps Way and 4 Bramerton Road) which can be summarised as follows:

- o Out of keeping with the surrounding properties.
- o The proposed building completely lacks character.
- o The shops would be too far away from the existing shops for them to be used by their customers.
- o There is insufficient parking for the 20 flats, only 25 spaces. I believe the 2 bedroom flats should have 2 spaces each making a total of 28 spaces, although there is adjacent street parking.
- o There is no information about bin facilities, with the 5 shops and 20 flats there could be a possible 75 bins.
- o The Plans Layout is very sketchy and show flats 3 and 13 without a bedroom.
- o This seems to be a strange place to insert Housing and more shops. There is already shops in the High Street that are empty.
- o The noise and trouble on this estate Wednesday and Fridays is already very bad and will only increase, with the Holes in the fence being used as a cut through. Children smoking dope and causing damage and generally upsetting neighbours. Already complained about the fence a year ago, nothing done about this.
- o If this plan goes ahead, there will be increased traffic and disturbance to the residents near by.

## REFUSE

- 1 The proposal would be tantamount to overdevelopment of this site. This is by virtue of the lack of compliance with the amenity space provision within Supplementary Planning Document 2 which requires flatted schemes to provide 25m<sup>2</sup> of communal private amenity space



per flat. With the need to provide space for bin storage and bicycle storage, amenity space provision is further reduced within the proposed development. This is also due to the inadequate parking provision formed by use of the minimum rather than the preferred bay size criteria, inadequate quantity of parking spaces required, lack of provision of disabled and powered two wheeler parking bays and lack of servicing arrangements for the retail units all contrary to the Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010 and policy SAT7 of the Local Plan 2006. Collectively, these would result in a development that would not meet policy and supplementary planning guidance criteria and would represent overdevelopment of the site. This would be contrary to parts iii), iv) and v) to policy HP6 of the Local Plan 2006 and to policy CP1 of the Core Strategy and the National Planning Policy Framework (NPPF) which seek good, high quality design.

- 2 The proposal does not provide information to advise how it will contribute towards delivery of the Hockley Area Action Plan (HAAP) Submission Document spatial framework. This framework, together with Appendix H1 to policy H1 of the Core Strategy 2011, requires proposals for redevelopment within the Eldon Way Opportunity Site to be comprehensively planned including necessary infrastructure requirements. The current proposal does not provide information as to how infrastructure requirements would be met for the wider HAAP site, contrary to policies 1, 2, 3 and 6 of the HAAP Submission Document, Appendix H1 to policy H1 of the Core Strategy 2011 and policies CLT5 and CLT7 of the Core Strategy 2011. In addition, no transport assessment and travel plan has been submitted which is a requirement within policy 3 of the HAAP Submission Document. Also, due to the lack of clarity around the proposed affordable housing provision it is unclear as to how the proposal would adhere to policy H4 of the Core Strategy 2011 which requires the provision of affordable housing for schemes of the scale proposed unless economically unviable, rendering the site undeliverable. A site such as this, which is part of the wider Eldon Way Opportunity Site within the HAAP Submission Document, has the potential to be unsustainable without adherence to such policy requirements which look to seek infrastructure to support the provision of the additional dwellings and retail within this location, in a comprehensively planned manner.

**Relevant Development Plan Policies and Proposals:**

Policies H1, H4, H5, H6, CP1, ENV4, ENV8, ENV9, ENV10, CLT1, CLT2, CLT3, CLT5, CLT6, CLT7, T1, T3, T8, ED1, ED3, ED4, RTC1, RTC2 and RTC6 of the Core Strategy 2011

Policies HP6, HP10, HP11, EB6, SAT7 and UT2 of the Local Plan 2006

Supplementary Planning Document 1 - Educational Contributions

Supplementary Planning Document 2 - Housing Design  
Parking Standards: Design and Good Practice Supplementary Planning  
Document adopted December 2010

Allocations Submission Document April 2013

Hockley Area Action Plan Submission Document November 2012

The local Ward Member(s) for the above application is/are Cllr Mrs C A  
Weston Cllr K H Hudson Cllr B T Hazlewood

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Application No : 13/00465/COU Zoning :Primary Shopping Frontage  
Parish : Rayleigh Town Council  
Ward : Wheatley  
Location : 100A High Street Rayleigh Essex  
Proposal : Change of use from B1 (Offices) to D2 (Assembly \_  
Leisure) for Use as a Personal Training and  
Rehabilitation Centre.

