

SITE PLAN ATTACHED

**08. LAND ADJACENT TO 12 AND 13 MAGDALEN GARDENS HUTTON ESSEX
CONSTRUCTION OF 3 NEW DWELLINGS.**

APPLICATION NO: 15/01375/FUL

| | | | |
|---------------|-------------|---------------------------|-------------------------------|
| WARD | Hutton East | 8/13 WEEK DATE | 04.12.2015 |
| PARISH | | POLICIES | NPPF NPPG CP1 H14 T2 C5 |

CASE OFFICER Mrs Charlotte White

**Drawing no(s)
relevant to this
decision:** DESIGN AND ACCESS STATEMENT ; ARBORICULTURAL
REPORT ; TREE PROTECTION PLAN ; ALS6895/200/01 /A;
1380:100 /P2; 1380:101 /P4; 1380:102 /P3; 1380:103 /P2;
1380:104 /P2; 1380:105 /P3; 1380:106 /P2; 1380:107 /P1;
1380:108 /P1; ECOLOGY STATEMENT ; HIGHWAYS NOTE ;

1. Proposals

Planning permission is sought to construct a row of three dwellings on the site - a pair of semi-detached dwellings and a link detached dwelling. The proposed dwellings are two storey in nature and each dwelling has three bedrooms. The proposed dwellings are affordable units. Each dwelling is provided with two parking spaces and three visitor spaces will be provided. New trees will be planted and the trees and vegetation within the adjoining sites will be retained and protected. Each dwelling has a private rear garden area with a cycle shed and a small front garden area. The development will utilise the existing site entrance.

This application is presented to Committee as the site is Council owned land and has been submitted by the Housing Department.

2. Policy Context

National Planning Policy

National Planning Policy Framework (NPPF) and National Planning Practice
Guidance (NPPG)

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. The National Planning Practice Guidance (NPPG) is a material consideration in the determination of this application.

Local Plan Policies

CP1 - General Development Criteria

H14 - Housing density

T2 - New development and Highway Considerations

C5 - Retention and Provision of Landscaping and Natural Features in Development.

3. **Relevant History**

- 15/00489/FUL: Three new dwellings. -Application Withdrawn

4. **Neighbour Responses**

7 neighbour letters have been sent out and a site notice displayed. No responses have been received to date.

5. **Consultation Responses**

- **Highway Authority:**

From a highway and transportation perspective the Highway Authority has no comments to make on this proposal; given the area available for parking within the site, which complies with Brentwood Borough Council's adopted parking standards for the proposed dwellings as per Drawing 1380:101 Rev P4.

Please add the condition that a Residential Travel Information Pack should be provided for each dwelling.

Please also include the informative below; the vehicle crossover will require an application and contact with Essex Highways- contact details provided below.

Informative

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 or by post to: SMO3 - Essex Highways, Childerditch Highways Depot, Hall Drive, Brentwood. CM13 3HD.

- **Essex & Suffolk Water:**

No reply received at time of writing report

- **Anglian Water Services Ltd:**

- No reply received at time of writing report

- **Environmental Health & Enforcement Manager:**

- No reply received at time of writing report

- **Arboriculturalist:**

The submitted arboricultural report is good and will ensure that the off site trees are maintainable for the future protection of neighbouring properties. No landscape details are listed on the website at this time.

The landscaping has now been considered and is suited, however the tree screen should be Serbian Spruce not Siberian.

- **Natural England:**

Natural England has no comments to make on this application.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England.

- **Essex Wildlife Trust:**

- No reply received at time of writing report

- **Design Officer:**

This submission follows the recently withdrawn application (ref: 15/00489/FUL).

Further advice has subsequently been undertaken by the applicant and the Project Architect which has culminated in a more suitable approach to development upon this site. In respect of layout the three dwellings proposed create a short terrace, containing built form in one location; this is acceptable given the immediate and wider context of the site.

In respect of scale, the dwellings proposed reflect the existing forms of the neighbouring properties - the footprint however being deeper than the existing post war architecture; given the national requirements for house standards this is acceptable.

In elevation treatment, the intent is improved to reflect the local distinctiveness which is utilitarian in nature; this is acceptable.

In summary I raise no objections on Design Grounds to these proposals, details such as windows and external materials should be Conditioned.

