



**Rochford District
Council**

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY
DEVELOPMENT COMMITTEE 15th December 2011**

All planning applications are considered against the background of current Town and Country Planning legislation, rules, orders and circulars and any development, structure and local plans issued or made thereunder. In addition, account is taken of any guidance notes, advice and relevant policies issued by statutory Authorities.

Each planning application included in this schedule is filed with representations received and consultation replies as a single case file.

The above documents can be made available for inspection as Committee background papers at the office of Planning and Transportation, Acacia House, East Street, Rochford and can also be viewed on the Council's website at www.rochford.gov.uk.

If you require a copy of this document in larger print, please contact the Planning Administration Section on 01702 – 318191.



Ward Members for Committee Item

Hawkwell West

Cllr Mrs C M Mason
Cllr J R F Mason

SCHEDULE ITEM

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	Demolish Existing Dwelling And Construct Development Of 176 Houses With Access Off Thorpe Road, Access Off Clement Hall Way, Access For One Plot Off Rectory Road, Road Network, Cycle Way And Footpath Network, Public Open Space, Landscaping And Location Of High Pressure Gas Main. Land Between Main Road And Rectory Road And Clements Hall Way Hawkwell		

SCHEDULE ITEM 1

**TITLE: 11/00259/FUL
DEMOLISH EXISTING DWELLING AND CONSTRUCT
DEVELOPMENT OF 176 HOUSES WITH THORPE ROAD,
ACCESS OFF CLEMENTS HALL WAY, ACCESS FOR ONE
PLOT OFF RECTORY ROAD, ROAD NETWORK, PUBLIC
OPEN SPACE, LANDSCAPING AND RELOCATION OF HIGH
PRESSURE GAS MAIN.
LAND BETWEEN MAIN ROAD AND RECTORY ROAD AND
CLEMENTS HALL WAY HAWKWELL**

APPLICANT: DAVID WILSON HOMES

ZONING: METROPOLITAN GREEN BELT

PARISH: HAWKWELL PARISH COUNCIL

WARD: HAWKWELL WEST

PLANNING APPLICATION DETAILS

The site

- 1.1 This application is to a site generally to the north of Rectory Road, west of Clements Hall Way, over part of the unmade section of Thorpe Road, which is included within the site, continuing towards the rear of frontage development to Main Road and behind the made-up section of Thorpe Road. The site is irregular in shape and divided into various parcels of land.
- 1.2 In the eastern part of the site exists a tree nursery and open land in use for grazing. The central part of the site is the subject of a woodland Tree Preservation Order (TPO/00021/07) containing hawthorn, field maple, ash and oak.
- 1.3 To the Rectory Road frontage seven individual trees and one group of trees comprising oak, field maple and sycamore situated in the hedgerow to the existing paddocks and front garden area west of No. 352 Rectory Road are also the subject of preservation order (TPO/24/85).
- 1.4 This part of the site also includes a detached dwelling, No. 352 Rectory Road, set in large grounds extending the depth of the site.
- 1.5 To the central and western parts of the site exists "Keyes" horticultural nursery formerly known as "Twinoaks Nursery", which comprises various buildings and glass houses with open areas of land.

- 1.6 Further north the site wraps around existing frontage development to the made-up section of Thorpe Road and provides a frontage onto the junction made with Thorpe Close and including within the site the existing dwelling No. 31 Thorpe Road.
- 1.7 To the western side of Thorpe Road the site includes open land with scrub but also a tennis court and a group of buildings in use for business/industrial purposes.
- 1.8 The site is adjoined by Clements Hall leisure centre and Spencer's Park to the north with residential development fronting Clements Hall Way to the east. Open land with sporadic frontage development fronting Rectory Road contains the site to the south. The south western edge of the site is adjoined by residential development in the Hall Road Rural Settlement Area. The western limits of the site are contained by similar frontage development to Main Road and the rear edge of residential development fronting the made up section of Thorpe Road.
- 1.9 The total site area is 11.6ha.

The Proposal

- 1.10 The applicant undertook a public consultation exercise by way of a leaflet drop in the local area (return by 28 March 2011) prior to submitting the application. The application as originally submitted refined the layout in comparison to the details shown on the leaflet to feature:-
 - an additional terraced unit and parking court in the north west corner of the site; and
 - substitution of some plots for different house types and plot arrangements.
- 1.11 The application as originally submitted in May 2011 was revised to incorporate detailed changes to a number of plots and change to house types and included the breaking up of the previous block of affordable housing that was located in the south west corner of the site into three clusters reducing that to the south west corner of the site and allocating units to the middle and eastern parts of the development. This revision of September 2011 was subject to a second round of consultation with neighbours and specialist consultees.
- 1.12 The proposal as it now stands is to demolish the existing bungalow at No. 31 Thorpe Road and provide a development of 176 houses (net 175). The application is a full application including the layout and design of the dwellings proposed.
- 1.13 The general layout of the site would provide development in two parts to the east and west of the site separated by an area of open space and paddocks between the developed areas and the Rectory Road frontage.
- 1.14 To the west, the made up section of Thorpe Road would be extended to give access to 112 houses. Thorpe Road would have an improved surface for part of its length but would remain narrow for the remainder with a 3.1m width restriction in order to deter traffic using the route with conflict upon the Rectory Road / Hall Road junction. The estate roads would lead off Thorpe Road into the depth of the development.

- 1.15 The eastern part of the site would provide 63 houses accessed from Clements Hall Way by estate road but with the dwellings fronting onto Clements Hall Way accessing directly off private drives.
- 1.16 A single dwelling is proposed fronting Rectory Road alongside the existing retained house, which is also within the site.
- 1.17 The development would comprise a mix of detached and semi-detached properties:-
- 12 no. three-bedroomed;
 - 77 no. four- bedroomed; and
 - 25 no. five-bedroomed.
- 1.18 The layout would include 62 affordable houses grouped in three clusters comprising 35 dwellings located in the south west corner of the site accessed to the west of Thorpe Road, 10 dwellings located to the northern middle part of the site accessed to the east of Thorpe Road and 17 dwellings located to the north eastern part of the site accessed from Clements Hall Way.
- 1.19 The affordable housing would comprise a mix of detached, semi-detached and terraced properties:-
- 10 no. two-bedroomed;
 - 47 no. three-bedroomed; and
 - 5 no. four-bedroomed.
- 1.20 Almost all the dwellings proposed are in two storey form with the exception of ten plots, which feature a two and a half storey house type with rooms incorporated into the roof space.
- 1.21 The application details include proposed changes to the junction between Rectory Road and Hall Road roundabout by way of modifications to create a left turn lane on the Rectory Road exit side southwards towards Rochford.

RELEVANT PLANNING HISTORY

- 1.22 A number of applications have been considered on parts of the site for stables and domestic purposes and other developments.
- 1.23 Planning permission was refused on 27 February 1987 under application reference ROC/435/86 for an outline application for part of the current application site and to erect 41 detached houses and garages. Permission was refused for Green Belt reasons.
- 1.24 A later outline application for a residential development of one, two and three bedroomed starter homes was refused permission on 19 January 1989 under application reference ROC/954/88 on Green Belt, layout and inadequate parking reasons.

- 1.25 To the immediate east of the site planning permission was granted on 9 October 1984 for the District Council to demolish an existing bungalow and construct a new road to provide access to Clements Hall sports centre and which is now Clements Hall Way.
- 1.26 None of these previous applications have any appeal history.
- 1.27 Most recently the following application has been dismissed on appeal.

Application No. 09/00529/OUT

Outline Application to Provide Comprehensive Development of Approximately 330 Dwellings, Associated Infrastructure, New Vehicular Accesses onto Rectory Road, New On-Site Accesses and Road Network, Cycleway and Footpath Network, Public Open Spaces, Landscaping, Health Facilities and Local Amenities.

Permission refused 3 December 2009 for the following reasons:-

- 1) The proposed development of up to 330 residential dwellings and associated infrastructure would not accord with the adopted development plan – the Rochford District Replacement Local Plan (2006) - and would also not accord with the emerging Core Strategy submission, which is currently at an advanced stage with submission to the Government scheduled to occur before the end of 2009. There are no material planning considerations which indicate that this proposal should be determined favourably and not in accordance with the adopted development plan.
- 2) The Rochford District Replacement Local Plan (2006) shows the site to be within the Metropolitan Green Belt. Within the Green Belt, as defined in Planning Policy Guidance Note 2: Green Belts, planning permission will not be given for inappropriate development, except in very special circumstances. The proposal, by way of the excessive number of dwellings over and above that advocated in the emerging Rochford Core Strategy, would result in inappropriate development leading to the unnecessary urbanisation and over-development of the site to the detriment of the open character and appearance of the location.
- 3) Notwithstanding the indicative nature of the submitted layout, it is considered the development would result in an overall form of development uncharacteristic and poorly related to the surrounding development pattern. The lack of integration, by design and lack of sensitivity to the semi rural character of the site locality, would fail to become part of the greater area of which it would adjoin to the detriment of the visual appearance and local distinctiveness of the area.
- 4) The proposal, by way of the introduction of three storey built form in prominent positions in the locality, would provide a sharp contrast to the notable single storey character of the Rectory Road and Thorpe Road areas that would, if allowed, prove over dominant and ill-fitting alongside established dwellings, failing to respect local distinctiveness to the detriment of the character and appearance of the site locality.

5) As far as can be determined from the submitted plans, the proposal includes the upgrade to adoptable standards of a section of Thorpe Road. This would encourage the inappropriate use of Thorpe Road by vehicles wishing to bypass the B1013/Rectory Road junction. The movement of vehicles associated with this use would lead to conflict and interference with the passage of vehicles to the detriment of that principal function and introduce a further point of possible conflict, being detrimental to road safety.

1.28 A Public Inquiry considered an appeal into the above application in April 2010. At the inquiry reason 5 concerning highway matters was withdrawn by the Council following a revision to the arrangement of the access from Thorpe Road. The inspector therefore considered reasons 1 – 4 set out above.

1.29 The appeal was dismissed in a decision letter from the Secretary of State for Communities and Local Government dated 22 July 2010.

CONSULTATIONS AND REPRESENTATIONS

1.30 **Hawkwell Parish Council**

1.31 **First Round Consultation Response:**

Object in the strongest possible terms. Two crucial documents within the Local Development Framework are still not finalised. To approve the plan in the current situation is premature.

1.32 A decision on such a large development of land designated Metropolitan Green Belt in the 2006 Replacement Local Plan cannot be legitimately considered until the document that redefines the Metropolitan Green Belt is formally approved by the inspector and adopted by the Local Planning Authority. Members are aware that the Local Planning Authority continues to quote the Green Belt policy in the replacement Local Plan as the reason for rejecting applications elsewhere in the District. It is inconsistent, to say the least, to use the policy when it suits and to ignore it when it does not.

1.33 Members are aware of the passage through Parliament of the Localism Bill, which it is suggested, will materially alter the role of local people in determining planning applications and probably the definition of sustainability. It is considered to be unacceptable to process this in the face of these emerging changes.

1.34 Members have instructed the Parish Clerk to seek legal advice and, if necessary, mount a legal challenge if the District Council approves this application in the full knowledge of the strength of local opposition and in the face of uncertainty of the outcome of the planning Inspectors deliberations.

Second Round Consultation Response:

1.35 Continue to object.

This application cannot legitimately be approved at this stage as it is premature and presumes a particular outcome in the various strategic planning documents that are in the process of being considered at present to develop policy and approve amendments to the Green Belt.

- 1.36 Members of the Parish Council believe the application should be considered under the existing rules and demand the same response to this application as has been for numerous applications for far smaller and much less significant applications. In these cases the applicant has to demonstrate very special circumstances in order to have any chance of success. We would like to be appraised of what special circumstances exist that would negate a presumption against such a huge development in the Green Belt.
- 1.37 In addition to the concerns expressed regarding the legitimacy of approval of this development in Green Belt consider the plan results in over-development of the site and that it urbanises this otherwise semi-rural location.
- 1.38 Have been provided with very poor quality black and white reduced size plans, which are illegible and which in any case rely on a colour coded key which renders the information inaccessible.
- 1.39 Outraged that the Planning Authority should be so dismissive of the Parish Council in its role as statutory consultee. Would have thought that, as in the past, such a significant proposal, and one where the Planning Authority is fully aware of the vehement opposition of the residents, would have considered providing an opportunity for the Parish Council and members of the public to view these plans and ask questions of the planning officers at a specially convened session. It is a poor reflection on the District Council that they have not bothered to do so and it is in stark contrast to the case of the developer for the Jewson site taking the trouble to engage with District and Parish Councillors and give the public the chance to see and discuss the proposals.
- 1.40 Feel that we have been provided an inadequate opportunity to make informed comment on this application and ask you to reject this application on these grounds alone.
- 1.41 Main changes to the application were in the design of the houses and the distribution of the affordable homes. Note there are now a small number of four-bedroomed affordable houses, some affordable homes may be shared equity, the affordable houses are now in three blocks and some of the houses were now 2.5 storey dwellings.
- 1.42 The total number of homes would be 176 including a house for one of the landowners.
- 1.43 Object on the basis the site is Green Belt land and remains so.
- 1.44 Over-development.

- 1.45 The proposal would urbanise the otherwise semi rural area of the Parish.
- 1.46 For such an important development a 3 dimensional model should be made available.
- 1.47 Members have concerns that material planning issues such as design, appearance and layout and provision of parking facilities may well be unacceptable but the information provided was in an inadequate and inaccessible format and it was not possible to consider these without an adequate set of documents.
- 1.48 Demand to see the plans and seek clarification from officers.
- 1.49 Note the Planning Authority has a quasi judicial role and should not be affected by party politics.
- 1.50 **Essex County Council Highways:**
The Highway Authority has analysed a robust transport assessment (TA) that was submitted as part of the planning application by Ardent Consulting Engineers Ltd. This assessment analysed junctions from the agreed area and followed National Transport Assessment Guidelines. Projected vehicle generation was derived using the agreed TRICS database and background growth was applied using the National Transport Model with added localised factors for Hockley using Rochford and Southend zones from the national Trip Ends Model (NTEM). This is considered a robust approach to traffic modelling and includes allowances for identified developments.
- 1.51 The TA confirms that all site accesses have sufficient capacity to accommodate the predicted development flows. To mitigate against the impact of the development on the wider network the developer is required to provide capacity improvements to widen the Rectory Road approach to the junction of the B1013.
- 1.52 Therefore it is the view of the Highway Authority that the development should be permitted as the impact on the highway network can be mitigated/accommodated and conforms to ECC Highways and Transportation Development Control policies.
- 1.53 The Highway Authority is satisfied that the development proposal, by restricting the width of the northern section of Thorpe Road as well as the introduction of pinch points, will deter its attractiveness of use to non essential users. These measures in partnership with the junction improvements at Rectory Road/Hall Road roundabout will remove the need for any 'rat running' along Thorpe Road. All housing developments in Essex, which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits, which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

- 1.54 The Highway Authority would not wish to raise an objection to the above application subject to the following heads of conditions:-
1. The road junction at its centre line on Clements Hall Way shall be provided with a clear to ground visibility.
 2. Provision within the site for the construction period of an area for the purpose of loading/unloading/reception and storage of building materials and manoeuvring of all vehicles, including construction traffic, shall be identified clear of the highway.
 3. The proposed private drive accesses from Clements Hall Way shall be constructed to the requirements of the Highway Authority and provided with an appropriate dropped kerb crossing of the footway.
 4. Submission of means to prevent the discharge of surface water from the development onto the highway.
 5. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
 6. Submission of details of a wheel cleaning facility within the site and adjacent to the egress onto the highway for the duration of the construction period.
 7. Prior to commencement of development, details of the estate roads and footways shall be submitted.
 8. The carriageways of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that roads. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway
 9. The proposed bellmouth junction with the existing highway, inclusive of cleared land necessary to provide the visibility splays, shall be constructed up to and including at least road base level and be available for use prior to the commencement of any other development, including the delivery of materials.
 10. All independent paths to be a minimum of 2 metres wide, with details of lighting and drainage to be submitted to and approved in writing by the Local Planning Authority
 11. Any tree planting proposed within the highway must be agreed with the Highway Authority.
 12. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay where applicable.

13. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.
14. Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.
15. All single garages should have a minimum internal measurement of 7m x 3m
16. The Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include 10 (ten) day travel tickets.
17. No occupation of the proposed development until such time as the junction improvements works at the Main Road Hall Road and Rectory Road roundabout have been provided entirely at the developer's expense. The proposal includes the widening the Rectory Road arm to provide two lanes on approach (as shown in principle on Ardent CE dwg. No. D540-004).
18. No occupation of the proposed development until such time as the passenger transport infrastructure along Rectory Road adjacent to the site is relocated and upgraded where appropriate. All works shall be provided entirely at the developer's expense and include new shelter and footway facilities comprising of lighting, seating and timetable information, together with raised kerbs where necessary.
19. Details of SUDS will need to be agreed
20. Details of planting and materials will need to be agreed
21. Prior to occupation, the development shall be served by a system of operational street lighting, which shall thereafter be maintained in good repair.
22. Steps should be taken to ensure that the developer provides sufficient turning and off loading facilities for delivery vehicles, within the limits of the site, together with an adequate parking area for those employed in developing the site.

Environment Agency

Flood Risk

- 1.55 Have considered further information provided by the applicants consulting engineers and conclude the proposed development will only be acceptable if the measures contained within the flood risk assessment are secured by way of the following heads of planning conditions:-
- 1) Surface water run off generated on site shall be restricted to a maximum of 65.5 litres per second from the site.

- 2) Storage shall be provide on the site to accommodate the 1 in 100 year storm, inclusive of climate change and shall be designed to incorporate sustainable drainage techniques and consider flow routes / pathways across the site.
- 3) Prior to first habitation, details of who shall be responsible for the maintenance of the surface water scheme in perpetuity shall be agreed in writing with the Local Planning Authority.
- 4) No dwellings shall be placed within flood zones two and three, as detailed on the submitted Drawing No. D542-012 Revision C.

Potential Contamination

Note the preliminary geo-environmental site assessment that accompanied the previous outline application has not been included in the current application. In its absence recommend the following heads of condition:-

- 5) Prior to the commencement of the development the following components of a scheme for to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority:-
 - Preliminary risk assessment;
 - A site investigation scheme based on the above;
 - The site investigation results and options appraisal; and
 - A verification plan.

Foul Drainage

- 1.56 Advise that Anglian Water as sewage provider should be consulted.

Sustainable Construction

1.57

Advise on the importance of the development being carried out in as sustainable a manner as possible minimising the use of resources and the production of waste.

1.58 **Essex and Suffolk Water:**

No comments or observations to make on the application.

1.59 **Anglian Water:**

Advise that Anglian Water have assets close to or crossing the site therefore the site layout should take this into account.

1.60 The foul drainage from this development is in the catchment of Rochford Sewage Treatment Works that at present has capacity for these flows.

1.61 The sewerage system at present has available capacity for these flows.

1.62 The preferred method of surface water disposal would be to sustainable drainage system (SUDS).

The surface water strategy submitted with the application is not relevant to Anglian Water and is therefore outside Anglian Water jurisdiction for comment.

- 1.63 Request a condition requiring a drainage strategy covering the issues to be agreed.

Recommended condition:-

- 1.64 No development shall commence until a surface water strategy/ flood risk assessment has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the surface water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

1.65 **Natural England:**

No objection to the proposed development, subject to the proposal being carried out in strict accordance with the details of the application. Consider the proposal will not have a significant effect on the interest features of Hockley Woods SSSI.

- 1.66 Broadly speaking Natural England is satisfied that the strategies for protected species set out in the ecology statement accompanying the application are appropriate and proportionate and should be secured by suitable planning condition or agreement.

- 1.67 Welcome the intention to retain the existing dwelling which provides a long standing breeding roost for long eared bats.

- 1.68 Three Badger Setts are found within the application site including an 11 hole main sett. Advise that it is important to retain sufficient foraging habitat within the development to reduce the likelihood of badgers entering private gardens. Welcome the proposed artificial sett and commuting routes linking the retained sett to the wider countryside but these routes should not be illuminated.

- 1.69 The ecological surveys identify large populations of common lizard and slow worm, along with smaller numbers of grass snake.

- 1.70 Welcome the retention of a proportion of these populations on site, however it is inevitable that one or more receptor sites will be required. No objection to raise subject to the securing of adequate suitable receptor sites.

National Grid (Gas):

- 1.71 Advise there is National grid and High or intermediate pressure gas distribution apparatus in the vicinity crossing the area of enquiry. National grid has been approached in the past with regards mitigating the risk of development in proximity to our high pressure pipeline. However, this has not progressed any further than initial discussions with the developer's consultant and as such National Grid would still expect to be involved in some lengthy consultation with regard to this proposal.

- 1.72 Advise that a standard assessment has been carried out with respect to operational gas and electricity apparatus.

The works are likely, unless controlled, to adversely impact the safety and integrity of National Grid apparatus.

- 1.73 Trial holes need to be dug to find the exact position of gas pipes using recognised and agreed safe hand digging techniques and HSE guidance.
- 1.74 Need to be satisfied any access and easement is maintained with regard to the 457mm high pressure gas pipeline and that Planning Advice for Development near Hazardous Installations (PADHI) procedure is followed with regard to safe building proximity to the pipeline when the planning application is considered. Understand the developer may already be considering their options with regard to the pipeline and dealing National Grid at a different level.

Health and Safety Executive:

- 1.75 The HSE's Major Hazards Risk Assessment Unit confirm that the proposed relocation of the notifiable high pressure gas transmission pipeline with a revised wall thickness of equal or greater than 11.92mm will reduce its land use planning consultation distance (the inner, middle and outer zones will become 3 metres, 3 metres and 65 metres respectively).
- 1.76 On this basis, confirm that HSE would not wish to advise against the granting of planning permission on the grounds of safety.

Sport England:

- 1.77 In response to the current application as originally submitted an objection was previously made on the following grounds:-
- The level of financial contribution proposed towards the enhancement of off-site outdoor sports facilities at Clements Hall playing field had not been confirmed. Furthermore, it had not been confirmed what improvements would be delivered at Clements Hall Playing Field; and
 - No proposals were made for meeting the built sports facility needs of the proposed development.
- 1.78 In response, the applicant's agent has set out the proposals for addressing this objection in a letter dated 15 July 2011. This sets out that a similar approach will be taken towards providing for both the outdoor and built sports facilities needs of the new development to that taken in the previous planning application (09/00529/OUT). This involved making financial contributions towards implementing facility improvements at nearby Clements Hall playing field and Clements Hall Leisure Centre. As set out in Sport England's written representations on the appeal (dated 14 April 2010) relating to this previous application, Sport England was supportive of this approach being taken.

- 1.79 However, as the number of dwellings proposed in the current planning application is significantly less (176 compared to 330) than the previous application, a pro rata contribution of £80,189 based on the previously agreed contribution (£151,200) is proposed. The level of the contribution is considered to be acceptable as it has been calculated on a pro rata basis and Sport England could only justify seeking financial contributions that are proportionate to the facility needs generated by the development. However, a reduced contribution would mean that it would not be possible to fund all four projects that were proposed to be implemented in their entirety through the contribution agreed from the previous scheme. The proposed contribution would be sufficient for implementing at least two of the projects. Consideration will therefore need to be given through a planning obligation as to how the financial contribution will be used in order to provide transparency and certainty about what improvements will be delivered in practice with the contribution. Due to the uncertainties about the actual timing of when the financial contribution would be paid, whether other funding (e.g. financial contributions pooled from other developments) would be available to implement the remainder of the projects at the time the contribution is paid and the need to deliver the two playing field projects at Clements Hall playing field at the same time, it is recommended that a section 106 agreement makes provision for Rochford District Council to consult and agree with Sport England on how the contributions will be used in practice before the contribution is spent unless an alternative mechanism can be agreed.
- 1.80 Sport England would now be prepared to withdraw its original objection to the planning application as set out in our response dated 8 June 2011. This position would be strictly subject to the following being secured through a planning obligation if planning permission is forthcoming:-
- a) A financial contribution of £80,189 being paid to Rochford District Council within an acceptable timescale e.g. before first occupation of the residential development. This is necessary to ensure that the contributions are paid in practice in a timescale that would allow the enhanced facilities to be available for use by residents of the proposed development before the scheme is fully occupied;
 - b) The financial contributions being ring fenced by the District Council towards implementing the identified projects in paragraph 1.31 of the Sports Facility Report (submitted with the 2009 planning application). As there is insufficient funding for implementing all of the previously identified projects, provision will need to be made for the projects that the contribution will be used towards being agreed with Sport England before the financial contribution is spent in order to provide transparency and certainty that the contributions will be fully used in practice for implementing appropriate projects. Provision will also need to be made for the projects to be implemented within an acceptable timescale e.g. within 2 years of payment being received. This is necessary to ensure that the District Council uses the financial contributions for implementing the agreed projects within a timescale that will ensure the improved facilities are available for new residents before the development is completed; and

- c) The financial contributions are index linked from March 2010 (the date on which the facility enhancements were costed) to ensure that when the contributions are paid they account for inflation in the intervening period.

1.81 Essex County Council Urban Design:

No formal comment received to first round consultation but County and District officers met with the applicants to discuss concerns.

Second Round Consultation

- 1.82 There has been some improvement in the layout of the units with a mix of units now across the site and an attempt to introduce some additional landscaping in front of detached units.
- 1.83 The proposals still do not, however, meet the criteria in the Essex Design Guide for "Boulevard Planning," which requires more space in front of detached houses for tree planting with the garages located to the rear. Many of the garages associated with detached units are too close to the frontage such that the vehicle parking in front of the doors will be quite dominant in the street scene.
- 1.84 The revisions to plots 81 – 83 are now set back a similar distance to the adjacent property, however these narrow fronted units set between the existing detached houses will appear out of place in the street scene.
- 1.85 In the south west area of the site the density of development is higher with a mix of detached, semi detached and terraces. Whilst a mix of unit types can work within a street the formal arrangement of this mix of buildings around the green does not create a satisfactory edge to the space with buildings having no single architectural theme and gaps between buildings creating a fragmented edge to the space.
- 1.86 Overall the character of the development is not distinctive with a predominance of standard developer house types arranged in an indiscriminate fashion – it is anywhere housing. The spread of the same house types across the site with the same treatment of the facades produces a rather boring uniformity that does not help achieve a sense of place. Consideration needs to be given to creating more variety between different areas of streets, for example, a distinct identity could be around the use of materials with the houses predominantly rendered and boarded along one of the streets.
- 1.87 Parking courts for the smaller units are in the western part of the site are highly visible from the public realm. Whilst there have been some efforts to soften the impact of these large areas of parking, there is an issue with the area adjacent plot 5. Would expect the access way and the parking for plot 5 to be roofed over which would at least provide a better degree of enclosure to the turning head. Furthermore, question if the parking spaces to plots 10,11,16 and 18 are to be roofed?
- 1.88 There are still areas of land that appear to have indeterminant use such as that in front of plots 61 and 63 and the land adjacent the flank of plot 17. The plan indicates the space adjacent plot 17 will be a refuse collection point.

Question what form this will take? What happens to the space around the collection area? Who will be responsible/have ownership of this space? Such a prominent location on the street frontage needs far more consideration.

- 1.89 The road layout is still not permeable. Looped minor access ways along the frontage to the southern paddock area would facilitate access for deliveries and refuse. There is a strange arrangement of the highway on the north side of the formal green space in front of plots 60 – 63 which will leave an area of green space “left over” of no particular use and which will no doubt become a messy thoroughfare. The edges of the square need to be more regular and defined.
- 1.90 Clarity required over the parking arrangements for plots 113 and 114. The latest layout still shows perpendicular parking as opposed to previous advice that it should be parallel.
- 1.91 The built form of some of the house types is not characteristic of traditional Essex building types, the spans of which are rarely greater than 6.5m but more usually of 5m. A number of the house types in this proposal have spans of 9.5m. These deep roof spans create high ridges and where not concealed by adjacent development the exposed gable ends can be very dominant and difficult to elevate in a satisfactory manner. Of concern are those to plots 101, 146, 157, 162 and 9.
- 1.92 Disappointed that the flat arches to window heads are only to be used on the larger properties and a less appropriate detail of soldier courses on the small affordable units. Soldier course heads are not a traditional feature and would expect the smaller units to be treated in the same manner as the larger units with attention to appropriate detailing for the materials used. Suggest a condition should be attached that requires all openings in brick elevations to have segmental or flat (splayed) brick arches.
- 1.93 There is also a need to address the unattractive “boot” end to the roof verges. All eaves should be open, alternatively a sloping soffit fixed to the underside of the rafter feet would avoid heavy boxed ends the verge.
- 1.94 Details should be submitted for the open spaces such as additional planting, seating, zones for enhancement of biodiversity and management plans.
- 1.95 There is a need to protect the outlook of properties facing the paddock areas and the rear of properties facing Rectory Road. Would suggest GDO rights are removed from these properties.
- 1.96 Concern for treatment of the public realm. All roads are in Macadam. On shared surfaces to discourage lower speeds a different material will be expected such as pavers or proprietary resin bound gravel.
- Essex Police:**
- 1.97 The Design and Access statement seeks to cover the attributes of “safer places” The planning system and crime prevention but fails to cover the full seven. No mention of physical security and as supported by inspectors on appeal.

