

15/00075/FUL

90 MAIN ROAD, HAWKWELL, SS5 4JH

DEMOLISH EXISTING BUILDINGS AND REDEVELOP TO PROVIDE 37 DWELLINGS WITH ASSOCIATED PARKING, MODIFIED SITE ACCESS, PUMPING STATION, OPEN SPACE AND LANDSCAPING.

APPLICANT: MARDEN HOMES LIMITED

ZONING: EXISTING RESIDENTIAL

PARISH: HAWKWELL PARISH COUNCIL

WARD: HAWKWELL WEST

1 PLANNING APPLICATION DETAILS

- 1.1 The proposal is for the demolition of existing buildings and re-development to provide 37 dwellings with associated parking, modified site access, pumping station, open space and landscaping at 90 Main Road, Hawkwell.
- 1.2 37 dwellings are proposed in total incorporating 2, 3 and 4-bedroomed properties of detached, semi-detached and terraced form. The development will include 11 No. 2- bedroomed houses, 19 No. 3-bedroomed houses and 7 No. 4-bedroomed houses. There would be 7 different house types although all are relatively similar in design.
- 1.3 There would be one main access road into the site from Main Road and within a central area of the site a pumping station, pond and communal amenity space would be located with visitor parking spaces surrounding it.
- 1.4 Two properties to the north of the main access would front onto Main Road and properties would front along the access road into the development. Additional soft landscaping would be proposed to the site edges, along with the retention of some existing. Each dwelling would have a shed to its rear garden and an area for bin storage. 10 visitor parking spaces are proposed and 2 parking spaces per dwelling.
- 1.5 During the course of the application revised plans and a revised Flood Risk Assessment were provided to address concerns raised by ECC Highways, ECC Urban Design, ECC Sustainable Urban Drainage and the Environment Agency. Re-consultation has taken place on these revisions. The revisions were as follows:-

- Flat dormers replaced with pitched to plots 26 and 27
- Visitor parking spaces increased in size and change in location
- Plots 35, 36 and 37 changed from 4-bed to 3-bed units with a change to design
- Roof designs to plots 1, 2 and 9 now accurately depicted on layout drawing
- More soft landscaping shown to the frontage of plots 1 and 2
- Change shown to road surface finish to shared surface
- Path surrounding pond removed
- Car port to eastern boundary changed from 3 bay to 2 bay
- Window changes to front elevations to plots 3-37
- Changes to garden width to plot 1
- Revised Flood Risk Assessment Report

2 THE SITE

- 2.1 The site is approximately 1.1ha of land in commercial operation, currently in use by SH Racing Ltd., but prior to this by Benchmark Doors and Autoplas as a manufacturing facility. Several buildings exist on the site and would require removal to undertake the development proposed. The site is an irregular shape with a narrow entranceway measuring approximately 30m widening to the rear to a width of approximately 139m. The site slopes down from west to east and also slopes down further into the north-eastern corner of the site; the greatest change in level is 3m between the front of the site and the north-eastern corner. The majority of the site is hard surfaced although there are trees and hedging along parts of the site boundaries.
- 2.2 The site is located to the east of Main Road within the existing residential area of Hawkwell as shown on the Allocations Plan Policies Map 2014. Main Road, Hawkwell is a Class B classified road connecting Hockley and Rayleigh with Rochford and Southend. The site borders the Metropolitan Green Belt to its western and southern boundaries and residential allocation SER4 to its eastern boundary which is currently under construction by David Wilson Homes.
- 2.3 To the north the site borders residential properties within Thorpe Gardens (No. 2, 3 and 4) and to the north and west the site borders residential properties within Main Road (No. 92, No. 94, No. 96, No. 96A, No. 98, No. 100, No. 102 and No. 104). No. 102 is a Grade II listed building previously known as Swaines Farm.
- 2.4 To the south of the site is Stonebridge House, a commercial building in separate ownership and the residential property No. 72 and to the west is the residential property No. 76. To the east of the site are the new dwellings within the David Wilson site (reference: 12/00381/FUL) separated from the application site by a ditch.

3 PLANNING HISTORY

3.1 The planning history for the 90 Main Road site from 1986 onwards is as follows:-

06/00870/FUL - Retention of Enclosed - Insulated Dust Extraction Equipment. APPROVED

03/00863/FUL - Extension to Existing Warehouse. APPROVED

93/00341/FUL - Install Two Spraybooths to Spray Water Based Paint and High Solids Lacquer. APPLICATION WITHDRAWN

92/00667/FUL - Continue Use of Devilbiss Dynaclean Paint Spray Booth Including Modified Exhaust Outlet. REFUSED

89/00615/FUL - Continue use of devilbiss dynaclean paint spray booth with out compliance with cond 1 of roc/143/89 temporary perm. APPROVED

89/00143/FUL - Install Devilbliss Dynaclean Paint Spray Booth. APPROVED

88/00352/FUL - Erection of a warehouse. APPROVED

86/00479/COU – Change of use of part of warehouse to paint spray booth with ancillary external ducting (chimney). REFUSED

4 CONSULTATIONS AND REPRESENTATIONS

Hawkwell Parish Council (03/03/15)

4.1 My Council objects to this application on the following grounds:-

- This site is mentioned in the Core Strategy for development only if the five year supply of houses is not met so until the review of the Core Strategy, sites not in the Allocations Document should not be considered for development;
- There is still a factory adjacent to the application site which may come forward for development in the future, in which case it would make sense to wait until this time and develop both sites together;
- Loss of employment;
- Lack of transport/infrastructure report;
- No affordable houses being proposed in this application;
- No further requirement for 4-Bedroomed houses as 176 (4 and 5-bed) homes being built behind this application site;

- Insufficient amenity space being allocated to each property.

RDC Ecology (03/03/15)

- 4.2 No concerns.

RDC Waste and Recycling (19/02/15)

- 4.3 There are no specific comments re: waste and recycling. Simply that there should be space to accommodate the storage of three bins as in the development document, and there is a charge of £168 per property for the provision of bins.

RDC Environmental Services (26/02/15)

- 4.4 Environmental Services report that if Members are minded to approve the application, the following conditions should be attached to any consent granted:-
- 1) Model Contaminated Land conditions
 - 2) The supporting documentation to the application refers to policy ENV9 and states that Code for Sustainable Homes Level 3, with selected elements of Level 4, will be achieved. In line with Policy ENV9, details stating how Level 4 will be fully attained should be provided and agreed in writing by the LPA prior to the commencement of the development.

RDC Engineering (09/04/15)

- 4.5 Public foul and surface water sewers pass through site; this needs to be investigated and confirmed.

ECC Highways (27/04/15)

- 4.6 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:-

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

1. Prior to first occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of

2.4 metres by 43 metres, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

2. Prior to first occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.
3. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.
4. Prior to first occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 6 metres and shall be retained at that width for 10 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.
5. The proposed development shall have a carriageway of width 5.5 metres with a 2 metre wide footway along the northern edge from Main Road to the transition between plots 9 and 25.
6. The proposed development shall provide a footway of 2m wide along the eastern boundary of the public open space (POS), connecting the proposed footway along the northern edge of carriageway via an appropriate dropped kerb crossing to the North East corner of the POS, opposite plot 27 to the south east corner opposite plot 30 with the appropriate transition into the shared surface.
7. The proposed development shall not be occupied until such time as the vehicle parking areas indicated on the approved plans have been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
8. Each vehicular parking space shall have minimum dimensions in accordance with current parking standards.
9. The cycle parking facilities as shown on the approved plan shall be secure, convenient, covered and provided prior to occupation and retained at all times.

10. Prior to the first occupation of the development, the bus stop on the eastern side of Main Road opposite Mount Bovers Lane, adjacent to the site, shall be provided with raised kerbs and associated passenger transport infrastructure. This shall include enhanced hard standing, wooden bus shelter, sign pole, flag sign, timetable frame and all other works deemed necessary by the Highway Engineer. The bus stop on the western side of Main Road, adjacent to Mount Bovers Lane shall be provided with raised kerbs and associated passenger transport infrastructure. This shall include enhanced hard standing, sign pole, flag sign, timetable frame and all other works deemed necessary by the Highway Engineer. All works shall be undertaken entirely at the developer's expense, details to be submitted to the Highway Authority.
11. 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.
12. There shall be no discharge of surface water onto the Highway.

