

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.

AT LAND BETWEEN MAIN ROAD AND RECTORY ROAD AND CLEMENTS HALL WAY, HAWKWELL.

APPLICANT: DAVID WILSON HOMES.

ZONING: METROPOLITAN GREEN BELT

PARISH: HAWKWELL

WARD: HAWKWELL WEST

1 PLANNING APPLICATION DETAILS

- 1.1 The application is to demolish the existing bungalow at No. 31 Thorpe Road and provide a development of 176 houses. The application is a full application including the layout and design of the dwellings proposed.
- 1.2 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.
- 1.3 To the west, the made up section of Thorpe Road would be extended to give access to 102 houses spread between both sides of Thorpe Road. In this current application the number of houses has been reduced on this part of the site by ten houses in response to criticisms raised at the amount of housing to this part of the site.
- 1.4 Thorpe Road would be extended with a carriageway width of 5.5m and footpaths either side of 2m width, a distance of 16m in asphalt surface from which there would be a change in surface to block paving, which would extend around three sides of an informal green located further north in this layout and from which the minor roads would serve this part of the

development. Thorpe Road would be continued for a further length beyond the informal green finished in block paving and for a width of 3.7m between posts but with width restriction widths of 3.1m at each end. This part of Thorpe Road would not be offered for adoption. The remaining area of Thorpe Road towards the junction with Rectory Road outside the application site would be unaltered.

- 1.5 This western part of the development would be accessed from an estate road formed with a junction made with Clements Hall Way, will contain 23 affordable homes to the western side of the layout and an area of 10 affordable homes to the rear of existing dwellings that front Rectory Road.
- 1.6 The eastern part of the site would be accessed by way of an estate road, which makes a junction with Clements Hall Way just north of the junction with Rectory Road and from which the minor roads and drives within the layout would branch off. The six houses proposed to front Clements Hall Way would be served from three access points onto Clements Hall Way. A new single detached house fronting Thorpe Road would be accessed directly onto Thorpe Road.
- 1.7 The eastern part of the site would provide 73 houses and one two-bedroomed flat unit above a triple garage. Within this area the layout would include 23 and 5 affordable units, in total 28 affordable houses and the flat, which would also be affordable.
- 1.8 As with the previous application, the layout includes the provision of two privately owned paddock areas retained along the Rectory Road frontage and a third paddock retained along the northern boundary of the site alongside Clements Hall Way and the adjoining water course.
- 1.9 The central part of the site would form an area of public open space with connecting pedestrian links across it, between the two residential areas and to the relocated bus stop to the southern side of Rectory Road. The northern part of this area would feature retained woodland and with a potential link between this area and the Spencers Public Open space beyond.
- 1.10 The central area contains an existing below ground gas main. The applicants propose to redirect this main with a new line and to a deeper position.
- 1.11 The proposed development would comprise the following mixture of dwellings:-
 - 11 two-bedroomed houses and one flat, of which all would be affordable;
 - 66 three-bedroomed houses, of which 45 No. would be affordable;

- 70 four-bedroomed houses, of which 5 No. would be affordable; and
- 28 five-bedroomed dwellings, all being private.

The affordable housing proposed equates to the 35% of dwellings required by Council policy.

- 1.12 The houses would be sited in detached, semi-detached and terraced arrangements with the provision of detached garaging or parking courts.
- 1.13 Most of the dwellings proposed are in two-storey form, with the exception of 11 plots, which feature a two and a half storey house type with rooms incorporated into the roof space served by pitched roofed dormers and a further 21 houses would incorporate rooms in the roof space at two and a half storeys but served only by roof lights. Most of the house types feature the provision of a small number of solar panels.
- 1.14 The two-storey buildings have ridge heights from 8.2m to 9m with wall heights to eaves of between 4.7m and 4.8m respectively. The two and a half storey house types have ridge heights from 8.4m to 9.9m with wall heights to eaves of between 4.9m and 5.1m respectively..
- 1.15 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.
- 1.16 The application follows discussions between the applicants, District and County officers, Ward Members and the Leader and Portfolio Holder for Planning and Transportation.

THE SITE

- 1.17 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 and 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.
- 1.18 To the larger 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.
- 1.19 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 the subject of TPO/24/85. This part of the site also includes a detached

dwelling, No. 352 Rectory Road set in large grounds extending the depth of the site.

- 1.20 To the central and western part of the site exists “Keyes” horticultural nursery formerly known as “Twinoaks Nursery”, which comprises various buildings and glass houses with open areas of the site.
- 1.21 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.
- 1.22 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.
- 1.23 The site is adjoined by Clements Hall leisure centre and Spencers 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.
- 1.24 The total site area is some 11.6ha.

2 RELEVANT PLANNING HISTORY

- 2.1 A number of applications have been considered on parts of the site for stables and domestic purposes and other developments.
- 2.2 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.
- 2.3 A latter 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.
- 2.4 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 leisure centre and which is now Clements Hall Way.

- 2.5 Previous history quoted by residents regarding land adjoining the site for residential development to the site to the rear of 312 Rectory Road under applications ROC/939/80 and ROC/263/81 include the following quote from the inspector “*while the proposed buffer strip could frustrate development of the land to the west, it would not prevent planning applications being submitted.*” To some extent objectors have sought to rely on this quote considering the provision of Clements Hall Way provides a defensible boundary to the Green Belt.
- 2.6 More recently the Council refused planning permission for the following outline application for a 330 dwellings on the application site as set out below.
- 2.7 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 that 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.

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.

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

2.8 In January 2012 the Council refused permission for a detailed application for 176 dwellings on the application site as set out below.

2.9 Application No. 11/00259/FUL

Demolish existing dwelling and construct development of 176 houses with access off Thorpe Road, access off Clements Hall Way and 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 on 10 January 2012 for the following reasons:-

The proposed scheme does not accord with guidance contained within the Essex Design Guide relating to layout and overall design by virtue of:-

- (i) Failing to meet guidance relating to boulevard planning in view of the reliance within the layout upon the tree'd landscape setting of the site.
- (ii) The mix of properties around the green does not create a satisfactory edge to the enclosed space.

