



**Rochford District
Council**

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY
DEVELOPMENT COMMITTEE - 25 March 2010**

All planning applications are considered against the background of current Town and Country Planning legislation, rules, orders and circulars and any development, structure and local plans issued or made thereunder. In addition, account is taken of any guidance notes, advice and relevant policies issued by statutory Authorities.

Each planning application included in this schedule is filed with representations received and consultation replies as a single case file.

The above documents can be made available for inspection as Committee background papers at the office of Planning and Transportation, Acacia House, East Street, Rochford and can also be viewed on the Council's website at <http://www.rochford.gov.uk>.

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WARD MEMBERS FOR COMMITTEE

DOWNHALL AND RAWRETH

Cllr C I Black

Cllr R A Oatham

HOCKLEY NORTH

Cllr M R Carter

DEVELOPMENT COMMITTEE - 25 March 2010

REFERRED ITEM

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	Outline Application to Demolish Existing Dwelling and Construct 2 No. Detached Houses. 134 Downhall Park Way Rayleigh		

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REFERRED ITEM R1

**TITLE: 10/00022/OUT
OUTLINE APPLICATION TO DEMOLISH EXISTING
DWELLING AND CONSTRUCT 2 NO. DETACHED HOUSES.
134 DOWNHALL PARK WAY RAYLEIGH**

APPLICANT: MR DAVID NISBET

ZONING: RESIDENTIAL

PARISH: HOCKLEY PARISH COUNCIL

WARD: DOWNHALL AND RAWRETH

In accordance with the agreed procedure this item is reported to this meeting for consideration.

This application was included in Weekly List no. 1023 requiring notification of referrals to the Head of Planning and Transportation by 1.00 pm on Wednesday, 10 March, with any applications being referred to this meeting of the Committee. The item was referred by Cllr C I Black.

The item that was referred is appended as it appeared in the Weekly List, together with a plan.

1.1 **Rayleigh Town Council** – No objection.

NOTES

- 1.2 Outline planning permission is sought to demolish an existing dwelling and construct 2 detached houses at a site known as 'Sherbourne', 134 Downhall Park Way, Rayleigh. The matters for consideration in this application are access and layout. Scale, landscaping and appearance would be dealt with at a later stage in a "Reserved Matters" application if outline planning consent were granted for the proposed scheme.
- 1.3 The application site currently comprises one residential bungalow with its associated domestic garden within which there is an out building that was once used as a stable. There is a hard surfaced area in the eastern part of the site that is used for vehicle parking and accessed from the private road, which leads to the site from Downhall Park Way. The site is somewhat unusually located, with areas of the Sweyne Park Public Open Space parkland bordering the site on all sides; although to the east the site is in fairly close proximity to the edge of part of the built up residential settlement of Rayleigh. It should be noted that whilst most of the application site is designated as residential on the Proposals Map for the Local Plan 2006, part of the site is designated as part of the Public Open Space.

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- 1.4 This issue was addressed in the previous application where it was concluded that residential development of the site as proposed was in principle considered acceptable, notwithstanding the designation of part of the site as Public Open Space. This conclusion was reached on the basis that none of the land within the application site has ever been either owned by Rochford District Council or been part of the Sweyne Park Public Open Space (save for the access road to the site from Downhall Park Way, which was once owned by the Council although is now accepted as being a private driveway and not part of the Public Open Space). The site is currently and has historically been used as domestic garden for the existing bungalow on the site. Consequently it is considered likely that the designation of part of the site as Public Open Space was in error and that the principle of developing the application site for residential use is therefore acceptable.
- 1.5 This application follows the refusal in September 2009 of a similar proposal for outline planning permission at the site, reference 09/00420/OUT. In this application, however, the development proposed was to demolish the existing dwelling and construct 3 detached houses. This application was refused for three reasons:-
- 1.6
1. The proposed development would amount to an over-development of the site by virtue of the number, scale and height of the proposed dwellings, which would result in an increase in built form presence that would detract from the undeveloped character and appearance of the Public Open Space that surrounds the application site on all sides.
 2. The Local Planning Authority considers that an ecological assessment would be required to confirm the presence or absence of any protected species at the site as the site has large areas of grass and vegetation and is bordered by heavily vegetated areas of public open space on all sides. The ecological assessment that has been submitted is totally inadequate and consequently the Local Planning Authority cannot be satisfied that the proposed development would not have any adverse impact on protected species.
 3. The application site is bordered by land that contains trees and hedgerows that are in close proximity to the application site. These surrounding trees and hedgerows form part of the surrounding Public Open Space and have a high amenity value. The application was not accompanied by an adequate arboricultural assessment, which considered the impact that the proposed development would have on trees and hedgerows in close proximity to the application site. The lack of an adequate arboricultural assessment means that the Local Planning Authority cannot adequately assess the impact that the development, including the construction phase, would have on the longevity of the trees and hedgerows, which are in close proximity to the application site.

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- 1.7 Reason for refusal No. 1
In the previous scheme it was considered that the development proposed, consisting of 3 dwellings, each with a ridge height of 9 metres, would have a detrimental effect on the character and appearance of the Public Open Space surrounding the site. The existing bungalow on the site is fairly inconspicuous with a low ridge height, whereas the proposal for 3 dwellings would have introduced a significantly greater building mass to the site, which would have been readily visible from the public footpaths that run close to the site within the Public Open Space.
- 1.8 The applicant has sought to address reason for refusal no. 1 of the previous scheme by reducing the quantum and scale of development proposed.
- 1.9 In the current application, 2 dwellings are proposed with a lesser overall footprint to the 3 dwellings previously proposed and each of the 2 dwellings proposed would be lower in height than on the previous proposal. The overall mass of buildings on the site would be less than previously proposed. The footprint of each of the proposed dwellings shown on the submitted plans is approximately 151 square metres, which would result in a total of 302 square metres of building footprint on the site. This compares with the previous application where two of the three proposed dwellings were approximately 114 square metres in footprint, with the third proposed dwelling approximately 89 square metres, which would have resulted in a total of 317 square metres of building footprint on the site. The height of the proposed dwellings has been reduced from 9 metres to 6.9 metres to roof ridge.
- 1.10 As scale is a reserved matter in the current application, the applicant does not have to prescribe the exact scale height, width and lengths of each building proposed. However, the upper and lower limits for each of these scale parameters must be provided. The applicant has shown that the maximum height of each of the dwellings would be 6.9 metres from ground level to roof ridge and a block plan has been submitted showing approximate widths and depths for each of the proposed dwellings.
- 1.11 Although detailed elevations have been provided with the application, the scale and appearance of the two proposed dwellings is not a matter for consideration in this outline application; the precise architectural form and scale of the proposed dwellings would be dealt with at the "Reserved Matters" application stage where a detailed design will be considered.
- 1.12 Although this proposal would result in an increase in built form on the site as one dwelling would be replaced by two, the site is residentially allocated and the principle of residential development is therefore acceptable. In this particular case the application site is rather uniquely located surrounded by an area of Public Open Space and it is therefore considered necessary to give regard to the impact that the proposed development would have on the character and appearance of the surrounding Public Open Space.