Additional Note: With reference to the above condition the applicants' attention should be drawn to the recent alterations to householder "permitted development" in so far as there is now the need to provide a permeable solution (SUDS) for the hard standing to reduce the cumulative impact of surface water run off and overloading of sewers.

13. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:-
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel washing facilities

Notes:

- The aforementioned conditions relate to the Go Planning drawing 2014-479-002 revision A.
- It is recommended that the visitor parking space at the south west corner of the public open space, adjacent to plot 37 be re-designed to make a more useable space.
- All highway related details shall be agreed with the Highway Authority.

- All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be addressed for the attention of the Development Management Team at SMO2, Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford CM2 5PU or emailed to development.management@essexhighways.org

ECC Education

First Response (03/03/15)

- 4.7 The proposed development is within the priority admissions areas of the Westerings Primary Academy and, for secondary education, the Greensward Academy. Both schools are forecast to have sufficient capacity to accommodate the demand for places in the event this planning application is approved.
- 4.8 With regard to early years and childcare (EY&C), Hawkwell West has two registered child minders and one nursery school, offering a total of 42 places between them. When the last sufficiency survey was conducted, last summer, all these places were taken. I have also confirmed with the relevant EY&C officer that additional capacity would be needed to appropriately serve a development of this size.
- 4.9 In view of the above, I request on behalf of ECC that any permission for this development is granted subject to a section 106 agreement to mitigate its impact on EY&C. The formula for calculating such contributions is outlined in our Developers' Guide to Infrastructure Contributions, 2010 Edition. Our standard s106 agreement clauses that give effect to this formula are stated in our Education Contribution Guidelines Supplement, published in July 2010. For information purposes only, should the final development result in 37 houses, all with 2 or more bedrooms, the EY&C contribution would be £41,132 index linked to April 2014 costs (using the PUBSEC index).
- 4.10 If your Council were minded to turn down the application, I would be grateful if the lack of provision in the area can be noted as an additional reason for refusal and that we are automatically consulted on any appeal or further application relating to the site.

Second and Third Responses (20/04/15 & 30/04/15)

- 4.11 Since there is no change to housing mix this will not alter my response made on 27 February on behalf of Education.

ECC Flood and Water Management

First Response (05/03/15)

- 4.12 As the Lead Local Flood Authority (LLFA) this Council provides informal advice on SuDS schemes for the larger sites (over 1ha). The Environment Agency remains the statutory consultee on surface water.
- 4.13 In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:-
- The CIRIA SuDS Manual (C697)
 - Defra's draft SuDS National Standards
 - Essex County Council's (ECC's) emerging Sustainable Drainage Systems Design Guide.

Lead Local Flood Authority Position

- 4.14 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we would like to submit a holding objection against the granting of planning permission based on the following:-
- 4.15 The FRA submitted with this application does not comply with the requirements set out in Paragraph: 030 Reference ID: 7-030-20140306 of the Planning Guidance to the National Planning Policy Framework. The submitted FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.
- 4.16 In particular, the submitted FRA fails to:-
- Provide infiltration testing results.

Whilst it is suggested that nearby borehole records indicate that the local area is not suitable for infiltration, no results from this borehole have been included. It is therefore unclear how close this borehole was to the site. Regardless of this, infiltration testing should ideally be conducted at this specific site as infiltration is the first preference for disposing of surface water in line with the SuDS 2 Management train. Only if infiltration is proved not feasible should surface water discharge to a water course.

- Provide suitable run-off rates and storage for this site.

All sites, regardless if it was previously brown field, should stick to green field rates, where possible. Section SuDS NS5 of the current Defra Draft National SuDs Standards states:-

“For developments which were previously developed, the peak run off rate from the development to any drain, sewer or surface water body for the 1 in 1 year rain fall event and the 1 in 100 year rain fall event must be as close as reasonably practicable to the greenfield run off rate from the development for the same rain fall event, but must not exceed the rate of discharge from the development prior to redevelopment for that event”.

In our Essex County Council’s SuDS guide, we ask that all sites should be restricted to the 1 in 1 year green field rate, and if this is deemed not achievable then we would want to see evidence for this. We would then ask for at least 50% betterment on brown field sites.

We also expect storage on site that accounts for climate change affecting permeable and impermeable areas. It should be considered that climate change will lead to an 30% increase in rain fall across the whole site which will lead to faster run off rates and whilst permeable areas may be able to intercept a high level of surface water up to the 1 in 100 slowing the run off rate, with additional climate change this may not be the case. Therefore as well as providing storage designs for the run off rate from impermeable areas, designs should also include sufficient attenuation storage for the run off difference between the 1 in 100 event and 1 in 100+30% for permeable areas.

- Sufficiently show that the site is not at risk from flooding.

Whilst it is suggested that a nearby borehole did not encounter any groundwater, no monitoring of groundwater has been conducted on this site. Therefore it cannot be clear if the site is susceptible to ground water flooding. Furthermore, little indication has been given as to whether the site is susceptible to surface water flooding. This includes flooding from the water course along the east of the site and overland surface water flow which may arrive on site from the west due to the topography of the area. Therefore surface water flooding from all sources needs to be fully investigated at this site and surface water maps need to be provided. If it deemed that the site is at risk from any of these sources of flooding, suitable mitigation measures need to be put in place.

- Provide the necessary treatment stages to improve water quality.

Currently there does not seem to be enough treatment stages before reaching the water course. Additional treatment stages will therefore need to be added to the surface water drainage strategy. For more information on Essex County Council’s policy relating to treatment stages please see the following link (p28): 3

http://www.essex.gov.uk/Environment%20Planning/Environmental-Issues/local-environment/flooding/Documents/suds_design_guide.pdf.pdf

- Show where exceedance flows go.

A plan should be included detailing where exceedance flows over the 1 in 100+30% will go. Exceedance flows should be directed away from properties.

- Include a maintenance regime.

Detail should be given as to who will maintain the surface water management scheme and how each feature of the scheme will be maintained.

- Give enough detail about the water course that is proposed to discharge into.

Detail should be provided as to the condition of the ditch and whether the ditch has the capacity to take the surface water from the site. In particular, it is stated in 3.11 that surface water currently discharges into the water course at three locations yet the proposed drainage strategy seems to show that all water will discharge at one point. Does the ditch have the capacity at this particular point to take all the discharge from the site? If the ditch is found to be in poor condition, detail should also be given as to how the ditch will be improved and maintained.

Overcoming Our Objection

You can overcome our objection by submitting additional details outlined above and demonstrate that the development will not increase risk elsewhere and where possible reduces flood risk overall. Once the additional information has been provided to our satisfaction, we will be in a position to recommend removal of our holding objection and seek to condition the application. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection.

We also have the following advisory comments:-

- It is best practice to include 10% for urban creep when calculating how much storage is needed on site. As the document 'BS 8582:2013 Code of practice for surface water management for development sites' states:-

“To allow for future urban expansion within the development (urban creep), an increase in paved surface area of 10% should be used, unless this would produce a percentage impermeability greater than 100%, or unless specified differently by the drainage approval body or planning authority” (page 32).

- Development layouts should avoid gardens backing onto ordinary water courses as this has historically caused maintenance issues due to fly

tipping of waste over fences or extending boundaries over water courses leading to the filling in or building over of them. Suitable mitigation should be provided should this be unavoidable in the layout. Examples may include the below:-

- Water courses remain within the ownership of the developer who would arrange for regular maintenance
- Access gates to be provided from rear gardens
- An easement strip of at least 3m on at least one side of the watercourse if not both (if both sides are within the new development boundary)
- A joint maintenance management plan which ties the landowners into an agreement about the regular maintenance of the water courses.

Any questions raised within this response should be directed to the applicants and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

PLEASE NOTE: Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

Whilst we have no further specific comments to make at this stage, attached is a standing advice note explaining the implications of the Flood and Water Management Act (2010) and SABs being established, and which could be enclosed as an informative along with your response issued at this time.

Second Response (08/05/15)

- 4.17 Having reviewed the revised Flood Risk Assessment W250-01 REV.A sent in response to our holding objection raised in the FRA referenced W250-01, we are maintaining a holding objection to the proposed surface water management scheme.