## NOTES

### SITE

The application premises - which are single-storey and vacant - lie behind shops fronting the High Street.

The site is surrounded by commercial and storage uses of one kind or another and yards/parking serving the shops fronting High Street.

To the north lies a pair of semi-detached houses - in residential use - fronting Crown Hill - nos 1 and 3.

Floor area amounts to 77 square metres.

Vehicle access is via a private access-way leading off High Street between nos 100 and 102.

The premises have the use of two parking spaces in an adjacent shared parking area.

The premises have been vacant for more than 6 months. It was last used as offices but there has been no interest in re-use for offices over the time it has been vacant.

## PROPOSAL

The application seeks change of use of the premises from B1 office use to D2 assembly and leisure use - specifically a personal training/physical rehabilitation centre.

The applicant is proposing a small start-up company offering personal training and rehabilitation classes. A particular specialism will be one-to-one personal training and corrective therapy sessions. Rehabilitation and physiotherapy sessions will also be offered in due course, along with training in the achievement of personal training qualifications.

There will be three staff - though not all will necessarily be working with clients simultaneously. Most of the time there would only be one member of staff present, sometimes two.

There would be a maximum of 10 clients at any one time.

## MATERIAL CONSIDERATIONS

Issues arising include:

- o the principle of the use in terms of land use;
- o impact on amenity;
- o parking/highway impact;
- o impact on the character and appearance of the Rayleigh conservation area.

### Principle

The site is in a backland location behind shops in the Primary Shopping Frontage of Rayleigh town-centre.

The proposed change of use, therefore, has no implications for the shopping function of the town-centre.

Rather - the proposal falls to be considered on its individual merits.

Firstly - the premises are vacant and have been so for some months, without any interest for B1 office use.

Secondly - Core Strategy Policy ED1 supports development that enables diversification and modernisation of the economy through the growth of existing businesses and the creation of new enterprises providing high value employment - having regard to environmental issues and residential amenity.

The applicant company is precisely the sort of fledgling enterprise that the policy seeks to support. It is a new company based on a small group of individuals who are attempting to get started in the field of personal fitness and rehabilitation and earn a living for themselves.

The venture needs low-cost premises such as this to give it the best chance of succeeding and these particular premises would serve that purpose.

Moreover, the scale of the business is fairly small and unlikely to conflict with any of the neighbouring uses or those in the town-centre more generally.

Indeed, a town-centre location such as this is not only highly sustainable - enjoying, as it does, good public transport links and abundant publicly available parking nearby - but the use would compliment and benefit from the large range of uses in the town-centre and visitors to it - some of whom may also be inclined to use the services to be offered here - without having any material impact locally.

No objections are, therefore, raised to the proposal in principle in terms of land use and the relationship with other town-centre uses.

#### Amenity

The use proposed is not in itself a noisy activity.

Moreover - the scale of the use is fairly low. There would be an anticipated maximum of 10 clients at any one time, so the amount of coming and going by both persons and vehicles would not be great.

Impact on neighbouring uses would, therefore, likely be slight.

Nonetheless, the adjacent properties to the north of the site - a pair of semi-detached houses (nos 1 & 3 Crown Hill) - are both in residential use - so impact on residential amenity is an important consideration.

Class D2 (Assembly and Leisure) includes a wide range of uses including, for example, bingo halls, cinemas, casinos, dance and concert halls - many of which could significant noise nuisance.

It is, therefore, necessary to consider if - in view of the wide scope of Class D2 and, in turn, the potential for nuisance if the building was to be used for another use within Class D2 - it is necessary to limit the scope of any planning permission granted.

Whilst the small size of the premises probably means that their attractiveness for other uses within Class D2 is probably fairly limited - it is equally the case that the possibility cannot be ruled out either.

