

**SITE PLAN ATTACHED**

**06. 206 HATCH ROAD PILGRIMS HATCH ESSEX CM15 9QN**

**NEW CHALET DWELLING TO REAR OF 206 HATCH ROAD WITH ACCESS  
VIA ALDERTON CLOSE**

**APPLICATION NO: 15/00426/FUL**

<b>WARD</b>	Pilgrims Hatch	<b>8/13 WEEK DATE</b>	28.05.2015
<b>PARISH</b>		<b>POLICIES</b>	CP1 T2 H17 NPPF NPPG
<b>CASE OFFICER</b>	Kathryn Mathews	01277 312616	
<b>Drawing no(s) relevant to this decision:</b>	03; 05; 04; 01; 02; STRATEGY;	SURFACE WATER DRAINAGE	

This application was referred by Cllr Kendall from Weekly Report No 1692 for consideration by the Committee. The reason(s) are as follows:

I would like to refer a planning application at the rear of 206 Hatch Road to the Planning Committee for discussion and decision by members. My reasons for doing so are as follows:- concerns regarding flooding - concerns regarding vehicle access - overbearing on the street scene.

## Update since publication of Weekly List 1692

**Determination of this application was deferred from the Planning and Licensing Committee on 21 July 2015 for the applicant to provide further technical information to address the Committee's concerns in relation to surface water drainage for the Council's consideration (Minute 103 refers). A Surface Water Drainage Strategy dated August 2015 prepared by Dr Robin Saunders of Innervision Design Ltd has since been submitted. The Strategy concludes that the use of Sustainable Drainage techniques on site, as set out in the Strategy, will mitigate and treat the run-off volumes in line with the core policies. Neighbours and objectors have been given 14 days to comment on the document and the Council's Building Control have been asked to advise whether the Strategy demonstrates that the development would not exacerbate existing surface water drainage issues experienced by neighbours. A response from Building Control has been received (refer to 'Consultation Responses' below) and four further letters of objection have been received (refer to 'Neighbour Responses' below).**

### 1. Proposals

New chalet four bedroom dwelling to rear of 206 Hatch Road with access via Alderton Close: 6.7m x 11.9m and 7m in height, pitched roof with cat-slide dormers to front and rear ( 6.4m in width and a maximum of 2.2m in height).

Proposed detached garage: 6m x 6m and 5m in height, pitched roof, located in the south-western corner of the site.

The materials to be used to construct the external surfaces of the dwelling would consist of render for the walls and grey 'Eternit' slate for the roof with grey PV solar panels.

A total of four off-street parking spaces would be provided.

The application site measures approximately 48m in depth and a maximum of 18m in width.

The application is accompanied by a Design and Access Statement.

### 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.

On 6th March 2014, the government published Planning Policy Guidance (NPPG) which, along with the NPPF, is a material consideration in the determination of planning applications. The NPPGs have been taken into account, where relevant, in the following assessment.

CP1 (General Development Criteria) Requires development to satisfy a range of criteria covering the following considerations: Character and appearance of the area; Residential amenities; Access; Highway safety; Environmental protection; and the Natural and Historic Environment.

H17 (Dormer Windows) requires dormer windows to be of a design and scale which is a subsidiary feature of the roof.

T2 ( New Development and Highway Considerations) refers to the need for proposals not to have an unacceptable detrimental impact on the transport system.

### **3. Relevant History**

- None

### **4. Neighbour Responses**

3 letters of notification were sent out and a site notice was displayed near to the site. 13 letters of objection have been received raising the following concerns:-

- Would exacerbate existing parking problems
- Would be garden grabbing contrary to government advice
- Would be squeezed into site surrounded by paved patio and shingle not in keeping with its immediate neighbours and gardens
- Would have negative impact on plants, shrubs and trees, and wildlife
- Would result in loss of at least one parking space and be across their driveway and restrict access to their garage
- Would create safety concerns for children playing in front garden
- Inadequate visibility from proposed access point.
- Dangers, noise and disturbance during construction
- May increase local flooding problems
- Design not of high quality and not in keeping with the rest of the Close
- Would partly obscure view of countryside

