
13/00231/FUL

**CONSTRUCT SINGLE STOREY PITCHED ROOFED, PART
FLAT ROOFED SALES BUILDING WITH ASSOCIATED CAR
PARKING.**

**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

THE SITE

- 1.1 This application is to part of a site of some 11.6ha in an area generally to the north of Rectory Road, west of Clements Hall Way over part of the unmade section of Thorpe Road, which is included within the greater site and continuing towards the rear of frontage development to Main Road and behind the made-up section of Thorpe Road. This site is the subject of permission granted on 19 December 2012 for 176 dwellings (175 net) under application reference 12/00381/FUL.
- 1.2 The current application relates to a small part of the development site located immediately west of the junction of Clements Hall Way with Rectory Road and forming plots 117, 118 and 119 to the approved layout.
- 1.3 The site is in the process of being cleared in preparation for the re-development. The access road to which the site fronts has been prepared and the junction made with Clements Hall Way.

2 THE PROPOSAL

- 2.1 The proposed sales building would utilise the garage structure approved to plots 117 and 118 and the formation of a car parking area for 7 No. car parking spaces (including one disabled space) on the site of plot 119. The submitted layout shows the construction of the houses to plots 117 and 118 as show houses either side of the sales building with 1.2m high hooped railing fencing to the footpaths between the sales building and the show houses. The

layout also shows the location of 6 No. flag poles, but these cannot be considered as part of this application.

- 2.2 The proposed sales building would comprise the pitched roofed double garage to which would be added a flat roofed attachment to the rear incorporating a toilet and kitchen. The proposed building would also include a flat roofed attachment to the side incorporating an additional sales area. The proposed building would be finished in external brickwork and timber horizontal boarding. The pitched roof would be tiled.
- 2.3 The proposed sales building is near identical to that recently approved to the earlier phase of the site on 19 April 2013 under application 13/00109/FUL. The difference to the current application is that the rear projection for the toilet and kitchen facilities is not as great and less in depth by 1.4m. Although no details or design and access statement are submitted in respect of this application, the design was previously described by the applicant to allow for the removal of the attachments so that the main body of the building would be retained as the approved garage to plots 117 and 118.
- 2.4 The proposed sales building would have an overall width of 8.4m incorporating the addition to the sales area to be removed having a width of 2.1m. The proposed sales building would have a depth of 8.8m including the rear addition comprising the toilet and kitchen area but which would only extend for part of the garage width of 3m. The hipped roof would have an overall ridge height of 4.8m to a 35 degree pitch. The flat roofed side and rear additions would have an overall height of 2.5m. The design includes an entrance façade to a height of 3.2m to allow for development branding and advertising.
- 2.5 The applicant seeks consent for this building for a period of three years.
- 2.6 Unlike the previous application considered for the earlier phase of the site, no Design and Access statement has been submitted with this current application. In April 2010 the requirements for the need for Design and Access Statements was revised by central Government to no longer require Design and Access Statements for certain non-residential development outside of special designations such as Conservation Areas. The development falls within this category such that it is not essential for the Design and Access Statement to be required in order to determine the application.

3 RELEVANT PLANNING HISTORY

- 3.1 A number of applications have been considered on parts of the site for stables, domestic purposes and other developments. More recently the site has been the subject of applications for re-development as follows:-
- 3.2 Application No. 09/00529/OUT

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

Permission refused 3 December 2009 and appeal dismissed 22 July 2010.

3.3 Application No. 11/00259/FUL

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

Permission refused 10 January 2012. Appeal allowed 30 August 2012, subject to the following condition:-

Condition 6: Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) all first floor side windows shall be glazed in obscure glass and shall be of a design not capable of being opened below a height of 1.7m above first floor finished floor level and no alteration is to be made to that arrangements thereafter.

3.4 Application No. 12/00381/FUL

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

Permission granted 17 December 2012.

This permission is now being implemented and to which the current application relates.

3.5 Application No. 13/00035/FUL

Application to vary condition No. 4 to application No. 12/00281/FUL for development of 176 dwellings approved on 17 December 2012 and (summarised) to vary those plots to which obscure glazing of side windows would otherwise be required in favour of two alternative conditions 4 and 4A.

Permission refused on the basis that the proposed alternative conditions would increase the number of clear glazed side windows leading to overlooking between adjoining occupiers unless the applicant accept revised condition 4R which adds to existing condition 4, a further 18 No. plots with outward facing side windows that need not be obscure glazed.

Decision delegated to Head of Planning and Transportation and awaiting consideration of the alternative condition by the applicant at the time of writing.

3.6 Application No. 13/00109/FUL

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

Permission granted 19 April 2013.

