

18/00898/FUL

**SECTION 73 APPLICATION TO VARY CONDITION 2
ATTACHED TO PLANNING CONSENT REFERENCE
17/00258/FUL TO ACCOMMODATE REVISIONS TO SITE
LAYOUT (PROVIDING A REAR ACCESS TO PLOTS 12,13
and 14 AND PARKING PROVISION SERVING PLOTS 3 AND
4 AND REVISIONS TO THE DESIGN OF PLOTS 3, 4 5, 6,7, 8
and 9**

BIRCH LODGE, ANCHOR LANE, CANEWDON

**APPLICANT: MARKS HEELEY LIMITED, SUITE 1, THE
STABLES, CANNONS MILLS LANE,
BISHOPS STORTFORD, CM23 2BN**

ZONING: RESIDENTIAL (ALLOCATED SITE SER 7)

PARISH: CANEWDON PARISH COUNCIL

WARD: ROCHE NORTH AND RURAL

1 RECOMMENDATION

1.1 It is proposed that the Committee RESOLVES

That the application be approved, subject to being written into and bound by the obligations to the legal agreement dated 20 July 2018 to which application 17/00258/FUL relates and to the following conditions:-

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of the original permission granted planning permission on 24 July 2018.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The development shall be undertaken in strict accordance with the following referenced plans and documents:-

H1055/A1 Rev A, H10551/A2 Rev A, H10551 - A3 Rev A, H10551/01 Rev A, H1055105 Rev A, H10551/D2 Rev A, H10551/D3 Rev A, H10551-P3, H10551-P5 , H10551- P6, H10551 - P8, H10551 - P10, H105511 - P11, H10551 - P12, together with the provisions and measures set out by the revised Flood Risk Assessment (reference H10551 Rev B 14/07/2017), Arboricultural Report including the updated Tree Protection Plan (revised February 2017).

REASON: For the avoidance of doubt and to ensure that the development is completed in accordance with the details considered as part of the planning application.

- (3) No development shall commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and agreed in writing by the Local Planning Authority. This Plan shall include details of all ecological avoidance, mitigation and enhancement measures to be undertaken in connection with the implementation of the development, including ecological enhancements to be achieved as part of the development. The details to be submitted shall include details as recommended by Section 5.2 of the Preliminary Ecological Appraisal (April 2017) submitted in support of the application. The development shall be undertaken in accordance with the agreed measures.

REASON: To safeguard biodiversity in accordance with policies DM25 and DM27 of the Development Management Plan (Adopted 2014).

- (4) Prior to the implementation of any soft landscaping works associated with the development, details in the form of a detailed planting specification shall be submitted to and approved in writing by the Local Planning Authority. These details shall indicate details of species types, including their height at the time of planting, together with details of the treatment or replacement of any trees, shrubs or plants which become diseased or die within the first 3 years of planting.

REASON: To ensure a satisfactory development and environmental enhancements in compliance with policies DM1 and DM25 and DM27 of the Development Management Plan (Adopted 2014).

- (5) The scheme shall be implemented in accordance with the agreed details.

REASON: To ensure a satisfactory development and environmental enhancements in compliance with policies DM1 and DM25 and DM27 of the Development Management Plan (Adopted 2014).

- (6) Notwithstanding the details submitted by the revised Flood Risk Assessment reference H10551 Rev B 14/07/2017 no surface water drainage works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:-
- Limiting discharge rates to 1 in 1 green field rate for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change;
 - Provision of sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event;
 - Final modelling and calculations for all areas of the drainage system;
 - The appropriate level of treatment for all run off leaving the site, in line with the CIRIA SuDS Manual C753; and
 - Detailed engineering drawings of each component of the drainage scheme.

REASON; To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rain fall events and may lead to increased flood risk and pollution hazard from the site.

- (7) A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features shall be submitted, including a written report summarising the final strategy and highlighting any minor changes to the approved strategy. The scheme shall subsequently be implemented prior to occupation.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with

surface water occurring during rain fall events and may lead to increased flood risk and pollution hazard from the site.

- (8) No works shall take place until a scheme to minimise the risk of off site flooding caused by surface water run off and ground water during construction works and to prevent pollution has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented as approved.

