

**DEDMAN**

Planning & Regeneration

Residential Development  
36 Hockley Road  
Rayleigh  
Essex  
SS6 8EB

**PROOF OF EVIDENCE  
APPENDICES**

John Baines BA(Hons) BPL MRTPI

**Appeal Reference: APP/B1550/A/06/2022178**

**Inquiry Date: 12<sup>th</sup> & 13<sup>th</sup> December 2006**

**Client:**

MR B Dearman & Mr G Jerwood

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## **Appendices**

1. Decision Notice 06/00206/FUL, 22<sup>nd</sup> June 2006
2. Development Control Committee Report, Addendum & Minutes, 22<sup>nd</sup> June 2006
3. Appeal Decision Letter: APP/B1550/A/05/1185976, 23<sup>rd</sup> November 2005
4. Decision Notice 05/00208/FUL, 7<sup>th</sup> June 2005
5. Extract from Draft PPS3: Housing – Annexe C: Density, December 2005
6. Plan of Local Services
7. Plan of Surrounding Flats with Density Figures
8. Plan identifying sites recently approved or allowed at Appeal
9. Recent Decision Notices and Committee Reports of sites with greater number of Dwellings Per Hectare than currently proposed
10. Local Area Density Map
11. Revised Application Plans (do not scale)
12. CABI – “Design at Appeal” (2006)

**Appendix 1**  
**Decision Notice 06/00206/FUL, 22<sup>nd</sup> June 2006**

**ROCHFORD DISTRICT COUNCIL**



**Council Offices  
Rochford  
Essex  
SS4 1BW**

**TOWN & COUNTRY PLANNING ACT, 1990**

**NOTICE OF DECISION**

Date : 22nd June 2006

Application No : 06/00206/FUL

Parish : Rayleigh Town Council

Proposal : Demolish Existing Bungalow and Erect 20 No. 2 Bed Apartments with Parking and Amenity Space. Access for Vehicles off Millfield Close.

Site Location : 36 Hockley Road Rayleigh

Applicant : Mr Dearman And Mr Jerwood

The Council as District Planning Authority hereby give notice of their decision to **REFUSE PLANNING PERMISSION** for the above proposal as described in the accompanying drawings numbered 105/01/A, 105/06, 105/07, date stamped 16 May 2006 105/102 Rev B, 105/03 RevB, 195/04 RevB, 105/05 RevA, 105/08 Rev A Date Stamped 16th June 2006, for the reasons set out below.

Your attention is drawn to the notes attached

**REASONS FOR REFUSAL**

- 1 A primary objective of the Rochford District Replacement Local Plan is to promote good, high quality design in new housing in accordance with national guidance. It is accepted that in appropriate locations schemes promoting density in excess of the PPG3 targets 30–50dph may be acceptable. However, due to the design of the proposed buildings and their layout/position within the plot, including the removal of one TPO tree and significant works to other TPO trees, together with the overall density of the development, this proposal would produce an intrusive development that would fail to reflect and respect the scale of the residential properties that are in close proximity to the site.

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**ROCHFORD DISTRICT COUNCIL**

- 2 The use of Millfield Close as the primary access for all vehicles using the site, added to the level of vehicle movements connected with this scale of development, would be likely to result in a material loss of amenity to the occupiers of the existing surrounding residential properties.

**Relevant Development Plan Policies and Proposals:**

HP3, HP6, HP11, HP18, of the Rochford District Council Local Plan First Review



**SHAUN SCRUTTON  
HEAD OF PLANNING AND TRANSPORTATION**



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**Appendix 2**  
**Development Control Committee Report,**  
**Addendum & Minutes,**  
**22<sup>nd</sup> June 2006**

**DEVELOPMENT CONTROL COMMITTEE - 22 June 2006    Item 1**

**TITLE :**                    **06/00206/FUL  
DEMOLISH EXISTING BUNGALOW AND ERECT 20 NO 2  
BED APARTMENTS WITH PARKING AND AMENITY SPACE.  
ACCESS FOR VEHICLES OFF MILL FIELD CLOSE.  
36 HOCKLEY ROAD, RAYLEIGH**

**APPLICANT :**            **MR DEARMAN AND MR JERWOOD**

**ZONING :**                **RESIDENTIAL**

**PARISH:**                **RAYLEIGH TOWN COUNCIL**

**WARD:**                 **WHEATLEY**

**DENSITY:**             **06/00206/FUL 77 Dwellings per hectare (31dpa.) (current  
scheme)  
05/00208/FUL 96 Dwellings per hectare (37dpa) (Previous  
Scheme)**

**PLANNING APPLICATION DETAILS**

- 1.1 Permission is sought for the demolition of the existing bungalow and the re-development of the site to provide 20 x 2-bedroom flats. Vehicular access to the site is to be solely from Mill Field Close.
- 1.2 This scheme is a re-submission following 05/00208/FUL that proposed the re-development of the site into 24 flats in two separate blocks; this application was dismissed on appeal 23/11/05. The scheme has been re-designed by scaling down the development to be a true two storey scale across both of the blocks and the number of flats has been reduced by 4 units.
- 1.3 The block facing Mill Field Close has the appearance of terraced housing on a staggered crucifix layout which fits well into the context of the existing terraced housing in both design and layout. 8 car parking spaces face the site entrance with amenity space around the building.
- 1.4 The building fronting Hockley Road again appears as a small terrace but with a similar depth. This complements the design and layout of the existing Hockley Road frontage.
- 1.5 The blocks are separated by amenity space and a further 12 car parking spaces (overall one space per unit) with all vehicular access off Mill Field Close.
- 1.6 **SITE AND SURROUNDING AREA:** The application site is not level and the ground falls away to the rear of the plot. The current vehicular access to the site is from Hockley Road, with the rear most part of the plot behind the bungalow forming part of the domestic private garden. The plot contains a number of trees protected by TPOs.

1.7

The surrounding area is characterised by mixed residential properties. The units opposite the site are predominantly blocks of flats ranging in height from two to four storeys in height. To the rear of the plot are single family two storey mainly terraced houses. Further to the north is the Fitzwimarc School and to the south along Hockley Road is a flatted scheme comprising Stratford House, Langdale House and Grassmere House and to the north 2 Victorian cottages and a Listed Building (house). Further to the south are the residential streets of Derwent Avenue, Keswick Close, Highfield Crescent, Bull Lane and Rayleigh Town Centre.

1.8

The sites opposite the application plot including Rectory Garth, Hanover Court and Brooklands have a density of 80 dwellings per hectare and to south of the site the flats in Stratford House, Langdale House and Grassmere House have a density of 68 dwellings per hectare, and in isolation (not including access roads) they have densities of:-

Hanover Court	20 units at 142DPH (59dpa)
Brooklands	24 units at 113DPH (48dpa)
Rectory Garth	27 units at 60DPH (25dpa)
Stratford and Langdale Houses (comparable site area to the application plot)	36 units at 138DPH (58dpa)

1.9

**BUILT FORM**

The application proposes that the accommodation will be provided in two distinct blocks; one block to the front of the site facing Hockley Road and one block to the rear of the plot.

1.10

**The frontage block** proposes a broad 'T shaped' footprint with a two storey presentation onto Hockley Road incorporating a pitched roof running parallel with Hockley Road, and a rear two storey projection with double pitched gable ended feature that runs perpendicular to the street.

1.11

This block contains 8 self contained flats. Two ground floor flats have doorway access direct onto the street and the remaining flats are accessed from a central doorway located within the centre of the frontage block direct onto Hockley Road.

1.12

The width of the building as it fronts Hockley Road is 20m and the height to the top of the pitched roof is 8.7m; the previously refused scheme ranged in height from 8.3m up to 10.2m. The width has been increased from 17.5m to 20m.

1.13

**The rear block** proposes a two storey block with a staggered crucifix shaped footprint. This block provides 12 self contained flats, and is a full two storey building with pitched roof over. Four of the six ground floor flats have independent accesses and the remainder of the units have access from shared stairwells.



1.14

**ACCESS AND CAR PARKING**

Vehicular access and car parking is direct off Mill Field Close with no access save for pedestrian access direct onto Hockley Road. The Mill Field Close entrance to the site provides access to two parking courts that provide 20 car parking spaces.

**RELEVANT PLANNING HISTORY**

- 1.15 **03/00637/FUL** Demolition of bungalow and erect a sheltered housing scheme containing 12 flats on 3 floors - Refused 09/09/03
- 1.16 **05/00208/FUL** Demolition of bungalow and erection of 22 apartments, 2 bungalows with required refuse, cycle storage, parking and landscaping (within a two, two and half storey and single storey building. No vehicle access from Hockley Road, all access for/by vehicles from Mill Field Close. - Dismissed on appeal 23/11/05
- 1.17 In dismissing the appeal the Inspector commented that the main issue in his consideration was not access or car parking but whether the development would meet the criteria of the development plan in terms of the design and effect on the character of the area.
- 1.18 In dismissing the appeal the Inspector made the following comments:-
- 1.19 *5 Taking the elevation to Hockley Road first, the development would present a 2 storey facade with the taller element at the rear. As is well illustrated in the perspective drawing, the significantly taller and more massive building at the rear would appear out of place, bearing in mind the established 2 storey character on this side of the street. The Council does not rule out a relatively tall block on the street frontage, but I agree that the juxtaposition of the taller block behind with the surrounding 2 storey development would be most awkward. Added to this, I find the street elevation does not do justice to the attractive and simply articulated frontage of the 2 Victorian cottages or the listed building to the north, which also have a prominent position on the road frontage. The facade would present a large area of brickwork, unrelieved by a variety of aperture sizes and architectural detail. While questions of design are to some extent a subjective matter, the appearance would, I believe, lack the distinction and be unworthy of a prominent frontage close to the town centre.*
- 1.20 *6 The rear of the 2 blocks would present a frontage to the end of Mill Field Close. It would be necessary to provide access and parking areas and this would require large areas of paving. To some extent this could be relieved by planting, but the very high density appearance would be exacerbated by the bland, wide and tall frontage that would be on view. Compared to the much more intimate style and scale of the housing in Derwent Avenue and Mill Field Close the building would appear almost monolithic. The design of the facade would suffer from the same drawbacks as the western block and would not, in my view, be attractive.*



- 1.21 *7 I appreciate that a good deal of effort has been put into ensuring that a high density scheme can be built without causing undue harm to residential amenity in terms of overlooking and loss of light. The scheme also could protect the important trees. Nevertheless, I do not consider the scheme acceptable because of its design and massing for the above reasons.*
- 1.22 *8 Consequently, I conclude that the scheme would not be at a density appropriate to the character of the surroundings. The density would be higher than the 30-50 recommended in Government policy. Whilst a high density may well be appropriate close to the town centre this does not mean that the Council's design policies should be sacrificed to achieve such an end. I find the scheme contrary to Local Plan policies H2, H11 and H20. Planning Policy Guidance Note 3 makes it clear that higher densities are not to be achieved at any cost and increased density must be weighed against harm to the environment. In my view, this scheme fails to strike the right balance. I have considered all other matters raised in the appeal. The scheme is not in accordance with the development plan and I have found no material considerations to outweigh that conclusion. I shall dismiss the appeal.*
- 1.23 The applicant has submitted a supporting statement which explains that:-
- 1.24 *7.1 The development has been designed to make optimum use of this previously developed and under-used site without causing undue harm to the residential amenity of neighbouring properties. It is in keeping with the scale and character of the surrounding area and the attractiveness of the street will be enhanced.*
- 1.25 *7.2 Following the comments of the Inspector made in his decision letter, the density of the scheme has been reduced to be more in line with the Government's recommended density levels, however PPG3 states at para 58 that a greater intensity of development should be sought at places with good accessibility to public transport and town centre facilities. We believe that this location, close to Rayleigh town centre, is just such a location.*
- 1.26 *7.3 This proposal accords with Government and Development Plan guidance and will make a positive contribution to the regeneration of the area...*

**CONSULTATIONS AND REPRESENTATIONS**

- 1.27 **English Nature:-** No objections and comment that if protected species are thought to be present on the site then the site should be surveyed and appropriate mitigation should be put in place.
- 1.28 **Environment Agency:-** No objections and comments on drainage/sewage disposal from the site, recommend that the developer considers sustainable drainage techniques in the construction of the building.



- 1.29 **Essex Police Architectural Liaison Officer:** - Object to this development on the grounds of excessive permeability (people passing through the site), offer advice on how this objection could be overcome. *Officers' comments:- these issues can be controlled by condition.*
- 1.30 **Rayleigh Civic Society:** - The layout and general appearance of this development has been improved. However, although the Inspector on the 18<sup>th</sup> October 2005 (site visit) dismissed objections concerning access, traffic parking and amenity; we are still of the opinion that the access is inadequate due to the narrowness of Mill Field Close. The road width was obviously considered acceptable for the existing properties; we query whether it will be so when another 20+ vehicles use it.
- 1.31 The density remains high despite the reduction from 24 to 20 apartments.
- 1.32 **County Urban Designer:** - I think that the form of the buildings will now fit in with the scale of the surrounding development and that the design is simple and generally satisfactory. I do have some concern about the width of the gabled ends at the rear of Block 1 and the duality of windows there. I would suggest that these points could be overcome by changing the gables to hipped ends while still retaining the lower eaves line on the side elevations.
- 1.33 The design statement says that additional planting can be provided if deemed necessary. I think that a landscaping scheme should be done to show the treatment of retaining walls and planting around the car parking, amenity spaces and site boundaries. The car park adjacent to the Mill Field Close entrance needs screening with a tree and some bush planting. The design of the bin store is important due to its prominent position at the entrance, and again it should be screened by planting. The trees and bushes along the verge of Mill Field Close should be retained as far as possible and new planting provided along the boundaries with numbers 9 and 62. The access and parking areas would preferably have paved rather than bitumen surfaces.
- 1.34 The proposed boundary treatment and planting along Hockley Road should be also be shown.
- 1.35 *Officer comment: The design of the bin stores is covered by a condition whilst the rear elevation gables to Block 1 are not open to public view and in the circumstances considered to be acceptable.*
- 1.36 **Essex Fire Authority:** - Access for fire services is considered satisfactory providing that
1. a pedestrian access gate is provided to Hockley Road
  2. all access roads are obstructed by overhanging vegetation
  3. additional water supplies may be required
- 1.37 **Essex Schools Service:** - request that a financial contribution is made towards the provision of two secondary school places ( £25, 636)



- 1.38 **Letter from Mark Francois MP:-** has forwarded a letter on behalf of two of his local constituents and comments that he finds the scheme to be unacceptable on density, parking and vehicular access grounds.
- 1.39 **Petition of objection signed by 85 local residents** on the grounds of density, lack of parking, commuter parking, safety issues from increased traffic, rat run, increase in foot traffic through the site, number of high density development in the vicinity.
- 1.40 39 letters have been received from local residents commenting in the main on the following issues:-
- Buildings will face directly onto building on the other side of the street (Hockley Road)
  - Cramped feel
  - Noise will not dissipate without space around the buildings
  - Impact upon TPO trees
  - Rayleigh does not need more flats
  - Overstretched infrastructure
  - Increase in congestion
  - Mill Field Close Is a winding cul-de-sac
  - Loss of amenity through increased traffic
  - Should access onto Hockley Road.
  - Route used by school children
  - Possible increase in accidents
  - Increase in pollution
  - Beyond the density of 30-50 DPH
  - May lead to antisocial behaviour
  - Not enough car parking may lead to increase in indiscriminate on street car parking
  - No visitor parking
  - Access through the site may give rise to a loss of amenity and may lead to commuter parking
  - Over-development
  - Would not add to the character of the area which is predominantly houses
  - Difficult access for refuse and emergency vehicles; this would be made worse
  - Nowhere for the children of the development to play
  - Loss of light
  - Problems during construction with large vehicles accessing the site
  - Property devaluation
  - Mill Field Close is currently a safe place for children to play
  - Overlooking
  - Lack of seclusion
  - Lighting to the car parking may cause loss of amenity



1.41 **MATERIAL PLANNING CONSIDERATIONS**

1.42 In dismissing the appeal on the previous application the Inspector commented that:-

*Notwithstanding the many objections on the grounds of access, traffic, parking and residential amenity...the only area of dispute is whether the scheme would meet the development plan policies concerned with design and effect on the character of the area... Both plans contain policies which encourage efficient use of urban land. Any harm arising from the design policies would need to be weighed against the benefits, recognised by the Council of redeveloping the site at a higher density...Whilst density may well be appropriate close to the town centre this does not mean that the Council's design policies should be sacrificed to achieve such an end... In my view this scheme fails to strike the right balance. I have considered all matters raised in the appeal. The scheme is not in accordance with the development plan and I have therefore found no material considerations to outweigh that conclusion. I shall dismiss the appeal.*

1.43 Principle of development

In line with Government advice, the development plan policies and the location of the site there is no objection in principle to the re-development of this site for residential purposes. There is no substantive planning reason why flats could not be accommodated on this site. The appeal inspector did not raise any concerns with the principle of flats being developed on the site, indeed, they are a characteristic of this location.

1.44 In addition there is no objection to the principle of the site being able to support a greater density, within limits, than that which currently exists, as this would seek to maximise the developable land within the district, which will in turn relieve the pressure on the release of Green Belt land. As the Inspector pointed out in the recent appeal, the key with such sites is to strike a balance between increased density and the harm to the environment.

1.45 In addition the proposed development with a building along the Hockley Road frontage and a second building off Mill Field Close is acceptable in layout and form and is not without precedent within the vicinity, with the blocks of flats and town houses opposite the site and the housing scheme to the south of the site.

Layout/Access and Car Parking

1.46 **Layout:** As commented above, the proposed layout with the development in depth would not be an alien feature, given the layout, form and character of other buildings in the locality.

1.47 The creation of a built frontage close to the highway (Hockley Road) would respect the historic townscape of this part of Rayleigh.



- 1.48 The rear block has been carefully designed to follow the existing built form and layout of the roads to the rear, Mill Field Close and Derwent Avenue. The layout of this part of the site will create a built form that would provide visual stops and more formal closure to the cul de sac of Mill Field Close and Derwent Avenue; this is an appropriate townscape solution for this part of the site.
- 1.49 The proposed layout also respects the existing TPO trees on the site.
- 1.50 It is considered therefore that a refusal based on the proposed layout could not be justified.
- 1.51 **Access:** The scheme proposes the closure of the existing access onto Hockley Road and the creation of a new access onto Mill Field Close. The scheme has been designed not utilising the existing access onto Hockley Road; this has been the firm advice of the Highway Authority that in the interest of highway safety the proposed development should be served from the rear.
- 1.52 The entire scheme will be accessed from Mill Field Close; this is the same arrangement as the previous scheme and has the full support of the County Highways Officer. A refusal based on the use of Mill Field Close as the access to the site, and or the development having an adverse impact upon highway safety could not be justified.
- 1.53 Whilst the concerns of the residents on this issue are understood, Mill Field Close is adopted highway and there is no reason for it not to be used to access the site. The previous scheme was not refused nor dismissed on appeal for issues relating to highway access.
- 1.54 It is considered therefore that the use of Mill Field Close to serve this development is entirely acceptable.
- 1.55 The applicant's agent has confirmed that the scheme will be compliant with the principles of secured by design and therefore the concerns raised by the Police and from local residents in terms of direct pedestrian access from Hockley Road through to Mill Field Close would be overcome and prevented by the use of fencing and lockable gates.
- 1.56 **Car parking:** the scheme proposes 100% car parking. This is not a town centre site. Nevertheless, the level of provision proposed is considered to be acceptable given the close proximity of the site to Rayleigh Town Centre and also accessibility to a number of modes of transport. A refusal based on the extent of car parking at the site could not be substantiated and would not accord with the principles outlined in PPG3..

Design & Appearance - Scale & Mass

- 1.57 As highlighted above, for the appeal Inspector, the key issue related to its design and massing.



- 1.58 The Inspector commented:-
- 1.59 *I appreciate that a good deal of effort has been put into ensuring that a high density scheme can be built without causing undue harm to residential amenity in terms of overlooking and loss of light. The scheme also could protect the important trees. I do not consider the scheme acceptable because of its design and massing ...*
- 1.60 The County Urban Designer has commented that *the form of the buildings will now fit in with the scale of the surrounding development and that the design is simple and generally satisfactory*. The other comments raised by the County Urban Designer will be controlled with appropriate planning conditions.
- 1.61 The scheme has been reduced by four residential units resulting in a reduction in density from 96 DPH on the previous scheme to 77 DPH now. It is contended that not only has the development density dropped, the scheme in terms of the design and appearance of the buildings has been materially altered. The scheme is now a two storey development and has the appearance of terraced housing with pitched roofs.
- 1.62 The proposed external finish of the new buildings is to comprise a brick plinth render to the walls and plain tiles to the roof; whilst the specific materials can be controlled by planning condition the principle of the use of these materials in this fashion would not be out of character with the wider area.
- 1.63 As outlined above, the appeal inspector felt that the appeal scheme had been designed to not cause undue harm to residential amenity, overlooking, loss of light and also the protection of the preserved trees. The footprint, layout, and the internal arrangements of the proposed apartments follows very closely the appeal scheme and is therefore considered to be acceptable.

#### Density

- 1.64 The previous scheme proposed 24 units with a density of 96 DPH; the current scheme proposes 20 units with a density of 77DPH. This revised density when assessed against that of other sites/plots within the vicinity (as commented above) would not be out of character and would not give rise to material harm to the visual appearance of the site or surrounding area.
- 1.65 PPG 3 explains that local planning authorities should encourage housing development which makes more efficient use of land (between 30 – 50 dwellings per hectare net) and seek greater density of development at places with good public transport accessibility such as city, town, district and local centres or around major nodes along good quality public transport corridors. The advice to planning authorities is very clear that densities greater than 50 dwellings per hectare will be acceptable and appropriate in many circumstances.



- 1.66 In this case, given the proximity of the site to the town centre, its location on a main transport route and taking account of the design, layout and fit of the scheme in the area, the higher density proposed is considered to be acceptable.

Amenity Space & TPO Trees & Landscaping

- 1.67 The application proposes extensive areas of communal amenity space, the level of this provision is in excess of the development plan standards.
- 1.68 The application is accompanied by a tree survey, tree impact appraisal and tree protection method statement; it is considered that if the development is carried out in accordance with these details then the health and vitality of TPO trees would be safeguarded.

**CONCLUSION**

- 1.69 The scheme has been re-designed and reduced in unit number and physical scale since the previous appeal decision. The development now proposed is considered to overcome the concerns with the previous scheme and now proposes a form of development that would not be materially harmful to the appearance of the site, surrounding area, nor would it give rise to a loss of residential amenity.
- 1.70 As with the previous application/appeal matters relating to access, parking and highway issues are considered not to be determinative issues in this application.

**RECOMMENDATION**

- 1.71 That the application be **DELEGATED** to the Head of Planning and Transportation to negotiate a legal obligation securing delivery of the financial contribution towards the provision of two secondary school places (£25, 636).
- 1.72 Subject to the above, the application is granted, subject to the following broad heads of conditions:-
- 1 SC4b Time limits (3 years)
  - 2 SC14 Materials to be used
  - 3 SC23 Obscure glazing
  - 4 SC50 Means of enclosure
  - 5 SC59 Landscape design
  - 6 SC60 Tree protection
  - 7 Prior to the commencement of any works on site a method statement shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall demonstrate the phasing of the development and also that an area for the parking of operatives' vehicles and the reception and storage of building materials can be created at the site clear of the highway and be retained as such for the period of the construction.



- 8 Access Details
- 9 Visibility Details
- 10 SC79 Car park delineation
- 11 SC85 Method statement construction
- 12 SC84 Slab levels
- 13 SC91 Foul water drainage
- 14 SC90 Surface water (must include reference to sustainable drainage)
- 15 No development shall commence until the applicant has submitted to and approved in writing by the Local Planning Authority a scheme that demonstrates that the site and development is adequately served by a water supply sufficient to meet the fire fighting needs of the Essex Fire Authority.
- 16 Details of design of bin stores

### **REASON FOR DECISION**

In the light of the comments made in the previous appeal decision 05/00208 and the revisions made in this submission it is considered that the proposal demonstrates compliance with the relevant policies of the Development Plan and other material considerations. All other matters which were drawn to the Council's attention have been taken into account, but nothing of sufficient weight was found to override the factors which led to this decision.