Reason

With regard to specific concerns in relation to the original FRA, whilst the revised FRA clarifies that run off rates will be further restricted, exceedance flows and maintenance have been considered, and infiltration testing and ground water results from the next door site have been included, the revised FRA does not adequately address the surface water flood risk at the site. This is critical as the site falls entirely within the boundaries of the Hockley Woods (ROC5) Critical Drainage Area, as outlined in the South Essex Surface Water

Management Plans. In addition, the site also falls within the only Potential Surface Water Flooding Hotspot in the ROC5 CDA. This implies that this site is at greatest risk of surface water flooding in extreme events. It is very crucial that any developments not only consider sustainable drainage issues but should also take positive steps in addressing the surface water flood risk.

Overcoming our objection

You can overcome our objection by submitting hydrological modelling of the catchment in which the site falls in to understand the surface water flood risk at this site. It must be demonstrated that a finished floor level of 150mm above the ground levels is a suitable freeboard tolerance and if hydrological modelling suggests otherwise, suitable mitigation measures should be implemented against surface water flood risk on site.

Advisory comments

- Ideally it should be shown that 300mm is a suitable freeboard tolerance for a drainage scheme on site which accounts for on site flows coming onto the site.
- The use of proprietary features to increase water quality should have a manufacturer statement which outlines how the feature will provide sufficient water treatment. It must be noted that paragraph 103 of the NPPF requires that priority is given to SuDS.

Third Response (11/05/15)

- 4.18 Further to an email sent in response to our maintained objection to the Flood Risk Assessment undertaken by Ardent Consultants referenced W250 -01 REV.A, it is now considered that a drainage scheme has been proposed which demonstrates surface water management is achievable in principle, without causing flooding on-site or elsewhere.

Lead Local Flood Authority Position

We consider that full planning permission can be granted to the proposed development subject to the following condition:-

Condition

Before each phase of development approved by this planning permission, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, should be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented 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.

The scheme shall include:-

- Run off from the site restricted to no more than 71.35l/s.
- Attenuation storage which will cater for the 1 in 100 year critical storm plus allowance for climate change.
- An appropriate number of treatment stages as outlined in Table 3 .3 of the CIRIA SuDS Manual.
- Finished Floor Levels set at no less than 300mm above the existing ground levels.

Reason

To prevent the increased risk of flooding, both on site and off site, and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development.

Condition

The development hereby permitted shall not be commenced until such time as a scheme to minimise the risk of offsite flooding caused by surface water run-off during construction works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason

The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development.

The removal of topsoils during the construction process may limit the ability of the site to intercept rainfall and may lead to increased run off rates thereby increasing the probability of off site flooding to the local area.

Condition

The development hereby permitted shall not be commenced until submission of a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason

To ensure that the surface water drainage scheme is maintained and operates effectively for the lifetime of the development.
ECC Conservation (25/02/15)

ECC Conservation

- 4.19 The site is bordered to the north-east by land linked to Sweynes Farmhouse, a Grade II Listed Building. However there is very little, if any, interaction between the Listed Building and the proposed development site, and I do not believe that the development will negatively affect the setting of the heritage asset. I therefore have no objection on conservation grounds to the development.

ECC Arboriculture (10/03/15)

- 4.20 I have no comments to make with regard to this application as long as the works follow the recommendations of the arboricultural report from DF Clark submitted with their planning application including following guidance of British Standard BS3998 Tree Work and NJUG 10 Guide for trees in relation to construction.

ECC Urban Design**First Response (09/03/15)***The layout*

- 4.21 The layout has been updated and improved since the pre application meeting on 9 December 2014. However, the lack of a dwelling facing into the site from the northern edge of the layout is a missed opportunity to provide enclosure of space and a termination view point on the northern boundary edge.
- 4.22 The outlook of plot 31 has been compromised by the close proximity of the adjacent 3 car cart lodge. There is an inconsistency between the site layout drawing (2014-479-002) and the street scene/site section; (2014-479-010) this inconsistency needs to be addressed and amendments needed to improve the outlook for plot 31.

Elevations

- 4.23 The elevations of the vast majority of dwellings are contrary to the Essex Design Guide guidance on the placing of openings; (See pages 92-100) in particular plots 03-08, 17-25, 28-30 and 31-37, including many of the rear elevations.
- 4.24 There is very little variety in elevation (and roof) materials, with a dominance of red brick, grey roof tile and weather boarding, creating a monotonous

townscape. The design and access statement suggests that the scheme ‘follows a typical Essex vernacular with a range of quality materials’ and ‘front elevations include both brick and weather boarding elements which are intended to be an elegant response to the local character’. However, properties of Main Rd are finished in a wide range of materials including render, timber and red tiles. The application fails to demonstrate a coherent link between the local context of Hawkwell and the proposals for the development site.

- 4.25 There is an inconsistency between the roof plan and site layout drawing (2014-479-002) for plots 01, 02 and 09.
- 4.26 Plots 35, 36 and 37 are too high for this location (more than 3 storeys) and would also benefit from being connected at first floor level to provide a continued frontage fronting the open space.
- 4.27 The pillars supporting the first floor connections are shown as heavy brick pillars which would be improved if re-detailed in timber.

Parking

- 4.28 The tandem parking arrangement for plot 16 is unpractical for the end user, with very little space to manoeuvre in or out, especially reversing.
- 4.29 The parking square can work well if suitably detailed and constructed. The current layout needs to be amended to create a designed space with vehicle access passing through, rather than a road with parking on each side; this could be achieved by specifying a new material for the square and road. (This could include the use of sets, surfaced dressed asphalt or bound gravel.)
- 4.30 The visitor parking spaces around the central space need to be redesigned and detailed to become more informal rather than the current engineered layout.

Road hierarchy

- 4.31 The road network would be improved if there was a change in surface material from each of the marked crossing points each side of the central T junction. (This could include the use of sets, surfaced dressed asphalt or bound gravel.)

Landscaping

- 4.32 There are opportunities for tree planting at the entrance to the development to create a welcoming gateway and as an integral element of the build out on the main entrance road.

- 4.33 It is difficult to see how the screening planting adjacent to plots 02, 36, 37 and 16 will adequately serve its purpose. There is very little space in these locations for tree planting. Most of the screening planting will be in the private ownership of the dwelling and as such will be difficult to sustain without covenants.

Public Open Space

- 4.34 The central public open space is a fenced SuDS feature with the associated pumping infrastructure. This is not ideal in terms of the design of either the water feature or the loss of amenity space on the site. The ECC guidance http://www.essex.gov.uk/Environment%20Planning/Environmental-Issues/local-environment/flooding/Documents/suds_guidelines.pdf suggests designs and techniques to achieve a suitable SuDS solution without the need to fence off the area.

Summary

- 4.35 There are a number of key amendments and clarifications required, many of which can be addressed through the use of planning conditions, including elevations, fenestration, materials, landscape, road layout, boundary screening and SuDS design.
- 4.36 There are also a number of inconsistencies which need addressing between the planning application drawings and plans before the application can be approved.
- 4.37 **Second Response (05/05/15)**
- There is still no clear justification for the proposed lack of variety in the treatment of the proposed elevations; I would prefer to see some render included within the proposals to break up the red brick; to be informed by the local built context.
 - The two rows of tandem parking adjacent to plot 16 are unpractical for end users. (no turning facility provided)
 - The elevations are still could be improved- especially in relation to the door and fenestration positions.
 - Landscaping throughout is weak especially the SuDS pond area which needs suitable landscaping- with ecological merit.
 - Summary - I would recommend applying planning conditions:-
 1. Details of all facing materials and roofing materials to be used shall be submitted to and approved by the Local Planning Authority prior to construction

2. No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the site and those to be retained, together with measures for their protection in the course of development and a programme of maintenance. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding season following commencement of the development (or such other period as may be agreed in writing by the local planning authority) and any trees or plants which within a period of 5 years from occupation of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent.
3. Details of all ground surface finishes, including kerbs and manhole covers, both within adoptable highways and un-adopted areas on public frontages, shall be submitted to and approved by the Local Planning Authority prior to their installation.