REASON: The National Planning Policy Framework (paragraph 103 and paragraph 109) states that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

- (9) No works shall take place until a Maintenance Plan detailing the maintenance arrangements, including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed in writing by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- (10) The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development, as outlined in any approved Maintenance Plan, so that they continue to function as intended to ensure mitigation against flood risk.

Informative

Construction may lead to excess water being discharged from the site. If de-watering takes place to allow for construction to take place below ground water level, this will cause additional water to be discharged. Furthermore, the removal of top soils during construction may limit the ability of the site to intercept rain fall and may lead to increased run off rates. To mitigate increased flood risk to the surrounding area during construction there needs to be

satisfactory storage of/disposal of surface water and ground water, which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

- (11) All highway access works including the surfacing of the shared access drive and shared surfaces as shown by plan reference H10551/04 Rev A shall be fully completed prior to the first occupation of any dwelling within the development site.

REASON: For the avoidance of doubt and to ensure that the development is completed in accordance with the details considered as part of the planning application.

- (12) No development or preliminary ground works of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. The archaeological work will comprise evaluation trenches of the proposed development area, followed by excavation if archaeological features are found.

REASON: To evaluate the potential for archaeological remains in situ and to mitigate any potential impacts in compliance with policy ENV 1 of the Local Development Framework Core Strategy (adopted December 2011).

- (13) Notwithstanding the landscaping details to be submitted and approved prior to its first implementation details of the type and construction of all boundary treatments including perimeter boundary fencing and boundaries between individual plots shall be submitted to the Local Planning Authority for its written approval.

REASON: To ensure adequate control over design and to ensure a satisfactory appearance in compliance with policy DM1 of the Local Development Framework Development Management Plan (adopted December 2014).

- (14) The development shall be implemented in accordance with the agreed details of all boundary treatments.

REASON: To ensure adequate control over design and to ensure a satisfactory appearance in compliance with policy DM1 of the Local Development Framework Development Management Plan (adopted December 2014).

- (15) Prior to their first use a detailed specification of all external materials to be used within the development including windows and doors, roofing materials, guttering and rain water goods shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To enable the Local Planning Authority to retain adequate control over the appearance of the building in the interests of amenity.

- (16) The development shall be undertaken in strict accordance with the agreed details of external materials.

REASON: To enable the Local Planning Authority to retain adequate control over the appearance of the building in the interests of amenity.

- (17) The hours of construction/operation on site including any deliveries or transfer of materials to or from the site shall be restricted to the hours of 7.30 am to 7.30 pm (Monday to Friday) and between the hours of 8.30 am and 7.30 pm on Saturday and Sundays).

REASON: In the interest of residential amenity in compliance with policy DM 1 of the Development Management Plan (adopted 2014).

- (18) Prior to first installation details of a lighting scheme shall be submitted to the Local Planning Authority for its written approval. These details shall include details of all external lighting and illumination within the development site, including details of the height and position of all lighting columns, together with details of luminosity.

REASON: To ensure adequate control over design and to ensure a satisfactory appearance in compliance with policy DM1 of the Local Development Framework Development Management Plan (adopted December 2014).

- (19) The development shall be undertaken in strict accordance with the details of the agreed lighting scheme. Any variation shall be first agreed in writing by the Local Planning Authority prior to Implementation.

REASON: To ensure adequate control over design and to ensure a satisfactory appearance in compliance with policy DM1 of the Local Development Framework Development Management Plan (adopted December 2014).

- (20) The development shall be undertaken in accordance with the recommendations of the arboricultural report, as revised in February 2017. Any variance to the measures as recommended by the report shall be first agreed in writing by the Local Planning Authority prior to the implementation of any works.

REASON: To safeguard trees and woodland in compliance with policies DM25 of the Development Management Plan (Adopted 2014).

- (21) In the event of any contamination being found on site during the course of development an evaluation of the source and risk of contamination

and appropriate mitigation measures to remediate the site shall be undertaken and mitigation measures shall be agreed in writing by the Local Planning Authority. Any necessary mitigation or remediation shall be undertaken/implemented in accordance with details to be agreed.

REASON: To minimise the risk of pollution and risk to human health in compliance with Local Development Framework Strategy ENV11.

- (22) The development shall be implemented to provide/facilitate the provision of fibre optic telecommunication Infrastructure including full fibre optic broadband to serve the development.

REASON: To promote the delivery of high quality communications in compliance with paragraph 112 of the National Planning Policy Framework (NPPF) 2018.