- (iii) Not providing a distinctive design: There is a preponderance of standard developer houses in an indiscriminate fashion and taking a form of “anywhere housing” unrelated to traditional Essex Design and appropriate mix of dwelling style for this edge of settlement site locality.
 - (iv) Parking courts are highly visible from the public realm. There are areas of land with indeterminate use of some areas of land including unspecified ownership of the refuse collection points.
 - (v) The parking for plots 113 and 114 are shown perpendicular when they should be parallel to the highway.
 - (vi) The proposed design of the house types features inappropriate window lintels in differing materials or string courses that should appear adequate for loads above window opening.
 - (vii) Too large a span to roof ends with lower roof angles and uncharacteristic depth to proposed dwellings contrary to Essex vernacular style.
 - (viii) The inclusion of flat roofed dormers is inappropriate and contrary to the Council’s supplementary guidance, which favours traditional pitched roofs to dormers.
 - (ix) Inadequate garden sizes for a significant number of the plots and particularly affordable housing, giving rise to insufficient space within those plots for limited gardening, recreation, outside drying and outside storage for the reasonable expectations of future occupiers of those dwellings.
- 2.10 An appeal into this application was allowed on 26 June 2012 and permission thus granted for the above development.
- 2.11 The application, as allowed on appeal, is the subject of legal agreements achieving the heads of terms set out below.

Legal agreement with Rochford District Council and Essex County Council to:-

- a) Highway improvements to Rectory Road/Hall Road/Main Road mini roundabout comprising widening of the Rectory Road Approach to provide a left turn lane.
- b) Relocate bus stop and shelter on north side of Rectory Road on site frontage and widen footway to provide waiting area for the relocated bus stop.

- c) Create waiting area for the bus stop on the south side of Rectory Road by building over roadside ditch.
- d) Relocation of telegraph poles and lamp posts in the footway on the north side of Rectory Road.
- e) Travel information and marketing scheme (bus travel packs).
- f) Bus subsidy £100k .

Legal agreement with Rochford District Council to:

- g) Secure affordable housing.
- h) Scheme for the funding of the permanent maintenance of the public open space and woodland areas.
- i) Contribution of £80,189 for enhancement of sport facilities at Clements Hall.
- j) Contribution not to exceed £10,000 towards the cost of the construction of a footbridge to connect public open space areas to Spencers Park to be refunded if scheme is not agreed after five years.

3 CONSULTATIONS AND REPRESENTATIONS

Hawkwell Parish Council

- 3.1 Object in the strongest possible terms.
- 3.2 Whilst recognising that the site has already been allocated in the Core Strategy and that there is a need to build new homes in the whole of the Rochford District, concerned that the site lies within the Green Belt. The Parish Council has not had a reply to their letter to the District Council dated 14 October 2011 as to what very special circumstances negate the presumption against such a huge development in the Green Belt.
- 3.3 Disappointed that the Parish and general public in Hawkwell have not been given the opportunity to view these plans and ask questions of planning officers at a specially convened session. Aware that developers have had several meetings with other groups opposed to the development and District Councillors, but the Parish Council was not invited to attend. Cannot help but think the Parish views are being disregarded. Around 96% of the 1250 households who returned their Hawkwell Parish Plan questionnaire were against large scale housing developments and 84% think new development in Hawkwell is not necessary.
- 3.4 Gravely concerned that the road infrastructure will not cope, given the existing levels of congestion on local roads in peak time. Furthermore, there has been

no consideration for additional services such as doctors, dentists and school placements, which are already stretched.

- 3.5 Concerned about the removal of around 150 trees and there are TPO woodland areas and other preserved trees, which must be retained. Do not wish to see the removal of trees along the northern boundary with Spencers Park.
- 3.6 Outraged that that the plans show a bridge across the brook between the development and Spencers Park. The Parish Council has not been consulted on this or permission sought. Unbelievable that this is being submitted for a second time when this is not finalised.
- 3.7 Disappointed that social housing has now been grouped to the middle of the development and not the outside of the site and would like to know the reason for this.
- 3.8 Object on the basis of massive over-development in the Green Belt resulting in the urbanisation of this semi-rural location. Ask that the application be rejected.

Essex Police Architectural Liaison

- 3.9 Essex Police does not object to this application but would raise some issues for consideration. Page 76 of the Design and Access statement refers to design and safety, but only mentions five of the seven attributes of the Safer Places document. Why leave two out? The two left out: - Physical Protection (definition - places that include necessary and well designed security features), management and maintenance (definition - Places that are designed with management in mind, to discourage crime in the present and in the future) are just as, or even more, relevant.
- 3.10 No mention is given to the document's reference to Secured by Design Certification. Sustainable developments cannot be achieved if crime and anti-social behaviour have a negative impact on a community. Crime also has a carbon footprint that must be addressed. Many planning appeals have been refused due to the lack of information within a planning application relating to physical security. Essex Police would therefore request a planning condition be made that SBD certification is achieved on all housing types across the site. Rochford District Council has a responsibility under Section 17 of the Crime and Disorder Act to consider crime when carrying out any of its responsibilities, including planning.

London Southend Airport

- 3.11 No safeguarding objections, but advise that a crane or piling rig will need to be safeguarded separately.

South West Essex NHS Trust

- 3.12 I have now received the application details and am able to confirm that South Essex PCT cluster will be seeking a S106 contribution of £137,209, equivalent to £780 per dwelling in respect of this application.
- 3.13 As previously noted, South Essex PCT uses the Health Urban Development Unit model to calculate contributions arising as a result of major residential developments. This model uses Office of National Statistics [ONS] data to determine the population increase as a result of the dwelling mix proposed factoring different rates for market and affordable housing, recognising that population gain rates for affordable housing are less than those for market housing (i.e. a higher proportion of people moving into the affordable housing will come from within the local area and so will not add to the requirement for new services). The contribution calculated is a one off capital sum to allow for the alteration, adaptation or construction of facilities for the provision of primary care.
- 3.14 The PCT seeks contributions under pooled arrangements recognising that it would be inequitable for any developer to pick up the incremental cost of infrastructure improvement on an individual scheme purely due to timing differences in the submission of a planning application. Collecting contributions under pooled arrangements still allows for the return of those contributions if not committed to an appropriate project within an agreed timeframe.

Natural England

- 3.15 Welcome the submission of an up to date ecology strategy and are satisfied with the strategies therein. Advise that these should be secured via suitably worded planning conditions or other legal agreement as appropriate.

Essex County Council Highways

- 3.16 The Highway Authority would not wish to raise an objection to the above application, subject to the following heads of conditions:-
1. 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 43 metres to the north, as measured from and along the nearside edge of the carriageway.
 2. Prior to commencement of the development, 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, shall be identified clear of the highway, submitted and approved in writing by the Local Planning Authority.

3. Prior to the occupation of any of the proposed dwellings, the proposed private drive accesses from Clements Hall Way shall be constructed to requirements of the Highway Authority and provided with an appropriate dropped kerb crossing of the footway.
4. 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.
5. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
6. 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.
7. 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.
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 those 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.
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. 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.
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. Prior to occupation of the proposed development, 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 improvement works at the Main Road Hall Road and Rectory Road roundabout have been provided entirely at the developer's expense. The proposal includes 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 and the relocation of telegraph poles and lighting along Rectory Road in the vicinity of the site.

