

<p>Item 1 11/00259/FUL Land Between Main Road and Rectory Road and Clements Hall Way, Hawkwell</p>	<p>Contents:</p> <ol style="list-style-type: none"> 1) Essex Police Architectural Liaison Officer 2) Further Neighbour Representations 3) Further Information Provided by the Applicant in Response to Officer Recommendation. 4) Questions Raised by the Ward Members 5) Officer Comments and Revised Recommendation <p>1) Essex Police Architectural Liaison Officer</p> <p>Advises only concerns are:-</p> <ol style="list-style-type: none"> 1) What lighting will be in the car parking areas? (it should be to BS5489 white light source.) 2) What lighting is being supplied for two long foot paths running along side plots 124 & 121? <p>The general site layout is acceptable to Secured by Design and I would request a condition on planning approval that SBD certification be attained on all plots.</p> <p>PPS1, PPS3 and other supporting documents seek crime free developments. Low crime also reduces the site's carbon footprint.</p> <p>2) Further Neighbour Representations</p> <p>Two further letters have been received from the following address:-</p> <p>Thorpe Road: 32. Hawkwell Residents Association.</p> <p>And which make the following objections:-</p> <ul style="list-style-type: none"> ○ We are the owner occupiers of 32 Thorpe Road and consider that the overlooking issues for us have not been satisfactorily reviewed and have quite blatantly been dismissed by the officer in his report (paragraphs 1.200 and 1.201 page 46 of report). ○ We are a family of four including two disabled young adults whose social and physical needs are <u>only</u> met within the boundaries of our property due to lack of accessible amenities within the District. The overlooking of the properties proposed to our boundary would effectively render us 'prisoners' in our own home.
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- By the sheer nature of our son's disabilities and subsequent activities undertaken in our garden we have no doubt that we would be constantly watched by overlooking neighbours; effectively, we would be like animals in a compound being subjected to unwanted attention. Therefore we conclude that the overlooking of these properties would have a significant impact upon our lives and cause severe detrimental harm upon our family, for which we would consider pursuing a disability discrimination claim against both the developer and RDC.
- If this application is to be permitted by RDC then we would insist that all 6 properties are set back at the minimum depth of 15m from our boundary and that to reduce the overlooking of our private rear garden these 6 properties are reduced to one storey, together with the removal of permitted development rights for future extensions.
- We would also insist that planning restrictions are imposed to deter conversion into chalets or houses; in at least the condition that any first floor windows or skylights overlooking our boundary would only be acceptable additions if obscure glazed.
- There are many reasons cited for the refusal of this application but there is one fundamental issue that, on behalf of the residents of Hawkwell, we the Hawkwell Residents Association believe Rochford District Council needs to be very careful and mindful of in reaching its decision, and that is the fact the site is located within the Metropolitan Green Belt (MGB); and the consideration of special circumstances weighted against the Core Strategy.
- It is appreciated and acknowledged that the Core Strategy (as agreed for adoption at the full Council meeting on 13 December 2011) indicates a future requirement to release MGB locations within the District; however the Core Strategy also concludes that the release of MGB locations should be as a last resort, and specificity of sites will be in line with those determined in a final adopted Allocations Development Plan.
- Lest we consider the fact that the adopted Core Strategy will be subjected to an early review as advised by the Inspector and agreed with Council; this review has been proposed at the 13 December 2011 meeting for spring 2012. It is also duly recognised that a significant amount of work to amend the Core Strategy has already been undertaken by RDC in July 2011, which was fully endorsed by Full Council Members; this amended Core Strategy genuinely reflected amended housing targets based on local need. Given that this early review would have to take account of the removal of local housing targets imposed through Regional Spatial Strategies; which have now been formerly abolished through the Localism Bill, and the pending National Planning Policy Framework. Would it therefore seem sensible and a natural pathway to encompass and incorporate the amendment work completed in July 2011 into the spring review of the Core Strategy?

