

16/00062/FUL

STAR LANE BRICK WORKS, STAR LANE, GREAT WAKERING

RE-DESIGN OF PLOTS 4-13 (FROM APPROVAL 12/00252/FUL) TO ACCOMMODATE REQUIREMENTS FOR A PUMPING STATION

APPLICANT: TAYLOR WIMPEY EAST LONDON

ZONING: BROWN FIELD RESIDENTIAL LAND ALLOCATION

PARISH: GREAT WAKERING PARISH COUNCIL

WARD: FOULNESS AND THE WAKERINGS

1 PLANNING APPLICATION DETAILS

1.1 This application was deferred at the meeting of 21 July 2016 to allow for the clarification of a number of matters to be addressed in consultation with Ward Members and as follows:-

- Clarification around the location of affordable housing within the site;
- Clarification as to the reasons for the proposed location of the pumping station and timescale for this to be built in relation to the rest of the proposed development;
- Further work to be done to ensure wheeled bins are located to the rear of properties, with proper access and collection points;
- Clarification around how the current shortfall in space standards compares to any shortfall in the previously approved application and an assessment made as to whether these can be improved and;
- Clarification as to whether the proposed garden sizes conform to the Council's minimum standards.

1.2 The applicant has since met with officers and Ward Members clarifying those matters as set out below. The application is now brought back for final consideration.

Affordable Housing Issue

- 1.3 The original planning application for 116 dwellings to which this proposed revision partly relates, was subject to a viability assessment that accepted 10% of the units proposed be provided with affordable tenure. This equates on the overall site to 11 units. This level of provision was accepted by the Council in granting the overall permission for the site of which this current application is only part. Following the grant of permission, the applicant entered into negotiations with a social provider. This has resulted in three of the “K” type three-bedroomed terraced units to the middle part of the site, together with the two blocks of four flats comprising 4 No. one-bedroomed and 4 No. two-bedroomed flats, located fronting Star Lane adjoining the estate road being the affordable provision for the development. The post decision negotiation has resulted in the flats and two of the houses being available for social rent with one three-bedroomed house for part ownership. The affordable housing provision does not form part of the application currently for consideration.
- 1.4 The affordable provision is in accordance with the permission granted, but would be unaffected by the proposed revised layout of that part of the site to which this current application relates. The increase in three dwellings does not materially affect the affordable provision and viability assessment as the number of bed spaces is reduced from forty four to thirty three.
- 1.5 The applicant has satisfied the concerns raised at the reasoning for the location of the affordable provision on the site.

Pumping Station Location Issue

- 1.6 The applicants advised they purchased the site from receivers with the understanding from Anglian Water that the foul water sub-station on the adjoining industrial estate would provide the capacity to serve the houses that were at that time the subject of an application made by the previous applicants. That advice subsequently changed after the grant of permission and the commencement of construction to which the applicants were committed. The applicants have control over an adjoining site the subject of a Local Plan allocation and now the subject of outline application 16/0668/OUT. However, this neighbouring site is at a much earlier stage without the benefit and certainty of having permission. Consequently, the applicants had to resolve the need for a foul water pumping station on the site of the development under construction to allow those dwellings a connection to foul drainage.
- 1.7 The north east corner of the site is the only practical location for the pumping station because it is low lying. A 15m exclusion zone within which there should be no dwellings provided would future proof the scheme from anticipated further specification changes to the final adoption requirements by

Anglian Water. That requirement, however, resulted in a new form of development and architectural treatment to that part of the site. This was the subject of objection in pre-application advice by District officers and the County Council's specialist urban designer who strongly favoured a revised treatment to the whole northern side of the estate road and comprising formerly plots 4-14 and that part of the site to which the current application relates. The lesser revision to fewer plots would have otherwise resulted in a more ad hoc unrelated mix of built form as an afterthought to accommodate the required pumping station. That change removed the 11 No. detached houses in favour of a revision to reflect the existing built forms opposite and elsewhere in the layout resulting in the 1 No. 4-bed, 6 No. 3-bed and 4 No. 2-bed houses and 3 No. 1-bed flats the subject of this application. This created fourteen plots where eleven had previously been approved.