That being the case - it is, therefore, recommended that any planning permission be granted with a condition limiting the use of the premises to

solely a "a personal training and rehabilitation centre" - as described in the applicant's "Supporting Statement" dated 18 July 2013 - and for no other purpose within Class D2 of the Use Classes Order (1987) - as subsequently amended.

For the same reasons - a further condition specifically requiring approval of scheme against internally generated noise is also suggested.

There is also the issue of hours of operation.

No hours restrictions apply to the use of the building as offices. Moreover, there are few controls in this regard over most other uses in the immediate area.

Nonetheless, the application site has a sensitive boundary with the residential uses at nos 1 and 3 Crown Hill.

In addition - unlike the previous office - which would have been inherently quiet in its operation - there is the potential for the use now proposed to have greater impact, with rather more coming and going of clients.

A condition limiting hours of operation is, therefore, considered appropriate. Hours of operation - not before 07.00 hrs and after 22.00 hrs - would be reasonable.

Uses of this sort typically operate fairly early in the morning and into the evening - to cater for people visiting before they go to work or after they return - and the hours proposed would allow for this, whilst at the same affording a measure of protection for residents at nos 1 and 3 Crown Hill.

In limiting the use to the hours proposed - it should also be noted that this is an edge of town-centre location where ambient noise levels are fairly high overall.

Subject to safeguarding conditions as described - impact on residential amenity is, therefore, considered to be acceptable.

#### Parking/Highway Impact

Treating the use as a "gym" - which it is not - but given that this is the closest category for the interpretation of parking standards - this gives a requirement for 8 parking spaces (1 per 10 sq m public area).

Only two spaces would be available - within the parking area adjacent to the building. This parking area is a communal area shared with other uses nearby.

This is, however, an accessible town-centre location, with good public transport links and abundant publicly available parking nearby serving the centre as a whole.

Moreover - some of those attending may well be those working in the town-centre in any event - or visiting for shopping purposes - and will have already parked elsewhere in the town-centre for those reasons.

It is, therefore, concluded that application of the full standard is probably not appropriate in this instance; in any event.

The issue to be considered, therefore, is whether the two spaces that would be available can be regarded as sufficient.

This view is taken that this amount of parking is adequate - given that the premises are in so accessible and sustainable a town-centre location and the easy availability of abundant publicly-provided parking nearby. Most of the time there would be no more than two staff at the premises so, in practice, these would probably be used by staff. Clients would park elsewhere in the town-centre - which is not considered unreasonable - especially given the difficulties of access to the site off High Street.

It should also be noted that the Highway Authority raises no objections.

Access to the site is by means of the existing private access-way between no 100 and 102.

This is not easy to negotiate and there are poor sight lines at the junction with High Street.

However, its existence is a matter of fact and - given the small size of the premises (77 sq m) - the amount of traffic generated would not be great and probably not materially different from what could be generated by the previous office use.

On the merits of the case - no objections are, therefore, raised in terms of parking provision and access.

#### Conservation Area

The premises are located within Rayleigh Conservation Area - where the Council has a duty to consider if a proposal would preserve and/or enhance its the character and appearance.

It is part of a larger single storey flat-roofed building of very ordinary appearance and is in a backland location - where it is not publicly visibly.

Its re-use for D2 purposes, as sought, would not affect the external appearance of the building and would preserve - if not enhance - the character and appearance of the conservation area.

Beneficial use of the building is also likely to ensure its continued good maintenance - which is clearly to the benefit of the conservation area too.

No concerns, therefore, arise in relation to the impact on the conservation area.

## SUMMARY/CONCLUSION

The application seeks change of use of a currently vacant former office premises (B1) to D2 (Assembly and Leisure) use - to allow the establishment of a personal fitness/ corrective therapy/rehabilitation/physiotherapy use.

Subject to safeguarding conditions to protect amenity into the future - to protect against problems arising from the introduction of other uses within Class D2 - and a specific condition requiring approval of scheme against internally generated noise - impact on residential amenity would be acceptable.

Parking is deficient measured against the standard applicable to a gym - but the use is not a gym in the normal sense. The two parking spaces that would be available are, therefore, considered to be sufficient - particularly so, given that this is an accessible, sustainable town-centre location where there is abundant publicly available parking nearby.