- 1.98 Request that Secured By design certification is a condition of planning permission.
- 1.99 Would not agree with the final paragraph of the Design and Access Statement qualifying crime and disorder impact to be neutral. The provision of a long rear alleyway to the rear of the houses north of the LEAP which has two right angled corners and allows access to 7 / 8 properties. Sure this will not be illuminated and will enhance fear of crime for the lawful users of the alley whilst providing an environment for crime and anti- social behaviour to flourish.
- 1.100 **Second Round consultation response: Police comments awaited**
- 1.101 **Essex County Council Specialist Historic Building and Conservation advice:**
Advise that although the old rectory on the south side of the site is a listed building, it is set well back from the road and is well screened by trees and planting. Do not consider that its setting would be affected by the new development. Therefore raise no objection on conservation grounds.
- Essex County Council Specialist Archaeological Advice:**
- 1.102 Advise that The Rochford Historic Environment Characterisation document provides extensive assessment of the district's historic environment. The proposed development area lies at the boundary of Historic Environment Character Zone 30 Hockley and 26 Land between Hockley and Ashingdon. Whilst it is not possible to assess archaeological survival prior to urban development of Hockley, it is possible to assess the land between Hockley and Ashingdon which is noted for the number of find spots and potential for archaeological sites.
- 1.103 Therefore recommend full archaeological condition.
- Essex County Council Schools and families directorate:**
- 1.104 Advise that a new provider will be opening a day nursery in The Westerings School later in the year, which will provide sufficient places to serve the proposed development. Therefore confirm there are sufficient Early Years, Primary and Secondary school places in the locality to serve the needs of the proposed development and as such no section 106 education contribution will be required.
- South East Essex Primary Care Trust:**
- 1.105 Advise there is sufficient resources in both areas to accommodate additional housing and population.
- Rochford District Council Head of Environmental Services:**
- 1.106 Advise that if Members are minded to approve the application the following conditions should be attached to the grant of consent:-
- 1) Model contaminated land conditions 1 – 4.
- Informatives:
- a) Site waste management plan informative
b) SI 16 (Control of nuisances)

Rochford District Council consultant arboriculturalist:

- 1.107 The revision to plot 50 in moving the building further back could impact upon the tree shown to be retained.
- 1.108 Would need to see a specific method statement for the whole development highlighting how the trees could be impacted upon (Arboricultural Impact Assessment) and measures to be implemented in order to protect the trees to remain.
- 1.109 The development appears to take into consideration good trees that are present and incorporate these with the new planting areas to create green corridors. Given that there are parks close by which are managed by the Parish Council as well as the Council, will there be any provision for funding to enhance these to further establish the green corridors across the district and the potential for more up keep given the amount of new dwellings to be built? Could this be dealt with by a S106 agreement or a condition?

Rochford District Council strategic housing manager:

- 1.110 No objection to the proposal.
- 1.111 The provision of 35% affordable housing (62 units) would make a valuable contribution towards meeting affordable housing need in the District. The tenure mix should be 80% rented i.e. social rent and/or affordable rent (50 units) and 20% intermediate housing (12 units).
- 1.112 Analysis of demand indicates the rented accommodation should be in the following proportions:-
- 1.113
- 1 bed- 30% (15 units)
 - 2 bed – 44% (22 units)
 - 3 bed – 19% (9 units)
 - 4 bed - 7% (4 units).
- 1.114 Analysis of demand indicates the intermediate housing should be in the following proportions:
- 1 bed – 69% (8 units)
 - 2 bed – 29% (4 units)
 - 3 bed – 2% (zero units).
- 1.115 Any provision of affordable housing should be included in a S106 agreement. This should include delivery triggers, nomination rights and other relevant matters. It would also be beneficial if a number of the properties (particularly the rented) were disabled adapted. The exact breakdown and location of the affordable property types (and numbers) should be agreed with the developer prior to commencement on site.

Rochford District Council Planning Policy:

- 1.116 The current development plan comprises the East of England Plan, saved policies within the Essex and Southend-on-Sea Replacement Structure Plan (2001) and saved policies within the Rochford District Replacement Local Plan (2006)
- 1.117 At the time of writing, the Core Strategy is at a very advanced stage. It has been found sound by the Planning Inspectorate following examination and is to be reported to Council on 13 December where it will be considered for adoption.
- 1.118 The Core Strategy will form part of the Development Plan for the District, if adopted. In the meantime and prior to this, the Core Strategy can be considered to have weight in the determination of planning applications, as set out in *The Planning System: General Principles*, which accompanies PPS1 states (para.18):
- 1.119 *"Planning applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging DPDs. The weight to be attached to such policies depends upon the stage of preparation or review, increasing as successive stages are reached"*
- 1.120 The application site is commensurate with the general location of South Hawkwell, which is identified in the Core Strategy for the development of 175 dwellings by 2015 (Policy H2). It is important that the Core Strategy as a whole is given due consideration in the determination of the application.
- 1.121 The Council is required to maintain a five-year housing land supply (as set out in PPS3). The Council's most recently published housing land supply was contained within the Annual Monitoring Report (AMR) 2009-10 (published December 2010). This identifies that development on land currently allocated as Green Belt within the general location of South Hawkwell is required in order to maintain an adequate housing land supply. It is therefore important that the Council facilitates development within this general location within a timely manner; failure to do so will lead to the Council no longer having a five-year supply of deliverable sites for housing, which may leave the Council vulnerable to planning applications for residential development that are not in accordance with the Council's Core Strategy.
- 1.122 The Core Strategy identifies general locations for development; the Allocations DPD will identify specific sites. The Allocations DPD is not at an advanced stage and specific sites have yet to be determined. However, PPS3 states (para. 72):-
"Local Planning Authorities should not refuse applications solely on the grounds of prematurity".
- 1.123 The status of the Core Strategy, the requirement for a five-year land supply, and the advice contained within PPS3 in respect of prematurity, together mean that there is no planning policy objection in principle to residential development of 175 dwellings within the general location in which this application site resides.
- 1.124 The Local Planning Authority must be satisfied the application site is the most suitable site option within the general location determined by the Core Strategy, if it is to be considered favourably.

In this regard, it is noted that this application follows the refusal of a proposal at the same site, albeit for a greater number of dwellings (09/00529/OUT). The refusal of this application was subject to appeal (APP/B1550/A/09/2118700/NWF). As part of this appeal the applicant provided evidence (evidence of Martin D Hull, BA MA, MRTPI) that the site was a suitable site within the general location of South Hawkwell when compared to potential alternatives. There is no evidence to suggest that this conclusion is flawed.

- 1.125 Given all of the above, there is no planning policy objection to the application in principle.

Neighbour representations

First Round Neighbour Representations:

- 1.126 **79** letters have been received in response to notification on the revisions to the application as originally submitted on 17 May 2011 and which in the main make the following comments and objections.

1.127 Infrastructure Issues

- Limited public transport in the area. The number 8 bus operates at one hour intervals in each direction 7.30am – 6.30pm
- Roads too dangerous for pushbikes
- Fire service is retained and not permanently manned
- People in social housing might prefer to live closer to services such as in town centre although Hockley has had its allocation reduced from 150 to 50
- Site too distant from shops and services, including rail station necessitating car born journeys
- Increased population will add to pressure on Hospitals and other medical services as well as schools
- The Core Strategy states that housing estates should be socially, economically and environmentally beneficial to the area and this application certainly does not meet this criteria
- Do not need another 175 homes. Infrastructure already overloaded and cannot support any significant building developments
- Sustainability Appraisal of the district argues that Rayleigh has the best access for services and access to London and so Rayleigh sites should be reviewed.
- Current application offers no change to the previously refused application in terms of its sustainability for the community of Hawkwell
- No social benefits of any kind or the local community
- From September 2010 slightly higher than average rainfall with the site under water for much of that time acting as a natural flood plain and could not be grazed. The development would therefore impact upon the ability of the land to cope with expected rainfall and consequent flooding of the existing community
- Development offers no economic benefits and a development reliant on car usage would be disastrous

- There is a requirement for more housing in the district but however the intensity of housing in the Hawkwell West area already exceeds current facilities local shops aren't adequate to carry extra stock for this increased need and would require more frequent deliveries causing noise and disruption
- Alternative proposals in the Core Strategy for sustainable development in the local area considers more sensibly current and future social, economic and environmental implications relative significant developments of this kind
- Wear and tear on the roads which won't be able to sustain the extra traffic
- Bizarre that in an area of low rainfall so much housing is proposed and hence struggles with water shortages each year
- No additional employment proposed so all residents will have to commute
- Application unsound and unsustainable
- Council have not provided clear evidence about the environmental impact on Hockley Woods or pollution from traffic flows to fully justify this as a suitable site
- Previous application made provision for a bus subsidy but not the case in the current application which only proposes bus vouchers for new residents which will not improve public transport
- This amount of housing would require a bus route with consequent pollution and noise from air brakes and significant use by service vehicles with the same affects
- does not confirm to PPS 12 with regard to spatial planning
- No sustainable drainage system in this proposal
- Sewage and water systems cannot cope
- Need improved bus service ,particularly with increasing elderly population with their declining health and mobility
- Smaller buses running more frequently and later leading to less wear and tear on the roads more appropriate to residents needs

1.128 Highway Issues

- increased traffic on local roads adding to existing congestion and delays
- capacity of local roads reduced by increased commercial and lorry traffic in area and traffic gridlock whilst a delivery van unloads
- exit of development Through Thorpe Road onto Main Road where traffic flow is at its fastest and most dense and an accident waiting to happen and is complicated by presence of crossing on the main road
- Thorpe Road not wide enough and frequently congested with parked cars for an access to development of this size
- Two thirds of the development to access through made up section of Thorpe Road which is inadequate for this purpose given also that four other roads fed into the same road
- Exit should be onto Rectory Road and managed junction with Hall Road/ Main Road
- No indication to improve the Rectory Road footpath unlike previous application
- Thorpe Close, Thorpe Gardens and Spencers all approved over the years thus making Thorpe Road twice as busy as originally intended
- Road capacity reduced by school buses stopping regularly
- Electricity supply is inadequate to serve more large scale housing

- Due to current housing framework no possibility to extend or improve existing highways
- Roadworks in Ashingdon and Hockley at end of 2010 proved what happens with relatively minor changes to the normal peak traffic flows
- Proposed changes to the Rectory Road/Hall Road/Main Road roundabout will not offer significant improvement to traffic flow
- Clements Hall sports centre attracts a high volume of traffic 7am – 10pm daily
- Local traffic has increased with the opening of the Cherry Orchard Road and will increase further with the airport expansion and other development such as Hall Road and site in Brays Lane
- Unmade end of Thorpe Road is a private Road so question ability of applicant to make up part of it
- Five new access points onto Clements Hall Way which the extra volume expected to take is unacceptable without significant highway improvements to sight lines to Royer Close and Read Close, curvature of that Road, on-street parking and speed restriction to 20MPH. Suggest small roundabout at junction of Clements Hall Way and Rectory Road.
- construction traffic will cause congestion for a long period
- increase in traffic will damage the roads
- bottle neck at the Railway bridge and traffic lights in Rectory Road
- traffic assessment is flawed and is based on carriageway width ignoring that the railway bridge is single track and controlled
- overpopulated in Rochford and this is a small community and we need to keep it like that
- need a ring road before any more development as promised years ago
- difficulty for emergency services to access the development
- transport assessment states the No. 7 bus serves the locality when it does not
- no pedestrian crossings in this area
- footpath to Rectory Road obstructed by street furniture making use difficult for impaired or prams/ pushchairs
- no adequate footpaths between the site and Hall Road Cock Inn
- problems for children crossing roads

1.129 Green Belt Issues

- Site in Green Belt and should be refused
- only an adjustment in overall numbers so previous objections and inspector's decision still stand
- runs against all achieved in previous district plans against ribbon development
- in previous application the council stated it was powerless to prevent development in the face of housing targets. Those targets have now gone. So why is the council pushing this against the will of the electorate?
- Question the affect of the Core Strategy as High Court judgment on the Forest Heath case has caused a full examination of sustainability. As there are other more sustainable sites in the District Hawkwell West could be removed from the Core Strategy altogether. Application should be turned down because the Core Strategy has no weight.
- Application submitted before the Core Strategy has been agreed so the allocation for Hawkwell has yet to be decided

- Proposal does not accord with the development plan
- Represent clients who own Tithe Park of some 35ha abutting the Borough of Southend. Concern that whilst Councils should not refuse applications on grounds of prematurity, the timing of the Core Strategy should be a material consideration. A premature decision could prejudice our clients site and the best sites from coming forward before the Core Strategy has been found sound.
- Large scale development will result in the continuous coalescence of Hockley, Hawkwell and Ashingdon and loss of community identity
- The current application is within the same area as the previously refused application but now closer to Thorpe Road and still within Green Belt. For this reason the application should be refused
- Do not need/Hawkwell West does not have a need for another 175 houses in the area
- Only limited Green Belt left in Hawkwell village and will diminish green spaces further
- Need to concentrate on preserving the countryside
- Loss of trees and pleasant land
- Decision should be delayed until the decision by the Government Inspector on the Core Strategy has been agreed
- Inappropriate development on the Green Belt and no very special circumstances to justify permission being given
- Loss of semi rural character of the area
- Many smaller scale non-Green Belt sites and windfall sites in the area that could deliver a five year housing supply.
- Surplus of 228 windfall sites makes the council legally obliged to reject this application
- Residents previously assured the Green Hedge along Clements Hall way would be a defensible Green Belt boundary. Why can the previous inspectors decision be now disregarded?
- In recent election Conservatives gave a pledge to that having refused the first application would also refuse further applications and hope this promise will be kept
- Core Strategy is flawed and should be put on hold until the Localism Bill has completed its passage through parliament.
- Would change the semi – rural character of the area
- No independent evidence to suggest there is a shortage of homes in Hawkwell in fact homes take a significant time to sell despite costing less than other villages
- Before Green Belt is released have all alternative sites been considered ?
- Council seems to be spreading the development to all areas so that every parish shares in the loss of Green belt rather than favour the best sites, representing a political strategy rather than an objective professionally generated spatial plan
- Hawkwell is relatively remote in comparison the Hockley, Rayleigh and Rochford sustainable locations with good access to services
- Redevelopment of run down Hockley Industrial estate and relocation of Industrial uses to A127 has much to commend it.
- How would proposed open spaces be protected from future development?
- Consider the Core Strategy requirement for 175 houses should be over a number of years and not all at once
- Private open space areas would be vulnerable to future applications

