

19/00493/FUL

**LAND ADJACENT TO 14 HAMBRO CLOSE, RAYLEIGH
PROPOSED ONE TWO STOREY BUILDING CONTAINING
TWO SELF CONTAINED APARTMENTS**

APPLICANT: **ROCHFORD DISTRICT COUNCIL**
ZONING: **RESIDENTIAL**
PARISH: **RAYLEIGH TOWN COUNCIL**
WARD: **TRINITY**

1 RECOMMENDATION

1.1 It is proposed that the Committee **RESOLVES**

That planning permission be approved, subject to the following conditions:-

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

REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 201 rev A, 202, 203.

REASON: To ensure that the development is carried out in accordance with the details as approved.

- (3) The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed in the Design and Access Statement, unless otherwise agreed in writing by the local planning authority.

REASON: In the interest of the character and appearance of the area in accordance with policy DM1 and DM3 of the Development Management Plan and the NPPF.

- (4) Prior to the occupation of the development hereby approved the parking area shall be constructed, surfaced, laid out and made

available for such purposes in accordance with the approved plans and retained as such thereafter.

REASON: To ensure appropriate parking is provided in accordance with policies DM30 of the Development Management Plan.

- (5) Prior to occupation, four car parking spaces shall be provided, each with minimum dimensions of 2.5m x 5m in accordance with current parking standards.

REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with policy DM30 of the Development Management Plan.

- (6) Prior to occupation the vehicular access at the site frontage shall be widened as shown on planning drawing 'Proposed Site Plan' and constructed at right angles to the highway boundary and to the existing carriageway. The access shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge and footway.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM30 of the Development Management Plan.

- (7) No unbound material shall be used in the surface treatment of the vehicular access and car parking areas.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM30 of the Development Management Plan.

- (8) There shall be no discharge of surface water from the development onto the highway.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM30 of the Development Management Plan.

- (9) Prior to occupation, plans and particulars showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority 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 including at least one tree (to compensate for the loss of trees arising from the development);

- 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 artefacts 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 visual amenity.

- (10) Part G (water efficiency) of the Building Regulations (2010) shall be met for the dwellings hereby approved and be permanently retained thereafter.

REASON: In order that the development achieves compliance with the national water efficiency standard as set out in the Building Regulations in light of existing policy ENV9 of the Core Strategy and the advice contained in the Ministerial Statement 2015.

2 PLANNING APPLICATION DETAILS

- 2.1 This application is to be considered by the Development Committee as the applicant is Rochford District Council.
- 2.2 Planning permission is being sought to erect a two-storey building to comprise 2No. two-bedroom self-contained flats and lay out car parking spaces and private amenity space, bin and cycle stores.

3 THE SITE

- 3.1 The site is located within the settlement of Rayleigh. Hambro Close is residential in character and is a cul-de-sac situated off Hambro Hill. The application site is a vacant open plot of land located on the northern side of Hambro Close in a prominent position at the end of a vista.
- 3.2 The site is broadly rectangular in form with a width of 10.7m, an average depth of 24.1m and an area of 254m². The topography of the site raises towards the north and is presently laid to grass.
- 3.3 The site sits between two storey residential dwellings. To the east is a two-storey semi-detached dwelling (No.12 Hambro Close) and to the west is an end of terrace dwelling (No. 14 Hambro Close). The layout of the dwellings along this part of Hambro Close front onto an open field to the north and their backs turn onto Hambro Close with private amenity space and car parking laid out to the rear. The topography of Hambro Close rises from east to west.
- 3.4 The built fabric and layout of Hambro Close somewhat references a Radburn style and layout whereby blocks of dwellings have been arranged in a cul-de-sac cluster. Open areas of green spaces are present within the street scene and separation of vehicular and pedestrian traffic to promote safety has been applied.
- 3.5 To the rear of the site are semi-detached dwellings fronting Hambro Hill.

4 RELEVANT PLANNING HISTORY

- 4.1 03/01117/FUL - Erection of Two Storey Building to Accommodate 4 x 1 Bedroom Flats – REFUSED

5 MATERIAL PLANNING CONSIDERATIONS

Principle of Development

- 5.1 The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. 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. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).