### **Relevant Development Plan Policies and Proposals**

HP3, HP6, HP11, HP18, of the Rochford District Council Local Plan First Review

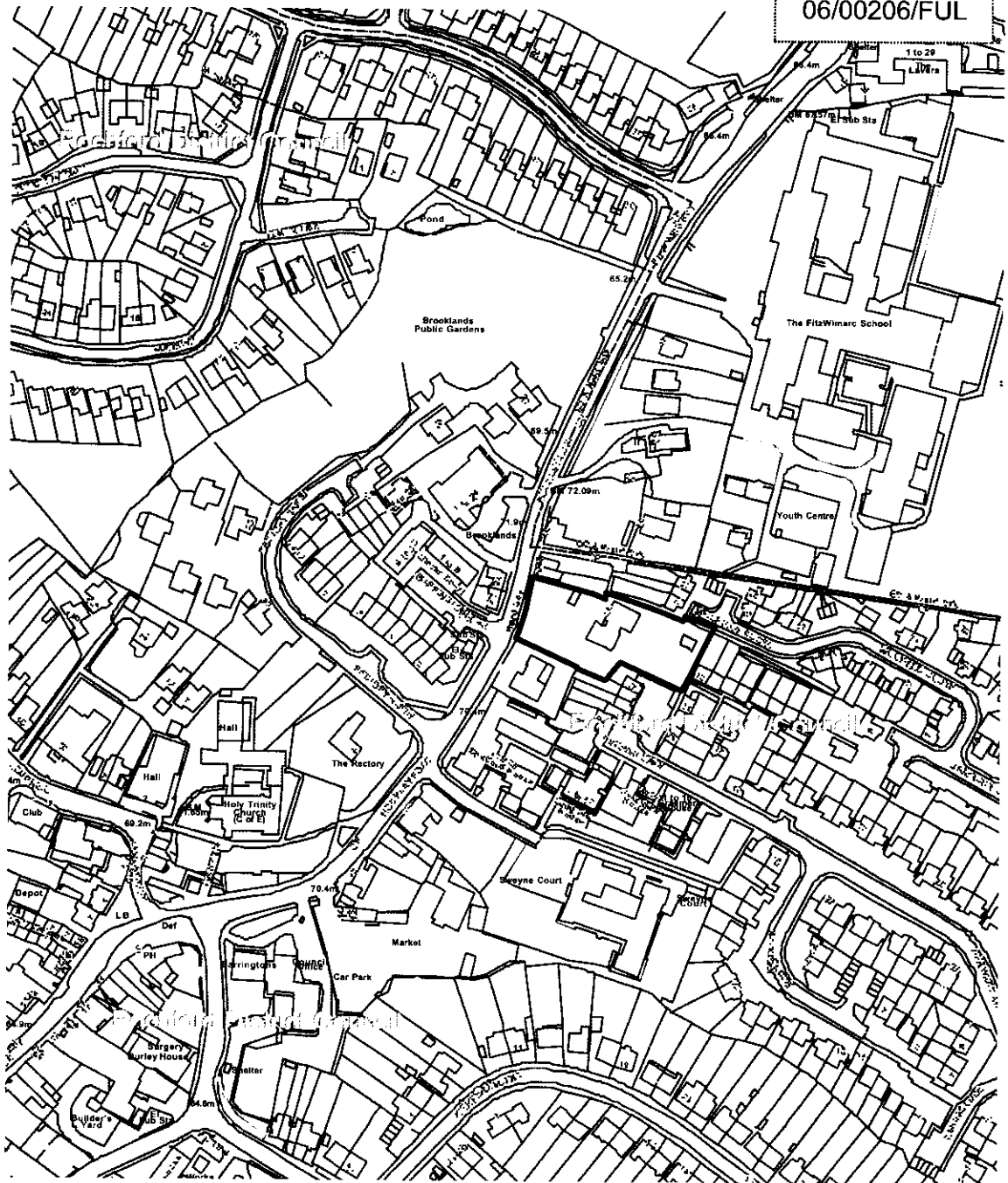


Shaun Scrutton  
Head of Planning and Transportation

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

06/00206/FUL



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## **CODE OF CONDUCT FOR PLANNING MATTERS**

### **GENERAL PRINCIPLES**

Members and officers must:-

- **at all times act within the law and in accordance with the code of conduct.**
- **support and make decisions in accordance with the Council's planning policies/Central Government guidance and material planning considerations.**
- **declare any personal or prejudicial interest.**
- **not become involved with a planning matter, where they have a prejudicial interest.**
- **not disclose to a third party, or use to personal advantage, any confidential information.**
- **not accept gifts and hospitality received from applicants, agents or objectors outside of the strict rules laid down in the respective Member and Officer Codes of Conduct.**

In Committee, Members must:-

- **base their decisions on material planning considerations.**
- **not speak or vote, if they have a prejudicial interest in a planning matter and withdraw from the meeting.**
- **through the Chairman give details of their Planning reasons for departing from the officer recommendation on an application which will be recorded in the Minutes.**
- **give officers the opportunity to report verbally on any application.**

Members must:-

- **not depart from their overriding duty to the interests of the District's community as a whole.**
- **not become associated, in the public's mind, with those who have a vested interest in planning matters.**
- **not agree to be lobbied, unless they give the same opportunity to all other parties.**
- **not depart from the Council's guidelines on procedures at site visits.**
- **not put pressure on officers to achieve a particular recommendation.**
- **be circumspect in expressing support, or opposing a Planning proposal, until they have all the relevant planning information.**

Officers must:-

- **give objective, professional and non-political advice, on all planning matters.**
- **put in writing to the Committee any changes to printed recommendations appearing in the agenda.**



<p><b>ITEM 1</b> <b>06/00206/FUL</b></p>	<p><b>Rayleigh Town Council:-</b> Objects to the application on the following grounds:-</p> <ul style="list-style-type: none"><li>• The application will lead to an over-development of the site in a residential area</li><li>• There is inadequate car parking</li><li>• The access to the site would be detrimental to the amenities of the local residents</li><li>• The increase in pedestrian access will mean an increase in nuisance values</li><li>• The increase in pedestrian access will mean a loss of security to Mill Field Close.</li></ul> <p><b>2 Further letters</b> have been received from local residents commenting in the main on issues previously raised, save for a specific issue about the bin stores being unsightly.</p> <p><b>Revised drawings</b> have been received that have addressed the comments of the County Urban Designer (hip end roofs to the rear of the block that fronts Hockley Road. The plans also address the points raised by the Essex Police Architectural Liaison Officer (railings and lockable gate along the Hockley Road frontage).</p> <p><b>Typographical error</b> Paragraph 1.36 Essex Fire Officer; point 2 should read:-</p> <ul style="list-style-type: none"><li>• All access roads are unobstructed by overhanging vegetation.</li></ul> <p><b>County Highways Officer:-</b> No objections subject to conditions detailing:-</p> <ul style="list-style-type: none"><li>• access</li><li>• vision splays</li><li>• layout of the car parking court in a bound material</li><li>• 2 disabled spaces should be provided.</li></ul> <p>Officers comments: these matters can be controlled by planning condition.</p> <p><b>Tree Survey:-</b> A replacement tree survey has been received having been compiled following the recently issued guidance BS 5837 (2005) Trees in relation to construction sites; this supersedes the one initially submitted. This survey offers recommendations on how the building can be constructed in proximity to the significant trees on the site.</p>
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The report recommends that whilst the development could be constructed with the retention of all of the significant trees on the site, as confirmed by the Planning Inspector at the appeal, it is likely that there would be pressure in the future for a sycamore tree to be removed as it would in time be overshadowing and touching the building and its leaf/fruit/seed drop would cause gutter blocking. In addition there is pressure for works to the crowns of other sycamore trees on the site. The applicant is therefore seeking consent to remove one tree, to reduce the crowns of others prior to the development commencing and for suitable replacements to be incorporated within the landscape scheme.

**Woodlands and Environmental Specialist:** - No objection to the removal of the sycamore tree and the crown reduction proposed, subject to suitable replacements in the proposed soft landscaping scheme.

The most important tree on the site and the one with the highest amenity value is a large cherry tree within the centre of site. The scheme has been designed around the retention of this specimen tree with the buildings located significantly remote from it.

**County Arboriculturalist:** - Having reviewed all submissions to date concludes:-

- Tree protection should have been incorporated into this application as an obligation, not a condition. Conditions of this kind are difficult to enforce and the penalties for disregarding them insignificant.
- The removal of a protected tree and the heavy pruning of two others is not consistent with the advice provided in Section 197 of the Town and Country Planning Act 1990, which states that LPAs have a *duty*, where appropriate, to ensure they make adequate provision for the preservation and planting of trees when granting planning permission.
- The juxtaposition of the trees and the proposed building will place undue pressure upon them in the future. Although the trees may survive building process, they will not survive the occupation.
- Incursions into the RPA and the facilitative pruning required to allow for scaffolding will significantly affect the trees' amenity and therefore the amenity onto Hockley Road, a busy gateway into the town.

I would therefore like to register my objections to this proposal on the grounds of tree protection.

	<p><b>Head of Planning and Transportation</b></p> <p>During the design phase of this scheme (pre application) the previous appeal decision whereby the Inspector commented that there were no highway/access issues and that the proposed layout was considered to be acceptable in terms of residential amenity and in terms of safeguarding the significant trees on the site were considered to be material considerations and as such should be given significant weight in the design of any re-submitted scheme.</p> <p>In broad terms this scheme does follow the principles of the earlier scheme with regard to the access proposed from Mill Field Close and the location of the two blocks of development. However, it is proposed that the wing of the rear block is to be located 2m closer to the boundary with the car park court that serves Derwent Avenue.</p> <p>As commented above, the location of the building under the current scheme has ramifications for the long term retention of the sycamore tree in this part of the site.</p> <p>The Council has received conflicting views on the prospective merits of the removal of this sycamore; these have been considered above.</p> <p><b>Conclusions</b></p> <p><b>Notwithstanding the conflicting arboricultural advice, it is considered that the loss of the sycamore tree and the crown reductions proposed are acceptable.</b></p> <p><b>Also, the views of the County Arboriculturalist overstate the assessment of the works in relation to the Town and Country Planning Act 1990 and the impact to the view along Hockley Road. The tree to be removed is to the rear of the site and does not feature significantly in this vista.</b></p> <p><b>The proposed scheme, when assessed in its entirety and against the previous appeal decision, with its reduction in unit number (reduction in density), its reduction in the scale, mass and bulk of the building and the long term retention of the most important tree on the site (cherry tree) is considered to be acceptable.</b></p> <p><b>Conditions</b> <b>The heads of conditions as referred to in the report to be amended as follows:-</b></p>
--	---

	<ul style="list-style-type: none"><li>• <b>5 SC59 Landscape Design (to include suitable replacement trees)</b></li><li>• <b>6 SC60 Tree Protection (in accordance with the tree survey and arboricultural implication assessment 12<sup>th</sup> June 2006)</b></li><li>• <b>11 SC85 Method statement construction (in accordance with tree survey and arboricultural implication assessment 12<sup>th</sup> June 2006)</b></li><li>• <b>17 Prior to the development commencing a detailed car park layout identifying the provision of two disabled parking spaces shall be submitted to and approved in writing by the local planning authority. The details as approved shall be implemented at the site and be retained as such thereafter.</b></li></ul>
--	---

## **Development Control Committee – 22 June 2006**

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Minutes of the meeting of the **Development Control Committee** held on **22 June 2006** when there were present:-

Chairman: Cllr S P Smith  
Vice-Chairman: Cllr K J Gordon

Cllr R A Amner	Cllr T Livings
Cllr Mrs P Aves	Cllr J R F Mason
Cllr C I Black	Cllr R A Oatham
Cllr Mrs R Brown	Cllr J M Pullen
Cllr Mrs L A Butcher	Cllr P R Robinson
Cllr P A Capon	Cllr P K Savill
Cllr Mrs T J Capon	Cllr C G Seagers
Cllr J P Cottis	Cllr D G Stansby
Cllr T G Cutmore	Cllr Mrs M A Starke
Cllr Mrs H L A Glynn	Cllr M G B Starke
Cllr J E Grey	Cllr Mrs M J Webster
Cllr Mrs S A Harper	Cllr P F A Webster
Cllr C A Hungate	Cllr Mrs B J Wilkins
Cllr Mrs L Hungate	

### **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs K H Hudson, A J Humphries, C J Lumley, Mrs J R Lumley, D Merrick and Mrs J A Mockford.

### **OFFICERS PRESENT**

S Scrutton	- Head of Planning & Transportation
L Palmer	- Team Leader (South)
A Law	- Solicitor
S Worthington	- Committee Administrator

### **201 MINUTES**

The Minutes of the meeting held on 25 May 2006 were approved as a correct record and signed by the Chairman.

### **202 SCHEDULE OF DEVELOPMENT APPLICATIONS AND RECOMMENDATIONS**

The Committee considered the Schedule of development applications and recommendations.

#### **Item 1 – 06/00206/FUL – 36 Hockley Road, Rayleigh**

**Proposal** – Demolish existing bungalow and erect 20 no. 2-bed apartments with parking and amenity space. Access for vehicles off Millfield Close.

## Development Control Committee – 22 June 2006

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Mindful of officers' recommendation for approval, Members nevertheless considered that the application should be refused on the grounds that it constituted an over-development of the site and that access to the site would be detrimental to the amenity of residents in Millfield Close.

### **Resolved**

That the application be refused for the following reasons:-

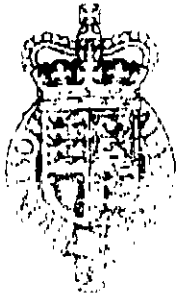
1. A primary objective of the Rochford District Replacement Local Plan is to promote good, high quality design in new housing in accordance with national guidance. It is accepted that in appropriate locations schemes promoting density in excess of the PPG3 targets 30–50dph may be acceptable. However, due to the design of the proposed buildings and their layout/position within the plot, including the removal of one TPO tree and significant works to other TPO trees, together with the overall density of the development, this proposal would produce an intrusive development that would fail to reflect and respect the scale of the residential properties that are in close proximity to the site.
2. The use of Millfield Close as the primary access for all vehicles using the site, added to the level of vehicle movements connected with this scale of development, would be likely to result in a material loss of amenity to the occupiers of the existing surrounding residential properties. (HPT)

The meeting closed at 8.45 pm.

Chairman .....

Date .....

**Appendix 3**  
**Appeal Decision Letter: APP/B1550/A/05/1185976,**  
**23<sup>rd</sup> November 2005**



# Appeal Decision

Site visit made on 18 October 2005

by **Rodney Baker** BSc MA MRICS MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate  
4/09 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
e-mail: enquiries@planning-  
inspectorate.gsi.gov.uk

Date

23 MARCH 2005

**Appeal Ref: APP/B1550/A/05/1185976**  
**36 Hockley Road, Rayleigh, Essex SS6 8EB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Higgins Homes Ltd against the decision of Rochford District Council.
- The application Ref 05/00208/FUL, dated 10 March 2005, was refused by notice dated 7 June 2005.
- The development proposed is demolition of bungalow, erection of 22 apartments, 2 bungalows with required refuse, cycle storage, parking and landscaping.

**Summary of Decision:** The appeal is dismissed.

## Main Issues and Policy

1. Notwithstanding the many objections on grounds of access, traffic, parking and residential amenity, the Council's reasons for refusal are based on the alleged poor appearance of the scheme because of its detailed design, height and massing. The only area of dispute is therefore whether the scheme would meet the development plan policies concerned with design and effect on the character of the area.
2. The development plan consists of the Essex and Southend on Sea Replacement Structure Plan and the Rochford District Local Plan First Review. Local Plan policies H2, H11 and H20 are concerned with residential character, design and backland development. Both plans contain policies which encourage efficient use of urban land. Any harm arising from the design policies would need to be weighed against the benefits, recognised by the Council, of redeveloping this site at a higher density.

## Reasons

3. The site fronts onto Hockley Road and extends in an oblong into the quite dense 2 storey residential roads which have access from behind Hockley Road. The access to Hockley Road would be stopped up and the access to all flats would be from Millfield Close a long cul-de-sac consisting of groups of small 2 storey houses. On the opposite side of Hockley Road are some blocks of flats 2-4 storeys in height and set back from the road. In my view, these have relatively little impact on the setting of the appeal site.
4. The scheme would take the form of 2 individual blocks. The western block would face Hockley Road. The façade onto Hockley Road would be 2 storeys and the rear element would have a third storey partly contained within the roof. The separate southern block, would consist of 2 bungalows located in the centre of the site and 2 three-storey elements containing flats.

5. Taking the elevation to Hockley Road first, the development would present a 2 storey façade with the taller element at the rear. As is well illustrated in the perspective drawing, the significantly taller and more massive building at the rear would appear out of place, bearing in mind the established 2 storey character of the area on this side of the street. The Council does not rule out a relatively tall block on the street frontage, but I agree that the juxtaposition of the taller block behind with the surrounding 2 storey development would be most awkward. Added to this, I find the street elevation does not do justice to the attractive and simply articulated frontage of the 2 Victorian cottages or the listed building to the north, which also have a prominent position on the road frontage. The façade would present a large area of brickwork, unrelieved by a variety of aperture sizes or architectural detail. While questions of design are to some extent a subjective matter, the appearance would, I believe, lack distinction and be unworthy of a prominent frontage close to the town centre.
6. The rear of the 2 blocks would present a frontage to the end of Millfield Close. It would be necessary to provide access and parking areas and this would require large areas of paving. To some extent this could be relieved by planting, but the very high density appearance would be exacerbated by the bland, wide and tall frontage that would be on view. Compared to the much more intimate style and scale of the housing in Derwent Avenue and Millfield Close the building would appear almost monolithic. The design of the façade would suffer from the same drawbacks as the western block and would not, in my view, be attractive.
7. I appreciate that a good deal of effort has been put into ensuring that a high density scheme can be built without causing undue harm to residential amenity in terms of overlooking and loss of light. The scheme also could protect the important trees. Nevertheless, I do not consider the scheme acceptable because of its design and massing for the above reasons.

#### Conclusions

8. Consequently, I conclude that the scheme would not be at a density appropriate to the character of the surroundings. The density would be higher than the 30-50 recommended in government policy. Whilst a high density may well be appropriate close to the town centre this does not mean that the Council's design policies should be sacrificed to achieve such an end. I find the scheme contrary to Local Plan policies H2, H11 and H20. Planning Policy Guidance 3 makes it clear that higher densities are not to be achieved at any cost and increased density must be weighed against harm to the environment. In my view, this scheme fails to strike the right balance. I have considered all other matters raised in the appeal. The scheme is not in accordance with the development plan and I have found no material considerations to outweigh that conclusion. I shall dismiss the appeal.

#### Formal Decision

9. I dismiss the appeal.



Inspector

**Appendix 4**  
**Decision Notice 05/00208/FUL**  
**7<sup>th</sup> June 2005**

# ROCHFORD DISTRICT COUNCIL



Council Offices  
Rochford  
Essex  
SS4 1BW

## TOWN & COUNTRY PLANNING ACT, 1990

### NOTICE OF DECISION

Date : 7th June 2005

Application No : 05/00208/FUL

Parish : Rayleigh Town Council

Proposal : Demolition of Bungalow, Erection of 22 Apartments, 2 Bungalows with Required Refuse, Cycle Storage, Parking and Landscaping. (Within a Two, Two and Half and Single Storey Building. No Vehicle Access from Hockley Road all Access for/by Vehicles from Millfield Close)

Site Location : 36 Hockley Road Rayleigh Essex

Applicant : Higgins Homes

The Council as District Planning Authority hereby give notice of their decision to **REFUSE PLANNING PERMISSION** for the above proposal as described in the accompanying drawing(s) Date Stamped 14th March 2005, for the reasons set out below.

Your attention is drawn to the notes attached

### REASONS FOR REFUSAL

- 1 A primary objective of the Rochford District Local Plan is to promote good, high quality design in new housing in accordance with national guidance. The design of the proposed buildings is considered to be of very poor quality and would not provide the high quality appearance and character necessary to fit within the streetscene or the quality housing necessary for residents.
- 2 The inclusion of second floor accommodation and the resultant scale/mass and appearance that this has for the buildings proposed, together with the overall density of development would produce an intrusive development that would fail to reflect and respect the scale of the residential properties that are in close proximity to the site.



INVESTOR IN PEOPLE

**ROCHFORD DISTRICT COUNCIL**

**Relevant Development Plan Policies and Proposals:**

HP3, HP6, HP11, HP18, of the Rochford District Council Local Plan First Review



**SHAUN SCRUTTON  
HEAD OF PLANNING SERVICES**



**Appendix 5**  
**Extract from Draft PPS3: Housing**  
**Annexe C: Density, December 2005**



Office of the  
Deputy Prime Minister

Creating sustainable communities

Planning shapes the places where people live and work and the country we live in. It plays a key role in supporting the Government's wider economic, social and environmental objectives and for sustainable communities.



# PLANNING

Consultation Paper on a New  
Planning Policy Statement 3 (PPS3)  
Housing

December 2005

## Annex C: Density

1. In determining appropriate approaches to density at the regional and local level, regional planning bodies and local planning authorities should have regard to the indicative density ranges for specific types of location set out in Table 1.

**Table 1: Indicative density ranges**

	Location			
	City Centre <sup>1</sup>	Urban <sup>2</sup>	Suburban <sup>3</sup>	Rural <sup>4</sup>
<b>Density range</b> (dwellings per hectare)	Above 70	40-75	35-55	30-40

Footnotes to Table 1:

<sup>1</sup> Where the predominant area lies within the central area of a city, as defined by the 2001 Census, or is part of the central area of a regional centre which serves a wide catchment. In London, parts of the whole of the Boroughs of Camden, Hackney, Hammersmith & Fulham, Greenwich, Haringey, Islington, Kensington & Chelsea, Lambeth, Lewisham, Newham, Southwark, Tower Hamlets, Wandsworth and Westminster form part of areas which are considered to have the characteristics of a city centre.

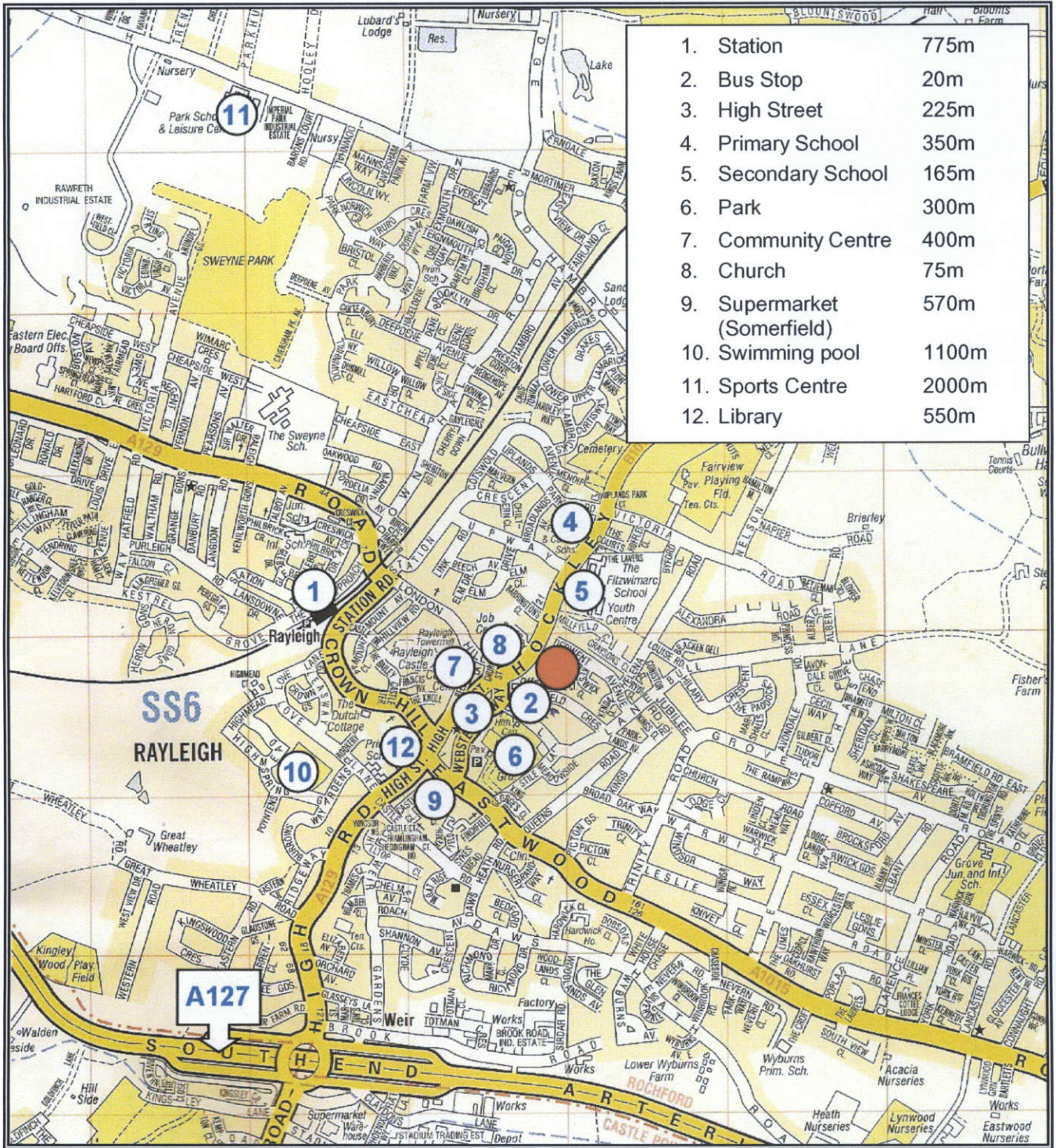
<sup>2</sup> Areas which are generally denser than more suburban areas and comprise a mix of residential and employment areas.

<sup>3</sup> Areas of medium housing density which are predominantly residential in character.

<sup>4</sup> Areas where there are no 'towns' and which are generally more than 10 km from an 'urban centre'. For purposes of this Annex, 'urban centre' means a settlement which exceeds 2 km<sup>2</sup> in geographical extent and 'town' means a settlement which exceeds 1 km<sup>2</sup> in geographical extent.

2. Local planning authorities should work with local stakeholders and local communities to set appropriate density ranges for specific types of location having regard to the indicative density matrix and to the approach to density set out in the regional spatial strategy.
3. The choice of appropriate levels of density for an area should be informed by:
  - an assessment of the characteristics of an area, including the mix of uses;
  - location and level of public transport accessibility;
  - the need to use land efficiently;
  - the importance of promoting high quality design;
  - the broader spatial strategy and vision for the future development of their area, in particular the need for housing and the housing plans and policies;
  - the level of service provision and public spaces; and
  - resource efficiency and the minimisation of environmental impacts.