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Whereas the previous proposal was considered excessive in terms of scale, such that the proposed development would have had a negative impact on the character and appearance of the Public Open Space, the current proposal is considered acceptable in this regard.

- 1.13 Although, the proposed ridge height would still be greater than the ridge height of the existing bungalow on the site, by approximately 2 metres, it is considered acceptable in principle to allow some increase in height as the site is residentially allocated and an increase in ridge height would not, by itself, have a detrimental impact on the character and appearance of the surrounding Public Open Space. It is considered that the proposed development would not detrimentally harm people's enjoyment of the public open space surrounding the site; as the two proposed dwellings would not be sited any closer to the western boundary of the site than the existing bungalow they would not overlook, have an overbearing effect on the public footpath to the west of the site or be intrusive visual features when viewed from a distance.
- 1.14 With regard to height, and as comparison, the property, No. 130 Down Hall Park Way, close to the site to the east, is approximately 8.76 metres in height to roof ridge. The proposed dwellings on the site will therefore be significantly lower in height than the surrounding houses to the east. In addition, due to the relatively flat nature of the site in relation to the surrounding land the appearance of the proposed dwellings will not be pronounced due to land levels in comparison to the surrounding public open space.
- 1.15 Whether the height of new dwellings is acceptable is usually dependant on the impact of a proposed dwelling on the appearance of the street scene to which it would relate and in relation to neighbouring properties to ensure that a proposed dwelling would not cause severe overshadowing to neighbouring properties. In this case, the proposed dwellings would not form part of a street scene, given the unusual location of the site, surrounded by Public Open Space, and would not be sited close to neighbouring properties such that the impact of the proposed height would be considered in relation to overshadowing concerns. In this case then, whether the height of the proposed dwellings at a maximum of 6.9 metres to ridge is acceptable is considered to be a judgment based on the impact that the proposed development would have by virtue of its height on the character and appearance of the Public Open Space that surrounds the site. It is considered that the height of the proposed dwellings should be taken, together with the proposed number of dwellings.
- 1.16 The proposed maximum ridge height of each of the dwellings at 6.9 metres, taken together with the proposal for 2 dwellings on the site, is considered acceptable in relation to the impact that this development would have on the character and appearance of the site in the context of the Public Open Space.

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- 1.17 Landscaping is not a matter for consideration at this outline application stage, but would be considered in a "Reserved Matters" application, which would follow if outline consent were granted. Landscaping could be required at this stage to help obscure the development from view from the public footpath, which runs close to the western boundary of the site.
- 1.18 No concern was expressed to the previous scheme at the site with regard to impact on the amenity of surrounding residential properties and the current proposal would also not be objectionable on these grounds.
- 1.19 Reason for refusal No. 2
On the previous scheme, this reason concerned the lack of an adequate ecological assessment to confirm the presence or absence of any protected species at the site and the impact that the proposed development would have on any protected species found to be present.
- 1.20 The applicant has attempted to overcome this reason for refusal with the submission of an ecology report.
- 1.21 The Council's ecological adviser has advised that the submitted report adequately considers potential issues with regard to legally protected species at the site, although advises that a more detailed mitigation strategy with regard to any reptiles found at the site should be submitted to and agreed by the Council prior to any development at the site. This requirement can be made the subject of a planning condition.
- 1.22 Reason for refusal No. 3
The previous scheme lacked an adequate arboricultural assessment to confirm the impact that the proposed development would have on trees and hedgerows in close proximity to the application site, given their high amenity value on areas of Public Open Space surrounding the application site.
- 1.23 The Council's woodlands adviser has advised that the arboricultural assessment submitted with the current application is adequate and raises no objection to the proposed development by virtue of impact on trees and hedges, provided a condition is imposed on the outline planning consent, if granted, to require the submission of further information prior to any development commencing at the site including a full arboricultural method statement and tree protection plan.
- 1.24 Although some concern has been raised as a result of consultation that some of the trees that were removed from the site prior to the application were protected, this is not the case, as there was and is not a Tree Preservation Order on the site.
- 1.25 Layout
The proposed layout is considered acceptable; the dwellings would each be sited on approximately equal and adequately sized plots with space about the properties.

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Substantial sized rear gardens, one measuring approximately 322 square metres and the other 438 square metres are proposed, which would exceed the Council's policy requirement of 100 square metres. The dwellings would not be sited significantly closer to the western and southern boundaries of the site, close to which public footpaths within the public open space are located.