- 1.8 The revised design features house type designs "F" approved to 23 No. plots elsewhere in the development, house type "M" approved to 20 No. plots elsewhere in the development, house type G approved to 6 No. plots elsewhere in the development already prevalent to the remainder of the approved layout, together with three flats to 3 No. plots elsewhere in the development.
- 1.9 The pumping station will require completion prior to the first occupation of the dwellings at an advanced stage in construction on the site.
- 1.10 The applicant has satisfied the concerns raised at the location of the pumping station.

Refuse Bin Issue

- 1.11 The applicants have explained that there was never the intention that future occupiers would store their refuse bins to the front of each dwelling. All the proposed dwellings benefit from a rear access to the garden areas. The terraced houses to plots 13 and 14, whilst benefitting from rear access, would also have availability to store bins at ground level below the flat to plot 118 nearby and at ease for collection.
- 1.12 The applicants have therefore satisfied the concerns at the location of the refuse bin storage provision on the site.

Space Standards Issue

- 1.13 The original application approved under application No. 12/00252/FUL was considered by Members at the meeting of 25 September 2014 and prior to adoption of the Council's detailed space standards to policy DM4 to the Development Management Plan in December of that year. Paragraph 5.15 to the officer report set out that none of the proposed dwelling types would then adhere to the minimum criteria but at that time, given that the Council's Development Management Plan had not then reached full adoption, that policy could only be given limited weight. It is the case also that the

application was originally submitted in 2012 and some time before the policy formulation. A view was rightly taken that it would be unreasonable to refuse permission for the non compliance with the then emerging policy. Members may recall that shortly after the adoption of the Council's local space standard, a national space standard was introduced by Central Government to supersede all local variations and it is against the national standard that the Council must assess all new applications for housing.

- 1.14 With regard to the current application, Members have requested an analysis of the approved application against the space standard to compare with that for the current application. As the current application has been assessed against the national standard which now supersedes policy DM4, the analysis to table 1 below is also against the national standard.

Table 1: Space standards to approved scheme (undersize in bold)

Approved dwelling type	No. of bedrooms	Required minimum gross internal floorspace m2	Gross internal floorspace m2	Required minimum internal storage space m2	Internal storage space approved m2
1 bed flat	1	50	64.15	1.5	1.81
2 bed flat	2	61	63.89	2.0	0.85
Flat Over Ground (FOG)	1	50	54.98	2.0	2.5
C	3	84	88.88	2.5	1.5
D	3	84	81.64	2.5	2.5
E	4	130	118.79	3	3
F	2	70	63.8	2.0	1.2
G	4	130	128.87	3.0	1.89
K	3	108	123.25	2.5	7
M	3	93	95.92	2.0	1.5
Q	2	70	66.77	2.0	1

In the above table the values which do not achieve the required minimum standard be seen to fall short in either gross floor space and/or storage requirements of the national standard as would now be applied. However, the above table relates to development already approved and not for re-consideration. The shortfalls are similar for some of the proposed house types in the re-planned area to the north of the site and to which this application relates. Because of the close comparison in failings against the national space standard comparison with neighbouring development under construction, it is not considered by officers that strict compliance with the national standard should be rigidly enforced for what is effectively a revision to an existing approved scheme, or that such a position would be defensible in any appeal. Whilst the applicants are unable to improve the gross floor space overall, the applicants have however been able to clarify and uplift the extent of storage space, particularly for that under stairs.

- 1.15 Officers' consider that the clarification required by Members in relation to space standards for the existing approved scheme now better explains the position taken by officers on this issue.

Garden Size Issue

- 1.16 The current application layout would provide rear garden areas as follows within table 2:-

Table 2: Garden and amenity areas to scheme proposed.