Essex Police (20/02/15)

- 4.38 Essex Police does not object to this application, but would seek a planning condition, should approval be given. We would seek that the development achieves Secured by Design Certification. The D and A states code 3 CfsH will be attained. The SBD application/guide lines also include code points to aid the applicant in achieving both. SBD is a proven crime prevention initiative that will help reduce opportunities for crime and anti-social behaviour. SBD also supports the Council's own responsibilities under Section 17 Crime and Disorder Act.

Essex and Suffolk Water (24/02/15)

- 4.39 We would advise you that our existing apparatus do not appear to be affected by the proposed development. We have no objection to the development of 37 No. dwellings subject to compliance with our requirements. Consent is given to this development on the condition that a new water main is laid in the highway on the site, and a new water connection is made onto our Company network for each new dwelling for revenue purposes.

Anglian Water (12/03/15)

- 4.40 Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.
- 4.41 The foul drainage from this development is in the catchment of Rochford Water Recycling Centre that will have available capacity for these flows.

Development will lead to an unacceptable risk of flooding down stream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures.

- 4.42 We will request a condition requiring the drainage strategy covering the issue(s) to be agreed.
- 4.43 The surface water strategy/flood risk assessment submitted with the planning application is not relevant to Anglian Water and therefore this is outside our jurisdiction for comment and the Planning Authority will need to seek the views of the Environment Agency. We will request that the agreed strategy is reflected in the planning approval.
- 4.44 Trade Effluent - Not applicable.
Anglian Water would therefore recommend the following planning condition, if the Local Planning Authority is mindful to grant planning approval:-

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

REASON: To prevent environmental and amenity problems arising from flooding.

Natural England (17/03/15)

- 4.45 Statutory nature conservation sites – no objection.
- 4.46 This application is within 1km of Hockley Woods Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which Hockley Woods Site of Special Scientific Interest (SSSI) has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

Environment Agency

First Response (18/03/15)

- 4.47 We have reviewed the information submitted and wish to raise a holding objection as insufficient information has been provided to demonstrate that any risk to the water environment arising from the proposal can be safely managed.

Pumping Station

- 4.48 We note that a new pumping station is proposed as part of the application. Insufficient information on the pumping station has been submitted, therefore we are raising a holding objection.

Overcoming Our Objection

- 4.49 The drainage plan submitted shows drainage on the current site. A drainage plan showing the proposed drainage after development must be provided. This should include:-
- Details of foul, surface and combined sewerage on site post-development
 - Details of the pumping station to be installed, including:-
 - Storage capacity
 - Alarms in place to notify of electrical or mechanical failures
 - Any overflows or other impacts in the event of pump failure
- 4.50 Should the above objection be overcome, we also have the following comments to offer.

Surface Water Quality

- 4.51 Surface water and ground water have legal protection. It is an offence to pollute them. Oil is one of the most common pollutants to water. If the water is clean surface run off, for example, from a roof, road, pathway or clean hard standing area, an environmental permit is not required. The applicant/developer needs to make sure any proposed discharge of surface water from the development stays clean and uncontaminated. If surface water does become contaminated we will only issue a permit if stopping the contamination is unsustainable and the contamination would not pollute the receiving water.
- 4.52 It is recommended that all run off from vehicle parking areas should be directed through a suitable oil separator (interceptor) to prevent contamination of surface water.
- 4.53 We refer the applicant to our Pollution Prevention Guidance 3 choosing and using oil separators: <https://www.gov.uk/government/publications/choosing-and-using-oil-separators-ppg3-prevent-pollution>
- 4.54 Prior to being discharged into the surface water sewer, all surface water drainage from parking area and hard standings susceptible to oil contamination must pass through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Furthermore, roof water should not pass through the interceptor, as this can

compromise the effectiveness of the separator during rain fall events. Please refer to page 3 of PP3 Choosing and using oil separators.

- 4.55 Foul and surface water manhole cover should be marked to enable easy recognition. Convention is red for foul and blue for surface water. This is to enable water pollution incidents to be more readily traced. Below is the link for PPG1 which provides more information on pollution prevention.
<https://www.gov.uk/government/publications/basic-good-environmental-practices-ppg1-prevent-pollution>

Foul Water Disposal

- 4.56 The appropriate water company must be consulted to ensure that the existing system has sufficient capacity to accommodate this development.
- 4.57 It is important that all connections are to the correct mains sewerage. Uncontaminated surface water should only be connected to surface water drains. Whilst any foul and/or trade effluent must be connected to the mains foul sewer.

Sustainability

- 4.58 Climate change is one of the biggest threats to the economy, environment and society. New development should therefore be designed with a view to improving resilience and adapting to the effects of climate change, particularly with regards to already stretched environmental resources and infrastructure such as water supply and treatment, water quality and waste disposal facilities. We also need to limit the contribution of new development to climate change and minimise the consumption of natural resources.
- 4.59 Opportunities should therefore be taken, no matter the scale of the development, to contribute to tackling these problems. In particular we recommend the following issues are considered as part of your proposals:-
- Overall sustainability: a pre-assessment under the appropriate Code/BREEAM standard could be submitted with the application to demonstrate a high level of overall sustainability. Design Stage and Post-Construction certificates (issued by the Building Research Establishment or equivalent authorising body) could be provided to the LPA.
 - Resource efficiency: a reduction in the use of resources (including water, energy, waste and materials) should be sought. As well as helping the environment, Defra have advised that making simple changes resulting in the more efficient use of resources could save UK businesses around £23bn per year.
 - Net gains for nature: opportunities should be taken to ensure the development is conserving and enhancing habitats to improve the

biodiversity value of the immediate and surrounding area.

- Sustainable energy use: the development should be designed to minimise energy demand and have decentralised and renewable energy technologies (as appropriate) incorporated, while ensuring that adverse impacts are satisfactorily addressed.

4.60 These measures are in line with the objectives of the NPPF as set out in paragraphs 7 and 93-108, and are supported by Policies ENV9 and ENV10 of your adopted Core Strategy/Local Plan. Reference should also be made to the Climate Change section of the National Planning Practice Guidance, in particular: “Why is it important for planning to consider climate change?” and “Where can I find out more about climate change mitigation and adaptation?” <http://planningguidance.planningportal.gov.uk/blog/guidance/>

4.61 Additional guidance on considering climate change for this proposal is provided in an appendix at the end of this letter.

Surface Water Management

4.62 As we advised in our letter to your Head of Planning dated 15 December 2014, we are no longer providing planning advice for developments over 1 hectare in size. We are, however, working with Essex County Council, as your Lead Local Flood Authority, to ensure you continue to receive advice on the adequacy of surface water management proposals. We have notified Essex County Council of this consultation and they will be providing you a bespoke consultation response. We fully support the advice they provide. If you need to contact them please email suds@essex.gov.uk.

Second Response (01/05/15)

4.63 We have reviewed the additional information submitted and are able to remove our holding objection to this application.

Pumping Station

4.64 A ‘preliminary drainage strategy plan’ has now been provided within the Flood Risk Assessment, produced by Ardent, referenced W250-01 Revision A, and dated April 2015. The FRA also contains additional details of the pumping station.

4.65 Based on this information we are now able to remove our holding objection to this application.

London Southend Airport (19/03/15)

4.66 No safeguarding objections.

Local Residents

4.67 Responses have been received from the following addresses:-

Belchamps Way: 25b (26/02/15)

Mount Bovers Lane: 2 Wymans Cottages (18/03/15)

Southend Road: 6 (05/03/15)

4.68 These can be summarised as follows:-

- We understand that part of the existing site is still in use and we believe this site has been deliberately allowed to run down for financial gain.
- We believe loosing this service and light industrial site would be a loss of potential jobs in Hawkwell and be the thin end of the wedge in turning the adjacent service and light industrial sites into housing and with a further loss of job opportunities.
- We also believe the proposed entrance, which is dangerous due to the bend in Main Road (we have personal experience), will be even more dangerous with the potential of 70 plus cars exiting this site maybe two or three times a day.
- This is over development. Already under construction nearby is an estate of 175 houses involving Thorpe Road and Rectory Road Hawkwell (former Christmas Tree Farm).
- The main B1013 road, a former narrow, winding country lane, tarmacked over for motorised traffic, has become an overcrowded motorway, particularly since opening of Cherry Orchard bypass and recent expansion of Southend airport. There isn't room to improve road infrastructure to accommodate more substantial development.
- Local water courses are jeopardised. Has flooding been considered?
- Schools and surgeries are over subscribed.
- This application for planning is absolutely absurd. The area is becoming so over developed. You have already allowed more building work at the rear and now to build on the road is mad. It will create so much traffic and we are already struggling with road traffic and drainage issues.
- We are supposed to be living in a village and this is becoming a town. We are losing the community spirit by creating more and more housing.
- This should be left as an industrial site and the site should not be developed or usage should not be changed. This will cause uproar in the

local community and area.

