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**13/00376/FUL**

**LAND BETWEEN MAIN ROAD AND RECTORY ROAD AND  
CLEMENTS HALL WAY, HAWKWELL**

**REVISED APPLICATION TO CONSTRUCT SINGLE STOREY  
PART PITCHED ROOFED PART FLAT ROOFED SALES  
BUILDING AND CAR PARKING AREA FOR PERIOD OF 24  
MONTHS.**

**APPLICANT: DAVID WILSON HOMES**

**ZONING: METROPOLITAN GREEN BELT**

**PARISH: HAWKWELL**

**WARD: HAWKWELL WEST**

**1 PLANNING APPLICATION DETAILS**

- 1.1 This application is to part of a site of some 11.6ha in area 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 and continuing towards the rear of frontage development to Main Road and behind the made-up section of Thorpe Road.
- 1.2 The current application relates to a small part of the re-development site located at the junction of Thorpe Road with Thorpe Close between Nos. 31 and 29 Thorpe Road and land to the rear. The current application site has a frontage to Thorpe Road 29m and an overall depth of 50m.

**The Proposal**

- 1.3 The current application is a revised application to that approved on 19 April this year under application reference 13/00109/FUL. The application is retrospective to regularise the increase in the height of the fascia feature from 3.2m to the height of 3.35m from ground level, together with the handing of the fascia design with the developer logo switched to the left hand side of the entrance feature. The sales building is otherwise the same in all other respects in terms of size, height and appearance as previously approved.
- 1.4 The layout of the site is slightly different to that approved still providing seven off street car parking spaces but with an orientation square to the sales

building giving a greater greensward area for landscaping. The pathway to the two show homes would follow a meandering route across the rear garden areas to the show homes rather than around them as previously. The access to the sales site is also modified to the right of the sales building. These changes shown would regularise the development as built out on the site.

- 1.5 The sales building occupies that part of the site shown in the re-development scheme for a pair of three-bedroomed semi detached houses to plots 78 and 79. The current application site also shows the inclusion of the four-bedroomed detached house to plot 95 and three-bedroomed detached house to plot 96 as show houses.
- 1.6 The use is as a sales area for the earlier phases of the re-development of 176 dwellings being implemented on the site approved on 17 December 2012 under application 12/00381/FUL. Permission is therefore sought for a temporary period of two years for the anticipated duration of sales for these phases.
- 1.7 The proposed building has a main element having a pitched roof design. The applicants advise this part of the building would be retained when no longer required for the double garage to serve plots 78 and 79. The proposed building would also include a flat roofed attachment to the side and a flat roofed attachment to the rear incorporating a toilet and kitchen. These attachments would be removed after the sales use is no longer required when the building would be converted to a garage. The proposed building is finished in external horizontal boarding. The pitched roof would be tiled in a slate type roof tile.
- 1.8 The proposed sales building has an overall width of 8.4m incorporating the addition to the sales area to be removed having a width of 2.1m and extending for the depth of the garage. The proposed sales building has a depth of 10.2m including the rear addition comprising the toilet and kitchen area but which would only extend for part of the garage width of 3m. The hipped roof has an overall ridge height of 4.8m to a 35 degree pitch. The flat roofed side and rear additions have an overall height of 2.5m. The design includes an entrance façade to a height of 3.35m to allow for development branding and advertising.
- 1.9 The layout of the site would provide parking for seven vehicles including one disabled parking space and a hard surface for turning and manoeuvring within the site. Footpaths would connect the site with the two show houses and adjoined by a 1.2m high hooped topped railing fence.

## 2 RELEVANT PLANNING HISTORY

2.1 A number of applications have been considered on parts of the site for stables, domestic purposes and other developments. More recently the site has been the subject of applications for redevelopment as follows:-

2.2 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 and appeal dismissed 22 July 2010.

2.3 Application No. 11/00259/FUL.

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.

Permission refused 10 January 2012. Appeal allowed 30 August 2012.

Application No. 12/00381/FUL

Demolish Existing Dwelling And Construct Development Of 176 Houses With Access Off Thorpe Road, Access Off Clements 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

Permission granted 17 December 2012.