Informatives

It is advised that a payment in respect of the provision of 3 refuse bins per dwelling at £168.00 per set will be required prior to the first occupation of the respective dwellings.

2 PLANNING APPLICATION DETAILS

- 2.1 This application is submitted further to the granting of full planning permission in respect of the substantive development involving the demolition of a dwelling and the erection and siting of 14 dwellings which was previously considered by the Development Committee under planning reference 17/00258/FUL, which was granted planning permission on 24 July 2018.
- 2.2 This section 73 application seeks approval in respect of material revisions to that substantive scheme, which the local planning authority advised could not be progressed via an application for non material amendments due to the nature of the revisions which although not considered significantly different from the approved scheme were beyond the scope of a non material amendment application.
- 2.3 The application in essence relates to the variation of condition 2 of the full consent which itemised the plans with which the development was required to be undertaken in accordance with, which included the site layout plans, floor plans and elevation plans, the latter of two of which will be slightly amended within plots 3, 4, 5, 6, 7, 8 and 9 to accommodate the revisions now proposed.
- 2.4 The application seeks approval for the substantive development of the same quantum consisting of 14 dwellings to be undertaken in accordance with the provisions of revised plans highlighting these changes which are set out by plan reference(s) H10551/01 Rev A, H10551-D3 Rev A, H10551-A3 Rev A, H10551 -D2 Rev A, H10551-A2 Rev A and H10551 -05 Rev A.

(These plans replace plan references H10551/A1, H10551/A2, H10551/A3, H10551/01, H10551/04, H10551/05, H10551/D2, H10551/D3) as highlighted by condition 2 of the full planning permission. A Design and Access Statement (reference Rev B) is submitted in support of the application which explains the changes now proposed as advised by the local planning authority in order that the revisions can be understood in the context of the substantive development previously granted conditional planning permission.

2.5 The revisions to the approved scheme include the following:-

- a. The provision of a rear access footpath to the rear aspect of plots numbers 12, 13 and 14. This revision is stated to be a requirement as set out by Chelmer Housing Partnership (CHP) the Housing Association which will take over the affordable housing element of the development. This provision is shown by the revised proposed site plan (drawing reference H10551/A1) which indicates a footway access from the shared surface fronting plots 12, 13 and 14 constructed adjacent to the east boundary of this segment of the site and along a length of 11 metres to the rear boundary of the amenity space serving the cited plots but set in an average of 3 metres from the site boundary to preserve the ecology strip which the substantive consent requires by condition to be maintained. The purpose of this path is to provide an alternative access by Numbers 11, 12, 13 and 14 to the rear gardens to provide an external means of bringing the waste receptacles to the frontage of the site for collection which would not be possible otherwise. Number 10 has access on its west boundary to enable this process to take place independently which is the reason why the path does not extend across the entire length of the rear boundary.
- b. A change in the footprint and elevational details of plots 5-9 to provide additional living space at ground floor level. The changes are shown by drawing reference H10551-A3 Rev A which illustrates how a lean to bricked and glazed section will be added to the rear aspect of all the 5 units, this rear section being served by full length glazing arranged into 4 panels whilst 2 roof lights shall be incorporated in the roof elevation to optimise natural light gain into the enlarged living area. This plan replaces the originally submitted plan reference H10551/D3. These units in all other respects, with the exception of a slightly reduced rear amenity area (but still providing the required amenity space in accordance with the requirements of the Supplementary Planning Document 2 House Design guidance), is unchanged.
- c. The infilling at ground floor level of the undercroft area shown by the previously approved plans as providing access to rear parking space serving plots 3 and 4 (which is to be relocated) to create additional ground floor living space. The original elevation designs were shown by drawing reference H10551/A2 which are now to be replaced by drawing reference H10551-A2 Rev A which shows the undercroft area previously proposed

as being filled in by feature full length glazing arranged in 4 glazed panels to the front elevation of both units and by solid wall incorporating a standard window opening to the rear elevation. The original floor plan reference H10551/D2 will be replaced by drawing reference H10551-D2 Rev A,

- d. The provision of two alternative parking spaces to serve plots 3 and 4. This arrangement is shown by drawing reference H10551/04 REV A (Parking Allocation Plan) which replaces the arrangement previously indicated by drawing reference H10551/04 (Parking Allocation Plan). The parking areas are shown by the revised plans as relocated to the front of Plot 3 (2 vehicular parking spaces) and to the East aspects of Number 4 (2 vehicular parking spaces) within a scheme which in total provides 37 vehicular parking spaces as compared to the 36 spaces shown by the original plans.