- Giving reference to the July 2011 amended Core Strategy document of 'topic schedule 3' this document very clearly demonstrates without doubt the reduced impact on the District of citing a local housing target of 190 dwellings per year and also taking account of developments approved up to July 2011(¹Since July 2011 a further 27 houses have been granted planning permission within the District. A brown field site has come forward and been agreed for residential development with the potential to deliver in excess of 50 new homes.)²
- There are clear indications from this document, through the recent developments undertaken and subsequent permissions granted, that the District's ability to regularly provide small development sites means the release of MGB sites are becoming deferred year on year. This document (topic schedule 3) clearly shows the first MGB release now being deferred until 2014/15.
- Therefore it is the considered view of the residents of Hawkwell that a decision to approve this development site will result in a premature release of the MGB within South West Hawkwell. We further recommend that the release of land within the MGB can be strategically done with the agreement of Parish Councils and residents in line with the requirements of an amended Core Strategy and an adopted Allocations Development Plan Document.
- Furthermore, the Council shall be commended for its management of the District's MGB and its consistent approach to refusing planning to date within the MGB. We would ask that Councillors be extremely mindful that a hasty decision now to undertake a large development within the MGB, which is not wholly justified at this specific moment in time, will have a significant detrimental effect on the District.
- If, in light of all the above, the Council is inclined to go ahead and grant permission this evening we would request a condition that no works/clearance are commenced until at the earliest 2014. This in the very least would align MGB release within the District to accord with an amended Core Strategy; which reflected housing targets genuinely based on local housing need, and up to date information on developments completed and planning permission granted to date.

Three further letters have been received from the following addresses:-

Etheldore Avenue: 37

Hillside Avenue: 15 (two letters)

and which make the following comments in support of the application:-

- Feel if this development is done in the right way it will be good for Hawkwell.

- As someone who has lived here my entire life I am now considering moving out as the lack of housing in Hockley for my generation to move near their families has come to my attention. The nearest new build homes being flats and houses in Wickford or Southend.
- As a Parent of a 23 year old and a 21 year old I feel these houses are important for any of the children of Hockley to get their feet onto the property ladder and be able to live in their local area. My daughter is currently looking to move out and the nearest prospects for her are Southend and Rayleigh due to the lack of housing in Hawkwell and Hockley.
- However much people wish to moan about these houses they seem to be forgetting about their children or grandchildren and the lack of housing for them to be able to live near them. It is about time new houses were built in Hawkwell and the reduced number is far better than that originally proposed.
- The land would eventually be developed on anyway, whether it be 176 all together, or gradually developed. So what is the difference?
- I am in high favour of this development; we all know it's inevitable that more and more houses will be built in Hawkwell and the surrounding areas.
- With the expansion of the airport and the growing popularity of Southend it could be a great opportunity to expand and grow areas.
- We can either embrace the change on land that is of no great use with plentiful space for housing, or continue to knock down one house and cram 3 or 4 in its place.
- The benefits of 176 extra houses in Hawkwell would far outweigh the negatives, with properties for sale in the area few and far between it was only a matter of time before development was considered.
- The fact these houses so vary from 2 to 5 bedrooms is a remarkable design feature being able to benefit buyers across the board whether it be a new family home or a first buy.
- The development will give many first time buyers an opportunity to move onto the property ladder whilst staying within an area with a high reputation and close family members and friends.
- First time buyers will be able to look local rather than having to branch out to Southend, Westcliff and even Chelmsford.
- This is a wonderful opportunity and I hope it is seized upon rather than rubbished by petitions and complaints from locals fearful of change.

3) Further Information Provided by the Applicant in Response to Officer Recommendation.

Further to the publication of the Committee report, you can probably understand that the applicants are concerned at the issues raised, given that all could have been resolved if matters had been brought to our attention earlier.

That said, we have put together some minor amendments, which seek to deal with the matters raised and these could be presented to Members. Firstly, we have put together a mock up of a garden layout for one of the smaller rear gardens to demonstrate that all the necessary paraphernalia can be accommodated in the garden. We have also made some minor changes to the layout to ensure larger garden sizes and attach your Committee Report table with some extra columns to show what this has resulted in.

