

12/00586/OUT

**OUTLINE APPLICATION FOR CONSTRUCTION OF 7
DETACHED FOUR-BEDROOMED DWELLINGS**

SITE LOCATION: WESTVIEW, CHURCH ROAD, HOCKLEY

APPLICANT: MR D BALL

ZONING: METROPOLITAN GREEN BELT

PARISH: HOCKLEY

WARD: HOCKLEY WEST

1 PLANNING APPLICATION DETAILS

- 1.1 Outline planning permission is sought for re-development to comprise up to 7 detached four-bedroomed dwellings with detached double garages. An extended driveway would be formed from an existing road to serve three of the dwellings with three served from this existing road and one with proposed access from Church Road.
- 1.2 This application is an outline application with all matters reserved. Appearance, landscaping, access, layout and scale would all therefore be reserved for consideration in a Reserved Matters application, which would follow if outline permission were granted.
- 1.3 Therefore the only matters that are being considered via this outline application are: use, amount of development, indicative layout, scale parameters and indicative access points.
- 1.4 Although a detailed site layout has been submitted with the application this is for illustrative purposes only to indicate how 7 dwellings could reasonably be accommodated on the site and is not for determination.
- 1.5 Members should be aware that this application has now been appealed for non-determination. Therefore, this application is now with the planning inspectorate for determination. This report would form the view of the Council on appeal.

2 THE SITE

- 2.1 The application site, shown edged red on the submitted location plan, is an approximately rectangular area of land of some 0.31 hectares located within the Metropolitan Green Belt (MGB). It should be noted that the application form refers to a site area of 0.218 hectares as being an 'area stated by RDC', however, when measuring the site on the layout plan submitted, it equates to 0.31 hectares, which is considered to represent the accurate figure. The site is currently disused with a shed located within the north west corner and some building materials present. Some trees and vegetation are located within and bordering the site.
- 2.2 Immediately to the south, and within the same ownership, is a collection of 3 residential properties granted planning permission under the reference 06/01095/FULL, which allowed 8 dwellings to be erected within this southern area in place of the residential properties 'Westview' and 'Oakhurst', the latter of which is still present on site. The foundations have been laid for a fourth dwelling, works have not yet commenced for the remaining four dwellings.
- 2.3 The site is located to the north-west of Hockley. The distance of the site from Hockley town centre and the railway station is approximately 1260m and 2000m respectively. The site abuts part of the built up residential edge of the town, bordering the three dwellings in the new road known as 'Astors' to the south. To the north the property borders 'Windfield,' a dwelling located within the MGB and to the west is Church Road and directly opposite are properties also located within the MGB.
- 2.4 The site borders Pond Chase Nursery to its eastern boundary, which has recently been the subject of a resolution to grant planning permission (issue of decision pending completion of S106) for 'Outline Application For Residential Development To Comprise Up To 50 Dwelling Units, Improvements To Existing Vehicular Access, New Pedestrian Access. Provision For Public Open Space And Play Space And Provision Of Area Preserved For Ecology' (Reference 12/00283/OUT)'.

3 PLANNING HISTORY

- 3.1 There is extensive planning history relating to this site. A summary of the relevant planning history from the 1990s onwards is below:-

94/00043/FUL - Demolish Existing Dwelling and Erect Seven Detached 4-bed Houses With Garage and Associated Access Road. REFUSED. APPEAL DISMISSED.

95/00131/OUT - Erect Four 4-bed Detached Chalet Style Dwellings With Detached Garages. WITHDRAWN.

98/00490/OUT - Outline Application to Use Land for Residential Development (Demolish Existing Dwelling). REFUSED. APPEAL PART ALLOWED/PART DISMISSED.

99/00785/LDC - Application for a Certificate of Lawfulness in Relation to Proposed Buildings and Operation, Namely: New Access and Driveway, Indoor Swimming Pool, Snooker Room and Gym, Sauna, Garden Store and Garage. LDC GRANTED WITH DIFFERENT DESCRIPTION.

00/00407/OUT - Outline Application for Residential Development (12 Units of Which 4 to Constitute Affordable Housing). REFUSED. APPEAL DISMISSED.

00/00892/OUT - Outline Application for Residential Development (15 Units of which 10 Units to Constitute Affordable Housing). REFUSED. APPEAL DISMISSED.

02/00400/OUT - Demolish Existing Dwelling and Erect Residential Dwellings Renewal of OL/490/98/ROC. APPLICATION RETURNED.

02/00453/REM - Application for Approval of Reserved Matters for the Erection of Five Residential Units together with Access Road. APPEAL AGAINST NON-DETERMINATION. APPEAL NOT DETERMINED.

02/00455/REM - Erect Six 3-Bed Semi-Detached Dwellings, Layout Access and Parking Areas. (Reserved Matters Following Outline Permission OL/490/98). APPEAL AGAINST NON-DETERMINATION.

02/01035/OUT - Outline Application for Residential Development. PARTIALLY APPROVED/PARTIALLY REFUSED. APPEAL SUBMITTED BUT UNCLEAR IF PROCEEDED WITH.

03/00324/REM - Erect Six 3-Bed Semi-Detached Dwellings. Layout Access and Parking Areas (Re-Submission Following Reference 02/00455/REM). APPROVED. APPEAL SUBMITTED BUT UNCLEAR IF PROCEEDED WITH.

04/00594/OUT - Renewal of Outline Permission OL/0490/98/ROC Dated 17 June 1999. Allowed on Appeal (Reference 1153373) Outline Application to Use Land for Residential Development (Demolish Existing Dwelling). APPROVED. APPEAL AGAINST PLANNING CONDITIONS ALLOWED AND PLANNING DECISION VARIED.

04/00596/REM - Renewal of Outline Permission OL/0490/98/ROC Dated 17 June 1999. Allowed on Appeal (Reference 1153373) Outline Application to Use Land for Residential Development (Demolish Existing Dwelling). RETURNED APPLICATION

05/00169/FUL - Demolish Existing Dwelling and Construct One Detached Three Storey 8 Bedroomed House. REFUSED. APPEAL SUBMITTED AND WITHDRAWN.

05/00787/FUL - Demolish Existing Dwelling and Construct One Detached Three Storey 8-Bedroomed House. REFUSED.