- Loss of privacy as a result of tree and shrub removal and first floor windows proposed
- Would result in loss of sunlight to their rear garden and adversely affect their outlook
- Do not feel that Lifetime Homes, design standards incorporated (Policy H16)
- Design, in particular, the dormers fails to comply with planning policy
- Access would be over land maintained by neighbouring residents for 37 years
- Would be backland development
- Would be disturbing potentially unstable land which could result in sink holes or subsidence.
- Site within area of potential archaeological interest and so a ground survey should be carried-out
- Concern regarding maintaining access of emergency vehicles
- Would provide access for more development to rear of Hatch Road

Four further letters of objection have been received since the Surface Water Drainage Strategy has been received raising the following concerns:-

- The Council should do an independent report which includes speaking to local residents
- The Strategy submitted is not based on any information regarding the ancient moat, streams and ponds and no evidence of the water table has been obtained
- The report suggests the use of soakaways and bio-retention devices despite stating that these are unsuitable due to poor infiltration rates associated with local geology
- The new soakaway to the rear would drain towards the gardens of 11, 10 and 9 Alderton Close which already flood when it rains heavily
- Excess water from the soakaway proposed to the front of the dwelling would drain to the highway which SUDS consultee and Highways state is not allowed
- The proposal will exacerbate existing flooding problems
- The Minutes of the last Committee are incorrect - the application was not deferred to enable the applicant to provide further technical information as it was felt that this would not be unbiased
- Will Brentwood District Council take responsibility if the suggested measures fail and their gardens flood even more
- Flooding happens every year and at anytime of the year depending on the rainfall - We are at the bottom of the hill and rain runs from west to east and in heavy rainfall it is like a river that finally settles in the gardens of 202, 204, 206 and Alderton Close - because of the depth of footings it will 100% ensure the waters have to go elsewhere so raising the water levels in the existing flooded gardens
- The council planning department will not be immune from law suits as there is enough evidence to prove there is a big issue
- 1936 OS plan suggests that the buried body of water intrudes onto the application site much further than first thought

## 5. Consultation Responses

- **County Archaeologist:**

I've had a look at our records and the historic maps for the area covered by this application. The area is of interest as the proposed development would be in the grounds of the former Bawd's Hall and on the historic maps a water feature can be seen, although this appears to a large pond rather than a moated site. However, looking at the plans that have been submitted in conjunction with both the modern and historic maps, the proposed house is located further to the north of the pond/water feature and while the garage might clip the edge it is not really large enough to warrant any investigations so I wouldn't recommend any conditions on this application.

- **Highway Authority:**

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority; given the scale of the proposed development and the area to be available for parking within the site as shown on the 'Site Plan' provided, which complies with Brentwood Borough Council's adopted parking standards for the proposed dwelling, subject to the following conditions;

1. In view of the site constraints and the potential impact on neighbouring dwellings, no development shall take place, including any ground works or 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. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2. 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.

3. 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.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

#### Informatives

- Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 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: SMO3 - Essex Highways, Childerditch Highways Depot, Hall Drive, Brentwood. CM13 3HD.

- **Environmental Health & Enforcement Manager:**

No objections. We do not have any records of flooding problems in the area. There were some foul drainage issues in hatch Road but this has been referred to Anglian Water and were just blockages.

- **Arboriculturalist:**

There are existing trees on site so a condition will be needed to require a BS:5837 survey to show how these trees will be protected during construction if they are to be retained.

- **ECC SUDS:**

Thank you for consulting us the above application. This development is not considered major therefore we will not commenting on the surface water scheme at this site.

- **Environment Agency:**

Our maps show the site may be susceptible to surface water flooding - this is outside our remit and I would advise you contact the Lead Local Flood Authority, Essex County Council, regarding flooding issues onsite. They can be contacted via [suds@essex.gov.uk](mailto:suds@essex.gov.uk).

- **Building Control:**

The author is well qualified, specializes in the topic area and is experienced. Site specific soil investigation has been carried out and the project is in overall terms a

simple one. Therefore it would be reasonable to conclude that the content of the report could be relied on.

Looking logically at the detail; the use of permeable hard surfaces around the building should not alter the overall ground water situation 'down stream' as rainwater falls on same area as before, without direct run off. The use of rainwater butts to the hard roof areas will provide 'a break' on the amount of water falling directly 'to earth', which is not present on the current open site. If available, subsequent connection to an existing surface water drainage system would further enhance this situation by removing the water load completely. However, should this not be available then connection from the butts to soakaways formed as per the report would again provide a further 'break', filtration point, for the concentrated load.