3 MATERIAL PLANNING CONSIDERATIONS

Site and Context

- 3.1 The application site is in the process of being developed in accordance with the parameters set out by the granted planning permission but formerly comprised an area of land which included a single story C3 residential property know as Birch Lodge. The site is rectangular in shape and has frontage to Anchor Lane. Its location (adjacent to “Three Acres”) makes the site a natural infill development site and a feature for the village. The site is 0.45 hectares in size and is located to the right of the junction of Scotts Hall Road and Anchor Lane. The site is between Three Acres development site and the 1970 built properties on Anchor Lane. The site benefits from two vehicle access points, the main one being via the Three Acres development which will serve the development other than access for just the frontage plots facing Anchor Lane.
- 3.2 The site on two sides, north and east, is enclosed by dwellings reminiscent of the design of the 1970's and 1980's. The site forms part of that land which constitutes the SER 7 allocation within Rochford District Council's Allocations Plan.
- 3.3 The location is within 550m of the village centre with footpaths with street lighting immediately adjacent to the east on Anchor Lane. The nearest bus stop is located 50m to the east of the site on Anchor Lane. These stops are served by bus route numbers 60A, 806 and 515 providing a daily service to Great Stambridge, Rochford, Southend and Lower Hockley.
- 3.4 Rochford rail station is located approximately 7 kilometres to the south west of the site and benefits from 50 cycle and 205 car parking spaces. There is a service every 20 minutes (peak) to London Liverpool Street and to Southend Victoria. These services also provide connections to a number of local towns.

4 SITE PLANNING HISTORY

- 4.1 Application reference: 17/00258/FUL received on 08/03/2017: Demolish Existing Dwelling and Construct Development of 14 no Residential Dwellings granted full planning permission on 24 July 2018.

5 CONSIDERATIONS

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a statutory responsibility on planning authorities to determine planning applications in accordance with the provisions of the Development Plan unless material planning considerations indicate otherwise
- 5.2 The principle of development, as set out by the original application, has already been accepted and conditionally approved on the basis of the SER 7 allocation set out by the Allocations Plan (2014) which forms part of the Development Plan for the Rochford District. The original approval sets out clear requirements with regard to the provision of infrastructure to serve the development, including vehicular access partly reliant on access via the adjacent site, surface water drainage provision, and provision to mitigate any impacts upon archaeological and ecological interests. These requirements are unchanged and are not covered under the assessment of this application, which is limited to the subject matter of the conditions which this Section 73 application seeks to vary to enable the revisions to form part of the substantive development going forward in its revised form.
- 5.3 The only matter which the local planning authority needs to consider in this instance is that of whether the revisions cited are acceptable such that the development can be lawfully implemented in accordance with the plans which still apply to the elements which remain unchanged and in accordance with those aspects which are revised as cited by this particular application. If granted, this section 73 consent will be the consent which the development as a whole will need to be undertaken in accordance with.
- 5.4 Section 73 of The Town and Country Planning Act indicates that such applications in effect are applications to develop land without compliance with conditions previously attached to previous planning permissions. The statute advises that on such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly.
- 5.5 Statute indicates that planning permission must not be granted under this section to the extent that it has effect to change a condition subject to which a previous planning permission was granted by extending the time within which

a development must be started or an application for approval of reserved matters (within the meaning of section 92) must be made.

- 5.6 If considered acceptable, a Section 73 approval would constitute a new approval which would need to ensure that the relevant conditions which pertain to the substantive scheme are included as conditions on this new permission unless those previously issued conditions had already been discharged prior to the determination of the Section 73 application.
- 5.7 The revisions have been considered in the light of the considerations previously made with regard to the overall acceptability of the development and whether these revisions now proposed fundamentally change the parameters of the proposals such that on the basis of either planning policy provision or outward material effect the revisions render the development in its revised form unacceptable.