- 5.2 The site is without formal allocation on the proposals map accompanying the Allocations Plan (2014). The re-development of this site for a proposed residential redevelopment is considered acceptable in principle. The site is not subject to any other planning policy designations.
- 5.3 The National Planning Policy Framework (NPPF) encourages the effective use of land to provide much needed housing and in principle housing is appropriate at this site. However, additional housing should not be to the detriment of the character and appearance of the locality. The creation of high quality buildings and places is fundamental to what the planning process should achieve. Good design is a key aspect of sustainable development. The design, form and layout of buildings and the spaces between them is of great importance. Paragraph 127 of Section 12 of the NPPF sets out criteria for new developments which should:
- o Function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - o Be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - o Be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - o Establish or maintain a strong sense of place, using the arrangement of streets, spaces building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - o Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks and;
 - o Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder and the fear of crime do not undermine the quality of life or community cohesion and resilience.
- 5.4 Additionally, the NPPF sets out the requirement that housing applications should be considered in the context of the presumption of sustainable development but advises that there are likely to be circumstances where development of residential gardens will be inappropriate and should be

resisted (paragraph 70). Good design is a key aspect of sustainable development and is indivisible from good planning. Proposals should contribute positively to making places better for people.

- 5.5 The NPPF also advises that planning decisions for proposed housing development should ensure that developments do not undermine quality of life and are visually attractive with appropriate landscaping and requires that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.
- 5.6 At a local level, policy H1 of the Core Strategy states that in order to protect the character of existing settlements the Council will resist the intensification of smaller sites within residential areas, although limited infill will be considered acceptable if it relates well to the street pattern, density and character of the locality.
- 5.7 Policy CP1 of the Core Strategy and policy DM1 of the Development Management Plan both seek to promote high quality design in new developments that would promote the character of the locality and enhance the local identity of the area. Policy DM3 of the Development Management Plan requires that proposals for residential intensification demonstrate that key criteria have been carefully considered and positively addressed. Supplementary Planning Document 2 (SPD2) for Housing Design states criteria that new housing development should meet including for flatted schemes.
- 5.8 Whilst the principle of housing development is not objected to at this site, the main issues for consideration relate to the acceptability of the development as an infill development including issues of scale and impact on character, as well as impacts on residential amenity; these and other issues are explored below.

Impact on the Character and Appearance of the Locality

- 5.9 There is a clear policy expectation that development involving residential intensification should relate well to the existing street pattern, density and character of the locality.
- 5.10 Hambro Close is a cul-de-sac but has a linear layout. The building proposed would follow the existing building line along Hambro Close.
- 5.11 The proposed plot would achieve a 9.2m plot width and approximately 1m separation distance between the building and flank boundaries in accordance with the Council's Supplementary Planning Document 2 – Housing Design.

- 5.12 The proposed building is two-storey in height with the appearance of a detached dwelling, with elevational treatment consisting of a combination of brick work, weather boarding, gabled end roof and appropriate fenestration.
- 5.13 The proposed height of the building would follow the existing ridge line along the northern side of Hambro Close. It is considered that the scale of the development would not appear too dissimilar to its context.
- 5.14 A modern design has been applied to the building which has a vertical emphasis to its massing and scale. The massing is generally well articulated with horizontal proportioned fenestration. The building incorporates a main gabled end roof form, together with a two-storey front gabled end and square bay windows and canopies above one of the entrances. These features are considered to break up the front elevation and create visual interest.
- 5.15 The proposed development would have a modern appearance, but a traditional palette of materials has been applied. The materials consist of red brick at ground and first floor and white cement weather boarding at first floor for the external walls, grey uPVC casement windows, together with plain interlocking roof tiles.
- 5.16 The floor plans illustrate a two-bed flat at ground floor with a two-bed flat at first floor level. Access to the residential units is gained via two separate entrances, one to the side and one at the rear.
- 5.17 Car parking is laid out to the rear which is not dissimilar from the current layout of the surrounding street scene. Bin storage would be provided in recessed areas set within the side elevation. A shared usable amenity area of 62m² would be provided to the rear of the building. This would be in accordance with the 25m² of shared space per flat required by SPD2.
- 5.18 It is considered that the proposed appearance, scale and layout would be acceptable. The proposed development would not result in demonstrable harm to the character and appearance of the street scene
- 5.19 The proposed dwelling would be finished in a mix palette of materials harmonising with the surrounding street scene. The proposed development would appear to be proportionate in scale with buildings within the area and it is therefore not considered that the scale, bulk, height and appearance of the proposed building would result in demonstrable harm upon the character and appearance of the area complying with the stipulations of policy H1 of the Core Strategy and DM1 and DM3 of the Development Management Plan and the NPPF.