- 1.26 **Access**
Access is a matter for consideration in this outline application and the vehicular access proposed to the site is via the existing vehicular access, which is off Downhall Park Way. This arrangement was proposed in the previous application and was considered unobjectionable. The Highways Authority again raises no objection to the proposed access, subject to conditions.
- 1.27
Whilst the Highways Authority initially requested the provision of a 1.8 metre wide footway along the length of the existing driveway the Highways Authority has confirmed that either this separate footway could be provided or a shared surface driveway provided at a minimum width of 4.1 metres, in accordance with advice in the Essex Design Guide, which advises that these types of shared surface driveways can be used where the driveway would not serve more than 5 properties.
- 1.28
Whilst a concern has been raised that the existing driveway access to the site is not wide enough to enable the creation of the 1.8 metre wide footway alongside an adequately wide vehicular access, without the removal of some of the existing hedgerow along the southern boundary of the site, which is located outside the site boundary on the public open space parkland to the south, the existing driveway can easily accommodate a shared surface driveway at a minimum width of 4.1 metres. The creation of a shared surfaced driveway would not require the removal of any of the existing hedge along the southern boundary of the site.
- 1.29
The Highways Authority does not raise any objection to the proposed level of parking provision for each dwelling and the provision proposed would meet the required parking standard. The Highways Authority would, however, require a condition to be imposed to ensure that all parking spaces provided are at 90 degrees to the eastern boundary of the site to ensure ease of parking at the site.
- 1.30 **Other Considerations**
A concern has been raised as a result of consultation regarding future ownership and maintenance of the existing wind turbine on the site. This application does not propose any works to, removal or re-siting of the existing wind turbine on the site. What may happen to the ownership of the wind turbine if planning consent were granted is not a matter for consideration in this planning application and is wholly a private matter and not a matter for the Local Authority.
- 1.31 **Environment Agency:** No objection.

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- 1.32 **County Surveyor (Highways):** No objection, but suggested conditions:-
- a) Footway to be provided between the site and Down Hall Parkway at a minimum width of 1.8 metres or a shared surface to be provided on the driveway at a minimum width of 4.1 metres
 - b) No unbound material to be used within 10 metres of the highway
 - c) Vehicle hardstandings minimum width of 2.5 metres by 5 metres
 - d) All parking spaces to be positioned at 90 degrees to the highway
 - e) A size 3 side turn turning head shall be provided
 - f) Parking provision shall be provided with a minimum standard of:
3 bed = minimum 2 spaces per unit
4 bed = minimum 3 spaces per unit
- 1.33 The following informatives are also suggested:-
- a) applicant should provide details of drainage from the driveway
 - b) applicant should provide lighting from the dwellings to the highway
 - c) applicant should provide sufficient area in the site for the construction vehicles
 - d) all works should be carried out to satisfaction of Area Manager South.
- 1.34 **Rochford District Council (Ecology):** Recommend planning condition:-
- The accompanying ecological report appears to adequately consider potential issues with legally protected species, although it should be noted that the reptile assessment has only been based on second hand observations, not on a survey in accordance with published guidance.
 - As such, and considering the proposed mitigation strategy within the report, it may be difficult to determine the appropriate level of effort required to remove reptiles from the site.
 - It is recommended that a condition is applied requiring the applicant to provide a more detailed mitigation strategy, including timescales, to be agreed by Rochford District Council and enacted before construction may commence.
- 1.35 **Rochford District Council (Building Control):** No objections or observations.
- 1.36 **Rochford District Council (Woodlands):** Recommend planning condition.
- 1.37 A tree survey and constraints plan (ref: 0S 118) has been supplied with the planning application.
- 1.38 The survey and constraints plan accurately describe the condition of the trees and grades them accordingly.

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- 1.39 As a condition of submitting further information for reserved matters the applicant should submit a full arboricultural method statement and tree protection plan. This is to be approved by RDC before any development occurs at the site.
- 1.40 Neighbours: 3 responses received from 2 addresses:-
- 1.41 Occupant of No. 126 Downhall Park Way
- Any extra build will have an impact on this adjacent area to the wildlife park.
 - During the week people park their cars at the end of this cul-de-sac and walk to the station, which not only adds to the parking problems of the area, but access to the proposed site via the emergency vehicles would be severely restricted.
 - If the building work did go ahead you wouldn't get any heavy plant along that stretch of road.
 - No objections to rebuilding of the current bungalow for a more modern dwelling, but adding more dwellings just for the sake of capital gain will have an impact both to the nature park and environmental area.
- 1.42 Occupants of No. 132 Downhall Park Way
- the existing site forms a natural habitat for a great deal of wildlife, including, I believe, badgers. The site has already been cleared of all habitation and large trees felled - this all done before the planning application was submitted.
 - Query if some of the trees were protected by a TPO; at the very least they provided a pleasant landscaped area. This is in complete contrast to the applicant's statement that the development would be eco-friendly. There is no information on how eco-homes would be built.
 - Current access is very slender and would cause difficulty for emergency vehicles, refuse etc, especially fire engines.
 - Increase in number of cars at the site would cause a nuisance to residents nearby.
- 1.43
- Bend in the road makes visibility from/to the access difficult and could prove to be a difficult junction where many residents and children walk to school.

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- The submitted plans misrepresent the boundary with the adjoining park, which misrepresents the width of the driveway. The driveway is not wide enough to provide a 1.8m footway and a vehicular access; this would necessitate removal of part of the park hedgerow.
- Overlooking and loss of privacy to nearby property.
- Loss of open landscape integral to the local area.
- 2 dwellings on small area would have a cramped appearance in comparison to the generous surroundings that are found across the estate.
- Application should be refused on the same grounds as the previous application

1.44 APPROVE

- 1 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.
- 2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 3 Plans and particulars showing precise details of the scale and appearance of the two dwelling houses hereby approved and landscaping of the site (hereinafter called the 'Reserved Matters'), shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced at the site. All development at the site shall be carried out in accordance with the 'Reserved Matters' details approved.
- 4 Each of the dwellings hereby approved shall be limited to a maximum height of 6.9 metres to roof ridge.
- 5 Full details of both hard and soft landscaping should be submitted in writing to the Local Planning Authority as part of the submission of any "Reserved Matters" applications concerning landscaping. These details should include:-
 - details of earthworks including the proposed finished levels or contours
 - means of enclosure and screening including boundary treatments
 - planting plans and written specifications including a schedule of plants-noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.

