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**14/00139/FUL**

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

**REVISED LAYOUT, ACCESS AND HOUSE DESIGNS FOR  
12 PLOTS (PLOTS 160 AND PLOTS 165-175) TO PART OF  
APPROVED LAYOUT TO DEVELOPMENT ADJOINING  
CLEMENTS HALL WAY**

**APPLICANT: DAVID WILSON HOMES**

**ZONING: RESIDENTIAL**

**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 greater site and continuing towards the rear of frontage development to Main Road and behind the made-up section of Thorpe Road. This site is the subject of permission granted on 19 December 2012 for 176 dwellings (175 net) under application reference 12/00381/FUL and under construction on the site.
- 1.2 This application relates to a part of the approved layout comprising twelve plots located opposite Read Close and Royer Close and fronting Clements Hall Way and between the site access onto Clements Hall Way and the retained paddock to the north.

**The Proposal**

- 1.3 The proposal is to revise the approved layout and dwelling types for those 12 plots forming this part of the site. The revision arises because the siting of the approved house to plot 175 at the northern extent of the development would be located within the Build Proximity Distance (BPD) zone for the gas pipeline. It is necessary therefore to revise the layout so that no dwelling falls

within the BPD zone and requiring all plots to be moved southwards therefore requiring re-configuration of the layout.

- 1.4 Arising from the re-configuration, the private drive extending from the estate road and access onto Clements Hall Way would be greatly reduced in length and no longer extending to plots 163 and 173. Instead these dwellings would be served by a private drive accessed from Clements Hall Way. As a result the number of private drive access points onto Clements Hall Way would increase from 3 as approved to 4 as proposed. The additional access point would require the removal of tree T230 (hawthorn). The layout also shows the removal of T231 (ash) at the access point to the front of plot 173 and the removal of tree T233 (field maple) where no access is proposed but the tree being located within the hedgerow fronting Clements Hall Way.
- 1.5 The proposal would change the dwelling mix from 4 No. five-bedroomed houses and 8 No. four-bedroomed houses to the proposed 2 No. five-bedroomed houses and 10 No. four-bedroomed houses. As a result the proposal would substitute house types on plots 160, 166,167,168,169, 172,173,174 and 175. Plots 172 and 174 also swap plot numbers.
- 1.6 The revised house design to plot 175 would provide for a detached garage located at the back of the plot.
- 1.7 The revised layout for plot 166-168 would provide a detached double garage forward of the building line onto Clements Hall Way.
- 1.8 Revised landscaping details are included within the proposal to reflect the changes made to the approved layout.
- 1.9 The application is also accompanied by the most recent Flood Risk Assessment the subject of a recent application to vary the original permission under application 13/00709/FUL and which remains outstanding at the time of writing.

## **2 RELEVANT PLANNING HISTORY**

### **2.1 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.

### **2.2 Application No. 11/00259/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 refused 10 January 2012. Appeal allowed 30 August 2012.

2.3 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.

This permission is now being implemented.

2.4 Application No. 13/00035/NMA

Application to vary condition No. 4 to application No. 12/00281/FUL for development of 176 dwellings approved on 17 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 5No. flag and flag pole signs, window graphics and graphics to sales building and hoardings, 7No. gallow signs, 3No. goal post signs and 1No. 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

2No. brick piers to entrance to housing development.

Permission granted 29 July 2013.

2.10 Application No. 13/00376/FUL

Revised application to construct single storey part pitched roofed, part flat roofed sales building and car parking area for period of 24 months.

Permission granted 9 September 2013.

2.11 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.

Permission granted 27 August 2013.

2.12 Application No. 13/00498/ADV

Non-illuminated signage and site hoardings comprising 5No. flag and flag pole signs, 2No goal post signs, one externally illuminated goal post sign, two hoardings with graphics and graphics to site fencing.

Permission granted 28<sup>th</sup> October 2013.

2.13 Application No. 13/00674/FUL

Substitute approved four-bedroomed house and detached garage type sl/7/v1 iii Carsington for alternative four-bedroomed house type sl/8 Wroxham and revised siting of garage on plot 84 (rear of Nos. 33 and 37 Thorpe Road)

Permission granted 14 February 2014.

2.14 Application No. 13/00683/FUL

Revised application to hand approved four-bedroomed house (plot 116)

Permission granted 9 January 2014.

## 2.15 Application No. 13/709/FUL

Application to vary condition 20 to application for residential development of 176 dwellings approved on 17 December 2012 under application 12/00381/FUL to allow development to be implemented in accordance with revised flood risk assessment.