Residential Amenity

- 5.20 The windows in the front elevation overlook the highway which is considered acceptable as it will not impinge on the privacy of existing residents.

- 5.21 The proposed building is situated in a position whereby there would be sufficient distances between the proposed building and the adjacent residential dwellings to the east and west; it is not considered that the proposal would have a detrimental impact upon the private amenity of the occupiers at these properties in relation to having an overbearing or overlooking impact. The proposed development would comply with the Council's 45° test.
- 5.22 A back to back distance of approximately 35m would remain between the proposed building and the buildings situated at the rear fronting Hambro Hill.
- 5.23 A window would exist in the eastern and western flank elevations and serve a landing area. These windows would not serve habitable rooms and therefore considered acceptable as overlooking would not occur from these windows.
- 5.24 It is considered that a development of two flats could be accommodated within the site that would not result in detrimental impact upon the occupiers of neighbouring properties by way of causing excessive overshadowing, as a result of being overbearing or causing overlooking and loss of privacy complying with policies DM1 and DM3 of the Development Management Plan.

Car parking and Access

- 5.25 Access is gained off Hambro Close whereby there would be an area of hardstanding laid out to accommodate four car parking spaces. The access is considered acceptable and would not have an impact upon highway safety.
- 5.26 Policy DM30 of the Development Management Plan seeks the provision of off road parking in order to secure highway safety and minimise harm to visual and local amenities. The EPOA parking standards seek a minimum of two off road car parking spaces per two or more bedroom dwellings. Visitor parking is required at 0.25 spaces per dwelling. In this instance, one visitor parking is required.
- 5.27 The proposal involves four car parking spaces for 2No. two-bedroom flats to be laid out to the front which measure in accordance with the minimum dimensions set out in the Parking Standards; these measurements are in accordance with the surrounding area. The site would not be able to provide the parking standard requirement of two spaces for 2No. two-bed flats plus one visitor (total of 5 spaces) but the shortfall would not be significant. There are enough car parking spaces proposed within the site to serve the proposed dwellings. In addition, there are also no parking restrictions on Hambro Close and most properties have off street parking for two cars or more; therefore the proposed development is considered acceptable and would not have a detrimental impact upon highway safety nor would the free flow of traffic be

materially harmed. It would therefore comply with policy DM30 of the Development Management Plan.

- 5.28 A cycle store has been incorporated into the rear garden that could accommodate four cycle spaces which is considered adequate for the scale of development proposed and in accordance with the Parking Standards.

Garden Size and Landscaping

- 5.29 The NPPF seeks that the creation of places are safe, inclusive and accessible and promote health and well-being, with a high standard of amenity for existing and future users.
- 5.30 SPD2 requires, for flats, the provision of a useable communal residents' garden on the basis of a minimum area of 25m² per flat. The proposal would result in the property having a garden area equating to 62m².
- 5.31 The proposal would provide sufficient amenity space to support the building with the proposed development in place in accordance with SPD2 – Housing Design.

