

**SITE PLAN ATTACHED**

**04. LAND ADJACENT TO 61 IRIS CLOSE PILGRIMS HATCH ESSEX**

**CONSTRUCTION OF A THREE BEDROOM DETACHED HOUSE WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING**

**APPLICATION NO: 14/00935/FUL**

<b>WARD</b>	Pilgrims Hatch	<b>8/13 WEEK DATE</b>	26.09.2014
<b>PARISH</b>		<b>POLICIES</b>	NPPF NPPG CP1 T2
<b>CASE OFFICER</b>	Charlotte Allen	01277 312536	
<b>Drawing no(s) relevant to this decision:</b>	L001 ; P01 ; P02 ; P03 ; P04 ; P05 ; P06 ; P07 ; 14-569 ; PLANNING STATEMENT ; TREE SURVEY ; ADDITIONAL INFORMATION ;		

**1. Proposals**

This application is presented straight to committee, rather than going through the weekly list process given the high level of neighbour representation received.

Planning permission is sought for the construction of a detached dwelling to the east of No.61 Iris Close. The proposed dwelling is of a two storey design with set back side projections, including a set back attached garage and has three bedrooms.

There is a concurrent application for a new dwelling on the site opposite this proposed development, which is separate from this proposal.

## **2. Policy Context**

The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and is now a material consideration in planning decisions. The weight to be given to it will be a matter for the decision makers planning judgement in each particular case. This Framework replaces all the national planning guidance documents as stated in the NPPF, including Planning Policy Guidance Notes and Planning Policy Statements. Notwithstanding this, the NPPF granted a one year period of grace for existing adopted Local Plan policies which has now ended, but, the NPPF advises that following this 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The National Planning Practice Guidance (NPPG) is a material consideration in the determination of this application.

Local Plan Policies

CP1 - General Development Criteria

LT2 - Development of Existing Urban Open Space

T2 - New Development and Highway Considerations

## **3. Relevant History**

- 14/00934/FUL: Construction of a three bedroom detached house with associated access, parking and landscaping -

## **4. Neighbour Responses**

To date 63 objection letters have been received which object to both this application and the application on the land opposite the sit (reference 14/00934). Not all the representations make clear which site they are referring to but they raise the following concerns:

- Loss of valuable green amenity space
- Green area used by children as a safe place to play; will affect children in the area.
- Large detached houses not in-keeping and would be unsightly; semi-detached and terraced houses in the area and are out of proportion.
- Overlooking
- Affect property values
- Loss of outlook
- Loss of view
- Loss of trees
- Harm to wildlife/biodiversity; particularly bats, badgers (badger sett on site), birds, hedgehogs, foxes
- Amenity area used by community; similar to village green
- Lack of consultation by Council with local residents

- Development is not in the Local Development Plan
- Negative impact on visual amenity
- Negative impact on residential amenity
- Infilling/garden grabbing.
- Eroding community resource.
- Harm character of area - was designed with open gardens and small greens
- Valued by older residents and parents.
- Already highly populated area.
- More cars/traffic
- Parking is already an issue and will be exacerbated.
- Disruption during construction
- Precedent for other green spaces in Pilgrims Hatch
- Flowers estate has small gardens and large Bishops Hall Park is too remote.
- Would turn footpath into alley; security issues.
- Inappropriate and overdevelopment
- Access to houses would reduce parking.
- Danger Iris Close and Heather Close will become a through road.
- Developer may amend plans for more development
- Loss of sunlight and daylight and overshadowing.
- Turning area could not longer be used.
- Would affect public footpath
- Road safety issues
- Is the only piece of green other than the park
- Amenity grabbing - depriving the community of a valued resource
- Local Plan preferred options indicates six sites in Pilgrims Hatch but also reports the area requires more children's play areas.
- May increase flooding.
- Noise and pollution
- Is higher ground than Heather Close
- Would lose the benefit of 2 street lights; security concerns.
- Loss of 4 parking spaces at the end of the cul-de-sac.
- Green is an integral part of the Flowers estate
- For developer/Council
- Further overcrowding
- Was refused permission due to impact to Heather Close.
- Have seen all our green spaces built on
- Only Green area on Iris Close/Flowers estate
- Refusing applications would reduce carbon emissions.
- Would remove 57 percent of the open green space
- Contrary to Policy CP1
- Overbearing houses
- I have been tending this piece of green for years.
- Already lost part of the park to Marconi Gardens

## 5. Consultation Responses

- **Highway Authority:**

Having regard to the fact that both of these development sites are situated at the end of a cul-de-sac, in both cases the speed and weight of traffic is going to be very low. The geometry of the turning head already provides the new access points with suitable visibility splays and the sites can accommodate parked vehicles in accordance with current policy standards.