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- 6 Prior to the commencement of any development at the site a detailed survey of the site for reptiles shall take place, the results of which, along with details of any mitigation required as a result of this survey shall be submitted and agreed in writing by the Local Planning Authority. Any mitigation required shall be implemented in accordance with details agreed prior to the commencement of any development at the site or as otherwise agreed.
- 7 Prior to the commencement of any development at the site a full arboricultural method statement and tree protection plan for trees and hedgerows within the site and surrounding the site, as shown on the Tree Constraints Plan, should be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the details agreed in the arboricultural method statement and tree protection plan. Prior to the occupation of any dwelling at the site hereby approved details of the materials to be used in the construction of a shared surface driveway with a minimum width of 4.1 metres along its length and including a size 3, side-turn turning head, in the location shown on the block plan dated 18 JAN 2010, shall be submitted to and agreed in writing by the Local Planning Authority.
- 8 Prior to the occupation of any dwelling at the site hereby approved the shared surface driveway and size 3, side-turn turning head shall be completed in accordance with the details approved, maintained in the approved form thereafter and kept free from obstruction at all times for use for the turning and manoeuvring of vehicles.
- 9 Notwithstanding the car parking layout shown on the plans date stamped 18 JAN 2010, car parking shall be provided at the site in the position shown on the car parking layout date stamped 18 JAN 2010 with two spaces provided for each dwelling hereby approved orientated east-west rather than north-south, as proposed on the submitted car parking layout. Each car parking space shall have a dimension of 2.9 metres by 5.5 metres.
- 10 Materials to be used in the construction of the hard surface forming the car parking spaces at the site, shall be submitted to and agreed by the Local Planning Authority. Prior to the occupation of any dwelling on the site, hereby approved, the car parking spaces shall be completed in accordance with the details agreed and kept free from obstruction at all times for use for the parking and turning of vehicles.
- 11 Notwithstanding the site layout shown on the submitted Tree Constraints Plan, drawing number OS 118.A1.1, the site layout hereby approved shall be that layout shown on the submitted block plan entitled 'Layout and Amenity Space' and the Tree Constraints Plan, drawing number OS 118.A1.1 shall only be considered relevant for the purpose of showing the location of trees and hedgerows on and surrounding the application site and in connection with the submitted tree report.

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REASON FOR DECISION

The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area, to the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers in neighbouring streets.

Relevant Development Plan Policies and Proposals

HP6, Essex County Council, of the Rochford District Council Adopted Replacement Local Plan as saved by Direction of the Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004. (5 June 2009)

Supplementary Planning Document 2 (Housing Design)

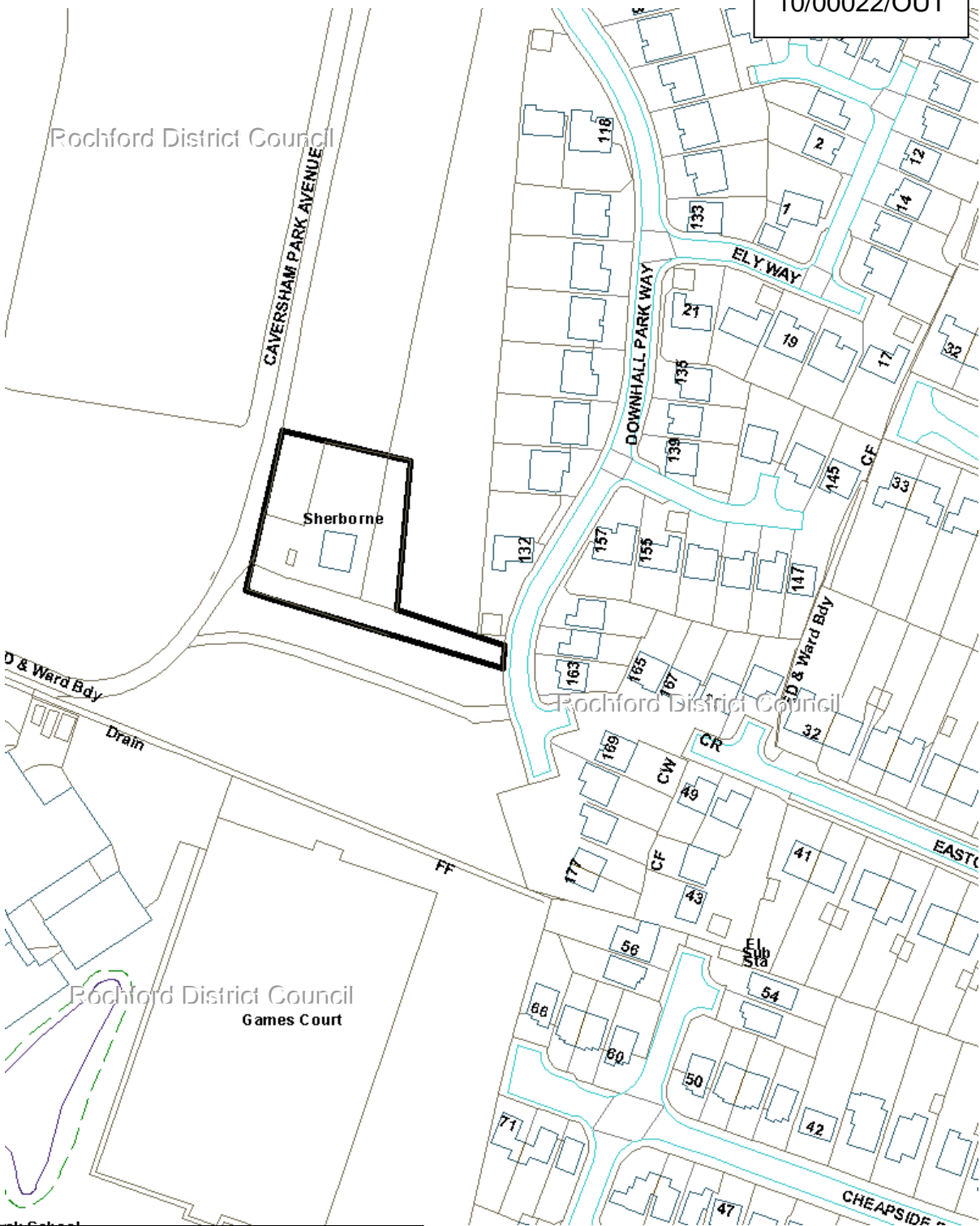
Parking Standards - Design and Good Practice September 2009



Shaun Scrutton
Head of Planning and Transportation

For further information please contact Katie Rodgers on (01702) 546366.