There are no concerns regarding impact on the character and appearance of the Rayleigh conservation area.

## **Representations:**

Rayleigh Town Council: No objections.

## APPROVE

- 1 SC4B - Time Limits Full - Standard
- 2 The premises shall only be used as a personal training and rehabilitation centre, as described in the supporting statement to the application dated 28 07 2013 (date stamped received 30 07 2013) and for no other purpose, including any use otherwise permitted within Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (including any Order revoking or re-enacting that Order, with or without modification), or such uses ordinarily incidental to the use hereby permitted.
- 3 Before the use commences the building envelope shall be insulated against the egress of internally generated noise, in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority. Such agreed works shall be fully implemented prior to the commencement of any use hereby permitted and shall be maintained in the approved form while the premises are in use for the permitted purpose.

- 4 The use of the premises as a personal training and rehabilitation centre - as described in the supporting statement to the application dated 28 07 2013 (date stamped received 30 07 2013) - shall only take place between the hours of 07.00 hrs and 22.00 hrs daily and not at all outside these hours.
- 5 No development shall commence before any air conditioning units requisite for the purposes of the fitness centre use has been installed, in accordance with details which shall previously have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, any such plant/equipment shall be retained and shall only operated as approved in writing by the Local Planning Authority.

**Relevant Development Plan Policies and Proposals:**

National Planning Policy Framework

RDC Core Strategy: ED1, T1, T3, T8, CP2, RTC4

RDC Replacement Local Plan (Saved Policies): CS2, CS7

The local Ward Member(s) for the above application is/are Cllr J D Griffin Cllr. Mrs M J Webster

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Application No :	13/00458/FUL	Zoning :	Residential
Parish :	Rayleigh Town Council		
Ward :	Rayleigh Central		
Location :	Land Adjacent 57 Trinity Road Rayleigh		
Proposal :	Demolish Existing Single Storey Garage and Sub Divide Plot to Construct New Dwelling (4 Bed House) with New Access and Off Street Parking		

**NOTES**

This application relates to the construction of a detached house in an established residential area of Rayleigh.

There have been a number of planning applications relating to the site which have established the principle for the development of the site and two of these remain extant.

- o 07/511/FUL - Demolish existing garage and shed and erect a detached two-storey 4-bed. house with integral garage. This was refused due to size, effect on amenity of neighbouring property and lack of arboricultural report.
- o 07/880/FUL - Demolish existing garage and shed and erect a detached two-storey 4-bed house. Approved 20th November 2007.



- o 08/109/FUL - Same as above with the addition of a conservatory. Approved 8th April 2008.
- o 08/625/FUL - Construct one detached three bed roomed house with carport, construct vehicular crossover. Approved 16th September 2008.
- o 11/563/FUL - Extend time limit for 08/00625/FUL. Approved 15th December 2011, the principle for a development on the site having been duly established.
- o 12/003/FUL - Subdivide plot and construct one four bed roomed house with rooms in the roofspace. Refused 23rd May 2012.
- o 12/610/FUL - Subdivide plot and construct one four bed roomed house with rooms in the roofspace. Approved 12th December 2012.

The site is within the Rayleigh residential area and the principle for development of the site has been established by the planning approvals 07/00880/FUL, 08/00625/FUL, 11/0053/FUL and 12/610/FUL the last two of which remain extant. The site size and boundaries remain the same as with the previous applications. A public surface water sewer that runs through the site is a constraint on the location of any potential development and this has necessitated the latest proposal. Since the previous approval a manhole and the sewer has been accurately plotted in relation to the surrounding buildings and this has been reflected in the proposed position of the dwelling. There is also a Sycamore tree situated on the boundary with the rear garden of No.55 which has a Tree Protection Order on it

The proposal is for a four bed house with accommodation on two floors..

The application plot is an irregular shaped site and does not provide for a 9.25m plot frontage as specified within the local plan, however the plot does extend wider towards the centre of the plot and narrows significantly to the rear. At the front of the building the plot width is marginally in excess of the Local Plan standard.