06/00201/REM - Approval of Reserved Matters for the Erection of Six Residential Units Together With Access Road. RETURNED APPLICATION

06/00536/FUL - Demolish Westview and Oakhurst and Erect 8 Detached 4 - Bedroom Houses. 3 Units to be Accessed Direct from Church Road, 5 Units to be Served by Access Road off Church Road. All Development to be Within the Residential Zone. APPROVED.

06/01095/FUL - Demolish Two Properties (Westview and Oakhurst) and Erect 8 Detached (4-Bedroom) Dwelling Houses, 7 Dwellings to have Detached Double Garages, 1 Dwelling to have Open Parking Spaces. 2 of the Dwellings Served by Direct Vehicular Access off Church Road; 6 of the Dwellings Served by Vehicular Access Road off Church Road. All of the Development to be within defined Residential Zone of Hockley. (Revised Elevations and Garage Sizes to Approved Scheme 06/00536/FUL). APPROVED.

07/00684/FUL - Erect Detached Garage at Plot 8 Westview Church Road Hockley. REFUSED.

12/00147/FUL – Sub-Divide Site and Construct Two Storey Four-Bedroomed Detached House and Detached Garage. REFUSED. APPEAL IN PROGRESS.

4 CONSULTATIONS AND REPRESENTATIONS

Hockley Parish Council

- 4.1 As far as we can gauge the land used in this application is still subject to Metropolitan Green Belt and therefore we are unable to approve.

Highways (ECC)

- 4.2 It appears that the land under the applicant's control includes the access road to the south of the proposed development. The view of the Highway Authority is that access to plot 1 be sought from this link to ensure that access points onto Church Road be kept to a minimum.

- 4.3 Although the dimensions of the proposed garages do not meet the recommended dimensions as contained in the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009, there is still space for two vehicles to park within each plot.
- 4.4 No objection, subject to the following planning conditions:-
1. There should be no obstruction above ground level within a 2.4m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
 2. Prior to occupation of the development a vehicular turning facility shall be provided for plot 1, of a design to be approved in writing by the Local Planning Authority, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose..
 3. Prior to commencement of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of each vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.
 4. 2 vehicular hardstandings having minimum dimensions of 2.9 metres x 5.5 metres for each vehicle shall be provided for each plot, together with an appropriate dropped kerb off the vehicular crossing.
 5. Garages shall be sited a minimum distance of 6m from the highway boundary.
 6. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
 7. Prior to commencement of works on site the applicant shall indicate in writing to the Local Planning Authority an area within the curtilage of the site for the parking of operatives' vehicles and the reception and storage of building materials clear of the highway.
 8. 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.

9. 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 6 All Essex Scratch Card tickets.
10. Prior to commencement of development a footway of 1.8m shall be constructed along the entire site frontage with appropriate crossing facilities where applicable.

RDC (Engineering)

- 4.5 I have no objections. Observations – no public foul sewer in the vicinity of the proposed residential development.

Environment Agency

- 4.6 Outside of the scope of matters for which we are statutory consultee.

Essex Wildlife Trust

- 4.7 No comments

RDC Ecology

- 4.8 The application is not accompanied by any ecological information, despite supporting semi-natural habitat in the form of derelict gardens, including a number of larger trees. A brief inspection from the road-side would suggest that the habitat may be suitable for reptiles, at least. The applicant should be advised that an appropriate ecological assessment would be expected with any application for full consent or reserved matters, although no objection is justified, as it is unlikely that, with appropriate mitigation, the impacts of the proposals as they stand will have a significant negative impact on the species and habitats that may be present.

Urban Design (ECC)

- 4.9 This proposal seeks to extend developable area onto land north of Westview that lies in Green Belt. I will not address the policy issue but comment on the urban design aspects of the proposals.
- 4.10 In terms of the site's immediate context, one of the characteristics of the locality is that buildings are set back behind substantial front gardens. I would expect Plot 1 and 2 to be set back from the Church Road frontage in line with the frontage to Windfield to the north and West View to the south [or the frontage to the plots that have been given consent]. The principal elevation to Plot 2 should also face onto Church Road. Trees and hedging should be retained where possible in order to maintain the semi rural characteristics along this road. [Has a tree survey been produced for this site?] Furthermore, as views into the site will be seen from Church Road I think it is important that

the internal estate road is also lined with trees and hedging to be more in keeping with the low density semi rural character of the immediate area.

- 4.11 The proposals need to be seen in the context of the re-development of Pond Chase nurseries. The opportunity to link to development on this site could be explored and if Windfield comes forward for re-development in the future then a pedestrian link to the north may be desirable.
- 4.12 Please note that Windfield needs to be shown on the plans in order to consider if there is a likelihood of overlooking issues due to the proximity of dwellings to the boundary.

Education (ECC)

- 4.13 As this is only 7 homes it falls under our threshold for requesting education contributions (10 or more).
- 4.14 Further comments:-
- Developments of fewer than 10 units are normally outside our policy for requesting a s106 education contribution. However, where there is an adjoining or nearby site then the cumulative number is considered.
 - In the circumstances application 12/00586/OUT is within our policy and we request an education contribution towards additional early years and childcare places on the same basis as that sought for application 12/00283.
 - As the application is for outline permission we would seek a s106 agreement on a formula basis, but I can inform you, for information purposes only, that on the basis of 7 houses the contribution would amount to £7,335. This sum is based on costs as at April 2012 and would be index linked from this date using the PUBSEC index.

London Southend Airport

- 4.15 No safeguarding objections. Please note that if you require a crane or piling rig to construct the proposed development, this will need to be safeguarded separately, and dependant on location, may be restricted in height and may also require full coordination with the Airport Authority.

RDC (Arboriculture)

- 4.16 There is no arboricultural information supporting the application indicating what trees will be removed, how the retained trees will be protected and the impact of the proposed development on them.
- 4.17 On site the tree resource consists of:-
- a mature oak of value and worthy of retention directly adjacent to Church Road and the proposed dwelling of plot 1.
 - a group of cypress trees in plot 7.
 - a single multi-stemmed field maple in plot 4.
 - Early mature and mature trees on the northern and eastern boundaries of the site, some of which are under third party ownership.
 - further low value scrub specimens including natural regeneration of saplings over the site including oak and ash.
- 4.18 Recommendations:-
- In principle there is no arboricultural objection to the proposal , however:-
- the roadside oak tree in plot 1 must be retained. In addition the location of the dwelling within plot 1 is moved outside the tree's root protection area (RPA).
 - further retained on site, boundary and offsite tree's RPAs are taken into consideration and dwellings are moved outside RPAs and 'no dig' hardsurfacing is utilised where it is appropriate.
- 4.19 If planning consent is granted then the following conditions are recommended:-
1. Condition. No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. Implementation shall be in accordance with the approved schedule and plan.
 - (a) Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.