Application approved by Members at the meeting of 27 February, subject to the application being incorporated into a legal agreement to the same effect as the existing legal agreements in relation to application 12/00381/FUL and subject to consultation with the Ward Members and Anglian Water being asked to consider the potential problems with pressure on the manhole cover in Clements Hall Way before giving their unconditional approval, subject to an assessment being made of the design and rate of flow and attenuation into the new ditch on the eastern boundary.

Current at the time of writing.

## 2.16 Application No. 13/00719/FUL

Application to vary condition 24 to permission granted on 17 December 2012 under application reference 12/00381/ULo allow up to 22 dwellings to be occupied before junction improvements to Hall Road/Rectory Road roundabout are to be provided.

Permission refused 7 March 2014.

## 2.17 Application No. 13/00725/FUL

2No. brick piers to entrance of housing development.

Permission granted 30 January 2014.

**3 CONSULTATIONS AND REPRESENTATIONS**

3.1 Consultations on the application, together with direct neighbour notification of nearby residents have until 17 April. The period for neighbour notification arising from the press advertisement extends until 25 April. There are no responses so far received at the time of writing.

3.2 There is no formal Committee sitting between 17 April and the expiry of the application determination period on 28 May 2014. The application is therefore brought before Members early in the process. Those consultations and responses to neighbour notifications received will be set out on the addendum.

## 4 MATERIAL PLANNING CONSIDERATIONS

### Principle of the Development

- 4.1 The site is within an extension to the residential envelope as identified by Policy H2 to the Rochford Core Strategy as adopted in 2011 and is within the area of land identified for residential development by Policy SER 4 – South Hawkwell to the Rochford Allocations Document, which was formally approved by the Council in March 2014. The site is the subject to the grant of permission for a development of 176 dwellings (175 dwellings net) as approved on 17 December 2012 under application reference 12/00381/FUL. There can be no material objection to the principle of the development, given that the issues concerning the principle of the change in use of the land have been previously considered and which now form part of the adopted Development Plan for the District and have led to the grant of planning permission being implemented on the site.

### Design and Appearance Issues

- 4.2 The proposed dwellings and garages are of designs already approved in the overall development and to an overall design, scale and form approved either within this part of the site layout or elsewhere in the development being implemented. The dwellings would be finished from a choice of external materials from the palette of materials comprising combinations of buff, cream and red brickwork, white and cream external render, white Tudor boarding to the gable details to some designs and red and brown plain tiles and cement slate to the roofing.
- 4.3 The external finish to the “Staunton“ to Plot 171 incorporates a deep return and the first floor front render terminates part way along the flank wall without reason or to any articulating feature. In officers’ view, this detail would spoil the appearance of the building and should either be continued to the full elevation depth or terminated much closer to the front wall corner. This detail can, however, be a condition to the grant of permission.
- 4.4 The design would be in keeping with the informal character for this part of the development layout, which aimed to reflect the best aspects of the local built form and so achieving locally distinctive development previously given weight and in accordance with policy CP1 to the Council’s adopted Core Strategy.
- 4.5 As these designs have previously been considered in the original application being implemented, they set out compliance with the standards for lifetime homes as required by policy H6 to the Council’s adopted Core Strategy (2011).
- 4.6 The rear garden areas range in size between 101 square metres (plot 166) and 201 square metres (Plot 175). The average garden size between the twelve plots equates to 143 square metres. Each of the houses proposed

would have a garden area in excess of the Council's minimum standard of 10 square metres.