2.4 Application No.13/00035/NMA

Application to vary condition No. 4 to application No. 12/00381/FUL for development of 176 dwellings approved on 17<sup>th</sup> December 2012 and (summarised) to vary those plots to which obscure glazing of side windows would otherwise be required in favour of two alternative conditions 4 and 4A.

Permission granted 30 April 2013 for a further alternative condition 4R to that proposed.

2.5 Application No. 13/00109/FUL

Demolish existing dwelling and construct single storey part pitched roofed, part flat roofed sales building and car parking area.

Permission granted 19 April 2013.

2.6 Application No. 13/00293/NMA

Application For Non-material Amendment following approval 12/00381/FUL to Substitute Single Garage Approved to Plot 45 to Double Garage Building Providing Single Garages Each to Plots 45 and 46.

Application considered to be material and refused 7 June 2013.

2.7 Application No. 13/00231/FUL

Construct single storey pitched roofed, part flat roofed sales building with associated parking

Permission granted 10 June 2013

2.8 Application No. 13/00299/ ADV

Non illuminated signage and site hoarding comprising 5 No. flag and flag pole signs, window graphics and graphics to sales building and hoardings, 7 No. gallow signs, 3 No. goal post signs and 1 No. externally illuminated goal post sign. (at sales office site junction of Thorpe Road and Thorpe Close).

Application Withdrawn.

2.9 Application No. 13/00309/FUL

2 No. brick piers to entrance to housing development.

Permission granted 29 July 2013.

2.10 Application No. 13/00381/FUL

Replace single garage at plots 44 and 45 to layout as approved on 17 December 2012 under application 12/00381/FUL with pitched roofed double garage

Application Pending and the subject of a separate report on this agenda.

**3 CONSULTATIONS AND REPRESENTATIONS**

**Hawkwell Parish Council**

3.1 No objection.

**Essex County Council Highways:**

3.2 No objection.

**Rochford District Council Arboricultural officer**

3.3 No comment to make.

**4 MATERIAL PLANNING CONSIDERATIONS**

- 4.1 The site is located within the Metropolitan Green Belt as identified in the Rochford District Replacement Local Plan (2006). The site is, however, within a general location for an extension to the residential envelope of South Hawkwell for 175 dwellings (net) at Policy H2 to the Council's adopted Core Strategy (2011). Whilst the construction of the proposed sales building would otherwise be inappropriate development, the re-development approved on 17 December 2012 under application 12/00381/FUL reflects the emerging allocations and commitment to the Core Strategy and is thus a very special circumstance outweighing the harm to the Green Belt that would otherwise result from the construction of a new sales building. The main body of the sales building would comprise the approved double garage building to serve two of the approved dwellings. The only increase in size to the garage as approved are the flat roofed side and rear additions which will be removed in the longer term. Furthermore, the principle of the development has been agreed by the previous sales building approved on this site for which the current application is an amendment, together with a sales building also agreed for the latter phases of the development to the eastern side of the site on 10 June 2013 under application reference 13/00231/FUL. The proposed changes to the site layout and minor modifications to the building do not detract from the design and setting of the building causing any harm to visual amenity of the character of the street.
- 4.2 The proposed sales building can be compared with an estate agency office. Whilst this type of office use to visiting members of the public is normally located within town centres, it is, however, common practice for larger housing developments to include a sales presence often making use of the show homes or other buildings forming the development. In this case the applicants are making use of a garage building but with temporary adaptation and extension to accommodate the sales presence. The sales building will give rise to visiting customers looking to view the show homes and often outside the working hours of the site in later evenings and weekends. The applicants state that the sales building will be open between the hours of 10.00 am – 6.00 pm each day including weekends and bank holidays. Officers do not support imposing an hours restriction in this application as the sales activity would not fit with the construction activity on the site and it would be expected that sales would open at weekends and bank holidays when buyers are able to view and that given the likelihood some negotiations and viewing were to overrun, flexibility around the stated hours would be expected and reasonable.
- 4.3 Whilst the presence of an office would not be considered otherwise acceptable in a residential area on a permanent basis, it does, however, seem reasonable for a temporary sales office presence for the duration of the

development. In this case the applicant is requesting a period of two years. This would extend the existing permission from 17 April 2015 as previously approved to 21 August 2015 if the current application were approved. It may be that if sales are slower than expected, that period could be increased but this is not requested at this time. Essentially the application must be treated on its merits, and as put forward for consideration now as opposed to a longer period covering the longer term implementation of the greater scheme. In considering the temporary period, the Council could suggest to the applicant a longer time period. A sales presence has strong precedent in larger development schemes. It would therefore be reasonable for the applicant to expect a temporary permission. It would be further difficult to argue against this in amenity terms given the precedent elsewhere in the district and on sites in neighbouring districts where a sales presence often on each day and outside the construction working period is expected and generally accepted. This is clearly distinct from the use of a building in a residential area on a permanent basis for office and business use, which is normally resisted because of any nuisance being permanent.