6 KEY PLANNING POLICY CONSIDERATIONS

Design Layout

- 6.1 The revisions when compared to the layout approved are not significant in that additional bedrooms are proposed which may have generated a requirement for additional parking space commensurate with the bedroom space increase. Fundamentally the revisions do not change the scale or parameters of the development but rather seek to accommodate design changes to specific plots in the form of increased floor space serving the affected units at ground floor level. The parking arrangements originally shown as serving plots 3 and 4 have been revised such that 2 car parking spaces serving plot 3 are now shown as occupying an area previously indicated as a grassed area located north of the unit. It is not considered that the loss of this area from a design perspective is objectionable whilst the waste collection area shown on the original plan is maintained by the revision.
- 6.2 Considering the parking previously shown to serve plot 4, it is noted that the parking to serve plot 4 is accommodated by the reduction in the extent of the amenity shown as serving plot 2 (located directly east of plot 4) which is reduced from 311 square metres to 286 square metres. In the context of overall provision of vehicular parking the layout is considered acceptable as there is no net loss in parking whilst the amenity space to serve plot 2 is still well above the amenity space standards minimum specified by the Council's Local Development Framework's Supplementary Planning Guidance (SPD) 2 House design.
- 6.3 It is acknowledged that the rear footprint of plots 5-9 at the rear ground floor aspect is increased which from a visual perspective is not considered objectionable. The Design and Access Statement submitted together with the layout plans indicate that the increased footprint does not demonstrably or significantly impact on the extent of the rear amenity space serving these properties such as to affect the attainment of the gross minimum amenity

space standards required by the Supplementary Planning Guidance (SPD) 2 House Design which exceeds the requirement of 50 m² of amenity space to serve two-bedroom properties and 100 m² to serve three-bedroom properties.

- 6.4 The fourth element to consider is that of the acceptability of the path to be located to the east and north aspect of the units located at the northern extremity of the site. This revision is proposed in response to the design requirements set out by the Registered Social Landlord (RSL) which will deliver the affordable housing elements of the scheme. From a layout perspective it is not considered that the path (which is noted to be 0.5 metres in width and located 3 metres from the northern boundary of the site) impacts upon the availability of the amenity space to be provided to serve the units which it is noted will be maintained above the minimum requirements set out by the SPD guidance.
- 6.5 The current excavations noted to have taken place on site indicate that a significant differential in land levels will prevail between the development site and the land located adjacent to the north and east boundaries of the development site. The excavations noted on site indicate that the finished floor level of plots 10,11,12,13 and 14 will be level with the height of the path which is relative to the adjacent land within private ownership (which form part of residential curtilages serving those properties to the north at Ash Green) will be set approximately 2 metres lower. This path is separated from adjacent land not only by reason of the height differential but also by the buffer strip which is marked on the site layout plan as the ecological strip. From a design layout perspective there is no material planning consideration which indicates that the path at this location is objectionable.

7 REPRESENTATIONS

- 7.1 The representation received from the occupier of Number 11 Ash Green in terms of the perceived effects of the path and its use on amenity has been taken into account. A site visit was undertaken to this property in order to assess the physical relationship between the rear curtilage of this property and adjacent properties and the development site.
- 7.2 At the time of the site visit metal fencing approximately 7 feet (2.12 metres) in height had been erected at a point set in approximately 3.5 metres from the site boundary with those properties at Ash Green. It was noted that the top of the fence relative to the land level at Number 11 Ash Green was set approximately 600 mm below the curtilage land level which entailed (that given the estimation that the path level would be level with the position of the fence base) that the path level would be approximately 2.7 metres below the land level at adjacent properties. It was noted also that the land was graded in that area between the development site boundary and the location of the path which in the opinion of Development Management would mitigate any possibility of any direct overlooking from this path (which is restricted and

limited in its use) in the direction of Number 11 Ash Green or any other property located to the north boundary of the site.