Plot and house type	No. of bedrooms	Garden area req.	Garden area proposed	Difference +/-
Plot 4 Type G	FOUR	100m ²	100m ²	0
Plot 5 Type F	TWO	50m ²	82m ²	+32m ²
Plot 6 Type M	TWO/THREE	50m ²	112m ²	+62m ²
Plot 7 Type M	TWO/THREE	50m ²	113m ²	+63m ²
Plot 8 Type M	TWO/THREE	50m ²	122m ²	+72m ²
Plot 9 Type M	TWO/THREE	50m ²	137m ²	+87m ²
Plot 10 Type M	TWO/THREE	50m ²	143m ²	+93m ²
Plot 11 Type M	TWO/THREE	50m ²	137m ²	+87m ²
Plot 12 Type F	TWO	50m ²	78m ²	+28m ²
Plot 13 Type F	TWO	50m ²	61m ²	+11m ²

Plot and house type	No. of bedrooms	Garden area req.	Garden area proposed	Difference +/-
Plot 14 Type F	TWO	50m ²	68m ²	+18m ²
Plot 117 FOG	ONE	25m ² /5m ² balcony	5.1m ² balcony	+0.1m ²
Plot 118 FOG	ONE	25m ² / 5m ² balcony	5.1m ²	+0.1m ²
Plot 119 FOG	ONE	25m ² /5m ² balcony	5.13m ²	+0.13m ²

- 1.17 With the exception of the detached house to plot 4, which is almost unchanged from the previously approved layout, the proposed dwellings would be to a layout that would exceed the Council's garden/amenity area requirements and in most cases by a substantial margin.
- 1.18 The applicants have therefore satisfied the concerns at the adequacy of the garden area and private amenity space provision on the site.
- 1.19 The applicants have now clarified the matters of concern raised previously that do not, in officers' view, adversely affect the assumptions and conclusions previously made. Officers therefore again **RECOMMEND APPROVAL**, as set out in the previous report and recommendation reiterated below.

2 PLANNING APPLICATION DETAILS

- 2.1 This application seeks to re-design the north-eastern corner of a site granted planning permission for residential development in June 2015, reference 12/00252/FUL, primarily to accommodate a foul water pumping station on the site.
- 2.2 The original planning approval was for 116 dwellings on a broadly rectangular site to the east of Star Lane and to the south-western corner of Great Wakering. The original planning consent comprised a mix of 7 No. 1-bed flats, 6 No. 2-bed flats, 24 No. 2-bed houses, 44 No. 3-bed houses and 35 No. 4-bed houses across the site as a whole. Specifically, in the north-eastern corner of the site, the original consent was for 11 No. detached houses, 10 of them 4-bed and 1 of them 3-bed.
- 2.3 As a result of the re-design, 3 additional dwellings are proposed to a different design, layout and mix to that originally approved.

SITE AND CONTEXT

- 2.4 The application site neighbours a small industrial estate to the northern boundary where a mix of different industries are located. There is a row of single storey industrial units that lie in close proximity to the northern boundary of the site with their rear elevations facing into the site. Two larger units of two storey height have their side elevations in close proximity to this boundary. A yard area is located to the north-eastern corner within the industrial estate, which historically housed a waste transfer use.
- 2.5 The wider site is bordered by Star Lane to the West beyond, which the land is designated as Metropolitan Green Belt (MGB). Land immediately to the east of the site is also designated as MGB and as a Local Wildlife Site, containing a number of lakes. Land to the north-east of the site is allocated for further residential development in the Allocation Plan (2014) under Policy SER9B. To the south is an access road leading to the lakes beyond which, to the south, is an area of land allocated for employment purposes.

PLANNING HISTORY

- 2.6 12/00041/FUL – Re-development to provide 149 dwellings comprising 6 No. one-bedroomed flats, 13 No. two-bedroomed flats, 39 No. two-bedroomed houses, 27 No. three-bedroomed houses and 64 No. four-bedroomed houses with associated access from Star Lane. APPLICATION NOT PROCEEDED WITH.
- 2.7 12/00252/FUL – Re-development to provide 116 dwellings comprising 7 No. one-bedroomed flats, 6 No. two-bedroomed flats, 24 No. two-bedroomed houses, 44 No. three-bedroomed houses and 35 No. four-bedroomed houses, with associated parking, landscaping and open space, access from Star Lane and construction of sub-station. APPROVED.

