

**14/00687/FUL****LAND TO THE REAR OF 4 THE EVERGREENS,  
KIMBERLEY ROAD, LITTLE WAKERING, ESSEX****DEMOLISH EXISTING BUILDING AND CONSTRUCT 3 NO.  
FOUR-BEDROOMED DETACHED HOUSES****APPLICANT: A & W BENTAL****ZONING: EXISTING RESIDENTIAL****PARISH: BARLING MAGNA PARISH COUNCIL****WARD: BARLING AND SUTTON**

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

This application was included in Weekly List No. 1267 requiring notification of referrals to the Head of Planning and Transportation by 1.00 pm on Wednesday, 14 January 2015 with any applications being referred to this meeting of the Committee. The item was referred by Cllr M J Steptoe.

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

**1 NOTES**

- 1.1 Planning permission is sought for the development of a site to the rear of the Evergreens. The site contains a detached barn in a dilapidated state, which is not actively in use and backs onto open fields within the Metropolitan Green Belt. There is an electricity sub station to the south. There is a public footpath (No.19), emanating from Little Wakering Road, which shares the access to the site and continues eastwards over farm land.
- 1.2 To the west of the site is existing residential development principally comprised of two storey dwellings and flatted schemes. Immediately adjacent to the boundary to the west is a block of 8 garages and hardstanding serving Nos. 1 to 8 The Evergreens. There are also out buildings to the rear of the semi-detached houses at Nos. 12 and 14 Kimberley Road.

- 1.3 The proposal is for three detached dwellings. The front elevation would be of chalet style appearance featuring a pair of hipped roof dormers in the roof plain. The rear elevations would be of two storey appearance with each dwelling having a pair of Juliet balconies to the first floor, which would overlook farm land. The site area is just over 0.1ha and the development would result in a density of 30 dwellings per hectare.

## **2 PLANNING HISTORY (SINCE THE 1990S)**

- 2.1 95/00600/OUT Outline application to erect a detached dwelling house. Approved 17 January 1996.
- 98/00122/OUT Renewal of 95/00600/OUT. Approved 22 April 1998.
- 01/00070/OUT Renewal of 95/00600/OUT. Approved 3 April 2001.
- 03/01048/OUT Outline application for the erection of one house. Approved 27 January 2004.

## **3 MATERIAL CONSIDERATIONS**

### **Principle of Residential Use**

- 3.1 The Rochford District Council Local Development Framework Allocations Plan (Adopted 25 February 2014) forms part of the Development Plan for Rochford District. The Allocations Plan superseded the proposals map that accompanied the 2006 Replacement Local Plan. The site is allocated existing residential development in the Allocations Plan.
- 3.2 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 development to the rear of existing development and would not have a direct frontage onto the street. The density (30dph) and character of the development is considered to be acceptable for the locality and would contribute towards the housing supply within the Barling/Great Wakering area. Policy HP6 expects new housing schemes to be of a high standard of design and layout taking account of a number of considerations.

### **Flood Risk**

- 3.3 The Parish Council has raised concerns that the site is within an area at risk of flooding. The site is, however, within Flood Zone 1 and deemed to be least vulnerable to the risk of flooding. The nearest area deemed by the Environment Agency to be at risk of flooding lies 300m to the north. As such there are not considered to be any concerns related to flood risk.

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### Layout

- 3.4 The site would be divided into three building plots with the front elevation of the dwellings orientated to the west. In front of each dwelling there would be a parking area serving the relevant property reached by a new access road. This road would also allow access to a garage situated to the rear of 14 Kimberley Road.
- 3.5 Each of the proposed dwellings would have a private rear garden in excess of 100 square metres complying with guidance.
- 3.6 1m separation distances to the side boundaries are required within SPD2 and this is adhered to between the dwellings and at the front of each dwelling. The rear outer corners of the dwellings on plots 1 and 3 would abut the boundaries. As the separation requirement is to prevent the coalescence of dwellings and that this site borders the Green Belt on three sides, where the future development potential is limited. This is not considered to be an issue.
- 3.7 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 garden sizes provided, which meet the 100m<sup>2</sup> criteria, such provision is not considered necessary in this instance.

