

**APPLICATION REFERRED FROM THE WEEKLY LIST****WEEKLY LIST NO. 1491 – 13 September 2019****19/00318/FUL****LAND ADJACENT TO 34 MOUNT CRESCENT, HOCKLEY****PROPOSAL TO SUB-DIVIDE PLOT AND CONSTRUCT A BUNGALOW****1 DETAILS OF REFERRAL**

- 1.1 This item was referred from Weekly List No. 1491 requiring notification to the Assistant Director, Place and Environment by 1.00 pm on Wednesday, 18 September 2019 with any applications being referred to this meeting of the Committee.

- 1.2 Cllr A H Eves referred this item on the following grounds:-

Essex Highways initially refused the application on the grounds of access/delivery during construction and on the proposed site parking aspect for the resulting residents. The second advice from Essex Highways does not deal with a number of issues appearing in the first response relative to the issues raised, notably oblique and restricted visibility when reversing onto Mount Crescent and construction traffic issues, which would be detrimental to highway safety, thus I believe the first summation from Essex Highways is still the determining factor.

Condition 3 on the second reply from Essex Highways notes that 'loading, unloading, reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic, shall be undertaken within the application site, clear of the highway.' This was stated due to well founded concerns over the highway safety impact surrounding the site during construction, being on a blind bend in the road. Anyone having visited the site will note that due to the size and aspect of the site the implementation of the condition is simply not possible, so cannot therefore be accepted as a condition, dealing with the previous grounds for refusal.

The first response from Essex Highways notes 'the alignment of parking bays parallel to the footway would require oblique vehicle manoeuvres with restricted visibility. Of particular concern is reversing out onto Mount Crescent with restricted visibility, which would be detrimental to the safety of all highway users. Any such vehicle manoeuvres would be detrimental to highway safety.' This matter has not been dealt with in any subsequent correspondence and

currently the second parking bay is still noted as being aligned with the highway.

It should be noted that the owner of the site has already separated the site and erected a fence around the plot that has restricted the view to traffic on the bend.

1.3 The item that was referred is attached at appendix 1 as it appeared in the Weekly List.

1.4 A plan showing the application site is attached at appendix 2.

## **2 RECOMMENDATION**

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

To determine the application, having considered all the evidence.

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

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**Appendix 1**

Application No: 19/00318/FUL                      Zoning: Residential  
Case Officer: Ms Katie Ellis  
Parish: Hockley Parish Council  
Ward: Hockley  
Location: Land Adjacent 34 Mount Crescent Hockley  
Proposal: Sub-divide plot and construct bungalow

**SITE AND PROPOSAL**

**Site and Context**

The application site is situated on a prominent corner plot on the eastern side of Mount Crescent and is relatively flat.

The application site forms part of the residential curtilage of No.34 Mount Crescent. The site has already been segregated from No.34 and a 1.8m high timber closed boarded fence has been erected on the periphery enclosing the site. No.34 Mount Crescent is a semi-detached chalet-style bungalow.

The area surrounding the site is residential in character and the street scene presents a mix of predominantly bungalows and chalet bungalows of similar form and appearance.

To the south is situated the rail line operated by National Rail running between Southend Victoria and London Liverpool street.

**Proposal**

Planning permission is sought to sub-divide the plot and erect a detached, two-bed bungalow fronting Mount Crescent. Two car parking spaces would be laid out on the frontage, as well as private amenity space at the rear. Vehicular access would be gained via an existing access onto Mount Crescent. The parcel of land forms part of the residential curtilage for No.34 Mount Crescent.

The proposed bungalow would be 'L' shaped with a maximum ridge height of approximately 4.7 metres with a gabled roof design. The maximum depth would be approximately 9.3 metres and the maximum width would be approximately 9.2 metres. The external materials proposed would comprise rendered elevations together with brick plinth and plain roof tiles.

A vehicular access is proposed to be formed onto Mount Crescent to serve the host dwelling, No.34.

An amended site plan has been received in the course of the application in response to officer concerns relating to vehicular access following an objection received from Essex County Council (ECC) – Highway Authority. The changes include an additional vehicular access that would serve No.34 Mount Avenue. A second re-consultation with ECC – Highway authority has taken place and their objection has now been removed.

#### Planning History

There is no relevant planning history that relates to this parcel of land.