3 CONSULTATIONS AND REPRESENTATIONS

Great Waking Parish Council

- 3.1 The Parish Council is concerned that larger houses are being taken out and replaced with smaller, causing the village to lose housing suitable for families. These smaller houses are noted as only having one bedroom plus a second bedroom/office/study. Plots 5, 12 and 14 would have very small gardens of 55m squared.
- 3.2 It is felt that the need to include a pumping station should not be used as an excuse to build more properties to the detriment of previously agreed plans and housing types. It is our view that a house should be dispensed with rather than alter the plans in this manner.

Essex County Council Highways

- 3.3 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.

Essex County Council Urban Design

- 3.4 Generally speaking the revisions to the layout are suitable.
- 3.5 With regard to the proposed elevations I have highlighted a number of suggested amendments below:-
- 3.6 House Type G (plot 4): the large feature bay window is shown in an offset location alongside two smaller ground and first floor windows. For a building in such a dominant location I would prefer to see the large bay window centralised on the axis of the dormer, replacing the smaller windows. An additional central narrow window could also be added to the second floor to help balance the gable end.
- 3.7 House Type F (plot 5 and wherever else used): there is an inconsistency between the floor plan and the elevation. The location of the first floor dormer window on the front elevation is not shown central to the building frontage; the plan shows the window to be in a central location. When this is amended I would prefer to see the dormer window shown in a central location. (See Essex Design Guide, page 92, Placing of Openings).
- 3.8 All proposed materials, including elevation finishes and roof materials, should match those already specified and agreed on the wider Star Lane approved layout.
- 3.9 The design of the parking court requires further information, including boundary treatment, surface materials and landscaping. The parking court should include tree planting and/or landscaping to help reduce the impact of cars within the space.

Arboriculture (RDC)

- 3.10 No objection.

Neighbours

Occupant of No. 108 Twyford Avenue

Summary of comments made:-

- 3.11 Object to more housing.
- 3.12 Another housing estate is being created rather than the village life so eagerly advertised. Development will cause pressure on local schools, medical centres and hospitals and increased cars on the road network.

4 MATERIAL PLANNING CONSIDERATIONS

- 4.1 The proposed re-design must be assessed against relevant planning policy and with regard to any other material planning considerations.
- 4.2 In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.3 The relevant parts of the adopted Development Plan are the Rochford District Core Strategy adopted in December 2011, the Allocations Plan adopted in February 2014 and the Development Management Plan adopted in December 2014.
- 4.4 The key considerations in the determination of this application are:-
- the acceptability of the proposed dwelling mix;
 - the acceptability of the proposed amendment in terms of urban design;
 - the impact of the proposed change in dwelling numbers on affordable housing and other contributions.

Dwelling Mix

- 4.5 The mix of dwellings in the north-eastern corner of the site would alter from the 10 No. 4-bed and 1 No. 3-bed houses originally approved to 1 No. 4-bed, 6 No. 3-bed and 4 No. 2-bed houses and 3 No. 1-bed flats.
- 4.6 Across the wider Star Lane site as a whole the dwelling mix would alter from that originally approved as detailed in Table 1 below.

	4-bed Houses	3-bed Houses	2-bed Flats/houses	1-bed Flats
Originally approved 12/00252/FUL	35	44	26	7
Proposed as a result of re-design	26	49	28	10

Table 1: Comparison of dwelling mix originally approved to dwelling mix proposed as a result of the re-design across Star Lane site as a whole.

- 4.7 Policy H5 of the Core Strategy requires that new developments must contain a mix of dwelling types to ensure that they cater for all people within the community. As a result of the proposed re-design an acceptable mix of dwelling sizes would still be achieved with the mix.