- (b) All trees, shrubs and hedge plants supplied shall comply with the requirements of British Standard 3936 'Nursery stock'.

All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4228:1989 'Code of Practice for General Landscape Operations (excluding hard surfaces)'.

All new tree planting shall be positioned in accordance with the advice within annex A and specifically the requirements of Table A.1 of British Standard BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations'.

2. Condition. No development shall take place until the following details (all to BS5837:2012 methodology) have been submitted to and approved in writing by the Local Planning Authority:-

- (i) Arboricultural Method Statements outlining the precise specification and location of tree protection barriers and ground protection for all trees retained on, and adjacent to the site in order to establish Root Protection Areas and Construction Exclusion Zones;
- (ii) Arboricultural Method Statements for special engineering operations within Root Protection Areas (e.g. specifications for pile foundations and 'no dig' driveway, parking bays etc.);
- (iii) Arboricultural Method Statements for the amelioration of the rhizosphere within Root Protection Areas including de-compaction techniques e.g. soil tilthing utilising air-spade technology where appropriate;
- (iv) Location of the site accesses, storage of materials, site huts and onsite welfare facilities illustrated clearly on a plan.

Development shall take place thereafter only in accordance with the approved Tree Protection Plan.

3. Condition. No work shall take place on the application site (including soil stripping, preconstruction delivery of equipment or materials, the creation of site accesses, positioning of site huts) until all the following have taken place:

- (i) The appointment, by the developer of a competent arboriculturalist for the development who shall monitor, record and confirm the implementation and maintenance of the tree protection measures.

- (ii) A pre-construction site meeting between the site agent, the developers chosen arboriculturalist and the LPA's Arboricultural Officer.
- (iii) All tree protection barriers and ground protection measures, which must be in accordance with BS 5837:2012 sub clause 6.2 'Barriers and ground protection' have been installed to the satisfaction of the LPA's Arboricultural Officer.

4.20 Further comments:-

Further to my previous comments the majority of the trees on the northern boundary are subject to Tree Preservation Order 32/92. It is understood that the new dwellings will be piled. This type of foundation does not benefit trees as the beam is normally installed below ground level, therefore roots are severed. It is usually recommended that the beam is placed above ground level where trees are close to new constructions although it may not be necessary in this instance due to relatively small Root Protection Area (RPA) infringements although this is unclear as there has been no tree survey. It is therefore anticipated that the offsite TPO trees will not be significantly and/or detrimentally compromised by the proximity of the new dwellings. However, construction of the dwellings is likely to cause soil compaction, therefore ground protection within the RPAs of offsite trees will be required to establish and maintain a 'construction corridor' which will need to appropriately specified by an arboriculturalist.

Natural England

- 4.21 This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development.
- 4.22 It is not clear from the information in support of this application what the impact on protected species will be. We would encourage the authority to ask the applicant to provide further information that clearly describes the impact of the proposal on protected species and any proposed mitigation, together with evidence to show how they concluded what the impacts will be.
- 4.23 If protected species are using the site, and are likely to be affected by the development, then the authority should ensure that appropriate mitigation is proposed and secured through the use of conditions.

Neighbours

- 4.24 1 response received from the occupants of Windfield.
- 4.25 Summary of the comments received:-

- Whilst I do not wish to comment on the above application, I would like to be informed of the decision in due course.

5 MATERIAL PLANNING CONSIDERATIONS

Principle of Residential Development

- 5.1 The proposal for residential redevelopment has to be assessed against relevant planning policy and with regard to any other material planning considerations.
- 5.2 In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.3 The adopted development plan is the Rochford District Core Strategy adopted December 2011, saved policies in the Rochford District Replacement Local Plan (2006) not superseded by the Core Strategy and saved policies in the Essex and Southend-On-Sea Structure Plan. The East of England Plan (2008) was revoked via an Order, which came into effect on 3 January 2013.
- 5.4 The application site is within the general location of West Hockley, which is one of the general locations in which land is allocated for release from the MGB in Policy H2 of the Core Strategy, to meet a rolling up-to-date five year supply of deliverable sites for residential development up to 2021.
- 5.5 However, although the Core Strategy is adopted, land within the general locations (including the application site) remains designated as MGB until the adoption of specific site(s) within the general location in the Allocations Development Plan Document (DPD).
- 5.6 A draft pre-submission version of the plan was considered at a meeting of the Local Development Framework Sub-Committee on 30 October 2012 and was reported to a meeting of Full Council on 27 November 2012 and accepted. The Allocations Submission Document, at the time of writing this report, is out for pre-submission consultation until 25 January 2013. Paragraph 216 of the National Planning Policy Framework (NPPF) indicates that weight can be given to emerging development plans and that the more advanced the plan the greater the weight that may be given. Since the Allocations DPD is approaching submission to the Secretary of State it is considered that a fair degree of weight may be given to the plan in terms of determining the acceptability or otherwise of this application.
- 5.7 It should be noted that the applicant refers to the five preferred sites identified within the Allocations Discussion and Consultation Document as part of an Alternative Sites Assessment. However, this document has progressed further since the applicant's statement was produced and a single preferred site is

now identified within the Allocations Submission Document. The application site is a part of this preferred site which also incorporates Pond Chase Nursery.

- 5.8 As the majority of the application site is designated Green Belt the proposal would amount to inappropriate development within the Green Belt and consequently very special circumstances must exist that clearly outweigh the harm to the Green Belt that would arise from the proposed development in order for the development to be considered acceptable in Green Belt terms.