- I'm sure I speak for most of the people in the local area that this application should be rejected and the developers should not be allowed to build on this site.
- Access to this site for development will cause nightmares arguments, fights and the problems will go on and on.
- I'm sure that Rochford District Council doesn't want any problem, but this site will cause more problems for the Council and the local residents.
- Please do not allow this planning application. The local community needs to raise a petition against this planning application.

Neighbours

4.69 3 responses have been received from the following addresses:-

Aaron Lewis Close: 6 (26/02/15)

Main Road: 92 (12/03/15) & Stonebridge House (06/05/15)

- One of the reasons I chose Hawkwell to live and especially my new home is its seclusion and privacy, my house will now back directly onto this proposed new development which will affect my privacy, my light, my garden will now be over looked as will the bedroom of our 8 year old son. The proposed plans go right up to my boundary.
- The main road is already very busy and potentially dangerous and the proposed development will only make this worse.
- After agreeing to the Clements Gate plot I am very surprised that the council would consider this application due to the risk of losing the charm and character of the village and the risk of turning it into a new build haven.
- One of the many reasons people choose to reside in Hawkwell is its rural charm and village feel with the accessibility to major roads and rail. Another new development of soulless homes will damage that reputation greatly.
- Whilst we do not object to a development here, we have several concerns regarding loss of privacy/overlooking, loss of light and flooding.
- House number 1 is closer to our home then the current building, and set closer to the road then the factory is, and will block out more light to our property, which is a chalet/dormer bungalow, set low from the road and

built lower than the current building next door.

- Our back garden is quite long but narrow and the factory runs along its sunny south facing side. The front part of the factory is a similar height to a regular house, but the part behind is a lot lower, which makes our garden feel private and not overlooked. The plan shows homes 3,4,5,6 to run along side our garden and these will be a lot taller than the current building with very small gardens adjoining ours and will cut out more light to our garden and overlook us the whole length.
- We may have benefited from the earlier plan where the homes were separated and would let more light through instead of linking them all together. We prefer the look of the non-linked houses, and that would probably benefit the new future home owners too as it could let more light into their small north facing back gardens.
- The houses around this area would be better being bungalows/lower roof type homes, as most of the properties along the main road in this part are bungalows.
- To help to try and retain some privacy for us, the design shows a new row of trees alongside our patio and the top part of our garden, which may help a bit with the overlooking issue, but will create even more shade and more loss of sunlight to our home and garden.
- There looks to be a lot of houses fitted in this plan with very small gardens.
- I have lived here for 12 years and the Main Road is very busy and this will be adding to the traffic, with another 70 odd cars every day, pulling out onto the main road, on a bend, where a lot of road users drive above the 30mph limit.
- We see a large pond has been added to the plan, which takes up most of the new 'green space'. What is this for? Is it some thing to do with the pumping station? An overflow for when there is heavy rain? Is it really suitable? Who is going to maintain it? The gardens along here get very wet with standing water at the end when it rains. Will the development make this even worse? Will the plots 1-13 slope away from ours or be higher?
- To the west of the site and the neighbouring properties, the land goes uphill for quite a distance, and here at the bottom of the hill the water table seems high. At the bottom of the garden if you dig down, the hole fills with water, slow to drain away. We were told years ago, that there used to be a ditch running behind the properties that was filled in. We believe the gardens would have drained into the ditch. Will this development make this situation even worse for us? Around this area would be a good place to test infiltration and the water table.

- I am the owner of Stonebridge House and I have no problem with the proposed build next door to us apart from access onto Main road.
- Having now owned Stonebridge House for six years, I find along with my staff and tenants it is very difficult to turn right out of our premises onto Main road. This is due to the bend in the road just before number 90 also the speed that the traffic comes round the bend. My concerns with the development of next door and the proposed access road being that much closer to the bend, potential for accidents will increase unless some sort of traffic calming measure can be put in place as part of the development.

5 MATERIAL PLANNING CONSIDERATIONS

Principle of Residential Development

- 5.1 The Allocations Plan was adopted on 25 February 2014. This site is not specifically allocated for residential use within the Allocations Plan although it is a previously developed site in commercial operation within the existing residential area of Hawkwell. This site was historically allocated for residential use within the Local Plan 2006 under policy HP2. This allocated the site for 36 dwellings which also incorporated Stonebridge House to the south.
- 5.2 The site of the current application represents a re-development of previously developed land in accordance with Policy H1 to the Council's adopted Core Strategy 2011. This policy goes on to explain that limited infilling will be considered acceptable, and will continue to contribute towards housing supply provided it relates well to the existing street pattern, density and character of the locality. This will be assessed in more detail within the layout and design section below.
- 5.3 The site represents an existing commercial site although it is not allocated for employment uses. Strong policy support does not therefore exist for the retention of the site for commercial purposes. A change to residential use with the loss of the commercial element would not therefore be objectionable in principle.

Layout and Design Considerations

- 5.4 Site reference BF8 of the 2009 Strategic Housing Land Availability Assessment (SHLAA) considered the estimated capacity for the area to be 38-47 with the estimated appropriate capacity for the area being approximately 36. The 2012 SHLAA gave the estimated capacity for the site as 29-35 at 30 dwellings per hectare (dph) or 39 - 47 at 40dph. These figures related to both 90 Main Road and Stonebridge House together as one site.
- 5.5 The application site represents 86% of the site previously considered within the SHLAA and former policy HP2 of the Local Plan 2006. The site has a density of approximately 34 dwellings per hectare (dph). By way of

comparison, the Star Lane Brick Works site had a density of 35dph. At 34dph the neighbouring site at Stonebridge House would provide a further 7 dwellings totalling 44 dwellings on the application site and the Stonebridge House site. The 2012 SHLAA provided an estimated capacity of 39-47 on the basis of 40dph. The proposal would fall in line with this in terms of overall quantity for the application site and potentially the Stonebridge House site. This would also accord with policy DM2 of the Development Management Plan 2014 which requires density across a site to be a minimum of 30dph and that proposals for residential development must make efficient use of the site area in a manner that is compatible with the use, intensity, scale and character of the surrounding area.

- 5.6 Whilst this would result in a greater quantity and density of properties on the application site, the National Planning Policy Framework is supportive of the re-development of previously developed land (also called brownfield land). For this reasoning, maximising such residential development on this previously developed site is not considered objectionable and the density is considered acceptable.
- 5.7 Policy H5 of the Core Strategy requires new developments to have a mix of dwelling types. The proposal consists of two, three and four-bedroomed houses. No bungalows are proposed or one bedroomed units. However, it is still considered that a reasonable mixture of property sizes has been provided at this site in a proportionate manner to the number of units proposed which is in accordance with this policy.
- 5.8 SPD2 requires that 1m separation is provided between the side boundaries of the hereditament and habitable rooms of the dwelling houses. Whilst mostly applicable to infill plots within existing residential areas SPD2 also makes clear that this should also be applied to development of new estates. The aim is to achieve a total separation of 2m between the sides of the buildings with reference within SPD2 to such separation being important to the overall appearance of new estates. This criterion is not adhered to for plots 3, 14, 19 and 30. However, with such visual gaps provided across the majority of the dwellings on the development it is not considered a reason for refusal would be justified on the lack of strict adherence to the 1m separation criteria for these four plots as the layout and design would still provide visual separations for most house types whilst still trying to retain a continuity of frontage.
- 5.9 Views are terminated across the majority of the development by dwelling and car port positioning to the east and south. To the north an instant impact tree is shown to terminate the view with some hedging/vegetation to this road termination. To the west there is no real termination of view. Whilst built form is a better form of termination it is not considered that such lack of view termination in this location is considered to represent a reason to refuse the application. The layout is not vehicle dominant with parking predominantly located to the sides of dwellings with some to the frontage to plots 10-13, 20-23 and 33-34.