#### Material Considerations

##### Principle of Development

The application property lies within the existing residential area where there are no specific allocation policies. Residential use is the preferred use of the site in planning terms. The main considerations are whether the development has an impact on the character and appearance of the area, the neighbouring occupiers and highway safety.

The National Planning Policy Framework (NPPF) encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting (including residential gardens). 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 where development would cause harm to the local area (para.70). Good design is a key aspect of sustainable development and is indivisible from good planning and proposals should contribute positively to making places better for people (para.124).

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 (para. 130).

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. Limited infill will be considered acceptable, and will continue to contribute towards housing supply, provided it relates well to the existing street pattern, density and character of the locality. The SPD (SPD2) for housing design states that for infill development, plots should ordinarily be a minimum 9.25 metres wide, and that there should be a minimum distance of 1 metre between habitable rooms and the plot boundary.

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 seeks demonstration that infill development positively addresses the existing street pattern and density of locality and whether the number and types of dwellings are appropriate to the locality.

Whilst the principle of development is not objected to, the main issues and acceptability of the development are the material considerations explored below.

Impact upon the character and appearance of the area

The application site forms part of the residential curtilage for No.34 Mount Crescent. This part of Mount Crescent has a linear alignment that the proposed dwelling would follow.

The proposed plot would achieve a 11.6m plot width and 1m separation distance between the dwelling and flank boundaries in accordance with the Council's Supplementary Planning Document 2 – Housing Design.

The layout, scale and bulk of the development are comparable to that of other dwellings in the vicinity of the site as well as the immediate surroundings.

A traditional design has been applied to the dwelling whereby it would be finished in render with brick plinth together with plain roof tiles; the design and appearance would be sympathetic to the surrounding streetscene. The massing would be generally well articulated with horizontal proportioned double and triple casement fenestration together with a perpendicular front gabled roof projection creating a well-balanced building. The articulated form of the proposed dwelling would create visual interest.

The proposed dwelling appears to be proportionate in scale with surrounding dwellings within the area. It is therefore not considered that the scale, bulk, height and appearance of the proposed dwelling would result in demonstrable harm upon the character and appearance of the area.

There would be little space to accommodate soft landscaping to the site frontage to soften the appearance of the development in the street scene however, the site has only a modest frontage such that the lack of significant soft landscaping would not be considered detrimental to visual amenity in the street scene. Some soft landscaping in the form of a low-level hedge could be accommodated and the site frontage is separated from the highway by a highway verge. The proposal would comply with the stipulations of policy H1 of the Core Strategy and DM1 and DM3 of the Development Management Plan and the NPPF.

Impact upon neighbouring amenity

There would be an approximate 8.4m distance from the rear of the proposed bungalow to the western flank of No.32 Mount Crescent which adjoins the rear

boundary of the site. A 1m distance would exist between the proposed dwelling and No.34 Mount Crescent. The proposed dwelling would be single storey in nature, and it is considered that there would be sufficient distance between the proposed dwelling and the existing dwellings to the north and east so as not to have a significant overbearing impact upon the neighbouring occupiers or overlook their private amenity space.

A window is proposed in the southern flank elevation that relates to a bathroom; however, this window would face onto the highway and therefore, it is not considered that this window would have an adverse impact in terms of overlooking upon neighbouring occupiers.

The proposed development is considered to comply with policy DM1 and DM3 of the Development Management Plan.

Living conditions for future occupiers

Garden Sizes

The NPPF seeks that the creation of places are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

The SPD2 requires a minimum 100m<sup>2</sup> garden areas for all new dwellings; however, there are exceptions to this requirement. Bungalows with two bedrooms as is proposed here can have a minimum private garden area of 50m<sup>2</sup>. The proposed development provides rear private amenity space of 149m<sup>2</sup> which would exceeds this requirement.

Sustainability

The Ministerial Statement of the 25th 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.

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.

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 standard March 2015.

The proposed dwelling would be a two-bed property. A two-bed, 3-person dwelling would require a minimum Gross Internal Area of 61 square metres with 2 square metres of built-in storage. The dwelling would have a GIA of some 63 square metres including space to accommodate some 2 square metres of built-in storage. The proposed dwelling would meet the national space standard.

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 standard 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.

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.

#### Impact upon highway safety

The proposal would result in a two-bedroom dwelling. The Parking Standard SPD requires two on-site vehicle parking spaces. The site would provide a hard standing to the front of the property that has the potential to accommodate two vehicles within the sizing measurements of the SPD. The proposed dwelling would utilise an existing vehicular access onto Mount crescent.