- 4.4 The proposed building would have an overall floor area of 70 square metres. The Council's adopted parking standard for estate agency offices would require the maximum provision of one car parking space for each 20 square metres of floor space. The proposed layout would provide for six car parking spaces to the preferred size of 2.9m width and 5.5m depth and in addition one disabled space. Although this provision is in excess of the maximum of four required against the standard, it would allow for additional parking clear of the street for most busy periods. The exception may be in the event of any promotional event, which may attract greater numbers forced to park on adjacent streets but this would be infrequent and comparable to the occasional family gathering that can arise from time to time in residential areas. As the site would be expected to be closed to construction at weekends and peak sales periods, there would not be the opportunity to use the site compound for overspill parking. As the proposed layout would provide for in excess of the maximum parking required no material objection can be raised against the proposal on highway grounds. There is no objection raised to the proposal from the County Highway Authority.
- 4.5 The visiting members of the public would give rise to an increase in traffic to the site. The location of the sales building would allow separation from the construction site and for the construction site to close and be secure on Sundays and Bank Holidays with sales remaining open. That additional traffic would in most cases be difficult to discern above the general background activity of traffic using the residential area served by Thorpe Road particularly as the site progresses, occupation increases and the sales use settles down after initial wider customer interest. The likely attendance of buyers in cars, rather than heavier commercial construction vehicles would not detract from the enjoyment of neighbouring properties at weekends such as to warrant the imposition of trading hours restrictions upon the proposed sales use such as required for construction activity.

- 4.6 The building proposed is essentially an adapted double garage approved to the housing layout. Its overall design and form is comparable to a domestic out building. The future garage door features would be glazed for the duration of the sales use. The flat roofed addition to the side and rear are modest. In terms of overall size and scale the sales building would not be detrimental to the appearance of the street.
- 4.7 The proposed sales building is single storey separated by intervening land to No. 33 Thorpe Road and by the car park serving the building to the side with No. 29 Thorpe Road both adjoining the site. The single storey nature of the building does not give rise to unreasonable conditions of overlooking to the occupiers of these adjoining dwellings.
- 4.8 The proposed design and layout shows the provision of signage to both the front façade of the sales building as well as flag poles and other advertisement material about the sales suite site. The Control of Advertisement regulations make provision for certain specified signage with deemed consent and not requiring express consent from the Local Planning Authority. The advertising material is indicative to show the setting of the building and is not for consideration in this application for planning permission.

## 5 CONCLUSION

- 5.1 Whilst the construction of new buildings would normally be inappropriate development within the Metropolitan Green Belt, the proposal is, however, associated with the residential re-development of a larger site the subject of future extension to the residential envelope and now with planning consent and which outweighs any harm by way of inappropriateness or other harm to the Green Belt . The provision of a sales presence is common to such large sites and where the activity arising from visiting members of the public to view and purchase the new dwellings is not widely held to give rise to such nuisance as to warrant refusal of such applications. The current application is an amendment to a near identical building previously approved. It remains, however, necessary to condition the grant of permission to be for a temporary period and to limit the use to that proposed to safeguard against any long term use for office purposes not associated with the sales of the housing approved.

## 6 RECOMMENDATION

- 6.1 It is proposed that the Committee **RESOLVES to APPROVE** the application, subject to the following conditions:-
- (1) The use hereby permitted shall be for a temporary period expiring on 21 August 2015 whereby upon expiry of the consent hereby given the sales building shall be reinstated for use as a domestic garage and the flat roofed side and rear additions shall be removed.