4 CONSULTATIONS AND REPRESENTATIONS

Essex County Council Highways

4.1 No objection to raise.

5 MATERIAL PLANNING CONSIDERATIONS

5.1 The site is located within the Metropolitan Green Belt as identified in the Rochford District Replacement Local Plan (2006). The site is, however, within a general location for an extension to the residential envelope of South Hawkwell for 175 dwellings (net) at Policy H2 to the Council's adopted Core Strategy (2011). Whilst the construction of the proposed sales building would otherwise be inappropriate development, the re-development approved on 17 December 2012 under application 12/00381/FUL reflects the emerging allocations and commitment to the Core Strategy and is thus a very special circumstance outweighing the harm to the Green Belt that would otherwise result from the construction of a new sales building. The main body of the sales building would comprise the approved double garage building to serve two of the approved dwellings. The only increase in size are the flat roofed side and rear additions, which are likely to be removed in the longer term.

5.2 The proposed sales building can be compared with an estate agency office. Whilst this type of office use to visiting members of the public is normally located within town centres, it is, however, common practice for larger housing developments to include a sales presence often making use of the show homes or other buildings forming the development. In this case, the applicant is making use of a garage building but with temporary adaptation and extension to accommodate the sales presence. The sales building will give rise to visiting customers looking to view the show homes and often outside the working hours of the site in later evenings and weekends. The applicant describes the sales operation to be undertaken between 10.00 am – 6.00 pm each day, including Saturdays and Bank Holidays.

5.3 Whilst the presence of an office would not be considered otherwise acceptable in a residential area on a permanent basis it does, however, seem reasonable for a temporary presence for the duration of the development. In this case the applicant is requesting a period of three years. It may be that if

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

- 5.4 The proposed building would have an overall floor area of 62.5 square metres. The Council's adopted parking standard for estate agency offices would require the maximum provision of one car parking space for each 20 square metres of floor space. The proposed layout would provide for six car parking spaces to the minimum size of 2.5m width and 5.0m depth and in addition one disabled space. The parking spaces are to the minimum rather than the preferred size. As the use would be temporary and there is no objection to the minimum size from the County Highway Authority, officers consider the smaller space size can be accepted. Although this provision is in excess of the maximum of four required against the standard, it would allow for additional parking clear of the street for most busy periods. The exception may be in the case of any promotional event, which may attract greater numbers forced to park on adjacent streets but this would be infrequent and comparable to the occasional family gathering that can arise from time to time in residential areas. As the site would be expected to be closed to construction at weekends and peak sales periods, there would not be the opportunity to use the site compound for overspill parking.
- 5.5 As the proposed layout would provide in excess of the maximum parking required no material objection can be raised against the proposal on highway grounds.
- 5.6 The visiting members of the public would give rise to an increase in traffic to the site. That additional traffic would in most cases be difficult to discern above the general background activity of traffic using the residential area and particularly the Clements Hall Leisure Centre. The likely attendance of buyers in cars, rather than heavier commercial construction vehicles, would not detract from the enjoyment of neighbouring properties at weekends such as to warrant the imposition of trading hours restrictions upon the proposed sales use, such as required for construction activity.
- 5.7 The building proposed is essentially an adapted double garage approved to the housing layout. Its overall design and form is comparable to a domestic out building. The future garage door features would be glazed for the duration

of the sales use. The flat roofed addition to the side and rear are modest. In terms of overall size and scale the sales building would not be detrimental to the appearance of the street.

- 5.8 The proposed design and layout shows the provision of signage to both the front façade of the sales building, as well as flag poles and other advertisement material about the sales suite site. The Control of Advertisement regulations make provision for certain specified signage with deemed consent and not requiring express consent from the Local Planning Authority. Although subject to limitations on size, up to three flags each on one mast/pole can be provided with deemed consent. The layout shows provision for 6 No. flag pole advertisements and these will require consideration under a separate application with other signage for the site. Whilst some signage can be provided with deemed consent, the proliferation of advertisement material would be considered under any application required for approval under the control of advertisement regulations. For these applications the Council would be considering the matter of highway safety and the amenity of the nearby residential area. However, the material shown in this current application is indicative and does not in any case fall to be considered.

6 CONCLUSION

- 6.1 Whilst the construction of new buildings would normally be inappropriate development within the Metropolitan Green Belt, the proposal is, however, associated with the residential re-development of a larger site the subject of future extension to the residential envelope, now with planning consent and which outweighs any harm by way of inappropriateness or other harm to the Green Belt. It should also be borne in mind that the Allocations Development Plan Document, which includes a new proposals map to replace the 2006 Local Plan with a revised Green Belt boundary, has now been submitted to the Secretary of State.
- 6.2 The provision of a sales presence is common to such large sites and where the activity arising from visiting members of the public to view and purchase the new dwellings is not widely held to give rise to such nuisance as to warrant refusal of such applications. It would, however, be necessary to condition the grant of permission to be for a temporary period and to limit the use to that proposed to safeguard against any long term use for office purposes not associated with the sales of the housing approved.