-
- 5.10 The proposal uses traditional appearance in elevation treatment with a continuity of frontage achieved within the majority of the layout. The use of brick and weather boarding assist in creating a simple identity. The ECC Urban Design officer raises concern with regards to the lack of variety in the treatment of elevations with a preference for some render to be included. Material use to improve the elevation treatment could be addressed by planning condition.
- 5.11 Dormers are proposed to house type F, to plots 26 and 27, including to the front elevations. Initially the plans supplied included flat roofed dormers however, the revised elevations now show pitched roofed dormers of reasonable scale in accordance with SPD2. These plots would be two and a half storeys, however, as they represent the key perspective from Main Road down through the access road where the land slopes towards the rear (east) of the site, this is not considered objectionable and provides visual variety to the development.
- 5.12 The properties to plots 1 and 2 would rise to a height of 8.8m over a depth of 8.5m. They would be set forward of the neighbouring property at No. 92 by 4m and would be sited 3m from the boundary with No. 92. These properties have the potential to appear quite prominent due to their forward positioning and 8.8m ridge height. However, the land does slope down from Main Road so as long as the properties are constructed at existing land level, rather than raised to the height of Main Road as appears to be shown on the section drawing this would assist in reducing their prominence. Main Road consists of various properties of differing age, design and positioning therefore it would not appear out of character for the design of properties sought or there more forward positioning within the street scene. A planning condition requiring a section/levels drawing across the site but particularly in relation to plots 1 and 2 should be attached to an approval. The minimum 5m distance between No. 92 and plot 2 and confirmation of levels through planning condition would ensure that the proposed dwellings would not appear too overbearing adjacent to this bungalow within the street scene.
- 5.13 The open space is considered to be located in a usable and appropriate position within the development easily accessible to residents.
- 5.14 ECC Urban Design initially raised concerns with regards to the proposal and changes were made in light of these concerns during the course of the application. However, ECC Urban Design still raises concerns with regards to the lack of variety in the treatment of the proposed elevations and fenestration positioning's both of which can be addressed by planning condition. The pillars supporting the first floor connections within the development are shown as heavy brick pillars which could also be improved if re-detailed in timber by planning condition. The conditions suggested by ECC Urban Design should be attached to an approval.

- 5.15 Essex Police does not object to this application but seeks a planning condition requiring that secure by design certification is achieved on all housing. It is not reasonable to impose a planning condition with regard to this but the planning statement has advised that the scheme has been designed with regard to the principles of secured by design.

Amenity and Refuse

- 5.16 SPD2 requires that for three bedroomed plus detached and semi-detached dwellings 100m² of private amenity is provided. SPD2 requires 3-bedroomed terraced properties to provide a minimum depth of 2 ½ x the width of the house (except where the provision exceeds 100 m²) and a minimum garden area of 50m². The majority of the units are 3-bedroomed terraced units. The majority of these units meet the garden area requirement but not the minimum depth requirement. As all of these units provide spaces between 50m² and 100m² it is not considered reasonable to strictly apply the depth requirement as these are still considered to provide acceptable amenity space provision. The five units which require the 100m² to be provided (plots 1, 2, 9, 31 and 32) adhere to this sizing. The B units are 2 bedroomed and the bedrooms provided are not considered to be of a size and layout whereby subdivision could easily occur. On that basis, it is considered that these should provide 50m² of private amenity space. Such a requirement is adhered to for this house type.
- 5.17 The Council operates a 3 bin system per dwelling consisting of a 240l bin for recycle (1100mm high, 740mm deep and 580mm wide), 180l for green and kitchen waste (1100mm high, 755mm deep and 505mm wide) and 140l for residual waste (1100mm high, 555mm deep and 505mm wide). The layout plan shows space for 2 bins to the rear or side of each property however, there is space for 3 bins within the rear gardens. The majority of units can bring their bins to the frontages through their parking spaces or side accesses which is considered acceptable. However, plots 11, 12, 21, 22 and 29 are 2 bedroomed mid terraced units with no clear access ways to bring their bins through to the frontage. It is considered that the best solution would be for covered bin collection points to be located to the frontages of these 5 units. There is space to accommodate such bin collection points and details of these should be agreed by planning condition to ensure that they are to an acceptable design.
- 5.18 The type 5 access road with type 3 turning head must be able to take the weight of a 26 tonne refuse vehicle. A planning condition would need to ensure that this is the case. It is considered that a refuse vehicle could reverse into the shared driveway area and gain access to bins located to the frontages of all properties. The Council's waste and recycling team have advised that the cost of Council bins is £168 per house, an informative to this effect should be attached to an approval.

Landscaping and Boundary Treatment

- 5.19 Various soft and hard landscaping is proposed across the site. The ECC Urban Design officer within the initial consultation response explained that there were opportunities for tree planting at the entrance to the development to create a welcoming gateway and as an integral element of the build out on the main entrance road. This could be provided in the front garden areas as shown on the layout drawings supplied. The frontages to plots 1 and 2 should remain open and mostly soft landscaped to form an attractive entranceway into the development. Soft landscaping is also proposed along the southern edge of the access road into the development to soften this boundary edge with Stonebridge House. Whilst this edge does narrow in places to less than 1m, the majority would enable some vegetation to be planted within a 1 – 1.5m boundary width.
- 5.20 Although the view to the north is not terminated by built form an instant impact tree within the front garden of plot 18 is proposed along with other vegetation along this northern edge to which more detail could be required by planning condition. Various buffer vegetation is provided/retained across the site within the garden areas of proposed dwellings between the proposed properties and existing residential dwellings which is considered acceptable. Soft landscaping to the frontages of properties within the development is quite limited, the largest area being located to the front of plot 18 which should be required to remain open by planning condition and not enclosed by fencing. A small strip of soft landscaping would be located to the frontages of plots 10 to 13 and 20 to 23 but some of this may be lost to the possible requirement for bin collection areas for some of the mid terraced units. All properties have a very small area of soft landscaping to their frontage except for plots 33 and 34. Whilst soft landscaping is quite limited to the frontages of properties within the development there is a reasonable sized open space area with pond to the centre of the site which helps to soften the appearance of the development. The design and access statement explains that the open space would be lined with semi-mature trees.
- 5.21 The ecological report advises that soft landscaping should be enhanced where the ditch is located on the eastern boundary with 1.2m high chain link fencing to be used and hedging in front to provide privacy but also encourage wildlife. For ecological reasons, this should be required by planning condition and should still maintain privacy and security for occupiers of dwellings along the eastern edge.
- 5.22 There is a wall already present along the northern elevation with Thorpe Gardens' properties. There is no proposal for this to be removed and it is understood that it is within the control of Thorpe Gardens' properties. This assists in providing sufficient existing boundary treatment to this edge. Other boundaries appear to be various fences as they border other dwellings, full details around boundary treatment can be controlled by planning condition.

- 5.23 Any road surface material must be suitable for a refuse vehicle where a refuse vehicle would require access. With regards to internal boundary treatment, all visual boundaries should use walling rather than fencing, which can be controlled by condition.
- 5.24 Landscaping and boundary treatment type can be sufficiently addressed by planning condition. As soft landscaping is important to ensure the attractive and sustainable creation of places, a more detailed landscaping strategy will be required to be submitted to and agreed in writing by planning condition.

Residential Amenity

- 5.25 The Essex Design Guide explains that a minimum of 25m between rear elevations is considered acceptable to avoid unacceptable overlooking; this figure is reduced to 15m from the nearest corner where the backs of houses are at more than 30 degrees to one another.

Stonebridge House

- 5.26 This site is also located within the residential area and it is likely that an application for residential development at this site in the future, in principle, would be acceptable. It is not considered that a proposed residential development alongside Stonebridge House would be objectionable. Residential development has surrounded the commercial uses at the application site for many years and the occupiers of proposed dwellings would be aware of their close relationship to an existing commercial premises. A soft landscaped buffer along the southern edge of the access road would help to provide more of a buffer between the residential and commercial uses. With very few ground floor windows within the side elevation of Stonebridge House it is not considered that that such soft landscaping would interfere with their existing windows. A tree/hedge buffer to the open space edge with Stonebridge House would assist in ensuring the open space would still be used and would lessen the conflict of commercial with residential use. The proposal is not considered detrimental to Stonebridge House.