10/00022/OUT



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NTS



SCHEDULE ITEM 2

**TITLE: 10/00086/FUL
REVISED APPLICATION TO CONSTRUCT ONE DETACHED
FIVE-BEDROOMED HOUSE WITH INTEGRAL GARAGE, ONE
DETACHED FOUR-BEDROOMED HOUSE WITH INTEGRAL
GARAGE AND ONE DETACHED FOUR-BEDROOMED
HOUSE WITH DETACHED GARAGE WITH REVISED
ACCESS ONTO HAMSPTEAD GARDENS FROM PART OF 4
HAMPSSTEAD GARDENS
AT SITE OF 93 GREENSWARD LANE, HOCKLEY.**

APPLICANT: MR PETER JONES K W JONES AND SONS LTD.

ZONING: EXISTING RESIDENTIAL DEVELOPMENT

PARISH: HOCKLEY

WARD: HOCKLEY NORTH

PLANNING APPLICATION DETAILS

The Site

- 2.1 This application is part of a larger site formed from the extensive rear gardens to Nos. 93 and 95 Greensward lane and which returns at the rear onto Hampstead Gardens.
- 2.2 The larger site including the site frontage onto Greensward Lane has permission granted under application 09/00056/FUL to demolish No. 93 Greensward Lane and construct two houses fronting Greensward Lane and three other houses on the rear part of the site accessed from Hampstead Gardens.
- 2.3 The current application concerns a revised proposal for those three plots to the rear part of the site accessed from Hampstead Gardens and concerns a revised layout, revised designs to the detached garage and dwellings and revised access arrangement to this part of the site.

The Proposal

- 2.4 The current proposal compares with the previously approved application in that the three dwellings would be sited generally in the same position within the site as those approved.
- 2.5 The external finishes proposed show a combination of brickwork and render with oak grained UPVC windows and doors as since approved by condition to the previous permission.

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- 2.6 The revised application, however, has amended the house designs to meet the recently adopted parking standards. This has resulted in a revised detached garage design to plot 1 adjacent to No.12 Hampstead Gardens and the increase in length to the integral garage to plot 2. This has led to a modification to the bedroom above.
- 2.7 The dwellings have generally been revised internally and with revised side window details as well as slight changes to the overall size of the dwellings in comparison with those previously approved for this part of the site.
- 2.8 The dwelling approved to plot 3, adjoining No. 4 Hampstead Gardens, has deleted the detached garage in favour of an integral garage design. The inclusion of an integral garage has brought about revisions to the layout and design of this dwelling.
- 2.9 The layout of the front part of the site fronting Hampstead Gardens is also changed, being less in depth due to the exclusion of an area of land between the site and the highway boundary. Only one detached garage located at the northern end of the site features and the layout of the block paved vehicle turning and circulation areas within the site is revised.
- 2.10 The current proposal shows an alternative site access formed to the western side of the plot and including the end of the garden to No. 4 Hampstead Gardens. The previously approved scheme accessed more centrally from the turning head whereas this current proposal would access to the western side of the site. This new access would result in the loss of a silver birch tree, not previously considered.
- 2.11 The proposal is accompanied by the protected species survey and arboricultural report that accompanied the approved application.

RELEVANT PLANNING HISTORY

Application No. 08/00348/FUL

Demolish existing dwelling and construct 4 No. four-bedroomed and 1 No. five-bedroomed detached houses and two detached garages with accesses from Greensward Lane and Hampstead Gardens.

Permission refused 22 July 2008 for reasons of the absence of ecological information concerning the presence of protected species.

Application No. 09/00056/FUL

Demolish existing dwelling (No. 93) and construct 4 No. four-bedroomed and 1 No. five-bedroomed detached houses and two detached garages with accesses from Greensward Lane and Hampstead Gardens.

Permission granted 26 March 2009.

SCHEDULE ITEM 2

Application No. 09/00673/NMA

Application for Non-Material Amendment following approval at 09/00056/FUL
Permission refused 16 December 2009 for reason of being a material
amendment and requiring formal re-consideration.

MATERIAL CONSIDERATIONS

- 2.12 The principle of this form of intensification is accepted by the previous approval and is in accordance with the requirements of Planning Policy Statement 3: Housing (2006) and Policy HP2 to the Council's saved Local Plan (2006).

Accessibility and Highway Considerations

- 2.13 The site is located 0.5km from Hockley mainline rail station and within 1km of Hockley town centre. The site is within an urban area well served by public transport and close to services.
- 2.14 The recently adopted parking standards require the provision of a minimum of two car parking spaces for each of the houses proposed in this application.
- 2.15 The detached garage to plot 1 would have an internal width of 3.0m and internal depth of 7.133m and compliant with the recently adopted standard. The forecourt parking space is shown at 5.0m depth x 2.5m width but there is sufficient overhang in the paved area to provide the 0.5m space to open the up and over door and the additional 0.4m required for the forecourt bay width. As such, the proposed layout would satisfy the new standard for plot 1.
- 2.16 The integral garage to plot 2 would have an internal width of 3.446m and internal depth of 7.0m. The forecourt parking space is shown to 5m depth x 2.5m width but with sufficient overhang in the paved area to provide the 0.5m space to open the up and over door and the additional 0.4m required for the forecourt bay width. As such the proposed layout would satisfy the new standard for plot 2.
- 2.17 The integral garage to plot 3 would have an internal width of 3.653m and internal depth of 7.0m. The forecourt parking space is shown to 5m depth x 2.5m width but with sufficient overhang in the paved area to provide the 0.5m space to open the up and over door and the additional 0.4m required for the forecourt bay width. As such the proposed layout would satisfy the new standard for plot 3.
- 2.18 The revised access and manoeuvring arrangement within the site frontage was the subject of the previous application for a non-material amendment. Whilst it was considered this revision was material and requiring the current application, the County Highway Authority had no objection concerning the revised access arrangements to serve the three dwellings, as proposed. Whilst the comments of the County Highway Authority are awaited at the time of writing it is anticipated that there will be no objection raised to the proposal on highway grounds and that the alternative access arrangements are acceptable.

