

ITEM 6

21/01251/FUL – 7 HAWKWELL PARK DRIVE

1. Neighbour consultation comment
2. Agent comments
3. Hawkwell Parish Council response
4. Officer comments
5. Conclusion

1. Neighbour consultation comment

A neighbour comment was received on 17th January and 24th January 2022 from No.1 Park Gardens. The comments received can be summarised as follows:

- There are springs within the gardens of Park Gardens which appear following heavy rainfall.
- In the 60s, two semi-detached bungalows were built next door to Nos.7 and 9 Park Garden, but these had to be demolished as the water from an old pond rose through the ground and these were rebuilt as chalets and were pile driven to avoid a repeat.
- Historically during heavy rain, water would stream through Hill Lane and out through the garden of No.1. The water would pool on the flat piece of garden where the proposed plot 2 is planned.
- Diagram supplied by the Right for Light Surveyor showing that the 45-degree test also fails. This point would have been projected from the kitchen. As mentioned, the kitchen is more a living area being a kitchen diner.
- The room known as the dressing room, was originally Bedroom 2 as per the attached plan. The room is currently approximately 6' x 7' and any future owners of 1 Park Garden will no doubt return it back to a small bedroom, as this would be more practical with a young family.

2. Agent comments

My client is happy to proceed with these amendments to the conditions of any potential approval.

3. Hawkwell Parish Council response

My Council has no objection to this application but asked that junction protection be considered due to the application site being in close proximity to the Doctors surgery and it being a busy junction.

4. Officer comments

- Existing surface water drainage problems have been raised as an issue with regards to the development which represents a material planning consideration. As a result, it is considered reasonable to require details of a surface water drainage scheme to be submitted and agreed prior to works commencing to construct the dwellings.
- Officers have correctly assessed the impact of the proposal upon No.1 Park Gardens using the 45-degree angle applied to the nearest ground floor rear elevation room window and concluded that there is no breach of the 45-degree angle. The Right for Light surveyor has applied a 45-degree angle to a side elevation window which is not how the 45-degree angle is applied using the adopted guidance with the Council's Supplementary Planning Document 2.
- The room referred to has a side elevation window which forms the only source of light to this room. Whether this be in use as a dressing room or a bedroom it is not considered to be a room whereby protracted periods of time are spent, unlike a lounge area. It is not considered that any loss of light to this room would represent a justified reason for refusal here.
- ECC Highways have not requested any mitigation with regards to the highway junction therefore it would not be considered reasonable to impose a requirement for any works to this junction.
- Residential amenity concerns have been raised during a meeting with the daughter of the occupier of No.1 Park Gardens. These related to concerns around potential noise generated by storage and parking close to the boundary with No.1 Park Gardens during potential construction. A concern was also raised about further loss of light to side windows caused

by potential use of a 1.8m fence along the boundary with the ground floor windows to No.1 Park Gardens. As a result, conditions have been suggested to address these concerns, agreed by the agent.

5. Conclusion

Officer recommendation remains that of approval subject to the following additional/amended conditions:

7. Prior to first occupation of the dwellings hereby approved details of boundary treatment shall be submitted to and agreed in writing with the Local Planning Authority. Any boundary treatment between points A and B alongside the neighbouring property No.1 Park Gardens, as shown on drawing no. SL21.09.361-04, shall be no greater than 1.2m in height. Once agreed such boundary treatment shall be installed on site and retained in the agreed form.

REASON: To enable the Local Planning Authority to retain adequate control over such means of enclosure in the interests of highway safety, visual and residential amenity.

13. No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented prior to occupation and thereafter maintained.

REASON: To prevent surface water flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

14. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - i. The parking of vehicles of site operatives and visitors.
 - ii. The loading and unloading of plant materials.
 - iii. Storage of plant and materials used in constructing development.
 - iv. Wheel and underbody washing facilities; the plan shall include a central position for loading and unloading and storage away from the boundaries with neighbouring properties.

REASON: To ensure that the construction traffic is managed and that on street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and in the interests of the amenity of neighbouring residential dwellings.

ITEM 7

21/00837/FUL – THE KING EDMUND SCHOOL, VAUGHAN CLOSE, ROCHFORD

1. Agent comments
2. Officer's suggested alternative condition

1. Agent comments

Following the applicant becoming aware of the application being called in, the applicant's agent has submitted the following comments:

I wondered if you had an update from the local Member on the reasoning for the call-in?

As you know, all the contractors appointed onto the DfE MMC framework (which NetZero are who are delivering the scheme) are required to deliver the school developments to a BREEAM 'Very Good' standard as a condition of appointment. This being the case, the DfE does not provide any funding allowance for BREEAM certification as it is deemed superfluous (although the condition is not seeking certification).

The proposal has not undertaken a BREEAM pre-assessment of the proposed development which would otherwise need to be done as a standard precursor to post-construction assessment and certification.

As the condition is a compliance condition requiring the proposed development to be constructed to a BREEAM Very Good standard, without the need for certification the proposal follows what is being requested.

2. Officer's suggested alternative condition

Condition 7 to the officer recommendation (on page 7.24 of the report) requires the development to achieve the BREEAM rating of 'very good'. The condition is based upon Policy ENV 10 to the Council's adopted Core

Strategy (2011) and as stated in policy ENV 10, allows for scope for some relaxation due to viability issues.

Officers understand that Members may have concerns at the reduction in potential building quality. To this end officers suggest that Members might consider an alternative to condition 7, along the lines below that would give greater enforceability and ability to check compliance.

Suggested Condition 7a:

- 7a. The development shall receive a BREEAM rating of 'very good'. The applicant shall submit details to the local planning authority of how the BREEAM rating of 'very good' shall and has been achieved on the application site.

REASON: To ensure the achievement of BREEAM standards in compliance with the Council's Local Development Framework's Core Strategy Policy ENV10.