- Loss of green spaces at end of Thorpe Road used by walkers, families and horse riders. Tragic to lose this space.
- Development should go to Brownfield sites elsewhere
- Arguments for this development hold no weight as there are no guarantees that the social housing will go to local people or stay low cost after the initial purchase and jobs mooted are just as likely to go to people outside the area
- No need for more housing as the children of existing residents have no chance of being able to afford new homes however “affordable”
- Having opened this land for development can see the Irish Travellers (who don't travel) moving onto the Green areas in the layout creating another Dale Farm. Can the council afford to evict them?
- Concern that paddock areas will be re-developed in future

1.130 Development Layout and Amenity Issues

- The density is too high in comparison with neighbouring properties and suited to a small town and not this rural location
- Provision of green space is unnecessary as we are well served with open space locally
- Amount of development will adversely affect residents quality of life
- Horrified to see 75 council/social homes to be erected on the west side of Thorpe Road. An estate of this type is completely unsuitable and unacceptable in this quiet country lane and can cause nothing but distress and harm to existing residents. Several families have been lucky enough to sell up and move away.
- Hawkwell is primarily detached and semi detached houses and bungalows and not flats and houses and designs borrowed from the Craylands estate in Basildon
- Previous developments elsewhere in Hawkwell have taken place within Parish boundaries and all of a size assimilated into the area.
- Proposal is 2/3 times larger than anything previous in Hawkwell
- Hawkwell needs a nice two or three roads of family houses with large gardens and a complex of retirement bungalows to free up existing houses allowing residents to downsize
- The layout does not consider adjoining neighbours and will be detrimental on their quality of life
- Why no bungalows included? This discriminates against the elderly and disabled
- Residents of Hawkwell should be served by the council and government which it serves, not relenting to faceless organisations who's sole aim is to make profit
- Overlooking of existing bungalows
- Out of character with the area
- Tree Plan does not include all the species that need to be retained. A number of young oaks are within the site and should be protected
- Why are no the affordable units being put in part of the district where they are needed? Greatest need for affordable housing is not in Hawkwell
- Why is there a distinct separation between the affordable housing and private housing?
- Why is all the high density housing crammed into one area around Thorpe Road? This does not demonstrate a mix

- Who will meet the cost and responsibility of the maintenance of the parkland that separates the two areas
- To rear of No.14 Main Road is garden and applicant proposes to put 25 council houses on it. This is "Garden Grabbing" at its worst and our government want this stopped
- Detached house to Rectory Road is totally separate form the overall plan but appears accommodated as part of the land deal. Was advised by the planning department that this is to replace No. 31 Thorpe Road but this property is at least 200m away so cannot be like for like. That part of the site belongs to an ex councillor who had twice been previously refused permission for Green Belt reasons. Question how this can now be justified and if the house not to be placed on the open market how this can be open and transparent ?
- Affordable housing is proposed in a "Ghetto" and should be spread throughout the development
- Garaging and parking for at least two vehicles for each dwelling indicates significant additional traffic onto unmade section of Thorpe Road and nearby roundabout
- Building of flats in Hawkwell is totally out of character given the area is predominantly bungalows
- Bad to put in flats as they are attached the drug community

1.131 Other Issues

- loss of wildlife and loss and fragmentation of habitat
- concerns at loss of woodland
- noise from Clements Hall will get worse together with anti social behaviour
- mover here 18 months ago from Westcliff to escape development and development would back onto us spoiling our view , create noise and disturbance and devalue our property
- purchased home in Rectory Road to raise a family away from the noise , pollution and social ills of towns and city and enjoy peace and quiet Hawkwell has to offer. View with horror the development of the site envisaged children would play on for some time
- Proposal refers to a number of elements on the 2001 census. Since a new census has just been completed the outcome of this should be awaited and reassessment done
- Totally inappropriate with a few frankly pathetic and ill-conceived gestures by the applicant to fix things
- Putting trust and faith in the council to support residents and local objectors and refuse this hopefully for good
- Consider as two distinct sites there should be two applications or a third for single dwelling onto Rectory Road
- Who will maintain the open areas of the development
- Increased pollution
- Given the current economic climate are the council confident that applicants have the full economic capacity to complete the site and that the site will no remain unfinished ?
- Loss of value to existing property in the area

- Clements Hall becoming a pig sty with graffiti everywhere which will become worse with more houses
- Development would be at the heart of Hawkwell and against the wishes of an overwhelming number of local residents
- Believe the Council have a duty to look carefully and thoroughly into the arrangements the applicants have for buying the land from existing owners particularly as they have stressed the importance of access and public open spaces as these areas could be left as neglected scrubland totally detracting from the picture painted by the applicants and impression being given of the finished scheme
- Galling that applicant should submit again so soon after previous application refused
- Would have hoped for a broader distribution of publicity instead of only those near to the site
- Hawkwell is a small friendly village, not a town or city and overall opinion of residents is that it should remain so.
- With all the cuts in expenditure can see the attraction of increased revenue for the Council (Council tax) This is similar to what was done in Eastwood 15 years ago (Nore Road/Hillside Road housing estates but at least without social housing. This site again at one time received a promise that it would not be developed.
- Leave Hawkwell village as we all love it
- Noise from bad driving and verbal consequences and car stereo systems
- Litter and pollution from queuing traffic
- Christmas tree farm does good business at Christmas and people want an authentic real tree and not travel far to get it
- Demand election pledge to refuse future applications is honoured and end the speculation and stress it causes to residents

1.132 One letter has been received from the Christmas Tree Farm Development Action Group and a further letter from their consultants which in the main make the following comments and objections:-

- Request time at the committee for the groups consultants to present their case.
- The council did not charge the applicants for the officer advice they have received.
- The application should not be considered until the Core Strategy report has been published and the allocation of sites agreed. Forest Heath has a case pending on this issue. Understand also that the developer for 600 houses in Hall road has put off the decision for this reason. The decision should thus be put off until the Core Strategy has been completed and positive decisions can be made on known and agreed criteria.
- The site is in the Green Belt and woodland and wildlife will be adversely affected as habitat and green corridor.
- Whilst less in number the site occupies the same site as the previous application for 330 dwellings and would have a serious affect on the semi rural character of Hawkwell.
- No very special circumstances have been demonstrated by the applicant.
 - Too many dwellings proposed for this site.

- Strain on roads and other services
- Affordable and social housing should be spread equally across the whole development.
- Almost twice as many homes will have to use Thorpe Road for access/exit which is too narrow and traffic numbers unacceptably high.
- Rectory Road/Hall Road junction improvements will have little effect.
- Account must be taken of impact of Brays Lane, Hall Road applications and development at the airport.
- The local community is firm and consistent in its opposition to the current application which is not accurately reflected in the applicants community consultation exercise.
- Believe the ownership certificate is flawed as not all land owners are part of Hawkwell consortium and may invalidate the application.
- The Local Development Framework is stalled and remains subject to prolonged examination. Key to this is the consideration and weighting of alternative sites. The Government warns against granting consent where it would prejudice the emerging development plan.
- CTFDAG is not supportive of the Core Strategy proposals in so far as they relate to Hawkwell but is generally supportive of the proposition that a settlement district and region must provide for housing need as part of an overall strategy and that the Local Development Framework is the correct vehicle to deliver this.
- Proposal represents an ad-hoc application pre-judging the outcome of the Core Strategy
- Any decision that would undermine the evolving Core Strategy process or act contrary to it would be harmful to the public interest in that it would not allow the consideration of the proposal in the context of effects of other sites allocated
- Current land supply is adequate and provides a five year supply for the longer term
- The circumstances of the current application are not unique and the site fulfils a clear role in checking unrestricted sprawl and coalescence of settlements
- Site open with well defined boundaries and host to a wide variety of wildlife which are important features of Green Belts and for their continued protection
- The few dwellings in the locality are low key and typically single storey. Thorpe Road is distinctive in that it has undeveloped margins which changes where the road enters the residential area at the northern end. The site therefore provides identity to the settlement of Hawkwell. The proposal is disproportionate to the population of Hawkwell and raises issues of community imbalance, infrastructure and sustainability.
- Important to make the best use of land but not at the expense of local environmental conditions. The design approach requires a thorough grounding in the existing qualities of the area and identification of those matters which give the locality its semi rural feel. Housing can only be allowed on the basis of a high standard of design and layout.
- The proposed number of dwellings can only fit into the site at a density in excess of the local area.
- Acknowledged that Rectory Road acts as a transition between the application site and countryside beyond.

The current proposal still envisages a significant degree of enclosure to Rectory Road creating a continuous frontage of scale and density that would be visually impermeable reading as a solid block of urban development.

- The form and layout proposed is dull and prosaic constituting “anywhere “ type housing not in keeping with local vernacular
- Local setting is landscape dominated
- The proposed designs are mediocre, lack invention and are largely disrespectful of local context
- The west side of the development is clumsy in its handling of car parking
- Poor relationship of dwellings proposed to existing dwellings in Thorpe Close
- The direct vehicular access onto Thorpe Road is at odds with the road hierarchy
- The affordable housing is lumped together creating a “ghetto” where social and environmental exclusion will be emphasised
- Highway congestion arising from this development is a key concern for the group about highway matters arising from this development and have concern that highways impacts are being considered in isolation from cumulative effects of other land releases through the Core Strategy examination and the development of Southend airport.
- Previous application showed 115 houses accessing through Thorpe Road but in the current application this has been increased to 120 despite overall reduction in the scheme
- The group carried out a traffic survey on 14th June 2011 revealing very similar findings to those of consultants for the applicant in the previous application. The additional 120 households will be likely to generate between 66 – 86 vehicles an hour representing an increase from 49 to between 115 – 135 (1 vehicle every 31–26 seconds). At present 2 – 3 vehicles queue to get out of Thorpe Road . If allowed the development would result in more frequent and longer queues creating congestion at the expense of the free flow of traffic and to the detriment of the amenity of the area more generally. Permission should be refused for this reason alone.
- The site contains a number of different habitats suitable for nesting, breeding, feeding and foraging. Such networks are a valuable resource and of great potency based upon the sum of the network parts. Areas of unremarkable habitat are not to be discounted as they provide a stepping stone between two other parts. Such networks are required to be maintained and protected from development where possible and strengthened or integrated within the development. The proposal will however fragment this habitat

1.133

A **petition of 775 signatures** has been received asking the Council to reject the current application to build 175 dwellings on Green Belt land.

1.134

The signatures are mostly from the district and the immediate Hawkwell and Hockley areas but include some signatures from Rayleigh, Rochford, Paglesham, Barling and Hullbridge areas also.

1.135

20 signatures are from addresses in the Southend, Benfleet, Canvey Island ,Leigh and Westcliff areas outside the district.

1.136 **One** letter has been received and which makes the following comments in support of the application:

- The change in status of this application is a marked improvement on the initial application scaling down the density of properties and improving the area made available as leisure land/nature land
- As an affected occupant I cannot say that I am happy about the building but as a realist I accept the necessity of house building and the need for social housing (having spent my childhood in a council house)
- The plans offered are as good as they could be and in time Hawkwell will benefit, particularly small businesses in the area which could do with a boost during these difficult times.
- The Council has done well to reduce the density of the build and I hope the programme if passed, can be handled by the builders with the maximum care and attention to the neighbours and maybe a monthly news sheet from them as to what disturbance can be expected in the following month for those that are going to suffer from the relevant phase of work.

Second round neighbour representations:

1.137 **35** letters have been received in response to notification on the revisions to the application dated 21st September and which in the main make the following comments and objections.

1.138 **Infrastructure issues**

- Appreciate it is easier and cheaper for the council to locate all the dwellings in one place if they can but hope instead they will spread them all around Hockley, Rochford and Hawkwell to minimise the impact if the number is really needed
- Local schools are full, trains are overcrowded, bus service limited and reduced, local roads badly congested, need for jobs, no shops, no footpath links to employment areas. Local infrastructure simply inadequate for this expansion.
- Not sustainable because no possibility of roads being improved
- Site could only support thirty houses at the most without needing infrastructure
- The Airport expansion will affect the road network
- 26 buses each day to Southend at the nearest bus stop as compared to 96 buses per day from Hockley yet council consider this site to be an ideal location
- Clements Hall Sport Centre attracts high volumes of traffic from other parts of the district and beyond
- No social or economic benefits for the community of any kind from this development
- Site is in flood zone 2 and 3 and is a qualified flood plain proved by recent rainfall preventing use of existing paddock
- Would seriously affect the character and education and road framework

- Using the council's own data for rooms per household, household income, multiple deprivation, percentage of rented property at 13% and above other parts of the district, lack of concealed households, match to employment land allocations all show the proposal to be an unsustainable percentage increase without huge changes in infrastructure provision and that the proposal is developer lead.
- Current infrastructure (roads, schools, doctors, public transport)struggles to cope
- No additional employment planned leading to more commuting volumes
- Should not be considered until the Core Strategy has been agreed
- Total of 176 houses would satisfy the total District requirements for several years
- Local bus service reduced giving little option other than private car travel
- Better to spread the development throughout the area
- Locality subject to the frequent electricity blackouts and need for other services to be updated
- No consideration given to the proximity of shops and schools and the additional car usage that will result
- Before this development is allowed evening buses should be brought back
- Would be most sensible to locate most new homes in the west of the district with better access to major routes and other services
- ECC have stated the B1013 is now at 72% capacity
- No infrastructure improvements to Hawkwell for 30 years. The Core Strategy proposals will bring traffic to an unbearable level.
- Need to Upgrade and widen Rectory Road with footpath at the site
- Replace mini roundabout with traffic lights
- Improvements to drainage, gas, electric, telephone, water, sewers and storm water drainage
- Increase capacity at local schools
- Increase capacity at dentists and doctors services
- Increase ambulance and fire and police cover
- Provide and run a youth club that could be provided on the site
- Provide an run allotments in the area
- Replace existing controls and railway bridge with a wider bridge
- Provide missing and upgrade to existing pavements to Hall Road
- Proper lighting for B1013 Hall Road
- A cycle route form Rochford through Hockley to Rayleigh

1.139 Highway Issues

- Inappropriate number of dwellings in an area served by one B road and a low bridge
- Chance of drivers using Thorpe Road as a short cut into Rectory Road
- Local population and vehicle density is already above the county average
- B1013 will be turned into a continuous traffic jam with traffic flowing from this development
- Increased congestion is contrary to national policy to reduce carbon emissions
- The traffic analysis in the application is badly flawed ignoring the restriction at Rectory Road railway bridge
- Thorpe Road has no capacity to be a major access road to this development.

Constant parked vehicles make it a single track road most of the day.