SCHEDULE ITEM 2

Boundary Treatment

- 2.19 The application shows the retention of existing boundary fencing to the outer boundaries of the site and the provision of the same style of fencing between the dwellings proposed. The application proposes a new 2.0m high close boarded fence to the length of the northern boundary and the return alongside the new access forming the shortened rear boundary of No. 4 Hampstead Gardens.
- 2.20 In the previously approved application Members sought a post and bollard demarcation between the former access to the site and existing driveways. With the exclusion of the intervening land from the application site and revised point of access this would no longer be required. The site boundary is currently fenced with a close boarded fence along the site boundary but this is in poor condition. The proposal would replace that fencing in a similar manner with no additional harm to the appearance of the street scene.

Density

- 2.21 The site to which this application relates has an area of 0.147ha. The three dwellings proposed equate to a density of 20.4 dwellings per hectare. In the consideration of the previous application officers considered that the alternative of three storey and flatted development, which would raise the density to a normally acceptable level, would have given rise to overlooking issues. Given the principle having been established by the previous consent no objection can be raised at the low density of this amended application for the same number of dwellings.

Gardens and Play Spaces

- 2.22 The proposed layout shows a rear depth to the plot 0.4m less than the previously approved scheme. However, the layout proposed would provide rear garden areas of 121 square metres to plot 1, 161 square metres to plot 2 and 124 square metres to plot 3 and each in excess of the Council's minimum requirement.

Landscaping

- 2.23 The application particulars include a revised landscaping scheme that features the same 10 No. trees already approved as part of conditions to the existing consent but in slightly different locations in some cases to accommodate the revised layout. The front parking and vehicle manoeuvring area within the site would be finished in block paving, also as agreed. The remaining areas of the site would be turfed.

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Overlooking

- 2.24 The proposed layout would site the proposed dwellings in excess of the minimum 25m distance required between dwellings backing onto each other.
- 2.25 The revised designs would provide first floor side facing bathroom windows. These upper floor windows would require obscure glazing in order to protect privacy between the proposed dwellings and with the occupiers of neighbouring dwellings immediately adjoining the site. A further condition is necessary to bring within control future windows that might otherwise be provided.
- 2.26 The retained and proposed side fencing would maintain reasonable privacy between the proposed flank ground floor windows that serve kitchen, W.C. , utility rooms and lounge areas within the buildings proposed.
- 2.27 These measures would ensure satisfactory privacy between the proposed and existing dwellings.

Scale and Form and Relationship to Nearby Dwellings

- 2.28 The proposed house to plot 1 would have an overall ridge height of 9.0m, the same as previously approved to the house on this plot. The footprint is also identical having an overall depth of 12.85m reducing to 10.85m and to a width of 8.55m within a 10.6m wide plot. As previously, the ridge line would be approximately 1.754m above the height of the adjoining house at No. 12 Hampstead Gardens and some 1.12m above the ridge height to No. 4 Hampstead Gardens, which both adjoin the site. The proposed dwelling would have a hipped roofed design achieving a satisfactory setting for the building and a degree of spaciousness and which is the same as previously agreed.
- 2.29 The proposed house to plot 2 would have an overall ridge height of 8.45m and lower by 0.3m in comparison with the previously approved house on this plot. The footprint is increased by the front extension of the integral garage to comply with the adopted parking standards by 2.0m and the depth of the single storey garden room is also increased by 0.302m. The first floor front overhang above the garage would be extended a further 1.4m. The hipped roofed design is retained, achieving a satisfactory setting for the building and a degree of spaciousness at the upper level of the building.
- 2.30 The proposed house to plot 3 would have an overall ridge height of 8.9m, the same as previously approved.
- 2.31 The footprint is increased by the front extension of the building of the western side to incorporate an integral garage to comply with the recently adopted parking standards. The increase in depth at ground floor equates to a further forward projection of 3.6m at ground floor and 1.311m at first floor. The design repeats the previously approved hipped roofed form.

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- 2.32 The revised designs are slightly lower than previously approved, but the same general design that would differ to the group of adjoining houses but would not prove harmful to the appearance of the street in officers' view.
- 2.33 The layout of the site would provide 1m side space within each plot and between the external face of the building and the site/plot boundaries and in accordance with the Council's standards.
- 2.34 The increase in size of the house to plot 2 would have a satisfactory setting to the street and relationship staggered with the adjoining dwelling proposed to plots 1 and 3.
- 2.35 The increased front depth to the proposed house to plot 3, adjoining No. 4 Hampstead Gardens, would retain a satisfactory relationship with this existing neighbouring dwelling because of the side space of some 5m between the walls of the existing and proposed dwelling to plot 3. This adjoining neighbour has responded to the neighbour notification with no objection to raise. The proposal would achieve a satisfactory relationship with the adjoining dwellings.
- 2.36 The previously approved application featured two detached garages to the front of the site. This revised application features only one detached garage in the same place as that previously approved to plot 1. The previous double garage had a width of 4.85m and depth of 5.45m with a ridge height of 5.18m.
- 2.37 The currently proposed garage would have a width of 3.43m and depth of 7.45m and with a ridge height of 4.336m.
- 2.38 Although a deeper structure, the reduced height above the fence line is considered by officers to have less impact upon those adjoining neighbouring properties. As such, the revised garage design would achieve a satisfactory relationship with those neighbouring occupiers.
- 2.39 The proposal does not conflict with Policy HP6 to the Council's saved Local Plan (2006).