The Highway Authority therefore does not wish to raise objections to the above applications subject to the following:

Prior to occupation of the development the vehicular parking facilities, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

All single garages should have a minimum internal measurement of 7m x 3m, and all garages shall be retained for the purposes of vehicle parking in perpetuity

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

No works shall commence until a detailed sustainable transport mitigation package has been submitted to and agreed, in writing by, the Local Planning Authority. This package will provide information on how the applicant proposes to mitigate any increase in private vehicular use associated with the development and will include appropriate information on all sustainable transport modes including bus and rail travel, cycling, walking (including the local Public Rights of Way network), taxi travel, car sharing and community transport in the vicinity of the site. The package shall thereafter be implemented as agreed for each individual dwelling and/or premises within 14 days of the first beneficial use or occupation of that unit. Reason: In the interests of mitigating the impact of the approved development by seeking to reduce the need to travel by private car through the promotion of sustainable transport choices.

Note: Essex County Council as Highway Authority can assist in the production of appropriate material as packs of information are available for purchase by the developer. Contact the Sustainable Travel Planning team on 01245 436135 or email [travelplanteam@essex.gov.uk](mailto:travelplanteam@essex.gov.uk) for more information.

No works shall commence on either site until such time as the removal of highway rights procedure has been completed and confirmation of this has been provided in writing to the satisfaction of the Local Planning Authority.

Reason: Any works being commenced on site whilst highway rights still exist will be considered a breach of the Highways Act 1980.

Note: The Highway Authority does not object to the proposed removal of highway rights in this location.

INF01 Highway Works - All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester, CO4 9QQ.

INF02 Cost of Works - The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

- **Arboriculturalist:**

No - the tree information is good, no arb reasons for refusal it will need to be included as a condition with monitoring by a qualified arboriculturalist

## **6. Summary of Issues**

The application site is located on the southern side of Iris Close and currently forms an open area of green space with some trees on the site. There are houses to the west and south and houses beyond the green to the east and north. The site is allocated for residential purposes in the Local Plan. The Council does have an allocation and Policy relating to protected urban open space, however, this site is not allocated as such. The main considerations in the determination of this proposal are therefore; principle, design, residential amenity, living conditions, parking and highway considerations and landscaping and ecology considerations:

### Principle of the Development

The site is allocated for residential purposes in the local plan and is not designated as protected urban open space. Chapter 8 of the NPPF seeks to promote healthy communities, with paragraph 69 stating that planning decisions should aim to achieve places which promote high quality public space and paragraph 73 stating that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. However, Paragraph 76 states that local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as 'Local Green Space' local communities will be able to rule out new development other than in very special circumstances. Paragraph 77 states that the Local Green Space designation will not be appropriate for most green areas or open space.

From the representations received it is clear that local residents feel this area of green space has a strong local amenity value, however, given that it is not allocated as protected urban open space, or as a local green space as outlined in the NPPF and given that the proposal would not result in the loss of the entire open green space, the principle of the development is acceptable, subject to other considerations such as design, parking and residential amenity.

## Design

In design terms, the style of the dwelling has been influenced by the surrounding context. The dwellings on this side of Iris Close are characterised by two storey style dwellings and this proposal is for a two storey dwelling. However, the dwelling is not identical to the adjoining dwellings and there are differences, including the detached nature of the dwelling and two storey, set back side projections which are not characteristics of the area. The width of the dwelling is also larger than the adjoining dwellings. However, a streetscene elevation has been submitted which demonstrates that whilst the dwelling will not be a copy of the adjoining dwellings, it will not appear incongruous in the streetscene.

It should also be noted that Paragraph 60 of the NPPF states that planning policies and decisions should not attempt to impose architectural styles of particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctive. Whilst there are differences between the design proposed and the adjoining dwellings, as outlined in the NPPF it is unreasonable to stifle originality through requirements to conform, however the overall style of the proposal does reinforce local distinctiveness. As such no objection is raised to the proposal in terms of Chapter 7 of the NPPF or Policies CP1(i) or CP1(iii) of the Local Plan.

## Residential Amenity

In terms of overlooking, only ground floor side windows are proposed which would not result in any undue overlooking. The front windows would overlook the public realm and would not therefore result in any material overlooking. Ground floor rear windows could be screened by standard boundary treatments and the first floor rear windows would be located between some 13.5 - 15.5m from the rear boundary, with the closest window serving an en-suite. Given this degree of isolation the proposal would not result in any undue overlooking. No objection is therefore raised on this basis.