Very Special Circumstances

- 5.9 Although the proposal would amount to inappropriate development within the Green Belt, significant weight must be attached to Policy H2 of the Core Strategy, which identifies the general location of West Hockley for the release of land within the Green Belt for residential development to meet the housing target for the District.
- 5.10 Given, however, that a specific site within this general location has not yet been adopted through the Allocations DPD, consideration must be given to whether the application site is the most suitable, including being the least harmful in Green Belt terms, for the delivery of a portion of the 50 dwellings sought within this general location.
- 5.11 Consideration must also be given to the implications of the recent resolution to grant planning consent for 50 dwellings on Pond Chase Nursery, a site that is also located within the Green Belt.
- 5.12 The Allocations Submission DPD identifies the preferred site within the general location of West Hockley. As explained earlier, the plan was approved for pre-submission consultation and submission to the Secretary of State at a meeting of Full Council on 27 November 2012. The Council proposes to put forward for adoption this preferred site identified.
- 5.13 The preferred site identified in the emerging Allocations DPD includes a site which was once part of the mushroom farm 'Pond Chase Nursery' and comprises previously developed land; in addition to an area of land directly to the east of this which is the application site.
- 5.14 The 0.31ha identified for residential development on the submitted layout plan is considered to represent previously developed land (PDL) although not directly comparable to the more hard surfaced and built appearance of the PDL at the Pond Chase Nursery site. The NPPF defines PDL as 'land, which is or was occupied by a permanent structure, including the curtilage of the developed land...'. As the site was previously occupied by the dwelling 'Westview', a permanent structure, the application site is considered to represent part of what was formally the curtilage of this dwelling; strangely, according to the NPPF this means the land is to be considered as PDL.

- 5.15 The proposed dwellings could be reasonably accommodated within the application site identified as a portion of the preferred site within the emerging Allocations DPD. The applicant states within the design and access statement that these dwellings are 'immediately deliverable', although this maybe questionable given the delivery rate of the 8 dwellings granted planning permission on the applicant's land to the south.

Infrastructure Provision

- 5.16 Policy H2 not only prescribes the number of dwellings and the time frame for delivery but also the infrastructure provision which must be delivered at each general location in order to ensure that new residential development across the District is comprehensively planned.
- 5.17 The proposal for 7 dwellings taken collectively with the 50 dwellings already granted planning permission at Pond Chase Nursery would not strictly adhere to paragraph 3.84 of the Allocations Submission Document, which states within this general location that the 'total number of dwellings provided should not exceed 50 by more than 5%'. Strictly adhering to this would allow for a total of 53 dwellings in this location. The current proposal, taken together with the Pond Chase Nursery application, would result in a total of 57 dwellings. Whilst exceeding the total sought, it would only exceed this total by 4 properties. The density that would result with these 4 extra properties on the application site would still be acceptable. Accepting some flexibility does not seem unreasonable given the development will be wholly contained within the site boundary set out in the Allocations DPD.
- 5.18 The infrastructure requirements for the West Hockley general location are as follows:-
- Local highway capacity and infrastructure improvements;
 - Public transport infrastructure improvements and service enhancements;
 - Link enhancements to local pedestrian/cycling and bridleway network;
 - Sustainable drainage systems;
 - Public open space;
 - Play space; and
 - Link to cycle network.
- 5.19 Although the site at Westview would provide only a small proportion of the housing required within the West Hockley general location it is still important that the infrastructure requirements within appendix H1 are considered and met for the application site in a proportionate manner. The release of small MGB sites is considered to be the antithesis of sustainable development,

which is a core principle within the National Planning Policy Framework. This site, although small, is part of a larger site allocated for residential development and in order for the West Hockley general location as a whole to be considered acceptable, all of the infrastructure requirements need to be met for the West Hockley site as a whole.

- 5.20 A recent appeal statement by RDC against the refusal of planning permission to 'Sub-Divide Site and Construct Two Storey Four-Bedroomed Detached House and Detached Garage' (Reference 12/00147/FUL) raises concerns with regard to the proposal for a single dwelling that would be treated in isolation of a wider proposal for residential development in West Hockley. Development of a single dwelling was considered to be inappropriate, impacting on the viability of a comprehensively developed scheme to provide the necessary affordable housing provision and infrastructure improvements required by Core Strategy Policy H2. This therefore reiterates the need to ensure that infrastructure requirements for the application site are considered in relation to the West Hockley general location as a whole, which includes the Pond Chase Nursery site.
- 5.21 The local highway capacity and infrastructure improvements, set out in appendix H1 require the ECC Highways department to itemise the specific works required in this area in relation to the proposal. With regard to this particular application, a request has been made for a 1.8m footway to be constructed along the entire site frontage with appropriate crossing facilities where applicable. This could be required as part of this application by planning condition as a requirement of appendix H1.
- 5.22 No public transport infrastructure improvements and service enhancements have been put forward by the applicant. Public transport and service enhancements would, if necessary, be sought by ECC and despite being identified as a requirement of the West Hockley general location, have not been sought by the County Council in this instance. However, a planning condition relating to the need for the developer to be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include 6 All Essex Scratch Card tickets has been suggested and could be required by planning condition.
- 5.23 The applicant has not proposed any new links to the cycle network or link enhancements to the local pedestrian/cycle and bridleway network, however the emerging Allocations DPD indicates that the preferred site in the general location of West Hockley should provide linkages and enhancements, in particular that it should facilitate the development of the proposed Sustrans cycle network. The Sustrans cycle route is being developed in conjunction with ECC and is intended, in the longer term, to provide a cycle route through Rochford District (ultimately connecting the District's settlements with

Chelmsford and Southend). The intention is for larger development sites in the Rochford District to link into this network.

- 5.24 The outline planning application at Pond Chase Nursery considered that a planning condition be imposed to require provision within the detailed layout of a cycle connection point to the land to the west (the current application site). If the land to the west were then developed a cycle connection from the Pond Chase site directly to Church Road could be provided. It is therefore considered reasonable to require such a connection within the current application by planning condition as a requirement of appendix H1. In order to ensure some level of integration between the two sites, as suggested by the ECC Urban Design officer, access to pedestrians as well as bicycles between the two sites should also be provided as well as provision for pedestrian integration with the site to the north 'Windfield'. The potential for vehicular access to 'Windfield' is provided within the indicative layout however, pedestrian access should also be provided. This would require a revised layout at reserved matters stage to incorporate such a connection, particularly to the east.
- 5.25 Public open space, play space and SUDs requirements under appendix H1 will be discussed later. The lack of public open space provision either in the form of physical space or financial contribution is a cause for concern within the current application.
- 5.26 It is considered that the application site, together with the Pond Chase Nursery site, collectively forms the most suitable site to meet the housing target for the West Hockley area, given reasonable alternatives, by virtue of the following factors:-
- The location is previously developed land;
 - The location is connected to the built up residential edge of Hockley; and
 - The location can deliver a strong, long-term and defensible green belt boundary. For the part of the general location to which this site relates the defensible boundary would be to the north where the dwelling 'Windfield' is located
- 5.27 Therefore, based on the site's suitability, it is considered that very special circumstances could exist, which could clearly outweigh the harm to the Green Belt that would result from the proposed development. However, at the current time, it is not considered that very special circumstances exist because the application is not policy compliant. Without compliance with such policies, the justification for release of this site from the Green Belt is greatly reduced. A small site such as this has the potential to be unsustainable without adherence to such policy requirements which look to seek infrastructure to support the provision of 50 additional dwellings within the