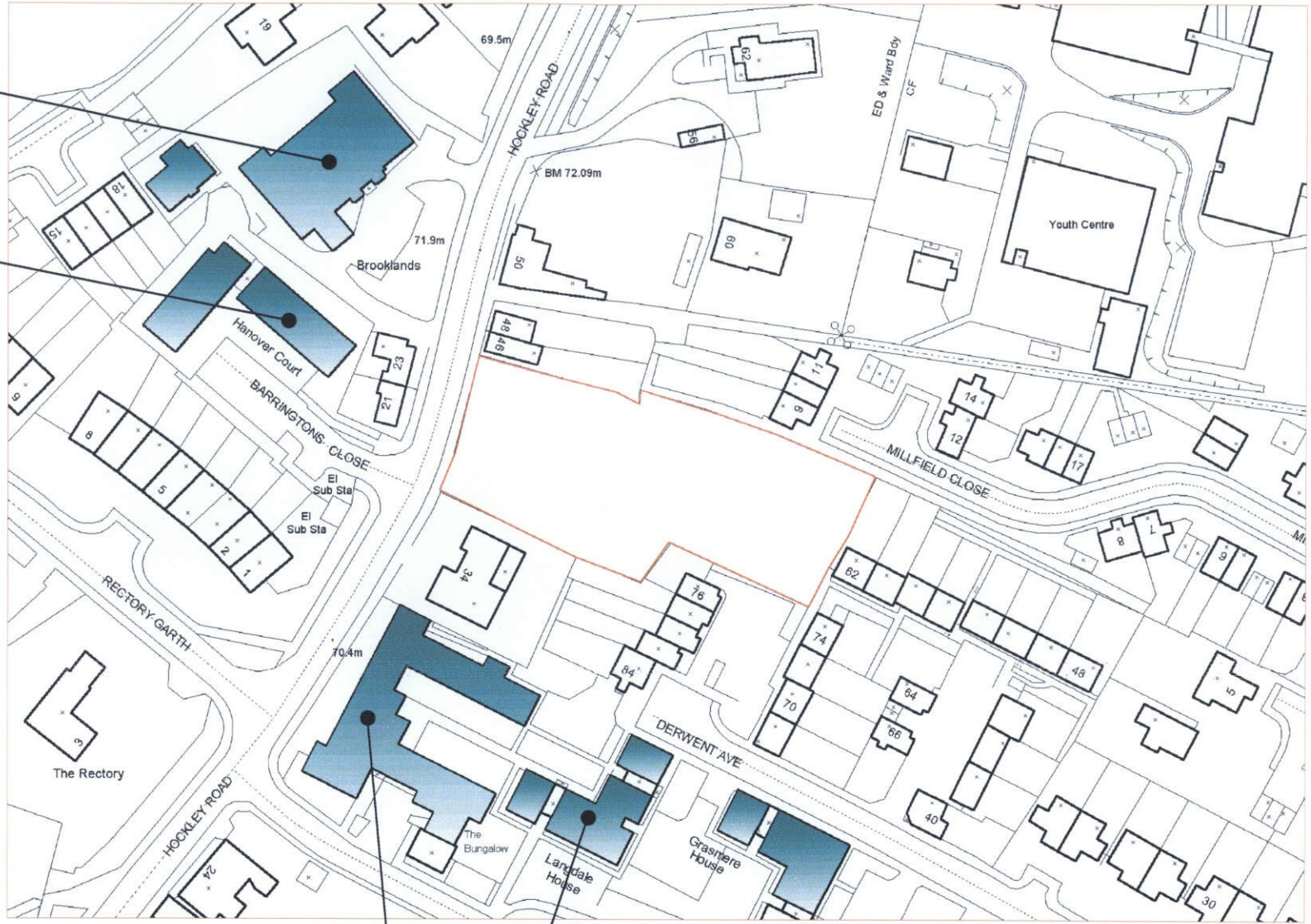
**Appendix 6**  
**Plan of Local Services**



**Appendix 7**  
**Plan of Surrounding Flats with Density Figures**

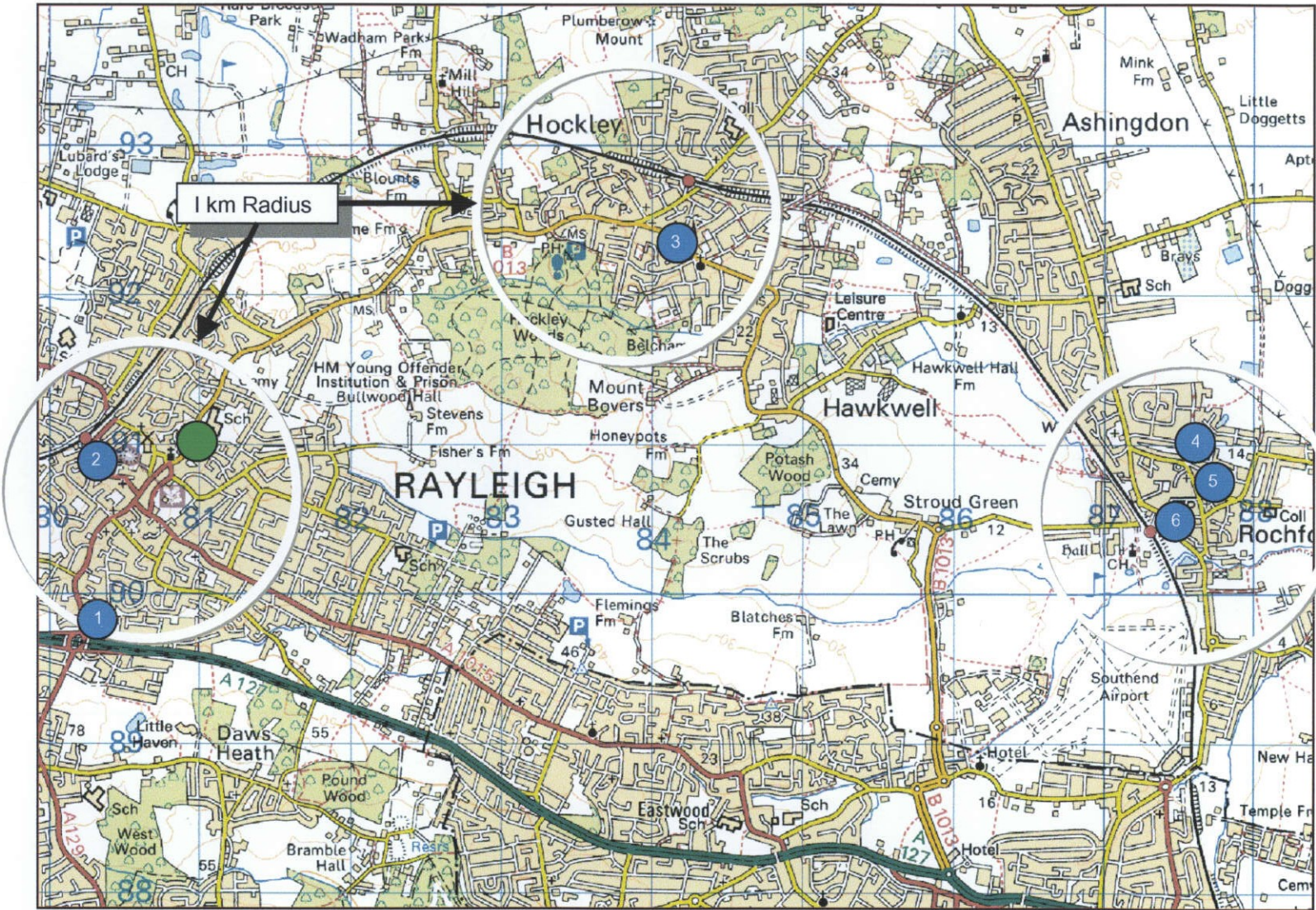
Brooklands  
113 dph

Hanover Court  
142 dph



Stratford House & Langdale House  
138 dph

**Appendix 8**  
**Plan identifying sites recently approved or allowed at Appeal**



**LEGEND**

- 1 119-121 High Road
- 2 46 Crown Hill
- 3 1 Southend Road
- 4 St Marks Field
- 5 5 Weir Pond Road
- 6 Rochford Town Centre
- 36 Hockley Road

**Appendix 9**  
**Recent Decision Notices and Committee Reports**

**DEVELOPMENT CONTROL COMMITTEE - 25 May 2006 Item 1**

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**TITLE :** 06/00219/FUL  
**CONSTRUCT TWO THREE STOREY BUILDINGS WITH  
PITCHED ROOFS OVER CONTAINING 30 SELF CONTAINED  
FLATS (24X 2 BED FLATS AND 6X 1 BED FLATS) WITH  
AMENITY AND PARKING AREAS.  
LAND ADJACENT RECREATION GROUND ST MARKS  
FIELD ROCHFORD**

**APPLICANT :** GENESIS HOUSING GROUP

**ZONING :** RESIDENTIAL

**PARISH:** ROCHFORD

**WARD:** ROCHFORD

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**PLANNING APPLICATION DETAILS**

- 1.1 Permission is sought the development of this vacant parcel of land with the erection of two detached three storey blocks with pitched roofs over. These two blocks provide accommodation for 30 self contained flats. The 30 flats consist 24 X 2bed units and 6 X 1 bed units.
- 1.2 The scheme proposes one off street car parking space per unit with communal amenity space to the rear.
- 1.3 The two residential blocks are dissected by the access way to the car park court which is served direct from St Marks Field. Block B is located close to the front of the site and has a staggered footprint to follow the bend in the highway and to maintain a street frontage. Block A is located towards the rear of the site adjacent to the car park and amenity space of the existing three storey block of flats in St Claire Meadow.
- 1.4 Both of the blocks have pitched roofs and also common architectural references. All of the flats are to have their aspect facing either to front or the rear of the site, the flanks of the blocks are to be punctured only by kitchen windows. Both of the blocks are to have a single point of access with communal halls/corridors and stairs to all levels. The scheme proposes an external materials schedule that includes facing brickwork, render to the walls and tiles to the roof.



INVESTORS IN PEOPLE

**RELEVANT PLANNING HISTORY**

- 1.5 05/00939/FUL 30 flats in two 3 storey flat roof blocks Withdrawn prior to recommendation being made.

**CONSULTATIONS AND REPRESENTATIONS**

- 1.6 **County Highways Officer:-** No objection subject to conditions detailing vision splay, works compound details and car park layout.
- 1.7 **Rochford Parish Council:-** No objection.
- 1.8 **Environment Agency:-** No objection and offers advice that the site is within 250 m of a known landfill site and also the need for the developer to consider sustainable drainage and construction techniques in the development of the site.
- 1.9 **Essex Police Architectural Liaison Officer:-** No objection in principle to the development but offers advice on the suitability of the boundary treatment; the 1.8m close boarded fencing would over time fall into disrepair and will most certainly be subject of graffiti, ball games etc; recommend that a 2m high brick wall should be considered.
- 1.10 **Essex County Council Schools Service:-** Given the number and type of units proposed there is no need for a schools contribution in this case.
- 1.11 **English Nature:-** If protected species are expected to be on site then an appropriate scheme of investigation and mitigation should be put in place prior to the development commencing.
- 1.12 **Engineers:-** No objections.
- 1.13 **Building Control Manager:-** No comments to make at this stage.
- 1.14 **County Urban Designer:-** In relation to discussions at the pre application stage the County Urban Designer has no objections to the proposal.



- 1.15 Two letters have been received one from a local resident and one from the Rochford Community Project they comment in the main on the following issues:- They are a regular user of St Marks Hall, and run community support projects, the quality of the proposed development, as shown on the drawings is excellent and apart from request that the bin store be relocated away from St Marks Hall there is little to comment on apart from questioning the suitability of further residential development on the site, there needs to be the infrastructure to support the existing community before extending the number of the flats/properties that form this community, it would be beneficial if this land could be used to extend the St Marks Hall building in order to provide a wider range of facilities and accommodation that would serve the wider community better, if Block A were to be deleted this would release the land for community development. The flank kitchen windows will overlook neighbouring properties/gardens and would result in a loss of amenity, majority of properties now have two cars and therefore there would be a deficiency in parking, which would lead to on street car parking, frosted glass to the kitchens windows would go some way to overcoming the overlooking.

### **MATERIAL PLANNING CONSIDERATIONS**

#### **PRINCIPLE/DENSITY**

- 1.16 There is no objection in principle to the residential development of the site as it would accord with Government advice as well as development plan policies that aim to steer development to appropriate sustainable locations as well as maximising their developable potential.
- 1.17 Within the vicinity of the site there is a mix of scale and design of properties, from two and three storey dwelling house to three storey blocks of flats. Given this varied character of the site and surrounding area and that there are three storey buildings and flatted development within the vicinity of the site the principle of flats over three storey is acceptable.
- 1.18 Assessed in isolation the application proposal has a density of 116 dwellings per hectare (48 dwelling per acre) this is higher than that promoted within the Government advice within PPG3 of between 30 and 50 dwellings per hectare. This higher density is not a determinative issue as by their nature flatted schemes have high density than general family dwelling houses and that within the wider area there are flatted schemes of a scale similar to this development.
- 1.19 The density of the existing St Marks Field properties including the application site as open space would have a density of 31 dwellings per hectare (12 per acre) this would increase to 48 dwellings per hectare ( 20 per acre) if this application proposal is included. This level of density is within the government advice targets.



- 1.20 Similarly the existing St Claire Meadow development to the rear of the application plot has a density for the flatted element on its own of 69 dwellings per hectare (28 dwellings per acre) and including some of the nearby dwelling houses the density would fall to 54 dwelling per hectare (21 dwellings per acre)
- 1.21 It is evident, therefore, that when assessed against the wider area the application proposal would not be out of character with the area and would not give rise to a form of development that would appear cramped or incongruous.
- 1.22 In this instance the density is considered to be acceptable

**CAR PARKING AND ACCESS**

- 1.23 The scheme proposes one space per unit, this is considered to be acceptable given the nature of the scheme and its location close to the Rochford Town Centre and proximity to public transport links. The access is also considered to be acceptable. County Highways Officers have expressed support for the scheme subject to appropriate vision splays and detailing of the surface finish of the car park and details of the construction compound; all of this issues are controlled by condition.
- 1.24 The access and car parking are self contained within this scheme and there are no proposals to connect to St Claire Meadow.

**AMENITY SPACE**

- 1.25 Common with many flatted schemes this proposal includes communal areas of amenity space; excluding the frontage areas the entire site provides in the region of 475sqm of amenity space. This does not comply with the Local Plan standard of 25sqm per flat (750 sqm in total); in this instance this deficiency is considered to be acceptable given the site immediately abuts the Rochford recreation ground which is large parcel of formal open space. The scheme does not propose direct access into the recreation ground, however the formal access into the recreation ground nearby and therefore it is likely that this space would support the recreational needs of the tenants of these flats.
- 1.26 In addition the flats with a rear aspect will benefit from views over and into the recreational land which will further add the amenities of these flats.

**APPEARANCE & VISUAL INTRUSION**



- 1.27 As commented above the principle of a flatted three storey scheme on this site is acceptable in principle. It is accepted that adjacent to the south and west properties are two storey dwelling houses, however given the siting of the blocks, their staggered footprint and their modulation and articulation it is considered that the proposal would not result in a form of development that would be visually intrusive into the street scene. To the north 3 storey flatted blocks abut the site.
- 1.28 In addition given that this development and specifically Block B is located close to the front of the site, in townscape terms it is considered that the size and scale of the proposed buildings would give rise to a 'visual stop' and a termination to the vista on the approaches from the north and south of the site.

#### RESIDENTIAL AMENITY

- 1.29 The size, design & layout and location of the proposed blocks are such that there should not be a material loss of amenity to the occupiers of the residential properties that are opposite the site. The greatest impact would be upon No 63 St Marks Field which is adjacent to the south of the site and the blocks of flats that are to the north of the site in St Claire Meadow.
- 1.30 It is considered that the siting of Block B within the site is of sufficient depth and location so that it would not give rise to an overbearing relationship and feel to the occupiers of No 63. In addition a condition is recommended that seeks to control the glazing in the kitchen windows in the flank of Block B. The insertion of obscure glazing into these kitchens would reduce the potential overlooking into No 63 St Marks Field to an acceptable level.
- 1.31 As Block B lies to the north of No 63 St Marks Field there should not be a material loss of sunlight.
- 1.32 Given the location/siting of Block A it is likely that it will impact primarily upon the car park and amenity space of the flats in St Claire Meadow, this relationship/impact is considered to be acceptable. The flats in St Clare Meadow are sited sufficiently distant from Block A to give rise to any material loss of amenity to the occupiers of these flats.



**ST MARKS HALL**

- 1.33 The Rochford Community Project have responded to the application suggesting that the land would be better served with development of and or an extension to the existing St Marks Hall building; this as a community building is an important asset and should be supported. These comments have been noted but as the site is allocated for residential within the local plan a refusal based upon the loss of land for community use could not be substantiated. A reduction in the unit number on the site would fail to meet the Governments aims of maximising the developable potential of appropriate and sustainable sites.
- 1.34 **AFFORDABLE HOUSING:-** The unit number within this is beyond the threshold where an element of affordable housing is normally sought to comply with the affordable housing policies of the Local Plan. In this instance, the scheme has been developed in conjunction with a registered social landlord, the affordable housing element of the scheme has been met.

**OTHER ISSUES**

- 1.35 To the rear of the site there is an existing concrete and a timber fence adjacent to No 63 St Marks Field ; these have been embellished with artwork/murals, this will be lost and lost from public view in the redevelopment of the scheme. Whilst its loss is regrettable it would not result in such a material loss of amenity that would warrant the refusal of permission.

**CONCLUSION**

- 1.36 The proposal is acceptable in principle, it maximises the developable potential of the site whilst providing a form of development that sits appropriately within its setting and would not materially affect the residential amenity of the occupiers of the adjacent/nearby properties/plots.

**RECOMMENDATION**

- 1.37 It is proposed that this Committee **RESOLVES to APPROVE** this application subject to the following conditions:-
- 1 SC4 Time limit
  - 2 SC14 Materials to be used
  - 3 SC23 OBS
  - 4 SC22 PD windows
  - 5 SC51 enclosure details
  - 6 SC66 pedestrian visibility splay



**DEVELOPMENT CONTROL COMMITTEE - 25 May 2006 Item 1**

- 7 SC59 landscaping  
8 Prior to the commencement of any works on site there shall be provided an area for the parking of operatives vehicles and the reception and storage of building materials clear of the highway.

**REASON FOR DECISION**

The proposal is considered not to cause significant demonstrable harm to any development plan interests nor harm to any other material planning consideration.

**Relevant Development Plan Policies and Proposals**

H1, H2, H11, H12, H13, H14, H15, H16, H19, H24 of the Rochford District Local Plan First Review



Shaun Scrutton  
Head of Planning Services

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



INVESTORS IN PEOPLE

06/00219/FUL

**ROCHFORD DISTRICT COUNCIL**



**Council Offices  
Rochford  
Essex  
SS4 1BW**

**TOWN & COUNTRY PLANNING ACT, 1990**

**NOTICE OF DECISION**

Date : 25th May 2006

Application No : 06/00219/FUL

Parish : Rochford Parish Council

Proposal : Construct Two Three Storey Buildings With Pitched Roofs Over Containing 30 Self Contained Flats (24x 2 Bed Flats and 6x 1 Bed Flats) With Amenity and Parking Areas.

Site Location : Land Adjacent Recreation Ground St Marks Field Rochford

Applicant : Genesis Housing Group

The Council as District Planning Authority hereby give notice of their decision to **GRANT PLANNING PERMISSION** for the above proposal as described in the accompanying drawings 1986/20, 1986/21, 1986/22, 1986/23, 1986/24 date stamped 15 March 2006, subject to the conditions set out below

Your attention is drawn to the notes enclosed

**CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 No development shall commence, before details of all external facing (including windows and doors) and roofing materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Such materials as may be agreed in writing by the Local Planning Authority, shall be those used in the development hereby permitted.

REASON: To enable the Local Planning Authority to retain adequate control over the appearance of the building, in the interests of amenity.

**PLEASE TURN OVER**



ROCHFORD DISTRICT COUNCIL

06/00219/FUL

- 3 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) the window(s) marked OBS on the approved drawing(s), 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.

REASON: To enable the Local Planning Authority to retain adequate control over such details, in the interests of residential amenity.

- 4 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) no window, door or other means of opening shall be inserted above first floor finished floor level on the flank elevations of the development hereby permitted, in addition to those shown on the approved drawings.

REASON: To enable the Local Planning Authority to retain adequate control over the approved fenestration, in the interests of residential amenity.

- 5 No development shall commence, before plans and particulars showing precise details of any gates, fences, walls or other means of screening or enclosure, to be erected around the perimeter of the site, have been submitted to and agreed in writing by the Local Planning Authority. Such details of screening or other means of enclosure as may be agreed in writing by the Local Planning Authority, shall be erected prior to the development ; to which they relate first being occupied and thereafter maintained in the approved form.

REASON: To enable the Local Planning Authority to retain adequate control over such details of screening and/or means of enclosure, in the interests of the character and appearance of the site and surrounding area.

- 6 The vehicular access hereby permitted shall not be used by vehicular traffic before sight splays measuring 1.5m x 1.5m, providing unobstructed visibility of pedestrians using the adjoining footway, have been provided at both sides of the access at its junction with the adjoining highway. Once provided, the said visibility splays shall be retained thereafter and maintained in their approved form free of obstruction above a height of 600mm above the finished surface of the approved vehicular access.

REASON: To enable the Local Planning Authority to ensure that adequate pedestrian visibility is provided, in the interests of highway safety.



## ROCHFORD DISTRICT COUNCIL

06/00219/FUL

7 No development shall commence, before plans and particulars showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted, have been agreed in writing by the Local Planning Authority. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority, which shall show the retention of existing trees, shrubs and hedgerows on the site and include details of:

- schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;
- existing trees to be retained;
- areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
- paved or otherwise hard surfaced areas;
- existing and finished levels shown as contours with cross-sections if appropriate;
- means of enclosure and other boundary treatments;
- car parking layouts and other vehicular access and circulation areas;
- minor artifacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc);
- existing and proposed functional services above and below ground level (eg. drainage, power and communication cables, pipelines, together with positions of lines, supports, manholes etc);

shall be implemented in its entirety during the first planting season (October to March inclusive) following commencement of the development, or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

REASON: To enable the Local Planning Authority to retain adequate control over the landscaping of the site, in the interests of the character of the site and surrounding area.

PLEASE TURN OVER



## ROCHFORD DISTRICT COUNCIL

06/00219/FUL

- 8 Notwithstanding the details shown on the plans hereby approved the car park court (Nos 4-13) shall be remodelled so as to provide the potential for a soft landscaping buffer strip adjacent to the Community Hall railings.

REASON: In the interest of the character and appearance of the area.

- 9 Notwithstanding the details shown on the plans hereby approved the bin store shall either be relocated to a less prominent position the details of which shall have previously been agreed in writing by the local planning authority, and or details of screening sufficient to prevent public views from St. Marks Field.

REASON: In the interest of the character and amenity of the area.

- 10 Prior to the commencement of any works on site a method statement shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall demonstrate the phasing of the development and also that an area for the parking of operatives vehicles and the reception and storage of building materials can be created at the site clear of the highway and be retained as such for the period of the construction.

REASON: To ensure that the highway is not obstructed by parked vehicles or building materials during the construction period and not be contrary to Policy T3 of the Essex and Southend-on-sea Replacement Structure Plan, and also in the interests of the character and amenity of the site and surrounding area

### REASON FOR DECISION

The proposal is considered not to cause significant demonstrable harm to any development plan interests nor harm to any other material planning consideration.

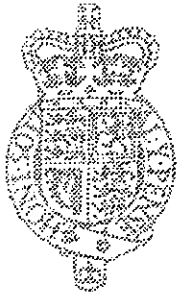
### Relevant Development Plan Policies and Proposals:

H1, H2, H11, H12, H13, H14, H15, H16, H19, H24, of the Rochford District Council Local Plan First Review



**SHAUN SCRUTTON**  
**HEAD OF PLANNING AND TRANSPORTATION**





## Appeals Decisions

Hearing held on 21 February 2006  
Site visit made on 21 February 2006

by **Daphne Mair** BA(Econ), MPhil, MRTPI

an Inspector appointed by the Secretary of State for  
Communities and Local Government

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Date

08 JUN 2006

**Appeal Ref: APP/B1550/A/05/1173277**

**“Appeal 1”**

**1 Southend Road, Hockley, Essex, SS5 4PZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by S P C LTD against the decision of Rochford District Council.
- The application Ref 04/00776/FUL, dated 27 August 2004, was refused by notice dated 25 November 2004.
- The development proposed is demolish existing dwelling and erect two storey block of 13 flats and associated parking.

**Summary of Decision: The appeal is dismissed.**

**Appeal Ref: APP/B1550/A/05/1193605**

**“Appeal 2”**

**1 Southend Road, Hockley, Essex, SS5 4PZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by S P C LTD against the decision of Rochford District Council.
- The application Ref 05/00674/FUL, dated 6 August 2005, was refused by notice dated 20 October 2005.
- The development proposed is 11 flats and associated parking and cart lodge.

**Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.**

### Preliminary and Procedural Matters

1. Many of the objections sent to the Council in regard to the Appeal 1 proposal referred to the widespread regret at the impending loss of what many saw as a local landmark building and the trees along its Southend Road frontage. A prior approval application was made for demolition. The Council consulted the Essex County Council's Conservation and Listed Buildings Officer and English Heritage. The house was considered unworthy of Listing and permission for demolition was not required. It was then demolished along with trees around the site, including those shown to be retained on the Block Plan for Appeal 1.
2. Before the above two applications another was made for 5 houses on the site. Between determining the appeal schemes, the local planning authority resolved to approve that proposal subject to a planning obligation to provide funding for a pedestrian crossing on Southend Road. The appellant is not minded to enter such an agreement. The permission thus appears unlikely to be granted. Other than as a general indication of the built form that the local planning authority finds acceptable I thus give that draft decision little weight as a “fall back position” against which to consider the impact of the appeals proposals.

3. The local planning authority's consultant at the hearing formally adopted as his own the local planning authority's statement for the first appeal although, unlike that for the second, he was not its author. When the "no prejudice" conditions were discussed he invited me to consider all those listed for the second appeal and the need for a planning obligation referred to in the second statement to be necessary for the first appeal proposal also.
4. At the Hearing an application for costs was made by the appellant against the local planning authority regarding Appeal 2. This application is the subject of a separate Decision.

#### **The Main Issues**

5. In both appeals the central issue is the effect of the proposals on the character and appearance of the area, including considerations of density and design of the development. I shall also consider the objections by local people mainly arising around issues of car parking and road safety, amenity space provision and privacy.

#### **Planning Policy**

6. It was agreed at the Hearing that the most relevant Development Plan policies in this appeal are H2 of the Rochford District Local Plan First Review 1995 and BE1, H3 and H4 of the Essex and Southend on Sea Structure Plan 2001. The most pertinent national policy and guidance is found in Planning Policy Statement 1 and Planning Policy Guidance 3. These latter are important material considerations.
7. I have given great weight to the emerging Rochford District Replacement Local Plan. Notice to adopt had been given by the local planning authority, that period being due to expire on 31 March 2006. Policy HP3 and HP11 are the most material to this appeal. As advised by the Council's Consultant at the Hearing, I have treated the other policies referred to in the reasons for refusal (RDLP: policies H11, H16, H24, TP15, UC7 and RDRLP policies HP6, HP18, TP9) as informative context to the issues here.
8. I have also had regard to the Rochford District Replacement Local Plan Supplementary Planning Guidance 1 Housing Design and Layout.

#### **Reasons**

The effect on the character and appearance of the area

9. There is no objection in principle to the redevelopment of the site for flats and it is also agreed that national guidance in PPG3, Policy BE1 of the Structure Plan and Policy HP3 of the well advanced Replacement Local Plan aim for appropriate urban intensification, provided, in general terms, that is not at the expense of the quality of the local environment.

#### *Density*

10. Policy HP3 is in line with PPG3 in saying that new residential development should not be at less than 30 dwellings per hectare. It continues by saying that best use of land will be achieved in the 30-50 dph range. It rightly allows for higher densities in town centres and areas with good transport links. The statement "best use" seems to me to suggest optimal use which is not my reading of "more efficient use" as used in paragraph 58 of PPG3. The former suggests that density above 50 dph may not be "best" whereas PPG3 here appears to me to more readily allow for consideration of the particular context. If the density of a

scheme is at considerable variance to its surroundings my view is that it can be an indicator that particular care is needed to analyse how it would sit in its surroundings. It would not however automatically rule out a proposal.