## **6. Summary of Issues**

The application site is located at the end of a cul-de-sac (Alderton Close) which consists of a mixture of chalet-style detached bungalows, single storey bungalows, a two storey terrace and a garage block. The site is located in a residential area (the northern boundary of the application site abuts the Metropolitan Green Belt).

The main issues which require consideration as part of the determination of this application are the principle, the impact of the development on the character and appearance of the area, any impact on the amenity of the occupiers of neighbouring residential properties, highways/parking issues and the quality of life for the occupiers of the proposed and existing dwellings. Surface water drainage also needs to be considered in this case.

The site is located within an area allocated for residential purposes. The application site does form part of the rear garden of 206 Hatch Road and is, therefore, not classified as Brownfield land. However, given the location of the site in a residential area with an existing vehicular access, it is considered that the principle of residential development is acceptable.

Given the location of the application site, it is considered that it is appropriate to only consider the impact of the proposed development on the character and appearance of Alderton Close. The proposed dwelling would be constructed at the end of Alderton Close and within a curtilage larger than the existing properties in the Close. The existing dwellings in the Close vary in design but those which would immediately neighbour the proposed dwelling, (9, 10 and 11) are chalet style bungalows with large flat roofed dormer windows to the front and rear roof slopes. The proposed dwelling would be of a comparable design but with cat-slide rather than flat roofed dormer windows, and of comparable height and footprint size. The proposed dwelling would be located at least 1m from the side boundaries of the site. Whilst the existing properties in the Close do not have detached garages, the proposed detached garage would be single storey in height and would not be in a

visually prominent position. The proposed dormer windows would be out-of-scale with the roof within which they would be constructed, contrary to Policy H17, but, given that the neighbouring properties at 9, 10 and 11 Alderton Close have similarly scaled dormer windows and as the application site is not in a visually prominent location, it is considered that a refusal of planning permission on this basis could not be substantiated in this case. On the basis of the above, it is considered that the proposed development would not be out-of-keeping with the neighbouring development or be incongruous in the street scene, in compliance with the NPPF, NPPGs and Policy CP1 (criteria i and iii).

The proposed dwelling would be located adjacent to the blank side, garage wall of 11 Alderton Close and would only project around 1.5m beyond the rear and front elevations of this neighbouring property. The proposed dwelling would be located adjacent to part of the rear garden of 204 Hatch Road but would be located over 30m from the dwelling at 204 Hatch Road. The garage building would only be single storey in height and located at least 23m from the dwellings at 204 and 206 Hatch Road. Therefore, it is considered that any loss of outlook, loss of sunlight or loss of daylight to this neighbouring garden area would be minimal. In terms of overlooking, there would be no habitable room windows proposed on the side elevations of the dwelling proposed. The proposed first floor bedroom windows would be located 15m from the proposed rear garden boundary of 206 Hatch Road and at least 34m from the nearest rear facing windows (which are at ground floor level) of 204 and 206 Hatch Road. Any opportunities for overlooking of the rear garden area of 204 Hatch Road at a distance of less than 15m would be at an angle of more than 90 degrees. It is considered that, given these distances and relationships, the potential for material harm to be caused by reason of loss of privacy would be minimal and the proposed intervening detached garage would reduce this potential further. On this basis, it is considered that the proposed development would not cause material harm to the amenity of the occupiers of any neighbouring residential property by reason of loss of privacy, loss of outlook, loss of sunlight, loss of daylight and dominance, in compliance with the NPPF (paragraph 17) and Policy CP1 (criterion ii).

The proposal would require the removal of some existing shrubs, trees and hedging but, given their nature, extent, height and species, it is considered that their removal would not be materially harmful to the character or appearance of the area. It is also considered that, given the nature, extent, position and species of the trees to be retained, a BS:5837 survey, as recommended by the Arboriculturalist, is not necessary in this case and that the standard landscaping condition recommended below would be sufficient.