- (2) The use hereby permitted shall be for the purposes of a sales office associated with the adjoining residential development as approved on 17 December 2012 under application No. 12/00381/FUL and for no other purpose



Shaun Scrutton

Head of Planning and Transportation

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### **Relevant Development Plan Policies and Proposals**

Rochford District Council Local Development Framework Core Strategy Submission Document (September 2009)

Policy CP1

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.

Policy HP6

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

Standard A2.

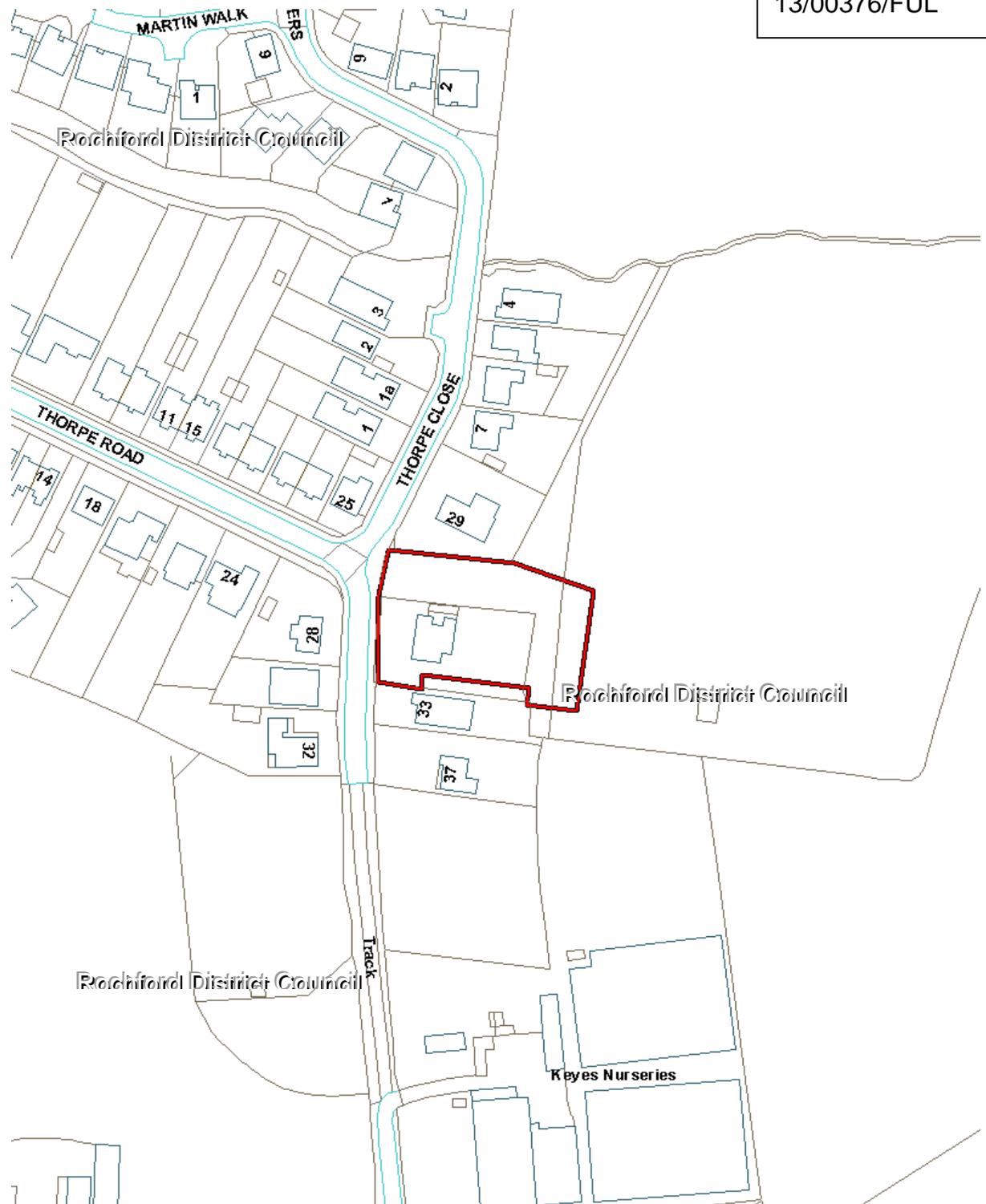
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