6. Summary of Issues

The application site is located on the north-western side of Magdalen Gardens, at the end of the cul-de-sac. The site is hardsurfaced with some areas of vegetation and there is a high gate restricting access into the site. The site slopes down to the north.

The site is located in a residential area and as such the main considerations in the determination of this proposal are; the principle of the proposal, sustainability, design and character of the area, residential amenity, living condition, parking and highways and trees, landscaping and ecology:

History

Planning permission was previously sought to develop 3 dwellings on this site (ref. 15/00489/FUL) which was withdrawn after officer concerns were raised. As a result, the design and layout of this proposal has been amended compared to the previously withdrawn application.

The principle of the development

The site is located within a residential area. As such, the principle of developing the site to provide residential dwellings is acceptable, subject to other considerations such as design and residential amenity considerations.

Sustainability

The site is located in a sustainable location; located in a residential area, with good public transport links and shops and services within walking distance. Occupiers of these dwellings would not therefore be completely reliant upon their private vehicles. No objection is therefore raised on this basis.

Design and character of the area

The proposal is for a linked terrace of 3 dwellings. Magdalen Gardens is a small cul-de-sac that is characterised by terraced and semi-detached houses of a very similar design and character, with similar detailing and ridge heights. This proposal has been designed to harmonise with this existing character and would not therefore adversely impact the established character or appearance of the area. The dwellings have been sited to form a row that continues the existing terraced row on the northern side of Magdalen Gardens.

The Design Officer has commented that the proposal constitutes a suitable approach, is of an acceptable layout and seeks to reflect the local distinctiveness. Subject to conditions the Design Officer therefore raises no objection to the proposal. The Design Officer requests conditions for materials and window details. The material details condition is considered necessary, however, it is considered overly onerous requiring window details given that the site is not located in a Conservation Area.

Subject to conditions requiring material samples, it is considered that the proposal is of an acceptable design that would not harm the character and appearance of the area. No objection is therefore raised to the proposal in terms of Chapter 7 of the NPPF or Policies CP1(i) or CP1(iii) of the Local Plan.

Housing Policies

This proposal seeks to provide three affordable 3-bedroom dwellings which is positive and helps to address the need for affordable housing in the Borough. The development would have a density of some 30 dwellings per hectare (dph) which is appropriate. It is considered that this density is not out of keeping with the surrounding area and makes the best use of the site. The site is constrained by the existing residential dwellings and it is therefore considered that a higher density would be difficult to achieve. No objection is therefore raised on this basis.

Residential amenity

This site is constrained by the existing dwellings that surround the site with; No.12 Magdalen Gardens to the immediate east of the site, No.13 Magdalen Gardens to the south of the site, No.21 Kelvedon Close to the west and No.10 Haywood Close to the immediate north of the site. Each of these properties will need to be considered to ensure that the proposal does not result in any material harm to the residential amenity of these properties in terms of dominance, an overbearing impact, loss of light and outlook and overlooking and loss of privacy. All other properties are considered too remote from the site to be materially affected in this regard:

12 Magdalen Gardens

The proposed dwellings would be located a minimum of some 3m from the boundary with No.12 Magdalen Gardens, with the flank wall located some 7m from the built form at No.12. There are no side windows facing No.12. As such, it is considered that the proposal would not result in any material dominance, overbearing impact, loss of light or outlook, overlooking or loss of privacy to No.12 Magdalen Gardens.

13 Magdalen Gardens

The proposed dwellings would be located some 10.85m from the boundary with No.13 and some 16.1m from the dwelling at No.13. As such, the proposal would not result in any undue dominance, overbearing impact or loss of light and outlook to No.13.

In terms of overlooking, and loss of privacy, the proposed new dwellings would be located some 10.85m from the boundary of No.13 which is below the distance recommended in the appendices of the Local Plan. However, the new dwellings are located on lower ground level than No.13 and the ground floor windows would be screened by the fence proposed on this boundary which will be 2.3m in height. At first floor level, a bathroom and bedroom window are proposed to each dwelling facing the garden at No.13. The bathroom windows can be conditioned to be obscure glazed with limited openings to prevent undue overlooking, however, such a restriction can not be applied to the bedroom windows, as this would result in substandard living conditions for the occupiers of the dwellings. However, the scheme has been designed to have trees positioned opposite the first floor bedroom windows to Plot 1 and 2 to further mitigate any overlooking into the garden of No.13. There is no such tree proposed opposite the first floor front bedroom window to Plot

3, however, this window would only directly overlook the very rear of the garden at No.13. It should also be noted that this site is located in an established residential area where a degree of overlooking is to be expected. With regard to No.13, given the layout of the dwellings and the mitigation proposed it is not considered that the proposal would result in material overlooking or loss of privacy to No.13. No objection is therefore raised on this basis, subject to a condition requiring the first floor bathroom windows to be obscure glazed with limited openings.