West Hockley general location, in a comprehensively planned manner. The site is currently contrary to the following policies:-

- Public open space and play space - policy H2 of the Core Strategy 2011 refers to infrastructure requirements for the West Hockley general location identified in Appendix H1. No public open space or play space is provided for within this application, as physical space or as part of a financial contribution to construction and future maintenance arrangements via policy CLT1. In addition, policies CLT5 and CLT7 require new public open space to accompany additional residential development.
- Affordable housing – policy H4 of the Core Strategy 2011 requires at least 35% of dwellings on all developments of 15 or more units, or on sites greater than 0.5 hectares to be affordable. Therefore the West Hockley general location as a whole should provide for this. It is not considered reasonable for the Pond Chase nursery site to have to comply with this requirement but not Westview. It is considered that for the West Hockley general location, a proportionate amount of affordable housing for both Pond Chase Nursery and Westview should be provided here.
- Education – policy CLT2 of the Core Strategy 2011 seeks developer contributions to increase the capacity of existing primary schools where required. It is considered to be the case that, for the same reason as for the affordable housing position, educational contributions should be provided for in a proportionate manner at Westview.

- 5.28 Whilst it is considered that flexibility can be reached on the quantity of residential dwellings within the West Hockley site, allowing for 57 dwellings as opposed to 53, it is not considered that this should be at the expense of infrastructure requirements for the West Hockley general location which still need to be met for the site as a whole.

Density

- 5.29 The net developable area of the site for residential use would be an area of some 0.31ha. It is necessary to consider whether this area could reasonably accommodate the 7 dwellings proposed at an appropriate density and in a way that would achieve the high standard of design and layout required of new residential developments in order to create a high quality place to live.
- 5.30 National planning policy no longer stipulates a minimum density requirement for residential developments and nor does adopted local planning policy; the only requirement is that best and most efficient use of land is achieved.
- 5.31 The proposal for 7 dwellings on a 0.31ha net developable area would result in an average site density of 22.6 dwellings per hectare which, when compared with the 21.9 dph accepted at Pond Chase Nursery, is considered to be acceptable at this site. Although the site is MGB and the loss of a minimal

amount of MGB land would be preferred this should not be to the detriment of achieving high quality design, which is appropriate to its context and creates a high quality place for people to live. The site is not in a town centre location where much higher overall density would be in keeping with the surroundings. At the proposed average density the development of the site would relate well to its context and make the best use of MGB land.

- 5.32 By way of comparison in the locality, the average density for the area close to the site around the western end of Folly Lane is some 11.79 dph and the eastern end some 20.32 dph. The average density for the area to the south of Folly Lane, taking in Gay Bowers, Silvertree Close, Hawthorne Gardens, Sunnyfield Gardens, Laburnum Grove and Laburnum Close is some 26.9 dph.
- 5.33 Although indicative only, the garden areas of the 7 dwellings exceed the required minimum of 100 square metres by at least 30 square metres each. With an average site density of 22.6ha each property would be provided with amenity space which meets and in some cases notably exceeds the minimum policy requirements.
- 5.34 It is concluded that a net developable area of 0.31ha could accommodate the proposed 7 dwellings at an appropriate density and that a detailed overall design and layout could be worked up which would achieve the necessary high standard of design and layout including the required sizes for amenity spaces and parking standards. Due to the site's location, with the rural characteristics of Church Road, it is considered that a greater quantity of soft landscaping should be included within the scheme and the density proposed would still allow for increased landscaping in a reserved matters application.

Design

- 5.35 Policy CP1 requires new housing developments to achieve high quality design and layout. Good design is that which contributes positively to making places better for people and takes the opportunities available for improving the character and quality of an area and the way it functions. Places exhibiting good design should be visually attractive, safe, accessible, functional, inclusive, and have their own identity and maintain and improve local character. They should also be well integrated with neighbouring buildings and the local area more generally in terms of scale, density, layout and access and relate well to the surroundings.
- 5.36 As this is an outline application, detailed design and layout is not a matter for consideration at this stage; the submitted illustrative layout plan which shows how the proposed 7 dwellings could be arranged at the site is not for determination. However, in a general sense, the layout appears to relate well to the development currently underway to the south of the application site and within the same ownership.

- 5.37 ECC Urban Design officer has, however, commented on the illustrative layout and their concerns should be considered in working up a final layout for submission in a Reserved Matters application, if outline consent is granted. In particular, the re-positioning of plots 1 and 2, a good quantity of soft landscaping and pedestrian links to the Pond Chase Nursery site to the east and Windfield to the north are suggested. An approval at outline stage could place certain parameters on the siting of these two plots by way of planning condition.
- 5.38 Any Reserved Matters application would be subject to its own consultation and allow for the acceptability of the proposed detailed design, layout and appearance to be interrogated further.

Scale

- 5.39 Although scale is a matter reserved for consideration in a reserved matters application that would follow, the applicant is required to provide some detail in relation to scale at the outline stage.
- 5.40 The proposed dwellings would be two storey 4 bedroomed detached dwellings each with a detached double garage. The footprint of the dwellings, taken from the design and access statement submitted, would typically be 9m (deep) x 14m (wide). This is larger than the scale of the 7 properties depicted on the indicative layout drawing and the properties currently under construction to the south of the site. Whilst there are large properties located within the vicinity of this site, they are located on larger plots and therefore are more spacious in their form and appearance. The scale of the properties proposed in the context of this site, where a development of properties with a smaller footprint to the south is underway is considered to appear out of character. In response to an invalid letter, the applicant confirmed in writing that the dwellings would be approximately 8m (deep) x 11m (wide) reflecting the dwellings under construction to the south. Therefore, there is conflicting information with regards to the depth and width parameters provided. However, footprints of approximately 8m x 11m would be acceptable here and could be controlled by planning condition.
- 5.41 The proposed approximate height of the dwellings is 11m, reflecting that which is already partly built to the south. The acceptability of exact height and massing of each building would be considered in more detail as part of any Reserved Matters application.