Technical Housing Standards

- 5.32 The Ministerial Statement of 25 March 2015 announced changes to the Government's policy relating to technical housing standards. The changes sought to rationalise the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building Regulations on water and access, and a new national space standard.
- 5.33 Rochford District Council has existing policies relating to all of the above, namely access (policy H6 of the Core Strategy), internal space (policy DM4 of the Development Management Plan) and water efficiency (policy ENV9 of the Core Strategy) and can therefore require compliance with the new national technical standards, as advised by the Ministerial Statement.
- 5.34 Until such a time as existing policy DM4 is revised, this policy must be applied in light of the Ministerial Statement. All new dwellings are therefore required to comply with the new national space standard as set out in the DCLG Technical Housing Standards - Nationally Described Space Standards March 2015.
- 5.35 The proposal comprises 2No. two-bedroom flats. The 2No. two-bed, 3-person dwelling would require a minimum gross internal area (GIA) of 61 square metres including 2 square metres of built in storage.
- 5.36 The ground floor two-bed flat would have a GIA of some 62 square metres including space to accommodate some 2 square metres of built in storage and the first floor two-bed flat would have a GIA of some 69 square metres

including space to accommodate some 2 square metres of built in storage. The proposed flats would meet the national space standard.

- 5.37 Until such a time as existing policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to water efficiency. Consequently, all new dwellings are required to comply with the national water efficiency standards as set out in part G of the Building Regulations (2010) as amended. A condition is recommended to ensure compliance with this Building Regulation requirement.
- 5.38 In light of the Ministerial Statement which advises that planning permissions should not be granted subject to any technical housing standards other than those relating to internal space, water efficiency and access, the requirement in policy ENV9 that a specific Code for Sustainable Homes level be achieved and the requirement in policy H6 that the Lifetime Homes standard be met are now no longer sought.

Ecology and Trees

- 5.39 There is an established tree located on the site; this is not, however, subject to Tree Preservation Order. No tree survey has been provided with the application. A site observation, together with google images, indicates that the tree would be removed from the site to facilitate the development.
- 5.40 Policy DM25 looks to seek to conserve existing trees and hedgerows. The tree that would have to be removed to facilitate the development offers an amenity value given its location; however, the tree would not qualify for retention due to the species of the tree being a sycamore and therefore no objections are raised to the removal of this tree. A condition has been recommended by the Council's Arboricultural Officer to require a suitable species be planted to the front amenity space following completion of the intensive phase of development as part of the soft landscaping.
- 5.41 No ecological surveys have been provided with this application; however, the habitat would not appear to be suitable for protected species given that the site is situated within a built up urban area.

Refuse/Recycling

- 5.42 The area allocated for refuse is considered to be of an acceptable size to accommodate at least two bulk bins compliant with appendix 1 of the Development Management Plan.

6 CONSULTATIONS AND REPRESENTATIONS

Arboricultural and Conservation Officer

- 6.1 The proposal will involve the removal of 1 sycamore. Whilst not a rare or significant, attractive tree, the tree does provide green amenity. I would suggest a suitable species be planted to the front amenity space following completion of the intensive phase of development as part of the soft landscaping.

Neighbours

- 6.2 Occupants of Nos. 5, 7, 18 and 30 Hambro Close
- Loss of a healthy mature tree
 - Over-development of the site
 - Loss of open green space
 - The flats would be out of character
 - Drainage inadequate to cope with more dwellings
 - Lack of parking in the close
 - Confusion of ownership
 - Lack of area to store waste disposal bins for existing residents which is a threat to public health
 - The area is at risk of flooding with the additional dwellings proposed

7 EQUALITY AND DIVERSITY IMPLICATIONS

- 7.1 An Equality Impact Assessment has been completed and found there to be no impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

8 CONCLUSION

- 8.1 Policies H1, DM1, CP1 and DM3 require that new developments promote good, high quality design and the character of the locality to ensure that development positively contributes to the surrounding natural and built environment and residential amenity. The NPPF also has a clear requirement that development achieves good design which is a key element of sustainable development. The proposal is considered to achieve compliance with the relevant policy requirements and represents appropriate infill development.



Marcus Hotten

Assistant Director, Place & Environment

Relevant Development Plan Policies and Proposals

National Planning Policy Framework 2019

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) – CP1, H1, H5, H6, ENV9, T8

Rochford District Council Local Development Framework Development Management Plan adopted 16th December 2014. – DM1, DM2, DM3, DM4, DM25, DM27, DM30

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

Parking Standards Design and Good Practice (2010)

Background Papers

None.