7 RECOMMENDATION

It is proposed that the Committee **RESOLVES** to **APPROVE** the application, subject to the following conditions:-

- (1) The use hereby permitted shall be for a temporary period expiring on 29 May 2016 whereby upon expiry of the consent hereby given the sales

building shall be reinstated for use as a domestic garage and the flat roofed side and rear additions shall be removed.

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

REASON FOR DECISION

APPLICATION APPROVED WITHOUT AMENDMENT

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against the adopted Development Plan and all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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.



Shaun Scrutton

Head of Planning and Transportation

Relevant Development Plan Policies and Proposals

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

Policy CP1

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

Policy HP6

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

Standard A2.

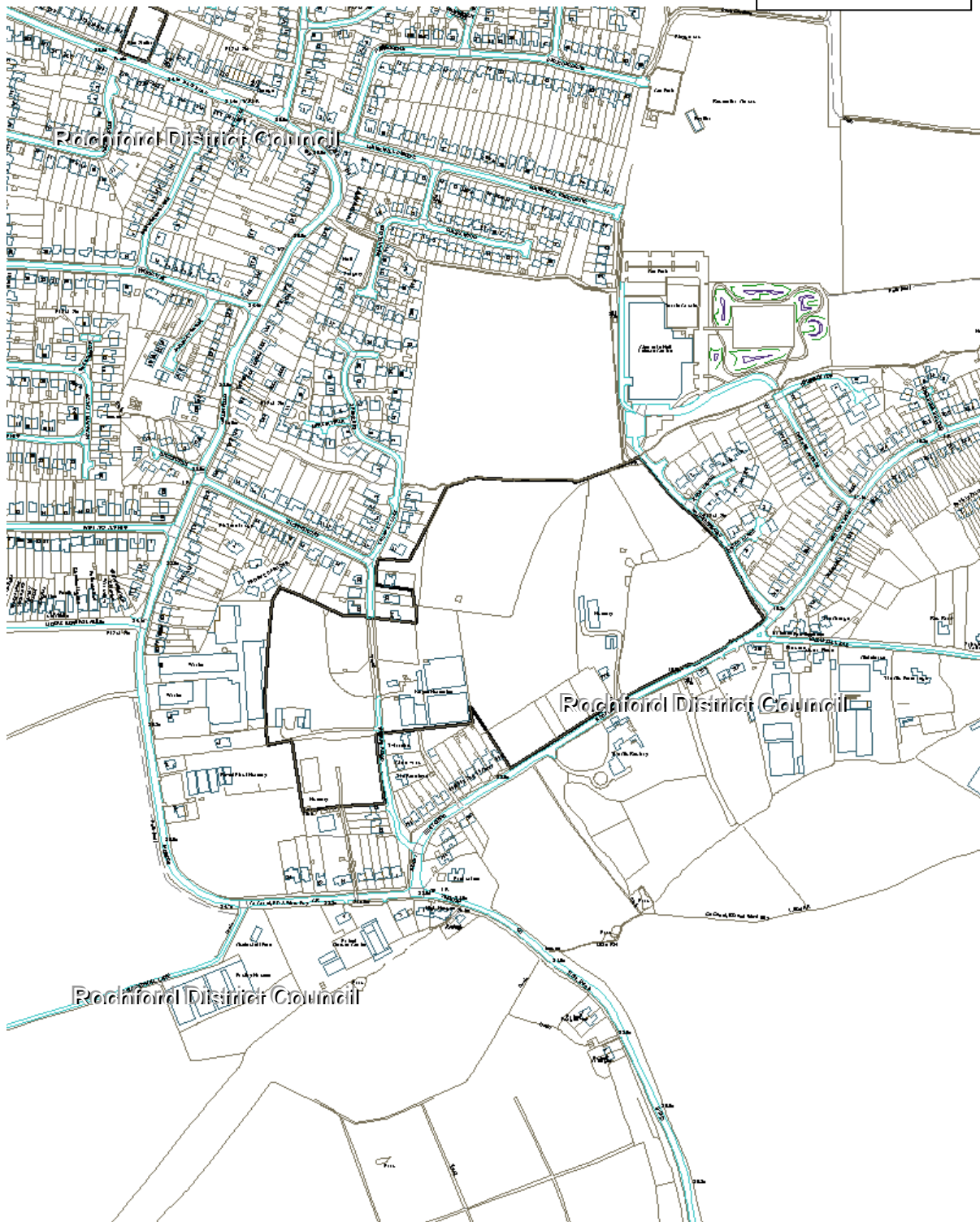
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