Urban Design

- 4.8 Instead of the 11 detached houses originally approved the proposal seeks consent for two terraces each consisting of 5 houses with three FOG (Flat Above Ground) units attached to one of the terraces. One of the originally approved detached 4-bed houses would also remain.
- 4.9 The layout of the proposed re-design would be similar to that previously approved in that dwellings would front onto a grassed amenity area with enclosed gardens to the rear adjoining the neighbouring industrial estate. The three flats would be sited close to the highway at first floor level with parking underneath.
- 4.10 Parking would be provided either on plot or within a parking court to the rear of the flatted units.
- 4.11 The proposed foul water pumping station would be sited in the far north-eastern corner of the site adjacent to the boundary with the industrial estate. Vehicular access to this would be provided off the main road alongside the eastern boundary.
- 4.12 The form, design and appearance of the proposed dwelling types is similar to those already approved at the wider site with pitched roof design of traditional form.
- 4.13 Essex County Council Urban Design is supportive of the re-design, but advises that the design of the parking court requires further information including boundary treatment, surface materials and landscaping. The parking court should include tree planting and/or landscaping to help reduce the impact of cars within the space; condition is recommended to address this.
- 4.14 The slight discrepancy in the position of the front dormer on the House Type F dwellings has been rectified with the dormer centrally positioned as per the floor plan. Although the ECC Urban Design advice suggested that the large feature bay window be centrally positioned on the House Type G dwelling, this dwelling is in fact exactly the same as that previously agreed on the layout for 12/00252/FUL and it would therefore be unreasonable to require a change to this now.
- 4.15 The dwellings would be finished in a mix of facing brick work, render and weather boarding and a condition is recommended to require external facing materials to be those as approved on the wider site.
- 4.16 The re-design layout would not result in any unacceptable relationship between dwellings such as would lead to unreasonable overshadowing, overlooking or overbearing relationship.

Infrastructure and Affordable Housing Contributions

- 4.17 The Allocations Plan 2014 allocates the site for residential development as part of the Star Lane Industrial Estate under Policy BFR1. The planning consent granted for the construction of 116 dwellings under reference 12/00252/FUL was subject to a section 106 legal agreement to secure necessary infrastructure contributions and this agreement would still apply.
- 4.18 The proposed re-design of the north-east corner of the site would result in the total number of dwellings on the wider site increasing from 116 to 119 in total. This small increase in total dwelling numbers would not necessitate any changes to the infrastructure contributions relating to education, highways and transportation, health care, sustainable drainage, open spaces or the off site community contribution that was secured in relation to 12/00252/FUL.
- 4.19 The section 106 legal agreement required the payment of a secondary education contribution to the sum of £335,787 based on the 116 dwellings originally approved. The legal agreement does, however, enable the County Council to revise this sum in the event that the number or type of dwellings (to which an education contribution would apply) changes. The County Council Education team has been notified of the proposed change to the dwelling number and mix and may as a result decide to revise the contribution required.
- 4.20 The highway contributions related to monies required towards Traffic Regulation Orders in relation to a potential speed limit reduction on Star Lane and parking restrictions and towards maintenance cost of trees within the highway, neither of which would need to alter to take account of the proposed change in dwelling numbers.
- 4.21 The health care contribution was a sum of £28,400 and calculated on the basis of the 116 dwellings approved and the mix of these dwellings. The proposed change would increase the number of dwellings on the site by 3, but would decrease the number of bed spaces provided (from 43 approved to 33 proposed in the north-east corner). Given this, it is considered that there would not be a need to re-visit the health care contribution as the number of potential occupants would not likely increase as a result of the proposed re-design.
- 4.22 The off-site community contribution was a sum of £25,000 towards the provision of a MUGA (Multi Use Games Area) in Great Wakering.
- 4.23 The legal agreement also required the delivery of 11 dwellings as affordable housing units. Although this did not meet the policy aspiration of 35 per cent of the 116 dwellings approved, the 11 affordable units secured resulted from the consideration of a viability appraisal.
- 4.24 A change to the number of dwellings proposed on the site as a whole has the potential to affect the viability of the site and therefore the applicant was

asked to submit an update to the original viability appraisal in order that the effect on viability of the proposed increase of 3 dwellings could be understood. The submitted update details that the proposed re-design would not increase the viability of the site and as a consequence no greater proportion of affordable housing units could be provided. The 11 units required by the s106 agreement relating to the original consent would still be required to be provided.

