

**13/00367/OUT**

**177 MAIN ROAD, HAWKWELL, ESSEX, SS5 4EJ**

**OUTLINE APPLICATION FOR DEMOLITION OF EXISTING DWELLING AND RE-DEVELOPMENT OF THE SITE INCLUDING LAND TO THE REAR OF NO. 173 AND 175 FOR ONE NO. FOUR-BEDROOMED DETACHED TWO STOREY DWELLING WITH INTEGRAL GARAGE AND FOUR NO. THREE-BEDROOMED BUNGALOWS WITH GARAGES AND NEW ACCESS. ALL MATTERS RESERVED EXCEPT ACCESS, LAYOUT AND SCALE.**

**APPLICANT: K W JONES AND SONS LTD**

**ZONING: RESIDENTIAL**

**PARISH: HAWKWELL**

**WARD: HAWKWELL WEST**

## **1 PLANNING APPLICATION DETAILS**

- 1.1 Outline planning permission is sought for the demolition of an existing dwelling and re-development of the site including land to the rear of no. 173 and no. 175 for one 4-bedroomed detached two storey dwelling with integral garage and four 3-bedroomed bungalows with garages and new access at 177 Main Road, Hawkwell.
- 1.2 This outline application will consider access, layout and scale but all other matters are reserved for consideration within a reserved matters application.
- 1.3 The proposal is for the demolition of the existing house at no. 177 and construction of four bungalows to the rear of the site accessed via a new private driveway just to the south of the existing driveway to no. 177 on Main Road. A new house would also be constructed to the north of this private drive but still accessed from the new private drive rather than Main Road. In order to facilitate the new access an existing milestone would need to be relocated further to the north within the highway verge. All properties would have a driveway providing at least one parking space and a garage and a refuse collection point would be located to the front of the private drive along the southern boundary.

- 1.4 The maximum scale parameters for the dwellings and garages are as follows:-

Plot 1 (house) – 8.65m (height), 8.5m (width) and 16.96m (length)

Plot 2 (bungalow) - 6.75m (height), 9.65m (width) and 15m (length)

Plot 3 (bungalow) - 6.2m (height), 9.2m (width) and 13.5m (length)

Plot 4 (bungalow) – 5.7m (height), 11.85m (width) and 11.4m (length)

Plot 5 (bungalow) – 6.2m (height), 12.4m (width) and 13.5m (length)

Plot 2 & 3 (garages) – 5.45m (height), 7.03m (width) and 7.7m (length)

Plot 4 (garage) – 4.15m (height), 3.93m (width) and 7.7m (length)

## **2 THE SITE**

- 2.1 The site is located within the residential area of Hawkwell and is surrounded by residential development. The land currently consists of a detached house (no. 177), residential gardens and ponds, detached out buildings belonging to no. 173, 175 and 177 and some overgrown land to the south western corner.
- 2.2 To the north of the site lies a detached chalet (no. 179). To the south lies a detached house (no. 175) and detached bungalow (no. 173) to which the latter ends of their gardens are now the subject of this application. Also to the south lies a semi-detached house (no. 169) and the rear boundaries of four detached houses within Tudor Way (no. 2, 4, 6 and 6a). The garden of no. 6a wraps around the south west corner of the site so that it also has a border with the western boundary. To the west of the site are 5 semi-detached chalets (no. 6, 8, 10, 12 and 14 Bosworth Close) and to the east is Main Road.

## **3 RELEVANT PLANNING HISTORY**

- 3.1 None of relevance.

## **4 CONSULTATIONS AND REPRESENTATIONS**

### **Hawkwell Parish Council**

- 4.1 My Council object to this application on the following grounds:-

1. Highway concerns

- The proposed new drive would access the Main Road at a dangerous point where there have been several accidents in the last few years; some very serious;

- There would potentially be around 13 extra cars using this new access drive;
  - The application would necessitate the moving of a historic monument 'Milestone,' which should be protected and not moved for the sake of the applicants profit.
2. Housing allocation
- Hawkwell is in the process of having 176 new houses built (which includes the demolition of an existing dwelling) at the nearby Christmas Tree Farm development site, which fulfils its housing allocation.
3. Lack of environmental study: it is believed that there are bats and badgers on the site.
4. Over-development of the site
- Council considers the proposal for four new bungalows in a back garden as over-development of the site;
  - Back gardens are no longer classified as brownfield sites.
5. Negative impact on neighbouring properties
- Overlooking;
  - Loss of Light (affecting 179 Main Road);
  - Loss of privacy;
  - Increase in noise and pollution to surrounding back gardens.
6. Should this outline application be approved, my Council would insist that District Council removes the permitted development rights for the four bungalows so that they would always remain as such.
7. My Council would strongly object to any differentiation to this outline application in relation to increase in size or number of properties proposed.

### **RDC Engineering**

- 4.2 No objections/observations,

### **RDC Arborist**

- 4.3 No arboricultural information supports the application.

- 4.4 A Tree Preservation Order (TPO) has recently been served on an offsite oak tree within 173 Main Road, Hawkwell. The remaining trees on the site and immediately adjacent to the site do not score sufficiently high enough when assessed using a tree amenity assessment system called TEMPO.
- 4.5 With regard to the proposal, the oak subject to a TPO tree is to be retained although it is anticipated an element of pruning will be required. Given the wide, spreading nature of the tree any lateral pruning is to be encouraged, which may promote vertical growth. The building and garage of plot 2 are located away from the main stem of the oak therefore root protection area (RPA) infringement is not likely to be significant (although this needs to be quantified by the applicant). However, future growth and shading need to be considered. Likewise a multi stemmed oak to the west of the site is to be retained and has significant amounts of growth before reaching maturity. This tree's future growth, future pruning considerations and shading potential needs to be determined.
- 4.6 A willow, sycamore and ash are the main trees on the site identified for removal. No justification for their removal has been made although it is noted in the Design and Access Statement that it states the loss of trees will be offset by new planting. Given that the trees identified for removal in my opinion are either low quality and/or have limited long term potential I consider this approach reasonable.
- 4.7 Recommendations

Before reaching a final decision on the application it is recommended that an arboricultural report is produced to BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations' that:-

- Justifies the removal of trees on a tree by tree basis.
- Individually considers each of the retained trees' future growth, facilitation and future pruning requirements, shading issues along with comment on apprehension, potential leaf litter issues and honeydew.
- Outlines root protection area infringement and possible solutions including ground protection and protective fencing. Additional comment on the type of foundations for dwellings and garages should also be included.
- A finalised Tree Protection Plan indicating location and specification of tree replanting (species, tree size, staking and pit size), protective fencing, ground protection, and special engineering solutions. It is advised that the indicative location of access, material storage, welfare facilities etc. should also be included.
- Appropriate arboricultural supervision during the development.