11. The density in the Appeal 1 scheme is about 106 dwellings per hectare (dph) and in Appeal 2 it is about 85 dph. Apart from the adjacent Harris Court (89/90 dph) and Shepherd Court (56/58 dph) a short distance down Hockley Rise, the immediate area is predominantly family houses built at much lower densities. Two recent schemes in the area are Hawke Meade and Oak Lodge. The former is almost opposite the appeals site across the main road and comprises 5 very large detached houses at 12 dph. Oak Lodge, about 180m away as the crow flies is built at about 97 dph. The latter is set back down a side road from the main road and is a much larger scheme in a much less prominent location than the appeals site. It has no visual relationship with the appeals site and, other to show that a high density has been found acceptable not too far away I feel it offers little to inform a successful scheme on the appeals site. Hawke Meade would be unlikely to be acceptable under current policy and guidance in this urban location unless other material considerations were persuasive.
12. At about a 5-10 minute walk away, the appeals site is reasonably convenient for the railway station from where there are regular services to London and Southend. There are also 2 regular bus services that run along Southend Road between Rayleigh and Southend. There is quite a good range of local shops and services in the centre of Hockley, about a 5-10 minute walk away and excellent shopping in Southend. Whilst fairly well served by local transport and services, these are not of sufficient quantity and quality in my view to add particular weight in favour of a scheme significantly denser than that of its surroundings, as is the case with the Appeal 1 scheme.

### *Design*

13. The need for good design is strongly supported in local and national policy. Policy HP11 addresses flatted accommodation and requires amongst other things regard to be to the impact of associated traffic on residential amenity, the compatibility of the scheme with its surroundings in terms of height bulk and spaciousness of the site within areas of single family dwellings and to Supplementary Planning Guidance on layout, design and car parking. The text explains that the policy sets out general principles not rigid rules and that in existing residential areas new flats should reflect the character of the family housing nearby. PPG3 requires that new proposals should not be considered in isolation but within the context of their immediate surroundings and the wider locality.
14. I saw that most of the appeal site is prominent at the closure of the view where the long ascent into Hockley from Hawkwell turns to the right around a bend.
15. Hockley Rise and its continuation and side roads have a fairly uniform suburban character, the area comprising mainly two storey houses but also blocks of two storey flats and some bungalows. Most have front gardens which are set back from the road to a greater or lesser degree. Most appear to date within a 50 year period or less of each other and most have more or less generous back gardens.
16. Two storeyed buildings also predominate in the nearby parts of Southend Road but there is a much greater range of styles, forms and massing of buildings. The end flats of the rather plain Harris Court face the main road, set back from the footway and most other buildings are also set further back than would be the appeal schemes. There is however no uniform

building line. There is a terrace almost opposite the appeals site. The large new houses (Hawkley Meade) across the main road from the appeals site are higher and of greater mass than others nearby. They are in dramatic contrast to the church and church hall across the road and to most of the nearby houses. Whatever their merits they are now an established part of the townscape here and clearly part of the context within which the appeals proposals should be judged.

17. The church and its hall across Hockley Rise from the appeals site are set amidst a small area of grass and have a character distinct from other parts of the immediate area. Otherwise the narrow verge to the front of the wall enclosing Hawkley Meade is the only "semi-public" amenity open green space immediately nearby.
18. The redevelopment of the appeals site should respond to the varied development on Southend Road and to the predominantly two storey family houses on Hockley Rise. In view of the position at a visual stop coming up the hill, the corner treatment should be a visually strong feature of the scheme.
19. Both appeal schemes would present continuous frontages to Southend Road and Hockley Rise. The massing on both is split into elements with different roofs and facing materials and slight set-ins of some units to give the appearance of separate 2 storey terraced "houses".
20. I saw that there is some variety of roof styles in the area and agree with the local resident who estimates that the heights of the appeals buildings would exceed those of many nearby. The most notable exceptions are the very large Hawkley Meade houses. I do not consider that the slightly higher roofs than many others nearby would appear harmfully out of keeping especially as the highest roof would be on the corner almost opposite Hawkley Meade. I agree with the local planning authority however that further consideration would be needed on how the elevations of the roof of the centre building facing Hockley Rise in both schemes would be achieved given the depth of those elements. A shallow pitch roof would be unacceptable in appearance and is not what is shown on the elevation drawings.
21. The slight set-backs, different external finishes and roof lines designed to create a domestic scale make familiar references to "Essex Design Guide" appearance principles. Both schemes would provide a suitable visual "stop" in the view up the hill. I find nothing wrong in townscape terms with their setting further forward to the footways when viewed from Southend Road or up the hill from the south. Both schemes would provide a welcome rhythm, interest and variation in contrast to the blandness of the adjacent Harris Court and I find no fault in design terms with both schemes standing forward of that building. The Southend Road frontage and corner treatment would in my view provide an acceptable response to the variety of buildings and building sitings nearby including the terrace almost opposite. The style and appearance of each of the elements in the schemes would complement the variety of two storey buildings in the area. I thus endorse for both schemes the comments from the Essex County Council adviser and that of the local planning officer quoted at paragraph 7.3 of the appellant's statement on the first appeal.
22. Where I disagree with the support from the local planning authority's officer is in the acceptability of the Appeal 1 scheme viewed from Hockley Rise. I consider that the corner building and staggered back second and third elements are acceptable in relation to the general building line. However houses at the beginning of Hockley Rise are quite closely

spaced but are mostly detached or semi-detached. That characteristic unites their otherwise quite disparate detailed appearance. The siting of the old house on the appeals site would have provided a welcome sense of spaciousness that complemented the open area around the church and its hall and would have been an asset to both the suburban character and varied appearance of the area. Whilst it is unrealistic and unnecessary to expect any redevelopment scheme on the appeals site to replicate that, it is necessary in my view for some sense of openness, greenery and separation to be maintained between a redevelopment and the Hockley Rise houses.

23. In scheme 1 there would be a modest amenity space behind the post box at the junction and it would continue as an area dominated by parking spaces and backed by buildings. There would be a minimal gap between the 4th building element and 2A Hockley Rise. Any glimpses through the arch below the "flying" flat forming the 3<sup>rd</sup> element would be of manoeuvring space in the main car park. The limited amenity area to the front and lack of spacing between this long terrace and no.2A would combine to give a cramped appearance, spoiling the entrance to this pleasant suburban street.
24. In contrast the second scheme would provide a landscaped area between the flats and 2A Hockley Rise. That would provide a pleasant setting for the flats and a necessary transition between the varied townscape of Southend Road and the mainly detached and semi detached dwellings on the side road. That space would not be dominated by the two frontage parking spaces. The development would still make a strong and positive statement when approaching from the south on the main road. With that 6m separation I consider that the development would preserve the pleasant character and appearance of the area.
25. I thus conclude that the Southend Road frontage in both schemes is wholly acceptable in terms of the local environment and I consider that the turn of the corner would also provide buildings suitable for this location. I consider however that in the case of the Appeal 1 scheme the appearance of Hockley Rise would be harmed by that scheme.

Other matters

*Parking*

26. I was left in no doubt by local residents that they consider local road conditions demand a higher level of parking than the 1 per flat in each of these schemes and greater space for manoeuvring within the site to ensure drivers can enter and leave in forward gear and conveniently use those spaces. They referred to considerable parking and manoeuvring stress especially at "school run" times because Hockley Rise is the route to the local Westerings Primary School, the latter being undisputed by the appellant.
27. Double yellow line parking restrictions extend around the corner of Hockley Rise from Southend Road to just short of the position of the vehicular accesses to the flats as shown on the plans. Hockley Rise serves as a main access route to a large number of houses on its continuation and to other roads beyond. It is too narrow to allow free passage between double-parked cars. It being Half Term, I was unable to observe the "school run". From my knowledge and experience elsewhere I am aware that this can cause intense but often quite short lived stresses in an area, such that, as one participant described, it is better to defer one's journey for an interval. My experience elsewhere is that after about 15-20 minutes the acute period passes and traffic and parking levels flatten out again.

28. Both appeal schemes would provide 1 space for each flat. The quality of public transport in the area is reasonable but not so good that those disposed to use a car would be persuaded otherwise if it was perceived as cheaper and more convenient to do so. No separate allowance for visitor spaces is made in either scheme but that general matter would have been considered when Essex and national policies on parking were devised. I find no reason to depart from those current policies and guidance that consider 1 for 1 provision as here to be normally sufficient for schemes of 1 and 2 bedroom flats such as these.
29. It is quite evident that vehicles cannot pass if there is double parking on Hockley Rise and I doubt that all but the most thoughtless would do so. The existing parking restrictions would limit this at the most inconvenient and hazardous part near the main road junction but it is important near the junction that all the spaces here proposed should be convenient in use.
30. In Appeal 1, I consider that there is serious doubt that spaces 1, 2, 7 and 8 would be convenient in use or that the former two would be entirely safe. They are close to the entrance to the site and there is little space to manoeuvre into forward gear for departure. So close to the main road and almost opposite the access to 1 Hockley Rise, reversing out would be hazardous. Spaces 7 and 8 are parallel to and very close to the northern boundary. If the adjoining spaces are occupied, especially with large vehicles such as the seemingly increasingly popular large pick-ups and 4x4s, some drivers would be deterred and add to on street parking in Hockley Rise to the inconvenience of existing residents.
31. I also consider that the placing of 3 of the spaces (nos. 3-5) in the first scheme within about 2m of the shared boundary with no 2A Hockley Rise would cause an unacceptable level of disturbance in the garden of the latter house. Spaces 6 and 7 are but 4m away but bearing in mind there are garages closer to the shared boundary in a similar position at present I do not consider the siting of those spaces to be objectionable.
32. In Appeal 2, I have some reservations about the ease in use of space 1 closest to the road but others appear satisfactory. The use of spaces 10 and 11 within the open fronted "cart lodge" would cause no greater disturbance to occupiers of no.2A than the garages still standing on the site when I visited. I do not consider that undue conflict would arise between users of this car park and those seeking to enter and leave no.1 Hockley Rise.
33. Much more traffic would be generated by both schemes than by the old house but acceptable forward visibility to Hockley Rise can be provided in both. The access to Southend Road would be closed. I consider that neither scheme would endanger users of the highway.

*Amenity Space*

34. None of the flats in either scheme would have balconies or other private amenity areas and scheme 1 is significantly below the communal amenity space standards for flats set out in the RDRLP Local Plan Supplementary Planning Guidance. That guidance recognises that the garden sizes in the Essex Design Guide for Residential and Mixed Use Areas of 1997, which is otherwise adopted by the local planning authority, are unlikely to be achievable in higher density schemes with a considerable proportion of small dwellings.
35. As the appellant accepted, the space provided in either scheme would mainly function as a setting for the buildings. Though not overlooked from Harris Court, much of the amenity space would be overlooked by passers by and there is no space within where occupiers

would not potentially be observed by several others living within or be close to the parking area. In time the space shown behind a new hedge on the corner could provide some seclusion but its position adjacent to the main road is unattractive. The seat on the corner would be welcome to passers-by but is a poor substitute for occupiers of the flats.

36. The flats in both schemes are modest and have combined living/dining/kitchen areas. I would not expect many occupiers to already have a child when moving to these schemes but there would be 10 two bedroomed flats in Appeal 1 and 8 in Appeal 2. Some child residents are likely, in my view. None of the space in either scheme is suitable for small children to play without annoyance to other occupiers and there is no alternative space adjacent.
37. The absence of useable amenity space particularly with a preponderance of 2 bed units, confirms my view that Appeal 1 would be an overdevelopment of the site. The second scheme is still deficient in useable space but a total area close to the Council's guidelines would be provided, including a landscaped area between the flats and 2A Hockley Rise. That would provide a more pleasant setting for the flats as well as necessary spacing in the street scene and that largely mitigates its shortcomings in useable space.

*Privacy and other amenity concerns*

38. None of the flats would overlook windows or gardens of any other dwellings at close quarters. I consider that the closest intervisibility with windows at Harris Court is acceptable in both schemes. Provision of 2m walls to 2A Hockley Rise and the rear wall of the cart lodge and a hedge along the Harris Court boundaries would prevent intrusion and acceptably baffle noise and lights of cars entering the parking areas. Whilst both schemes would be much closer to both Harris Court and 2A Hockley Rise than was the old house, bearing in mind distances, angles of view and the position of main windows, I do not consider that either scheme would cause undue shadowing or dominance.

*General Conclusions*

39. Appeal 1: Whilst I endorse the general appearance of the building, the frontage to Hockley Rise would appear cramped. Some of the parking spaces would be awkward and potentially hazardous in use and the enjoyment of the garden at 2A would be disturbed from use of other parking spaces. The developer may well be right that there is a market for small flats without useable amenity space but the amenity space would not only provide poorly for private outdoor enjoyment by adults or for young children's needs but it would be inadequate to provide a pleasant setting for the building itself. My findings on parking and amenity space provision confirm my view that this scheme would be an overdevelopment of the site. It would make more efficient use of this previously developed site in an urban area but at the expense of the character and appearance of the area contrary to the aims of local policy and national guidance.
40. Appeal 2: In this case I consider that the scheme would have a pleasant appearance complementary to other development nearby and without appearing cramped in Hockley Rise. The scheme still lacks useable amenity space but there is at least sufficient to provide an attractive setting and appropriate spacing for the scheme where it adjoins lower density housing. Neither the lack of useable amenity space nor the reservation I have about one of the parking spaces are determinative and both are outweighed by the benefits of making efficient use of a quite well located urban site.

### Obligations and Conditions

41. The Council considers it necessary for the appellant to enter a planning obligation to provide a sum of £15,000 for a new pedestrian crossing on Southend Road. The appellant considers it unnecessary and unreasonably related to these proposals for them to fund what is understood to be the full cost of such a crossing.
42. There is an existing crossing downhill from the site on Southend Road and another much further away and nearer Hockley town centre. Southend Road is undoubtedly busy and occupiers of either appeal development would need to cross it to walk to the railway station. Whilst such may be hazardous at the busiest times it would be done at present by any traveller living west of the main road and close to the appeal site. A new crossing nearer the proposed flats does not appear to me to be necessary for either appeal development to proceed. It would also be unreasonable for this development to bear the whole cost as the crossing would be of benefit to a much larger number of people than those living in the flats.
43. I agree with the local planning authority that the span of roof on the larger element facing Hockley Rise will require careful design. How to do this is not clear from the plans. To allow of other possible solutions I shall not require a double pitch roof but that details should be submitted to the local planning authority. The approval of details of materials and colour finishes of external surfaces more generally is also needed.
44. Fuller details of landscaping than those shown on the block plan will be required and details of external finishes will need to be agreed, both in the interests of the appearance of the area. I see no need for obscured glazing in any particular windows, including that to the staircase facing the flank wall of 2A Hockley Rise where distance, siting and function render it unnecessary. Whilst 1m high railings are shown on the plans and are in principle acceptable, their precise form and colour (and that of any gates to the Southend Road units) would have a material impact in the street scene and should be controlled by condition.
45. There is no dispute that adequate forward visibility can be provided for vehicles entering and leaving the site and that the buildings are sited so as to allow a clear view along Southend Road from its junction with Hockley Rise. The plans show this but I shall impose conditions to reinforce the importance of doing so. If the scale of the block plan is correct then there appears to be an error over the "x" distance shown from the carriageway on Hockley Rise. It would appear to be 4m and if that is so I have more confidence that the necessary 1.5m x 1.5m pedestrian splay can be provided without obstructing a parking space or tree planting. I shall impose a condition on the pedestrian splay also.
46. All the parking spaces should be provided before any dwelling is occupied. In view of the amount of car parking to be provided, the proximity to the junction and because Hockley Rise is a fairly narrow side road, I agree with the local planning authority that it is necessary to allow for visitors to the scheme to park within its boundaries if space is available. Notwithstanding the marketing considerations mentioned, I shall therefore require that car parking spaces are not dedicated to particular flats.
47. Development as proposed would ensure that the Southend Road access is closed but given the position on a bend in a busy road it is essential that this is done prior to any development commencing, so that construction traffic uses Hockley Rise only. Whilst this will be inconvenient for local people it is preferable to the hazardous alternative.

48. The appeal site is on rising ground and it is important, in avoiding a too dominant appearance that each component part of the building sits no higher than shown on the plans. I shall require that slab levels are agreed with the local planning authority.
49. I was given no specific evidence about localised flooding and consider that other legislation including the Building Regulations will offer sufficient safeguards for the disposal of surface and foul water from this sloping site.
50. There may well have been bats using the site prior to demolition, but there is no record of this. I leave to the developers' discretion whether bat tiles should be provided to provide them with a potential habitat.
51. As these are flats without the "permitted development" rights which other proposed conditions seek to control, I shall not impose those.

#### **Overall Conclusions**

Appeal 1: APP/B1550/A/05/1173277

52. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Appeal 2: APP/B1550/A/05/1193605

53. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

#### **Formal Decisions**

**Appeal Ref: APP/B1550/A/05/1173277**

**(Appeal 1)**

54. I dismiss the appeal.

**Appeal Ref: APP/B1550/A/05/1193605**

**(Appeal 2)**

55. I allow the appeal, and grant planning permission for 11 flats and associated parking and cart lodge at 1 Southend Road, Hockley, Essex, SS5 4PZ in accordance with the terms of the application, Ref 05/00674/FUL, dated 6 August 2005, and the plans submitted therewith, subject to the following conditions:
  - 1) The development hereby permitted shall begin before the expiration of five years from the date of this decision.
  - 2) The building shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.
  - 3) No dwelling shall be occupied until space has been laid out within the site [in accordance with drawing No DMG/05/189/3 for 11 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.
  - 4) The car spaces to be provided shall be retained and kept available for the parking of cars at all times and none shall be dedicated to a particular flat or occupier.
  - 5) Forward visibility at the junction of Hockley Rise and Southend Road shall be provided across the site to the boundary with Harris Court in accordance with

- drawing No DMG/05/189/3 and no obstruction of more than 600m high shall be placed or planted forward of that line.
- 6) No development shall take place until a plan showing a 1.5m by 1.5m forward visibility splay back from the footway has been submitted to and approved by the local planning authority. No obstruction of more than 600m shall be placed or planted forward of that line.
  - 7) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; hard surfacing materials and minor artefacts and structures (eg. furniture, refuse or other storage units and lighting etc).
  - 8) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.
  - 9) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the design and materials of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.
  - 10) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
  - 11) Notwithstanding the details shown on the plans hereby approved, no development shall commence until further details of the roof design of the central building block facing Hockley Rise shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
  - 12) No development shall commence until details of the proposed slab levels in relation to natural and finished ground levels of the site have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
  - 13) Before development commences the access to Southend Road shall be permanently stopped up and no construction traffic shall deliver or enter the site other than from Hockley Rise.
  - 14) With respect to any condition that requires the prior written approval of the local planning authority, the works thereby approved shall be carried out in accordance with that approval unless subsequently otherwise approved in writing by that local planning authority.



INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr David Grew, DipBM, ICIQB, Agent for the Appellant  
MRICS  
Mr John Dagg, MRTPI, Barrister Planning Consultant for the Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr John Wood Planning Consultant to the Council

INTERESTED PERSONS:

Mr Keith Hudson	Ward Councillor for Hockley Central, Rochford District Council
Mrs Lilian Campbell Daley	Parish Councillor for Hockley Central and Hullbridge of 2 Wallace Close, Hockley
Mr Chris Tivey, MRTPI	Of Smart Planning Ltd, The Old Schoolhouse, Battlesbridge, SS11 7QL, representing Miss G Yeadell of 6 Southend Road, Hockley.
Mr George Richards	5 Harris Court, Hillcrest Road, Hockley, SS5 4QD
Mr Peter Manley	1 Hockley Rise, Hockley, SS5 4QE
Mr Leonard Smith	6 Hockley Rise, Hockley, SS5 4QE
Mr Colin Ablitt	13 Hockley Rise, Hockley, SS5 4QE
Miss Gabrielle Yeadell	6 Southend Road, Hockley, SS5 4QQ
Mr Peter Murphy	44 Broadland Avenue, Hockley, SS5 5BP
Mr Dave Gleadall	2 Wood End, Hockley, SS5 4QL
Mr Ken Hewitt	44 Wood Pond Avenue, Hockley, SS5 4PX
Mr Ken Aldridge	7 Hockley Rise, Hockley, SS5 4QE
Mrs Sheila Aldridge	7 Hockley Rise, Hockley, SS5 4QE

DOCUMENTS

Document	1	List of persons present at the hearing
Document	2	Letter of notification and circulation list
Document	3	Appellant's statements and Appendices thereto
Document	4	Local planning authority's statements and appendices 1-4 to Appeal 2 statement
Document	5	Draft decision of local planning authority re redevelopment of the site with terrace of 3 houses, 2 detached houses a car port for 5 cars and open parking for 5 spaces.
Document	6	Rochford District Replacement Local Plan SPG 1 Housing Design and Layout (Mr Tivey)
Document	7	Extract from the Handbook of Standard Conditions March 1999

PLANS

Plan Set	A	Set of application plans re Appeal 1: DMG/04/103/1; DMG/04/103/2; 53b Landscaping scheme (illustrative); Block Plan 1 :250; Location Plan 1:250. Additional plan sent to local planning authority not forming part of the application: street scene 1:200
Plan Set	B	Set of application plans re Appeal 2: DMG/05/189/1; DMG/05/189/2; DMG/05/189/3; DMG/05/189/4.
Plan Set	C	Set of plans re proposal for a terrace of 3 houses, 2 detached houses a car port for 5 cars and open parking for 5 spaces at the site.
Plan	D	Photocopied extract from Local Plan Proposals Map showing open space in the locality
Plan	E	Plan for 5 dwellings as above with overlaid drawing of Appeal 2 scheme.

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**PLANNING SERVICES COMMITTEE - 20 OCTOBER 2005**    **Item 5**

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**TITLE :**                    **05/00674/FUL**  
**REDEVELOPMENT OF THE SITE FOR A TWO STOREY**  
**BLOCK CONTAINING 11 SELF CONTAINED FLATS, SINGLE**  
**STOREY CART LODGE, OVERALL PARKING FOR 11**  
**VEHICLES, CLOSURE OF ACCESS ONTO SOUTHEND**  
**ROAD, SOLE VEHICULAR ACCESS TO THE SITE VIA**  
**HOCKLEY RISE**  
**1 SOUTHEND ROAD HOCKLEY**

**APPLICANT:**            **SPC LTD**

**ZONING:**                **RESIDENTIAL**

**PARISH:**                **HOCKLEY PARISH COUNCIL**

**WARD:**                 **HOCKLEY CENTRAL**

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<b>Site Area</b>	<b>0.13Hectares - 0.3 Acres</b>
<b>Density</b>	<b>85 dwellings per hectare</b>
<b>Mix</b>	<b>11 Flats ( 3 x 1 bed &amp; 8 x 2 bed)</b>

**PLANNING APPLICATION DETAILS**

- 5.1 The application site relates to a square parcel of land that is located on the western side of Southend Road at its junction with Belchamps Way and Hockley Rise. The site itself is fairly uniform in terms of its levels but is sited roughly on the crest of rising surrounding land.
- 5.2 The proposal seeks consent for the redevelopment of the site for one building that contains 11 self contained flats. The building has an 'L' shaped footprint and presents frontages onto both Southend Road and Hockley Road. The block is two storey in height and modulated/articulated such that with the use of differing external materials gives the impression of a terrace of individual dwellings.
- 5.3 The scheme proposes access off Hockley Rise to a rear car parking area of 9 spaces (5 of these spaces are to be within a cartlodge adjacent to the northern boundary of the site adjacent to the boundary with Harris Court). There are an additional two car parking spaces located to the front of the building on the Hockley Road frontage.
- 5.4 A new hedge is proposed along the boundary with Harris Court and the rear wall of the cart lodge. A 2m high brick wall, along the boundary with 2A Hockley Rise; and along the frontages with Hockley Rise and Southend Road soft landscaping with tree planting.



INVESTORS IN PEOPLE

- 5.5 The scheme proposes areas of communal amenity space to the front, rear and side of the proposed building, this amenity space provision accords with the Local Plan standards. Similarly the car parking provision is at 100%.

**RELEVANT PLANNING HISTORY**

- 5.6 **04/00776/FUL** Demolish Existing Dwelling And Erect Two Storey Block Of 13 Flats And Associated Parking With Access Off Hockley Rise Refused 25.11.2004. This application is currently under appeal.
- 5.7 **05/00023/FUL** Redevelopment of the Site to Provide a Terrace of Three 3-Bed Properties and Two Detached 3-Bed Properties. Access Direct From Hockley Rise to a 'Car Port' for 5 Cars and Open Parking for a Further 5 Spaces. New 2 Metre High Brick Wall Between Site and No 2a Hockley Rise. Resolved to grant planning permission subject to a legal agreement requiring a financial contribution towards the provision of a pedestrian crossing. This legal agreement has not yet been finalised.

**CONSULTATIONS AND REPRESENTATIONS**

- 5.8 **Hockley Parish Council:** - Members were generally of the opinion that this site, which is prominent on the main road entering the village, is overdue for development. This is the fourth planning application considered for this prominent site, almost eight months having elapsed since the former dwelling house on the site was demolished. The condition of the site has recently worsened following a road traffic accident which resulted in part of the boundary wall being knocked down.
- 5.9 The layout now proposed is similar to a previous application and is likely to be the best that can be expected for this site. Members were of the opinion that road safety hazards could arise during construction work, and it is requested that all deliveries made to the site during construction are made via Hockley Rise and not Southend Road frontage. It is also requested that the developer be asked not to have deliveries made when parents and children are passing the site on their way to Sunny Road school, both in the morning and the afternoon. As the site is close to a complex road junction, drivers of vehicles leaving the site should wash their wheels to ensure that mud or other debris is not deposited on the carriageways. The developer should also be requested not to have vehicles parked near to the junction between Southend Road, Hockley Rise and Belchamps Way at any time as this could cause congestion and danger at this busy junction. The footway fronting the site in Southend Road should be available for use at all times to avoid pedestrians having to step into the carriageway of this busy road. The entrance paths from Southend Road should be combined into one at the Western end of the site, which might discourage callers to leave vehicles on Southend Road whilst making deliveries. Finally, it is requested that the developer considers making a contribution to the construction of an additional pedestrian crossing in the area.