Other Matters

Noise

- 4.25 In the determination of the 2012 application (12/00252/FUL) the relationship between the proposed dwellings adjacent to the northern site boundary and the industrial estate to the north was accepted. Planning conditions imposed on the planning consent did however require acoustic glazing to dwellings adjacent the northern boundary and an acoustic barrier along it varying in height between 2.4 and 6 metres.
- 4.26 A new acoustic report has subsequently been prepared, which includes noise survey data obtained in August 2015. This indicated that industrial noise levels adjacent to the north-eastern corner had increased significantly as a result of a change in operator. Noise levels in the garden of one of the approved dwellings adjacent to the north-east corner would not, as a result, achieve the acceptable noise level, even with the approved 6 metre acoustic barrier. As a result the applicant's noise consultant recommended that the layout of plots in the north-east corner be altered.
- 4.27 A further noise survey was undertaken in 2016. The submitted noise report concludes that the noise level in the gardens to dwellings on the re-designed layout would all achieve acceptable levels without the need for any acoustic barrier along the northern site boundary. However, whilst it is acknowledged in the submitted report that the modelled noise calculations do not include any of the approved acoustic barriers along the northern site boundary, the report mentions that an acoustic fence has been erected along part of the southern boundary of the industrial estate, the exact position and extent of this fence is not indicated. There is a concern that this fence is not in the control of the applicant and that there is no mechanism to require it to remain in place in perpetuity. The removal of this fence may lead to increased and unacceptable noise levels in the rear gardens of some of the proposed dwellings. A response from the Council's Environmental Health Team to the revised noise report is awaited and will be reported on the addendum to follow.
- 4.28 Residential development in the north-east corner of the wider Star Lane site has already been approved and as a consequence the re-design is acceptable in principle in respect of noise. Dwellings and their rear gardens are not sited closer to the northern boundary than previously approved. Indeed the re-design includes a large parking court directly adjacent to the north-east corner, as opposed to the approved scheme which had residential

garden here. It cannot, however, be concluded that an acoustic barrier would not be necessary along the northern site boundary in order to achieve an acceptable noise level in the gardens of adjacent dwellings and a condition requiring such is therefore once again recommended unless a subsequent report satisfactorily demonstrates that such a barrier would not be necessary.

- 4.29 If an acoustic barrier is required it would be necessary for it to be maintained in perpetuity and this had previously been a stipulation of the s106 legal agreement as had the maintenance of public open spaces of which there is one within this re-design application site boundary. The application, if approved, would therefore have to be subject to a section 106 legal agreement to secure these on-going requirements.

Nationally Described Space Standard

- 4.30 Policy DM4 requires that new dwellings achieve a minimum habitable floor space although this policy has now effectively been superseded by the Nationally Described Space Standard. Table 1 below details how each of the proposed house types would/would not meet the minimum requirements.

Proposed dwelling type	No. of bedrooms and bed spaces (persons)	Required minimum gross internal floor space	Required minimum internal storage	Gross internal floor space proposed	Internal storage space proposed
F	2-bed/3-person	70 square metres	2 square metres	63.86 square metres	1.2 square metres
M	3-bed/5-person	93 square metres	2.5 square metres	95.92 square metres	1.5 square metres
FOG unit	1-bed/2-person	50 square metres	1.5 square metres	54.66 square metres	1.5 square metres
G	4-bed/8-person	130 square metres	3 square metres	128.87 square metres	1.89 square metres

Table 1: Assessment of proposed dwellings against criteria in the Nationally Described Space Standard.

- 4.31 House Type M and FOG units would meet the minimum gross internal floor space requirement and the latter would contain the minimum internal storage requirement.
- 4.32 House Type F and House Type G units would fall short of both the gross internal floor space minimum requirement and the internal storage space minimum requirements although in the case of the latter this shortfall would not be significant.
- 4.33 The standard also requires that dwellings with two or more bed spaces would have at least one double (or twin) bedroom, which would have a floor area of at least 11.5 square metres; all of the 2 and 3-bed dwellings would achieve this. The minimum floor to ceiling height of 2.3 metres for at least 75 per cent of the gross internal area would also be achieved by all proposed dwellings.
- 4.34 In the consideration of the original application at the site (12/252/FUL) in September 2014, Policy DM4 was not in force as the Development Management Plan, of which this policy is a part, was not formally adopted until December 2014. The officer report for the 2012 application noted that none of the proposed dwelling types would have adhered to the minimum criteria. However, given that Policy DM4 was not formally adopted only limited

weight was given and it was concluded that as a result of this and the fact that the application was initially submitted in 2012 and would not have been reasonable to refuse the application on these grounds.