- Difficult to exist Thorpe Road junction onto Main Road
- Road works recently caused grid lock with 350 cars wanting to join the road
- Applicants intend to make up Thorpe Road despite highways department assurances that the road will remain unadopted and not become a rat run
- Plots 10 and 11 could potentially have front gates and access onto Thorpe Road without being aware of the laws and maintenance of unadopted roads.
- Rectory Road from Clements Hall to Nursery Corner is very narrow with buses and lorries having difficulty in passing.
- Traffic down Rectory Road is very congested often backing up from the Rectory Road/Main Road roundabout past the entrance to Clements Hall Way
- Thorpe Road should be left as it is and pedestrianised

1.140 Green Belt Issues

- Revised layout does not alter objections to building on Green Belt
- Proposal is inappropriate and would not serve to brake upon sprawling development as would be the case if allowed
- Previous developments in the area have taken place within parish boundaries but were crucially of a size that could comfortably be assimilated within the village community without altering the pleasant semi -rural environment
- Development will be 2 – 3 times larger than any previous development approved in Hawkwell
- Would badly affect the quality of life in this rural environment with surrounding farm and parkland
- Unsound
- The site is Green Belt and should remain so
- Loss of Green Area at end of Thorpe Road
- Should be refused to keep the small friendly village and development should go to brown field sites.
- In the previous appeal the Secretary of State clearly stated that David Wilson Homes had not demonstrated any exceptional circumstances why this should be allowed and there is nothing new that would change this position
- Loss of Green Belt will be detrimental to character of the area
- Site is a farm and other crops could still be grown if undeveloped
- An area which is already partially developed and not requiring any use of Green Belt Land is between Fambridge Road and Canewdon Road with existing network of roads and where these roads could be made up and the area infilled instead of building on farmland
- Appreciate that more homes are required for the growing population but there must be other areas more suitable
- My application was turned down so how can you possibly think about building 176 houses whose footprint far exceeds my refused application

1.141 Development layout and amenity issues

- Over-development
- Only cosmetic changes and therefore still object , absolutely

- Upsetting that council house properties have not been removed but instead have taken them from the lower end where they would have blended with new houses
- Unlit parking courts will not be safe with fencing obscuring intruders
- No assurance of how low or large landscaping will grow to be ineffective or nuisance or responsibility for maintenance.
- Fear of crime is a material consideration.
- Plots 77 to 86 have changed from Private to affordable housing to avoid clustering and will be crammed into a small piece of land as typical anywhere build. Would be better to integrate these throughout the development to maintain a sense of local pride and civic identity.
- Plots 81 – 83 may have been set back but these narrow fronted properties set between existing bungalows are incongruous and will appear out of place in this line of bungalows
- Will lose aspect, security, privacy, character, ambience and amenity for many
- Overlooking of bungalows at unmade end of Thorpe Road by revised layout
- Density is too high
- Overlooking of existing properties
- Proposal is to now build 25 council houses adjoining property lived in by pensioners who are frightened at prospect of noise, disruption and vandalism

1.142 Other Issues

- High biodiversity in the area with rare species present such as Roe Deer and common newt and surveys planned to raise a statutory protected area
- Large number of trees protected by TPO's
- Lives blighted by applications for totally unacceptable – unrealistic and unsustainable, unwarranted and unwanted building consent in Hawkwell
- Plead for a stop to this recurring threat and harassment and waste of local government time and money
- Need to control landowners of the site who are allowing the buildings to fall into disrepair to allow the land to become rank and untidy
- Surprise that Gypsy's have not appeared on the land to force residents into accepting redevelopment as has happened in the past
- Increase of traffic onto Thorpe Road by 75% with risk to families of speeding cars and service vehicles with noise from air brakes and emissions
- As a pensioner should not be forced to live next to a council estate which will destroy our peaceful area and leave it noisy, stressful and prone to vandalism and security problems
- Proposal to include siting for twelve travellers within the original proposal for three hundred and sixty houses in the initial application cannot alter previous objections
- Average price of flats in the area and vacant affordable homes opposite the "White Hart" demonstrates there is below average demand for cheaper higher density property in the area
- Hawkwell south scores amongst the lowest for businesses per 1000 population demonstrating a lack of local employment opportunities
- If allowed the proposal will destroy the positive aspects of earlier district plans to retain the character of Hawkwell as a separate community

- 1.142
- Large area of public open space adjoining existing property will be a magnet for gathering of large numbers of people and anti social behaviour
 - Council has shown complete disregard to the local residents and Hawkwell Parish Council
 - Galling that application should be made again so soon after previous refused and appeal dismissed. If allowed the Planning Department will show total disregard for the concerns which have been expressed and for residents who only recently voted in this council.
 - Must conserve this area for the variety of wildlife such as Badgers, foxes Muntjac Deer and numerous birds that use it and to keep the village as it is
 - Loss of trees and hedges to be replaced with concrete jungle
 - These developers do not live in the area
 - No attempt at graduation on this site. If there had it may have gone some way to lessen the impact on the existing settlement by including on the edge low rise properties more indicative of our retired population and downsizing needs and would avoid the stark and unsympathetic contrast to notable single storey character.
 - Destruction of natural nature reserve and loss of pleasant rural environment residents chose to live in
 - Properties in the area would be substantially devalued
 - Increased noise, pollution and general loss of amenity
 - Biodiversity and habitat on the site should be protected
 - The development would fragment habitat

- 1.143 One further letter has also been received from consultants for the Christmas Tree Farm Development Action Group and which makes the following objections:-

- Maintain objection to the proposal despite recent revisions
- The revisions are many in number but do not fundamentally alter the nature of the development in terms of the matters of principle and the issues of scale and form. The main planks of the groups objections remain healthily intact.
- The original objections were endorsed by a 774 signature petition and the sincerity and overall veracity of that objection should be fully taken into account and which has not been satisfied with recent revisions.

- 1.144 Standing objections as follows

- 1) the Certification of the application appears to be incorrect which potentially invalidates the application
- 2) The proposal relies upon an incomplete Local Development Framework Strategy to which the action group as stakeholders do not subscribe
- 3) The granting of permission would predetermine decisions about the scale, location and phasing of new development which should be determined in the emerging development plan as part of a comprehensive and sustainable approach
- 4) There is an adequate five year supply of housing
- 5) The proposal constitutes inappropriate development in the Green Belt and very special circumstances have not been demonstrated.
- 6) The circumstances in the current application are not unique.

- 7) The site fulfils a very clear Green Belt role in checking unrestricted sprawl of built up areas and preventing coalescence whilst assisting in safeguarding the countryside from encroachment. The Green Belt in this locality provides a positive role in providing opportunities for outdoor sport and recreation, to retain attractive landscapes and to secure nature conservation interests and to retain land in agricultural, forestry and related uses.
- 8) The boundaries of the application are well defined and visually distinct
- 9) The application site provides identity to the settlement of Hawkwell and functions well in maintaining separation and openness between built up areas to the east and west.
- 10) The site provides a green corridor linking to other undeveloped countryside areas and forming part of a wider ecological network
- 11) The application contains a number of different habitats suitable for nesting, breeding, feeding and foraging for a variety of creatures of differing rarity and vulnerability.
- 12) The application proposal would result in the loss and fragmentation of habitat to the detriment of the biodiversity of the appeal site and to its contribution to the wider network.
- 13) Issues relating to highway infrastructure and its relationship to strategic housing development are being considered separately through the Core Strategy Examination. This ad-hoc application side steps the rigour of the Core Strategy Examination particularly in relation to the strategic use and function of the B1013.
- 14) Traffic queues will form as a matter of fact at both morning and evening peak. This will create traffic congestion at the expense of the free flow of traffic and amenity of the highway more generally.

- 1.144 Whilst acknowledging improvements made, the design pedigree is so low that the current revisions do not go anywhere near far enough to produce a development that creates a sense of place. The groups original objections still largely apply. The proposed density is still considerably higher than already exists in the locality. The proposal pays little regard to the existing context, seeking rather to impose a higher density out of the necessity to the numbers proposed rather than contextual design. The net effect is a dull suburban scheme using standard house types. These are spread across the application site in a characterless way, making the whole proposal look samey. In many ways this is the epitome of “anywhere” type housing, of the type so strongly criticised in the preamble to the Essex Design Guide.
- 1.145 The designers have clearly run into some conflict between characterful urban design and highway design standards, the latter leading to some design decisions and hence compromising the quality of the street scenes. In order to achieve the uncharacteristic high density, there are large groups of terraces but without satisfactory accommodation of the car. Hence there remain extensive areas which will be dominated by lines of parked cars in unduly prominent positions.
- 1.146 Oddly, where the development interacts most closely with Thorpe Close, an area of existing detached houses, the applicants have proposed a terrace of three properties in lieu of the earlier proposal of a block of flats.

This terrace is on a shorter building line than the neighbouring detached houses and will by comparison look incongruous and unduly dominating in the existing street scene.

- 1.147 In lower density areas the applicants have attempted to pursue “Boulevard Planning” which is an Essex Design Guide concept. This type of low density layout relies on formal architecture and a fairly strict hierarchy of buildings spaces and formal landscape structure. The applicant attempt is not successful. The architecture is not formal enough, held back by the standard house types, the space provided to create the boulevard is wholly inadequate as there needs to be more space between buildings, wider verges and more trees. This is also true of the wider layout.
- 1.148 The attempted exposition of boulevard planning fails convincingly. It is a counterfeit to the case studies in the Essex Design Guide. The proposed revisions do not raise the standard high enough to justify granting planning permission.
- 1.149 The scale and density of housing would be visually impermeable belying its current recognised transitional status between town and country. The impact of the development upon the semi-rural character of Rectory Road would be significantly harmful and detracting from the character and appearance of the surrounding area.
- 1.150 The form and layout of the development remains dull and prosaic not in keeping with local vernacular or identifying key design cues in the best Essex tradition. The proposed house types are not of any traditional local provenance and are used repetitively throughout the layout. The current proposal continues to demonstrate an insensitivity to the defining characteristics of the area else does not create a layout and design which can claim to be better.
- 1.151 The revised layout retains what appears to be a buffer strip which is not planted and its role is not clear. The ownership, maintenance and access issues are indeterminate and will certainly lead to poor maintenance, trespass, buffer grabbing, insecurity by design and encourage anti social and inappropriate behaviour and the creation of a poor functioning environment.
- 1.152 The proposal continues to appear to create the possibility of direct vehicular access to Thorpe Road at its junction with Thorpe Close which would be at odds with the route and layout hierarchy.
- 1.153 The proposal overall fails to represent best design by far. The layout continues to be mediocre lack invention, and largely disrespectful of local context. There will be very clear adverse impact on the character of the adjoining settlements. The creation of anywhere type housing is the lowest common denominator of design approaches and planning permission should be refused for this reason

MATERIAL PLANNING CONSIDERATIONS

- 1.154 The material considerations relevant to the determination of this applications are considered to be:-

- Development Plan
- Green Belt
- Highway
- Design and layout
- Affordable housing
- Status of the paddocks retained within the scheme
- Open space
- Ecology
- Trees

Development Plan Issues

- 1.155 In determining the application regard must be had to section 36 (6) of the Planning and Compulsory Purchase Act 2004 which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 1.156 The Rochford District Local Plan remains extant in part as the development plan for the district. However, in October 2011, the Council received the Inspector's report on the Rochford Core Strategy, following public examination. The report found the plan to be sound and subsequently, at the time of writing this report, the plan was due to be considered for adoption at a meeting of Full Council on 13 December 2011.
- 1.157 The Core Strategy identifies general locations in the district for new development, including a location called South Hawkwell. Policy H2 proposes that a total of 175 dwellings be provided in the general location of South Hawkwell in the period to 2015; the expected location for the new houses is shown on the Key Diagram accompanying the Core Strategy.
- 1.158 The Council is required to maintain a five-year housing land supply (as set out in PPS3). The Council's most recently published housing land supply was contained within the Annual Monitoring Report (AMR) 2009-10 (published December 2010). This identifies that development on land currently allocated as Green Belt within the general location of South Hawkwell is required in order to maintain an adequate housing land supply. It is therefore important that the Council facilitates development within this general location within a timely manner; failure to do so will lead to the Council no longer having a five-year supply of deliverable sites for housing, which may leave the Council vulnerable to planning applications for residential development that are not in accordance with the Council's Core Strategy.
- 1.159 The Core Strategy identifies general locations for development; the Allocations DPD will identify specific sites. The Allocations DPD is not at an advanced stage and specific sites have yet to be determined. However, PPS3 states (para. 72):
"Local Planning Authorities should not refuse applications solely on the grounds of prematurity".

- 1.160 The status of the Core Strategy, the requirement for a five-year land supply, and the advice contained within PPS3 in respect of prematurity, together mean that there is no Planning Policy objection in principle to residential development of 175 dwellings within the general location in which this application site resides.
- 1.161 The Local Planning Authority must be satisfied the application site is the most suitable site option within the general location determined by the Core Strategy, if it is to be considered favourably. In the previous appeal there was no evidence to suggest that the site would not be suitable in meeting the requirement for South Hawkwell.

Green Belt issues

- 1.162 The site is allocated Metropolitan Green Belt in the council's saved local plan (2006). National policy for the Green Belt is set out in Planning Policy Guidance 2 (1995). Policies controlling development are very restrictive and whilst there are some specified exceptions to the restrictive stance, the construction of new dwellings is inappropriate development unacceptable within the Green Belt unless there are very special circumstances that can be demonstrated in the application and material considerations that would allow the development to be exceptionally permitted. By their nature those circumstances must not be easily replicated at other sites but must be sufficiently unique to the proposed development that there would be little risk of a similar special need occurring close by so as to create a cumulative loss of Green Belt.
- 1.163 In dismissing the previous appeal for the larger scheme the inspector noted that the boundaries of the Green Belt were a matter to be decided in the emerging Local Development Framework (Core Strategy and related development plan documents) and not a matter for consideration in the appeal then before him. On the basis of adopted policy the site would remain within Green Belt whatever the appeal outcome. The inspector noted that the site includes a number of buildings but these are not intensively used. In dismissing the previous appeal for a larger scheme of 330 dwellings on the same site the inspector concluded that the appeal proposal would, as a matter of fact, cause a very significant reduction of openness at the site notwithstanding the Council's emerging core strategy relying on some release of Green Belt in the South Hawkwell general location. The inspector concluded that although not directly reducing the separation between the settlements of Hockley/Hawkwell and Rochford, that appeal proposal would have resulted in the coalescence of the main and detached built up areas of Hawkwell with the existing group of dwellings in the Green Belt at the junction of Hall Road and Main Road.
- 1.164 However, whilst this point is noted, it is also the case that PPG2 does not specifically use the word 'coalescence', but does indicate that there are five purposes for including land in Green Belts: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns from merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns;

and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. Certainly as far as the merging of settlements is concerned, development in the South Hawkwell location, as proposed in this application, would not result in the merging of settlements, and the dwellings referred to by the Inspector are in close proximity to the application site.