19. No occupation of the proposed development until such time as a bus subsidy of £100,000 (one hundred thousand pounds) is paid to the Highway Authority to cover the cost of the continuation of the No. 8 bus service running adjacent to the site for 3 years.

Notes

- 3.17 The Highway Authority has analysed a robust transport assessment 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.
- 3.18 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. 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.
- 3.19 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 by non essential users. These measures, in partnership with the junction improvements at Rectory Road/Hall Road roundabout, will remove the need for any perceived 'rat running' along Thorpe Road.
- 3.20 The above measures are required to ensure the proposal complies with the County Council's development management policies as adopted as County Council Supplementary Guidance in February 2011.
- 3.21 The requirements above should be imposed by way of negative planning condition or planning obligation, as appropriate.
- 3.22 Where required, the above to be provided at no cost to the Highway Authority.
- 3.23 Prior to works taking place in the public highway or areas to become public highway the developer shall enter into an appropriate legal agreement under the Highways Act 1980 to regulate the construction of the works.

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- 3.24 All internal estate road development shall conform to the Essex Design Guide. Size 3 turning heads will be required and where private streets are proposed the maximum number of dwellings permitted is 5. Parking courts should ideally be overlooked to improve security otherwise they may not be used for their intended purpose with vehicles parking on the streets.
- 3.25 Details of SUDS will need to be agreed.
- 3.26 Details of planting and materials will need to be agreed.
- 3.27 Prior to occupation, the development shall be served by a system of operational street lighting, which shall thereafter be maintained in good repair.
- 3.28 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.

Essex County Council Senior Consultant Architect/Urban Designer

- 3.29 Advise that the scheme has gone through numerous changes and there has been significant improvement to the proposals. Therefore raise no objections to the proposals, but would recommend the following conditions:-
- 1) Details of all facing materials and roofing to be used shall be submitted and approved.
 - 2) Details of all ground surface materials, including kerbs and manhole covers both within the adoptable highway and unadopted areas of public frontages, to be submitted and agreed.
 - 3) Submission of details of all boundary walls, fences, gates adjoining public realm.
 - 4) Eaves to all roofs shall be open with exposed rafter feet (rather than boxed) or have sloping soffits.
 - 5) Submission of details of windows, window frames, glazing bars, window and door surrounds, bays, canopies/porches to be submitted and agreed.

Sport England

- 3.30 Advise that as the site does not affect any playing fields the consultation is not statutory. The applicants propose that the sport facility needs arising from the development would be met by making financial contributions towards implementing facility improvements at nearby Clements Hall playing field and Clements Hall leisure centre. Sport England is supportive of this approach. A

contribution of £80,189 is considered 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.

- 3.31 The reduced contribution to that considered previously on the larger outline application would mean that it is not possible to fund all of the four projects that were previously proposed to be implemented in their entirety. 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 will be paid, whether other funding such as that which might be 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 the 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.
- 3.32 Confirm that Sport England has no objection to the planning application although this position is strictly subject to the following:-
- A financial contribution of £80,189 be paid to Rochford District Council within an acceptable timescale such as before first occupation of the residential development. This is necessary to ensure that the contributions be paid that would allow the enhanced facilities to be available for use by residents of the proposed development before the scheme is fully occupied.
 - The financial contributions be ring fenced by the District Council towards implementing the identified projects in paragraph 1.31 of the Sports Facility Report (submitted with the previous outline application 09/00529/OUT). 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. Provision will also need to be made for the projects to be implemented within an acceptable timescale, e.g. two years of payments being received.
 - The financial contributions are index linked from March 2010 (the date on which the facility enhancements were originally costed).

Environment Agency

- 3.33 Advise that the development will only meet the requirements of the National Planning Policy Framework if the following measures, as detailed in the flood risk assessment submitted with the application, are implemented and secured by way of a planning condition:-

Flood Risk

- 3.34 Conditions:

The development permitted by this planning permission shall only be carried out in accordance with the approved flood risk assessment (FRA) and the following mitigation measures detailed within the FRA:-

1. Surface water run-off generated on the site shall be restricted to a maximum of 65.5l/s from the site.
 2. Storage shall be provided 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 confirmed within the submitted FRA.
 5. General ground levels within the flood plain shall not be raised as a result of this development.
- 3.35 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 subsequently be agreed in writing by the Local Planning Authority.

Potential Contamination

- 3.36 Have previously seen a preliminary Geo Environmental Site Assessment for this site referenced DMB/731044/R1/F dated January 2008 and prepared by MLM Environmental and submitted for the previous outline application 09.00529/OUT. For completeness this should be submitted as part of this application. In its absence, recommend the following condition:-

Condition:

- 3.37 Prior to the commencement of the development (or such other stage in development as may be agreed in writing with the Local Planning Authority) the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority:-
1. A preliminary risk assessment which has identified:-
 - o all previous uses
 - o potential contaminants associated with those uses
 - o a conceptual model of the site indicating sources, pathways and receptors
 - o potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- 3.38 Any changes to these components require the express consent of the Local Planning Authority.
- 3.39 Further recommend consideration be given to conditions to ensure the development is carried out in a sustainable manner such as water efficiency, the management of waste in the construction process, provision made for residents to recycle and provision for recycling in public areas.

Essex and Suffolk Water

- 3.40 Advise that existing apparatus will be affected by the proposed development. The site access with Thorpe Road and Clements Hall Way may require diversion/lowering of water mains. Give consent to this development on the condition that water mains are laid in the site roads to serve the new

properties. Consent is dependant on new water connection being made to our company network for each new dwelling for revenue purposes.

Anglian Water

- 3.41 Advise there are assets owned by Anglian Water within or in close proximity to the site that may affect the layout of the site.
- 3.42 Advise that foul flows from this development will drain to Rochford Sewage treatment works, which has capacity for these flows.
- 3.43 Advise that the sewerage system at present has available capacity for these flows assuming there is a gravity connection.
- 3.44 Advise as SUDS methods of surface water disposal have been mentioned Anglian Water confirm that the surface water strategy/flood risk assessment submitted with the application is not relevant to Anglian Water and that the views of the Environment Agency will need to be sought. Request that the agreed strategy is conditioned as part of the approval.

Rochford District Council Consultant Arboriculturalist

- 3.45 Advise that trees on the site are protected by tree preservation orders. Recommend that a tree protection plan, supervision schedule and method statement be submitted and approved by the Local Planning Authority.

3.46 Neighbour Notification Responses

16 Letters have been received form the following addresses:-

Banyard Way: 50

Bosworth Close: 4,

Hawkwell Park Drive: 15, 48,

Ironwell lane: "Byeways" (2 letters)

Read Close: 6a,

Rectory Road: 216, 298,

Royer Close: 4,

Thorpe Road: 20, 22, 82, 84.