As part of this proposal, a vehicular access is proposed to be formed to serve the host dwelling, No.34 Mount Crescent and two on-site car parking spaces measuring to the preferred size requirements set out in the adopted parking standards would remain.

It is not considered that the proposed development would be to the detriment of highway safety or the free flow of traffic and it is therefore considered to comply with EPOA Parking Standards and policy DM30 of the Development Management Plan.

#### Ecology and Trees

There are no trees located on the site. It has been noted from google images that a hedgerow once enclosed the site. A site observation established that this hedgerow has now been removed from the site to accommodate the proposed dwelling.

Policy DM25 looks to conserve existing trees and hedgerows. The hedgerow that has been removed to facilitate the development did have an amenity value to the site and street scene but not a high public amenity value and therefore, no objections are raised.

No ecological surveys have been provided with this application; however, the habitat would not appear likely to be suitable for protected species given that the site is situated within a built-up urban area.

**Representations:**

ECC Highway Authority –

First Response dated 17 July 2019

Objected on the grounds that the Highway Authority will protect the principle use of the highway as a right of free and safe passage of all highway users. The parking provision is considered to be inadequate for the dwellings as proposed. The proposal if permitted would set a precedent for future similar developments which would likely lead to inappropriate parking detrimental to the general safety of all highway users and undermine the principle of seeking to discourage on-street parking in the locality. The proposal is therefore contrary to policy DM1 and DM8 contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Second Response dated 23 August 2019

The new plans are acceptable to the Highway Authority, subject to the following conditions:

1. 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 DM1.

2. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

3. All loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken within the application site, clear of the public highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.



Hockley Parish Council –

Object on the grounds that the proposal would represent back land development over-development.

Letters have been received from the following addresses;  
Mount Crescent – No.17, 32, 36, 38

And which in the main make the following comments and Objections;

- Legal title states no building within 12 feet of the highway which this building would contravene;
- The dwelling proposed does not follow building line;
- The number of vehicles that currently park at the property together with the addition of further car parking spaces and driveway would exacerbate safety hazards which increases the chances of accidents;
- The proposed car parking spaces cannot be used independently meaning that 2 cars will need to be moved into the blind bend simultaneously increasing the risks;
- The proposed parking restricts access and egress from the building in case of an emergency;
- Increase pressure on the existing drainage system;
- A small property on a parcel of land that is too small;
- Development at No.40 Mount Crescent cannot be used as a precedent;
- Question whether this type of development is required as other properties within the area recently constructed have not sold as they are not reasonably priced and unattractive;
- The site has already been sub-divided and installed drainage pipes prior to permission being given;
- The development would add pressure to existing drainage system;
- Overdevelopment contrary to the current pattern of development;
- The positioning of a dwelling on a blind bend would exacerbate highway safety;
- Adding a dropped curb would result in the loss of off-street parking;
- Out of character to existing pattern of development;
- The proposed dwelling would obstruct sight lines;
- Loss of light from fence panel;
- Overlooking;

**APPROVE**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in complete accordance with the following approved plans:

Drawing Nos. 790 Rev. A, 813 Rev. A.

3. Prior to the construction of the external walls of the development hereby approved, details of all external facing (including windows and doors) and roofing materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Such materials as may be agreed in writing by the Local Planning Authority shall be those used in the development hereby permitted.
4. The vehicular access as shown on planning drawing 790 Rev A. shall be constructed at right angles to the highway boundary and to the existing carriageway and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge and footway.
5. Two on-site vehicular parking spaces, each with a minimum dimension of 2.9m by 5.5m shall be retained at the site in perpetuity at No.34 Mount Crescent.
6. Two on-site parking spaces, with a minimum dimension of 2.9m by 5.5m shall be retained at the application site in perpetuity and available for use solely for the purposes of vehicle parking.
7. There shall be no discharge of surface water from the development onto the Highway.
8. No unbound material shall be used in the surface treatment of the car parking areas.
9. Part G (water efficiency) of the Building Regulations (2010) shall be met for the dwelling hereby approved and be permanently retained thereafter.
10. The development shall not be occupied before plans and particulars showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted, have been agreed in writing by the Local Planning Authority. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority, which shall show the retention of existing trees, shrubs and hedgerows on the site and include details of:
  - schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted including at least two trees (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 artifacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);
- existing and proposed functional services above and below ground level (e.g. 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.