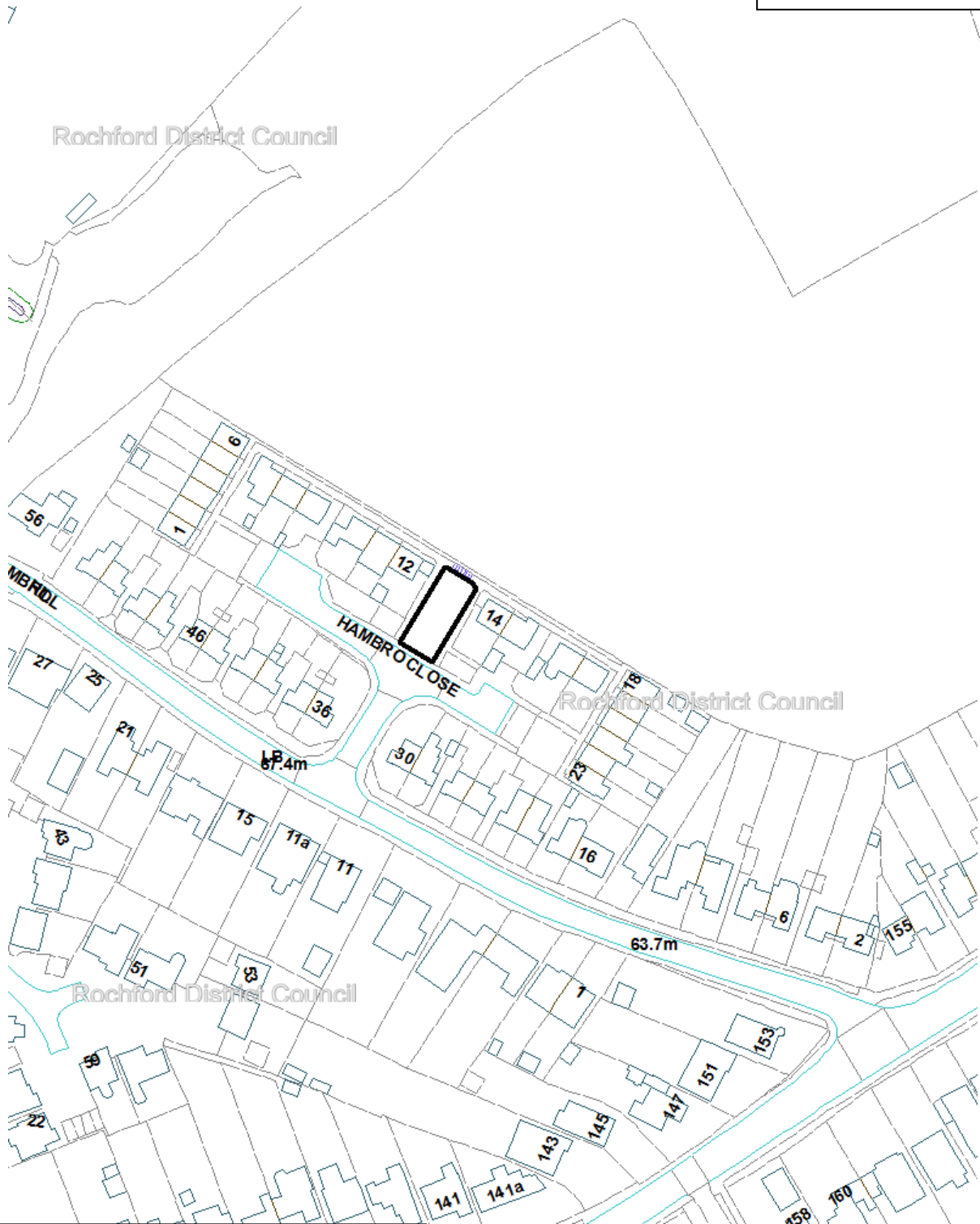
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