Uplands Road: 24,

Victor Gardens: 18,

3.47 And which in the main make the following comments and objections:-

- This is the third time we have objected to David Wilson Homes plans to build at this location.
- Our objections remain the same and still stand in that from the Spa roundabout in Hockley the road splits, coming together again at the bottom of Hall Road, Rochford. Rectory Road is the only link between these two roads. There is no dual carriageway on any part of these three minor roads and with no road improvement of any substance.
- Application adjoins Rochford District Council/Virgin Clements Hall Leisure Centre, which attracts vehicles from the entire district and beyond.
- Worst place you could put a housing development for rail users, as Hawkwell does not have a railway station and with 600 houses in Hall Road as well.
- Bus service to this area is very poor; car journeys to the stations will add to the already busy roads.
- The vast majority of residents have yet to be convinced regarding the need for large housing developments, but if required in the years ahead, would it not be better for Rochford District Council to concentrate their efforts on working with neighbouring Councils and Central Government regarding a Rochford Bypass and not on bringing misery and road gridlock to the present community.
- Infrastructure not in place to support this development.
- No doubt Council will allow this to go through. The area is Green Belt.
- Affect on wildlife.
- Why can't trees be retained in 30ft wide buffer around the site, safeguarding privacy and semi-rural living.
- 176 homes equals a possible 340 or so cars in the future. Hawkwell and surrounding areas cannot cope with the traffic at the present time. Things will only get worse if this land is allowed to be developed into a housing estate. The area is rural and must be kept as such. However, there is an argument for three or four dwellings on Rectory Road, but I feel that would be the only compromise that could be given.

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- Precedent.
 - Object to this large development in such a small place as Hawkwell; it will completely destroy the character of the area.
 - Four and five bedroom houses would overlook small bungalows currently not overlooked.
 - Green Belt land lost along with wildlife.
 - Roads already overloaded at peak times, public transport is poor and shops and rail stations are not within walking distance.
 - Local people have been fighting a large housing estate in this area since 2008; it is time for RDC to listen.
 - The 175 houses in the Core Strategy should be built on smaller sites thereby maintaining the character of the area.
 - Concern at the number of houses and the effect upon storm water to brook at rear of 216 Rectory Road.
 - Building of 176 additional properties in this area is utterly wrong and unsafe for existing residents in view of the lack of suitable infrastructure of roads, health services, educational establishments, etc.
 - Hawkwell is truly lacking for its 11,500 residents of a community centre, youth activities and allotments.
 - The great majority of Hawkwell residents from the results of the 2011 Hawkwell Parish Plan Group questionnaire consider more housing is not a real need. Should this planning application be approved then I am truly of the opinion that it will be very sad day for democracy.
 - It seems that the applicants have to leave the house standing in Rectory Road because they can't acquire the site. The site is a stumbling block and should that not mean the Christmas tree site be a separate planning application?
 - When building 176 residences adequate provision should be made for car parking of the incumbents plus visiting vehicles. (visitors, deliveries, doctors, fire services, etc.) The current layout seems inadequate to cope 'n future years.
 - Inappropriate location.

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- Poor quality design that does not fit in with existing property types (i.e bungalows).
 - Hawkwell does not have or require flats and small box type houses.
 - Too many properties proposed on the site.
 - Non existent public transport will result in overloading of existing road infrastructure regardless of any short term token gesture subsidy from the developer.
 - No proposals that will prevent further flooding of an area that has poor drainage.
 - Development will be a blot on the landscape and destroy the village location.
 - No evidence that additional housing required in Hawkwell.
 - Development does not meet Government criteria for sustainable development.
 - Loss of trees and vegetation, loss of privacy to many of the current residents and over-development of the area. The amount of cars in Thorpe Road is already dangerous at times and it is very difficult to turn in and out of Thorpe Road, particularly during peak times. There is already parking at the top of the road from the offices along the main road and the increased volume of traffic is going to cause serious disruption and I believe it is going to cause accidents.
 - Proposal would not live up to the ideals of the Hawkwell Parish Plan group of no more than 50 new homes on a site.
 - Without care, Rochford, Hockley, Hawkwell will become a large sprawl.
 - Hawkwell is named for the number of wells in the area. Has the developer checked the site for possible wells?
 - The area is subject to subsidence and more houses will affect the water table.
 - Will have an adverse effect upon wildlife and the environment.
 - Proposals flawed as there are no parallel improvements to the already over stretched road network, which is the same as 40 years ago.

- Site is low lying and flat, having been water logged on several occasions. There is a risk of flooding on the site and downstream. The development would lose this current sump that spreads the arrival of run-off.
- The environment in which people live is being completely destroyed and residents ignored.
- The houses seem to be better placed on the west side of Thorpe Road.
- Good to see some of the original tree cover is to be retained.
- Legal obligation to keep the trees alongside Thorpe Road bungalow trimmed.
- Green Strip could become a gathering place for youths and problems for pensioners and would not be suitable or acceptable. If allowed, the green area should be filled with shrubs to make it unsuitable for gathering.
- Problem of the unmade end of Thorpe Road being used as a cut through.

3.48 The following comments have been received from Hawkwell Residents Association and 25b Belchamps Way:-

- Although this planning application is an improvement on the last one, regard the Christmas Tree Farm area as totally unsuitable for the 176 homes proposed in the application for the following reasons:-
- Would like to see no new homes built on Green Belt land in our area, but especially not in this particular Green Belt area. Apart from spoiling the character of the area, the road joins the busy B1013 at one end and has single file traffic lights at the other. The B1013 will be turned into a continuous traffic jam if these homes and other homes proposed for the area are built. We believe it would be better to spread any new homes throughout the Hawkwell area. This is an area prone to frequent electricity black outs and we are sure other services would require considerable updating.
- Assume the proposed additional lane added to Rectory Road at the mini-roundabout is still included. Additional vehicles at this junction will come from the building of the new homes, the additional residents, their delivery services and visitors. We believe modern computer controlled traffic lights would be a better solution as traffic currently tails back in all direction at peak times and this will only get worse as the development at the airport is increasingly used.