### Scale and Design

- 3.8 The dwellings would have a width of 9m and a maximum depth of 8.95m. The front elevations have an eaves height of 2.3m and a pitched roof with a ridge height of 6.7m. The rear elevations would be of two storey appearance. The roof over the rear section of the dwellings would be pitched from side to side with a slacker pitch than the front roof pitch, which is more traditional in its form. The ridge of this rear section would be set slightly lower at 6.5m in height.
- 3.9 The rear elevation would feature two sets of Juliet balconies for each dwelling with a narrow window positioned centrally in between at first floor level. At ground floor level there would be two sets of glazed doors.
- 3.10 The side elevations, at first floor level, would feature a single window in the right side elevation, however there would be no overlooking issues. The insertion of windows in elevations and dormers within the roof area of all the proposed dwellings would not cause unreasonable overlooking and impact on privacy to neighbouring dwellings close to the site.
- 3.11 The design of the front elevations is fairly traditional in appearance with the rear elevations adopting a more contemporary appearance. The elevation treatments would consist of horizontal cladding over a brick base. Details of the precise materials can be controlled by planning condition. It is considered that the design of the dwellings is of a high standard and would be in accordance with development plan policy.

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- 3.12 The site plan indicates a bin store area adjacent to the front corner for each dwelling. As with other developments with long driveways residents would be expected to move their refuse/recycling bins to a point close to the vehicular highway on bin collection day as the collection vehicles would not be expected to access the dwellings via the driveway due to the distance involved and lack of a suitable manoeuvring area.
- 3.13 The applicant has indicated that the existing building is connected to the main sewerage system and that the proposed dwellings would connect to this.
- 3.14 No detail has been provided with regard to soft and hard landscaping, other than reference to low level shrubberies to front gardens and use of permeable paving to paths and frontages on the site plan. However, the provision of landscaping can be controlled by planning condition.
- 3.15 Policy DM4 of the Development Management Plan 2014 refers to the need for new dwellings to adhere to minimum habitable floor space standards. Policy DM4 requires dwellings of this size to provide 106m<sup>2</sup>. The proposed dwellings would be larger than this figure.
- 3.16 The Lifetimes Homes Standard and Code Level 4 for Sustainable Homes would need to be provided for and met in accordance with policies H6 and ENV9 of the Core Strategy and this can be controlled by planning condition and an informative.

#### **Parking and Access**

- 3.17 Parking Standards: Design and Good Practice Supplementary Planning Document 2010 requires that for dwellings with two or more bedrooms, two parking spaces should be provided off street for each dwelling and measure 2.9m x 5.5m. The proposed site plan indicates that these would be provided forward of each dwelling. There are no proposed garages. Secure cycle sheds are to be provided within the rear gardens of the three proposed dwellings. The parking standards would also require additional visitor parking at the ratio of 0.25 spaces per dwelling equating to one visitor space at the dwelling. The site plan does not indicate any provision for visitor parking, however the frontages for each dwelling are of sufficient size such that a third vehicle could be accommodated on site when necessary without restricting access to the other dwellings.
- 3.18 The three properties would be accessed by a driveway running from Little Waking Road and both the site and this access land is owned by the applicant. The current access is unkempt and overgrown by shrubbery and it is proposed to remove the vegetation and resurface the road. The surface materials can be controlled by condition.

- 3.19 The access road has a suitable width to allow for continued pedestrian use of the right of way and to allow vehicles to pass by with a width of approximately 4.5m at the Little Wakering Road end. This increases to 6m towards the main part of the development site where there would be a passing area for cars. The driveway would be of sufficient width to provide access for emergency vehicles, if necessary.
- 3.20 Essex County Council (ECC), as the Local Highways Authority, has raised no objection in its consultation response to the development, subject to recommended conditions. This consultation response was made in conjunction with the ECC Public Rights of Way Team whose Area Officer has visited the site,
- 3.21 Objections have been received from the occupants of seven dwellings sharing concerns about access to the site. It is considered that, subject to the recommended conditions, the access would be suitable to serve both the proposed dwellings and users of the public footpath.

### **Ecology**

- 3.22 Local residents have stated that there is bat and owl activity in the site area. During the course of the application a bat and owl survey was provided. A survey conducted on 4 November 2014 by Essex Mammal Surveys found no evidence of the presence of bats on the floor of the roof space and that there was no potential roosting crevices in the cut timber roof beams. Externally three of the walls were covered by brambles and ivy and offered no access to bats. Furthermore, there was no evidence, such as droppings or staining on the pale brick work of the western side, where the presence of bats would be readily apparent. No evidence of barn owls was found. The survey noted that it is probable that bats from nearby roosts (a colony of pipistrelle bats is known from St. Mary the Virgin church c.250m to the south-east) will forage across the site and in the gardens of adjacent properties. This behaviour would be expected to continue after any building work has been completed.