In order to prevent the coalescence of neighbouring properties a minimum separation of one metre is required to be achieved in all cases between side boundaries and habitable rooms of the dwelling houses. This distance is satisfied on the north east facing side elevation. At the rear corner point on the south west elevation the building would be up to the boundary but a one metre gap would occur to the majority of the remaining side elevation. Due to the orientation of the relevant properties the lack of separation at the rear corner is not considered to be a contentious issue given that this is more a matter of the canted boundary and the necessary separation would be achieved between the buildings

The two storey dwelling would have a front to back pitched roof with a ridge height of 8.1m and a lowest eaves height of 3.2m. The front elevation of the dwelling would have a width of 7m. This elevation features a two storey gabled 0.65m deep front projection with a width of 3.76m and a ridge height of 7.2m. At ground floor level this would contain the front entrance to the dwelling with the door having a small canopy over and a window to the side. At first floor level there would be a 0.9m wide window serving a bathroom. The

remainder of the front elevation adopts a chalet style appearance with a 3.3m high elevation wall containing a 1.3m wide window and the main roof pitch of the dwelling containing a small dormer topped with a lean to roof.

The north east facing side elevation would have a depth of 8.54m. Positioned 3.16m from the front corner of the dwelling would be a 1m ground floor projection with a depth of 3.96m, The would have a window to the rear corner and a small window to the front. The projection would feature a front to back pitched roof with a ridge height of 4.2m. At first floor level this side elevation would feature a single small obscure glazed window.

The south west facing side elevation would be constructed parallel to the side elevation (garage) of 55 Trinity Road and would have a depth of 9.19m. There would be no first floor windows and the only openings to the ground floor would be a kitchen window, small WC window and a door to a utility area. It is not considered that these openings would have an adverse impact on neighbouring amenity and the existing 1.8m fence would be retained.

The rear elevation of the dwelling would feature a two sided flat roofed projection angled away from No.55 and looking into the rear garden. The rear garden would provide a private amenity area of 204m<sup>2</sup>.

The dwelling would be orientated with the front elevation in line with No.55 and as such there would be a forward staggered and angled orientation to the neighbouring dwelling at No.57 which is set 6.8m further back. The proposed dwelling is of a size and design that, together with the modest separation between the two properties and the design of the roof pitch extending up from 3.3m above ground level, would not have a significantly overbearing or overshadowing relationship to the neighbouring dwellings. There are no windows in the elevation close to No.57 which would affect the privacy enjoyed by the occupants of this neighbouring dwelling. Whilst the 45° policy relates to extensions and not new infill houses, it is a useful guide, in this instance it would not be complied with to the front of No.57, but the proposal is considered acceptable as explained above.

The side boundary rear garden contains a mature Sycamore tree which is subject to a Tree Protection Order (TPO/11/07). This tree and the impact of the development on it has been taken into account on the previous planning approvals which have established the principle for the development with the first approval being for a larger dwelling. This latest proposal is set further away from the tree and outside of the root protection area. The RDC Woodlands Officer considers the scheme to an improvement on earlier proposals and considers there to be no arboricultural issues subject to recommended conditions.

The plans indicate a usable off road parking area suitable for a minimum of two vehicles which would be an acceptable level of parking provision for a four bed dwelling in this location.

This site has been subject to a number of applications over previous years. In considering the constraints posed by the site characteristics it is considered that this proposal would result in a suitable development for this location and that there would be no adverse impacts upon neighbouring amenity or the streetscene.

### **Representations:**

RAYLEIGH TOWN COUNCIL - No objection

ECC HIGHWAYS - No objection subject to recommended conditions

RDC WOODLANDS -

It is noted that the footprint of the build of the new application is outside the RPA of T1 Sycamore which is subject to Tree Preservation Order 11/07. In addition there is a greater distance between the tree and the property reducing shading, leave fall, honeydew issues. Overall, the new application in relation to the retained sycamore is an improvement.