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- No consideration has been given to the proximity of shops and schools as due to the lack of public transport additional car usage would result. The additional homes will put an enormous strain on the infrastructure of our area and not just the road system. There will be an additional demand on our doctors and dentists and on schools and social services. Additional demand on gas, electric, telephone, water, sewers and surface/storm water drainage. There is now no evening number 8 bus service through this area, even though Clements Hall Leisure Centre is in this location. We believe that before any additional homes are built in this area the evening buses should be brought back.
 - The Rochford and Southend areas are enclosed by the River Crouch, the sea and the Thames and are only properly accessed from the west. For this reason we believe the sensible place to locate additional homes would be in the western part of Rochford district in the form of a new village located on the edge of district with all the necessary services and access roads.
 - ECC has stated that the B1013 is now running at 72% capacity. The Core Strategy proposal would bring the traffic to an unbearable level. We believe that no major infrastructure improvements have been carried out in the Hawkwell area for more than 30 years. We believe that before any additional homes are built in this area the following road improvement should be made in our area:-
 - Upgrade Rectory Road and widen road and footpath at the Christmas Tree Farm area.
 - Replace the mini-roundabout at Rectory Road with modern computer controlled traffic lights.
 - Return of the number 8 evening bus service through Rectory Road.
 - Improvements to all services including gas, electric, telephone, water, sewers and surface / storm water drainage.
 - Increase capacity at all the local schools in the area.
 - Increase capacity at all the local doctors and dentists services in the area.
 - Increase ambulance, fire and police emergency services.
 - Provide and run a youth club in the Hawkwell area that could be located in the Christmas tree farm area.
 - To provide and run allotments in the Hawkwell area that could be located

in the Christmas Tree Farm area.

- Replace traffic light controlled single lane at the railway bridge with a wider bridge.
- Upgrade the B1013 Hall Road and provide missing and upgrade existing pavements.
- Proper main road street lighting for the B1013 Hall Road.
- A cycle path route from Rochford through Hockley to Rayleigh.
- Believe that this planning application still does not address the previous concerns of the council in that it does not meet planning requirements.

3.49 The following comments have been received from the Hawkwell Action Group c/o 84 Thorpe Road:-

- Represent 300 local residents who are largely against a large housing development in this area.
- Object that four and five bedroomed houses would be on top of small bungalows.
- Green Belt land would be lost
- The road system is already overloaded.
- Limited public transport; shops and amenities are not within walking distance.
- Local people have been fighting against a large housing estate since 2008 and extremely disappointed the District Council will not listen to us.
- Local residents do not want it.
- The Residents Association do not want it.
- The Parish Council does not want it.
- There has been a petition of over 700 signatures submitted.
- How can the District Council ignore all these objections?

- Since the Core Strategy was adopted have lobbied for the 175 houses to be in smaller tranches in order to maintain the character of the area.
- The application is immense and swallows most of the Green Belt in our small area.
- Ask once again to refuse the application and look for smaller sites within the area.

3.50 The following comments have been received from the Christmas Tree Farm Development Action Group c/o 15 Spencers:-

- The underlying position of this Group is that we and our members would prefer no development of this site at all and for it to remain as Green Belt. We would remind the Planning Committee that we presented the Council with a petition where 779 local residents objected to the building of 176 dwellings on the Green Belt land between Rectory Road, Clements Hall Way, Spencers Park, Thorpe Close and Thorpe Road. This underlying objection remains, despite the new application being submitted.
- However, we as a Group recognise that the Planning Committee is minded to approve such building on this site, as evidenced by the Rochford Core Strategy Document and the Planning Committee meeting in December 2011. Indeed, if the relevant 16 gardens had been a little larger than the original plans had specified and there had been one or two aesthetic changes, we are aware that application 11/00259/FUL would indeed have been accepted last December. We are also aware that an appeal has been submitted in respect of that rejected application.
- Having accepted that development of this site was therefore inevitable, it was the view of this Action Group that we would better serve our members by approaching David Wilson Homes in a bid to influence any future applications, so as to make these more acceptable to existing residents and to provide a more pleasant and balanced environment for all the families who move into the 176 dwellings than would have been provided under application 11/000259/FUL.
- This approach to David Wilson Homes was made and as a result, meetings were set up with this group and the other local groups, for David Wilson Homes to listen to our opinion and to update those attending on changes made to the original application.
- We were aware that new architects had been appointed and they quite clearly listened to our concerns and made changes relevant to those.

- As a direct result, we are pleased to note that application 12/00381/FUL includes:-
 - The affordable and social housing being spread out across the whole development, rather than clustered in one area by Thorpe Road, so taking away the “Ghetto” effect and making the site far more balanced with a more open and pleasant aspect by Thorpe Road.
 - The siting of larger private housing around the perimeter of the development and the affordable and social housing in small clusters in the middle, so that the site blends in with existing housing more easily and because of the spacing between the housing on the perimeter, the whole development does not look so intense looking in.
 - The movement of open spaces and the siting of new tree planting to improve the overall landscaping of the development.
 - The significant improvement in the external facade of all properties, with quality bricks and tiles used throughout, so as to enhance the general ambience of the development rather than highlight the lower value dwellings on the site.
 - The inclusion of a pathway across the open area between the two parts of the development in order to bring them together, rather than what was clearly two separate developments in the original application for 176 dwellings.
- Accepting that we would prefer to have this land remaining as undeveloped Green Belt but that Rochford District Council has decided that it will allow 176 dwellings to be built on this site if the plans submitted are acceptable, then this Group believes that the developer, David Wilson Homes, has made a considerable effort to listen to and react positively to the concerns or the representations of the existing residents. Under such circumstances, we thank them for their considerable investment in the consultation meetings and the work that was then carried out to improve the layout and building designs to deal with those concerns.
- We believe that the resultant application if accepted would probably be the best that the existing residents could expect and that the development should provide a pleasant environment for those who finally live in any of the dwellings that will be built, on condition that through the Section 106 agreement, sufficient provision is made for the infrastructure outside of the development site.
- Access to and from the B1013 into Thorpe Road, the junction of the B1013 and Rectory Road and the junction between Rectory Road and Ashingdon Road. These improvements are particularly relevant when considering the

600 new houses in Hall Road, the airport expansion and the increased traffic both of these will generate on the B1013 and Ashingdon Road in the not too distant future.