- 7.3 The local planning authority has to base its assessment and judgement of acceptability of development proposals on the basis of material considerations and whether any demonstrable harm is considered to arise in any particular instance which justifies any condition to offset the harm or a refusal if any issue is considered insurmountable. The representation received is noted including the perception of impacts of the use of the path on the amenity of Number 11 Ash Green which, however, are not considered to amount to material reasons to find the revision in this respect fundamentally objectionable.
- 7.4 The shed referred to in the objection received does have a window which, if occupied, would provide an outlook in the direction of the development site. However, this in itself does not amount to a reason to find in favour that the use of a path in close proximity along the north east section of the site leading to the rear path will demonstrably and detrimentally impact upon the amenity of the residential unit which is that of 11 Ash Green sufficient to find the revision in this respect objectionable.
- 7.5 The representation received from the occupier of Number 17 Ash Green is also noted. It is noted that there will exist a difference in land levels between the path serving the limited number of properties and the level of the residential curtilages to the north of the site boundary whilst an ecological buffer strip will be established between the path and the site boundary. No public interest issue is considered to arise in terms of security to either existing properties or the new development proposed. The recommended conditions relating to approval of site boundary treatments (condition 13) which is considered to constitute a design objective is considered appropriate and adequate in this instance.

8 CONSULTATIONS AND REPRESENTATIONS

- 8.1 Essex County Council Place Services Urban Design: Nno objection on the basis of any considered detrimental effects with regard to urban design.

Public Representations

- 8.2 Two representations have been received from the occupants of two properties located at Ash Green, Canewdon which is located to the north of the site. These representations are from the occupants of Numbers 11 and 17 Ash Green, Canewdon.
- 8.3 Concern is expressed regarding the proposed path to be provided to the rear of plots 12, 13 and 14 which it is stated is located directly behind Number 11 Ash Green in terms of the perceived effects of its use by the residents of those properties on the privacy and security of Number 11 Ash Green.

Concern is expressed regarding the perception of anti-social behaviour, the preservation of the Ecological Strip (which is shown on the layout plans of the original application). Concern is expressed that despite the difference in land level between the site and 11 Ash Green the occupants of Ash Green will be able to see the heads of people who will use this path. Concern is expressed that the development will give rise to overlooking of the garden shed which has a window to its side elevation looking in the direction of the development.

- 8.4 A view is expressed that the access to be provided will increase the chances of burglary offences. Concern is expressed that the provision of the path will provide access to the window which serves the curtilage building which concern is expressed that it may be vandalised as a consequence of the provision of this access.
- 8.5 Concern is expressed regarding perceptions of anti-social behaviour associated with the use of any access way which the objector describes as an 'alleyway' which it is indicated would have an enormous detrimental effect to the quality of life of the occupants of Number 11 Ash Green.
- 8.6 Concern is expressed that this access path will potentially be used by persons who are aware of its existence to dispose of waste. It is indicated that access to the path should be limited, possibly by a security gate.
- 8.7 A representation has also been received from the occupant of Number 17 Ash Green, Canewdon citing no objection to the proposal, making reference to the rear path which is to serve plots 12, 13 and 14. A point is raised with regard to the considered need for security measures to protect those neighbouring properties to the northern boundary. It is stated that a robust fence to northern side of the path would add security to both the new development and the existing neighbouring properties.

9 SUMMARY AND CONCLUSIONS

- 9.1 The revisions are considered to be acceptable in the context of the key policy; considerations as such relate to design and layout which this section 73 application seeks to slightly revise. The permission should not seek to vary the time limit in lieu of commencement of development which should align with the date of issue of the original permission.
- 9.2 Despite a separate application which has been submitted for consideration of the discharge of conditions which is still under consideration and as yet undetermined, it is considered in accordance with guidance that it is appropriate and necessary to reiterate and modify where necessary the conditions covered by the original planning permission in full.
- 9.3 It is also noted that as of September 2018 that pre-commencement conditions should only be applied following agreement of the imposition of such with the applicant. It is considered given the previous consent issued and the

safeguards sought by that consent that although some conditions can and have been modified to reflect the guidance on pre-commencement conditions - condition 3 has been maintained as although the details have been submitted the condition has not as yet been discharged.

10 EQUALITY AND DIVERSITY IMPLICATIONS

- 10.1 An Equality Impact Assessment has been completed and found there to be no impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

11 CONCLUSION

- 11.1 It is concluded that conditional consent should be granted in respect of this application aligned with the recommendation cited within paragraph 1 of this report.



Marcus Hotten
Assistant Director, Environmental Services

Relevant Development Plan Policies and Proposals

Rochford District Council Local Development Framework Allocations Plan Adopted February 2014

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011)

Policies H1, CP1, T8, ENV9, H1, H5, H6, CP1, ENV9, CLT1, T1, T3 and T8

Rochford District Council Local Development Framework Development Management Plan adopted 16 December 2014.