Thorpe Gardens

- 5.27 The bungalows within Thorpe Gardens are located on lower ground level than the application site with the commercial buildings obscured from these properties by a high level brick wall on the boundary. No. 3 is the most affected bungalow with a garden depth of 6.5m (minimum) widening to 10m (maximum), not including a conservatory addition which has occurred to this property.
- 5.28 The side elevation of plot 17 would be located 12.5m from the rear elevation of no.3 widening to a 16m distance due to the angled layout positioning of No. 3. However, no unacceptable overlooking would occur as no windows are proposed to the side elevation of this plot or No. 16. Front elevation first floor

windows may provide some views but these windows would serve a bathroom and bedroom where protracted periods of time are unlikely to be spent.

- 5.29 Due to the land level differences, the narrow depth of garden to No. 3 and the proximity of plot 17 in particular to the Thorpe Gardens' bungalows it is important to ensure that the proposed houses do not appear too prominent and overbearing upon these bungalows. A land level/section drawing will need to be supplied by planning condition for the Council to agree the levels between the application site and Thorpe Garden's bungalows at this edge.
- 5.30 No. 3 has a south facing garden and it is not considered that the proposed dwellings would generate an unacceptable level of overshadowing.

94-104 Main Road

- 5.31 All of these properties have rear gardens that border the application site. However, there is a minimum distance of 40m between the rear elevation of Main Road dwellings and the boundary with the application site which provides a reasonable separation distance to ensure no detrimental overlooking or overshadowing. Plots 3 to 5 would have views across gardens of Main Road properties but this would be of the latter half of their gardens, the less used areas of their gardens. With a 26m distance between plot 3's rear elevation windows and the rear elevation of No. 94, this would provide sufficient separation to ensure no detrimental overlooking would occur. It is not considered that the proposed dwellings would generate unacceptable overshadowing or would create unacceptable overlooking to these properties. No. 104 is a Grade II Listed building, it is not considered that the proposed development would have a detrimental impact on the character or setting of this listed building. The ECC Conservation officer does not object to the proposal.

92 Main Road

- 5.32 This property is one of the most affected by the proposed development bordering the application site to the south and east. Concerns have been raised by the occupiers of this property. This property is a modest semi-detached bungalow on lower land level. The proposed dwellings to plots 1 and 2 would rise to a height of 8.8m over a depth of 8.5m. Whilst greater in height than the current commercial building and sited further forward, there would be less built form close to the boundary than is currently the case which should improve the impact upon No. 92 from the rear garden/rear elevation windows.
- 5.33 That being said, the proposal will still have an impact on No. 92. No. 92 is a modest bungalow rising to a height of approximately 5.6m. With its greater forward projection and height, plot 2 does have the potential to generate greater overshadowing to side and front elevation windows at No. 92 than the current scenario. However, there would remain a separation distance of

approximately 5m between the side elevation of plot 2 and the side elevation of No. 92, which would enable light to reach side elevation windows within No. 92. As the land levels rise towards the Main road and plot 2 would be further forward than the existing commercial building, there is the possibility it may be constructed on higher ground level (and it appears that the intention is for it to be constructed at the height of Main Road as demonstrated on the supplied street scene/section drawing). A requirement for a more detailed section/level drawing showing the positioning of plots 1 and 2 in relation to Main Road and No. 92 should be required by planning condition to ensure that the plots use the existing land level rather than the Main Road level which could have a detrimental impact upon No. 92 and the street scene. This would ensure a reduced impact upon No. 92 in terms of the land levels used to construct plot 2. Due to the 5m separation distance and because plot 2 would finish half way along the side elevation of No. 92 it is not considered that the dwelling would appear so overbearing to justify refusal of this application, particularly as a planning condition could also review the land levels for the siting of plot 2 alongside No. 92. The car port to plot 2 would rise to a height of 4.8m and would be located 2m from the boundary with No. 92. It would be hipped roofed in design. It is not considered that it would appear too overbearing when viewed from No. 92. Some vegetation is shown along this boundary which would act as a form of buffer however, this could be limited if the occupiers of No. 92 were concerned about shading from such vegetation. It is not considered that such vegetation would be absolutely necessary to form a buffer to this edge.

- 5.34 There are no first floor side elevation windows to plot 2 so no unacceptable overlooking would result. Any future insertions should be controlled by planning condition to ensure no potential for overlooking in the future. There is the potential for the ground floor side elevation window to plot 2 to generate unacceptable overlooking to No. 92; this window should be required to be obscure glazed and fixed shut below a height of 1.7m.
- 5.35 Plots 3 to 6 would look across the garden area of No. 92. With a 21m distance between the corner of No. 92 and the corner of plot 3, this would adhere to the 15m separation distance within the Essex Design Guide to ensure no unacceptable overlooking would occur. Whilst some overlooking would occur to the rear garden of No. 92 from these plots this would be to the bottom half of the garden rather than the immediate rear elevation which is commonly the most usable area of a garden.
- 5.36 Whilst No. 92 would be surrounded by residential development from the proposal where commercial uses were previously located, it is not considered that the siting of the proposed dwellings would be sufficiently detrimental to the occupiers of No. 92 to justify refusal of this application. The suggested planning conditions would assist in reducing impact.

76 Main Road

- 5.37 No. 76 is a detached house fronting Main Road. The side elevation of the new dwelling to plot 37, closest to the rear elevation of No. 76, would be located approximately 35m from the rear most elevation of this property. This is considered acceptable distancing and would not generate unacceptable overlooking to the occupiers of No. 76. No windows are proposed to the side elevation of plot 37.

72 Main Road

- 5.38 No. 72 is a detached bungalow fronting Main Road. The rear elevations to plots 36 and 37 would be located approximately 19.5m from the side elevation of no. 72. As a distance of 15m is considered an acceptable relationship within the Essex Design Guide this is not considered objectionable. Some hedging and vegetation would remain on the boundary with No. 72 and the application site which would help to provide a buffer. It is not considered that the scale and positioning would be sufficiently detrimental to justify refusal of this application.

7, 11, 12, 13 and 14 Badgers Walk

- 5.39 This is part of the David Wilson Homes site to the east of the application site, separated from the application site by a ditch. There would be a 25m distance between the rear elevations of the proposed dwellings and the rear elevations of 11, 12 and 13 Badgers Walk, which together with the ditch and vegetation would form an acceptable relationship. There would be a distance of 19m between the rear elevation of plot 24 and the side elevation of No. 14 Badgers Walk which is also considered to represent an acceptable relationship. No. 7 Badgers Walk would have a closer relationship with plot 31. However, there would still be a distance of 5.5m between the side elevations with the ditch and vegetation sited between the two properties. Plot 31 would have no windows to its side elevation. Any side elevation window at No. 7 would not generate an unacceptable level of overlooking to the immediate garden area and rear elevation windows to plot 31.

5 and 6 Aaron Lewis Close

- 5.40 This is also part of the David Wilson Homes site. There would be a distance of 26.5m between the rear elevation of plot 20 and the rear elevation of No. 5 which would prevent unacceptable overlooking. There would be a 19.5m distance between the rear elevation of plot 18 and the corner of No. 6, which would ensure no unacceptable overlooking also bearing in mind the ditch and vegetation on this boundary separating the two sites.

Affordable Housing

- 5.41 Policy H4 of the Core Strategy seeks at least 35% of dwellings on all developments of 15 or more units, or on sites greater than 0.5 hectares, to be affordable. However, such quantity can be relaxed where the developer is able to demonstrate that 35% provision will not be economically viable, rendering the site undeliverable.
- 5.42 The application is accompanied by a viability assessment undertaken by Housing Expectations which demonstrates that viability of residential development on the site is marginal taking into account site constraints and mitigation required. The site will be subject to high demolition, decontamination and remediation costs given the manufacturing uses. Therefore it concludes that no affordable housing could be provided on the site. An independent assessment of the appraisal provided by the applicant has been undertaken for the Council by DVS.
- 5.43 The DVS assessment concludes that a policy compliant scheme including 35% affordable housing provision is not viable. However, there are areas of difference between DVS and Housing Expectations particularly in relation to private market values and the benchmark land value. DVS also considered that further information was required from the applicant with regards to the abnormal costs referred to. Such differences resulted in a possible financial contribution towards affordable housing equating to £67,586 according to the DVS report.
- 5.44 Details of the abnormal costs were supplied following the report by DVS along with further comments from the agent with regards to the DVS report and have been considered by DVS.. On the basis of the advice received negotiation took place and a contribution of £37,000 towards affordable housing has been accepted by the applicant. Whilst this would not provide for an actual physical unit on this site this would be accepted as a commuted sum towards affordable housing provision off-site. This is an exceptional circumstance as the quantity to which this site could viably provide would not equate to a physical unit on the site. It is expected that any site that could viably provide physical units on the site should do so.