Recommendations

There are no arboricultural objections to the application if adequate protection measures are adopted to protect T1 sycamore. Therefore, if planning consent is granted then the following conditions are recommended:

#### 1. Condition

No work shall take place on the application site (including any demolition) until a Tree Protection Plan to BS5837:2012 methodology has been submitted and agreed in writing by the LPA that clearly identifies:

- o the location and specification of protective tree fencing and appropriate ground protection;
- o the specification of landscaping prescriptions (including fencing and changes in soil level) within the Root Protection Area of T1 Sycamore.
  
- o any other infringements of the Root Protection Area and/or entering of the protective tree fencing during the demolition or construction phase.

The scheme shall be implemented strictly in accordance with the agreed Tree Protection Plan.

Reason 1: To enable the Local Planning Authority to assess the full effect of the development on the existing trees, shrubs and hedgerows on and immediately off site and to secure the protection and retention of those species to be incorporated in the development hereby permitted in the interests of amenity.

#### 2. Condition

A pre-construction site meeting between the site agent, the developers chosen arboriculturist and the LPA's Arboricultural Officer will be undertaken. Thereafter, the developers chosen arboriculturist will conduct site supervision once a month (minimum) for the duration of the project to ensure that all protection measures (including tree fencing, ground protection and landscaping) are being implemented and maintained as per the agreed Tree Protection Plan. A log of visits shall be kept in the site office for inspection by the LPA if required.

Reason 2: To ensure the protection of existing trees to enable the LPA to retain adequate control over the development and the impact on the existing trees, shrubs and hedgerows.

### 3. Condition

The protection fencing and ground protection shall be erected according to the specification and locations shown on agreed Tree Protection Plan. Signs will be placed and retained on the tree protective fencing outlining its importance and emphasising that it is not to be moved, nor the area entered into until the end of development. Any changes to the above must be requested in writing and granted by the LPA prior to them being undertaken.

3. Reason. To protect the health and welfare of trees with amenity interest.

## APPROVE

- 1 Time Limits Full - Standard
- 2 Materials to be Used (Externally)
- 3 Prior to commencement of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.
- 4 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 5 2 vehicular hardstandings having minimum dimensions of 2.9 metres x 5.5 metres for each vehicle shall be provided.
- 6 Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/ highway verge.
- 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) the windows marked OBS on the approved drawing, 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.

- 8 Prior to the commencement of the construction of the residential housing hereby approved the applicants shall submit details to the and be approved in writing by the Local Planning Authority to demonstrate the extent of how the dwellings hereby approved comply with the lifetime homes standard and implementation of the approved scheme.
- 9 No work shall take place on the application site (including any demolition) until a Tree Protection Plan to BS5837:2012 methodology has been submitted and agreed in writing by the LPA that clearly identifies:
  - o the location and specification of protective tree fencing and appropriate ground protection;
  - o the specification of landscaping prescriptions (including fencing and changes in soil level) within the Root Protection Area of T1 Sycamore.
  - o any other infringements of the Root Protection Area and/or entering of the protective tree fencing during the demolition or construction phase. The scheme shall be implemented strictly in accordance with the agreed Tree Protection Plan.
- 10 A pre-construction site meeting between the site agent, the developers chosen arboriculturist and the LPA's arboricultural Officer will be undertaken. Thereafter, the developers chosen arboriculturist will conduct site supervision once a month (minimum) for the duration of the project to ensure that all protection measures (including tree fencing, ground protection and landscaping) are being implemented and maintained as per the agreed Tree Protection Plan. A log of visits shall be kept in the site office for inspection by the LPA if required.
- 11 The protection fencing and ground protection shall be erected according to the specification and locations shown on agreed Tree Protection Plan. Signs will be placed and retained on the tree protective fencing outlining its importance and emphasising that it is not to be moved, nor the area entered into until the end of development. Any changes to the above must be requested in writing and granted by the LPA prior to them being undertaken.
- 12 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class B and/or Class C, 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 additional dormers shall be inserted, or otherwise erected, within the roof area (including roof void) on the rear elevation of the dwelling hereby permitted.

**Relevant Development Plan Policies and Proposals:**

HP6, NPPF, SPD2, PARKO, of the Rochford District Council Adopted Replacement Local Plan

The local Ward Member(s) for the above application is/are Cllr Mrs C Roe Cllr Mrs P Aves