Tree Issues

- 2.40 The accompanying arboricultural assessment concludes that while many of the trees on the site are healthy and, in the context of the greater site, many would be required to be removed, it would be preferred to see suitable re-planting. The Council's arboricultural officer agrees with this view and confirms none of the trees on the site are worthy of preservation.
- 2.41 The submitted details in the current application include landscaping details and proposed tree re-planting comprising the following:-

2 No. Common Hawthorn
2 No. Field Maple
1 No. Hornbeam

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4 No. Weeping Silver Pear
1 No. Silver Birch

to be planted in the front and rear garden areas of the site, together with retained trees.

- 2.42 The submitted report, however, does not include consideration of the silver birch tree to the garden of No. 4 Hampstead Gardens to be lost in the provision of the new access. This matter has been raised with the Council's arboricultural officer and comments are awaited at the time of writing.

Ecological Issues

- 2.43 A consultant for the applicant has found no evidence of bat roosts amongst the vegetation on the site although accepts the likelihood that bats would continue to forage the garden areas to the development.
- 2.44 The survey has included consideration of areas 30m from the site boundary seeking evidence of badger hair, paths or footprints. Evidence of digging was found on part of the site but with odour indicative of foxes. The consultant's report concludes there is no presence of badgers or suitable habitat for reptiles at the site. The Council's ecologist previously accepted these findings and no objection was raised with regard to the effects of the development with regard to protected species in the vicinity of the site.

CONSULTATIONS AND REPRESENTATIONS

- 2.45 **Hockley Parish Council:** Object to this "backyard development," considering there to be insufficient parking spaces for the extra thirteen bedrooms, with the attendant risk of increased congestion at the end of what is already a busy road at each end of the school day.
- 2.46 Members wish to comment on what they thought to be a pleasing design, which was a considerable improvement upon the previous application.
- 2.47 **Natural England:** No objection.
- 2.48 **Environment Agency:** Advises that the proposal falls outside the scope of matters on which the agency is a statutory consultee and therefore has no comment to make on this application.
- 2.49 **Woodlands Section:** Agrees with the report published by Essex Arb. Consulting Ltd. State that there are no trees worthy of preservation or retention via planning conditions. Recommend the planting scheme and method statement is part of conditions of planning consent, if permitted.
- 2.50 **Head of Environmental Services:** No objection to raise, subject to Standard Informative SI 16 (Control of Nuisances) being attached to any consent given.

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- 2.51 Two letters have been received from Nos. 12 and 19 Hampstead Gardens, which in the main raise the following comments and objections:-
- The proposed vehicle crossover from Hampstead Gardens towards the proposed properties is directly opposite the front of my house (No. 19) and will be a safety hazard.
 - My wife's car is parked on the road outside my house and furthermore the crossover appears to be directly opposite my driveway and house frontage.
 - Have grave concerns that this access will detract from my position at No. 19 and will have a detrimental impact on my property valuation.
 - Suggest this ought to be further round the corner where there is ample room.
 - During school start and finishing times Hampstead Gardens is especially busy with cars and the addition of three more properties will make congestion worse.
 - Most unhappy to endure the further noise and disturbance levels that additional properties will cause to a cul-de-sac that already has its fair share due to proximity to local schools.
 - Own the semi-circular piece of land (No. 12) between the site and Hampstead Gardens and believe the previously approved application (09/00056/FUL) is preferable for a number of reasons.
 - The new proposal shows a fence line directly in front of all three properties and do not think this would be in keeping with the rest of Hampstead Gardens, which are open plan.
 - The driveways on the previous scheme allowed better access to the proposed properties with access involving the minimum of passing in front of the adjoining properties.
 - The proposed road access is better in the approved scheme in that access is into a larger turning circle clear of existing access to Nos. 12 and 14 whereas the proposed access is onto a narrower part of the road which is restricted and especially at school times.
 - The previously approved scheme incorporated the semi-circular piece of land and this current proposal would retain it in the ownership of occupiers to No. 12. Whilst this land has been maintained by the present owner, future occupiers may not maintain or landscape this land.

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- Understand the builder has made this new application to alter the access because the alternative would be cheaper than buying the semi-circular piece of land I own. Because of the above objections I have offered to match that price and so there is no cost advantage to the builder for this new proposal.

2.52 One letter has been received from No. 4 Hampstead Gardens, which makes the following comments in support of the application:-

- Have no further comment or serious objection to the proposed revised development.
- Subject to the Council's decision on the application, the legal transfer of the portion of our front garden will be dealt with by our respective solicitors.

2.53 **RECOMMENDATION**

It is proposed that this Committee **RESOLVES** to **APPROVE** the application, subject to no adverse comments being raised by the Council's arboricultural officer with regard to the silver birch tree to No. 4 Hampstead Gardens and to be lost in the formation of the access proposed and to the following conditions:-

- 1 SC4A – Time limits standard
- 2 The development hereby approved shall be finished in external render with Desimpel Hathaway Brindle external facing brick for the external walling and Marley Mendip Pan tile in Antique Brown colour to the roof covering. The windows and doors shall be finished in light oak finish Upvc with Queen Anne lead lights. The development shall be finished in accordance with these materials or such other alternative materials as shall first have been submitted to and agreed in writing by the Local Planning Authority.
- 3 SC20 Pd Restricted Dormers
- 4 SC22 Pd Restricted Windows
- 5 SC23 Pd Restricted – Obscure Glazing
- 6 The development shall be implemented in accordance with the landscaping and planting scheme, as set out on drawing No. 1338-2-24 hereby approved. Such landscaping scheme or any variation to it as may be agreed in writing by the Local Planning Authority shall be implemented in its entirety during the first planting season (October to March inclusive) following commencement of the development or in any such phased arrangement as may be agreed by the Local Planning Authority.

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Any tree, shrub or hedge plant (including replacement plants) removed or 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 an agreed location within the first available planting season following removal.