Policies DM1, DM2, DM3, DM4, DM5, DM25, DM27, DM28 and DM30

Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010 Standards C2 and C3

Rochford District Council Local Development Framework Supplementary Planning Document 2 Housing Design (January 2007)

Department of Communities and Local Government. Technical housing standards - nationally described space standard. Adopted March 2015.

National Planning Policy Framework: (July 2018)

Background Papers

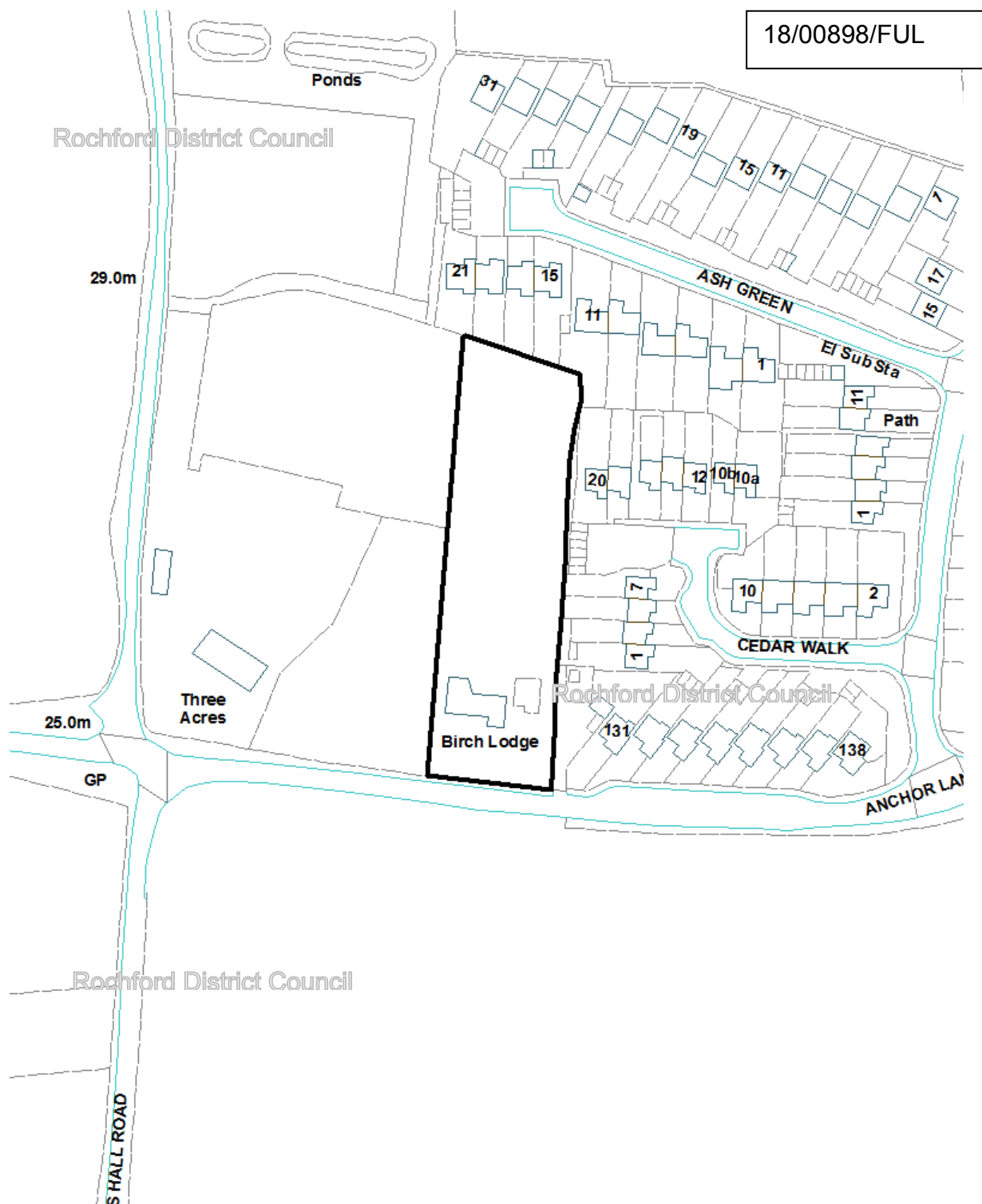
None.

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6.17