- 5.10 **Essex Police Architectural Liaison Officer:-** No objection
- 5.11 **Engineers:-** No objection
- 5.12 **Essex County Council Schools Service:-** No contributions are sought.
- 5.13 **Essex County Council Archaeological Service :-** The proposed development site lies outside any area known to have archaeological deposits. Therefore on our present knowledge no archaeological recommendations are being made on this application.
- 5.14 **Environment Agency:-** If protected species are thought to be present then an appropriate survey and mitigation should be put in place
- 5.15 **County Highways:-** No objection subject to S106 £15,000 towards the construction of a new pedestrian crossing facility in Southend Road, further conditions regarding access and visibility splay details.
- 5.16 **County Urban Designer:-** The frontage to Southend Road is acceptable apart from the disposition of the windows in the asymmetrical gable which should be centred below the apex of the roof rather than placed in the middle of the wall.
- 5.17 The Hockley Rise frontage would be improved if the car parking could be repositioned behind the building or at least away from the front of the building. I would also like to see some side elevations because part of this block is deep plan and I don't know whether a double span roof is proposed or it has a very shallow pitch, which would not be appropriate. In addition a roof plan is needed to illustrate how the roofs abut.
- 5.18 Conditions which cover the detailed design should also be placed on any consent granted to ensure that the proper gauged flat brick arches, pentice boards in render and smooth float render are specified.
- 5.19 55 Letters of objection have been received commenting in the main on the following issues:-
- o Very busy junction
  - o Little visitor parking in surrounding streets
  - o Local roads are congested
  - o Poor visibility in both directions
  - o Streets are used for school run
  - o Additional burden on local infrastructure (schools, doctors, dentist)
  - o Block of flats in this location would be offensive
  - o Two cars per flat will mean on street car parking
  - o Flats not in keeping with the area
  - o School runs safety issues
  - o Noise and disturbance during the construction period



- Prominent site at the gateway to Hockley; the development should reflect this important location
- Not profit before suitable scheme
- Area is detached and semi detached properties; this development should reflect this
- Overcrowded development
- Highway safety
- Flats recently developed near the Hockley Station, no need for additional flats
- Family accommodation is required
- Devaluation of property values
- Local drainage cannot cope
- Loss of the existing building and hedgerow has affected the character of the area
- Previous application for very similar development was refused planning permission, so what has changed in this scheme to warrant approval
- Garage area to the rear will become unsightly and a dumping ground for rubbish which will detract from the character of the site and surrounding area
- Lack of amenity space
- Increase in pollution
- Loss of privacy through direct overlooking
- Likely to be multi occupancy flats given the high house price
- Flats will dwarf the surrounding properties
- Affordable family housing is needed

### **APPRAISAL**

- 5.20 The key issues to assess in determining this application are:- principle; scale; design; and appearance; access/parking; amenity provision; relationship and landscaping.

#### **Principle**

5.21 **RESIDENTIAL**

There is no objection in principle to residential redevelopment of the site given its location within the main residential area of Hockley. The proposal would accord with both Government, Structure Plan and Local Plan policy that seeks to steer development to appropriate sustainable sites and maximise the sites' developable potential.

5.22 **DEMOLITION OF THE EXISTING DWELLING**

The 'Whitehouse No 1 Southend Road has been demolished prior to the submission of this application. The site is now vacant whilst still retaining hardcore/rubble from the demolished building.



**5.23 SCALE, DESIGN AND APPEARANCE**

The proposed building is of a two-storey form with the height varying across the frontages. Essentially the frontages are formed from 7 blocks of built form that are linked together and set back from the road by between 3m – 4m on Southend Road and 7m - 8m on Hockley Rise. The continuous frontage is maintained by access to the rear parking area being provided by bridging over at first floor level to create a drive through. On the rear elevations of the building some of the first floor accommodation is provided using well-proportioned pitch roof dormer windows.

5.24 The proposed building is not of an excessive height and bulk. Indeed the locality is characterised by two storey built form with houses and chalets in Hockley Rise and Southend Road and Harris Court (sheltered flats) in Hillcrest Road to the North. As such, the proposal would not be out of scale or character with its surroundings.

5.25 In the main the heights proposed are 9m or below and thus not greater in bulk or scale than a two storey dwelling house. The highest point of the development is the corner element, which is 10.5m (to the chimney top), with a ridge height of 9.3m. Given that this is the corner of the site furthest from the neighbouring dwellings this is not considered excessive.

5.26 The design proposed is traditional in approach and would create movement in the street scene along with a continuous frontage to both Southend Road and Hockley Rise that is defined and has interest. This is enhanced through the use of a variety of materials on each block of built form and well-composed fenestration.

5.27 The county urban designer raised concerns about the position of the window at first floor level in the asymmetrical gable fronting Southend Road. A condition is recommended seeking further details on this issue.

**Access/Parking**

5.28 It is proposed to form a vehicular access for the development from Hockley Rise and the existing access from Southend Road is to be blocked off.

5.29 The County Surveyor (Highways) raises no objection to the proposal, provided that suitable vehicular and pedestrian visibility splays are provided both along Southend Road and for the new access. Should Members be minded to approve the application these elements can be secured through the imposition of appropriate conditions.

5.30 Parking provision is 11 spaces, providing 1 space per unit with adequate turning area. Given current Government guidance in PPG3 and 13 and the adopted parking standards contained in Supplementary Planning Guidance Note 1, a provision of one space per unit is considered acceptable. This is reinforced by the location of the site on a main through route in the district with bus stops in close proximity and Hockley Town Centre within walking distance.



## ROCHFORD DISTRICT COUNCIL

04/00926/FUL

- 16 Prior to any development commencing at the site details of a store building to house 'electric buggies' shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented at the site prior to the first occupation of any of the residential units hereby approved.

REASON In order to ensure that the development attractive, accessible and available to all sectors of the community.

- 17 Prior any development (including demolition) commences at the site a method statement outlining the phasing of the demolition/construction, the access and deliveries to/from the site, materials compound, staff carparking. The details shall demonstrate that all access, servicing, construction vehicles and deliveries shall be taken direct from Weir Pond Road, and that Oast Way will not be used for construction access/traffic save for the works required for the opening up of the access.

REASON In the interest in maintaining the amenities of the occupiers of the adjacent/nearby plots/properties.

- 18 Prior to any development commencing at the site details of all external illumination shall be submitted to and approved in writing by the local planning authority. The details as approved shall be implemented at the site prior to the first occupation of any of the residential units hereby approved and retained as such thereafter.

REASON In order to ensure that the site is sufficiently lit to create the feeling of a 'safe' environment as well as assisting in the prevention of crime.

### INFORMATIVE

- 1 You are informed that the materials to be supplied for approval in connection with condition No 2 and referred to in the drawings shall be stock bricks only.

### REASON FOR DECISION

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

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

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

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

Height/Street Scene

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

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

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

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

Relationship With Neighbouring Properties

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

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

Access/Parking

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

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

Amenity Space

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

**CONCLUSION**

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

**RECOMMENDATION**

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

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

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

#### **REASON FOR DECISION**

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

**Relevant Development Plan Policies and Proposals**

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



Shaun Scrutton  
Head of Planning Services

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

122 her

**ROCHFORD DISTRICT COUNCIL**



**Council Offices  
Rochford  
Essex  
SS4 1BW**

**TOWN & COUNTRY PLANNING ACT, 1990**

**NOTICE OF DECISION**

Date : 22nd January 2004

Application No : 03/00931/FUL

Parish : Rayleigh Town Council

Proposal : Demolition of Existing Properties and Re-Development to Provide 10 Self Contained Flats within Two Storey Building with Landscaping and Car Parking

Site Location : 119 High Road Rayleigh

Applicant : Marden Homes Plc

The Council as District Planning Authority hereby give notice of their decision to **GRANT PLANNING PERMISSION** for the above proposal as described in the accompanying drawings numbered 1122.10,1122.11, supporting statement date stamped 27th October 2003, and additional information plan number 1122.10A and cross section drawing dated Dec 03 subject to the conditions set out below

Your attention is drawn to the notes enclosed

**CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 No development shall commence, before details of all external facing (including windows and doors) and roofing materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Such materials as may be agreed in writing by the Local Planning Authority, shall be those used in the development hereby permitted.

REASON: To enable the Local Planning Authority to retain adequate control over the appearance of the building, in the interests of amenity.

## ROCHFORD DISTRICT COUNCIL

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- 3 No development shall commence, before plans and particulars showing precise details of any gates, fences, walls or other means of screening or enclosure, to be erected around the perimeter of the site and shall also include the provision of a 2.5m high brick wall along the rear boundary of the site, the details of which shall be submitted to and agreed in writing by the Local Planning Authority. Such details of screening or other means of enclosure as may be agreed in writing by the Local Planning Authority, shall be erected prior to any of the flats hereby approved being occupied to which they relate first being occupied and thereafter maintained in the approved form, notwithstanding the provisions of Article 3, Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification).

REASON: To enable the Local Planning Authority to retain adequate control over such details of screening and/or means of enclosure, in the interests of residential amenity.

- 4 No development shall commence, before plans and particulars showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted, have been agreed in writing by the Local Planning Authority. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority, which shall show the retention of existing trees, shrubs and hedgerows on the site and include details of:

- schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;
- existing trees to be retained;
- areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
- paved or otherwise hard surfaced areas;
- existing and finished levels shown as contours with cross-sections if appropriate;
- means of enclosure and other boundary treatments;
- car parking layouts and other vehicular access and circulation areas;
- minor artifacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc);
- existing and proposed functional services above and below ground level (eg. drainage, power and communication cables, pipelines, together with positions of lines, supports, manholes etc);

shall be implemented in its entirety during the first planting season (October to March inclusive) following commencement of the development, or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

## ROCHFORD DISTRICT COUNCIL

03/00931/FUL

REASON: To enable the Local Planning Authority to retain adequate control over the landscaping of the site, in the interests of residential amenity.

- 5 Notwithstanding the details shown on the plans hereby approved further details highlighting measures to mitigate overlooking from the first floor balcony facing Brook Road shall be submitted to and approved in writing by the Local Planning Authority i.e. balcony screen. The measures as approved shall be implemented at the site prior to the beneficial use of any of that unit hereby approved and be retained as such thereafter.

REASON: In the interests of maintaining the residential amenity of the area.

- 6 Prior to the beneficial use of any of the units hereby approved the parking court to the rear of the plot shall be laid out in a permanent-bound material and marked on the ground in accordance with the approved drawings, (all of the spaces shall be a minimum size of 2.5 x 5m with no obstruction within 6m from any opposing parking space).

REASON: In the interest of servicing the site and in the interests of highway safety.

- 7 Prior to the beneficial use of any of the units hereby approved a pedestrian visibility splay of 1.5 x 1.5 as measured from the back edge of the footway shall be provided either side of the access with no obstruction above 600mm within the area of the splay.

REASON: In the interest of highway and pedestrian safety.

- 8 Prior to the beneficial use of any of the units hereby approved all existing dropped kerb crossings, not to be used with this development shall be suitably and permanently closed, with the kerbs returned to full kerb height.

REASON: In the interest of highway and pedestrian safety.

### INFORMATIVE

- 1 The applicants attention is drawn to the fact that during the construction of the proposed development, there is potential for nuisance to occur by way of noise, smoke, smell, etc. It is strongly recommended that steps are taken to prevent such nuisances arising, otherwise formal action may be taken under the Environmental Health legislation. These steps should include:-

1). Ensuring that works of clearance or construction that are likely to generate noise at the boundary of the site are not carried out:

- a). outside the hours of 7.00am to 6.00pm Monday to Friday and 7.00am to 2.00pm Saturdays or;
- b). on Sundays and Bank Holidays.

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- 2). Ensuring that during the clearance of the site and construction works, no waste materials are burnt on site.

Advice on the control of nuisances is available from the Council's Head of Housing, Health and Community Care.

### REASON FOR DECISION

The proposal is considered not to cause demonstrable harm to any development plan interests, other material considerations, including impact in the street scene and impact upon the amenities of the occupiers of the adjacent properties plots.

#### Relevant Development Plan Policies and Proposals:

H2, H11, H16, H19, H22, H24, of the Rochford District Council Local Plan First Review

CS1, CS2, BE1, H2, H3, H4, of the Essex and Southend on Sea Replacement Structure Plan



**SHAUN SCRUTTON**  
**HEAD OF PLANNING SERVICES**

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**PLANNING SERVICES COMMITTEE - 22nd January 2004 Item 2**

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**TITLE :** 03/00931/FUL  
**DEMOLITION OF EXISTING PROPERTIES AND RE-DEVELOPMENT TO PROVIDE 10 SELF CONTAINED FLATS WITHIN A TWO STOREY BUILDING WITH LANDSCAPING AND CAR PARKING.**  
**119 HIGH ROAD, RAYLEIGH**

**APPLICANT :** MARDEN HOMES PLC

**ZONING :** RESIDENTIAL

**PARISH:** RAYLEIGH

**WARD:** WHITEHOUSE

**SITE AND SURROUNDING AREA**

- 2.1 The application site currently comprises a pair of vacant 2 storey semi detached houses situated on the northern side of the junction of High Road and Brook Road. The land rises from the south to the north and there is also a smaller rise from east to west.
- 2.2 To the north of the site is a petrol filling station with forecourt shop, beyond which are residential properties. To the east are bungalows and rear gardens of St. Martin's Close and opposite are mainly 2 storey houses. To the south, on the southern corner of Brook Road is a large house which has been subdivided into flats and beyond that is a hotel (Holiday Inn), a pub/restaurant (The Weir) and the main A127 Southend Arterial Road. To the south of the A127 junction are a superstore and petrol station and other retail warehouses and commercial premises.
- 2.3 Brook Road is a one way street with no access from the High Road. High Road itself is one of the main routes into the centre of Rayleigh from the south, and is a bus route with a bus stop outside the site.

**PLANNING APPLICATION DETAILS**

- 2.4 Full planning permission is sought for the demolition of the existing properties and the re-development to provide 10 self contained flats within a two storey building with landscaping and car parking.
- 2.5 The scheme proposes 8 two bed flats and 2 one bed flats, with access direct off Brook Road to serve a car park court for fourteen car parking spaces including one disabled space.

- 2.6 The building is located towards the front of the site with a footprint measuring a maximum of 16.8m by 18.8m and the overall height of 9.5m. The building is two storey in height with full pitched roof over. The front elevation to the High Road has a double projecting gable feature with first floor balconies. The rear elevation has a pair of asymmetrical gable features and no balconies, the Brook Road elevation has one projecting gable feature and one balcony, this balcony is positioned on the corner of the building and can be viewed from the rear of the property. Each of the ground floor flats has direct access onto a parcel of private amenity space and three of the five first floor flats have access to private balconies. A refuse enclosure is proposed within the rear car park close to the access with Brook Road. Soft landscaping is proposed to the front and flank of the building facing Brook Road and also around the perimeter of the car park court. The specific nature of the soft landscaping is not specified here.

### **APPLICANT'S SUPPORTING STATEMENT**

- 2.7 The applicants have submitted a statement to support their application and the following comments is a summary of this document.
- Scheme accords with policies of the Local and Structure Plans
  - No objection to the demolition of the existing buildings
  - No objection in principle for the redevelopment into flats
  - Redevelopment for residential would comply with policy
  - Scheme is now two storey previously three and has therefore overcome the impacts and concerns with the previous scheme
  - The height of the proposal is 1m lower than the existing properties and 2.1m lower than the previous scheme
  - The staggering of the elements of the block on the High Road frontage help to break up the mass of the building
  - Replicates the domestic scale of the existing and neighbouring properties
  - Re-positioned further from the boundary with Brook Road in order to reduce the impact and also to allow some meaningful soft landscaping to be implemented at the site
  - Position of the new building in relationship to the properties in St Martins Close is in excess of the requirement within the Essex Design Guide
  - No more rear facing first floor habitable room windows within the scheme (4) than exist within the existing property, and that this has been reduced from 10 within the previously refused scheme
  - Greater potential for soft landscaping at the site given the modifications to the car-park and the building
  - Off street car parking commensurate with the likely need

### **RELEVANT PLANNING HISTORY**

- 2.8 There has been one previous application at this site 02/00916/FUL. This proposed the redevelopment of the site to provide 15 self contained flats within a three storey building. This application was refused planning permission and was subsequently dismissed on appeal on the 12<sup>th</sup> August 2003. (Although a similar application earlier in the same year was submitted but withdrawn).

2.9 In dismissing the appeal the inspector considered the main issues to be:-

- The effect of the development on the character and appearance of the area.
- The effect on the living conditions of the neighbouring occupiers with particular reference to loss of outlook and privacy, and noise and disturbance.
- Whether there would be sufficient parking provision to meet the needs of the development.

2.10 **With reference to the first issue the Inspector made the following comments:-**

*"...in my judgement there is a stronger visual and functional link between the appeal site and the residential properties to the north, west and east than with the large buildings to the south from which it is physically and visually separated by a road, another house and large trees. In my opinion the commercial buildings around the junction relate functionally to the A127, and are quite distinct from the predominantly residential area to the north. In any event, although some of these are substantial buildings, none are 3 storey as is now proposed...the ridge height of the proposed block would be over 2m higher than the existing houses when measured on the southern side, but the overall size of the building would be considerably greater than at present...by contrast, the proposed block would be a large building with significant mass and bulk when viewed from both the High Road and Brook Road frontages. Despite the changing land levels and the presence of some trees in the area, I consider that the building would be visually dominant in the street scene...the building would be very close to the boundary on the Brook Road elevation with no opportunity for landscaping to soften the visual impact on this prominent corner. This would be exacerbated by the large parking area to the rear which again offers no opportunity for landscaping along the frontage. The proposed block would have some relief in the use of contrasting materials and balcony details, but I consider it would be visually dominant in the street scene and out of character with the predominantly 2-storey dwellings in the surrounding residential area. As such I do not consider that this would be a positive addition to the street scene in this approach to the town...I conclude that although the proposal would make good use of land consistent with the aims of PPG3, it would nevertheless be unacceptably detrimental to the character and appearance of the area and this is the prevailing consideration."*

2.11 **In relation to the second issue the Inspector made the following comments:-**

"...because of the change in levels and the size of the block proposed, the development would appear very dominant and overbearing from the bungalows to the rear and there would be a significant loss of outlook for the occupiers... a perceived loss of privacy (from upper floor windows)...I do not consider that this would be a reason for refusal in itself, but it adds to my concerns about the overall impact of the development on the adjoining occupiers...there would be little additional room for landscaping and in my view the size of the parking area for 19 cars and its use in such close proximity to the adjoining gardens would cause noise and disturbance and detract from the living conditions of the neighbouring occupiers...I conclude that the proposed development would have an unacceptable effect on the living conditions of the neighbouring occupiers..."

2.12 **In relation to the third issue the Inspector commented that:-**

"...19 spaces are shown on the appeal drawings, equating to just over 1.25 spaces/dwelling, and I consider that given that there are bus services stopping outside

the site that this would be adequate to meet the needs of the development...however this does not remove my concerns about the lack of opportunity for boundary planting by the proposed layout."

**2.13 The Inspector's conclusions were:-**

*"...I conclude that the proposed parking provision would be adequate to meet the needs of the development and that it would not conflict with the Council's emerging parking standards which reflect the advice of PPG13. However this does not alter my conclusions on the first 2 issues about the effect on the character and appearance of the area and the living conditions of the adjoining occupiers."*

## **CONSULTATIONS AND REPRESENTATIONS**

**2.14 Rayleigh Town Council - Objects:** insufficient car parking spaces have been provided, the position of the car parking area would create a disturbance to neighbouring properties, the position of the living rooms in the flats at first floor level give rise to overlooking of the bungalows at the rear; and traffic congestion in Brook Road will be increased as a result of this development land.

**2.15 Head of Housing and Community Care - requests** that if the scheme is permitted that a condition be attached that limits the burning of wastes materials at the site, and also that standard informatives that control nuisances and contaminated land also be attached.

**2.16 Buildings and Technical Support - No objections**

**2.17 Building Control Manager - No comments other than means of escape needs to be addressed.**

**2.18 Essex County Council Highways Officer - No objections subject to conditions that seek to control access and vision splay details.**

**2.19 Four letters have been received from the occupiers in St. Martin's Close and two letters from the occupiers in the High Road who make the following comments:-**

- Would lead to on street car parking, why not build houses in keeping with the very nice High Road, no amenity areas are proposed all just car parking
- the windows in the existing properties are further away from the existing properties in St. Martin's Close
- density too great
- closeness of the building to Brook Road would prevent buffer planting
- overbearing impact upon Brook Road due to excessive size and bulk, eyesore on the approach to the town
- the height of the proposed rear wall should be increased to 2.5m,
- overlooking
- noise from the cars coming and going
- no visitor parking and only one space per unit, would spill out onto adjacent roads, may lead to traffic coming off the A127 being held up by cars waiting to get into the property
- over-development, out of scale and character with the bungalow estate to the east
- dominant and overbearing
- loss of outlook

- balconies look un-sightly and would lead to loss of privacy
- car parking close to the boundary would cause a noise problem
- proximity of the refuse store to boundary would cause a problem
- access onto Brook Road would cause a traffic hazard this road is used by private as well as large commercial vehicles.

## **MATERIAL PLANNING CONSIDERATIONS**

- 2.20 **The Principle:** -The site is located within the defined residential area of Raleigh and as such there are no objection in principle to the residential redevelopment of the site. In addition there are no in principal objections to increasing the residential density of the site over and above that which currently exist at the site.
- 2.21 **The Character and Appearance of the Area:-** The inspector on the previous scheme commented that the application site had more of a relationship with the neighbouring residential properties than it does with the larger commercial buildings closer to the A127 Southend Arterial Road. Against this background it is considered that a reduction in height of the building from three storeys to a two storey building would be more appropriate and sympathetic to its immediate surroundings.
- 2.22 The height to the ridge of the proposed building is lower than that of the existing pair of properties on the site, and this, added to the overall reduction in the storey height of the building, would mean that a refusal based on the height of the property could not be substantiated.
- 2.23 The layout of the site has been modified following the previous refusal and now proposes soft landscaping around the perimeter of the car park court and also an element of soft landscaping along the frontages to the High Road and also Brook Road. The soft landscaping has not been specified with this submission, however it could be controlled by planning condition if the scheme is supported.
- 2.24 The buildings footprint is larger than that of the building it replaces and as such it extends deeper into the plot; this in itself is not necessarily objectionable. The depth of the proposed building is a sum of its components, and in terms of the ground floor layout proposes two flats on the High Road frontage and three flats to the rear of the building. This layout has resulted in a built form that is modestly larger than one pair of modern semi detached units. The resulting depth of the building is considered not to be materially out of character with the surrounding area.
- 2.25 **The effect upon the living conditions of the neighbouring occupiers with particular reference to loss of outlook, privacy, noise and disturbance:-**
- 2.26 The footprint of the building is deeper than the one it replaces and as such brings the built form closer to the rear of the properties in St. Martins Close; these are the properties that are most likely to be affected by this proposal. It is accepted that the new two storey building will be larger than the existing bungalows that bound the site, but this not an uncommon scenario within the established residential areas of the district

- 2.27 One storey has been deleted from the proposal and as such the reduction in height to a two storey building has improved the impact upon the surrounding residents. In addition the position of the new building is in excess of the minimum back to back distances as outlined within the adopted design guidance. It is accepted that this element of the policy is predicated on the minimum distance required for maintaining privacy in a back to back relationship, and that it is not necessarily an assessment as to the bulk or the relationship between the physical built form of the new and existing properties.
- 2.28 The development is not likely to have any material impact on the petrol filling station to the north of the site, nor should it have any material impact upon the amenities upon the existing property of the southern side of Brook Road.
- 2.29 Due to the modifications to the scheme any loss of privacy through direct overlooking would be equitable with any two storey building in this position, and in addition not materially worse than from any perceived overlooking from the windows within the existing properties on the site albeit the distance is reduced. There are no balconies within the rear elevation, although the flank boundary onto Brook Road does propose a balcony, this may give rise to a form of direct overlooking into neighbouring plots. If the scheme is approved it is recommended that a condition be imposed that requires a scheme to be submitted that highlights how direct overlooking may be prevented from this balcony.
- 2.30 In respect of any perceived loss of privacy to the occupiers of the neighbouring properties the Inspector on the previous application commented that "*this issue would not by itself be a reason for refusal.*" The current application is considered to be an improvement over the previous situation with the removal of one full floor of residential accommodation. It is recommended therefore that for the reasons outlined above a refusal based on the loss of privacy to the occupiers of neighbouring properties could not be justified.
- 2.31 Car park courts to the rear of plots are not without precedent within the district, are not uncommon on a corner plots and is considered to be acceptable in terms of its form and functional layout. The position of the car park was an issue for the previous inspector and how the use of it may have an adverse impact upon the amenities of the occupiers of the adjoining properties. The scheme has been modified following the previous refusal and now proposes fewer spaces and an element of space for the provision of perimeter planting. It is considered that, given the likely use of the car park, a brick wall would be important in attempting to mitigate the impact upon the occupiers of the adjacent dwellings, however due to the change in levels it is considered that the 1.8m high brick wall specified may not be sufficient to mitigate to a satisfactory level; the precise details of this wall and any soft landscaping in this part of the site can be controlled by condition if required.
- 2.32 The County Highways Officer has commented that subject to details relating to vision splays and access arrangements that they have no objections to the proposals. They have not raised any concerns with the proposed use of the access onto Brook Road nor the potential for traffic congestion caused by the development, and without the support of the Council's specialist advisor on the matter a refusal based on or around these issues could not be justified or substantiated. Nor was it a determining issue for

the inspector on the appeal.

- 2.33 The impact upon the occupiers of the properties in St Martin's Close in terms of loss of outlook, privacy, noise and disturbance is considered to be acceptable.
- 2.34 **Car Parking** - Is provided at a level of 1.4 spaces per flat which is above the level of provision found acceptable by the Inspector.

## CONCLUSION

- 2.35 The proposed redevelopment of the site for residential purposes is acceptable in principle and complies with national advice and development plan policies.
- 2.36 The scheme has been revised following the previous refused scheme and now proposes a building of a size, design and appearance that would not have any material harm to the immediate street scene in particular, nor any harm to the wider character of the area.
- 2.37 The redevelopment of the site in the manner proposed (being a larger building than the one it replaces) will have an impact upon the occupiers of the adjacent properties and plots, however it is considered that, taking account of the concerns raised by the Inspector, the modifications to the scheme mean that any remaining impacts are of insufficient weight to justify a substantive reasons for refusal.

## RECOMMENDATION

- 2.38 It is proposed that this Committee **RESOLVES** to **APPROVE** the application, subject to the following conditions
- 1 SC4 Time Limit
  - 2 SC14 Materials to be used
  - 3 SC50 Boundary Treatment to be erected around the perimeter of the site and shall also include the provision of a 2m high brick wall along the rear boundary of the site, the details of which...any of the flats hereby approved.  
REASON:- In the interest of neighbour amenity.
  - 4 SC59 Soft Landscaping
  - 5 Notwithstanding the details shown on the plans hereby approved further details highlighting measures to mitigate overlooking from the first floor balcony facing Brook Road shall be submitted to and approved in writing by the Local Planning Authority i.e. balcony screen. The measures as approved shall be implemented at the site prior to the beneficial use of that unit hereby approved and be retained as such thereafter.  
REASON:- In the interest of maintaining residential amenity of the area.
  - 6 Prior to the beneficial use of any of the units hereby approved the parking court to the rear of the plot shall be laid out in a permanent-bound material and

marked on the ground in accordance with the approved drawings, (all of the spaces shall be a minimum size of 2.5 x 5m with no obstruction within 6m from any opposing parking space). REASON in the interest of servicing the site and in the interests of highway safety.