Dwelling Types and Affordable Housing

- 5.42 Policy H5 of the Core Strategy requires new housing developments to contain a mix of dwelling types to ensure that they cater for and help create mixed communities. Whilst all properties are proposed to be 4 bedroomed at this site, with only 7 dwellings proposed it is not considered that a mix would be necessary here. Policy H6 of the Core Strategy requires that new housing

developments comply with the Lifetime Homes Standard. A suitable planning condition is recommended to ensure that provision be made for these requirements coming forward.

- 5.43 Policy H4 of the Core Strategy requires at least 35% of dwellings on all developments of 15 or more units, or on sites greater than 0.5 hectares to be affordable. The West Hockley general location, including the Pond Chase Nursery and Westview sites, would provide for 57 dwellings. It is considered reasonable to look at the West Hockley general location as a whole, rather than just the 7 dwellings proposed at Westview, when considering affordable housing requirements. Each site should provide for a proportionate quantity of affordable housing in order to ensure a sustainable and comprehensively planned form of development within this general location. It is not considered reasonable to require Pond Chase Nursery to meet all of this requirement without a proportionate amount also being provided at Westview. At the Westview site, 35% of 7 dwellings would equate to 2.4, which would result in the need for 2 or 3 affordable units. The current application does not propose the provision of affordable housing at all at Westview. Therefore, without the indication that such affordable housing could be provided here by the applicant, the Council is not in a position to recommend approval with the requirement for a legal agreement to be entered into. Further negotiations could have been undertaken making this recommendation one of approval but as an appeal has now been lodged, such negotiations could potentially be entered into at appeal instead.

Ecology

- 5.44 The application site does not include any nationally, regionally or locally designated wildlife sites although there are trees that border the site to the north and east and the site is vegetated. The site therefore offers the potential for habitat that supports protected species.
- 5.45 Natural England have been consulted on the application and have stated that it is not clear from the information in support of this application what the impact on protected species will be. Natural England encourage the authority to ask the applicant to provide further information that clearly describes the impact of the proposal on protected species and any proposed mitigation together with evidence to show how they concluded what the impacts will be.
- 5.46 When reviewing the Natural England 'Decision Tree' which assists in determining when ecological surveys are required, a survey is considered to be required at this site in order for the LPA to consider the impact of the proposal on protected species for the following reasons:-
- A previous application at Westview (Ref: 06/00536/FUL) provided an ecological survey which confirmed that no badgers were present but slow worms and a grass snake were discovered and mitigation was suggested. It is unclear as to whether this survey covered just the residential area of

Westview to which this application related or whether it covered the entire site including the MGB area. Regardless, the proximity and relationship to the current site is relevant in terms of considering the ecological implications.

- The site is historically a large garden in a rural area.
- A ditch is located to the east of the site and a pond is within 500m of the site (to the north east) linked by hedging and trees.
- The site is PDL.

The site therefore offers the potential for habitat that supports protected species.

- 5.47 Although the application lacks information with regards to the ecological position at this site, RDC's ecological consultant does not object. He considers it unlikely that, with appropriate mitigation, the impacts of the proposals as they stand would have a significant negative impact on the species and habitats that may be present. Therefore although an ecological assessment should be provided at reserved matters stage, it is not considered that the lack of such information within this outline application justifies refusal of this application.

Trees

- 5.48 No tree survey has been submitted with this application and such a survey was resisted by the applicant at validation stage. There are several trees located on and bordering the site. Many to the northern boundary are subject to Tree Preservation Order 32/92.
- 5.49 The Council's Arboricultural officer does not have any objections to the proposal on arboricultural grounds but suggests various planning conditions be attached to an approval. Retention of the Oak tree to plot 1 is sought and it is suggested that the property at plot 1 is relocated within a reserved matters application so that it avoids the Root Protection Area of this Oak tree. Although the applicant advises that this tree is in poor condition, without a tree survey by a qualified arboriculturalist, it is not clear as to whether this tree is worthy of retention or not. Without such clarity, it is considered at the moment that it should be assumed that this tree has the potential to be worthy of retention. Such relocation within a reserved matters application would also work alongside the recommendation by the ECC Urban Design officer to ensure plots 1 and 2 are in line with Windfield to the north and the properties currently under construction to the south.
- 5.50 The Council's Arboricultural officer does not have concerns with regards to the proximity of the dwellings at plots 1, 6 and 7 to the TPO trees as long as

ground protection is provided within the RPA's of these trees which could be controlled by planning condition.

- 5.51 Subject to the recommended planning conditions, it is considered that the proposed development would not impact adversely on existing trees at and bordering the application site.

On-site Renewable Energy

- 5.52 Policy ENV8 requires developments of 5 or more dwellings to secure at least 10% of their energy from decentralised and renewable or low-carbon sources unless this is not feasible or viable.
- 5.53 A condition is recommended that would require at least 10% of the energy from the development be secured from decentralised and renewable or low-carbon sources unless this is not feasible or viable.

Code for Sustainable Homes

- 5.54 The proposal would need to ensure, as required within Policy ENV9 of the Core Strategy, that all dwellings meet Code for Sustainable Homes (CSH) 3. This policy also requires that developers go beyond this level between 2010 and 2013, particularly in terms of water conservation measures. An informative is therefore recommended that would require all dwellings to meet CSH level 3, except with regard to water efficiency measures, which will be required to meet CSH level 4 criteria, controlled by planning condition.

Open Space and Play Space

- 5.55 Policy CLT5 of the Core Strategy requires the incorporation of new public open space within residential developments, which is accessible and designed to integrate into the development having regard to local current and projected future need. This is also a requirement for the West Hockley site referred to within appendix H1.
- 5.56 This application site does not propose any public open space for the 7 dwellings proposed which is contrary to policy CLT5. The Pond Chase Nursery site would provide the 0.4ha of amenity green space required of the West Hockley general location within the draft Allocations Submission Document and appendix H1 of the Core Strategy by legal agreement using an area to the north shown to be part of the site reserved for ecology. However, although this site incorporates such provision, it is not considered reasonable to allow Pond Chase Nursery to provide for all of this requirement including future maintenance arrangements of the West Hockley general location when Westview is also a part of this general location. A proportionate amount of either open space or a financial contribution towards public open space and maintenance should be provided for from Westview.