### **Impacts on Neighbouring Amenity**

- 3.23 It is considered that the properties most likely to be impacted by the development are the properties at 1 to 8 (The Evergreens), 12 and 14 Kimberley Road, which border the main part of the site and 242 Little Wakering Road which lies adjacent to the site access.
- 3.24 At the nearest point the proposed dwellings would be approximately 35m from the rear of the dwellings on Kimberley Road and over 50m from the rear of the Little Wakering Road. The Essex Design Guide requires a minimum of 25m between the rear faces of opposite houses although, in this proposal, it is the front elevation of the dwellings that would face the rear of the existing dwellings. It is considered that the separation distance is sufficient to provide

remoteness between existing and proposed development. Furthermore, the dwellings on Kimberley Road are set back 20m from the site boundary and have intervening garages or out buildings. The Evergreens site is a Housing Association site and surrounded by open lawned areas rather than individual garden plots where greater privacy would normally be expected. It is not considered that the development would give rise to any significant overlooking of neighbouring sites and that privacy enjoyed by neighbouring dwellings would be retained.

- 3.25 Vehicular access to the site would run alongside the boundary with 242 Little Waking Road and the dwelling is positioned a metre from this boundary. Given the quantum of development proposed, namely three dwellings, it is not considered that levels of activity associated with movement to and from the proposed dwellings would be significant enough to be detrimental to amenity.

#### **4 REPRESENTATIONS**

##### **BARLING MAGNA PARISH COUNCIL**

- 4.1 There are concerns that the proposed development is in an area susceptible to flooding. Could we ask whether the proposal complies with policy ENV3 and paragraphs 100 and 101 of the National Planning Policy Framework (NPPF)
- 4.2 Is the building being demolished currently being used as a farm building?
- 4.3 There are serious concerns that this development will lead to extra vehicles parking on both Kimberley Road and Little Waking Road near to the access to the site. This is already a dangerous corner.
- 4.4 The proposed development is too "tight" for the site and the proposed housing is too near to the side boundaries.
- 4.5 There is concern that this is over-development of the site.
- 4.6 The access road to the site from the junction with Kimberley Road and Little Waking Road is not wide enough to allow refuse collection vehicles to pass other vehicles visiting the site. Additionally there does not appear to be sufficient room for refuse collection vehicles to turn round on the site.
- 4.7 There does not appear to be sufficient provision for residents parking on the proposed development, especially bearing in mind that each four-bedroom house is very likely to have four vehicles belonging to the residents.
- 4.8 Visitor parking is insufficient, which will lead to visitors parking either on the access road or at the junction of Kimberley Road and Little Waking Road (see 3 and 6 above).

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- 4.9 The proposed development does not provide for first time buyers and such provision is urgently needed in the Parish.
- 4.10 There are concerns that the proposed development is on Green Belt land.
- 4.11 The entry to the access road to the site is on a dangerous corner.

#### NEIGHBOURS

- 4.12 Objections have been received from the occupants of seven dwellings.

54 Kimberley Road

- 4.13 This is an unsuitable development for the following reasons:-

- 4.14 The proposed access road is a Public Footpath and Right of Way. Will it be widened to incorporate a footpath(s) for the safety of existing pedestrians? If so, how?

- 4.15 This proposed access is off Little Wakering Road, which is already overloaded as it is effectively a single lane road owing to vehicles parked on the left traveling from Wakering to Barling). It is also extremely busy, particularly with traffic to and from Barling School twice a day. The access is immediately adjacent to two bus stops and will thus add further to the existing congestion, plus there are safety implication with vehicles turning across what is currently the pavement so close to these bus stops, which are also used by a number of school buses serving King Edmund School, Rochford. Will this access be wide enough to allow not only emergency vehicles, but more practically, refuse vehicles, to enter, then turn round? Under most conditions (cars parked opposite) it would be impossible for such large vehicles to reverse off, or onto Little Wakering Road, not to mention downright dangerous.

- 4.16 Has the removal of foul sewage been discussed, and agreed, with the Water Authority? The existing facilities down Kimberley Road are already inadequate and regularly become overloaded, necessitating removal from the pumping station by tanker.

43 Kimberley Road

- 4.17 This application is too dense a development for the area. "In fill" and garden developments already granted by the Council are over stressing local amenities; the roads are not designed for the volume of traffic currently, so adding the potential for 10+ additional vehicles here is irresponsible. Parking on roads is already causing congestion. Bats and other wildlife are resident in the derelict barn. Drainage in the area is already over stressed. The area is prone to flooding. The development will spoil the area's ambiance. Road and

pavement conditions are deteriorating. The raising of the buildings to a height to alleviate the flood risk will impose upon the views across the Green Belt. The existing barn is a part of the farm, not a disused industrial site, therefore this should not be considered brown field development.