- 7 Prior to the beneficial use of any of the units hereby approved a pedestrian visibility splay of 1.5 x 1.5 as measured from the back edge of the footway shall be provided either side of the access with no obstruction above 600mm within the area of the splay. REASON IN the interest of highway and pedestrian safety.
- 8 Prior to the beneficial use of any of the units hereby approved all existing dropped kerb crossings, not to be used with this development shall be suitably and permanently closed, with the kerbs returned to full kerb height. REASON in the interest of highway and pedestrian safety.

**Structure Plan:-**

CS1, CS2, BE1, H2, H3, H4

**Local Plan:-**

H2, H11, H16, H19, H22, H24



Shaun Scrutton  
Head of Planning Services

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



**TITLE :**                    **05/00590/FUL**  
**DEMOLITION OF 46 TO 52 CROWN HILL AND THE**  
**CONSTRUCTION OF A THREE STOREY BUILDING**  
**CONTAINING 24 FLATS WITH ASSOCIATED CAR PARKING**  
**AND LANDSCAPING (THE FORM, DESIGN, LAYOUT AND**  
**MEANS OF ACCESS TO THE CAR PARK HAS BEEN**  
**REVISED TO BE IDENTICAL TO SCHEME 04/00946/FUL**  
**(DISMISSED ON APPEAL) IN ADDITION THE SCHEME**  
**PROPOSES ELECTRIC GATES TO CAR PARK, REVISED**  
**BOUNDARY WITH PHILPOT HOUSE AND ACCOMPANIED**  
**BY A DRAFT LEGAL AGREEMENT RELATING TO THE**  
**ACCESS THROUGH AND ACROSS LAND TO THE REAR OF**  
**PHILPOT HOUSE)**  
**46-52 CROWN HILL RAYLEIGH**

**APPLICANT :**            **RYAN DEVELOPERS LTD**

**ZONING :**                **RESIDENTIAL**

**PARISH:**                **RAYLEIGH TOWN COUNCIL**

**WARD:**                 **WHEATLEY**

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**EXPLANATORY NOTE:-**

- 3.1 This application has been significantly modified since it was originally deposited. The modifications are outlined in full below, save to comment here that the changes to the scheme are as a result of an appeal decision into two previous applications 04/00158/OUT and 04/00946/FUL being received by the Council during the life of this application.
- 3.2 The application as originally deposited, whilst still proposing a flatted scheme, manifested a materially different external appearance to that considered by the Inspector at appeal. In broad terms the Inspector found the harm with the development rested solely with the deliverability of access to the rear car park.
- 3.3 The Inspector raised no areas of concern with the principle of flats on the site, the density of the scheme, the impact of the proposal upon the amenities of the occupiers of adjacent and nearby properties, nor any adverse issues over the impact of the built form in terms of visual intrusion into the street scene or out of character with the site/surrounding area.



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

- 3.11 The application was dismissed on appeal 24.10.2005
- 3.12 Comments/extracts from the Inspector's decision letter have been incorporated within the body of the report.

ROUND 1 (Not to be considered here)

**The original submission was:**

- 3.13 The application seeks full planning permission for the demolition of the dwellings 46, 50 and 52 Crown Hill and their replacement with a three-storey building, plus in part dormers in the roof space, containing 24 two-bedroom flats.
- 3.14 The Round 1 scheme proposed 18 car parking spaces, with access via Philpot House retained, and a smaller car park at the front providing 6 spaces, with separate access from Crown Hill; save for the access to the 6 spaces off Crown Hill all other vehicle access points are to be closed.
- 3.15 The Round 1 scheme proposed full details of the elevations, including a street scene, that illustrates how the proposal would have sat within the street scene.
- 3.16 The Round 1 scheme has the appearance of a terrace of four separate buildings rather than a single block of flats. It is designed to work with the slope of the site and proposes staggered floor levels. It will be 3 storey with part being 3 storey plus dormers in roof. The overall height of the proposal will not be any higher than the previous schemes with a maximum ridged height of approx. 13 metres.
- 3.17 The elevations would have been finished in facing brick and painted render in keeping with the local vernacular with the roof design incorporating pitched tiled roofs with high-level hips and mansard roofs.
- 3.18 The Round 1 scheme (remodelled from previous refusals) proposed siting of the building pulled back from the highway to provide adequate room for the front car park. This has also allowed for an increase in the provision of amenity space and landscaping at the front.



- 3.19 The depth of the building itself has been reduced at its southern end to improve the setting adjacent to no.44b Crown Hill.

ROUND 2 (Scheme to be considered)

- 3.20 As commented above in the Explanatory Note, the Round 2 scheme has reverted to that scheme dismissed by the appeal Inspector.
- 3.21 The application seeks full planning permission for the demolition of the dwellings 46, 50 and 52 Crown Hill and their replacement with a three-storey building containing 24 two-bedroom flats.
- 3.22 The revised application proposes precisely the same development as that recently the subject of the linked appeals (04/00158/OUT and 04/00946/FUL), albeit that the car park access has been widened to 6 metres, as requested by the Council, and the emergency vehicle parking bay at the front has been omitted.
- 3.23
- 3.24 As the application is a full submission all details of the elevations have been submitted, including a graphic that illustrates how the proposal would sit within the street scene.
- 3.25 The scheme proposes 24 two bed flats within a three storey building broadly on a horizontal access which follows the street frontage. The building has a central access point which is set within an octagonal feature that runs through all floors and is terminated in a 'clock' lantern. This feature projection provides a stairwell and lift to all floors. Set at an angle to this octagonal feature are two wings which themselves are terminated in projecting gable features. On the flanks of these gable features at first and second floors are kitchen windows. All habitable room windows save for those flats on the ground floor flanks of the building, face to the front and the rear of the building.
- 3.26 The street scene submitted with the application indicates that the ridge and eaves of the application proposal is below that of the existing town house adjacent to the south east of the site, and generally comparable to the height of Philpot House to the north.
- 3.27 The elevations would be finished in facing brick and painted render in keeping with the local vernacular with the roof design incorporating pitched slate roofs.
- 3.28 The Inspector based his decision on four main issues on which he would base his decision:
1. Whether the proposal would result in development unsympathetic in scale, massing and siting to the surrounding development;
  2. Whether the proposal would give rise to additional hazards to road safety;
  3. Whether the proposal would affect the residential amenity of the occupiers of neighbouring dwellings;
  4. Whether the proposal would be premature in the absence of a legal agreement concerning the right of vehicular access to the site.



Furthermore, the open nature of the access, close to the Railway Station, may well lead to its use as a drop off/pick up point for users of the Railway Station. This may lead to conflict with residents resulting in drivers being unable to turn within the site and reversing on to Crown Hill, to the detriment of general highway safety.

- b) As far as can be determined from the submitted plans, the applicant does not appear to control sufficient land either side of the proposed accesses to provide a traffic visibility splay equal to the reasonable stopping distance of oncoming vehicles at the ambient traffic speed. The lack of such visibility would result in an unacceptable degree of hazard to all road users to the detriment of general highway safety. (In the interests of highway safety and efficiency).
- c) The proposed parking at the rear will not allow large vehicles such as removal lorries to turn within the site. This will cause large vehicles to reverse into or out of the site along a shared access. This may create conditions of danger and interference to other road users to the detriment of highway safety.

- 3.39 **Head of Housing, Health and Community Care:** No adverse comments.
- 3.40 **Engineers:** no objections. Observations: sustainable surface water drainage to be considered.
- 3.41 **Southend Airport:** no objections.
- 3.42 **Essex County Council (Learning Services):** request an education contribution of £25,636 to provide additional secondary school places for Sweyne Park School (The applicant has confirmed they are willing to pay this)
- 3.43 **Essex Police:** have no objections to this development but would raise the issues of security that could be addressed by conditions, ie, 1.8m perimeter fencing is installed between the front building line and the adjacent perimeter wall/fence to prevent the site being used as a short cut through to Castle Drive by pedestrians or cyclists.
- 3.44 Also request the site be subject to Secured by Design (SBD) certification.
- 3.45 There have been six neighbour representations received with the main points being:
  - o The application is similar to 04/00158/OUT and 04/00946/FUL that were rejected - but larger - now 4 storeys;
  - o Gross and unacceptable change to the area;
  - o Overdevelopment;
  - o Philpot House is lower than the proposals;
  - o Out of character with street scene;
  - o Loss of privacy from the many windows that would overlook gardens of surrounding dwellings;



- Unusable amenity strips;
- Removal of fruit trees and negative impact on the environment;
- Provision of only 24 car parking spaces is inadequate;
- Pressure for parking on the landscaped areas of the site;
- Impact on traffic flow and highway safety;
- Manoeuvrability problems for large rigid vehicles;
- Increased noise and pollution in what is currently a quiet residential area;
- Potential for damage to surrounding properties and security issues;
- Car parking areas running the full length of the gardens of neighbouring properties;
- Views obscured;
- The junction of Castle Drive and Station Road is already busy and the heightened use of the junction may place buses and other road users at conflict and therefore create a danger.

ROUND TWO (Scheme to be determined)

- 3.46 **Rayleigh Town Council:** Objects as proposal would be detrimental to the street scene and represents over-development of the site by reason of the bulk of the building and cramped nature of the development. Furthermore, it is out of character with the residential buildings in the vicinity. Also vehicular access from Crown Hill would add to congestion as it is near a railway station.
- 3.47 **Essex County Council (Highways):** recommends that conditions relating to highway signage, closure of existing access onto Crown Hill, car park layout and site development method statement be applied to any approval.
- 3.48 **Southend Airport:** No objections.
- 3.49 **Essex County Council (Built Environment):** Understand that proposal was previously rejected on appeal due only to access arrangement. However comment that
- (1) building has huge mass and is askew in relation to adjacent buildings;
  - (2) pedestrian access ways under the building could be unsafe and
  - (3) size of 'lantern' on top of entrance tower is weak in proportion to the mass of the building/no hierarchy in window sizes on different floors. There is an uncomfortable duality with pairs of windows either side of each gable axis and dormers over windows on the third floor look incongruous with classical style of the building. It would be preferable to raise the eaves level to the top of the windows.
- 3.50 There have been nine neighbour representations received with the main points being:
- Overdevelopment;
  - Philpot House is lower than the proposals;
  - Out of character with street scene;



- Loss of privacy from the many windows that would overlook gardens of surrounding dwellings;
- Unusable amenity strips;
- Removal of fruit trees and negative impact on the environment;
- Provision of only 24 car parking spaces is inadequate;
- Pressure for parking on the landscaped areas of the site;
- Impact on traffic flow and highway safety;
- Manoeuvrability problems for large rigid vehicles;
- Increased noise and pollution in what is currently a quiet residential area;
- Potential for damage to surrounding properties and security issues;
- Views obscured;
- The junction of Castle Drive and Station Road is already busy and the heightened use of the junction may place buses and other road users at conflict and therefore create a danger;
- Close proximity could lead to subsidence;
- Height of building would reduce light to neighbouring properties;
- Electric gates do not take emergency services into account;
- Will have huge impact on utilities and services in the area;
- Potential of noise from traffic, etc. during construction;
- Lack of amenity space for residents of proposal;
- Should be investigation into possibility of endangered species on site.

**Principle**

**RESIDENTIAL/DENSITY**

3.51 There is no objection to the principle of residential re-development of the site given its location within the main residential area of Rayleigh. The proposal would accord with both Government, Structure Plan and Local Plan policy that seeks to steer development to appropriate sites and maximise the sites' developable potential.

3.52 In dismissing the appeal the Inspector commented:-

*Para 13 - The Council calculates the density of the proposed developments as 128 dwellings per hectare. While not identifying this matter in the reasons for refusal it now raises objection to this density. However, in view of the fact that there is a main line railway station and a bus terminus within a few metres of the appeal site I am swayed by the Appellant's reliance on part of paragraph 58 of PPG3. This advises local planning authorities to "seek a greater intensity of development at places with good public transport accessibility such as...town centers or around major nodes along good quality public transport corridors"...*

**THREE STOREY DEVELOPMENT**

3.53 Three storey development in itself is not objectionable in principle in this location, subject to other criteria such as character of the area, street scene and the impact upon residential amenity.



3.54 In dismissing the appeal the Inspector commented:-

*Para 15 - In relation to height, and with the upper floor of the proposed 3 storey buildings accommodated partly within the roofspace, it is my opinion that both proposals would sit comfortably beside Philpot House. To the south, and partly owing to the need to adjust levels within the site, the proposed buildings would be lower than the 3 storey house that adjoin the south east boundary. I recognise that there are only three 3 – storey houses in the locality with the remainder having but one or two storeys. Nevertheless, in view of the relatively steeply rising profile of Crown Hill it appears that the proposed buildings would be lower than all the dwellings to the south...*

### **CHARACTER OF THE AREA**

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

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

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

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

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

3.60 In dismissing the previous appeal the Inspector the commented:-

*Para 16 - I do not deny that if carried through to fruition either of these proposals would result in change to the area, but I am of the opinion that the change would not be harmful in terms of urban design or impact on townscape...*



- 3.61 ACCESS/PARKING  
It is proposed to utilise the existing access from Castle Drive and through Philpot House to create a new access for the development to the rear of the application site. This would involve the repositioning of the existing bin store and the provision of electronically controlled gates to the north west boundary of the site. The electronic gates/access has been increased in width up to 6 metres to ease access to/from the site.
- 3.62 The applicant has confirmed that permission has been gained from Philpot House to access the car parking area of the development through their land. Philpot House currently has parking bays marked out to the front of the site (boundary with Crown Hill) and to the rear of the building (on the boundary with 2a Castle Drive). These spaces would not be obstructed/removed as part of the application. The application is supported by a 'deed of easement' which allows for the applicants to pass over the land to the rear of the site to access the car parking to be provided to the rear of the application plot. The applicants are also transferring 2 small strips of land to the owners of Philpot House to modestly improve their own internal parking/accessing arrangements.
- 3.63 The site plan indicates 24 car parking spaces and parking and turning area to the rear of the site. This would be a provision of 1 space per unit (100%). Given current Government guidance in PPG3 and PPG13 and the adopted parking standards contained in LPSPG1 a provision of 1 space per unit is considered acceptable. This is reinforced by the site location opposite the station and in close proximity to Rayleigh Town Centre.
- 3.64 At present there are accesses for three dwellings from Crown Hill. The application will remove these accesses and direct all vehicle movements associated with the day to day operation of the site through the rear access.
- 3.65 In dismissing the appeal the Inspector commented:-  
  
*Para21 - The Council accepts the level of car parking provision in the proposed schemes. In view of this, and with due regard to my considerations on this issue, and the acceptance of the proposed access arrangements by the highway authority, I am not persuaded that the proposed developments would give rise to additional unacceptable hazards to highway safety or fail to comply with the provisions of local plan policy TP15...*
- 3.66 AMENITY AREA  
The application of the Council's standards for provision of communal amenity areas would require a total provision of 600 square metres for the proposal. The application provides a total of approximately 520 square metres.



- 3.67 Whilst this is slightly below standard, given that this is a flatted scheme in close proximity to the town centre it is considered acceptable in this location and was not found wanting as an issue by the Appeal Inspector.

**RELATIONSHIP TO EXISTING BUILDINGS**

**PHYSICAL BUILDING**

- 3.68 The footprint of the proposed building would not be traditional when compared to the residential properties that would surround it to the north and east. The proposed built form, in particular the gabled elements to either end, would extend further into the plot than the current dwellings on the site. The footprint of the proposal would not be dissimilar to that of Philpot House.

- 3.69 The proposal is sited within the plot such that a distance of 24m would be created between the rear most point of the built form proposed and the rear site boundary. Therefore the back to back distances between the proposal and the surrounding properties in Castle Drive and Mount Close would be in excess of this and in full compliance with the Council's adopted spatial standards.

- 3.70 The rear facing windows proposed at first and second floor would relate predominantly to bedrooms and four lounges (on each floor). These rooms would be associated with less activity that could lead to overlooking and when considered in conjunction with the back to back distances and the drop in levels from Castle Drive to the application site the resultant relationship is thought to be acceptable.

- 3.71 In dismissing the appeal the Inspector commented:-

*Para 22 - in their assessment Council Officers consider that the distance of the rear wall of the proposed buildings at some 24m from the common boundary between the appeal site and the curtilages of dwellings fronting Castle Drive would be in excess of the spatial standards operated by the Council. I agree that this dimension is sufficient to dispel any sustainable objection concerning overlooking of these neighbouring houses.*

*Para 23 - The south-east elevation of the proposed buildings would be a minimum distance of about 3m from the rear garden of the house that adjoins the south-east site boundary. Overlooking of the garden of this flanking house would be denied by the installation of obscured glass in the kitchen windows and the windows serving the common areas. This is not an ideal situation but in my opinion it would adequately safeguard the residential amenities of the occupiers of this house...*

- 3.72 **ACTIVITY**  
By virtue of the provision of an access through Philpot House the proposal would result in an increase in movements through the Philpot House site, which has a boundary with 2a Castle Drive.



- 3.73 The existing use of the site by Philpot House for the parking and movement of vehicles is uncontrolled. The key issue is whether the introduction of potentially 24 vehicles regularly entering and leaving the site would increase that noise and nuisance to an unacceptable level that would adversely impact on residential amenity. Whilst residents' concerns regarding this issue are noted it is considered that it is unlikely that such an unreasonable nuisance would occur, particularly given the elevated position of 2a, and this was considered to be acceptable by the Appeal Inspector.

**PROTECTED SPECIES**

- 3.74 The applicant undertook an Amphibian and Reptile Survey as part of the outline application 04/00158/OUT, which put forward appropriate management and mitigation strategies for protected species on the application site and this report forms part of the consideration of the current application. The Council's Ecologist has confirmed that this report remains acceptable for the development currently being considered.

**CONCLUSION**

- 3.75 Whilst the proposal would be viewed from surrounding dwellings and extend beyond the immediately adjacent 44b, it is considered that siting of the new building and its size, mass, bulk and design and distance to the boundaries of the site is such that there is not the potential for a material loss of residential amenity through loss of outlook, privacy or light.
- 3.76 The provision of a well designed three storey building in this location is considered acceptable and whilst different in character to the surrounding properties would not result in harm to the street scene sufficient to resist the scheme.
- 3.77 The means of access has been modified to overcome previous concerns and, subject to appropriate conditions and legal agreement to ensure permanent availability, it is considered acceptable and has the support of the County Surveyor (Highways).
- 3.78 The proposed redevelopment has been found by the Appeal Inspector to be acceptable subject to an appropriate legal obligation to ensure the access through Philpot House is achieved.

**RECOMMENDATION**

- 3.79 It is proposed that this Committee **RESOLVES** to **DELEGATE** the application for **APPROVAL** to the Head of Planning and Transportation, subject to the completion of a **LEGAL OBLIGATION** to his satisfaction covering the following:-
- i. An education contribution of £25,636;
  - ii. All vehicular access to the site to be via Castle Drive and Philpot House, no vehicular access from Crown Hill;
  - iii. Provision of a traffic warning sign within Station Road on the approach to Castle Drive.



And the following heads of conditions:

- 1 SC4 Time Limits
- 2 SC14 materials to be submitted
- 3 SC23 obscure glazing
- 4 SC22 pd restricted windows
- 5 SC50 means of enclosure
- 6 SC59 landscape design details –full
- 7 SC76 parking and turning
- 8 Provision of compound and parking area for site construction
- 9 SC98 protected species
- 10 Prior to any development commencing in relation to the development hereby approved details/samples of a metal railing to run along the Crown Hill frontage of the site shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented at the site and be retained as such thereafter.
- 11 Notwithstanding the details shown on the land transfer plan (53 LT01) that accompanied the application there shall not at any time be any vehicular access, off-street parking (emergency or otherwise) to the front of the building facing Crown Hill.

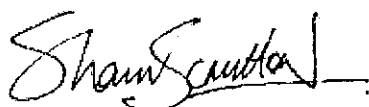
### **REASON FOR DECISION**

The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area, to the street scene, highway safety or residential amenity such as to justify refusing the application; nor to surrounding occupiers in Crown Hill, Castle Drive or Mount Close, Rayleigh.

### **Relevant Development Plan Policies and Proposals**

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

HP6, HP18, HP11, TP9 of the Rochford District Replacement Local Plan



Shaun Scrutton  
Head of Planning & Transportation



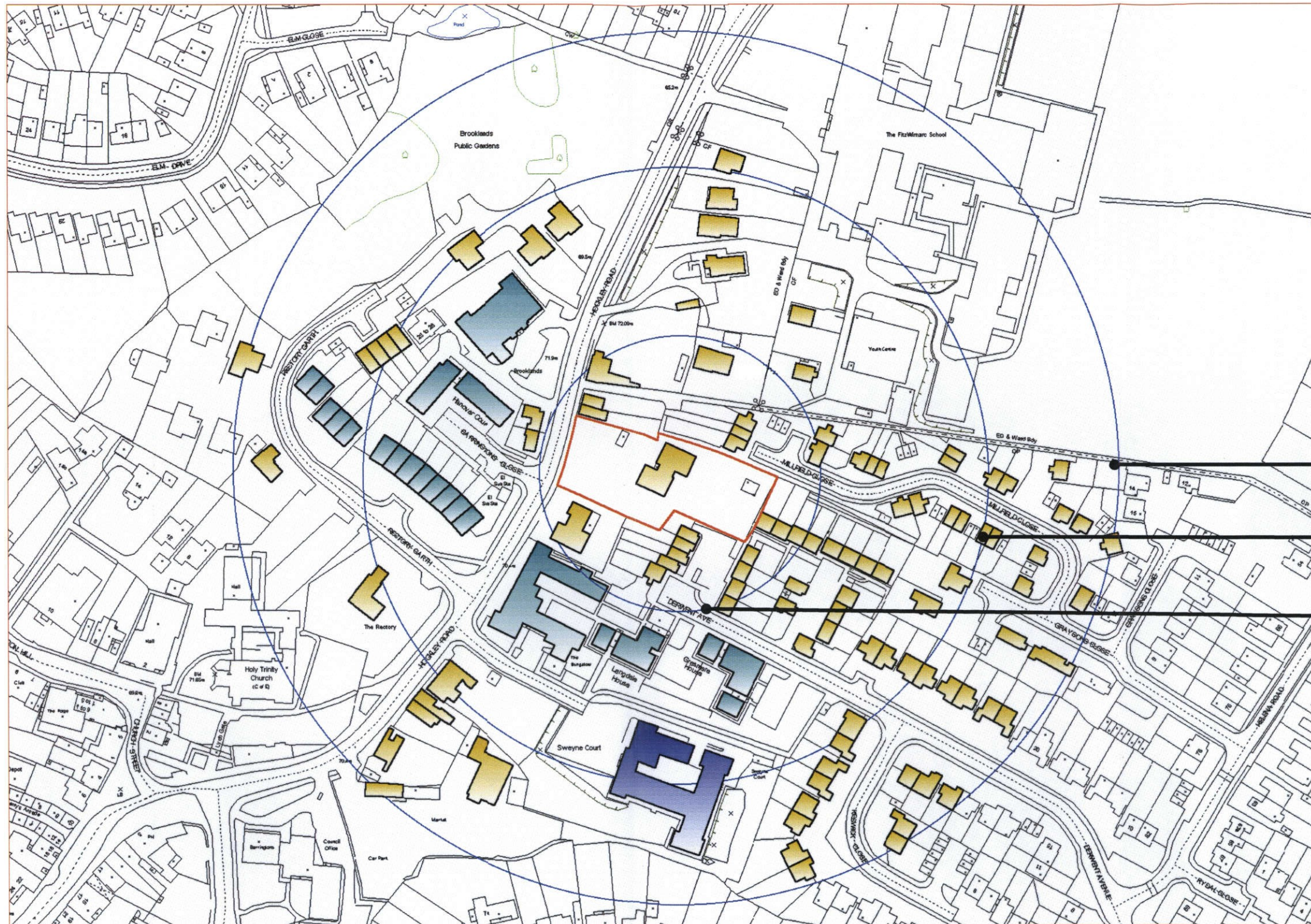


**Appendix 10**  
**Local Area Density Map**

Three(+) Storey Building

Two Storey Building

Sweyne Court Nursing Home

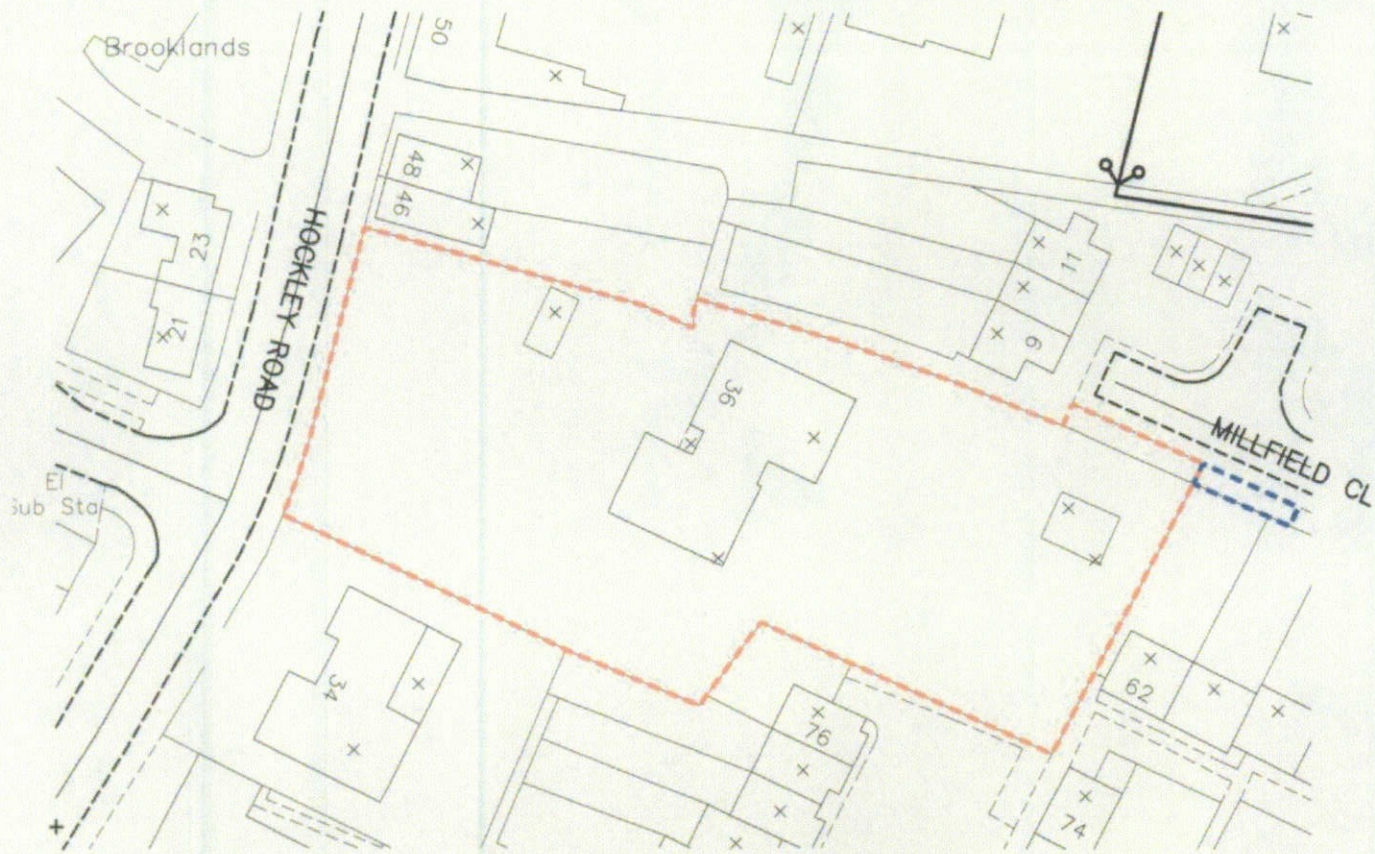


10 hectares  
5 hectares  
1 hectare

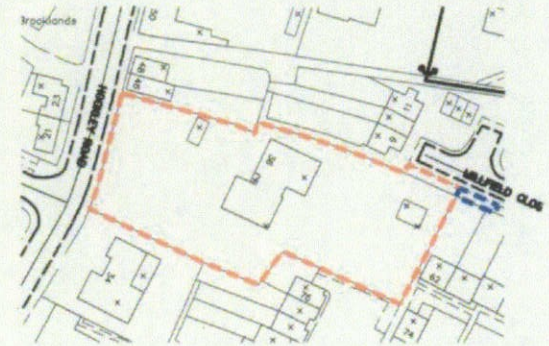
Without Development:  
1 hectare area = 22 dph  
5 hectare area = 34.2 dph  
10 hectare area = 21.5 dph

With Development Proposal (20 flats)  
1 hectare area = 41 dph  
5 hectare area = 38 dph  
10 hectare area = 23.4 dph

**Appendix 11**  
**Revised Application Plans (do not scale)**



Site Plan 1:500



Site Location Plan 1:1250

Rev	Date	Description	Drawn By

Project & Client

**Proposed Development**  
 36 Hockley Road  
 Rayleigh, Essex.

Mr Dearman & Mr Jerwood



Architectural & Interior Design Ltd.