- 5.57 If public open space and play space were to be placed at the Pond Chase Nursery section of the general location, it is considered that the site would be within reasonable distance, with pedestrian/cycle access through, to the Westview site and would be usable space for the occupants of the 7 dwellings at Westview.
- 5.58 In addition, policy CLT7 requires the incorporation of appropriate communal play space, which would be accessible, subject to natural surveillance and comply with the Council's Play Space Strategy. The emerging Allocations DPD also identifies that the West Hockley general location should deliver at least one local area for play (LAP) on a minimum area of 0.01ha.
- 5.59 Play space was shown to be provided on the Pond Chase Nursery application and it was concluded that this would be made a requirement of the s106 legal agreement, including maintenance of the equipment and space by an appropriate management company in accordance with the requirements of Policy CLT7. Similarly to the public open space assessment, it is considered that such play space requirements should be proportionately provided either in physical form or as a financial contribution towards construction and maintenance at Westview.

Education

- 5.60 Initial comments from ECC Education department confirmed that no contributions would be required for this site as the proposal was for less than 10 dwellings. However, as the site is part of the wider general location area of West Hockley, like with the affordable housing and infrastructure provision, this site needs to be considered as a whole along with Pond Chase Nursery when considering provision.
- 5.61 Upon further discussions with ECC Education department they have advised that they would view the application alongside Pond Chase Nursery as a whole. They have stated that for the Westview part of the site they would seek a financial contribution around the £7335 figure which is considered to be reasonable and justified for this part of the site. It is also in accordance with policy CLT2 of the Core Strategy which seeks contributions to increase the capacities of existing primary schools where required.
- 5.62 Like with the affordable housing, the current application does not propose a contribution towards education provision. Therefore, without the indication that such a contribution towards education could be provided here by the applicant, the Council is not in a position to recommend approval with the requirement for a legal agreement to be entered into.

Highways/Access to the Site

- 5.63 The application site is located on Church Road, which is a residential street that links to Fountain Lane (one-way), High Road and Folly Lane to the south and Lower Road to the north.
- 5.64 The proposal would use an existing access to 8 detached houses to the south of the site granted planning permission under Ref: 06/01095/FUL and would also provide a private drive through to plots 5, 6 and 7 with the potential for this access to be connected through to Windfield in the future. The property at plot 1 would have its own independent access to Church Road. However, ECC Highways department have raised concerns about this access with a preference for this plot to be accessed from the private drive to minimise the number of accesses onto Church Road. However, when planning permission was granted for 8 dwellings under Ref: 06/01095/FUL the three accesses (private drive and individual accesses to plots 1 and 2) shown on the approved drawings were not considered objectionable by ECC Highways. Therefore, it is considered that the possible increase of accesses to this site by one within the current proposal would not be objectionable and should not represent a reason for refusal so long as the suggested conditions to ensure highway safety are attached to an approval. The position of the access to plot 1 may need adjusting in relation to the Oak tree located in close proximity to this plot having regard to the results of the tree survey required at reserved matters stage.
- 5.65 It is not considered that the proposed addition of 7 dwellings using Church Road would generate additional traffic of a level to be considered to add materially to traffic flows on the adjacent road network. ECC Highways department do not raise any objection on the grounds of impact on the highway network or highway safety.
- 5.66 Access to the site is a matter for determination at the outline stage and the access arrangements proposed are considered to be acceptable. ECC Highways planning conditions will need to be considered and incorporated.
- 5.67 It appears possible from the indicative layout for the number and sizing of parking spaces to be adequately accommodated on each plot. It should be noted that parking spaces should adhere to the quantity and bay size criteria Parking Standards Design and Good Practice Supplementary Planning Document (Adopted December 2010) along with the other criteria in relation to parking identified within this document. The chimney breasts located on some of the plots, do not allow adequate access to the garages to the rear. Whilst not a consideration at outline stage this will need to be addressed at reserved matters stage.
- 5.68 As referred to earlier, a pedestrian/cycle access will be required by planning condition to the eastern boundary in accordance with the requirements found in appendix H1 of the Core Strategy.

Sustainable Drainage

- 5.69 Policy ENV4 of the Core Strategy requires all residential development over 10 units to incorporate surface water run-off control via a sustainable urban drainage system and this is also a requirement of the West Hockley general location as identified in appendix H1 of the Core Strategy.
- 5.70 The applicant proposes that surface run-off be retained as grey/irrigation water supply or be specifically directed into the ditch at the rear of the site to supplement the local natural water supply. Such SUDs measures could potentially be integrated with those proposed at the Pond Chase Nursery site which included utilising existing drainage ditches, creating swales and a detention pond. Bearing in mind the SUDs measures currently put forward and the potential for integration with Pond Chase Nursery it is considered that adequate SUDs measures under appendix H1 could be provided at this site and more detail surrounding this could be required at reserved matters stage by planning condition.
- 5.71 It is noted that as a result of the proposed development there would be a significant increase in the amount of hard surfacing at this site. Permeable surfacing and a sustainable surface water drainage strategy could sufficiently be controlled by planning condition.
- 5.72 The Environment Agency stated that the proposal is outside the scope of proposals to which they provide comment as statutory consultee. The site is in an area of low flood risk and consequently there is no objection to the proposed residential development, in principle, on flood risk grounds.
- 5.73 No foul water drainage strategy has been submitted and Anglian Water has not provided comment on the application. For 7 dwellings it is considered that foul water drainage could be sufficiently controlled by Building Regulations.

Utilities

- 5.74 No utilities assessment has been submitted with the application however, it is not suggested that there would be any capacity issues in terms of water electricity, gas or telecommunications. This could be understood in more detail at Reserved Matters stage.

Residential Amenity

- 5.75 At the outline stage a detailed site layout is not for determination so specific relationships between existing residential properties and proposed dwellings cannot yet be considered. The layout plan shows where dwellings could potentially be located on the site. Careful consideration around any plots close to the boundary with 'Windfield' should be given at reserved matters stage to ensure no unacceptable overlooking occurs. However, impact on residential amenity is not considered to be of particular concern at outline stage. It is

considered that residential development could take place, which would not have a detrimental impact on the amenity that ought to reasonably be expected by the occupants of existing adjoining properties.

Other

- 5.76 The applicant makes reference in a supporting letter to a planning applications dating from the early 1960s (EEC/ROC/457/61), which he believes remains extant. Whilst planning history at the site can be a material consideration, this matter has not been considered in the assessment of this application.