The proposed dwelling would be provided with more than two off street parking spaces which would comply with the adopted standards and the submitted drawings do not suggest that vehicular access to existing properties or the existing garages would be prevented as a result of the development proposed. The Highways Officer raises no objection to the proposal, subject to the imposition of conditions. On this



basis, it is considered that the development would not cause harm to highway safety, in compliance with the NPPF, Policy CP1 (criteria iv and v) and Policy T2.

The existing and proposed dwellings would be provided with in excess of the recommended minimum of 100sq.m. private amenity space, and the new dwelling would be provided with adequate off-street parking. On this basis, it is considered that the quality of life for the occupiers of the existing and proposed dwellings would be satisfactory, in compliance with the NPPF (paragraph 17) and Policy CP1 (criterion ii).

Surface water drainage would be a matter which would also be dealt with through Building Regulations but a Surface Water Drainage Strategy has now been submitted as part of the current planning application in response to the concerns raised by the Planning and Licensing Committee (Minute 103 refers). As stated above, the Strategy concludes that the use of Sustainable Drainage techniques on site, as set out in the Strategy, will mitigate and treat the run-off volumes in line with the core policies. Neighbours and objectors have been given 14 days to comment on the document and the Council's Building Control have been asked to advise whether the Strategy demonstrates that the development would not exacerbate existing surface water drainage issues experienced by neighbours. Based on the response from Building Control, Officers conclude that the matter of surface water drainage has now been satisfactorily dealt with from a planning perspective and that a refusal of planning permission on the basis of concerns regarding surface water drainage would not be justified.

In response to the concerns raised by local residents and Councillor Kendall (when referring the application for consideration by Planning Committee), most have been addressed above. In response to those matters which have not, the following comments are made:-

- There is no evidence that the application site is inhabited by protected species and any planning permission granted would not override the developer's duties under wildlife legislation in any event.
- Any disturbance or inconvenience during construction would be temporary and could be minimised through the imposition of a condition requiring the submission of a construction method statement
- Internal space standards would be a matter which would be dealt with through Building Regulations
- Loss of view is not a material planning consideration
- The application has been accompanied by a Certificate B as part of the site is not within the ownership of the applicant but any other land ownership issues or 'ransom strips' would be private matters which would need to be resolved privately between the relevant parties
- The Council's Building Control Officers have advised that they are not aware of any potentially unstable land which could result in sink holes or subsidence.

- Essex County Council Archaeology have advised that the area is of interest but that, given the position of the buildings proposed, investigations are not warranted in this case.
- Agreement to the Minutes of the last Planning and Licensing Committee will be required as part of the Agenda for the next Planning and Licensing Committee

## **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 U10214

A sample of the materials to be used to cover the roofs of the buildings hereby permitted shall be submitted to and approved in writing by the local planning authority prior to their use. Development shall be carried out in accordance with the approved details.

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

### 3 U10212

No development shall take place, including any ground works or 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. wheel and under-body washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety. This issue is fundamental to the development permitted and the application as submitted provides insufficient information to demonstrate that the proposal would not be unacceptably harmful to highway safety and the amenity of existing residents. In the absence of a condition requiring the approval of these matters before the commencement of the development it would have been necessary to refuse planning permission.

### 4 U10215

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.

5 U10216

Prior to occupation of the proposed development, the occupiers shall be provided a Residential Travel Information Pack for sustainable transport, in accord with details which shall have first been submitted to and approved in writing by the local planning authority.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

6 U10217

No development shall take place until a scheme of hard and soft landscaping has been 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. This issue is fundamental to the development permitted and the application as submitted provides insufficient information to demonstrate that the proposal would not be unacceptably harmful to highway safety or the character and appearance of the area. In the absence of a condition requiring the approval of these matters before the commencement of the development it would have been necessary to refuse planning permission.

7 U10219

The development shall be completed in accordance with the Surface Water Drainage Strategy dated August 2015 which accompanies the application.

Reason: In order to ensure that satisfactory drainage is provided.

8 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.

Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, T2, H17 the National Planning Policy Framework 2012 and NPPG 2014.

2 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.

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 U02399

Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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: SMO3 - Essex Highways, Childerditch Highways Depot, Hall Drive, Brentwood. CM13 3HD.

*BACKGROUND DOCUMENTS*

**DECIDED:**