- 4.35 Seven of the proposed dwellings would now meet the minimum Nationally Described Space Standard. Whilst seven of the proposed dwellings would not meet the minimum, it is not considered reasonable to refuse planning permission on this ground given that the extant planning consent, reference 12/00252/FUL, would enable dwellings to be built in the same location which would also not meet the minimum requirement.

Amenity and Refuse

- 4.36 All of the proposed dwellings would be provided with an appropriate area of amenity space. The houses would have enclosed garden to the rear whilst the three FOG units would each be provided with balconies.
- 4.37 All but three of the houses would be able to store refuse bins in the rear garden and the FOG units have a designated communal refuse store at ground floor. The three terraced houses which do not have direct access through to the rear garden would have to store refuse bins to the front of the property. Given that only three dwellings would have this arrangement this is considered acceptable.

Parking

- 4.38 8 of the proposed houses would have on plot parking, each with two parking spaces at the preferred bay size of 2.9m by 5.5m. Parking for the remaining 3 houses and flats would be provided in the parking court to the rear of the proposed flats where a total of 19 additional parking spaces would be provided, each meeting the preferred bay size.
- 4.39 All of the proposed houses and flats would be provided with 2 parking spaces and 7 visitor spaces would also be provided; this would exceed the visitor space requirement for 0.25 spaces per dwelling in this north-eastern corner and would provide 1 additional visitor space than was on the layout of the north-east corner as originally approved.
- 4.40 The visitor spaces had previously been sited around the edge of the grassed amenity space but would now be sited within the parking court. This is not considered to be objectionable.

Planning Conditions

- 4.41 Planning conditions on the approved 2012 scheme would not apply to the dwellings in the north-eastern corner as these would be built under the new 2016 planning consent. Necessary planning conditions have therefore been recommended.

5 CONCLUSION

- 5.1 In determining this application, regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed re-design is considered acceptable in terms of design, form and layout of the dwellings and would provide for a suitable mix of dwellings across the development site as a whole. There is considered no reason to refuse planning permission.

6 RECOMMENDATION

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

That the application be approved, subject to a section 106 legal agreement to require:-

- a. maintenance of the public open space
- b. maintenance of the acoustic barrier along the northern site boundary

and subject to the following planning 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) All external facing and roofing materials to be used in the development hereby permitted shall be those as agreed in respect of condition 2 relating to planning consent 12/00252/FUL unless alternative materials are proposed in which case details of these shall be submitted to and approved in writing by the Local Planning Authority prior to their use.

REASON: In the interests of visual amenity to ensure a cohesive approach to the appearance of dwelling on the wider development site as a whole.

- (3) Prior to occupation of the dwellings hereby approved details of the proposed hard and soft landscaping including that to the public open amenity space and parking court shall be submitted to and agreed in writing by the Local Planning Authority, details shall include;

- a. Schedules of species, size, density and spacing of all proposed tree, hedge and shrub planting
- b. Fencing and other means of enclosure and boundary treatments

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- c. Paved or otherwise hard surfaced areas
 - d. Areas to be grass seeded or turfed
 - e. Street furniture
 - i. Notwithstanding the layout plan hereby approved provision of soft landscaping including tree planting shall be incorporated into the design and layout of the parking court.
 - ii. Soft landscaping shall be implemented in its entirety during the first planning 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 replacements plants) removed, uprooted, destroyed or caused to die or become seriously damaged or defective within 5 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.
 - iii. REASON: To enable the Local Planning Authority to retain adequate control over the landscaping of the site, in the interests of visual amenity.
- (4) All service intakes to dwellings and soil and waste plumbing shall be run internally save for gas and electric boxes whereby details of siting shall be submitted to and agreed in writing by the Local Planning Authority prior to installation. Such details as may be agreed in writing by the LPA shall be those used in the development hereby permitted.
- REASON: To enable the LPA to retain adequate control over the appearance of the development in the interests of visual amenity.
- (5) Prior to first occupation of any dwelling hereby approved, a Residential Travel Information Pack for sustainable transport shall be provided to each dwelling which shall include 6 (six) All Essex Scratch card tickets or equivalent in accordance with details which shall have previously been submitted to and agreed in writing by the LPA.
- REASON: In the interests of reducing the need to travel by car to the development and promoting sustainable development and transport.
- (6) Prior to commencement of the development to erect the dwellings hereby approved, a surface water drainage scheme including sustainable urban drainage methods and timetable for implementation, shall be submitted to and agreed in writing by the Local Planning Authority. The scheme should include design calculations and analysis