First Floor, 10-29 Aviation Way,  
 Southend On Sea, Essex S52 6UN  
 Tel: 01702 543354 Fax: 01702 546054  
[www.thirddimension.org](http://www.thirddimension.org)

Drawing Title

Site Location Plan

Date	Scale	Drawn By
Jan '06	as shown	GC

Project	Sheet	Revision
105	01	

CONTRACTORS ARE TO CHECK ALL LEVELS AND DIMENSIONS BEFORE WORK IS PUT IN TO HAND, AND ANY DISCREPANCIES ARE TO BE REFERRED TO THIRD DIMENSION ARCHITECTURAL & INTERIOR DESIGN LTD



Site Plan - Ground Floor Layout 1:200

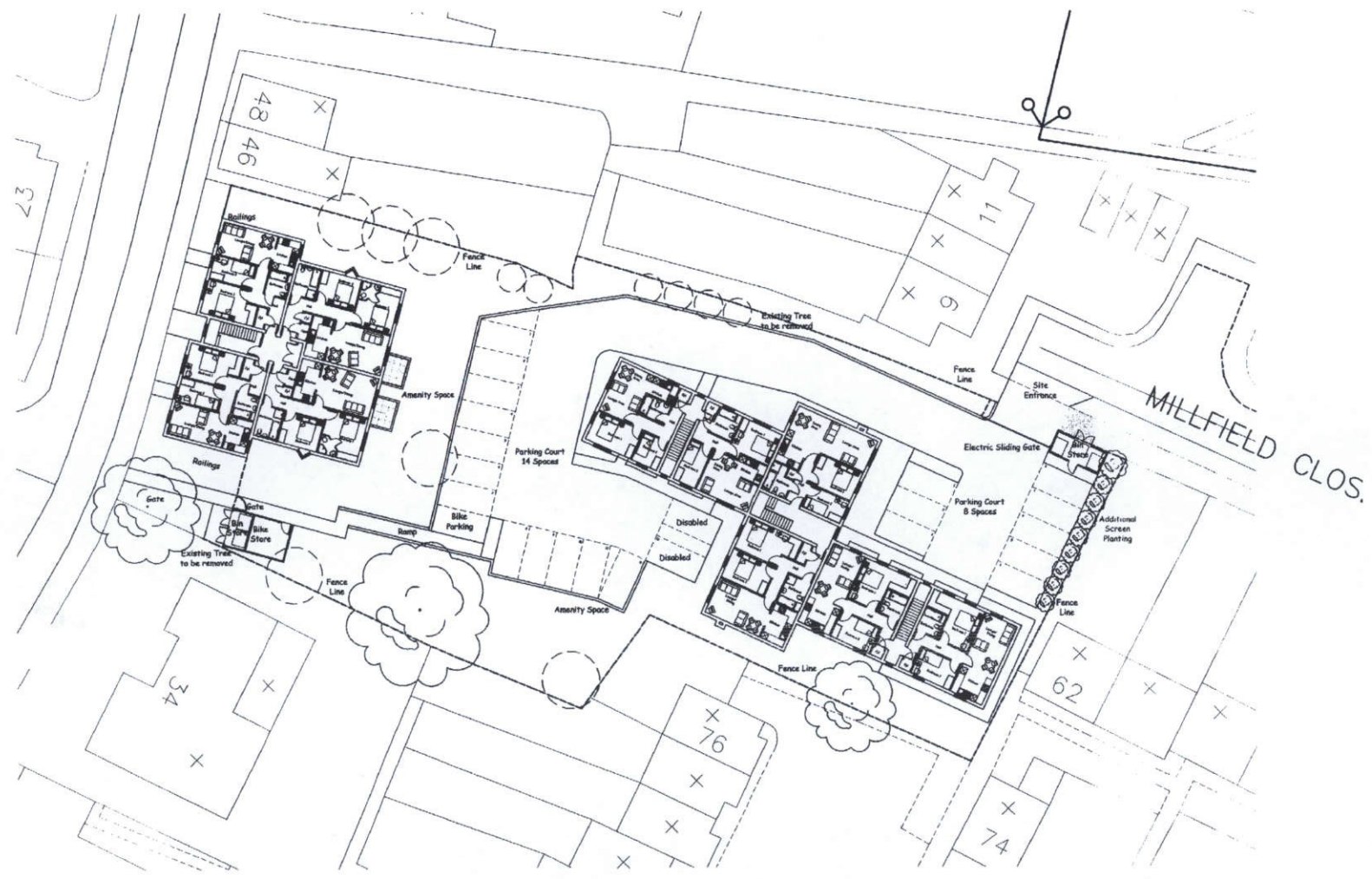
G	Aug 06	Cycle store improved in size	
F	Aug 06	Tree removed, bus store and cycle store removed, entrance gate revised	
E	Aug 06	Trees removed, motorcycle parking added	
D	Jul 06	Planting revised, bin store re-positioned, building re-positioned	
C	Jan 06	Disabled parking spaces added, cycle store repositioned to site	
B	Jun 06	Fence line, gate & railings revised, cycle rack and additional screen planting added	
A	Mar 06	Parking, steps & access road revised	GC
Rev	Rev	Drawn	Rev'd

Project 3 Draw  
**HOCKLEY ROAD**  
 Proposed Development at  
 36 Hockley Road  
 Rayleigh, Essex.  
 Mr Dearman & Mr Jerwood

Architectural & Interior Design Ltd.  
 First Floor, 88-89 Aviation Way,  
 Southend-On-Sea, Essex SSO 1X 3U  
 Tel: 01708 543954 Fax: 01708 544604  
 www.thirdimension.org

Drawing Title		
Site Plan Ground Floor		
Date	Scale	Rev'd
Jan 06	1:200	GC
Project	Sheet	Revision
105	02	G

CONTRACTORS ARE TO CHECK ALL LEVELS AND DIMENSIONS BEFORE WORK IS PUT IN TO HAND, AND ANY DISCREPANCIES ARE TO BE REFERRED TO THRU DIMENSION ARCHITECTURAL & INTERIOR DESIGN LTD.



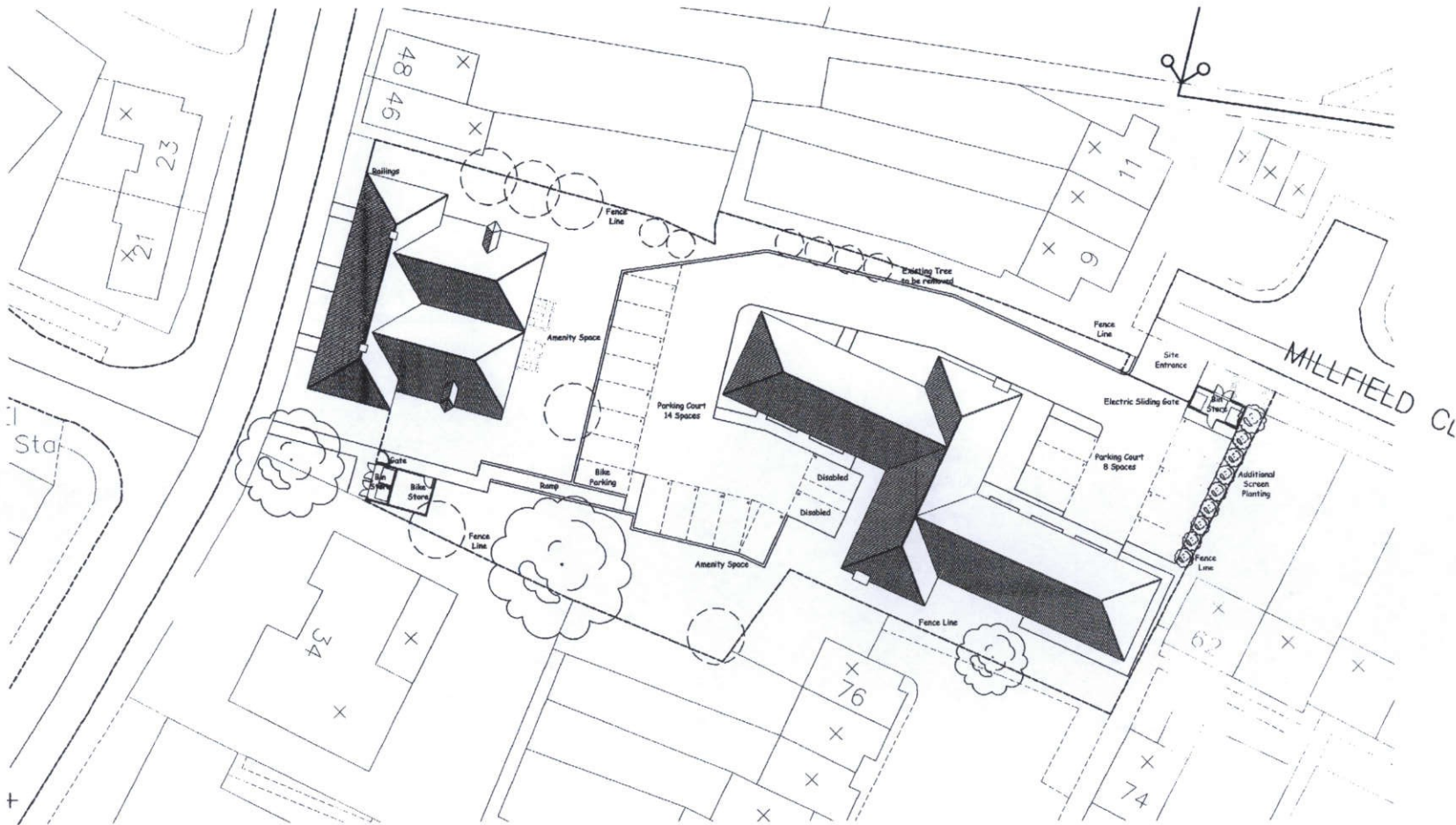
Site Plan - First Floor Layout 1:200

G	Aug 06	Cycle Store Installed in situ	
F	Aug 06	Trees removed, bin store and cycle store removed, entrance gate revised	
E	Aug 06	Trees removed, bicycle parking added	
D	Jan 05	Parking revised, bin store re-positioned, building re-positioned	
C	Jan 05	Disabled Parking Spaces added, cycle store repositioned to suit	
B	Jan 05	Fence line, gate & railings, raised beds, cycle rack and additional screen planting added	
A	Mar 05	Planning, Design & Access Road revised	GC
Rev	Rev	Description	Date By

Project & Client  
**HOCKLEY ROAD**  
 Proposed Development at  
 36 Hockley Road  
 Rayleigh, Essex.  
 Mr Dearman & Mr Jerwood

**3rd D**  
 Architectural & Interior Design Ltd.  
 First Floor, 88-D Aviation Way,  
 Southend On Sea, Essex SS2 6UN  
 Tel: 01702 542054 Fax: 01702 540024  
 www.threedimension.org

Drawing Title			
<b>Site Plan First Floor</b>			
Date	Scale	Drawn By	Checked By
Jan. 06	1:200		GC
Project No	Sheet No	Revision	
105	03	G	



Site Plan - Roof Layout 1:200

**Notes**  
 CONTRACTORS ARE TO CHECK ALL LEVELS AND DIMENSIONS BEFORE WORK IS PUT IN TO HAND, AND ANY DISCREPANCIES ARE TO BE REFERRED TO THREE DIMENSION ARCHITECTURAL & INTERIOR DESIGN LTD

F	Aug 06	Cycle Store increased in size	GC
E	Aug 06	Tree removed, site stone and cycle store retained, entrance gate revised	GC
D	Aug 06	Tree removed, electric (cable) removed	GC
C	Jun 06	Disabled Parking Spaces added, Cycle Store repositioned to suit	GC
B	Jun 06	Fence line, gate & railings revised, table, cycle rack and additional screen planting added	GC
A	Mar 06	Parking, Bays & Access Road revised	GC
Rev.	Date	Description	Drawn By

**Project & Client**  
**HOCKLEY ROAD**  
 Proposed Development at  
 36 Hockley Road  
 Rayleigh, Essex.  
 Mr Dearman & Mr Jerwood

**3rd**  
**D**  
 Architectural & Interior Design Ltd.  
 First Floor, 36-38 Avenue Way,  
 Southend On Sea, Essex S52 6JA  
 Tel: 07752 541234 Fax: 07752 541234  
 www.thirdandd.co.uk

Drawing Title  
**Roofplan**

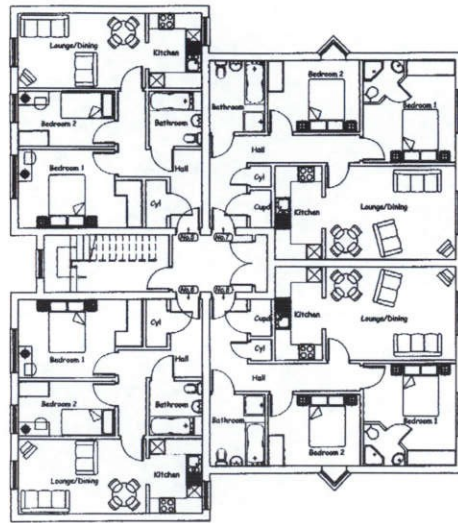
Date	Scale	Drawn By
Jan. 06	1:200	GC
Project	Sheet	Revision
105	04	F

**Notes**

CONTRACTORS ARE TO CHECK ALL LEVELS AND DIMENSIONS BEFORE WORK IS PUT IN TO HAND, AND ANY DISCREPANCIES ARE TO BE REFERRED TO THIRD DIMENSION ARCHITECTURAL & INTERIOR DESIGN LTD.

**Schedule of Areas**

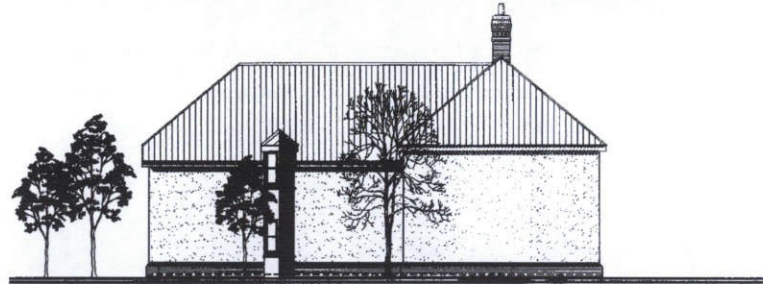
Apartment	Sq M	Sq Ft
1	57.00	620
2	57.00	620
3	69.50	748
4	69.50	748
5	57.00	620
6	57.00	620
7	69.50	748
8	69.50	748
<b>Total</b>	<b>508.40</b>	<b>5472</b>



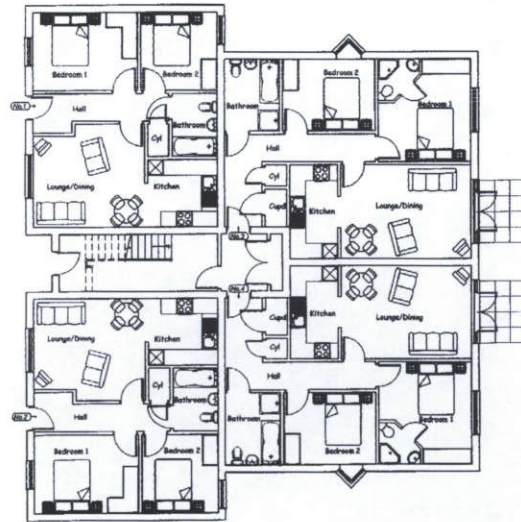
First Floor Plan 1:100



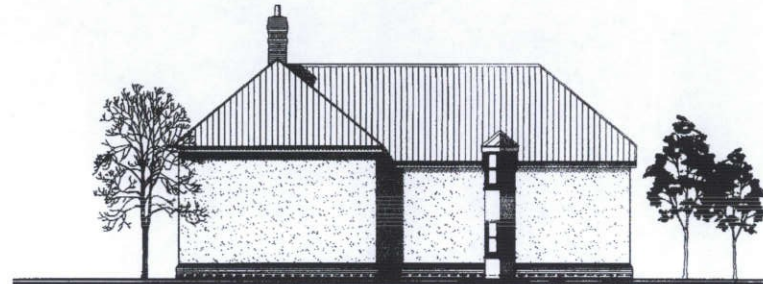
Rear Elevation 1:100



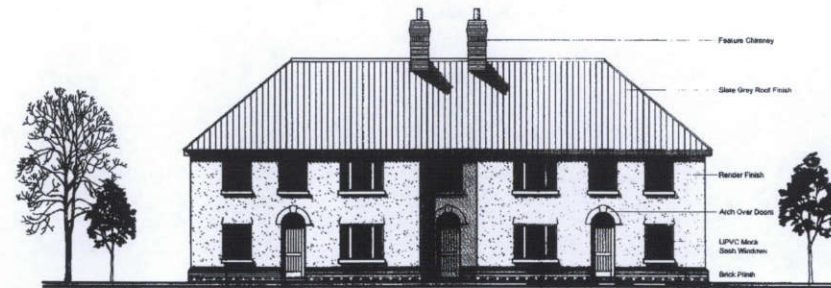
Side Elevation 1:100



Ground Floor Plan 1:100



Side Elevation 1:100



Front Elevation 1:100

Rev	Date	Description	Drawn By
0	Aug. 06	Windows revised. Chimney's re-positioned. Details revised.	
A	Jun. 05	Hipped roof added to side elevations.	

**Project & Client**

**HOCKLEY ROAD**  
Proposed Development at  
36 Hockley Road  
Rayleigh, Essex.  
Mr Dearman & Mr Jerwood

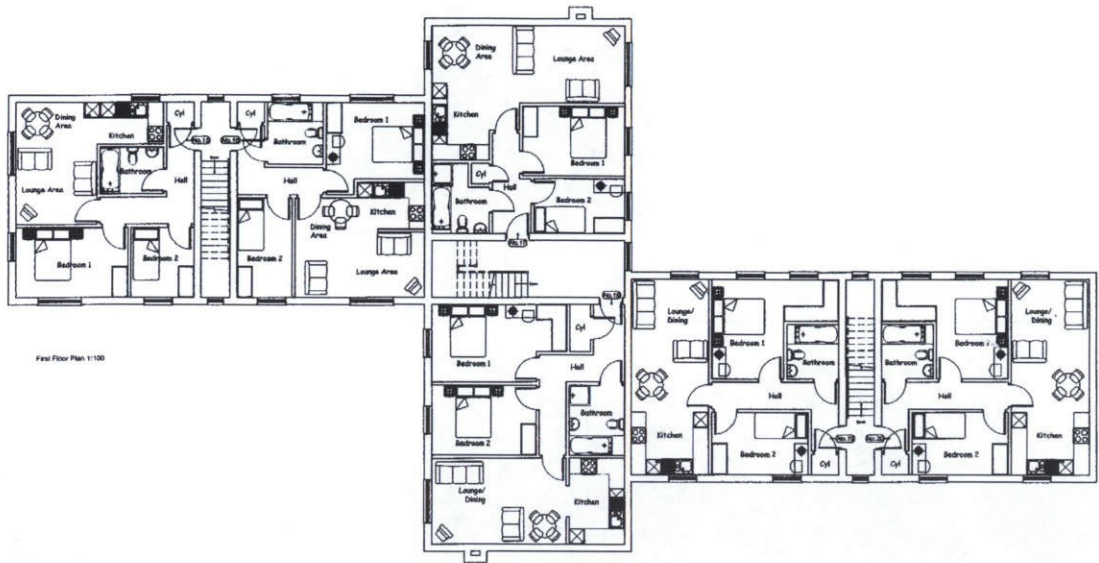
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Southend-On-Sea, Essex SSO 2JN  
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**Drawing Title**

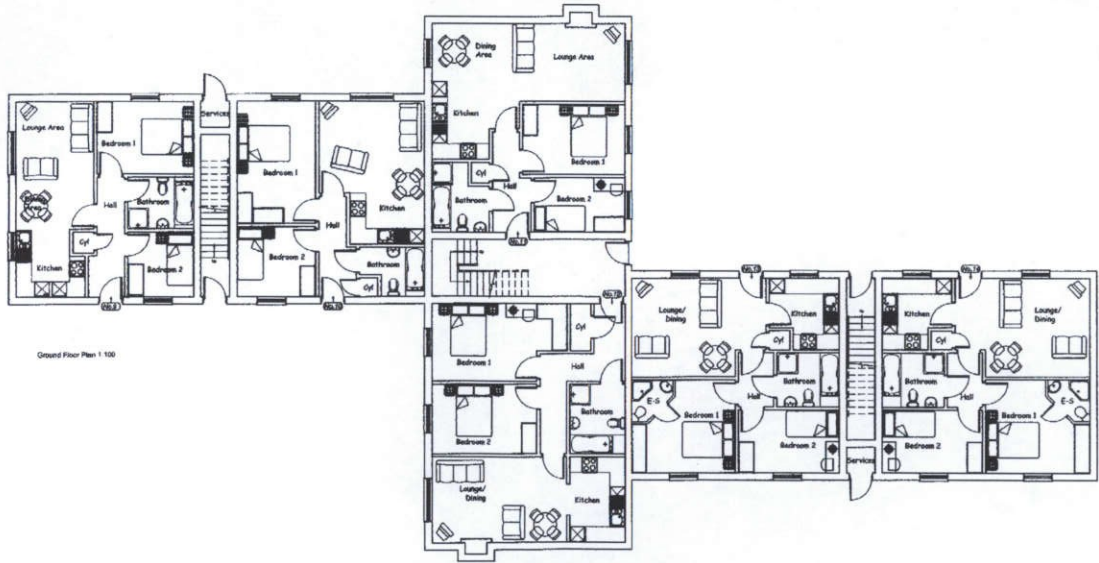
**BLOCK 1**  
Ground & First Floor Plans  
& Elevations

Date	Scale	Drawn By
Jan. 06	as shown	GC

Project	Sheet	Revision
105	05	B



First Floor Plan 1:100



Ground Floor Plan 1:100

Notes

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Schedule of Areas

Apartment	Sq m	Sq ft
9	51.80	555
10	54.10	582
11	60.78	653
12	60.80	653
13	61.50	662
14	60.40	650
15	51.60	555
16	54.10	582
17	60.70	652
18	60.90	653
19	61.50	662
20	60.40	650
Total	718.20	7704

Rev	Date	Description	Drawn By
A	Jul. 06	Building revised	

Project's Name  
**HOCKLEY ROAD**  
 Proposed Development at  
 36 Hockley Road  
 Rayleigh, Essex.  
 Mr Dearman & Mr Jerwood

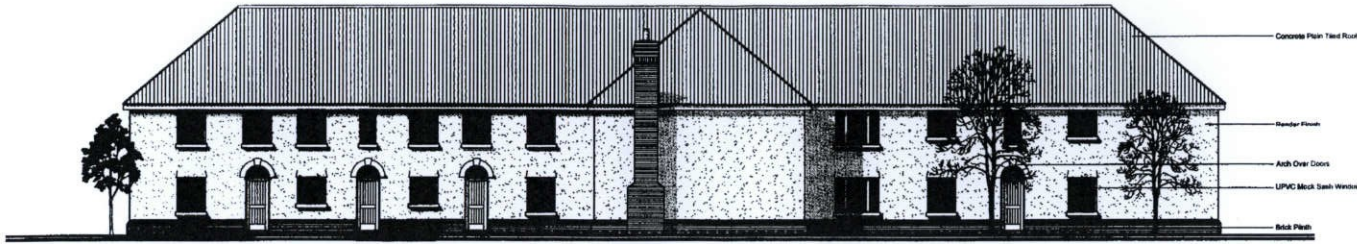
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Drawing Title  
**BLOCK 2**  
 Ground & First Floor Plans