- 7 Prior to the first occupation of the dwellings hereby approved a visibility splay of 2.4m x site maximum to the proposed vehicle accesses and as measured from the carriageway edge shall be provided with no obstruction over 600mm above the level of the adjacent carriageway.
- 8 Prior to the first occupation of the dwellings hereby approved there shall be provided 1.5m x 1.5m pedestrian visibility splays to both sides of the vehicular accesses at the rear of the highway boundary.
- 9 The applicant shall provide hard standings to areas accessed by vehicles within the site during the construction period for the parking of operatives' vehicles and the reception and storage of materials. A facility shall be provided for the duration of the construction period to include the use of water and brushes for the cleaning of vehicle wheels on leaving the site. Any mud or other detritus transferred to the road and footway forming the highway shall be cleaned up and collected by site labour during and at the end of each working day.
- 10 Prior to the first occupation of the dwellings hereby permitted the driveways and parking areas shall be constructed and completed in a bound and porous material.
- 11 The development shall be implemented in accordance with the proposed solutions to mitigate damage to the trees to be retained on the site, as set out at section 2.6, and tree protection measures, as set out at Appendix 3 to the arboricultural report by Essex ARB Consulting Ltd and dated 27 May 2008 submitted in support of the development hereby approved.
- 12 The development shall be implemented in accordance with the details for fencing and means of enclosure shown on drawing No. 1338-2-24 or such other alternative means of enclosure as shall be previously agreed in writing with the Local Planning Authority.
- 13 The floor space shown for garaging shall be retained for the parking of vehicles and shall not be converted to habitable accommodation.

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REASON FOR DECISION

The proposal is not considered to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area, to the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers in neighbouring streets

Relevant Development Plan Policies and Proposals

HP1, HP6, of the Rochford District Replacement Local Plan (2006) as saved by Direction of the Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004.

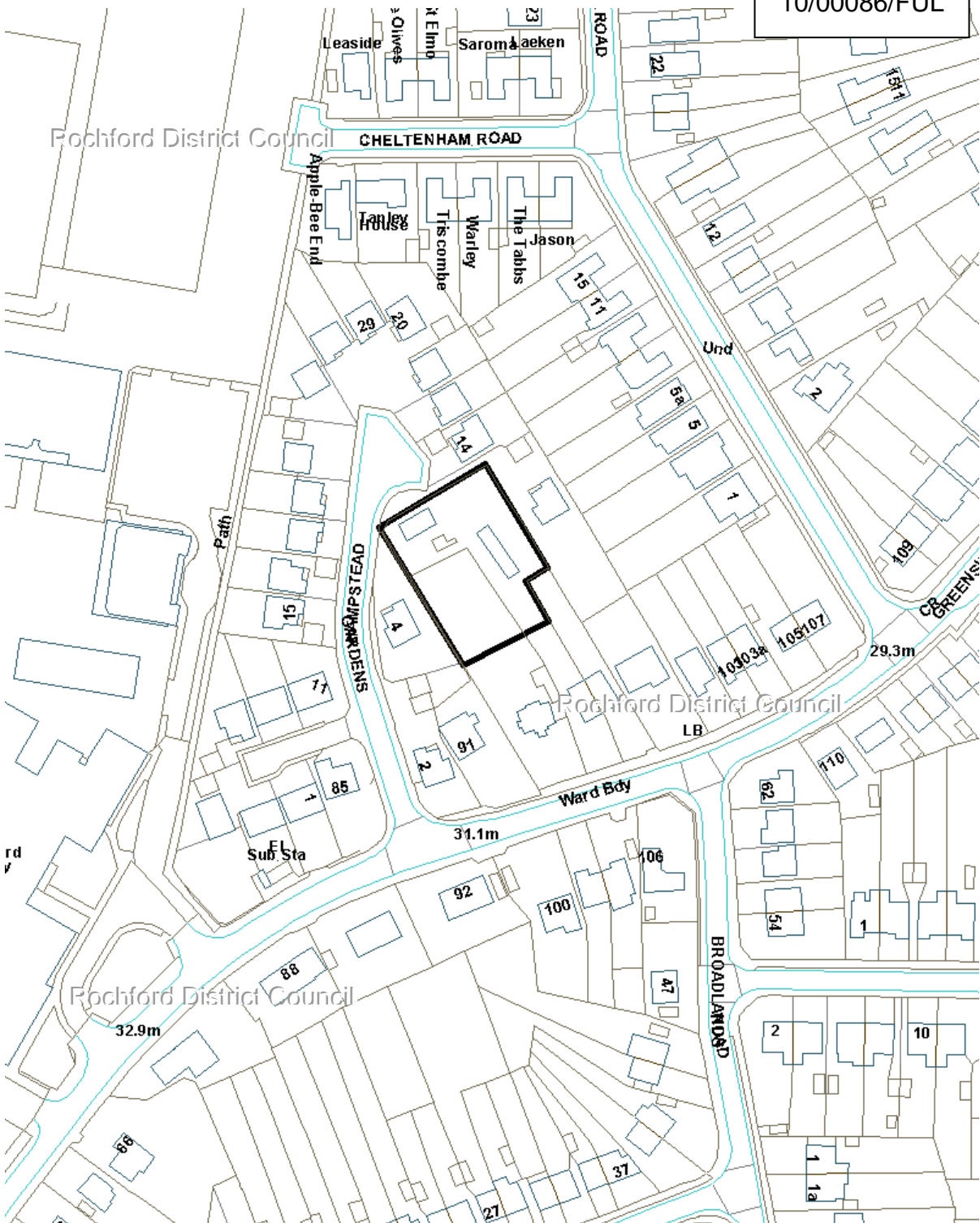
Parking Standards Design and Good Practice Essex County Council and Essex Planning Officers Association September 2009



Shaun Scrutton
Head of Planning and Transportation

For further information please contact Mike Stranks on (01702) 318092.

10/00086/FUL



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NTS



CODE OF CONDUCT FOR PLANNING MATTERS

Members and officers must at all times act within the law and in accordance with the Code of Conduct. Members and officers must always be mindful of the Code of Conduct for Planning Matters, which is set out in part 5 of the Council's Constitution.