- 4.7 Unlike the previous application the proposed layout is more tightly sited in the vicinity of the southern part of the site adjoining the access road from Clements Hall Way. In the approved layout the detached garaging to plots 167 and 168 has been re-sited forward of the building line onto Clements Hall Way. All the plots would achieve the required 1 metre side space with the exception of the gap that will result between the new dwellings proposed to plots 166 and 167, which will be only 1m between walls and not the 2m required.
- 4.8 The street elevations onto Clements Hall Way show a variation in space between buildings of 2m, 5m, 5.7m, 7.3m, 10.2m and 20m, into which there are detached garaging or side gardens between dwellings. The appearance of the development as would be presented to Clements Hall Way would clearly achieve a spacious but varied setting for each new dwelling and it is difficult to establish in the local context the harm that would make this failing unacceptable. Clearly, unlike infilling sites between dwellings in established frontages and where there is more likely to be a strong regular pattern of spacing, the shortfall in space between these two detached houses would be less noticeable. In allowing the earlier appeal for the application refused permission on 10 January 2012 under application no.11/00259/FUL, although that particular application did not show a failing on side spaces, the Council had fought the appeal on the basis of concern at other failings such as design details and the size of garden areas, as set down by local guidance and the principle that each development must meet that guidance in order to be acceptable. In allowing the appeal, the inspector concluded (paragraph 18 to decision letter dated 20 August 2012) that:-
- “...strict adherence to the Design Guide could result in a development that does not sit well with its established neighbours and there is no indication that the design put forward here is lacking in quality despite its variation from the design guidance.”*
- 4.9 The proposed development, despite the limited side space between the houses to plots 166 and 167, would deliver quality in appearance and a desirable setting in the street and on balance would not prove harmful such as to justify refusing permission for this relatively minor failing.
- 4.10 The layout would provide eight of the twelve plots directly fronting private drives accessed from Clements Hall Way. Plots 160 and 169 would be located at right angles to the rear elevation of those dwellings. A condition is required as previously to obscure glaze the upper floor side windows.
- 4.11 Only the house to plot 170 would more directly oppose the rear elevation of the house to plot 171, but at an angle of 30 degrees. This design, however, features a rear elevation with shallow garden and upper floor rear windows

serving a bathroom and landing. These windows would be required to be obscure glazed by a condition to the grant of permission.

### **Highway Issues**

- 4.12 Each house proposed would be provided with a garage and parking space to the Council's preferred size. The houses to plots 171,174 and 175 would be provided with double garages and two parking spaces.
- 4.13 The garages would have an internal depth in excess of 7m and an internal width of 3m between walls in accordance with the Council's preferred standard. The parking spaces would be 2.9m wide and either 5.5m in depth or 6m in depth where acting as a forecourt to garaging.
- 4.14 Apart from the three plots with four car parking spaces there is no visitor parking provision shown for the other nine plots in this application that would form part of the overall layout. However, the development as a whole would provide a total of 468 spaces and in excess of the 440 spaces required to meet the parking required for both residents and visitors.

### **Landscaping Issues**

- 4.15 The hawthorn tree T230 to be removed is 8m in height and although in fair physiological condition is in poor structural condition because of its multi-stemmed nature. Under the British Standard for retention category this tree attracts a "U" value and should be removed.
- 4.16 The ash tree T231 to be removed is 14m in height but is again multi-stemmed and although of fair physiological condition is of poor structural condition with deadwood throughout . Under the British Standard for retention category this tree attracts a "C" value. This reflects the average condition of the tree but it would not be worthy of preservation. The management recommendation is to fell to ground level.
- 4.17 The field maple tree T233 is 12m in height and of fair physiological condition, but in poor structural condition, having been suppressed in growth by an adjoining ash tree. Under the British Standard for retention category this tree attracts a "C" value. This reflects the average condition of the tree but it would not be worthy of preservation.
- 4.18 Given the enhancement to the site arising from the new planting, including the planting of new trees as part of this application, the loss of these trees would be mitigated by the landscaping proposals.
- 4.19 Because of the change to the site layout for this part of the site it is necessary for the landscaping scheme to be amended to reflect the position of proposed tree and shrub planting. The submitted scheme follows the principles established in the approved application to achieve an informal street appearance with use of shrubs, tree planting, hedging and wild flower

meadow grassland to reflect the urban fringe location. A condition is required to the grant of permission to ensure the development would be implemented in accordance with this landscaping scheme.

### **Other Issues**

- 4.20 The majority of the site as a whole is being developed in accordance with the permission granted for 176 dwellings under application 12/00381/FUL. That application as approved on 17 December 2012 is the subject of a number of requirements concerning improvements to infrastructure and the provision of affordable housing. That application is being implemented and some of those works such as the roundabout improvement, provision of new bus stops in Rectory Road and relocation of street furniture to the pavement to Rectory Road have already been undertaken. However, there may be a risk that independent implementation of this particular application for the twelve plots may affect triggers for payments to be made for contributions and the provision of affordable housing. As such, it is considered necessary for the grant of permission to include a condition so as to link the implementation of this application with those requirements as set down in the two legal agreements covering the implementation of this site as a whole.

## **5 CONCLUSION**

- 5.1 The principle of the development of the site for residential purposes has been established through the emerging Development Plan process and the grant of planning permission on 17 December 2012 under application 12/00381/FUL. This proposal is an amendment to that layout and the designs arising from the revised siting are necessary to accommodate the proximity across this part of the site of the gas pipeline.
- 5.2 The application would be consistent in design and form with the development being implemented on the site and despite the change to dwelling mix, would not harm the locally distinctive character featured to the development of the site.