- 1.165 The applicant recognises that the site is currently designated Green Belt and that the proposals represent inappropriate development and requiring the demonstration of very special circumstances to outweigh the harm caused.
- 1.166 The applicants however argue that the site has to be considered in the context of the emerging Core Strategy, which is at an advanced stage, and demonstrates the intention for development sites to be provided from the green Belt in the general locations shown on the Key Diagram and in policies H2 and H3.
- 1.167 The applicant states that the very special circumstances in this case are:-
- The Council has accepted that the release of Green Belt in this area is necessary for housing growth;
 - The site is in a sustainable urban edge location;
 - The site is in a location which anticipates housing delivery now to meet a 5 year supply;
 - The proposals deliver a significant contribution of affordable housing of which there is a severe shortage locally; and
 - The wider benefits proposed as part of the application (including improvements to Clements Hall pitches, ecological and landscape management, highway infrastructure) are a material consideration.
- 1.168 The applicant argues that the site has a history of being promoted through the local plan process of the 1990s and whilst not resulting in an allocation, was however noted by the local plan inspector in his report of 2005 for the potential of the site to meet housing need should it exist.
- 1.169 The Council has acknowledged in the presentation to the Inspector examining the Council's Core Strategy that not all of the housing requirements can be delivered from previously developed land and that Green Belt sites will therefore be needed.
- 1.170 In dismissing the appeal on the previous application the Inspector noted the common ground between the parties that the location was generally acknowledged as a sustainable location for housing development. The Council's Strategic Housing Land Availability Assessment also states the developable area to be suitable for 300 dwellings. However, this quantum was reduced to 175 dwellings in the Core Strategy because of sustainability concerns relating to the balance between housing to be provided on Green Belt land and previously developed land. The Inspector went on to conclude that to allow the greater quantum of development would have a destabilising influence on the emerging Core Strategy and distribution of housing for the district.

- 1.171 The current application would provide a net 175 dwellings that is consistent with the Core Strategy and for a contribution to the housing supply identified prior to 2015. As indicated, the Core Strategy has been found to be sound following public examination and although at the time of writing this report had yet to be formally adopted by the council, it is considered that significant weight must justifiably be given to the plan now that it has been found to be sound by a Planning Inspector.
- 1.172 Paragraph 72 of PPS3 Housing (2010) makes clear that;

"Local Planning Authorities should not refuse applications solely on the grounds of prematurity."
- 1.173 Policy H2 to the Council's emerging Core Strategy proposes a number of locations for the extension of the residential envelope prior to 2015 to contribute alongside limited brownfield sites to a five year supply of housing. The release is to be phased, identifying some Green Belt locations for release in later phases (post 2015 - 2021). There is an argument against allowing development in later phased locations ahead of time, if they are not required to maintain a five-year supply, in that this would deter developers from utilising more sustainable, but potentially more challenging, brownfield sites. The South Hawkwell site is aligned to the emerging Core Strategy, in that development is required there to sustain a five-year supply of housing land in a planned way prior to 2015, regardless of the fact the Core Strategy has yet to be adopted.
- 1.174 The Inspector in considering the previous appeal, concluded that whilst there may be some reasons to doubt that the supply of land for housing was as robust as was suggested by the council, given that some smaller sites appeared not to be available and matters of deliverability of other Green Belt sites, the supply will be influenced on the Core Strategy being found to be sound. Accordingly, the Inspector concluded that if found to be sound there was no reason to suppose, within acceptable ranges of error, there would not be a realistic five year supply of land. This conclusion was based as now, on the site meeting part of the five year supply required.
- 1.175 PPS 1 states that account can be taken of policies in emerging DPDs. The weight to be attached to such policies depends upon the stage of preparation or review, with the weight increasing as successive stages are reached. Given the Core Strategy has been found to be sound, it now carries significant weight and is considered to be an important material consideration in the determination of this application.
- 1.176 The current application therefore demonstrates very special circumstances in that there is acceptance within the Core Strategy for the release of land from the Green Belt in South Hawkwell to the quantum of 175 net dwellings notwithstanding that final consideration has yet to be given to the emerging document. The grant of planning permission now would not harm the emerging plan process but would instead align to it. The need to take land out of the Green Belt is necessary in order to deliver a quantum of housing in a location identified in the Core Strategy to contribute towards the five year housing supply.

This consideration is very special and outweighs the harm from inappropriateness to which the inspector previously gave weight in the earlier appeal for the larger scheme of 330 dwellings which did not accord with the emerging Core Strategy.

Highway issues

- 1.177 The submitted layout would provide access to the western part of the development from the made-up section of Thorpe Road for 112 houses for a length of 17m to a junction formed whereby access to the development would work off estate roads to the east and west from this junction. Thorpe Road would be improved for a further part of its length but narrowing to 4.8m over a shared surface and further reduction to 3.7m with a width restriction of 3.1m within the site. The remainder of the length of Thorpe Road currently fronting existing dwellings at the southern end onto Rectory Road would remain unchanged and unmade. This unchanged arrangement is at the request of County Highways and is intended to limit the attractiveness of the route for through traffic. The route cannot however be closed because of existing use rights.
- 1.178 The eastern part of the site would be accessed from a junction made 35m north of the junction between Clements Hall Way and Rectory Road and would serve 56 houses with a further 7 plots gaining access from 4 private drive access points onto Clements Hall Way.
- 1.179 The layout would feature a mixture of road types including the use of shared surfaces.
- 1.180 Each plot would be provided with parking and garaging within the curtilage of the plot or in grouped parking courts.
- 1.181 Each dwelling would be provided with two or more car parking spaces with the exception of several two bedroomed houses which have one space but in accordance with the preferred sizes in the Council's adopted standards. The exception to this are some garages to the five bedroomed house type that have a reduced depth less than the 7m internal depth required, though otherwise complying with the standards.
- 1.182 The application is accompanied by a Transport Assessment that concludes that the expected vehicle trips generated by the development upon the operation of the highway network can be accommodated.
- 1.183 The applicant includes provision within this application to improve the Rectory Road/Hall Road/Main Road mini roundabout by widening the Rectory Road exit lanes to facilitate left and right turn lanes in order to reduce the potential for queuing.
- 1.184 The county highway authority considers the assessment to be prepared in accordance with National Transport Assessment guidelines and the outcomes to be robust and as set out in the response to consultation. The county highway authority agree with the applicants findings that all site access points have sufficient capacity to accommodate the flows arising from the development.

- 1.185 The works for the improvement of the Rectory Road/Hall Road/Main Road roundabout, improvements to local bus stops, and a subsidy for the local bus service all requested by the county highway authority are matters to be the subject of the recommended heads of a legal agreement to form part of the grant of permission.

Design and Layout

- 1.186 In dismissing the previous appeal the Inspector commented that although the development then before him would have made a better use of land in density terms, an allocation of 175 dwellings would have a better and less harmful relationship with existing development on the periphery of the site. Furthermore a scheme that is an exemplar of good design could be a valuable addition to the built environment of Hawkwell. The Inspector concluded that any scheme whether for 175 dwellings or that as before him would be likely to cause significant change to the character and appearance of the site surroundings.
- 1.187 The applicants have followed a landscape lead approach to the development of the site bearing in mind the Inspectors findings on the previous application. This has involved the retention of paddock areas to the Rectory Road frontage and to the north of the layout near Clements Hall Way. Between the paddocks and the proposed developed areas would be public open space. This area is also part of the woodland tree protection Order TPO/21/07. The inspector considered the Rectory Road hedge line to be an important feature to be retained and enhanced.
- 1.188 The Essex Design guide is adopted guidance for the council. The layout accords with the highway engineering design requirements of the design guide but does not strictly follow one of the development forms or layout styles set out in the guide. Whilst the guide assists in achieving local county wide vernacular styles, alternative layout principles can also be successful and the design guide principles should not be slavishly applied as a mandatory requirement. Instead the guide provides advice and the principles of design and layout to help shape places with a familiar identity rather than seek to impose a uniform style to all sites.
- 1.189 The proposal would provide thirteen different house types overall with minor variations. The dwellings would range in overall height from 8.4m – 10m and with roof spans typically 8.5m. The roof slopes are relatively shallow whereas the Essex Design Guide would favour traditional spans of around 6m but to taller roof slopes. It was part of the Council's case in the previous appeal that new development should respect the modest size and height of local characteristics which include a strong element of low rise housing and, on balance, this approach is still preferred.
- 1.190 All the houses would be finished in either red or buff coloured brickwork with rendered and weather boarded features in some cases. The roof coverings would be mixed between grey artificial slate, and red or brown plain tiles.
- 1.191 The County urban designer and the consultants for the Christmas tree Farm Development Action Group are critical of the design approach and see the use of standard house types by a volume builder as objectionable.

Whilst not truly in accord with the design guide, district officers consider that with some further alteration to prominent plots which the developer has in hand at the time of writing the report and to be available at the meeting, the design and layout form of the dwellings proposed is acceptable taken within the wider landscape led development context. That having been said, it will be important to agree the final details of materials and design elements (window headers, cills, window designs, etc.) with the applicant and these matters can be covered through appropriate conditions.

- 1.192 The previous outline scheme dismissed on appeal included a "Village area" off Thorpe Road at a density of 30 – 40 dwellings per hectare (dph) and 40-50 dph. The "Parkside" area then proposed off Clements Hall Way was to a density of 20 – 30 dph and 30 – 40 dph. That previous development equated to an overall density for the site of 29.7dph and 44dph in terms of the developable area.
- 1.193 The existing development neighbouring the site to Martin Walk and Spencers is to a density of 35 dph. The development to the east of the site in Royer Close and Read Close is 14dph but rising to 24dph if account is taken of development to Sweyne Avenue which impacts upon the sample area.
- 1.194 The proposed layout for the area off Thorpe Road would be to a density of 25 dph. The area proposed adjoining Clements Hall Way would be to a density of 16 dph. The overall development for the whole site including the paddocks and public open space equates to a density of 15.8dph.
- 1.195 The consideration of the density is now a matter for the Local Planning Authority. Whilst neighbouring and existing densities should not dictate the density of new development and the better use of land, the densities in this application do compare with those of adjoining development.
- 1.196 Each garden area within the layout proposed is to a useable space. Nevertheless, there is some shortfall on garden areas as identified in the table below.
- 1.197 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
Plot 1	4 bed T. aff.	100	73	27
Plot 3	2 bed T. aff.	50	45	5
Plot 4	2 bed T. aff.	50	45	5
Plot 5	2 bed T. aff.	50	45	5
Plot 6	4 bed T. aff.	100	68	32
Plot 7	4 bed T. aff.	100	51	49
Plot 10	2 bed SD. aff.	50	35	15

Plot 11	2 bed SD. aff.	50	48	2
Plot 12	4 bed linked detached	100	65	35
Plot 13	3 bed SD. aff.	100	70	30
Plot 14	3 bed SD. aff.	100	70	30
Plot 16	3 bed T. aff.	50	45	5
Plot 20	4 bed T. aff.	100	47	53
Plot 29	3 bed T. aff.	50	44	6
Plot 30	3 bed T. aff.	50	45	5
Plot 34	4 bed SD. aff.	100	81	19
Plot 35	4 bed SD. aff.	100	94	6
Plot 45	4 bed D.	100	91	9
Plot 46	4 bed SD	100	78	22
Plot 47	4 bed SD.	100	95	5
Plot 48	4 bed SD.	100	84	16
Plot 49	4 bed SD.	100	83	17
Plot 55	3 bed SD.	100	95	5
Plot 71	4 bed D.	100	93	7
Plot 92	3 bed SD.	100	64	36
Plot 95	3 bed SD.	100	80	20
Plot 96	3 bed D.	100	82	18
Plot 113	3 bed SD. aff.	100	73	27
Plot 114	3 bed SD. aff.	100	75	25
Plot 118	3 bed T. aff.	50	44	6
Plot 119	3 bed T. aff.	50	44	6
Plot 120	3 bed T. aff.	50	44	6
Plot 125	3 bed T. aff.	50	39	11
Plot 128	3 bed T. aff.	50	44	6
Plot 129	3 bed T. aff.	50	44	6
Plot 136	4 bed D.	100	74	26
Plot 138	4 bed SD	100	65	35
Plot 141	3 bed SD.	100	98	2

- 1.198 The garden areas for affordable housing can be relaxed where the site adjoins public open space. Notwithstanding the shortfalls identified, in this case, the dwellings are very close indeed to substantial areas of open space, both within the site and at Spencer's Park and Clements Hall. The layout provides useable spaces to each dwelling for limited outside storage and recreation that when balanced with the open space within the layout and nearby Spencer's Park and Clements Hall off set the shortfall in individual plot provision. It would however be necessary to remove permitted development rights for future extensions to these plots to take account of the shortfall in amenity areas.
- 1.199 The Essex Design Guide advocates a distance back to back between houses of 25m to safeguard overlooking. This distance can be reduced where the dwellings opposed are to an angle of 30 degrees or more. Within the layout dwellings proposed do not in each case meet the design guide criteria on overlooking.

For the relationship to existing dwellings neighbouring the site garden depths to the new dwellings should be 15m.

- 1.200 The bungalow at no. 32 Thorpe Road currently adjoins an overgrown area with thick scrubland trees forming part of the site. The proposal would see a row of six houses including four two and a half storey dwellings along the skewing southern boundary to this neighbouring property (plots 45 – 50 in proposed layout). The proposed houses would be at 95 degrees and 65 degrees to no. 32 Thorpe Road. The gardens of the proposed houses plots 49 – 46 are some 10 – 11.5m in depth. Plot 50 would not impact upon the private rear garden to no. 32 Thorpe Road and Plot 45 would directly back onto the lower end of the rear garden to no. 32 Thorpe Road.
- 1.201 Whilst the proposed layout for plots 46 – 49 would clearly overlook the existing bungalow at no. 32 Thorpe Road, it is the case that any adjoining redevelopment will have a similar impact given the skewing site boundary. The improvement of this distance would not change this physical relationship between the redevelopment and the existing dwelling neighbouring this part of the site.
- 1.202 The existing dwelling at no. 37 Thorpe Road is a chalet style set within a rectangular shaped plot but skewed in alignment to Thorpe Road. The house to plot 65 in the proposed layout would be sited at 78 degrees in relationship to this neighbouring dwelling and over a garden depth to the proposed of 9 – 6 m. The existing dwelling would however be sited mid-way to the rear elevation of the proposed dwelling and despite its close proximity, the “L” two storey shape plan of the existing dwelling protects the patio areas to this neighbour. On balance the resulting relationship can be accepted.
- 1.203 The existing dwelling at “Twin Oaks” Thorpe Road is set deep into its plot and would be adjoined by the proposed detached house to plot 98. These dwellings would be sited at 90 degrees to each other. The garden depth to the proposed house would be 6m increasing to 12m given the “L” shape plan of the house proposed. Twin Oaks would however be sited one third along the width of the proposed rear elevation and does itself have an “L” shaped plan providing a protected sitting out area at the rear. Despite the close proximity between the existing and proposed dwellings the resulting relationship can be accepted.
- 1.204 To the south west corner of the site the neighbouring properties fronting Main Road have extensive rear gardens. Consequently the proposed layout features a terrace of affordable houses to Plots 1 – 5 to a garden depth of 9 - 10m. Representations have been made however that the adjoining outbuilding sited upon the site boundary of the site at the rear of no. 14 Main Road is a residential dwelling. Officer’s inspection of the site confirms the windows to be curtained and adjoining parking suggesting residential use. This building appears to have been a residential conversion of an outbuilding but the planning history researched so far does not show the authorisation of this conversion, or provision of a new dwelling. The existing side windows of the existing dwelling facing to the site would face onto the alleyway serving the mid terraced units. There would be no direct overlooking into rooms of this existing dwelling whatever its status.