**RDC Environmental Services**

- 4.8 The Head of Environmental Services has no adverse comments in respect of this application, subject to the Standard Informative SI16 (Control of Nuisances) being attached to any consent granted.

**RDC Ecological Consultant**

- 4.9 The application is not accompanied by any ecological information. It is reported by neighbours that badgers, bats and great crested newts are all present on the site and the habitat would appear to be suitable for these species. The house to be demolished has the potential to support roosting bats and it is reported that there are three ponds within the site.
- 4.10 Without the information necessary to assess the ecological impact of the proposed development, the Council is not in a position to be able to assess the application in accordance with NPPF and therefore the application should be refused.
- 4.11 Before the application can be properly considered, a Preliminary Ecological Appraisal should be completed, along with any further survey work needed to establish the status of legally protected species on the site and the impact of the development proposals upon them. This is likely to include a bat survey of the house and any large trees and a great crested newt survey of any ponds. The application should also be expected to include a mitigation and enhancement plan that demonstrates how the development will result in net gains in biodiversity, in proportion to any impacts that are predicted.

**ECC Urban Design**

- 4.12 Development along Main Road has low density, semi rural characteristics with houses set back from the road frontages behind front gardens; there is generally a perception of a 'green' edge to the street. This characteristic has unfortunately been eroded in parts with front gardens replaced by hard standings.
- 4.13 My main concern in respect of these proposals is that this proposal will further contribute to this erosion with the loss of the garden/greenery to the frontage of Main Road. The new property proposed adjacent to number 179 Main Road [Plot 1] has very little space for planting, not only to the front, but also along its southern side elevation which will be exposed to views from Main Road. To allow more space for planting I would suggest that Plot 1 is set further back from the road and reduced in width. A reduction in the width of the building would also help reduce its bulk so that it does not appear shoehorned into the gap between the driveway and north boundary. Garaging to the property could be located to the rear, which would allow for more of the frontage to be garden.

- 4.14 In respect of the bungalows to the rear, the layout is staggered, which has consequences for properties that back onto the site from Bosworth Road. Within the sightlines from these properties, no breaks/gaps between the proposed buildings will be visible and it could appear that there was a long continuous building block across the width of the site. To mitigate the effects that the orientation of the buildings would have on the views from Bosworth Road trees should be planted in the rear gardens to Plot 5 and, if necessary, additional trees in Plots 3 and 4 (specification/location to be agreed by the Local Planning Authority).

### **ECC Historic Buildings and Conservation**

- 4.15 This is an outline application for residential development and is of conservation interest only in as much as the creation of access to the site would involve the relocation (demolition) of the listed milestone in front of 177 Main Road.
- 4.16 This is referred to in the plans, but, as in the recent case of the milestone on Hall Road (13/91/LBC), listed building consent is required for this operation. Outline applications do not relate to listed buildings.
- 4.17 An application should be made, detailing the method of safely removing and reinstating the milestone.
- 4.18 This is essentially the same proposal as in the Hall Lane case, for which I recommended consent.
- 4.19 I can't comment formally on the present outline application but I could say, informally, that if they were to apply for listed building consent and included an acceptable methodology statement, I would have no reason to recommend refusal.

### **ECC Highways**

- 4.20 No objection, subject to the following conditions:-
1. Prior to commencement of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres to the tangent point to the north and 2.4 metres by 60 metres to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
  2. Prior to commencement of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

3. Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
4. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
5. Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be greater than 6 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/verge.
6. The existing vehicular crossings shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the reinstatement to full height of the highway footway kerbing, to the satisfaction of the Highway Authority immediately the proposed new access is brought into use.
7. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 4.8 metres for at least the first 6 metres within the site, tapering one sided over the next 6 metres to 3.7 metres and provided with an appropriate dropped kerb crossing of the footway/verge.
8. All single garages should have a minimum internal measurement of 7m x 3m.
9. The garages shall be sited a minimum distance of 6m from the driveway.
10. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
11. Prior to occupation of the proposed development, the developer shall be responsible for the provision and implementation of a Travel Information and Marketing Scheme for sustainable transport, approved by Essex County Council.
12. Prior to the commencement of works on site the applicant shall indicate in writing to the Local Planning Authority an area within the curtilage of the site for the reception and storage of building materials clear of the highway.

**4.21 Further comments:-**

1. There have been 3 reported accidents within the last 5 years on Main Road. One at the junction of Tudor Way, one within the vicinity of Hill Lane and one at the Hawkwell Park Drive junction. All these incidents were caused by driver error and are not related to this application. Visibility is considered acceptable for this access.
2. The passing area at the junction will be acceptable for this development and additional passing areas are not considered to be necessary. Drawing number 1380-1-15 shows a passing place opposite the visitor parking area and there is a size 3 turning head at the end of the private drive.
3. It is not considered that the siting of any street lighting around the access would create a black spot.

4.22 The attached is the accident data that I requested for a 5 year period, which you may find useful. The position of the Highway Authority remains the same.

4.23 I can confirm that the size 3 turning head as shown on the plan is adequate.

**Natural England**

4.24 Hockley Woods SSSI does not represent a constraint in determining this application.

4.25 If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or Biodiversity Action Plan (BAP) species on site, the Authority should request survey information from the applicant before determining this application.

4.26 The proposed development is within an area that could benefit from enhanced green infrastructure (GI) provision.

4.27 This application may provide opportunities to incorporate features into the design that are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The Authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission.

4.28 This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.

**Anglian Water**

4.29 No comment

**London Southend Airport**

- 4.30 No safeguarding objections

**Essex Police**

- 4.31 Firstly, any issues over the suitability of accesses into developments should be discussed with the County Council Highways people; Essex Police are not consultees in this respect. The following information should be of assistance:-

8 May 2010, 1314hrs, outside of 186, 2 cars and brick wall damaged.

6 December 2010, 0730hrs, outside of 184, 1 car and telegraph pole.

16 October 2011, 0829hrs, 3 cars, 100 yards from Hill Lane. No description unfortunately which side of Hill Lane.

13 November 2012, 1435hrs, 2 cars. As previous, 100 yards from Hill Lane. No description unfortunately which side of Hill Lane.