## **6 RECOMMENDATION**

- 6.1 It is proposed that the Committee **RESOLVES**

**To DELEGATE TO THE HEAD OF PLANNING AND TRANSPORTATION TO APPROVE** planning on expiry of the outstanding consultation period subject to the following heads of conditions:-

- (1) SC4B – time limit standard
- (2) The development shall be implemented in accordance with the schedule for external materials H4606 Revision T for the dwellings as approved. Any further variation shall be submitted to and agreed in

writing by the Local Planning Authority and the development implemented in accordance with such variation as agreed.

- (3) Prior to the commencement of the development hereby approved, plans and particulars showing precise details of any gates, fences, walls or other means of screening or enclosure, to be erected within the development shall be submitted to and agreed in writing by the Local Planning Authority. Such details of screening or other means of enclosure as may be agreed in writing by the Local Planning Authority, shall be erected prior to that part of the site to which they relate first being occupied and thereafter maintained in the approved form, notwithstanding the provisions of Article 3, Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification).
- (4) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) all first floor side windows shall be glazed in obscure glass and shall be of a design not capable of being opened below a height of 1.7m above first floor finished floor level and no alteration is to be made to that arrangements thereafter. The exception shall be windows to the outward facing elevations of dwellings not facing the elevations of neighbouring housing to plots 160,165,168,169,172,173 and 175, which can be clear glazed.
- (5) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) order 1995 (including any Order revoking or re-enacting that Order , with or without modification, no enlargement of or provision of additional windows, doors or other means of opening shall be inserted in the side or rear elevations of the dwellings hereby permitted.
- (6) The landscaping scheme submitted with this application as set out on Drawing Nos. 1458/17 Rev. C, 1458/18 Rev. A and 1458/19 Rev. C shall be implemented in its entirety in accordance with the agreed programme for implementation, or other such programme subsequently agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree, shrub or hedge plant that item or any item planted in replacement for it is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective , another of the same species and size as that originally planted shall be planted at the same place in the first available planting season following removal, unless the Local Planning Authority gives its written approval to any variation.

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- (7) The development hereby approved shall be implemented in accordance with the measures for the retention and protection of trees retained as set out in the Arboricultural Impact Assessment and Drawing No. 280502-P-13 dated June 2012 by Messrs. Tim Moya Associates accompanying application 12/00381/FUL as approved on 17 December 2012.
  - (8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or amending that Order with or without modification) the garages hereby permitted shall be retained for the parking of vehicles and shall not be converted to habitable accommodation.
  - (9) The proposed private drive accesses from Clements Hall Way shall be constructed and provided with an appropriate dropped kerb crossing of the footway prior to the occupation of the dwellings proposed to take access therefrom.
  - (10) No unbound material shall be used in the surface treatment of any vehicular access within 6 metres of the highway boundary.
  - (11) The development shall be implemented in accordance with the details for the mechanical wheel cleaning of construction vehicles before their exiting the site comprising of not less than one ramped wheel spinning facility, together with jet wash hoses and as specified at Appendix C to the Construction Management Project Plan Project No. H4606 and dated January 2013 accompanying application 12/00381/FUL, as approved on 17 December 2012.
  - (12) 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 road. 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 up stands 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.
  - (13) The development hereby permitted shall only be carried out in accordance with the revised Flood Risk Assessment (FRA) prepared by Richard Jackson Ltd Job No. 43929 and dated January 2014 and the following mitigation measures detailed in the FRA:-

1. Surface water run-off generated on site shall be restricted to a maximum of 59.9 l/s.
2. Storage shall be provided on 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 confirmed within the submitted FRA.
5. General ground levels within the flood plain shall not be raised as a result of this development.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may be subsequently agreed in writing by the Local Planning Authority.

- (14) No part of the development shall be occupied until a system of operational street lighting serving that part of the development has been provided and the system shall be maintained operational and in good repair until adopted.
- (15) Development to implemented in accordance with the terms and conditions of the legal agreements to application 12/00381/FUL.
- (16) The external finish to the “Staunton “ to Plot 171 incorporates a deep return to the first floor front render, which terminates part way along the flank wall without reason or to any articulating feature. In officers’ view this detail would spoil the appearance of the building and should either be continued to the full elevation depth or terminated much closer to the front wall corner. This detail can, however, be a condition to the grant of permission
- (17) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) the first floor rear windows to the house to plot 170 serving the accessible bathroom and landing area shall be glazed in obscure glass and shall be of a design not capable of being opened below a height of 1.7m above first floor finished floor level and no alteration is to be made to that arrangement thereafter.