for the hydraulic performance of site soakaways and should demonstrate that surface water run-off generated by storms up to and including the 1 in 100 years frequency critical storm (including allowances for climate change over the development lifetime) will be adequately managed. Once agreed, the drainage scheme shall be implemented in accordance with the agreed details in the timetable agreed for implementation.

REASON: To enable the LPA to secure a satisfactory means of surface water drainage, in the interests of ensuring the implications of the proposal upon surface water flooding are sufficiently addressed and to comply with policy EN4 of the Core Strategy.

- (7) No doors or other features to enclose shall be installed to any of the car ports across the development hereby permitted.

REASON: To enable use of the car ports for the parking of vehicles to ensure sufficient on-site parking is provided in the interests of highway safety and visual amenity and the adopted parking standard.

- (8) The approved remediation scheme submitted and agreed in respect of condition 32 on planning consent 12/00252/FUL shall equally apply to the development hereby permitted. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation unless otherwise agreed in writing by the LPA. The LPA must be given 2 weeks written notification of commencement of the remediation scheme works.

- a. Following completion of measures identified in the approved remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the LPA.
- b. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the LPA. An investigation and risk assessment must then be undertaken and where necessary a remediation scheme prepared in accordance with the requirements of part 1 (site characterisation) of condition 32 on 12/00252/FUL and a remediation scheme must be prepared in accordance with the requirements of part 2 (submission of remediation scheme) again as in condition 32 of 12/00252/FUL. Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the LPA in accordance with part 3 of condition 32 of 12/00252/FUL.

- c. Prior to the first occupation of any dwellings hereby approved and the provision of any services, the developer shall submit to the LPA a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in the agreed remediation scheme.
- d. REASON: To ensure that risks from contamination to the future users of the land and neighbouring land are minimised in accordance with Policy ENV11 of the Core Strategy.
- (9) Prior to the commencement of development to erect the dwellings hereby approved, full specifications of an acoustic barrier (including heights, materials, performance and maintenance plans) to the northern and eastern boundaries of the site shall be submitted to and agreed in writing by the LPA with a noise assessment report to justify the proposed height of the barrier unless a noise assessment report is submitted and agreed which satisfactorily demonstrates the absence of a need to provide an acoustic barrier as a result of the noise level in the rear garden of the dwellings hereby permitted achieving acceptable noise levels without such. Details of any barrier submitted for approval shall include methods to reduce the visual impact of the barrier. Any acoustic barrier agreed shall be installed in the approved form prior to first occupation of any dwelling hereby permitted unless otherwise agreed in writing by the LPA and shall be maintained in the agreed form in perpetuity.

REASON: To ensure an acceptable noise level is achieved in the rear gardens of dwellings to protect future amenity of the occupants of the development.

- (10) House Type F dwellings shall feature front dormers in accordance with Revised Plans date stamped 05 July 2016 drawing numbers 1358:501 Rev A and 1358:502 Rev A and not with front dormers as per 1358:511 Rev A.

REASON: For the avoidance of doubt and in the interests of visual amenity.



Shaun Scrutton

Managing Director

Relevant Development Plan Policies and Proposals

Policies T8, ENV9, ENV3, H1, H6, and CP1 of the Rochford District Core Strategy 2011.

National Planning Policy Framework (NPPF)

Parking Standards Design And Good Practice Supplementary Planning Document (Adopted December 2010).

Policies DM1, DM2, DM3, DM4, DM25, and DM30 of the Development Management Document (Adopted December 2014).

Allocations Plan (2014)

National Planning Practice Guidance

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If you would like this report in large print, Braille or another language please contact 01702 318111.