Whilst the close proximity to existing dwellings of the proposed dwellings described above can be accepted, it is necessary to guard against further extension of these proposed dwellings by removing permitted development rights for future extensions.

Affordable Housing

- 1.205 The proposed layout includes provision of 62 affordable homes and which meets the requirement to provide 35% of new development in this way. The application as revised has split the provision from the original single element to the south west corner of the site to three clusters forming a reduced cluster of 35 units to the south west corner of the site and 10 units to the middle of the site at the junction of Thorpe Road with Thorpe Close and a cluster of 17 units to the north eastern part of the site accessed from Clements Hall Way.
- 1.206 Whilst the Essex Design guide favours indiscriminate scattering of the affordable homes throughout the layout, the housing providers generally argue against this for the practical reasons of maintenance and provision of services. The reason the Design guide argues for “pepperpotting” is to ensure social inclusion. Officers accept that clustering is realistic and the relationship of the affordable housing proposed in three clusters within the layout would not prove socially divisive and therefore achieves the ambition of the quantity of affordable housing being part of the overall development.
- 1.207 The proposed layout does not include provision of one bedroomed units as current demand would require. However the Council’s strategic housing manager does not raise objection to this arguing that the exact breakdown of units including the need for disabled adapted units should be agreed with the developer as part of the negotiated legal agreement that would be necessary.

Paddocks Issue

- 1.208 Representations have been made at the potential for the paddock areas to be retained in private ownership to be developed at later stages and thus increasing the quantum of development on the site.
- 1.209 In dismissing the appeal into the most recent outline application for 330 units on the site the Inspector acknowledged the character and appearance of the locality would be likely to change significantly if the 175 dwellings were to be built (Paragraph 251 of IR). He noted that they would be likely to be built on part of the site then before him with the developed area later to be removed from the Green Belt in emerging allocations. Until such time the appeal site would remain Green Belt with substantial weight attached to the policies in PPG 2.
- 1.210 The applicant has advised that in their view the paddock to the north east of the site adjoining Spencer’s Park and the access to Clements Hall Sports Centre is constrained by good quality trees, some of which are subject to TPO 21/07 and liable to flooding. Furthermore the southern edge to this paddock is constrained by the diverted gas main.

- 1.211 The applicant advises that the paddock fronting Rectory Road between the junction with Clements Hall Way and the existing house at No. 352 Rectory Road is constrained by an Anglian Water pipe and site width.
- 1.212 The applicant advises that the larger south west paddock between nos. 352 – 382 Rectory Road is also constrained by the diverted gas main and trees within the frontage to Rectory Road the subject of Tree Preservation Order 24/85 hindering adequate visibility. Furthermore the northern part of the paddock includes woodland the subject of TPO 21/07. The play area and pathway preclude access from the north.
- 1.213 Officers take the view that were it not for Green Belt allocation these paddock areas, although constrained in various ways, could be used for further albeit limited development. Clearly the constraints would not allow additional dwellings to be built to meet the numbers proposed in the previous outline application dismissed on appeal.
- 1.214 The release from the Metropolitan Green Belt of land for a net 175 dwellings as proposed in this application has been found sound by the Inspector considering the Council's emerging Core Strategy. A future allocations document will, if the site were to be granted permission, include detailed policies to protect the paddock areas from development. Until such policies are brought into being for the longer term protection of these areas, the site in the short term would remain Metropolitan Green Belt as reasoned by the Inspector in the previous appeal.
- 1.215 In dismissing the appeal on the previous outline application the Inspector noted the potential of the existing Rectory Road frontage to provide a soft edge to contribute to the semi – rural character of the locality and that edge could be strengthened with further planting particularly if not compromised by regard to living conditions of dwellings to be sited close by. The Inspector objected to the continuity of built frontage that would have resulted in the appealed scheme. The current application specifically avoids developing the Rectory Road frontage for this reason but for the additional dwelling in extensive grounds proposed alongside no. 352 Rectory Road.
- 1.216 Until such time as a future allocations policy is in effect, further development of the site in excess of the net 175 dwellings for South Hawkwell set out in the Council's Core Strategy either to the paddock areas and/or the single dwelling in large grounds would be inappropriate and for which no very special circumstances exist to justify exceeding the quantum of development in this locality considered sound in the emerging Core Strategy.
- 1.217 In any event, the applicant has been in discussion with the owners of the paddock sites and agreement has been reached that will ensure these owners sign a legal agreement to prevent future development. Whilst it is considered the paddocks can be protected through development plan policies as explained above, this legal agreement provides a welcome additional protection against additional development in the area.

Public open space issues

- 1.218 The layout of the site includes a central area of public open space between the private paddocks and developed areas together with an area of open space adjoining Thorpe Road. In addition a buffer strip to the western edge of the site and central area to the developed area off Clements Hall Way would each be publicly accessible. Within the layout there are three proposed play areas for children.
- 1.219 The applicant would provide funding for the retention and management of these areas with the detailed arrangements, including a management plan, to be part of the legal agreement necessary for any grant of permission. This arrangement for managing and protecting the open space is considered to be acceptable and will ensure the open space is retained as part of the development in perpetuity.
- 1.220 The applicant has indicated that should the development be approved it would be desirable to see the Spencer's Park linked to the public areas of the layout of this scheme. Such details do not fall for consideration in this current application but the applicant is prepared to set aside a sum for the provision of a bridge across the water course linking both areas. If agreement is not reached to provide the link the monies will be refunded to the applicant; it is suggested the legal agreement specifies a period of five years for delivery of the link.
- 1.221 The scheme also impacts upon the need for indoor and outdoor recreation that would not be possible to provide on site but in accord with the advice of Sport England the applicant has agreed to a financial contribution of £80,189 based on 176 dwellings. The improvement works required are soil striping and pitch drainage, slitting and sand dressing of pitches, new main hall floor and lines, and new AstroTurf pitch, fencing and goals. The financial contribution will not meet the cost of these enhancements in full, but the details of priorities can be subject to negotiation and written into the legal agreement.

Ecological issues

- 1.222 The application is accompanied by an Ecology Strategy prepared by the applicant's specialist consultants.
- 1.223 Generally the current application differs from the previous outline application considered on appeal in that the lower housing numbers allow significant increased retention and creation of new habitat and habitat enhancement thus reducing potential levels of impact upon existing species on the site.
- 1.224 Natural England endorses the report findings and approach subject to the mitigation being achieved as part of planning conditions or suitable agreement.
- 1.225 The dates and timings stipulated in the strategy reflect the expectation of an earlier decision on the application. A planning or clause to an agreement to require the submission of a management plan for the mitigation and protection of wildlife in accordance with the strategy is however necessary.

Bats

- 1.226 An established small to medium sized colony of brown long eared bats live and breed in the existing house to No. 352 Rectory Road. In response to this the house and garden area are retained in the proposed layout. The strategy envisages the need for a management plan and particular care with regard to lighting and other illumination to the roost entrance or commuting routes.
- 1.227 The recommendations state the importance of protecting the hedge/ tree corridor through the eastern developed area which would link the bats to other foraging areas beyond the site.

Badger Setts

- 1.228 The Badger Survey revealed no Badger activity west of Thorpe Road or in the conifer tree nursery area. The area appears to contain a small population with three Setts in the middle and north eastern parts of the site with little or no evidence of Badger activity coming in to the site from outer areas.
- 1.229 The main Sett would be retained in the central area to the eastern part of the development. An outlying Sett has been disused since 2008 and a subsidiary Sett shows occasional use. The subsidiary Sett is proposed to be replaced with an artificial Sett further north in better foraging grounds in woodland scrub and grassland. The corridors will be maintained and enhanced.
- 1.230 The mitigation arrangements are welcomed by Natural England but will need to be the subject of a condition or part of a legal agreement.

Reptiles

- 1.231 The strategy acknowledges the presence of high populations of Slow Worms on the site as well as good occurrence of Grass Snake and common lizard. The retention of the better areas of reptile habitat in the centre of the site will allow for a substantial portion of the population to be retained in situ.
- 1.232 The report however concludes that it will be necessary to create an enhanced reptile receptor habitat elsewhere in Hawkwell twelve months in advance of the relocation exercise.
- 1.233 The precise details of the preparation of the receptor site and overall methodology for translocation and site clearance need to be agreed as the subject of a further planning condition to the grant of consent.

Birds

- 1.234 The birds found within the site survey were unremarkable and as would be expected in the available habitat. There were not found to be any specially protected species present.

- 1.235 Subject to the site clearance avoiding the bird nesting season March to August inclusive no further recommendations are made.

Trees

- 1.236 The arboricultural impact assessment accompanying the application describes the existing trees to be generally native comprising predominantly Oak and Ash, with some ornamental trees close to residential neighbouring properties. The survey identifies existing tree belts of significance running north – south in the eastern part of the site which have been retained in the proposed layout. The existing woodland area in the central part of the site will be retained and enhanced for public use.
- 1.237 Of the 652 trees on the site 102 are of a recognised category that should be removed because they are of a condition that their value to amenity would be lost within ten years. Their removal represents sound arboricultural management. . A further 468 trees are of low quality and value and not justified for retention.
- 1.238 There are no A category (the best quality) trees but 82 trees that are categorised as being of moderate quality and value.
- 1.239 Tree Preservation Order 21/07 extends to the ownership of the land owner in the middle part of the site and is described not to accurately represent the wooded area as a whole to the effect that the actual extent of relevant tree cover is smaller in this part of the site. The trees to the Rectory Road frontage and subject of Tree Preservation Order 24/85 would be unaffected by the proposal.
- 1.240 The majority of the trees to be removed are either mature with an expected relatively short remaining life and contribution to amenity or are of limited public amenity value. The applicant will plant younger trees to enhance tree lines retained and which will maintain the vigour of these areas and enhance biodiversity. The applicant would accept a condition to the grant of consent to specify the number size and species to be planted.

Other issues

- 1.241 Representations suggest the presence of Japanese knotweed on the site.
- 1.242 The applicants advise that as part of the ecological survey work the whole site was surveyed and no sign of Japanese knotweed was found. If it had been discovered, separate legislation would come into effect and there would be a requirement to report this. The applicants would remove the knotweed if it did exist.
- 1.243 The pavement along the Rectory Road frontage of the site is of adequate width, but is seriously compromised at points by existing telegraph/electricity poles. It is essential the pavement can work safely and the applicant has been requested to move (or underground) the poles to ensure this is the case. This requirement will be included in the legal agreement.

CONCLUSION

- 1.244 The proposal, whilst being located within the Metropolitan Green Belt, accords with the Council's Core Strategy which advocates a release from Green Belt of land to deliver 175 (net) dwellings in the South Hawkwell area. The Core Strategy has been found sound by an Inspector following public examination and, at the time of writing, is awaiting final adoption by the Council at a meeting on 13 December 2011.
- 1.245 The development would not prejudice the emerging Local Development Framework.
- 1.246 The alignment to the Council's emerging Core Strategy can be given significant weight given the Inspector's findings in respect of the earlier appeal in favour of the Council's rationale for the release of sites.
- 1.247 The site would contribute to the land supply for housing in the district set out in the Core Strategy.
- 1.248 The alignment to the emerging Core Strategy and contribution of the site to the supply of land for housing are both very special circumstances that are considered to outweigh the harm to Green Belt by way of inappropriate development
- 1.249 The development would provide a satisfactory form and layout retaining the undeveloped edge to Rectory Road important to the rural fringe location of the site.
- 1.250 **RECOMMENDATION** that the Secretary of State for communities and Local Government be advised that Members are **MINDED TO APPROVE** the application, subject to the provision of **A legal agreement under section 106 of the act for the following heads of terms and to the following heads of conditions:-**
- 1.255 Legal agreement to:-
- a) secure mitigation/bats/badgers - receptor sites for reptiles (Natural England)
 - b) underground of cables/poles issue on Rectory Road
 - c) secure affordable housing
 - d) open space availability and management
 - e) Highway Improvements
 - f) Bus travel packs
 - g) Bus subsidy £100k or thereabouts over 3 years.
 - h) Contribution of £80,189 for Enhancement of sport facilities at Clements Hall
 - i) Contribution of £10,000 for the construction of a footbridge to connect public open space areas to Spencer's Park to be refunded if scheme not agreed after five years
 - j) Inclusion of clause that landowners shall use the paddock areas for agriculture, horticulture, forestry, grazing or as open land and that they remain built development free except for ancillary buildings to such permitted use

1.256 Heads of Conditions

- 1 SC4B – Time Limits standard
- 2 SC14 - Materials to be used externally and including architectural detailing
To cover use of window cills, lintel headers to windows and windows
- 3 SC17 – PD Restrictions extensions to plots 1 – 5, 46 – 49, 65 and 98
- 4 SC17 – PD Restrictions extensions to plots 46 -49, 71, 91, 92, 95, 96, 136, 138
and 141
- 5 Submission of details for Means of enclosure fencing, walling and boundary
treatment within the development and for paddocks, open space and play areas.
- 6 First floor side windows to be Obscure glazed and fixed shut below finished
floor level of 1.7m
- 7 No further first floor side windows.
- 8 Submission of details for floodlighting and general lighting to play areas and
pathways through public open space
- 9 SC59 Landscape Design – full details including tree planting
- 10 Tree protection measures for trees to be retained in accordance with
Arboricultural Impact assessment accompanying the application
- 11 Protection of garages from conversion
- 12 Prior to commencement of the development, the road junction at its centre line
on Clements Hall Way shall be provided with a clear to ground visibility splay
with dimensions of 2.4 metres to the junction to the south and 2.4 metres by 25
metres to the north, as measured from and along the nearside edge of the
carriageway. Such vehicular visibility splays shall be provided before the road
junction is first used by vehicular traffic and retained free of any obstruction at all
times. The junction on Rectory road shall be provided with provided with a clear
to ground visibility splay with dimensions of 2.4 metres x 90m in both directions ,
as measured from and along the nearside edge of the carriageway.
- 13 Prior to commencement of the development, the applicant shall submit details to
the Local Planning Authority for the areas within the curtilage of the site for the
purpose of loading/unloading/reception and storage of building materials and
manoeuvring of all vehicles, including construction traffic together with an
adequate parking area for those employed in developing the site shall be
identified clear of the highway, submitted and approved in writing by the Local

Planning Authority.