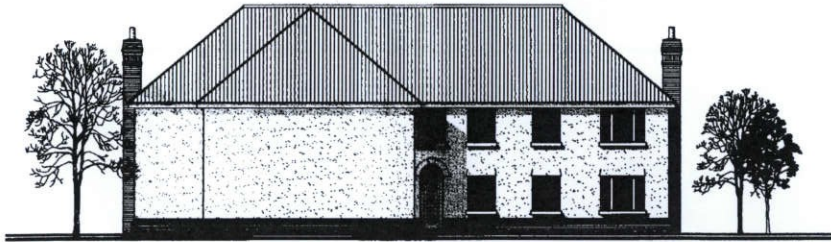
Date	Scale	Drawn By
Jan. 06	as shown	GC

Project	Sheet	Revision
105	06	A

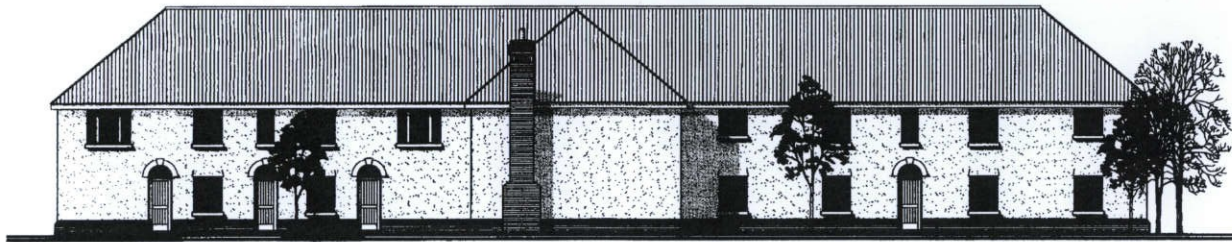
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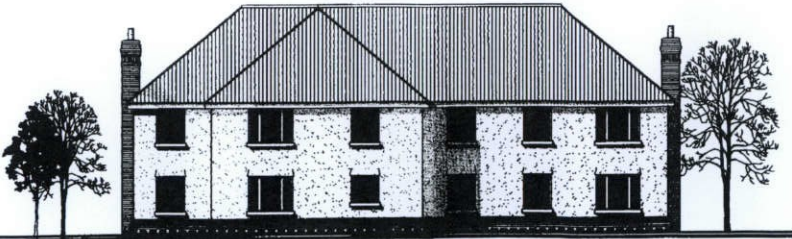
(A) Front Elevation 1:100



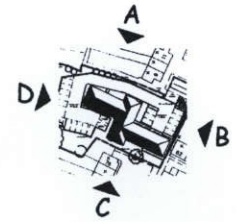
(B) Side Elevation 1:100



(C) Rear Elevation 1:100



(D) Side Elevation 1:100



Rev	Date	Description	Drawn By
B	Aug. 08	Finalised revision	
A	Jul. 08	Side Elevation (B) revision	

Project & Client  
**HOCKLEY ROAD**  
 Proposed Development at  
 36 Hockley Road  
 Rayleigh, Essex.  
 Mr Dearman & Mr Jerwood

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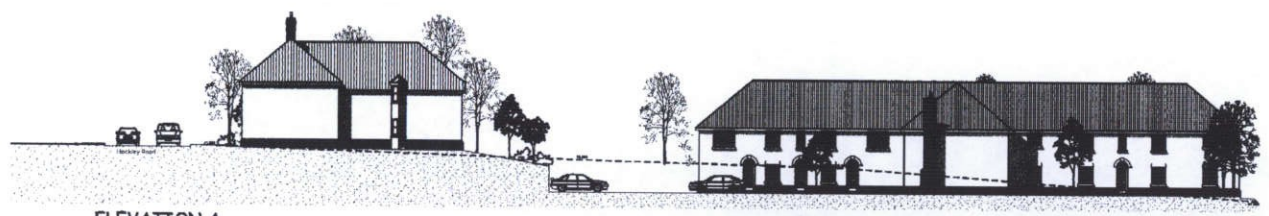
Drawing Title  
**BLOCK 2**  
**Elevations**

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Jan. 08	as shown	GC
Project	Sheet	Revision
105	07	B

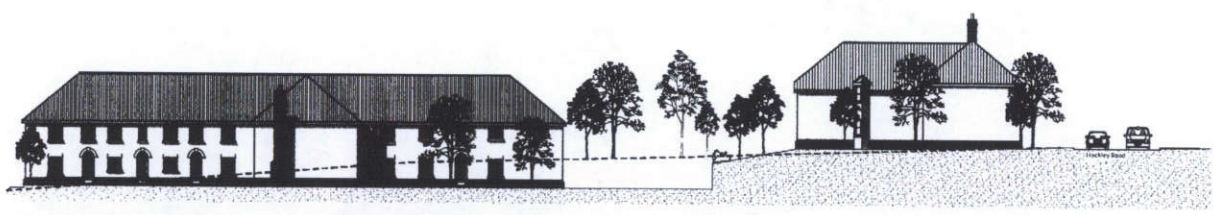
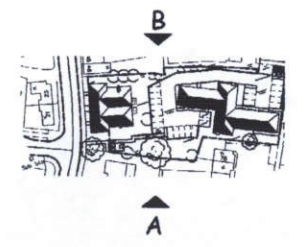
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**Key**

----- Existing Ground Level  
 \_\_\_\_\_ Proposed Ground Level



ELEVATION A



ELEVATION B

Date	Drawn	Description	Drawn By
Sept. 08		Revision to levels in accordance with Client Survey Data	
June 08		Hipped roof added to rear elevation of front building	

**HOCKLEY ROAD**  
 Proposed Development at  
 36 Hockley Road  
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 Mr Dearman & Mr Jerwood

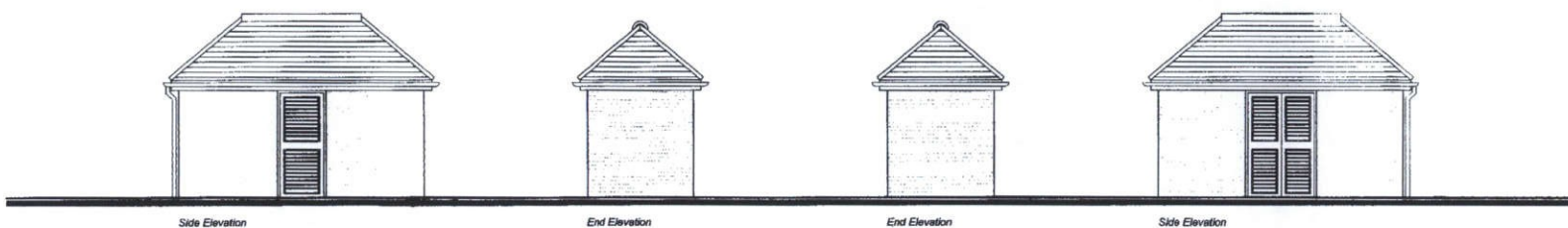
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Drawn By

**Elevational Site Section**

Date	Drawn	Drawn By
Jan. 06	as shown	GC
Project	Sheet	Revision
105	08	B

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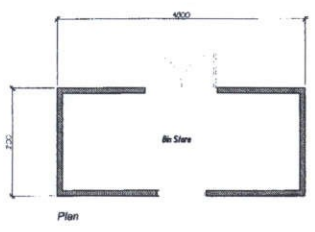


Side Elevation

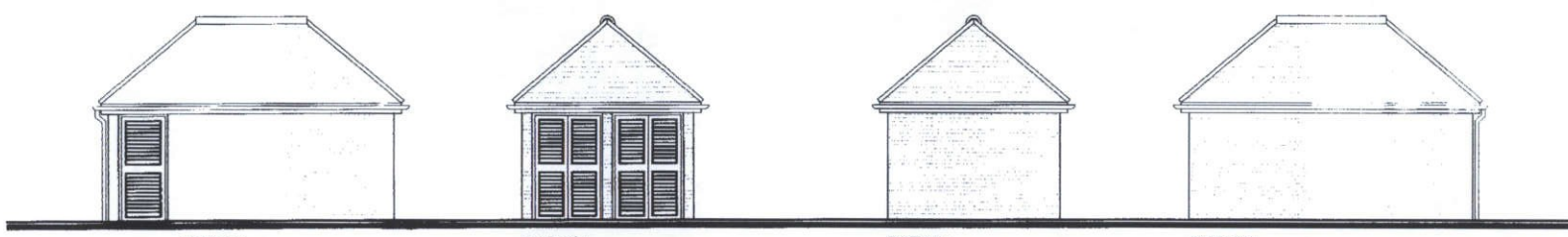
End Elevation

End Elevation

Side Elevation



Plan

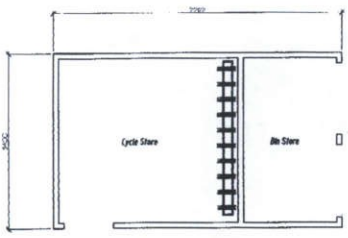


Side Elevation

End Elevation

End Elevation

Side Elevation



Plan

A	Aug 06	Cycle Store increased in size
Rev	Date	Description

Project & Client  
**HOCKLEY ROAD**  
 Proposed Development at  
 36 Hockley Road  
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 Mr Dearman & Mr Jerwood

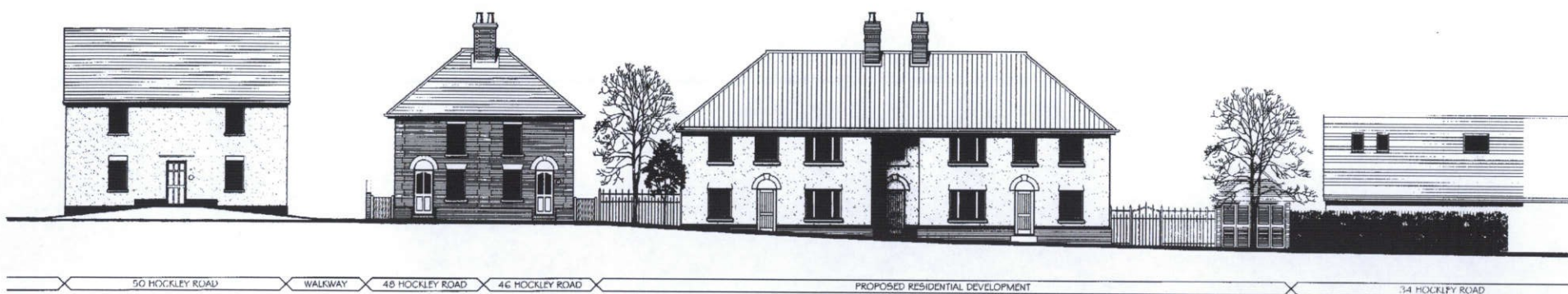
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Sheet 105

Bin Store

Date	Scale	Drawn by
Aug 06	1:100	GC
Project	Sheet	Revision
105	09	A

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A	MINI-CIL	PLANNED AND APPROVED	DATE: 10/10/06
Rev	Date	Description	Drawn By

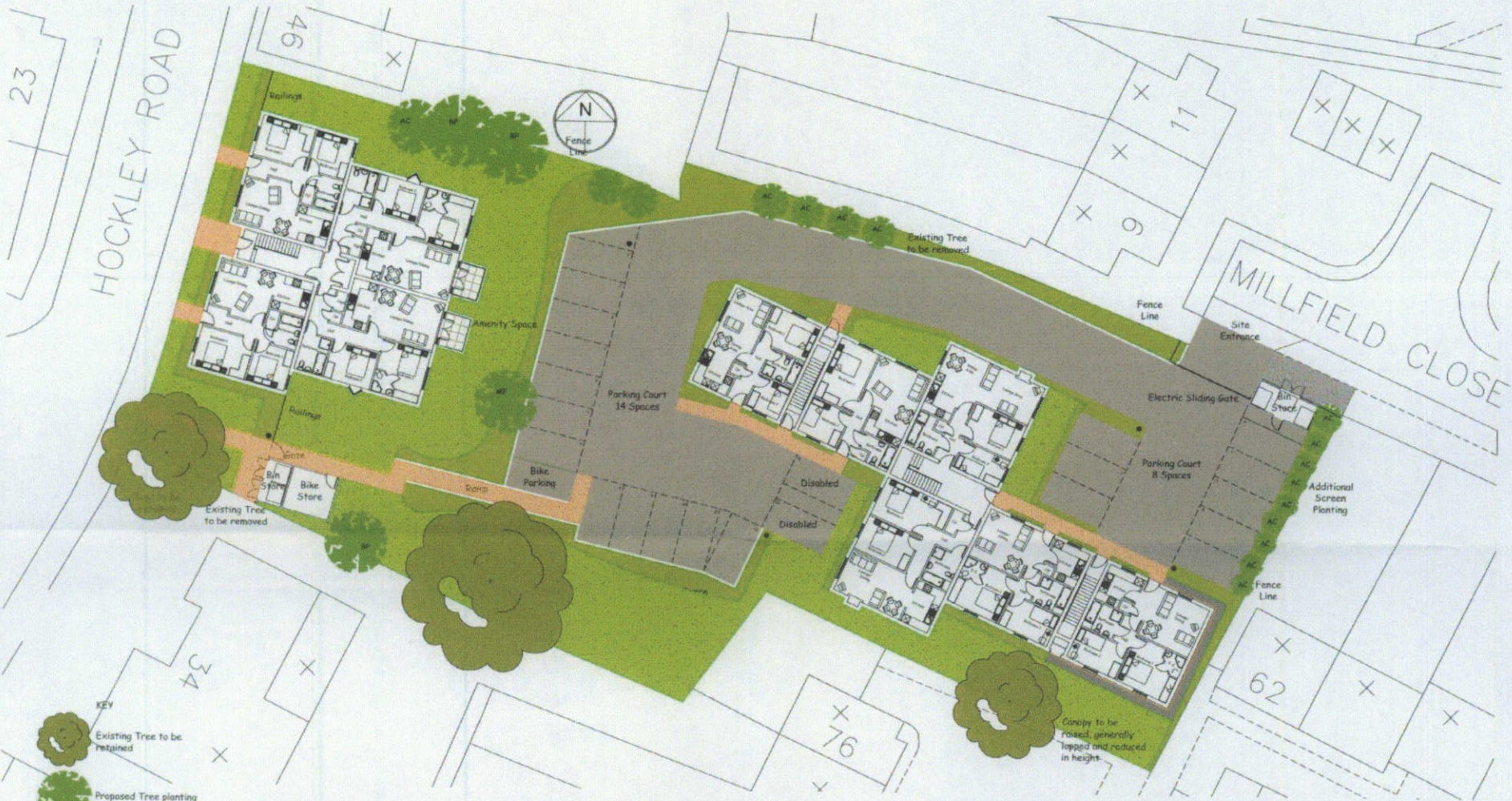
**Project & Client**  
**HOCKLEY ROAD**  
 Proposed Development at  
 36 Hockley Road  
 Rayleigh, Essex.  
 Mr Dearman & Mr Jerwood



**Drawn Title**  
 Street Scene

Date	Scale	Drawn By
Oct. 06	1:100	DC

Project	Sheet	Revision
105	10	A



- KEY**
- Existing Tree to be retained
  - Proposed Tree planting by species
  - Proposed Shrub Planting
  - Open Space
  - Tarmac/odam Finish
  - Black Paving
  - 600 x 900 Grey Paving Slabs
  - Lighting Bolland
  - 1100mm High Railings
  - Retaining Wall

Nr.	Abbreviated Text	Species	Description
13	AC	<i>Acer campestre</i>	Field maple - a medium sized tree that grows exclusively in field boundary hedges but will make a decent specimen tree. Yellow autumn colours.
2	BP	<i>Betula pendula</i>	Swamp birch. Medium sized native tree of graceful habit. White bark and small leaves. Always popular as a garden tree.
2	MT	<i>Malus tchonoskii</i>	Small tree of upright habit. Silvery white young foliage. Good red and orange autumn colours.
1	MF	<i>Malus floribunda</i>	Japanese Crab apple. Small tree with white clustered pink flowers and large crops of red fruits in autumn.

Note: All tree species are subject to approval and are intended to be in accordance with WISC Standards Chapter 6.2

  
**BARRATT**  
 EASTERN COUNTIES

Site  
 HOCKLEY ROAD, RAYLEIGH

Title  
 LANDSCAPING PROPOSALS

Scale	1/50	Drw. No.	105/10
Date	SEPT 06		

**Appendix 12**  
**CABE – “Design at Appeal” (2006)**

# Design at appeal

Advice on dealing with design issues within planning appeals



# Introduction

**High quality buildings and spaces are achievable through good planning. Appeals should be seen as a last resort but they are an important part of the planning system and appeal decisions can greatly affect the way future applications are devised, negotiated and decided.**

**National, regional and locally important design objectives should not be compromised by ill-founded perceptions of what will or will not stand up at appeal. It is important that all parties involved in appeals understand how to deal with design issues and give them appropriate attention. The what to do list in this leaflet will help to achieve this. All involved, whether local authority planner, appellant or third party, should apply them wherever possible.**

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CABE is the government's advisor on architecture, urban design and public space. As a public body, we encourage policymakers to create places that work for people. We help local planners apply national design policy and offer expert advice to developers and architects. We show public sector clients how to commission buildings that meet the needs of their users. And we seek to inspire the public to demand more from their buildings and spaces. Advising, influencing and inspiring, we work to create well-designed, welcoming places.

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# Background

Design is a legitimate and important consideration in planning decisions. Planning policy statement 1 (PPS1) now tells us that 'design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted'. This means that rather than refusing only poor schemes as the old planning policy guidance note 1 (PPG1) instructed, planners should be rejecting everything that fails to meet these new requirements. This raising of the bar in favour of quality will be a key test within planning appeals.

Design is about how places look and work. By Design, the companion guide to PPS1, sets out the core principles of good design. Planning decisions on design issues should refer to these and the physical characteristics of the proposal in terms of how they will, or will not, produce well designed results.

It is interesting to compare PPS1's stance on design with old versions of PPG1 that may still be influencing behaviour, despite no longer being in force. The 1992 version instructed authorities 'not to seek to control the detailed design of buildings unless the sensitive character of the setting for the development justifies it'. The 1988 version of PPG1 was even more stringent, saying: 'Matters of detailed design have long been an unnecessary source of contention and delay in the planning system.' 'Where a refusal of permission is based simply on a preference for a different external appearance, there may be grounds for an award of costs in an inquiry appeal'. Things have moved on and these out of date policies no longer apply.

We have come a long way since then and PPS1 should be seen as a clear endorsement of the relevance of design, explaining, as it does, that: 'Good design is indivisible from good planning.'

The need for good design is clearly set out in national policy and normally included in regional and local policy. Even if design does not feature in an authority's reasons for refusal, other parties might raise it or the inspector may decide to consider the merits of a scheme's design. All parties should be aware of this and set out their own views accordingly.

In CABE's recent survey of local planning authorities, nearly a third of respondents cited a lack of support by the planning inspectorate, and concerns about losing claims for costs, as a major reason for not refusing planning permission on design grounds. This perception about the inspectorate seems to have its roots in old versions of PPG1, and there is no clear evidence to support it. In fact, many appeals turn on design issues and many poorly designed schemes are regularly dismissed at appeal. The planning inspectorate's own figures show that in the six months to 31 January 2005, of the 5,617 appeals that were decided on design issues, only 35 per cent were allowed.

Whatever the reality of appeal decisions the idea that design based refusal will not be upheld does seem to have a very real effect on how authorities deal with design issues.

# Use clear, positive policies

Planning policy statements 1 and 12 (PPS1 and PPS12) clearly state the need for positive design policies based on a good understanding of local characteristics and objectives. Well written and unambiguous policies and guidance are the best way for a local authority to show the design quality it expects. Developers should take these policies into account and formulate their proposals accordingly. If they strongly disagree with a policy they should become involved in the policy making process and not use an appeal on an individual development proposal to raise their objections.

The appeal evidence submitted by the appellant should clearly set out how they have responded to national, regional and local policies. Similarly, reasons for refusal and evidence submitted by the local authority should set out why they consider the scheme does not meet the challenge set down in policies. This will provide a framework for the inspector to consider the appeal.

## **Heron Tower, London**

The proposed 182m tower was approved following amendments made as a result of the involvement of CABE's design review committee. © Kohn Pedersen Fox Associates International.



**'The purpose of the DETR/ CABE document By Design is to promote higher standards of urban design. I consider that as the building would positively contribute to its immediate setting and the wider skyline it would accord with the thrust of this guidance.'**

Inspector's decision letter for Heron Tower development, London. Approval recommended to First Secretary of State.

# Use expert design advice

Good quality advice is invaluable to both applicants/appellants and local planning authorities. The right advice, at the right time, can help ensure a proposal is based on a thorough response to its context. This should help make it more acceptable to all, and so avoid the need to go to appeal.

CABE provides a design review service for locally important or strategic schemes but demand constantly exceeds supply. Local authorities and applicants/appellants should not see this as an alternative to having direct access to specialist advice on architecture, urban design and landscape architecture.

There is not enough high quality advice to go around. However, there are a number of ways in which you can access good quality design advice. Local authorities can group together to draw on advisors or set up local design review panels. Applicants should seek out high quality design advice in the shape of consultant architects, urban designers, access consultants, landscape architects, engineers and other relevant professionals.

Where schemes go to appeal, the appellant needs to provide evidence of how this type of expertise has influenced the design of the scheme. The local planning authority's evidence should show how expert advice has influenced the decision to refuse permission.

## Design review

CABE's service offers design advice on strategically important developments, masterplans or design frameworks. © CABE.



**'In considering the harm from design the Secretary of State agrees with the inspector that harm may stem from the design concept overall, in failing to respond positively to the character and merits of a particular site, and from creating an unsatisfactory environment for future residents...that despite the applicant's efforts there is no clear evidence that the overall design has been underpinned by a thoroughgoing analysis of the site...The Secretary of State concludes that allowing this appeal would undermine government policy on securing good design.'**

First Secretary of State's decision letter for proposed residential development on waterfront site, Eccleston Road, Maidstone, Kent.

# Design is more than aesthetics

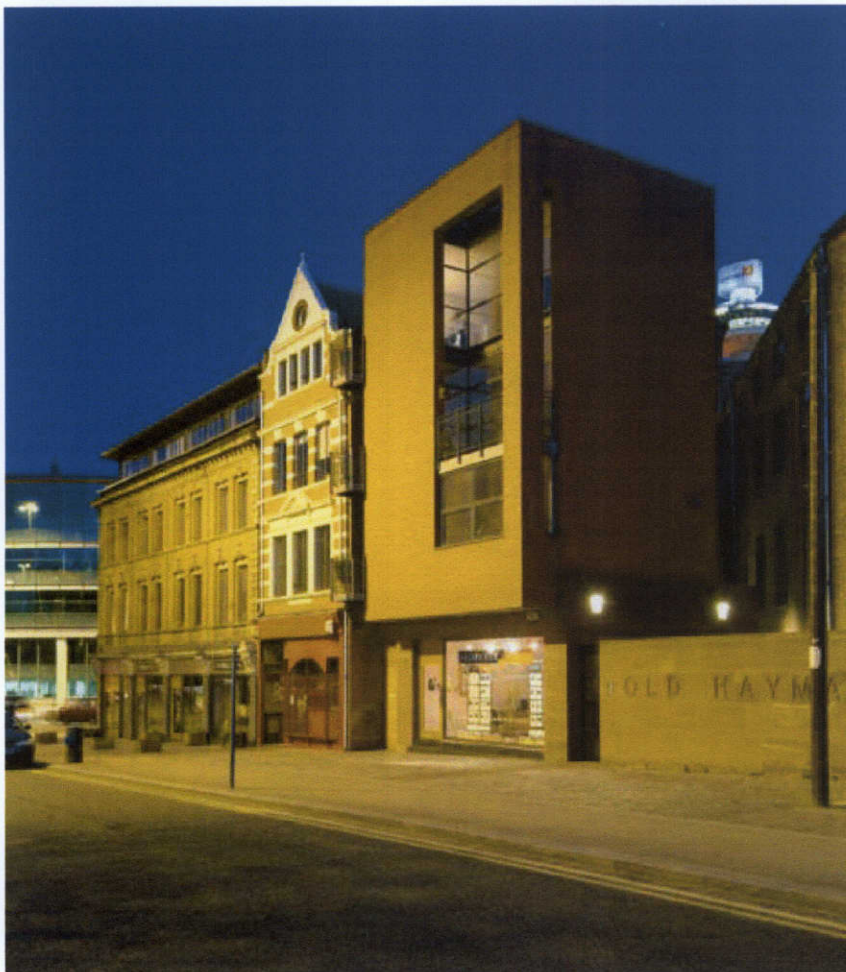
The idea that design issues are not supported at appeal may be due to confusion over what design is really about. Some people wrongly feel that design just means aesthetics, style and the outward detailing of a building, and this attitude stifles appropriate decision making.

Appearance is part of design but it is defined by PPS1 as much broader. Design is about how places work, fit together, and the quality of life they support. Proposals must show that the development will function well in addition to being attractive and responding to the existing character of the area.

Design is about responding to the existing character, movement patterns, appearance and other attributes of the area. It is about how people will be able to use the development when it is built. At a more detailed level, design addresses matters of massing and bulk, external materials and landscaping, inclusive design and how the orientation of proposed buildings and their relationship to public spaces would provide adequate natural surveillance to help make a safe, secure environment.

## Haymarket, Liverpool

Providing for an active street frontage is one of the core aspects of good design.  
© David Millington.



**'There is very clear guidance to the effect that good urban development works best where it is based on a grid, which allows and encourages movement, activity and connectivity...[the proposal] would produce static townscape at ground floor level, and secondly, the safety of the environment would be compromised.'**  
Inspector's decision letter recommending dismissal to Secretary of State for development at former Everards site in Greenhithe, Kent.

# Explain your case

When a scheme is examined at appeal, written or oral evidence will need to say why it is or is not seen as appropriate. The clarity of the rationale behind a proposed design, and how the need for good design has been taken into account, may be crucial to the decision maker's conclusion.

A design and access statement may have been submitted with the application. This should be written specifically for the application and should explain how an understanding of local physical, social, economic and policy requirements have been applied to the proposal. Statements can be used to demonstrate a rigorous design process, or indeed criticise it, in appeal evidence.

It is important to use easily understandable language; both in reasons for refusal and appeal evidence. Generalised or generic terms such as 'out of keeping' or 'overdevelopment' should be avoided as they are meaningless when not substantiated by site specific information. The design, and why it is appropriate or inappropriate, should be described in as much detail as possible.

## London Bridge

The high quality of design of Renzo Piano's London Bridge Tower, and the resulting regenerating effect on the local area, was the deciding factor in the First Secretary of State's decision to approve. © John McLean.



**'The First Secretary of State considers that for a building of this size to be acceptable, the quality of the design is critical, in line with the government's commitment to the achievement of good design. In this case, like the inspector, he is satisfied that the proposed tower is of the highest architectural quality. Had this not been the case, the Secretary of State might have reached a different decision but he considers that the quality of the design of this particular building is a very strong argument in its favour.'**  
First Secretary of State's decision letter approving London Bridge Tower, London.

Appeals play an important role in the planning system. But there is a lack of confidence in dealing with design issues at this stage, and this is affecting the quality of development. We hope that by producing this short 'how to' guide, we will help all involved when dealing with design at appeal.

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