15 March 2013, 1937hrs, 2 cars, described as 200 metres east of Hill Lane.

2 June 2013, 0650hrs, outside of 179, 1 car into a fence and telegraph pole.

**Neighbours and Local Residents**

- 4.32 Responses received from 17 addresses (4 Tudor Way, 14 Bosworth Close, 179 Main Road, 169 Main Road (x3), 6 Bosworth Close (x3), 2 Tudor Way, 6A Tudor Way, 8 Bosworth Close, 12 Bosworth Close, 25b Belchamps Way, High Road Rayleigh no specific address given, 18 Dene Gardens Rayleigh, 166 Hockley Road Rayleigh, 184 Main Road Hawkwell, 18 Bosworth Close, 4 Bosworth Close, 167 Main Road Hawkwell), which can be summarised as follows:-

- Thought we were stopping development on rear gardens?
- Over-development to site. With the new proposed road into this, it will create noise and pollution from the cars with the garages and drives right behind our garden.
- The current owners of the site have already cut down a mature oak tree plus a mature willow tree in preparation for this site and we understand that they propose to cut down the rest of the mature trees on the site!
- If this development were to go ahead we feel that this would seriously disrupt the quiet and peaceful space we have become used to.
- We also feel that there would be too many properties crammed onto a small space impacting on noise levels.
- Concern about building noise, dust, disruption to our garden time, etc, along with having "people" effectively living at the bottom of what, at the moment, we feel is a very peaceful garden.
- Our house was built in about 1903 and it has never had any building directly next to it on the left hand side where the new four-bedroomed two storey house is planned.
- This house is extremely close to our house and not only will it block out a considerable amount of natural light, but it will strip us of the views we currently enjoy to the south and south west of our property.

- Altogether the new house will block out several external windows and 2 internal windows – living room, lounge, downstairs toilet, window in back door, 2 internal hall windows on stair landing, bedroom.
- We will be overlooked and our boundaries will become exposed to the public, which not only concerns us regarding security, but will affect our privacy.
- Having a new road along the side of our property will bring an increase of traffic, noise and pollution into our environment.
- Main Road is already an extremely busy road and several accidents have occurred along this particular stretch; it was only recently that a car smashed down our front fence. I do not agree to putting another access road which potentially 13 vehicles could be using; this does not include any service vehicles using the road.
- Opposed to any new buildings but if it is to be awarded permission, property would be better placed alongside and in line with no. 175, which has no windows on its north fascia and is a bungalow not a house.
- If reason why the original plans were altered was because of the new road entering onto Main Road was not in a suitable location, then it proves that questions and doubts have already been raised by Highways regarding the safety of this new road and how it enters onto Main Road.
- Milestone has existed prior to 1777; it should not be moved at all. These little bits of history and artefacts should be protected at all costs.
- Hawkwell is undergoing a massive housing development on the old Christmas tree site, which will eat up and destroy an awful lot of green land and wildlife; surely it isn't necessary to demolish a perfectly sound property and replace it with 5 new dwellings, destroying even more green land disturbing wildlife and causing a lot of upset and worry to the surrounding residents.
- We have spoken to most of the surrounding neighbours who will be affected; everyone is opposed to the plans being granted.
- This is creating a lot of ill feelings and anger in the community, which will worsen if permission is granted.
- Object to number, size, layout of the proposal.
- The impact on the neighbourhood, with the consequent loss of amenity, it will change the nature, quality, of the area.
- There will also be a significant impact on the privacy of the adjoining properties.
- There will also be major problems with the effects on traffic visibility as there have been numerous accidents in the immediate vicinity.
- The development cannot be in harmony with the surrounding residential space.
- There will be significant overlook into the private spaces of adjoining properties due to the slope in the hill of some 20ft.
- Many of the proposed gardens of the new properties will not benefit from direct sunlight for part of the day due to the proximity of nearby trees.
- The proposal to fell these trees, and then landscape the development is farcical. How will removing trees that are fully mature be able to be

replaced with landscaping? It will take the next 20/ 30 years to achieve this, and we may all be dead.

- The density and scale of the housing may be legal but it is not in keeping with the local area, and does not acknowledge the impact on the existing environment.
- The separation distances between the proposed buildings are poor, and are also very poor with the existing dwellings, in Bosworth Close, Main Road, and Tudor Way.
- Also if this application is granted, there is nothing to stop the potential new owners applying in a couple of years to put in dormer windows and again the overlook would be worse and we would all be involved in another round of objections, etc.
- The "sight splay" at the access point is also very debateable, as this is a very accident prone area, indeed a "black spot"
- There will be 10 cars for the properties, and 3 visitor spots; this will mean there is a likelihood of numerous movements every day.
- According to the records in the last three years within 200 metres of the access point there have been 4 accidents, plus 1 serious accident.
- This application was submitted after the wanton destruction two months prior of a mature horse chestnut, plus two others (believed to be oaks)
- Now with the proposal to fell another 4 mature trees to accommodate the density of the development, this is a major impact on the environment. There should have been a tree survey taken to assess the condition, size and location of these trees.
- Even the most opportunistic of applications would have been unlikely to succeed if they proposed the removal of 7 mature trees from a site, hence the prior removal. The remaining trees should be retained to screen the development.
- There is a major issue with the removal of seven large mature trees from the area. This will have a major impact on the water table within the area; the biggest cause of ground heave is the removal of trees. The amount of water that the trees have taken out in the past will now flow down hill. I would point out that the site does not slope only west to east as stated, but does also slope south. Therefore this water will descend towards a number of properties and change the water table levels, which could cause damage.
- It would seem logical that in the absence of any environmental survey that I would seek an indemnity from the Council, developer, and land owners against this happening.
- We could also have the ludicrous situation that in the future the new owners of the proposed dwellings take action to remove the trees that are blocking the light to their house or garden.
- Also it is necessary to point out that there has not been any mention of badgers. Again there has been no ecological assessment of the area. We know there are badgers in the vicinity and believe they have a sett on the adjoining land, as we are visited quite often, and the access points to our and adjoining properties are very noticeable.