- Improved provision of bus services including into late evening, so as to allow young people and commuters acceptable ongoing access to Southend and Hockley.
- Whilst the developer cannot be made responsible for this, we would ask the Council to review the existing availability of nursery and school places for all ages, doctors and dentist surgeries as there will be insufficient capacity in all of these to deal adequately with the increase in population that this development will generate over the first ten years of being in place.
- We hope that this document is useful to the Planning officers and then the Planning Committee in that we acknowledge the significant improvements included in this application over that submitted in 2011, whilst appreciating that such a development will create infrastructure problems that need to be considered and dealt with now, rather than when these issues become an actual problem in three to five years time, as the development welcomes its new residents and those families increase their headcount per dwelling.
- We also believe it is important that, as a condition of any planning approval, the developers are required to put in place long term arrangements for the maintenance of all open areas on the site and that these are adequately funded and/or become the contractual responsibility of those residents living on the estate or Hawkwell Parish Council.
- In conclusion, accepting that we would prefer no development but that this is not going to be the case, the application now being considered should be a showpiece site which could be used as an example of how co-operation between the developer, Council and local residents can improve the final development significantly.
- Our immediate concern is that if the appeal on application 11/000259/FUL is accepted by the Secretary of State, David Wilson Homes may revert to those plans, which are unacceptable to the existing residents for reasons set out very clearly in 2011 and that all of the work that has been carried out in respect of the application 12/00381/FUL now under consideration, will have been a waste of significant time, leaving a very bitter taste in the mouths of this group and no doubt many others.
- Whilst we hope that we have set out our position quite clearly, we should of course be pleased to discuss this consultation paper with the Planning

officers or any Member of the Planning Committee if further clarification is required.

3.51 Letter from the Applicants

3.52 The applicants have written in response to the representations made by Hawkwell Parish Council and that in particular that the Parish Council has not been involved in pre-application discussions.

3.53 The applicants enclose copy of a letter to the Parish Council dated 19 June 2012 and enclosing a copy of the proposed development layout and describing that at a presentation to the Parish Council in March the matter of the management of the public open space was raised. The applicants' understanding was that that matter would be raised at a later date. In meeting with representatives of the three residents associations and Ward Councillors the applicants express that it is their understanding there is a strong desire locally for the Parish Council to enter into discussions with the applicants for the management of the public open space. The letter states the applicants are keen to meet with the Parish Council to discuss possible arrangements.

3.54 In a reply from the Parish Council dated 27 June 2012, the Parish Council advise they are not in a position to meet the applicants until the Parish Council's Planning Committee has had the chance to view and debate detailed proposals by the applicants for the possible management of the open space in the development. The Parish Council request exact details of the size and areas involved and proposals for funding, which cannot be seen from the layout plan. Once this information is available and has been considered the Parish Council Planning Committee would then make recommendations to the Parish Council who may then decide to hold discussions.

3.55 A reply from the applicants and dated 24 August 2012 includes outline management proposals and reiterates the applicants' interest in meeting on this matter.

3.56 The applicants advise they specifically met with the Parish Council on Monday, 5 March 2012 prior to the Parish Council meeting of the same night. The applicants have offered to meet again but that offer has not been accepted by the Parish Council. The applicants have submitted this information because they wish the District Council's Committee report to be fair and even handed.

4 MATERIAL PLANNING CONSIDERATIONS

Green Belt Issues and Housing Supply Policy

- 4.1 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.
- 4.2 The site is allocated Metropolitan Green Belt in the Council's saved Local Plan (2006). 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.
- 4.3 The current application would provide a net 175 dwellings that is consistent with the Council's adopted Core Strategy (2011) policies H1 and H2, which has agreed the general location of South Hawkwell for 175 (net) dwellings.
- 4.4 Material to the consideration of this application is the appeal allowed on this site for an alternative scheme also for 175 (net) dwellings allowed on 20 August 2012 under application 11/00259/FUL. This decision has substantial weight and significance in the consideration of this current application for an alternative scheme such that, by itself, the appeal decision constitutes a very special circumstance in addition to the general location for development of this size agreed in the Council's adopted Core Strategy (2011).
- 4.5 In allowing the appeal, the inspector concluded that the scheme before him would not have the appearance of unrestricted sprawl due to the buffer zones of paddocks and planting and that the trees and open space to the centre of the layout would prevent the two parts of the site joining. These characteristics also feature equally in the layout to the current application.
- 4.6 The inspector went on to conclude that the proposal then before him would not affect the separation between the towns of Rochford and Hockley/Hawkwell and that there would be few signs of the countryside being encroached by the development. The development would neither, in his view, affect the setting and special character of the historic towns of Rochford, Hockley and Rayleigh. The inspector also concluded that whilst objectors argued that other urban sites could be re-used, the semi derelict nature of much of the site balanced against that point. Consequently, the inspector concluded that the development then before him would not conflict with the

five purposes served by Green Belts set out at paragraph 80 to the National Planning Policy Framework (2012). Officers consider the circumstances of the current application are equally applicable and lead to the same conclusion.

- 4.7 The nature of the development normally requires the Council, where it is minded to approve the application, to give the Secretary of State the opportunity to call in the application as a significant departure from the development plan in force. Notwithstanding the permission recently granted on appeal, the view is that this particular application would be a significant departure and therefore requires to be referred to the Secretary of State.

Detailed Design Considerations

- 4.8 In allowing the appeal for the previous scheme the inspector acknowledged that that layout did not aim at boulevard planning but rather responded to the historic landscape pattern and the existing trees that were to continue to feature where possible. The inspector disagreed with the Council and concluded that boulevard planning might be at odds with the informal historic arrangement of field margins.
- 4.9 In the current application the applicants have moved partly towards a boulevard planning concept, with formal treatment of the central area of the western part of the site either side of Thorpe Road and the open space to that part of the layout. The eastern part of the site follows a less formal approach to reflect the underlying historic pattern of field boundaries and the trees to be retained, which would provide sweeping streetscapes with wider verges and planting. The improved references and features of the layout achieve a boulevard appearance considered appropriate in the context of the site characteristics and thus overcoming the Council's previous concerns on this matter.
- 4.10 In allowing the appeal on the previous scheme the inspector considered that, in detailed design terms, the size of the development was not such as to require a separate identity. The inspector considered the varied and diverse character of the surrounding area. The inspector agreed with the appellants that standard house types are used as a plan form with variables, such that the appearance need not be viewed as standard. In any case, the inspector considered there to be a logic to the layout before him having regard to natural features and other constraints and that the layout was not indiscriminate.
- 4.11 In response to the Council's concerns, the applicants have undertaken pre-application consultations and worked from the basis of the landscape and revisited the design and form of the dwellings resulting in the house types now proposed following a more traditional design favouring light coloured brickwork with a reduced reliance on external boarding, which was judged by residents to be a "Rochford" characteristic rather than suited to the location of

the site in Hawkwell. The resulting dwellings feature gable and hipped roofing with some designs featuring bonnet ended half gable ends. The use of external boarding still features, but is more discreet. The proposed dwellings reflect a range of types including those with a cottage appearance reflecting those older dwellings in the locality. These designs are to a general scale and form considered acceptable and to which the County Council's urban designer has no objection. The higher two and a half storey house types, of which there are few, although not typical in the locality, are considered acceptable in the context of the overall layout and design principles of the submitted scheme. Those dwellings feature pitched roofed dormer designs and it is considered by officers that the current scheme overcomes the design objections previously raised by the Council.