Revised Table 1: Garden area analysis

Plot	House type D (detached) SD (semi detached) T (terraced) aff.(Affordable)	Req. Garden area m2	Actual garden area m2	Shortfall m2	Improved garden sizes m2	Shortfall m2
Plot 1	4 bed T. aff.	100	73	27	75	25
Plot 3	2 bed T. aff.	50	45	5	46	4
Plot 4	2 bed T. aff.	50	45	5	47	3
Plot 5	2 bed T. aff.	50	45	5	44	6
Plot 6	4 bed T. aff.	100	68	32	73	27
Plot 7	4 bed T. aff.	100	51	49	53	47
Plot 10	2 bed SD. aff.	50	35	15	51	-1
Plot 11	2 bed SD. aff.	50	48	2	63	-13
Plot 12	4 bed linked detached	100	65	35	65	35

Plot 1 3	3 bed SD. aff.	100	70	30	72	28
Plot 1 4	3 bed SD. aff.	100	70	30	72	28
Plot 1 6	3 bed T. aff.	50	45	5	48	2
Plot 2 0	4 bed T. aff	100	47	53	49	51
Plot 2 9	3 bed T. aff.	50	44	6	45	5
Plot 3 0	3 bed T. aff.	50	45	5	46	4
Plot 3 4	4 bed SD. aff.	100	81	19	83	17
Plot 3 5	4 bed SD. aff.	100	94	6	91	9
Plot 4 5	4 bed D.	100	91	9	92	8
Plot 4 6	4 bed SD	100	78	22	80	20
Plot 4 7	4 bed SD.	100	95	5	80	20
Plot 4 8	4 bed SD.	100	84	16	67	33
Plot 4 9	4 bed SD.	100	83	17	81	19
Plot 5 5	4 bed SD.	100	95	5	101	-1
Plot 7 1	4 bed D.	100	93	7	97	3
Plot 9 2	3 bed SD.	100	64	36	65	35

	Plot 9 5	3 bed SD.	100	80	20	79	21
	Plot 9 6	3 bed D.	100	82	18	82	18
	Plot 1 1 3	3 bed SD. aff.	100	73	27	100	0
	Plot 1 1 4	3 bed SD. aff.	100	75	25	100	0
	Plot 1 1 8	3 bed T. aff.	50	44	6	44	6
	Plot 1 1 9	3 bed T. aff.	50	44	6	45	5
	Plot 1 2 0	3 bed T. aff.	50	44	6	44	6
	Plot 1 2 5	3 bed T. aff.	50	39	11	40	10
	Plot 1 2 8	3 bed T. aff.	50	44	6	45	5
	Plot 1 2 9	3 bed T. aff.	50	44	6	44	6
	Plot 1 3 6	4 bed D.	100	74	26	77	23
	Plot 1 3 8	4 bed SD.	100	65	35	71	29

Plot 1 4 1	3 bed SD.	100	98	2	98	2

We are also able to substitute some of the house types so that we can deal with all of the overlooking issues. Since these designs are already in front of Members there should be no issue with the scheme being considered on Thursday. In summary, these minor changes are:-

1. Alter Plot 46 to 49 to a house type 406A, which become three-bed with amendment so no habitable rear windows at first or second floors.
2. Alter Plot 65 to a 406A and reposition garages. Re-orientate plot 65 to avoid looking into plot 37.
3. Alter Plot 98 to a 403 house type and alter to ensure rear projection windows face eastwards.
4. Alter Plots 2 to 5 to become two beds so there are no first floor habitable rear facing windows.
5. Alter Plot 1 so that there are no first floor habitable rear facing windows.

4) Questions raised by the ward members

- 1) Previous appeal regarding Clements Hall Way access and Inspector arguing that road would safeguard adjoining land from development

In August 1983 an inspector made a decision into appeals against the refusal of permission for a proposed estate road and the erection of 12 houses (application No. ROC/939/80) and residential development for part of Spencer's nurseries application No. ROC/263/81).

The inspector concluded that the site contributed to a gap between Vega nursery (Christmas Tree Farm) and residential buildings to the east (Sweyne Close and others) and that development of the site should be resisted at that time because, amongst other things, there had been no comparison with other sites. The inspector went on to consider that the proposed buffer strip could frustrate the development of land to the west, but would not prevent applications being submitted. The inspector granted permission for the Spencers development. In refusing permission for the smaller scheme of 12 houses and a new access to Clements Hall sports centre, the Inspector considered that the access road for Clements Hall could be the subject of a separate application.