CONCLUSION

- 5.77 In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.78 Whilst the application site is designated as MGB, the proposed residential development would be located, according to the NPPF, on previously developed land thus limiting the impact of the development on open, undeveloped MGB land. It is considered that whilst there are the potential for very special circumstances to exist, either cumulatively or individually, which clearly outweigh the harm that would result to the MGB, at the current time this is not the case due to the proposals lack of compliance with policies H2 (which refers directly to appendix H1), CLT1, CLT5 and CLT7 of the Core Strategy 2011..
- 5.79 Therefore, due to the applications lack of provision for public open space, play space and affordable housing the proposal is contrary to the above listed policies and it is not considered that a legal agreement, without negotiations having taken place, could definitely address the current unacceptability of the proposal.

6 RECOMMENDATION

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

That the this report be put to the Planning Inspectorate on appeal, stating **that had the Authority been in a position to determine** this application, it would have been **REFUSED**, for the following reason:-

- (1) The Rochford District Replacement Local Plan (2006) shows the site to be within the Metropolitan Green Belt. Paragraph 89 of the National Planning Policy Framework states that the Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt unless it is for one of the exceptions listed to which the proposed development does not fall within. Within the Green Belt inappropriate development is, by

definition, harmful and should not be approved except in very special circumstances.

Due to the lack of compliance with the public open space, play space, educational contributions and affordable housing requirements within policies H2 (which refers to Appendix H1), H4, CLT2, CLT5 and CLT7 of the Core Strategy 2011 it is not considered that such very special circumstances exist. There are no material planning considerations that indicate that this proposal should be determined favourably and not in accordance with the adopted development plan, which requires proposals for residential development within the general location of West Hockley to be comprehensively planned and to comply with the necessary infrastructure requirements. Policy H1 which looks at the efficient use of land for housing requires residential development to conform to all policies within the Core Strategy to which this proposal does not. Without compliance with such policies, the justification for release of this site from the Green Belt is greatly reduced. A small site such as this has the potential to be unsustainable without adherence to such policy requirements which look to seek infrastructure to support the provision of the additional dwellings within the West Hockley general location, in a comprehensively planned manner.



Shaun Scrutton

Head of Planning and Transportation

Relevant Development Plan Policies and Proposals

HP6, HP10, HP21 and UT2 of the Rochford District Replacement Local Plan 2006.

H1, H2, H4, H5, H6, CP1, GB1, ENV8, ENV9, CLT1, CLT2, CLT5, CLT7, T1, T3, T6 and T8 of the Core Strategy 2011

National Planning Policy Framework (NPPF)

Parking Standards Design And Good Practice Supplementary Planning Document (Adopted December 2010).

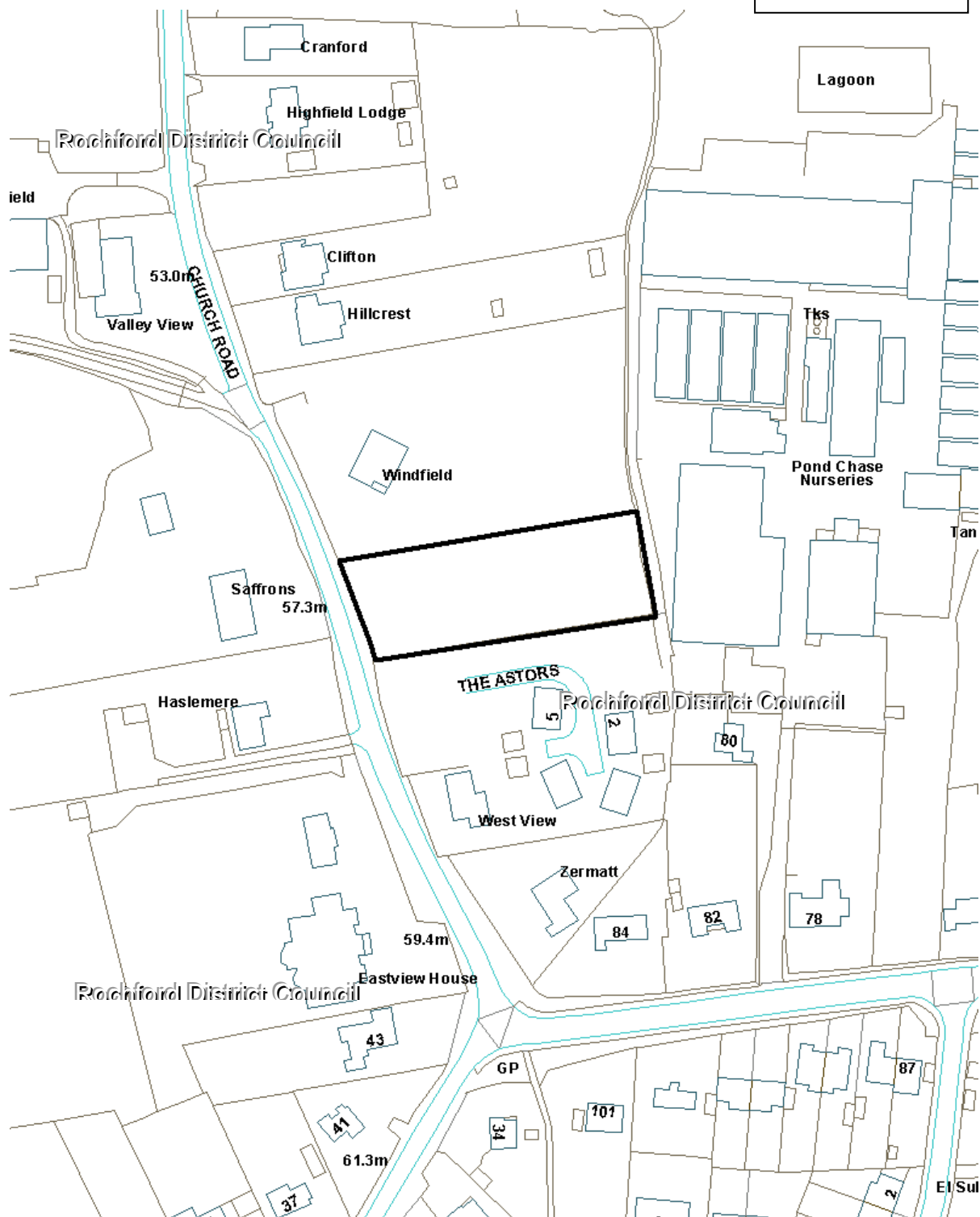
For further information please contact Claire Robinson on:-

Phone: 01702 318096

Email: claire.robinson@rochford.gov.uk

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

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