21 Kelvedon Close

No.21 has benefitted from a fairly large side/rear extension. The dwelling at Plot 3 would be located closest to No.21 Kelvedon Close, however, an isolation space of a minimum of 4m is provided between the flank wall of Plot 3 and the boundary/extension at No.21. No side windows are proposed. There will also be new planting on the side on this boundary. Given the isolation space provided, it is not considered that the proposal would result in any material overlooking, loss of privacy, dominance, overbearing impact or loss of light and outlook to No.21 Kelvedon Close.

10 Haywards Close

The proposal would not result in any dominance, overbearing impact or material loss of light or outlook to No.10 as the dwellings proposed would be located some 12.5m from the boundary with No.10. However, in terms of overlooking and loss of privacy, the dwellings are located less than the 15m from the rear boundary as recommended in the guidance in the appendices of the Local Plan to prevent undue overlooking. However, the established trees on this boundary in the garden of No.10 are to be maintained and protected during construction and new trees are to be planted in the rear gardens of the new dwellings hereby proposed. The proposed dwellings would also be located some 15m from the flank wall of No.10 Haywards Close. As such, it is not considered that this proposal would result in material overlooking to No.10.

In terms of noise and disturbance, whilst the Environmental Health Officer (EHO) has not provided any comments on this proposal to date, the EHO previously raised no objection to the construction of 3 dwellings on this site (ref. 14/00489/FUL), subject to the timings of works being carried out (only between 08:00 - 18:00 Monday-Friday and 08:00 and 13:00 Saturdays) and commented that the contractor must take care not to make any unnecessary noise and should use best practice site management measures, and dust, light and noise should be carefully considered. In this regard, a condition requiring a construction method statement can be imposed on any grant of consent.

Given the previous use of the site and given that this proposal seeks to use the site for residential purposes it is located in a residential area, it is not considered that the

proposed development would result in any undue noise and disturbance to the existing residents.

No objection is therefore raised in terms of the fourth bullet point of paragraph 17 of the NPPF or Policy CP1(ii) of the Local Plan.

Living conditions

All three dwellings proposed are provided with parking spaces and an adequate sized garden (each garden is in excess of 100 sq. m as recommended as a minimum in the appendices of the Local Plan). All habitable rooms will be provided with windows to provide light, ventilation and outlook. The size of the dwellings proposed is slightly below the minimum required in the technical housing standards - some 3.6 sq. m too small, but provides adequate storage and adequate room sizes. No objection is therefore raised on this basis.

Parking and highway considerations

This proposal seeks to provide two parking spaces per dwelling and three unallocated visitor parking spaces.

The Highway Authority have commented that from a highway and transportation perspective the Highway Authority has no comment to make given the area available for parking within the site which complies with the adopted parking standards. A condition is recommended requiring travel information packs which is considered necessary and relevant. Subject to such a condition no objection is therefore raised on this basis.

Trees, landscaping and ecology

In terms of Trees, the information submitted indicates that the trees that adjoin the site will be maintained and protected during the development. The Council's Tree Officer has commented that the arboricultural report is acceptable.

In terms of landscaping, the plans submitted indicate that the existing trees on the adjoining sites are to be maintained and protected during construction and a number of new trees will be planted on the site as part of the development. There will be Serbian Spruce trees planted to mitigate any overlooking from the first floor front bedrooms to No.13, which the Tree Officer comments is acceptable, but no details of the other trees proposed have been provided. Subject to a condition requiring further landscaping details, no objection is raised on this basis.

In terms of the hard landscaping proposed; the plans submitted indicate that asphalt will be used to the access road with the parking spaces being constructed of marshals brindle keylock block paving. This hardsurfacing proposed is considered to be of an acceptable appearance. Subject to a condition requiring the

hardsurfacing to be permeable or to direct surface run-off to a permeable area within the site no objection is raised on this basis.