- As the summer is now here we have the pleasure in the late evening to see bats in and around our ponds, and around the trees at the bottom of the garden. This again has been ignored; they could be in any number of the trees in the vicinity and without any form of survey the planning application should not go ahead.
- Overcrowding and introducing a road to the rear of the property which has a short garden, thus noise factor and intrusion, especially plot 4.
- The proposed siting of plot 4, bungalow, will create permanent loss of privacy at the rear of my small garden.
- Plot 4 application is for a large intrusive bungalow on top of my garden contravening planning legislation of a minimum 10 metres distance from rear of my garden.
- Because previous planning was permitted for 4 three storey houses, built in Tudor Way – which all overlook my garden extensively (parallel to my property), including my kitchen and lounge - the rear end of my garden currently is the only area that has limited privacy. With the proposed development I will lose all privacy.
- The access road for this development is located dangerously near to an already congested sharp bend and bus stop. This includes a busy entrance to a village hall diagonally opposite. This main road frequently takes a high volume of traffic.
- A further 600 properties are shortly to be completed within a 3 mile radius and this will greatly exacerbate the traffic flow, thereby increasing additional dangers to and from access to this service road.
- Conditions:
  - If planning is unfortunately approved, no permission to be granted at any time for further development regarding dormers, windows in the roof or loft conversions.
  - Permission not to be granted for sun roof energy panels either during the build or at any time in the future.
  - A 2 metre feather boarded fence, concrete posts, and gravel boards, topped with 1 foot trellis to be supplied and erected by the builder prior to commencement of buildings on site.
- What plans are being made to deal with the site badgers, bats and squirrel and bird population?
- I find it hard to imagine just how difficult new residents would find exiting and trying to safely turn right across the traffic flow. Particularly as there are several hundred new properties already in progress within a short distance that will add immense pressure to the already busy road.
- I don't think there is sufficient visitor parking. Tudor Way is already plagued with visitor parking to main road residents and I foresee this only getting worse if this development is allowed. There is already no policing of the current parking in the area with cars struggling to find spaces and daily parking within just a few metres of the junction of Tudor Way and Main Road making safe exiting even harder.
- Don't feel it is in harmony with the surrounding area we live in.
- Is this application absolutely fundamental to the Council's need to provide for new housing? I feel there is already a burgeoning amount of

development around that already potentially distorts the balance of Hawkwell and see this development as unnecessary at this time and would rather see Hawkwell and Hockley settle down from the other developments.

- I object to the proposed positioning of the garage block alongside my boundary. Why would they propose building the garages abutting the boundary rather than at least a metre back? The garage blocks show pitched roofs running down to the boundaries; how will the guttering and water runoff ever be maintained when the buildings are set against the boundary?
- I feel the extent of development is excessive with five properties and separate garage units being built on a relatively small site. This is not within keeping of the area, is overcrowded, out of scale and has only been structured this way to maximise profit rather provide a suitable environment of the neighbourhood.
- In addition to light there is the noise generated from additional traffic and use of garage blocks in close proximity.
- It does nothing for the local area, no affordable housing, even more pressure on the local school and doctors.
- Cars giving off exhaust pollution.
- Will the refuse be collected from the main road or will I have dust carts coming past my rear fence, the extra traffic needing access to the main road will add to an already nasty bend.
- Hawkwell must by now have done its fair share of development e.g. the Christmas Tree Farm and this may be a time for us to say enough is enough.
- I understand currently Hawkwell has met a criteria for required building. I now understand there is a loophole or back door that builders/developers can use (windfall planning).
- Reasons for not granting sun roof panels include a blinding glare reflected from them and obtrusive to suddenly view them, together with aerials/satellite dishes.
- Existing low level building could have asbestos roofing. I would like assurances that should the building be removed, this will be an authorised asbestos company.
- Parking will bring an inevitable increase in engine noise and pollution unacceptably close to those of us whose rear gardens border the area. Sandwiching us between the normal traffic at the front of our homes and the new extra traffic at the rear.
- Moving number 177 Main Road forward will block out the light and views from number 179 Main Road's existing side windows, which will be only a couple of metres away from the proposed new location.
- I have looked at the plans, and there are far too many houses for this amount of land, also blocking surrounding neighbours light; this will also devalue houses near by.
- The proposal includes the moving of a historic roadside milestone that has been in situ for over 250 years. Although only a minimal distance the principle should be that "a mile is not a mile and a bit but exactly a mile".

Such interference with our roadside Heritage must stop or all milestones will in time suffer the same fate.

- Increase in use of the already overloaded main sewer by the replacement of one household by five.
- Additional load on the overhead electricity supply by adding four more households to the supply.
- The private access road to the new buildings is too narrow and has inadequate splays to the main road such that further congestion will be caused to users of Main Road (the road is already congested and overloaded for much of the day).
- The proposed entrance to the re-development from the main road is at a traffic sensitive point near to the right angle bend in Main Road and will substantially increase the likelihood of road accidents at an already accident prone part of Main Road.
- Bosworth Close is a peaceful residential area and these additional properties will generate undesirable and considerable noise.
- The access road required for the development will be dangerously close to a very steep bend, where there have already been several accidents as Main Road is now a very busy road made worse since the opening of Cherry Orchard bypass.

#### **Members of the Public Outside of the Rochford District**

4.33 Responses received from 17 addresses (89 Rose Heath Chadwell Heath, 37 The Gables, 40 Marguerite Drive Leigh-on-sea, 3 Kensington Road Southchurch, 140 Eastwood Road North Leigh-on-sea, 2 Buchan Close Braintree, Flat 3 Glendale Gardens Leigh-on-sea, 65 Christchurch Road Southend-on-sea, 32 Gorseway, 398 Woodgrange Drive Southend, 67 Rowdowns Road Dagenham, 10 Trewarden Avenue Iver Heath Bucks, 87 Fanshawe Crescent Dagenham (x2), 13 Halbutt Street Dagenham, 414 Victoria Avenue Southend-on-sea, 6 Moss Lane Romford, 45 Sycamore Avenue) which can be summarised as follows:-

- Blocks light from windows of neighbouring property. All her large windows are to the side of the large house looking at the plans.
- Takes away the views of the countryside and impact on countryside
- This should not be allowed; you are already allowing the building of 200 homes down the road.
- The impact of all the cars trying to get out on a dangerous road.
- Looking onto a brick wall.
- Too much building for the size of the site. I am sure that the Council will agree that private house builders' greed is no justification for cramming this modest plot with four houses and the gardens would be no more than patios.
- I oppose the work due to loss of light, vegetation and trees, noise and disturbance, too close to boundary.
- When someone buys a property, they put a lot of time and thought into where they want to invest their money. It is the biggest ever investment that most people will make in their lives. For a developer to come along

and completely change the immediate surroundings is thoughtless and unfair.