- 4.12 In allowing the previous appeal, the inspector accepted a revised layout, which had improved the garden size to a number of plots in that earlier scheme but he went on to conclude that, given the location of the site with good access to the open space, a small number below the standard is acceptable. The current layout would satisfy the Council's standards for all the dwelling types proposed, including the proposed flat to plot 145.
- 4.13 The layout would provide a satisfactory relationship between the dwellings proposed and existing dwellings adjoining the site and between dwellings within the layout. The dwelling sited to plot 150 would be located only 12m from the rear of the pair of houses to plots 158 and 159, which back onto that plot, but the design of the house proposed to plot 150 has no windows at either floor to the rear of this dwelling safeguarding privacy. It would, however, be necessary to condition the removal of permitted development rights for further windows at first floor level to this particular plot.
- 4.14 The parking courts are no longer highly visible as was the case for the previous application. The revision to the layout has provided an alternative arrangement that does not provide perpendicular parking issues into the public realm and the edge of the public open space, as was the case for two plots in the previous layout.
- 4.15 The house types are of an appearance with more traditional feature details, roof spans, general scale and pitched roofed dormers that has not attracted criticism from the County Council's Urban Designer. District officers cannot support the criticism that is now made with regard to finite details of the roof ends and windows that, whilst required for Conservation Areas, is not justified for an urban extension development of this type.

Parking and Highway Considerations

- 4.16 The County Highway Authority has no objection to raise against the proposal, having considered the application and supporting material, together with findings from the previous history. It is concluded that the highway network

has capacity for the traffic flows arising from the development, but it is necessary for the Hall Road/Rectory Road/Main Road junction to be improved with a left turn lane to the Rectory Road approach. This matter, together with other requirements for the alteration to existing bus stops and the provision of bus travel marketing and bus subsidy, are the subject of an existing legal agreement for the application allowed on appeal that would need to incorporate this current application.

- 4.17 The layout shows car parking laid out to the Council's preferred bay and garage size. All the dwellings shown have between two or four spaces, including garaging. Given the general location it is required that each dwelling has at least two car parking spaces with, in addition, 0.25 spaces per dwelling for visitors. The layout provides for a total of 468 car parking spaces, which is in excess of the minimum 396 spaces required to satisfy the Council's standards.

Landscaping Considerations

- 4.18 The applicants have included general details of the site landscaping and tree retention measures, but it is necessary to consider better landscaping particulars, including species and density of planting by way of a condition to the grant of consent
- 4.19 The Council's consultant arboriculturalist has no objection to raise against the findings of the report. It is necessary, however, to require a condition to the grant of permission to ensure the recommendations regarding tree retention and protection during construction are achieved.
- 4.20 It would also be necessary as part of those considerations to include better details of the means of enclosure for the site also by way of a condition the grant of permission.

Other Matters

- 4.21 Policy H6 to the Council's adopted Core Strategy (2011) requires new homes to be built to the lifetime homes standard and at least 3% of the dwellings to be built to full wheelchair accessibility standards. It is not clear from the application details as to whether this has been taken into account. Officers have approached the applicants for clarity of this aspect of the proposal and will advise Members at the meeting.
- 4.22 The current application repeats the previous commitment to remove overhead power lines and lamp posts from the Rectory Road footway. This matter is covered by the existing legal agreement to which this current application should also become part.

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- 4.23 The scheme impacts upon the need for indoor and outdoor recreation that would not be possible to provide on site but in accordance with the advice of Sport England the applicants have agreed to a financial contribution of £80,189 based on 176 dwellings.
- 4.24 This contribution would be used towards the cost of delivering part of the following proposed improvements, which can be the subject to negotiations in the legal agreement.
- 1) Soil striping and drainage of pitches at £52,000;
 - 2) Slitting and sand dressing of pitches at £27,000;
 - 3) New main hall floor and lines at £46,000; and
 - 4) New astroturf pitch £35,000 with additional fencing at £16,000 and goals £2,200 (as at January 2010 prices).
- 4.25 Concern has been expressed at the phasing and build out of the development. The application particulars show a phasing plan intending for construction to commence west of Thorpe Road 2012-2013, moving east of Thorpe Road 2013-2014 and developing the land area west of Clements Hall Way 2014-2016. This pattern is influenced by the relocation of the gas main requirements.
- 4.26 The western side of the site would be served by HGV traffic through the northern made up end of Thorpe Road. The eastern side of the site would be served off Clements Hall Way via Rectory Road. Working times are stated to be 08.00 – 1800 hours Monday to Friday and 0900 – 1600 hours on Saturdays with no working on Sundays or Bank Holidays. Working compounds would be sited away from residential neighbours and there would be wheel washing facilities at site exits. These matters can be conditioned as part of the grant of permission.
- 4.27 In the previous application allowed on appeal, neither the County Education Authority or the Primary Care Trust raised the need for contributions towards infrastructure. In this current application the Primary Care Trust has changed their view requesting a financial contribution of £137,209 equivalent to £780 per dwelling in respect of this application. This request must be considered in the context of the previous application where no contribution was sought by the PCT. That being the case, it is not considered appropriate to seek a contribution from the applicants, given that the scheme allowed on appeal can be implemented without this commitment.

5 CONCLUSION

- 5.1 The site is within a general location for development of 175 dwellings (net) to be released from the Metropolitan Green Belt as contained within the Council's adopted Core Strategy (2011). The application also follows the grant of planning permission on appeal (under application reference 11/00259/FUL) for an alternative development also for 175 dwellings (net) on this site. The principle of the development of the site is therefore clearly established to be acceptable.
- 5.2 The application represents a further evolution in the design in terms of layout to provide character areas and formal and informal boulevards, taking into account the site characteristics. The overall design of the buildings proposed is considered to better reflect local character and substantially overcomes the Council's previous objections.
- 5.3 Overall, this application is considered to be superior to the scheme approved on appeal for the reasons outlined in the report; it is to be hoped the applicants will also take this view if planning consent is granted. Finally, it is recognised this is a new application and that it is legitimate for any consultee to seek financial contributions where appropriate. However, given the very recent appeal decision, it is not considered to be reasonable to seek any additional financial contributions in respect of this application over those agreed by the appeal inspector.

6 RECOMMENDATION

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

That, subject to notifying the Secretary of State for Communities and Local Government, the application be **APPROVED**, subject to the completion of a **LEGAL AGREEMENT** under Section 106 of the Act for the heads of terms set out below.