In terms of ecology a small statement has been submitted with this application which indicates that the area is used by foraging foxes and birds which may not be permanently residing on the site but may dictate the operational timing of the site clearance. However, given that the proposal does not seek to remove any trees and will protect the trees in the surrounding gardens, it is not considered necessary to restrict the works to outside the bird breeding season in this instance.

The ecology statement also states that there are some large logs that have been placed on the site which are decaying and contain stag beetles. However, it states that these logs are translocatable to a recipient site should the species be present at the time of commencement of the development.

Information contained on the Wildlife Trust Website indicates that the stag beetle is protected under the Wildlife and Countryside Act 1981 and is classified as a priority species in the UK biodiversity action plan. The Stag Beetle is found in south-east England and prefers oak woodlands, but can be found in gardens, hedgerows and parks. The larvae depends on old trees and rotting wood to live in and feed on and can take up to six years to develop before they pupate into adults. Adults have a shorter lifespan; emerging in May and dying in August once the eggs have been laid in a suitable piece of decaying wood.

Natural England does not have any specific standing advice for Stag Beetles, but does have standing advice for invertebrates generally which states that mitigation and compensation methods should avoid negative effects on invertebrates e.g. by redesigning the scheme, but if this is not possible mitigation should be used to reduce the impacts including reduce the scale of the impact by minimising the footprint of the development, create new habitats, phase works to provide habitat continuity and maintain suitable habitat to support the species in the local area. The standing advice goes on to state that Local Planning Authorities should seek a qualified ecologist's advice about the potential impacts and suitable mitigation measures, use compensation if there are still negative impact for invertebrates and only move invertebrates to a new locations (translocation) as a last resort. A Natural England license may also be required in this regard.

Given this standing advice, it is considered necessary in this instance to attach a condition on any grant of consent requiring a full survey for the stag beetles to be carried out. Translocation, as recommended in the ecology statement provided, should be a last resort. As such a full survey is required to ensure other mitigation would not be appropriate in this first instance. Subject to such a condition no objection is raised on this basis.

Conclusion

This proposal seeks to provide three 3-bedroom affordable houses in a sustainable, residential location. The proposal is of an acceptable design and would not result in material harm to the residential amenity of the surrounding dwellings. Subject to conditions the proposal is therefore recommended 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 U11436

No development above ground level 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 U11437

The first floor bathroom windows shall be:- a) glazed using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration and b) non-opening below a height of 1.7m above the floor of the room in which the window is installed. The windows shall be installed prior to the first occupation of the building or use of the room of which the window(s) is installed. Those windows shall remain so

glazed and non-openable. (Note the application of translucent film to clear glazed windows does not satisfy the requirements of this condition)

Reason: In order to prevent an unacceptable degree of overlooking of nearby residential properties.

5 U11438

No development above ground level shall take place until a landscaping scheme showing details of new trees, shrubs and hedges and a programme for their planting has been submitted to and approved in writing by the local planning authority. The landscaping scheme shall be carried out as approved prior to the first occupation of the dwellings hereby permitted. 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.

6 U11439

The surfacing materials of the driveways and parking areas shall be of a permeable construction or shall be designed to direct run-off surface water to a permeable area within the site.

Reason: In order to prevent surface water flooding in the area.

7 U11440

No development shall take place until a full stag beetle ecology report, including mitigation and compensation measures, as appropriate, has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved report.

Reason: In the interest of preserving the protected species identified on site. This information is needed prior to the commencement of the development as it is fundamental to the development and without such a report being submitted to and approved in writing prior to the commencement of the works on the site it would have been necessary to refuse planning permission.

8 U11441

The proposed development shall not be occupied until the Developer has provided a Residential Travel Information Pack for sustainable transport, with information covering local public transport travel, to each proposed dwelling.

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

9 U11442

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. This condition is needed prior to the commencement of the development as it is fundamental to the proposal hereby approved.

10 SIT02 Site levels - as illustrated

The relationship between the height of the building hereby permitted and adjacent buildings shall be as indicated on the approved drawing.

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

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, H14, T2, C5 the National Planning Policy Framework 2012 and NPPG 2014.

3 U02669

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 or by post to: SMO3 - Essex Highways, Childerditch Highways Depot, Hall Drive, Brentwood. CM13 3HD.

4 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.

BACKGROUND DOCUMENTS

DECIDED: