

<p>Item 4 Land between Main Road and Rectory Road and Clements Hall Way, Hawkwell. 12/00381/FUL</p>	<p>Contents:</p> <ol style="list-style-type: none">1. Rochford District Council Consultant Ecologist2. Essex County Council Strategic Development (Education)3. Rochford District Council Head of Environmental Services4. Further Response to Neighbour Notification5. Further Letters from the Applicants in Response to the Officer Recommendation6. Officer Comment and Revised Officer Recommendation <p>1. Rochford District Council Consultant Ecologist</p> <p>The application is accompanied by a detailed ecological report that comprehensively addresses ecological issues associated with the development. The recommended mitigation and enhancement measures appear to be appropriate and their implementation should become a condition if consent is granted.</p> <p>Bat and badger mitigation will be subject to licensing, which will exert effective control over the acceptability of proposed methods and so no further information will be necessary.</p> <p>However, a detailed scheme of mitigation will be required for reptiles and this should be approved by the Council prior to commencement. The Cherry Orchard Country park, which is recommended as a receptor site, is already proposed for two reptile translocations, as well as from other sites in the past. The continued acceptability of this site as a receptor site should be carefully considered within the mitigation scheme.</p> <p>Recommend a condition to require the provision of ecological enhancement within the fabric of the new houses to be built, specifically bird and bat boxes of a type and size appropriate to the location. Such measures provide a ready way of making a lasting provision for the retention of biodiversity within the development.</p> <p>2. Essex County Council Strategic Development (Education)</p> <p>Confirm that no education contribution is required with regard to this application.</p> <p>3. Rochford District Council Head of Environmental Services</p> <p>The Head of Environmental Services reports that if Members are minded to approve the application, the following conditions should be attached to any consent granted:-</p>
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1. Model Contaminated Land Conditions
2. Details of the proposed sound insulation scheme for the development shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed works shall be fully implemented prior to the commencement of any use hereby permitted and shall be maintained in the approved form while the premises are in use for the permitted purpose.

Informative:

This condition is required so as to protect residents at the western edge of the site from noise generated at the nearby industrial units. In order to prepare the scheme referred to in this condition the applicant will need to make an assessment of the pre-existing background noise levels at the site, taking into account the permitted hours of operation and the location and height of the residential properties.

3. Standard Informative SI 16 (Control of Nuisances)
4. Site Waste Management Plan informative

4. Further Response to Neighbour Notification

One further letter has been received from the following address:-

Christmas Tree Farm Development Action Group

And which in the main makes the following comments in support of the application support of the application:-

You will be aware that the Christmas Tree Farm Development Action Group fought against the development of this Green Belt site in the previous two applications by David Wilson Homes, including presenting the Council with a petition signed by over 700 local residents and detailed arguments on various fronts, as prepared by this group by Russell Forde of Smart Planning Limited and our Barrister.

At the Development Committee meeting in December it was clear that the Council was minded to allow this development, despite the local objection. Taking this key point into consideration, we appreciated that our responsibility was to accept that the site would be developed and to do what we could as an action group to improve the development from the rather bland low quality design presented in December, which contained two distinct developments, one which was reasonable and a ghetto in which the assisted and affordable housing was bunched together.

We accepted that David Wilson Homes held all the cards as a few small changes would have ensured that the plans submitted in December would be passed on second presentation and, of course, David Wilson Homes also had the Right of Appeal, which we now know was passed in their favour.

Despite these "odds" we approached the builder and asked for a meeting with (just) this Group to air our concerns and to make suggestions on where we thought the development could be improved, not only for the existing residents of Hawkwell but also for the residents of that development. We were surprised but delighted that David Wilson Homes accepted our invitation to meet. Four representatives of the company attended that meeting, including the new architect and we had a very meaningful dialogue. They promised to consider our concerns and suggestions whilst advising us of changes the new architect was already thinking about.

We suggested to them that it would be beneficial if subsequent meetings should include the other groups in Hawkwell, including the Residents Association and Hawkwell Action Group and that they should also have meetings with the District and Parish Councillors and to listen to what they had to say. We did feel a little cheeky in asking such a large company to do this, particularly as they were so close to obtaining approval, subject to a tiny variation of the second application presented to the Council in December 2011.

We will confirm that David Wilson Homes have gone far beyond what we could have asked for. They have held a considerable number of consultative meetings and having taken on board what they have heard, they have improved and improved again the format, and design of this development. They have also improved significantly the outside appearance of all of the properties on the development so the overall effect is one of a single high quality development that will be pleasant to live in, whilst mitigating the effect on the village over what would have been with the first two applications. The builders took time to explain these changes to all who attended these meetings where we could visibly see the improvements being made, to the point where even the most cynical objectors commented that this was turning into quite a pleasant development.

David Wilson Homes did not stop there. This group wrote to them after they had presented the current application to the Council to thank them for the considerable work that they had put into that application, but to also express our concerns over the effect on existing residents during the four year building programme. Rather than just fob us off, the construction director came to 15 Spencers and spent over two hours listening to those concerns

and then advising us what he would put in place to ensure that these concerns were dealt with.

Although, of course, we would prefer no development at all on this site, we accept that change happens. We now urge the Council to accept the application being presented to the Development Committee on September 27. We believe that if it is not approved then David Wilson Homes will build the bland and far less acceptable specification of the application presented in December, rather than go to the unnecessary expense of appealing the decision made on September 27.

If you accept the current application being considered next week, Rochford District Council can be proud of the fact that they are key players in what must be a showpiece example, of how the community and developer communicating and working together, can produce something very positive indeed and what may be the start of a more equitable approach to such planning applications, rather than the usual antagonistic approach of the local community and then the builder in response.

Sincerely hope that this e-mail has set out this group's viewpoint and that those Councillors present will bear in mind the considerable work put in by a great number of local residents to make a positive difference, as can be seen by the proposal being discussed on September 27.

5. Further Letters from the Applicants in Response to the Officer Recommendation

The applicants note that, whilst officers have had samples of materials and paving, the condition recommended to agree the materials is not unusual and was also imposed by the inspector in allowing the previous appeal decision.

Have no objection to the condition requiring submission of means of enclosure.

Object to conditions requested by the County Council's urban designer with regard to requiring roof rafters instead of soffits to the roof edges and the submission of detailed designs for the windows to each dwelling.

Raise concern at a number of conditions imposed by the inspector in the previous application's decision and criticise them for being vague or for being applied in a blanket approach insensitive to the site, for instance requiring all first floor side windows to be obscure glazed, adversely affecting those outlooks across open space and no neighbours and others requiring agreement prior to commencement unnecessarily. Applicants are therefore looking for reasonable conditions and not too onerous to be discussed

between the applicants and officers such that the delivery of the site is not delayed or unnecessarily complicated.

The applicants have written in reply to the Rt. Hon Mark Francois MP that should the application for consideration at this meeting be given consent, it is their intention to build this latest scheme. Members will also have received a briefing note direct from the applicants, which confirms this intention.

6. Officer Comment and Revised Officer Recommendation

Officers note the detailed conditions recommended by the County Council's urban designer, but the requirement that each house features open rafter roof ends, as opposed to the soffits shown, is over fussy in this case. Similarly, District officers do not see the need to require agreement over detailed window designs. Such detailing is required in sensitive areas such as Conservation Areas and where the new built form must follow traditional building styles and finishes. The site is not located within such an area and the Listed Building opposite the site fronting Rectory Road does not justify following this detailed approach. On this occasion District officers do not support those conditions recommended.

Members will be aware that the previous application, as allowed on appeal, included within the legal agreement a requirement restricting the use of the paddock areas. It is necessary that the requirements of that previous agreement are carried into that required for the current application. The clause is required in the legal agreement.

REVISED RECOMMENDATION

That, **subject to referral to the Secretary of State for Communities and Local Government**, the application be **APPROVED**, subject to the following additional clause to the legal agreement and to those clauses to the agreement the subject of the previous application:-

- k) The owner shall only use the paddocks for agriculture, horticulture, forestry, grazing or as open land so as to ensure that they remain un-built upon, except for any buildings ancillary to such permitted use and provide open space that mitigates the visual impact of the development on the area in which the site is situated.

And to conditions including the heads of conditions as set out in the report and in addition the following additional heads of conditions:-

	<p>27) Details of any tree planting proposed within the highway and a programme for implementation shall be submitted to and agreed in writing by the Local Planning Authority prior to planting. Trees must be sited clear of all underground services and visibility splays.</p> <p>28) Implementation of development in accordance with mitigation measures set out in the ecological report accompanying the application.</p> <p>29) Details of the proposed sound insulation scheme for the development shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed works shall be fully implemented prior to the commencement of any use hereby permitted and shall be maintained in the approved form while the premises are in use for the permitted purpose.</p>
<p>Item 5 Land east of Spencer Gardens, Brays Lane. 12/00398/ REM</p>	<p>Contents:</p> <ol style="list-style-type: none"> 1. Essex County Council Highways 2. Rochford District Council Head of Environmental Services 3. Further Neighbour Notification Responses 4. Further Letters from the Applicants in Response to Officer Recommendation 5. Officer Comments and Revised Recommendation <p>1. Essex County Council Highways</p> <p>The Highway Authority would not wish to raise an objection to the above application, subject to the following:-</p> <ol style="list-style-type: none"> 1. The proposed 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. 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. 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 to and approved in writing by the Local Planning Authority. 3. 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

	<p>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.</p> <ol style="list-style-type: none">4. No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary.5. 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.6. 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.7. 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.8. 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 Authority9. 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.
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10. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay, where applicable.
11. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.
12. Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.
13. 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.
14. All single garages should have a minimum internal measurement of 7m x 3m and all double garages should have a minimum internal measurement of 7m x 5.5m
15. The powered two wheeler/cycle parking facilities, as shown on the approved plan, are to be provided prior to the first occupation of the development and retained at all times.

2. Rochford District Council Head of Environmental Services

No adverse comments to make.

3. Further Neighbour Notification Responses

9 Further letters have been received form the following addresses:-

Ashingdon Road: 290,
Brays Lane: 8,
Craven Close: 28, 29,
Harewood Avenue: 17,
Manstead Gardens: 12,
Spencer Gardens: 57,
Vaughan Close: 12,
1 x e-mail

and which in the main make the following comments and objections in addition to those set out in the report:-

	<ul style="list-style-type: none">○ Confused by two applications for the land east of Spencer Gardens, 12/00398/REM and 11/00315/OUT. The first (and most recent) is said to be from Bellway Homes with the second from A W Squier Ltd, The Croll Group, and Messrs. H. J and D Squier. I am aware that the Council approved the latter in September last year, despite local residents' objections. Am assuming that they are linked? Am I correct in thinking that the only difference from 12/00398/REM and 11/00315/OUT is the addition of refuse/recycling storage to 12/00398/REM? Can't see from the plans how big the refuse/recycling storage facility is going to be.○ Is this intended to be a private refuse/recyclable storage faculty or will it be the Council's? If the former, what is Rochford District Council's view on this and what refuse will the private facility be exactly storing/recycling? I can't see any information on this whatsoever.○ Why is it part of the private application rather than your own independent application? Furthermore, what is Essex County Council's response to the refuse/recycling facility? Forgive me for being a little cynical about this, but whatever plans are submitted, Essex County Council's response on traffic implications is always the same: no problem whatsoever. Presumably lorries will be involved, so presumably a study (albeit of going through the motions) has already been undertaken with the pre-determined conclusion above?○ With large areas of green space being replaced by large housing developments there is going to be less and less area for large amounts of water to drain away.○ Do not believe you should be building any more housing until you can provide better services so that the residents that already live here do not have to suffer increased traffic and constant congestion misery.○ Brays Lane is not capable of taking the extra amount of traffic this building will cause. Spencer Gardens will be used as a rat run, causing much stress to the people living there. Ashingdon road is already full to capacity every morning and evening. The building in Golden Cross road has already made Spencer Gardens much more in use by people avoiding traffic hold ups in Ashingdon Road; any more building is insane.○ No mention in the application of plans to take into account the extra volume of traffic using Ashingdon Road and the number of schools on this route, which has seen many fatal accidents.
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- Recently advised by the Fire Authority following flooding incident that the water table is rising due to capacity reached in the local drainage network. Seek assurance that existing flooding problems and ditch obstructions will be corrected. If not the case, the development will add to existing drainage problems.
- Concern regarding water supply.
- Concern regarding fire fighting capability with these extra homes and reductions of fire fighting personnel.
- Convinced approved so as to get council tax.
- Roads cannot cope with the extra traffic.
- The school was built for local children and not those to be bus-ed in from Wakering and other areas.

4. Further Letters from the Applicants in Response to Officer Recommendation

Lifetime Homes

The applicants confirm that all of the dwellings proposed will be built to the standard of lifetime homes.

Secure by Design

The applicants confirm and include correspondence with the Essex Police Architectural Liaison Officer that shows Secure By Design has been taken into account and that SBD certification should be achieved, provided detailed specifications are implemented.

Hedgerows to Brays Lane

The applicants confirm that the hedgerow to the southern side of Brays Lane will be maintained as far as is practically possible, with the exception of that part necessary to be removed to form the access and visibility splays. The hedge will be trimmed.

The applicants have established agreement with the landowner to the north of the roundabout and for the planting of hedging on this side. The applicants agree the details of this can be included in the landscaping to be provided as part of condition 3 of the detailed consent.

Archaeological investigations

The applicants confirm that archaeological investigations are under way on the site in accordance with the outline permission but these have not yet been completed.

Drainage of the School Car Park

The applicants confirm that the surface water drainage to the school car park and bus turn around area will discharge at restricted outflow into the below ground drainage system within the site. For peak storm event this entire system surcharges into the pond to be created.

Maintenance of Public Open Space

The applicants confirm that whilst the agreement to the outline permission includes the option of the transfer of the public open space to the District Council, together with £20,000 to take over the responsibility for this area. If this is declined the public open space will be incorporated into the site management company's scope of works to maintain the public open space and those areas that cannot be transferred to individual plots.

The water body will be managed by the sustainable drainage adopting body, currently Anglian Water Authority.

The open areas about the affordable housing would be maintained by the appointed housing management company.

The applicants confirm that seating will be provided to the open space area in the middle of the site. The applicants, however, consider the site would be unsuitable for play equipment given this area is sloped around the attenuation basin. The applicants further add that if play equipment had been desired, this matter should have featured in the outline application requirements.

5. Officer Comments and Revised Recommendation

The application has been revised to re-site forward the group of buildings to plots 38-42 given the concerns raised by officers at the potential overlooking of the adjoining bungalow to No. 9 Hilary Close. The terraced houses to plots 38-40 have been sited forward by 1.5m. The flats to plots 41 and 42 have been sited forward by 3m. These flats would now be located 16m from the site boundary and at right angles to No. 9 Hilary Close.

The applicants have revised the flatted layout to both units to plots 41 and 42 to locate the window to the first floor bedroom 2 window to the south facing elevation looking across the car park and have

agreed that the remaining window to bedroom 1 can be obscure glazed below a finished floor level height of 1.7m. Subject to a condition specifically requiring this approach, the application details, as revised, now overcome officers' concerns at potential overlooking of No. 9 Hilary Close.

The applicants have agreed that the matter concerning the rendered treatment of the return elevations can be addressed by the submission of materials in accordance with condition 2 of the recommendation. Officers consider that that condition requires revision to specifically address this issue.

REVISED RECOMMENDATION IS APPROVAL, subject to the amended heads of condition 2 and additional heads of conditions, in addition to those other heads of conditions as set out in the report:-

- 2) No development shall commence before details, including samples of all external facing (including windows and doors) and roofing materials to be used in the development, have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the provision of revised elevations to show rendered treatment to full elevations without rendered returns, where the use of render is proposed. Such details as may be agreed shall be those used in the construction of the development hereby permitted.
13. The proposed 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. 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.
14. 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 to and approved in writing by the Local Planning Authority.
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

	<p>construction.</p> <ol style="list-style-type: none"><li data-bbox="488 259 1453 846">16. The carriageways of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that roads. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwellings.<li data-bbox="488 887 1453 992">17. 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<li data-bbox="488 1032 1453 1178">18. Any tree planting proposed within the highway must be agreed with the Local Planning Authority. Trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme.<li data-bbox="488 1218 1453 1323">19. The powered two wheeler/cycle parking facilities, as shown on the approved plan, are to be provided prior to the first occupation of the development and retained at all times.<li data-bbox="488 1364 1453 1469">20. Obscure glazing to lower half of window below finished floor level height of 1.7m to bedroom 1 to first floor flat to plots 41 and 42.<li data-bbox="488 1509 1453 1581">21. Submit details for the provision of oil interceptors to car parking area.
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