- 4.18 The access road abuts Little Wakering Road very close to the Kimberley Road junction, making the junction complicated, which will increase the risk of road traffic accidents. There is nothing to say how pedestrians will be segregated from road users. If any vehicles above the size of a van cannot use the access road (deliveries, refuse collection, cess pit emptying) then where will these vehicles park? The existing roads are full to capacity therefore it is likely that vehicles will obstruct driveways, footpaths and even the existing roads. The barn has been derelict for in excess of 30 years, and is now home to diverse flora and fauna including bats, however, other protected species may be on site. What environmental impact assessment has been undertaken? If the drainage is to be into the existing system, this is already over capacity and the pumping station has to be manually assisted during times of high volume by pumping effluent into HGV's thus increasing road use and noise and nuisance to residents both here and where the vehicles are emptied (at Little Wakering Church). If drainage is to cess pits, how will these be emptied by HGV's? The issue of refuse collection is unanswered by the developers - they suggest the residents will take the bins to the road, or there will be bin sheds provided. This is not tenable. The access road is private, allowing pedestrian access to a footpath and commercial access to an electricity sub-station and the farmer's land. This access appears to be excluded from the planning application therefore how are residents to gain access?

7 Kimberley Road

- 4.19 We would like to know why we have not been informed of this planning application, as we are close neighbours to the proposed buildings. By checking on the plans, and knowing this area well, it is evident that the planning encroaches on the agricultural land at the rear of the present barn. Is this not Green Belt? The parking at the top end of Kimberley where we live is becoming more and more congested, and this will add to this congestion. When the people occupying these homes have visitors this would mean more cars being parked in Kimberley Road, there will be more noise too.
- 4.20 Why is the Council allowing a small village to become crammed with houses where there is little room to fit them in. Keep our village as a village and not an over built area with cars and congestion. We have lived in the Wakering and Barling area for over 30 years. Do not drive out the people who love their homes and the area that they live in.

206 Little Wakering Road



- 4.21 Whilst I am aware that previously outline plans have been passed for one dwelling I believe this is an over-development of the site, which is not in keeping with the area and will greatly impact on those neighbours. The plans say each 4-bedroom house will have parking space for 2 cars. In reality, how many family homes of that size have just two cars. Therefore the already narrow access road will become congested, and this will add to the difficulty in parking on Little Wakering Road in an area that is narrow, add to the fact that it is right next to a main public and school bus stop will just add to the congestion in that area. I fail to see how access to those properties for dustbin trucks or even emergency services such as fire engines would be possible. I am surprised that 'both' applicants failed to disclose the fact that there is a public footpath along the access road, especially given that they both would have been fully aware of this. This is dangerous to children and dog walkers having to share a road with cars. Previous planning applications make reference to the trees and hedges, and in fact previous applications were passed with the condition that these remain. But yet again there is no mention of these on the planning application, so no doubt the plan is to remove these and those neighbours near by will now have the view of 3 houses rather than the agricultural land. This is not in keeping with the environment. I am also surprised that both applicants believe a bat survey is not required when bats have been seen in and around that area. There are already plans for a number of houses to be built along Star Lane, and possibly Southend Road, therefore are more houses actually required? Consideration has to be given to the additional burden on primary schools in the area in respect of this development and the others planned.

242 Little Wakering Road

- 4.22 This will not be in keeping with the rural farm outlook for those of us who overlook it. The access "road" is not wide enough for cars to pass, and the fact it is a public walk way, with people walking their dogs and horse riders using it regularly, could be a safety issue. To fit a car down there will involve removing all the vegetation, which will pull apart our beautiful garden wall. When we purchased our property we believed this was a flood plain area, and that it would be doubtful planning would happen out on the land, and therefore our view would not be ruined. We have seen bats about when we have walked our dogs down past the barn. I see from the plans that they will have 2 parking spaces, but most households have at least 2 cars.
- 4.23 Parking out in the road is difficult at the best of times; this will just increase if these properties are built. There could be further congestion problems as the bus stop is right by the proposed access road, and cars are parked on the opposite side of the road. I know some may think it is a dilapidated old barn, but to others it is a part of Little Wakering and its history, and I thought this was something Wakering was all about, preserving its history.

208 Little Wakering Road

- 4.24 Bats have been seen coming and going from the barn on summer evenings; also owls are known to fly in the barn. Have previously been advised that land was agriculture and no building was allowed. Proposed access road is only a public footpath. Not suitable for 2 vehicles to pass. Both District Councillor and Parish Councillors are aware of my comments. Proposed plan is out of character with what is a rural farm area.

48 Lee Lotts

- 4.25 The Design and Access Statement says 'the site is accessed via a private access road adjoining Little Wakering Road'. Calling the existing access a 'road' makes it sound grander than it really is. In reality, it's a badly over grown narrow concrete track that forms part of a Public Right of Way (Barling Magna footpath 19, ECC asset 281\_19). If this application is approved, walkers will be sharing what is currently a traffic-free path with vehicles going to/coming from the new houses. In addition, a condition needs to be attached to any approval that guarantees uninterrupted access to the footpath both during and after construction. There is no mention of the footpath anywhere in the documents submitted with the application.
- 4.26 All the questions in the Bat Survey Declaration have been answered 'no', indicating that no survey is required. However, I'm not convinced that the questions relating to 'pre-1914 buildings within 400m of water' and 'agricultural buildings of traditional construction' can be so easily dismissed. The barn to be demolished has brick walls and a slate roof, so surely that counts as 'traditional construction'? The barn is less than 400m (about 370m by my calculation using a GPS to measure the length of Kimberley Road, which is equivalent) from Little Wakering Creek. I don't suppose anyone knows exactly when it was built, but from its appearance it could have been before 1914. It's presumably a left-over from The Dams Farm that was demolished in about 1967 and replaced by The Evergreens.
- 4.27 The Design and Access Statement describes the location as a 'brown field' site. Apart from the relatively small part of the site occupied by the existing barn, it looks very like a green field site to me. With no room within the development for anything much bigger than a private car to turn round, I don't see how routine things like rubbish collection can take place safely. Even if a rubbish lorry could get into the site, it would have to back out. Given how narrow the access track is, this doesn't seem very practical. There are no plans available online relating to the earlier proposals for building a single house on this site, but perhaps they included more manoeuvring space.

## 5 RECOMMENDATION

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

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

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- (2) No development shall commence, before 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.
- (3) Two parking spaces shall be provided on the site measuring 2.9 metres by 5.5 metres per space for each dwelling. This hard surface shall be constructed either of a porous material or provision be made to direct surface run-off water from the hard surface to a permeable or porous area or surface within the site. Once implemented, this hard surface shall be permanently retained.
- (4) The public's rights and ease of passage over public footpath no. 19 Barling Magna shall be maintained free and unobstructed at all times.
- (5) Prior to occupation of the development, a vehicle passing area shall be provided, as shown in principle on planning application drawing number 2852-09b prepared by DK Building Designs Ltd.
- (6) Prior to commencement of the proposed development details of a wheel cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The wheel cleaning facility shall be provided at the commencement of the development and maintained during the period of construction.
- (7) 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.
- (8) Prior to occupation of the proposed development, the developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. One Residential Travel Information Pack shall be provided for each dwelling.
- (9) The vehicular access hereby permitted, shall not be used by vehicular traffic before it has been constructed and completed in all respects, in accordance with plans and particulars showing precise details of the access (including surface materials, the position of any gates to be

installed and/or visibility splays provided), which shall previously have been submitted to and agreed in writing by the Local Planning Authority. Once constructed, the said access shall be made available for use and thereafter retained and maintained in the approved form.

(10) No development shall commence 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;
- 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;
- means of enclosure and other boundary treatments;

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.

(11) Prior to commencement of the development hereby approved, plans and details shall be submitted to and agreed in writing by the Local Planning Authority demonstrating assessment of the development against the Lifetime Homes Standard criteria. Once agreed, the development shall be built in accordance with these details.

## **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, HP10, UT2, of the Rochford District Council Adopted Replacement Local Plan

H1, H5, H6, CP1, ENV9, CLT5, CLT7, T1, T3, T8 of the Rochford District Council Core Strategy 2011

Supplementary Planning Document 2

Parking Standards Design and Good Practice December 2010

DM1, DM4 and DM30 of the Development Management Plan 2014

National Planning Policy Framework



Shaun Scrutton

Head of Planning and Transportation

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For further information please contact Robert Davis on:-

Phone: 01702 318095

Email: [robert.davis@rochford.gov.uk](mailto:robert.davis@rochford.gov.uk)

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