- (18) The development hereby approved shall be implemented in accordance with the advice, recommendations and mitigation measures set out in the Ecology Strategy by Messrs. Liz Lake Associates dated June 2012 File Name 1079A5 Rev. A. accompanying application 12/00381/FUL as approved on 17 December 2012.



Shaun Scrutton

Head of Planning and Transportation

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

H1, H2, H5, H6, CP1 of the Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011)

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 5 June 2009 in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004.

Standard C3 Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010.

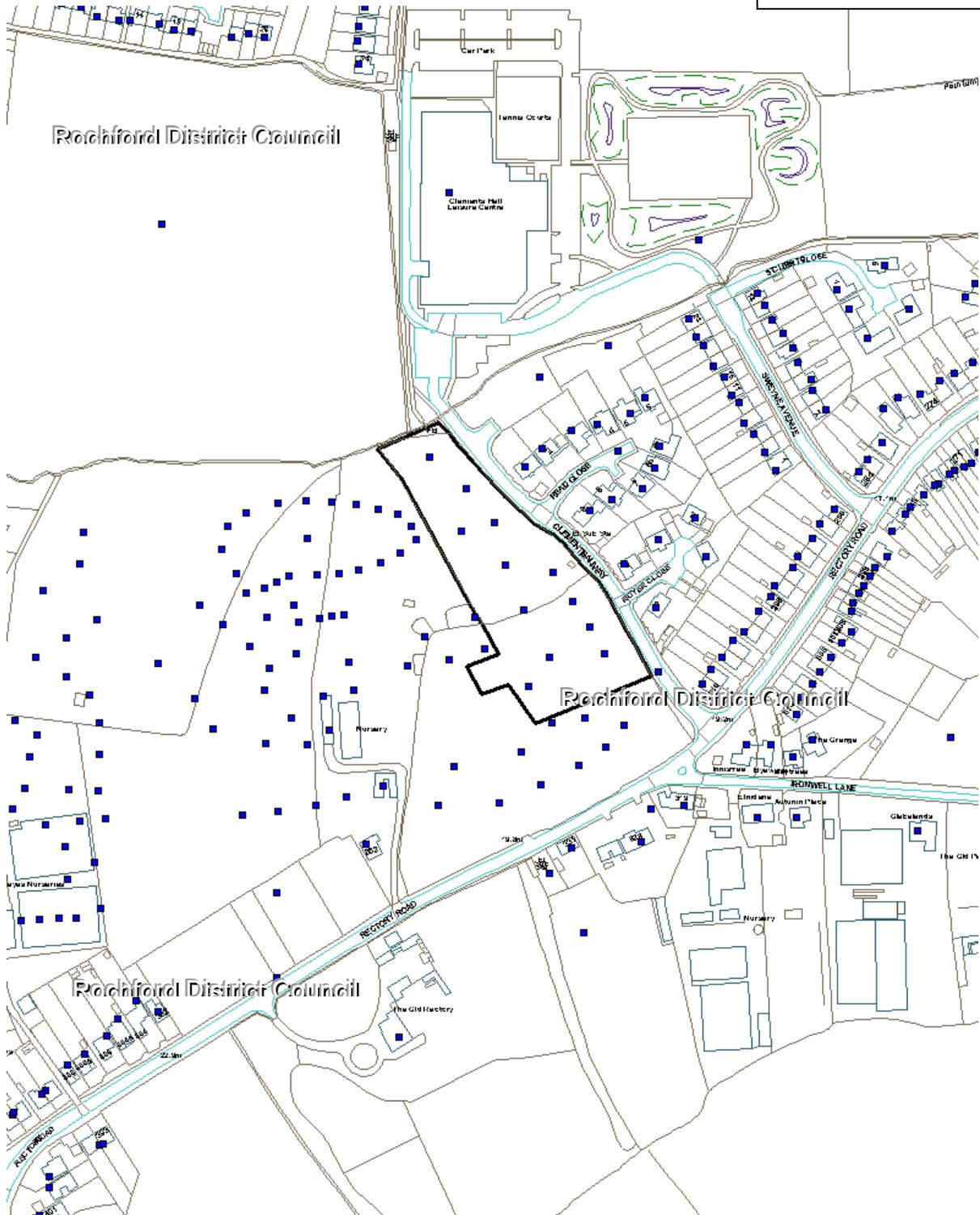
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14/00139/FUL



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