- Please, please consider people's lives and do not allow this over-development to go ahead.
- There is already far too much building work going on in that area.
- Infrastructure does not support the development of more homes.
- Over-development in what is soon to become a very overpopulated area

## **5 MATERIAL PLANNING CONSIDERATIONS**

### **Principle of Residential Use**

- 5.1 The site is designated for residential use within the Local Plan 2006 and therefore the principle of residential development here is considered acceptable. During the consultation process reference has been made to the 176 new homes being constructed at the nearby Christmas Tree Farm site. Whilst the 176 new homes at this site meet the quota for release of land from the Metropolitan Green Belt (MGB) for residential development in Hawkwell, this does not stop sites within the residential area of Hawkwell coming forward which can equally contribute to the future housing allocation for Hawkwell and reduce the pressure to release further MGB sites in the future.
- 5.2 Policy H1 of the Core Strategy resists the intensification of smaller sites within residential areas. However, it goes on to state that limited infilling will be considered acceptable, and will contribute towards housing supply, provided it relates well to the existing street pattern, density and character of the locality. The proposal is for the infill of the frontage to Main Road also making use of large rear garden areas for residential development. The density and character of the development is considered to be acceptable for the locality and would contribute towards the housing supply of Hawkwell.

### **Layout**

- 5.3 The site would be divided into 5 plots with a house fronting Main Road and four bungalows positioned to the rear of the site in a small cul-de-sac. All of the proposed dwellings have an area of garden/driveway to the front/side and an enclosed garden to the rear. Each of the proposed dwellings would be positioned so that a private rear garden of in excess of 100 square metres would be achieved. The site would have a density of 18 dwellings per hectare which is considered to represent an acceptable density level for this site and the location and would not be considered to represent over-development of the site.
- 5.4 The relationship between the dwellings within the site would be acceptable. The site slopes from west to east towards Main Road and north to south towards Tudor Way. As the maximum height of the bungalows to the western edge of the site is lower than those towards the eastern edge excessive overshadowing would not result and no dwelling would be considered to be overbearing upon another. No site level drawings are provided with this

application, therefore, the impact has been assessed on the basis of the maximum potential height proposed for each property at the land level where each property would be located. The detached garages would be set back from the bungalows and would not represent too prominent features within the layout and this is considered to form an acceptable arrangement.

- 5.5 The insertion of windows in elevations and dormers and roof lights within the roof areas, which would cause unreasonable overlooking and impact on privacy could be controlled by condition, if necessary, on consideration of the detailed appearances of the dwellings, which would be determined as a Reserved Matters application. The relationship of the dwellings on the layout proposed is not considered to cause unacceptable overlooking to other dwellings within the site that could not be controlled adequately by planning condition so long as bedrooms are not located in positions where their only window has the potential to generate unacceptable overlooking.
- 5.6 The layout includes a refuse collection point to the front, which is considered to be located in an acceptable position. The current size of this collection point is not wide enough for the quantity of bins within the Rochford District. 15 bins would need to be allocated for in this area on collection day. This area has the capacity to be widened within the existing layout to provide sufficient capacity for refuse collection.
- 5.7 The siting of a property fronting Main Road in the position shown for plot 1 is not, in layout terms, considered objectionable. The location of visitor parking to the northern boundary is considered an acceptable positioning for such parking. There is an area of land to the west of this but it is unclear as to whether this is intended to be front garden to plot 5 or a form of communal amenity space. Either proposition would not be considered objectionable but this should be clarified further at reserved matters stage.
- 5.8 1m separation distances are provided to all dwellings except at a corner point to plot 5, which narrows to 0.6m, but this is to non-habitable garage accommodation and it would still retain 1m along the majority of its length. A tandem relationship would not be formed here.
- 5.9 Policies CLT5 and CLT7 require open space and play space to be provided within new residential development. However, due to the small quantity of properties proposed and the large garden sizes provided, which are well in excess of the 100 square metre criteria, such provision is not considered necessary in this instance.

### **Scale**

- 5.10 Scale is a matter for consideration within this application. The house to plot 1 at the front of the site is proposed to be a maximum 8.65m in height, 8.5m in width and 16.96m in depth. The house would be in a prominent location visible from those using Main Road and from neighbouring properties. As the private drive would be located to the south of this dwelling, the side elevation

would be particularly noticeable. The ECC Urban Design officer raises concerns with regard to the width and suggests that a reduction would be more acceptable to reduce the cramped layout of this plot between the northern boundary and the private driveway and suggests the inclusion of soft landscaping along the southern boundary of this plot with a greater quantity to the road frontage. In addition to this, the depth is considered excessive considering the plot's visual presence within the street. Whilst the design would be considered in more detail at reserved matters stage the depth, along with the continuous walling shown to the side, would appear detrimental to the street scene here. Although there is a house to the south of the site, the visual presence of the proposed house due to its Main Road location, its prominent side elevation caused by the gap created by the private drive, its greater forward projection than the house at no. 175 and the more modest chalet and then bungalow at no. 181 located to the north, would create a property which would appear overbearing in this location. Therefore, the maximum scale of the proposed house would be detrimental to the appearance of the street scene here.

- 5.11 The overall maximum scale of the bungalows and detached garages would not be considered out of character with the surrounding area and would be acceptable.
- 5.12 The Lifetime Homes Standard, Code Level 3 for Sustainable Homes and on site renewable energy would need to be provided for and met in accordance with policies H6, ENV8 and ENV9 of the Core Strategy and this should be controlled by planning condition at reserved matters stage.

#### **Impact on Existing Neighbouring Properties**

- 5.13 The proposal to site a detached property to the front of Main Road immediately to the south of no.179 is not considered in principle to be objectionable. The current relationship includes no.177 set back a considerable distance from Main Road but it cannot be assumed that no development would ever take place to the area immediately to the south of no.179 in a position closer to the entrance to no.177. A detached house of the maximum scale proposed is not considered to be detrimental to the occupiers of no.179. Whilst it would be greater in height and scale than no.179 including a greater depth 2m beyond the rear elevation of no.179, there is an approximately 2.7m gap between the side elevation of no. 179 and the boundary with no.177 which assists in reducing the impact of such scale. The 45 degree angle, used to assess unacceptable overshadowing, would not be breached. Whilst SPD2 only requires this to be strictly applied in cases of first floor rear extensions to existing residential properties, it is a useful aid with which to assess the potential overshadowing of new dwellings.
- 5.14 Whilst there are several windows to the side elevation of no.179 that would experience loss of light caused by the new property, two of these windows serve rooms that have more than one window within them, including a lounge with bay window to the front and lounge/diner area to the rear with two sets of

patio doors. The other two ground floor side windows serve a utility room and toilet where protracted periods of time would not be spent. There is a bedroom window at first floor level which is the only window to this room. Whilst this window is likely to be the most affected from the proposal, the 3.7m distance between the side elevation of no.179 and the proposed dwelling would still allow some light through to this window and for this reasoning it is not considered that the impact to this window is considered sufficiently detrimental to justify refusal of this application.