- 14 Prior to the occupation of any of the proposed dwellings to Plots 169 – 175 inclusive, the proposed private drive accesses from Clements Hall Way shall be constructed and provided with an appropriate dropped kerb crossing of the footway.
- 15 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- 16 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 17 Prior to commencement of the proposed development details of a wheel cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The wheel cleaning facility shall be provided at the commencement of the development and maintained during the period of construction.
- 18 Prior to commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.
- 19 The carriageways of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that roads. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.
- 20 The proposed bellmouth junction with the existing highway, inclusive of cleared land necessary to provide the visibility splays, shall be constructed up to and including at least road base level and be available for use prior to the commencement of any other development including the delivery of materials.
- 21 All independent paths to be a minimum of 2 metres wide, with details of lighting and drainage to be submitted to and approved in writing by the Local Planning Authority

SCHEDULE ITEM 1

- 22 Details shall be submitted to the Local Planning Authority of Any tree planting proposed within the highway. Such trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme. All proposed tree planting must be supported by a commuted sum to cover the cost of future maintenance, to be agreed with the Highway Authority.
- 23 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay where applicable.
- 24 Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.
- 25 Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.
- 26 No occupation of the proposed development until such time as the junction improvements works at the Main Road, Hall Road and Rectory Road roundabout have been provided entirely at the Developer's expense. The proposal includes the widening the Rectory road arm to provide two lanes on approach (as shown in principle on Ardent CE dwg. No. D540-004)
- 27 No occupation of the proposed development until such time as the passenger transport infrastructure along rectory road adjacent to the site is relocated and upgraded where appropriate All works shall be provided entirely at the developer's expense and include new shelter and footway facilities comprising of lighting, seating and timetable information together with raised kerbs where necessary.
- 28 Submission of details for SUDS. Storage shall be provide on the site to accommodate the 1 in 100 year storm, inclusive of climate change and shall be designed to incorporate sustainable drainage techniques and consider flow routes/pathways across the site. Prior to first habitation, details of who shall be responsible for the maintenance of the surface water scheme in perpetuity shall be agreed in writing with the Local planning Authority.
- 29 Prior to occupation, the development shall be served by a system of operational street lighting which shall thereafter be maintained in good repair.
- 30 Surface water run off generated on site shall be restricted to a maximum of 65.5 litres per second from the site.
- 31 No dwellings shall be placed within flood zones two and three as detailed on the submitted Drawing No. D542-012 Revision C.

- 32 Prior the commencement of the development the following components of a scheme for to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the local planning authority:
- Preliminary risk assessment
 - A site investigation scheme based on the above
 - The site investigation results and options appraisal
 - A verification plan
- 33 No development or preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to the Local Planning Authority. The development shall be implemented in accordance with such details as may be agreed.

REASON FOR DECISION

The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area, to the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers in neighbouring streets.

Relevant Development Plan Policies and Proposals

Policies H1, H2, H4, H5, Rochford District Council Local Development Framework Core Strategy Submission Document (September 2009)

HP6 of the Rochford District Replacement Local Plan (2006) as saved by Direction of the Secretary of State for Communities and Local Government and dated 5th June 2009 in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004.

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

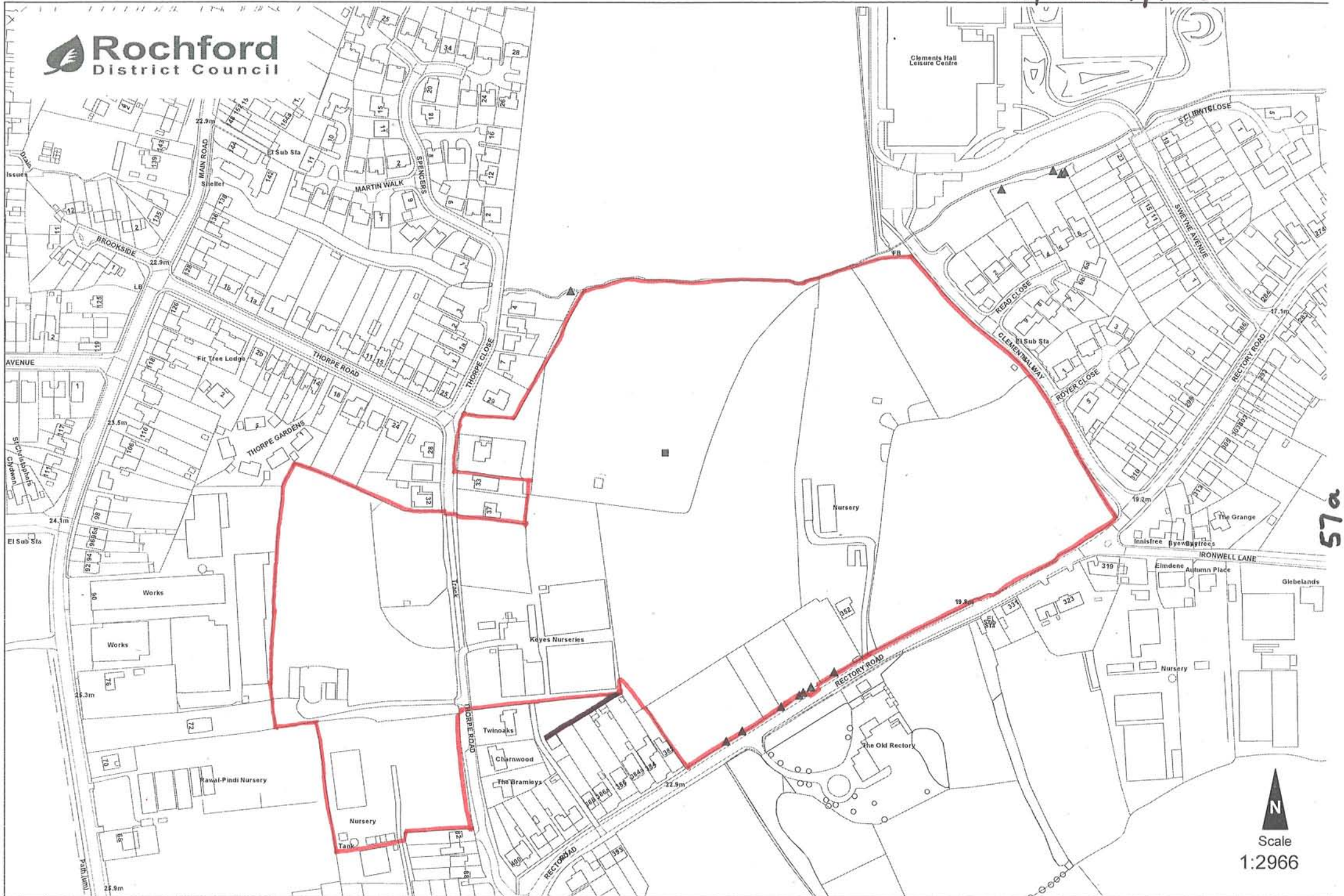
Rochford District Council Supplementary Planning Document 2 Housing Design January 2007

The Essex Design Guide (October 2005)

A handwritten signature in black ink, reading "Shaun Scrutton". The signature is written in a cursive style with a long horizontal line extending from the end.

Shaun Scrutton
Head of Planning and Transportation

For further information please contact Mike Stranks on (01702) 318092.



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CODE OF GOOD PRACTICE FOR PLANNING MATTERS

A. Introduction

1. The aim of this code of good practice

To ensure that in the planning process all decisions are unbiased, impartial, and well founded.

2. Your role as a Member of the Planning Authority

To control development and to make planning decisions openly, impartially, with sound judgment and for justifiable reasons.

3. When the Code of Good Practice applies

This code applies to Members at all times when involving themselves in the planning process (this includes when taking part in the decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public, and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

B. Relationship to the Code of Conduct – Points for Members

- **Do** apply the rules in the Code of Conduct for Members first.
- **Do** then apply the rules in this Code of Good Practice for Planning Matters, which seek to explain and supplement the Code of Conduct for Members for the purposes of planning control.
- Failure to abide by this Code of Good Practice for Planning Matters may put:-
 - the Council at risk of proceedings in respect of the legality or maladministration of the related decision; and
 - yourself at risk of a complaint to the Standards Committee or Standards Board for England.

C. Development Proposals and Interests under the Members' Code

Do disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with officers and other Members. Preferably, disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter.

Do then act accordingly.

Where your interest is personal and prejudicial:-

- **Don't** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority.
- **Don't** get involved in the processing of the application, save as mentioned below.
- **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a personal and prejudicial interest in a proposal, using your position to discuss that proposal with officers or members when other members of the public would not have the same opportunity to do so.
- **Do** be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a personal and prejudicial interest to an appropriate officer, in person or in writing, the Code places limitations on you in representing that proposal. You may address the Committee but only to make a presentation in the same manner that would apply to a normal member of the public, after which you must leave the room whilst the meeting considers it (you may not remain to observe the meeting's considerations on it from the public gallery).
- **Do** notify the Monitoring Officer of the details.

D. Fettering Discretion in the Planning Process

- **Don't** fetter your discretion and therefore your ability to participate in planning decision making by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group), on how you will vote on any planning matter prior to formal consideration of the matter at the Committee and of your hearing the officer's presentation and evidence and arguments on both sides.

Fettering your discretion in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

- **Do** be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal (this is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits).

- **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the parish council, for example, or both a district and county councillor), provided that the proposal does not substantially affect the well being or financial standing of the consultee body, and you make it clear to the consultee body that:-
 - your views are expressed on the limited information before you only;
 - you must reserve judgment and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information;
 - you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee; and
 - you disclose the personal interest regarding your membership or role when the Committee comes to consider the proposal.
- **Don't** speak and vote on a proposal where you have fettered your discretion. You do not also have to withdraw, but you may prefer to do so for the sake of appearances.
- **Do** explain that you do not intend to speak and vote because you have or you could reasonably be perceived as having judged (or reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes.
- **Do** take the opportunity to exercise your separate speaking rights as a Ward/Local Member where you have represented your views or those of local electors and fettered your discretion, but do not have a personal and prejudicial interest. Where you do:-
 - advise the proper officer or Chairman that you wish to speak in this capacity before commencement of the item;
 - remove yourself from the member seating area for the duration of that item; and
 - ensure that your actions are recorded.

E. Contact with Applicants, Developers and Objectors

- **Do** refer those who approach you for planning, procedural or technical advice to officers.

- **Do** contact the Head of Planning and Transportation where you think a formal meeting with applicants, developers or groups of objectors might be helpful. You should never seek to arrange that meeting yourself. If a meeting is organised, officers will ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.
- **Do** otherwise:-
 - follow the rules on lobbying;
 - consider whether or not it would be prudent in the circumstances to make notes when contacted; and
 - report to the Head of Planning and Transportation any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

In addition, in respect of presentations by applicants/developers:

- **Don't** attend a private planning presentation not open to the general public unless an officer is present and/or it has been organised by officers.
- **Do** attend a public meeting or exhibition to gather information about planning proposals.
- **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.
- **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application; this will be carried out by the Development Committee.
- **Do** be aware that a presentation is a form of lobbying – you can express views, but must not give an indication of how you or other Members might vote.

F. Lobbying of Councillors

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality and therefore your ability to participate in the Committee's decision making to express an intention to vote one way or another or such a firm point of view that it amounts to the same thing.

- **Do** remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- **Do** promptly refer to the Head of Planning and Transportation any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.
- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to investigate.
- **Do** note that, unless you have a personal and prejudicial interest, you will not have fettered your discretion or breached this Planning Code of Good Practice through:-
 - listening or receiving viewpoints from residents or other interested parties;
 - making comments to residents, interested parties, other Members or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;
 - attending a meeting with the developer or applicant organised by the Head of Planning and Transportation that is conducted in accordance with the rules set out in the Code of Conduct and this good practice guide;
 - seeking information through appropriate channels; or
 - being a vehicle for the expression of opinion or speaking at the meeting as a Ward Member, provided you explain your actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward/local view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.

G. Lobbying by Councillors

- **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will have fettered your discretion and are likely to have a personal and prejudicial interest.

- **Do** feel free to join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, Ramblers Association or a local civic society, but disclose a personal interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that you have reserved judgment and the independence to make up your own mind on each separate proposal.
- **Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.
- **Don't** decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

H. Site Visits

- **Do** request an early site visit if you think one is required.
- **Do** try to attend site visits organised by the Council where possible.
- **Don't** request a site visit unless you feel it is strictly necessary because:
 - particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
 - there are significant policy or precedent implications and specific site factors need to be carefully addressed.
- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Don't** hear representations from any other party, with the exception of the Ward Member(s) whose address must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.
- **Don't** express opinions or views to anyone.
- **Don't** enter a site not open to the public which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:-

- you feel it is essential for you to visit the site other than through attending the official site visit,
- you have first spoken to the Head of Planning and Transportation about your intention to do so and why (which will be recorded on the file) and
- you can ensure you will comply with these good practice rules on site visits.

I. Public Speaking at Meetings

- **Don't** allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias.
- **Do** ensure that you comply with the Council's procedures in respect of public speaking.

J. Officers

- **Don't** put pressure on officers to put forward a particular recommendation (this does not prevent you from asking questions or submitting views to the Head of Planning and Transportation, which may be incorporated into any Committee report).
- **Do** recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Head of Service or those officers who are authorised by their Head of Service to deal with the proposal at a Member level.
- **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.
- **Do** give officers the opportunity to report verbally on all applications reported to the Development Committee for determination.

K. Decision Making

- **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation following a Weekly List report, you discuss your reasons with the Head of Planning and Transportation.
- **Do** comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision, including any information presented through an addendum to a Committee report or reported verbally by officers.
- **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present during the entire debate on any particular item, including the officers' introduction to the matter.
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan, that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded.
- **Do** be aware that in the event of an appeal the Council will have to justify the resulting decision and that there could, as a result, be a costs award against the Council if the reasons for refusal cannot be substantiated.

L. Training

- **Don't** participate in a vote at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.
- **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.