**Relevant Development Plan Policies and Proposals:**

National Planning Policy Framework 2019

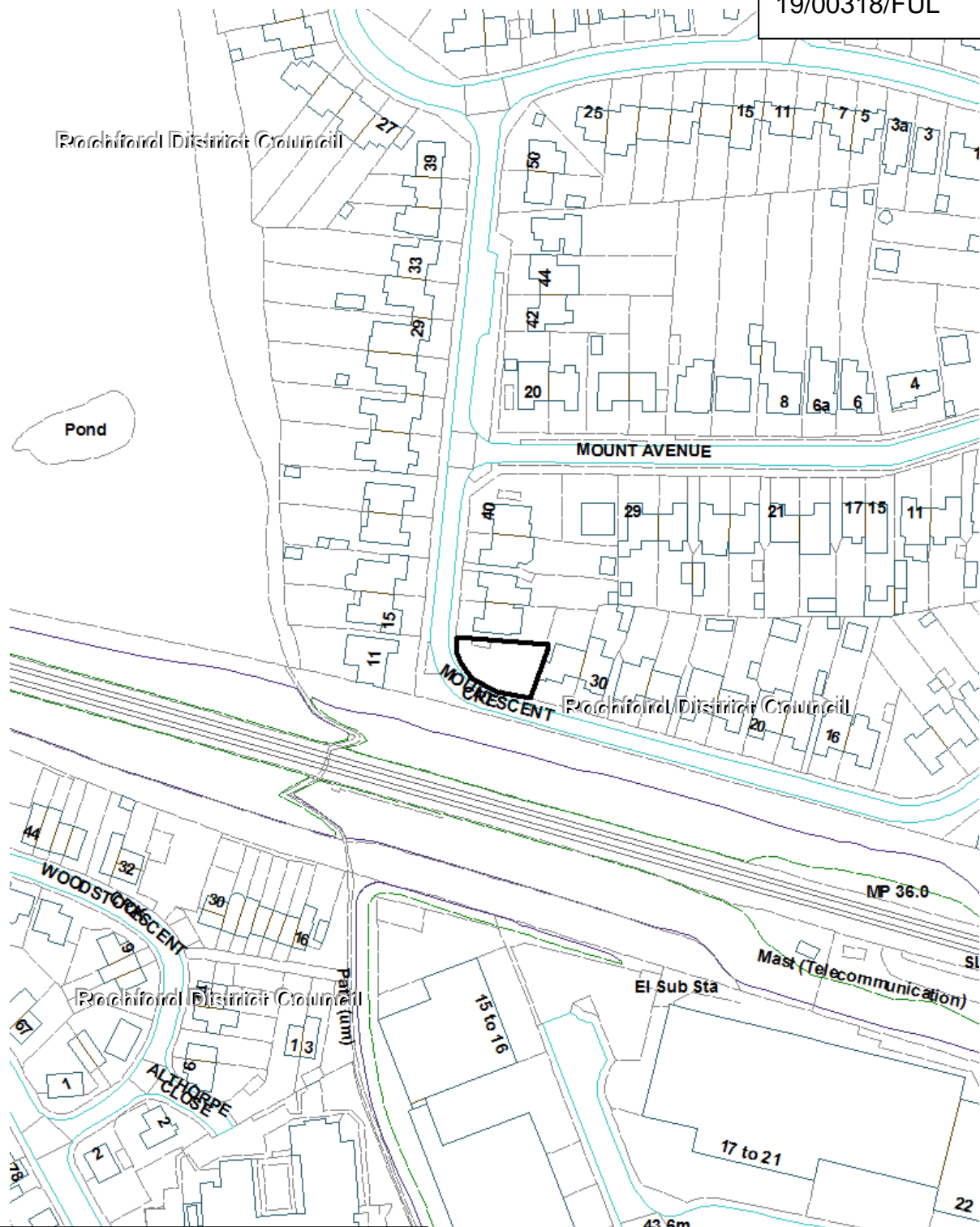
Nationally Described Space Standards

Core Strategy 2011 – CP1, H1, H6, ENV9

Development Management Plan 2012 – DM1, DM3, DM4, DM25, DM27, DM30

Parking Standards Design and Good Practice (2010)

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



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