- 5.15 Whilst the new access would run alongside no. 175, the main side elevation of this dwelling would be located 3.5m from the access and no windows to the main house are located within the side elevation of this dwelling. The access would serve 5 properties and although this would generate regular activity within this access, it is not considered to be of a detrimental level to justify refusal of this application. Similarly the refuse collection point, used infrequently, is not considered to be detrimental to the occupiers of no. 175. No. 175 is located 8.8m from the side elevation of the proposed house at plot 1, which is considered to form an acceptable relationship to ensure that unacceptable overshadowing would not occur. Concerns have been raised with regard to the impact of the proposal in terms of additional noise disturbance and pollution. Whilst the site would generate a greater level of activity, it is not considered that this would be to an unacceptable level, it is a comparison between the residential use of the three garden areas of no. 173, 175 and 177 versus the impact of 4 residential dwellings with gardens.
- 5.16 Plots 3 and 4 would be located at angles to the rear elevation of properties in Tudor Way. The rear elevations of properties in Tudor Way, at their closest point, would be located 25m from the bungalows. The Essex Design Guide explains that a minimum of 25m is considered acceptable to avoid unacceptable overlooking, this figure is reduced to 15m from the nearest corner where the backs of houses are at more than 30 degrees to one another, which is the case for plots 3 and 4. Plot 2 has a parallel relationship with no. 2 Tudor Way however, there would still be 26.5m between the rear elevations, which is considered acceptable. Although the land slopes down towards Tudor Way as well as down towards Main Road, due to the scale of the properties in Tudor Way and the distance between the rear elevation of the proposed bungalows and those in Tudor Way, it is not considered that they would appear excessive in scale.
- 5.17 A detached garage is proposed for plots 2 and 3 that would be located in close proximity to the rear boundaries with no. 2 and 4 Tudor Way and would rise to a maximum height of 5.45m. Although a large height for a garage, it is not considered that the impact to no. 2 and 4 by the scale of this garage would be sufficiently detrimental to justify refusal of this application.
- 5.18 The bungalow at plot 2 would be located 14.9m, at its closest point, from the existing bungalow at no. 173. However, as the proposed bungalow would be at a 90 degree angle to this existing bungalow, would not be located along its entire rear boundary and because the majority of the existing bungalow has a

distance of approximately 18m from the boundary the scale of the proposed bungalow with this relationship is considered acceptable.

- 5.19 The properties in Bosworth Close are modest semi detached chalets with garden areas 15m in depth. The proposed bungalows to plots 3 and 4 would be angled so that their rear elevations are more than 30 degrees to those at no. 6 and 8 Bosworth Close. The corner of plot 4 closest to the rear elevation of no. 8 Bosworth Close would measure 16.2m. This is not considered to generate unacceptable overlooking in accordance with the Essex Design Guide. A planning condition preventing the inclusion of dormers, roof light windows, solar panels, etc., where overlooking and visual impact from such later additions is considered to be a cause for concern could be attached at reserved matters stage. Plots 3 and 4 are downslope of no. 6 and 8 Bosworth Close with heights of 6.2m and 5.7m. Whilst the bungalow at plot 4 would be in close proximity to the properties at no. 6 and 8, due to the 15m lengths of their garden areas, the downslope positioning of plots 3 and 4 and the fact that they are bungalows, it is not considered that these proposed plots in terms of scale would have a detrimental impact upon the occupiers of no. 6 and 8 sufficient to justify refusal of this application. The visual quantity of built form spread between plots 3 and 4 would be far greater than the existing situation when viewed from Bosworth Close properties. However, the quantity of built form at single storey level is not considered to create an overbearing appearance that would justify a refusal.
- 5.20 The position of windows in the proposed properties is not yet known as the appearance of the properties is a matter to be determined at the Reserved Matters stage. Maintenance of an acceptable level of privacy to existing properties neighbouring the site and between properties within the site would be a consideration in such an application. The amount of glazing and the need to obscure glaze any openings could be controlled by condition.
- 5.21 If planning permission were to be approved, a condition requiring boundary fencing to be installed 2m in height and measured from the neighbouring properties land prior to works commencing, to limit the impact of construction works in terms of disturbance on the occupiers of neighbouring properties, could be attached to a reserved matters application.
- 5.22 As the land slopes from west to east as well as from north to south at this site the bungalows would have a slightly more prominent appearance at this site to the occupiers of properties in Tudor Way. However, due to the distances between the rear elevations, it is not considered that they would generate an impact sufficiently detrimental to justify refusal of this application.
- 5.23 The applicant should be aware that the NPPF states at paragraph 66 that ‘applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked upon favourably’.

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**Surface Water**

- 5.24 Concerns have been raised with regard to the removal of trees and the impact this would have on the water table in this location and the flow of existing drainage, which apparently runs from Bosworth Close through the site towards Main Road. Sustainable drainage methods that could include, for example, the use of permeable paving across the site, could be controlled by planning condition at reserved matters stage, which should help address concerns with regard to surface water flooding and also in relation to the flow of surface water towards the highway.