Officers take the view that these conclusions regarding a site adjacent to the current application are less relevant than those of the inspector considering the more recent appeal on the application site that, whilst dismissed, were considered against the most recent policy context. The 1983 decision carries much less weight than that more recently directly relating to the application site.

2) Flooding Issue

The north east corner of the site (plots 114–129 and plots 172–175 are shown within an area predicted to be within Environment Agency flood maps Flood Zone 3. However, the applicants' flood risk assessment has shown through specific flood modelling that the area at risk from flooding is much reduced and relates to a much smaller area between the proposed driveways to plots 172–175 and the alignment of Clements Hall Way. No flooding would take place to affect the houses proposed. The Environment Agency has considered this assessment and has not raised objection or criticised the assessment, subject to recommended heads of conditions 28, 30 and 31.

3) Construction Access and Management Scheme

The applicants would accept a condition requiring the submission of a construction management plan whereby the developer would set out matters relating to management of construction traffic and the storage of materials. Recommended head of condition 13 can be expanded to include this.

4) Additional Protection of Bat Roost House

An ecological survey has been carried out, which proposes mitigation measures. The statutory consultee - Natural England - has seen a copy of the survey/proposals and provided comment. In view of no objection being raised by Natural England it would be unreasonable to demand further protection unless there is evidence of some deficiency. If the measures are reasonable and appropriate they can be implemented by condition or s.106.

5) Essex Police and Condition re Secure by Design

The applicants advise that they met with the Police Liaison Officer during the summer and understood the overall design and layout to be acceptable.

The applicants would accept a condition relating to the detail of the scheme such as street lamp locations and types, types of hedging to be secure by design.

6) Enhancement of Green Corridors

The applicants anticipate the management plan part of clause d) to the proposed legal agreement to include details of how the open space will be enhanced including the green corridors, given the value to foraging by wildlife. The agreement would set out a mechanism for ensuring long term funding of the open space

7) Change Clause j) re Paddocks to Existing Buildings

A suggestion has been put to the applicants.

5) Officer Comments and Revised Recommendation

In response to concerns at the overlooking of Nos. 32, 37 and “Twin Oaks” Thorpe Road and the dwelling at the back of 14 Main Road, the applicants have revised the house types to plots 1–5, 65, 46–49 and 98 to arrange the internal layout of the upper floors so that bathroom windows are sited on the first floor rear elevation and those windows can be obscure glazed. The two and a half storey house types neighbouring these existing dwellings would have no rear dormers.

These further refinements improve the relationship between the dwellings proposed and the existing dwellings and, subject to conditions requiring obscure glazing and prevention of further windows to the upper rear walls and roof areas, officers consider the resulting relationship acceptable.

The revised layout generally improves the garden area sizes to most of the plots and plots 10, 11 and 55 now exceed the Council’s standards. The garden areas to plots 35, 48 and 49 are, however, further reduced.

Despite these changes officers maintain the view that the garden areas, although undersize in respect of 35 of the plots within the layout, are nonetheless of a useable size and where the adverse effect on the amenity of future occupiers would be offset by the access to public open space within the scheme.

Revised Recommendation

The Secretary of State be advised that Members are minded to **approve** the application, subject to the following additional heads of conditions:-

- 13) Revise to include construction management plan and consideration of rush hour difficulties.
- 34) Obscure glazing to first floor rear windows of revised house types to plots 1, 2, 3, 4, 5, 46, 47, 48, 49, 65, 98.

	<p>35) No first floor windows or dormers other than shown to first floor rear elevation to revised house types to plots 1, 2, 3, 4, 5, 46, 47, 48, 49, 65, 98.</p> <p>36) Submission of details of lighting to paths and parking areas and the security of dwellings such as window locks to Secure by Design standard for those aspects.</p> <p>And to the heads of conditions and heads of agreement set out in the report.</p>