Legal agreement with Rochford District Council and Essex County Council to:-

- a) Highway Improvements to Rectory Road/Hall Road/Main Road mini roundabout comprising widening of the Rectory Road approach to provide a left turn lane;
- b) Relocate bus stop and shelter on north side of Rectory Road on site frontage and widen footway to provide waiting area for the relocated bus stop;
- c) Create waiting area for the bus stop on the south side of Rectory Road by building over roadside ditch;

- d) Relocation of telegraph poles and lamp posts in the footway on the north side of Rectory Road;
- e) Travel information and marketing scheme (bus travel packs); and
- f) Bus subsidy £100k.

Legal agreement with Rochford District Council to:-

- g) secure affordable housing;
- h) scheme for the funding of the permanent maintenance of the public open space and woodland areas;
- i) Contribution of £80,189 for enhancement of sport facilities at Clements Hall; and
- j) Contribution not to exceed £10,000 towards the cost of the construction of a footbridge to connect public open space areas to Spencers Park to be refunded if scheme not agreed after five years.

6.2 And to conditions including the following heads of conditions:-

- 1) Development to commence in three years.
- 2) Submission of details of external materials.
- 3) Submission of details for means of enclosure.
- 4) Obscure glazing to first floor side facing windows.
- 5) No enlargement or provision of additional windows at first floor level side or rear elevations.
- 6) Prior to commencement, the submission of details for the lighting height and luminance of the play areas and pathways.
- 7) Submission of landscaping details.
- 8) Development to be implemented in accordance with the measures for the protection of trees retained in the arboricultural impact assessment accompanying the application and Drawing. No. 280502-P-13 dated June 2012 BY Messrs. Tim Moya Associates.
- 9) Garages to be retained for parking.

- 10) 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 43 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 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.
- 11) Prior to commencement of the development, 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, shall be identified clear of the highway, submitted and approved in writing by the Local Planning Authority.
- 12) 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.
- 13) 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.
- 14) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 15) 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.
- 16) 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.
- 17) 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 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.

- 18) The proposed bell mouth 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.
- 19) 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.
- 20) Development to be carried out in accordance with the flood risk assessment and mitigation measures detailed in the FRA.
- 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) Contaminated land conditions and scheme for remediation.
- 23) Advise archaeologist of not less than 24 hours notice of the start of breaking ground for construction (watching brief).
- 24) 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 widening the Rectory Road arm to provide two lanes on approach (as shown in principle on Ardent CE drawing. No. D540-004).

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- 25) 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 and the relocation of telegraph poles and lighting along rectory road in the vicinity of the site.
- 26) Construction traffic shall access the site in accordance with the details of the construction management of the site, as set out in Section 14.8 to the Planning Statement by Messrs. Kember Loudon Williams LLP reference: 12/016 submitted in support of the application.



Shaun Scrutton

Head of Planning and Transportation

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

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011)

H1, H5, H6, CP 1, ENV 8, ENV9.

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.

HP1, HP 6

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

Standard C3

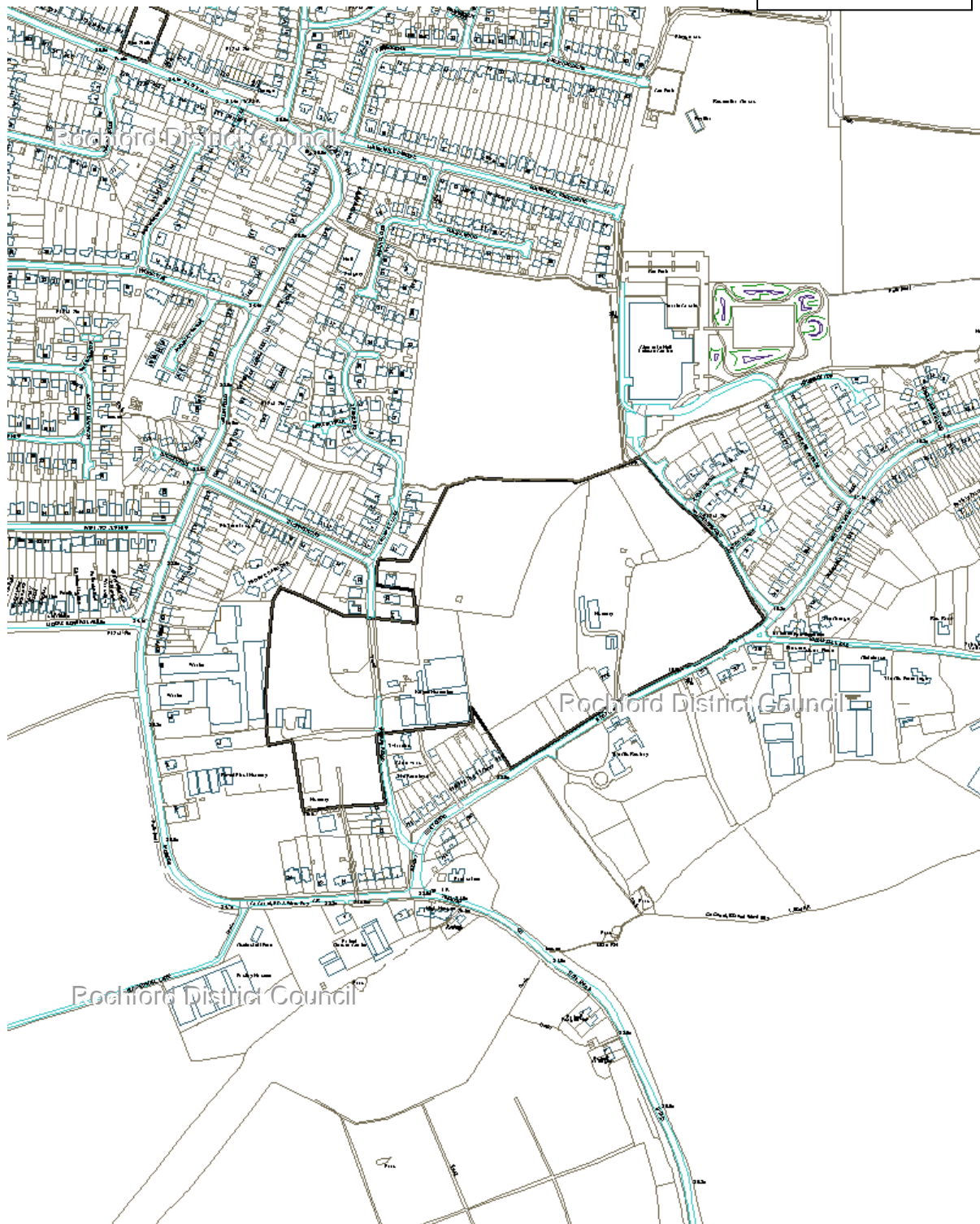
For further information please contact Mike Stranks on:-

Phone:01702 318092

Email:mike.stranks@rochford.gov.uk

If you would like this report in large print, Braille or another
language please contact 01702 318111.

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