**Parking**

- 5.25 The Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010 requires that for dwellings with two or more bedrooms, two parking spaces should be provided off street per dwelling. Such spaces should also measure 2.9m x 5.5m or if they are provided within a garage the internal measurements should be 7m x 3m in order for spaces to be considered usable.
- 5.26 All of the plots would provide an individual parking bay on the driveway. These would measure 5m x 2.5m, which is the minimum rather than the preferred measurement, only to be used in exceptional circumstances. However, there is the capacity within the layout, shown on the hardstanding areas, to provide spaces measuring 5.5m x 2.9m; this could be controlled by planning condition. Without floor plan drawings it is not possible to confirm whether the garages to each plot would meet the 7m x 3m measurement criteria, measured internally. From the layout plan provided it appears that such measurements are possible and could be incorporated within the more detailed design stage at reserved matters. However, such a requirement could also be controlled by planning condition. Such conditions would ensure that each dwelling benefits from 2 parking spaces in accordance with the Parking Standards document.
- 5.27 The parking standard also requires the provision of visitor parking (unallocated) at 0.25 spaces per dwelling (rounded up), which on this site would equate to 2 visitor parking spaces. The proposed parking layout provides 3 visitor parking spaces. These also currently measure 5m x 2.5m, but have capacity to measure the preferred 5.5m x 2.9m size controlled by planning condition. Visitor parking should also include space for two powered two wheelers (which could be used in place of the third visitor space) and one visitor space should be to a disabled bay size standard, which could be provided within the area currently shown as visitor parking. Such requirements should also be controlled by planning condition.
- 5.28 As all of the properties proposed are dwellings with private gardens and garages there is no need to provide a designated space for the secure storage of cycles or disabled spaces.

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**Access**

- 5.29 All five properties would be accessed via a new private driveway to the south of the existing driveway. The access would measure 3.7m wide. ECC Highways has suggested a condition requiring the access to be constructed to a 4.8m width for the first 6m. This could be accommodated within the layout and could be controlled by condition. Other conditions are suggested by ECC Highways such as visibility splays, which could also be controlled by planning condition.
- 5.30 Concerns have been raised with regard to a number of traffic accidents that have occurred on Main Road close to the proposed new access. ECC Police has provided some data on this, although they make it clear that the acceptability or not of the new access is not a matter for the Police but that comments on this should be provided by ECC Highways department. ECC Highways department is not concerned with regard to this new access in terms of highway safety considering the number of accidents that have taken place. On this basis, it is not considered justified to refuse planning permission for this new access, south of an existing access.
- 5.31 The 3.7m wide driveway would allow provision for fire tenders, as long as it is capable of carrying a 12.5t vehicle. A size 3 turning head is shown, which is considered acceptable here.
- 5.32 A passing place is provided for within the design and, together with the widening of the access within the first 6m, would provide sufficient passing places for this scale of development. The site is located on a main road where access to public transport is available.

**Trees**

- 5.33 The layout plan shows 13 existing trees on the site with 5 identified for removal. No arboricultural report has been provided with the application. During the course of this application the Council's arboricultural officer visited the site and has placed a provisional Tree Preservation Order (TPO) (Ref: TPO/00006/13) on the oak tree to the south eastern corner of the site (labelled 0.6/16 on the block plan). However, no other trees are considered to score highly enough to be subject to a TPO and therefore removal of the 5 trees identified is not considered objectionable. A soft landscaping scheme would need to be provided identifying new planting and trees to offset the loss of existing trees on the site. This could be controlled by planning condition and dealt with at reserved matters stage or as a subsequent condition to a reserved matters application. The Council's arboricultural officer has asked for an arboricultural report to be produced before reaching a final decision however, it is not considered necessary to require this ahead of reaching a formal decision as it has been concluded that the trees proposed for removal are not worthy of retention anyway.

- 5.34 It should be noted that the TPO is provisional for the first 6 months or until the order is confirmed by the Council, whichever first occurs. The Council must consider any objections received before confirming the order. However, it is considered appropriate, for the purposes of assessing this application, to assume that the order will be confirmed. Regardless of the status of the TPO, the applicant did not seek to remove this tree as part of this application anyway and its impact on plot 2 must be considered here.
- 5.35 The oak tree subject to a provisional TPO is shown on the layout plan to have a spread extending across the corner of plot 2 covering half of this plot's garden area. However, during a visit it appears that its spread is actually greater than this, extending closer to the dwelling than depicted on the plans and therefore covering more of the garden area. Although a south facing garden, the spread of this tree would generate a lot of shade to the garden area of this property and the rear elevation windows that are likely at least to serve a lounge, which would commonly be located to the rear to provide access to the garden. This would not generate a particularly good environment for the occupiers of this bungalow both within these rear rooms and within the garden area and is likely to lead to pressure to cut back this TPO tree. This plot actually has the smallest garden area on the site layout but with the greatest impact in terms of tree coverage and the detached garage located to the west of the garden further compounds overshadowing to this garden. The National Planning Policy Framework (NPPF) states at paragraph 118 that 'planning permission should be refused for development resulting in the...loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss'. It has been considered that this tree is worthy of retention and it is not considered that the current layout at this site outweighs the potential future pressure the occupiers of plot 2 may place upon this tree. The layout could be amended to move this bungalow or remove it entirely from the proposal to reduce this impact.
- 5.36 It is considered that the lack of light to the garden area and rear windows and subsequently rooms to this property would be contrary to the high quality design sought within the core planning principles at paragraph 17 of the NPPF and policy CP1 of the Core Strategy and policy HP6 of the Local Plan, which identifies landscaping as a key issue in housing design and points to Supplementary Planning Document 2, which emphasises the inter relationship between trees and daylight.

### **Ecology**

- 5.37 No ecological information has been provided with this application, however, during the course of this application local residents have suggested that the site has the potential to serve badgers, great crested newts and bats. As a result, the Council's ecological consultant and Natural England were consulted for their specialist views.

- 5.38 The Council's ecological consultant advises that the habitat would appear to be suitable for these species and Natural England's Standing Advice also suggests such possibility. The Council has been advised that without the necessary information to assess the ecological impact, the Council is not in a position to be able to assess the application in accordance with the NPPF. SPD2 at paragraph 14.2 explains that applications for backland development will need to show that the proposal will not result in any adverse impact upon biodiversity; no information has been submitted to ensure that this would not occur. For this reasoning, it is suggested that the application be refused without such information as the potential implications of the proposal for ecological species that may be present on the site have not been sufficiently addressed.

### **Milestone**

- 5.39 As part of this application, there is a proposal to relocate the existing milestone. This would be relocated approximately 2m north of its existing positioning to allow for the position of the new access.
- 5.40 The ECC Historic Buildings Adviser has been consulted and advises that Listed Building Consent (LBC) is required for such works, however, although not able to comment formally, informally he advises that if they were to apply for LBC and included an acceptable methodology statement, he would have no reason to recommend refusal. SPD2 advises that applications for backland development will need to show that the proposal will not result in any adverse impact upon sites of historic importance. Whilst the proposal would require the re-siting of a milestone this is not considered to have an adverse impact on the milestone itself so long as the methodology for such relocation is sympathetic to the listed feature.
- 5.41 As a methodology of some form is likely to be considered acceptable here, it is not considered the Council would be justified in refusing the application due to the relocation of the milestone. The methodology for relocation could be controlled by planning condition.