In terms of an overbearing impact, the proposed dwelling would be located some 17.4m from the adjoining dwellings in Heather Close and as such would not result in any undue overbearing impact or dominance to these residents. With regard to the adjoining dwelling at No.61, the garage would extend some 5m beyond the rear wall of No.61 which has the potential to result in dominance, however, the garage is single storey in nature with a hipped roof that slopes away from the adjoining resident and No.61 has a garage to this side and as such the proposed garage would be located some 4m from the main part of the dwelling at No.61. As such, it is not considered that the proposal would result in significant or demonstrable harm in terms of an overbearing impact to No.61. All other properties are too remote to be adversely affected in this regard. Given the design, size and location of the dwelling the proposal would not therefore result in any significant overbearing impact, dominance, loss of light or loss of outlook.

No objection is therefore raised in this regard in terms of Paragraph 17 of the NPPF or Policy CP1(ii) of the Local Plan.

#### Living Conditions

All habitable rooms will be provided with windows to provide light, outlook and ventilation and a garden area in excess of 100 sq. m will be provided. The proposed development would therefore provide adequate living conditions to any future occupiers in accordance with Planning Policy.

#### Parking and Highway Considerations

The Highway Authority has commented that having regard to the fact that both of these development sites are situated at the end of the cul-de-sac, in both cases the speed and weight of traffic is going to be very low. The geometry of the turning head already provides the new access points with suitable visibility splays and the sites can accommodate parked vehicles in accordance with current policy standards. The Highway Authority therefore does not wish to raise an objection to the proposal subject to conditions. Whilst the neighbour concerns with regard to highway safety and parking are noted, given this advice no objection is raised on this basis.

#### Landscaping and Ecology Considerations

The Council's Tree Officer has raised no objection to the proposal and comments that the tree information submitted is good, however, a condition is required that the works are monitored by a qualified Arboriculturalist. Subject to such a condition and a condition requiring a landscaping scheme to be submitted, whilst the neighbour concerns are noted no objection is raised in terms of impact on the trees.



In terms of ecology, it is noted that a number of neighbours have raised concerns about the impact of the proposal on ecology, including protected species and there are claims that there is a badger sett on the site. The planning statement submitted suggests that the site has no intrinsic ecological value. However, given the comments received from the neighbours, it is necessary to condition any grant of consent to require the submission of an ecological survey before any work commences on the site. Subject to such a condition, no objection is raised on this basis.

#### Other Considerations

The majority of the neighbour objections have already been considered including the loss of the green space, residential amenity issues, such as overlooking, trees, design, impact on wildlife and highway and parking considerations.

With regard to the loss of the green space/community space and its use by children, it is noted that this space is important to local residents, however, as already stated it is not protected by Policy and part of the green space will be retained for public use, including local children.

Property values and developer profit are not material planning considerations. Adequate neighbour consultation was undertaken. Noise during construction is not a reason to refuse an application and construction disruption can be partially controlled with the imposition of a condition requiring a construction method statement. The site may not be specifically allocated for housing development in the Local Plan but it is allocated for residential purposes making the principle acceptable, subject to other considerations.

The development is not considered to be garden grabbing and the Council has no such policies in this regard that would be relevant to this proposal. With regard to comments with regard to overdevelopment and the high population and density of the area, the area is not considered overly dense and this proposal has a density of some 25 dwelling per hectare which is not excessive. Concern has been raised that this proposal will set a precedent for other green spaces in the area, however, each planning application is considered and determined on its own merits. With regard to comments that the developer may amend the application and apply for other development on the site, this proposal must be considered as submitted and any amendments/new scheme would require further permission. A neighbour refers to being refused themselves due to impact on adjoining residents, but as stated each application must be considered on its own merits.

Comments have been received that the proposal would turn the nearby footpath into an alley, causing security concerns, however, a fairly large green space will be retained between the dwelling and the adjoining properties in Heather Close. With regard to concerns about the creation of a through road and the loss of the cul-de-sac, this proposal does not propose such an alteration. A number of neighbours have commented that this proposal would result in the loss of four parking spaces at the end of the cul-de-sac, however, this area is a turning head and should not be used for parking in any case.

Neighbours have stated that the green space needs to be retained as garden areas are small and the park is too far away, however, dwellings in this area are provided with gardens and not all of the green space will be lost. There is no evidence that the proposal would increase flooding or noise in the area. Concerns about access to fences is a civil matter.

### Conclusion

The proposal amounts to sustainable development as outlined in the National Planning Policy Framework and furthermore accords with the relevant Local Development Plan; all other material considerations have been assessed; there would be no significant or demonstrable harm caused by the development and subject to conditions the recommendation is for approval.