## **6 CONCLUSION**

- 6.1 The development is considered to raise several areas of concern, which have resulted in suggested reasons for refusal on various counts.

## **7 RECOMMENDATION**

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

That planning permission be refused for the following reasons:-

- 1 No ecological surveys have been provided with this application. However, the habitat would appear to be suitable for protected species. Without the necessary information to assess the ecological impact, the Council is not in a position to be able to fully assess the application in

accordance with the National Planning Policy Framework. Supplementary Planning Document 2 at paragraph 14.2 explains that applications for backland development will need to show that the proposal will not result in any adverse impact upon biodiversity. No information has been submitted to ensure that such adverse impact would not occur and the potential implications of the proposal for ecological species that may be present on the site have not been sufficiently addressed.

- 2 The oak tree subject to provisional Tree Preservation Order Reference: TPO/00006/13 labelled 0.6/16 on drawing no. 1380-1-15 would create overshadowing and the loss of light to the rear garden area and rear windows and subsequently rooms to the proposed bungalow at plot 2. This would be contrary to the high quality design sought within the core planning principles at paragraph 17 of the National Planning Policy Framework and policy CP1 of the Core Strategy 2011 and policy HP6 of the Local Plan 2006, which identifies landscaping as a key issue in housing design and points to Supplementary Planning Document 2, which emphasises the interrelationship between trees and daylight.
- 3 The proposed two storey house at plot 1 is considered to have a detrimental impact on the street scene in this location contrary to parts viii) and x) of policy HP6 of the Local Plan 2006 due to the scale of the property proposed. The house would be in a prominent location visible from those using Main Road and from neighbouring properties. As the private drive would be located to the south of this dwelling, the side elevation would also be particularly noticeable due to the gap formed between the new property and no. 175. The depth, height and width of property proposed are considered excessive in this prominent location forming a property out of character and scale with the street scene in this location.



Shaun Scrutton

Head of Planning and Transportation

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**Relevant Development Plan Policies and Proposals**

Policies H1, H5, H6, CP1, ENV8, ENV9, CLT5, CLT7, T1, T3 and T8 of the Core Strategy 2011

Policies HP6, HP10 and UT2 of the Local Plan 2006

Supplementary Planning Document 2

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

National Planning Policy Framework

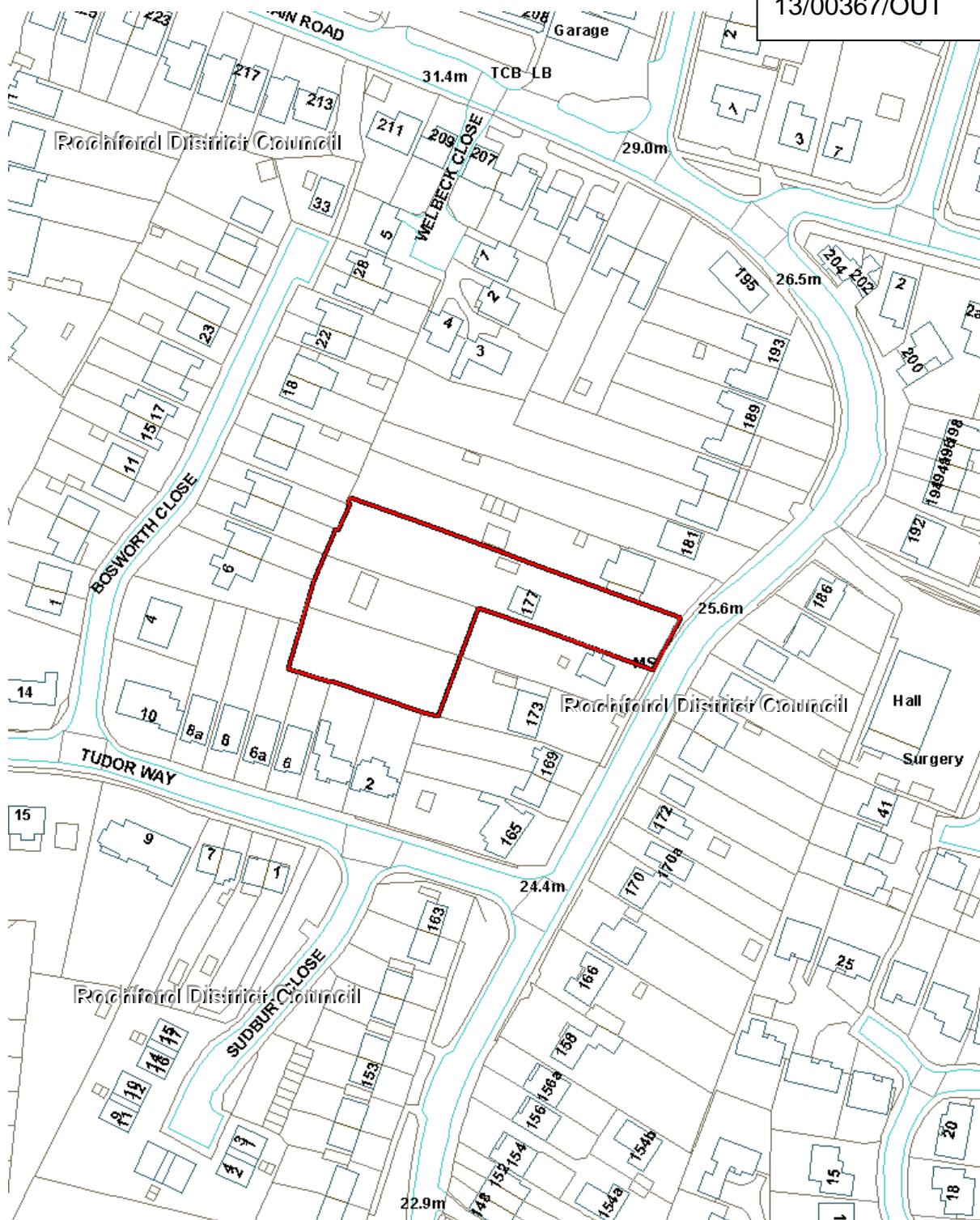
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