## 7. **Recommendation**

The Application be APPROVED subject to the following conditions:-

### 1 TIM01 Standard Time - Full

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### 2 DRA01A Development in accordance with drawings

The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

### 3 MAT01 Samples (details acceptable)

No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In Order to safeguard the character and appearance of the area.

4 BOU01 Boundary treatment to be agreed (gen)

The development shall not be commenced until details of the treatment of all boundaries including drawings of any gates, fences, walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be completed prior to the first occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In the interests of safeguarding the character and appearance of the area and living conditions of adjacent occupiers.

5 CON1 Construction Method Statement

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii. hours of working and hours during which deliveries may be taken at the site

Reason: In the interests of highway safety, visual and neighbour amenity.

6 LAN02 landscaping, full, details not submitted

Prior to the commencement of the development hereby permitted a scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall indicate the existing trees shrubs and hedgerows to be retained, the location, species and size of all new trees, shrubs and hedgerows to be planted or transplanted, those areas to be grassed and/or paved. The landscaping scheme shall include details of all surfacing materials and existing and proposed ground levels. The landscaping scheme shall be completed during the first planting season after the date on which any part of the development is commenced or in accordance with a programme to be agreed in writing by the local planning authority. Any newly planted tree, shrub or hedgerow or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased, within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation.

Reason: In order to safeguard and enhance the character and appearance of the area.

7 PARK01 Garage for parking only

Vehicular access to the garage shall not be restricted by any reduction in the size or change in the nature of the garage door and the clear space within the garage shall not be reduced in size through the construction of internal walls. The garage shall not be used or adapted for use for any purpose other than domestic storage and the parking of private motor vehicles associated with the dwelling and it shall not be used for habitable living accommodation of any kind.

Reason: To ensure that adequate on-site parking is available in the interests of highway safety and maintaining the character and appearance of the area.

8 U08678

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), the dwelling hereby permitted shall not be extended or enlarged in any way without the prior grant of specific planning permission by the local planning authority.

Reasons: To safeguard the living conditions of the occupiers of neighbouring dwellings.

9 RESL05 No PD for dormers/roof

Aside from those indicated on the approved drawings, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order) no dormer windows, or rooflights shall be constructed and no change shall be made to the shape of the roof without the prior grant of specific planning permission by the local planning authority.

Reason: To safeguard the living conditions of the occupiers of neighbouring dwellings.

10SIT01 Site levels - to be submitted

Details of existing and proposed site levels and the finished floor levels of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. Construction shall be in strict accordance with the approved details.

Reason: To safeguard the character and appearance of the area and the living conditions of nearby residents.

11 U08679

Prior to occupation of the development the vehicular parking facilities, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

12 U08680

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

13 U08681

Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

14 U08682

All single garages should have a minimum internal measurement of 7m x 3m, and all garages shall be retained for the purposes of vehicle parking in perpetuity

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety.

15 U08683

No works shall commence until a detailed sustainable transport mitigation package has been submitted to and agreed, in writing by, the Local Planning Authority. This package will provide information on how the applicant proposes to mitigate any increase in private vehicular use associated with the development and will include appropriate information on all sustainable transport modes including bus and rail travel, cycling, walking (including the local Public Rights of Way network), taxi travel, car sharing and community transport in the vicinity of the site. The package shall thereafter be implemented as agreed for each individual dwelling and/or premises within 14 days of the first beneficial use or occupation of that unit.

Reason: In the interests of mitigating the impact of the approved development by seeking to reduce the need to travel by private car through the promotion of sustainable transport choices.

16 U08684

No works shall commence on either site until such time as the removal of highway rights procedure has been completed and confirmation of this has been provided in writing to the satisfaction of the Local Planning Authority.

Reason: Any works being commenced on site whilst highway rights still exist will be considered a breach of the Highways Act 1980.

17 U08685

During the development process, the development shall be monitored by a qualified arboriculturalist.

Reason: In the interests of the visual amenity of the area.

18 U08706

No development shall take place until an ecological survey has been undertaken and submitted to and approved in writing by the local planning authority.

Reason: In the interests of biodiversity.

## Informative(s)

### 1 INF04

The permitted development must be carried out in accordance with the approved drawings and specification. If you wish to amend your proposal you will need formal permission from the Council. The method of obtaining permission depends on the nature of the amendment and you are advised to refer to the Council's web site or take professional advice before making your application.

### 2 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, T2 the National Planning Policy Framework 2012 and NPPG 2014.

### 3 INF21

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

### 4 U02119

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester, CO4 9QQ.

### 5 U02120

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

## *BACKGROUND DOCUMENTS*

## **DECIDED:**