Highways

- 5.45 The site is considered to be located in a sustainable location within reasonable walking distance of a parade of shops at 208-220 Main Road, Hawkwell and not too far from Hockley town centre. There is access to bus stops within Main Road which provide access to neighbouring towns and train stations. ECC Highways has suggested a condition be imposed for the provision and implementation of a Residential Travel Information Pack for sustainable transport which could be incorporated.

- 5.46 Main Road is a single carriageway which is subject to a speed limit of 30mph along the site frontage. The access to the site is proposed via a modified version of the existing access point to the site. The transport statement advises that the visibility to the south is available at 2.4m by 60m and that visibility to the north can be achieved at 2.4m x 37m. ECC Highways have suggested a planning condition be imposed achieving visibility splays of 2.4m x 43m. ECC Highways, having reviewed the highway boundary advises that it appears that the boundary actually incorporates a greater quantity of land to the frontages of the bungalows at No. 92 and No. 94 than the transport assessment allows and therefore that the 43m splay to the north actually can be achieved. This is important as there is a bend in the road in this location, however, it also must be borne in mind that this is an existing access to a commercial premises and whilst activity is more limited at the present time, this would not have been the case historically and the transport assessment shows an improvement in terms of trip generation for residential use of this access in comparison to commercial. During a site visit it appears that No. 92 has domestic planting and fencing within part of this area which may be on ECC Highway land, this would be for the developer to address with ECC Highways and the owner of No. 92. On this basis, the condition suggested by ECC Highways should be imposed.
- 5.47 The proposal incorporates a type 5 minor access road with a shared surface carriageway arrangement and type 3 turning head.
- 5.48 The transport assessment does not conclude that any highway works are required to mitigate impact in terms of highway safety so long as the visibility splays are achieved and traffic calming is provided within the access. The assessment also concludes that the proposal will result in a reduction in trips in the vicinity of the site when considered against the existing use.
- 5.49 Where considered reasonable, the planning conditions suggested by ECC Highways department could be attached to an approval. This includes a requirement for the upgrade of two existing bus stops in Main Road. ECC Highways has suggested a planning condition be imposed relating to the need for a 2m wide footway along the eastern boundary of the public open space. This suggests the loss of two of the visitor parking spaces. It is considered that such spaces are required and that an alternative, providing a footpath through the open space, should be provided by condition to avoid such loss but still ensure such a footway is provided.

Parking

- 5.50 The Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010 requires dwellings with two bedrooms or more to have a minimum of two off-street parking spaces. These spaces would serve the residents of the dwellings. All of the 37 dwellings on the proposed site would be two bedroomed or more. This would result in a need

to provide a minimum of 74 spaces across the development. 75 spaces are provided in accordance with this minimum requirement.

- 5.51 The Parking Standards document requires 1 secure covered cycle space per dwelling to be provided for residents. With sheds proposed in each curtilage this would provide sufficient cycle storage. If parking is located within the curtilage of dwellings disabled parking spaces are not required. 10 dwellings do not have parking within their curtilage and disabled bays for these must be considered under the visitor/unallocated criteria.
- 5.52 The Parking Standards document requires a minimum of 0.25 visitor parking spaces per dwelling (unallocated). For 37 dwellings, this would equate to the need for a minimum of 10 visitor parking spaces. 10 are provided here and a further space is provided for the pumping station. As each dwelling has a shed within its curtilage this would provide secure cycle storage for visitor's bicycles.
- 5.53 The Parking Standards document requires 1 powered two wheeler space plus 1 per 20 car spaces (for 1st 100 car spaces) and then 1 space per 30 car spaces (over 100 car spaces). Therefore 6 spaces would be required for this development. No powered two wheeler spaces would be provided. This document also requires 3 bays or 6% of total capacity to be to disabled bay sizing which would not be adhered to here. There is the potential for powered two wheeler (PTW) parking to occur within the area to the east of the pumping station parking space with two PTW spaces being possible here. It would also be possible to increase one or two of the visitor parking bays to disabled sizing around the open space, probably to the north. This would only slightly reduce the open space area and would be considered to provide sufficient PTW and disabled bays for this scale of development.
- 5.54 Parking space allocation could be improved in places to ensure that dwellings have easy access to their parking spaces. For example, either plot 29 or 30 would not have a second parking space in close proximity to their property. One of the visitor parking spaces directly opposite would work better as the second space to this property and should be demarcated as such with a visitor space provided in the shared surface area. Demarcation of these spaces would be required. A planning condition requiring demarcation of spaces and better allocation to be submitted to and agreed should be attached to an approval. The parking spaces to the north of plot 17 are not the most easily accessible spaces as is the case with the visitor space to the north of plot 37 but parking would still be possible and therefore these are considered usable spaces.
- 5.55 The parking bay sizes should meet the preferred bay size criteria of 5.5m x 2.9m with parallel parking bay lengths of 6m. This would be adhered to across the development. Garage spaces should meet 7m x 3m (internal measurements). The proposal incorporates 3 car ports. As these are open on one side it is less likely that storage or other uses would be put to them than if

they were garages which is what the greater garage sizing seeks to compensate for. Therefore, as long as the car ports are not enclosed, it is acceptable for them to meet the 5.5m x 2.9m criteria which they meet. A planning condition ensuring that these are not enclosed should be attached to an approval. At least one visitor parking space should be required to meet the 7m x 3.9m disabled bay size criteria (for parallel parking) by planning condition.

Ecology

- 5.56 An ecological assessment has been submitted providing an ecological survey for bats and an assessment of the potential for reptiles to be present.
- 5.57 The bat survey found no evidence of bat activity. In general, the construction and internal lighting in the buildings as well as the presence of extensive external lighting makes the buildings, and site generally, unsuitable for bats and the small number of trees on the periphery did not have features suitable for roosting bats. A review of the site has not found any reptiles present and concludes that the likelihood of reptiles and particularly slow-worm being on the site boundaries is considered low to negligible and further surveys are not considered necessary. The local slow-worm population has mostly been trans-located in association with the neighbouring David Wilson homes site. During the bat survey, one wren's nest was discovered within a lean-to building.
- 5.58 Natural England has advised that the application site is within 1km of Hockley Woods Site of Special Scientific Interest (SSSI) however, it does not consider that this represents a constraint in determining this application. The Council's ecological consultant does not object to the proposal.
- 5.59 The assessment provides recommendations for ecological gain which it is considered should be implemented and could be required by planning condition. This includes a chain-link fence and hedging along the ditch boundary, retention of oak and ash trees, installation of bird boxes, erection of boundary fences with gaps for small animals to move, information on slow-worms to housing occupants and controls around external lighting.

Arboricultural

- 5.60 There are no trees subject to Tree Preservation Order located on or bordering the site.
- 5.61 An arboricultural impact assessment has been submitted with the application. This shows that of a total of 28 trees, 3 individual trees (T4, T19 and T20) and half of 1 group of trees (G5) will require removal to accommodate the proposals. The 3 individual trees are graded C2 (T4 and T20) and C1/2 (T19) and the G5 group is graded C2. Therefore, all trees proposed for removal are graded as low quality and value.

- 5.62 The assessment also provides a preliminary arboricultural method statement, however, it goes on to explain that a full arboricultural method statement may be required. Ground protection and barrier fencing is proposed as shown on the supplied Tree Protection Plan. Such protection and requirement for a full arboricultural method statement should be controlled by planning condition. Since the arboricultural impact assessment was produced the layout of the development has altered slightly but this does not generate any greater impact on trees to be retained and the overall quantity of tree removal/retention remains the same.
- 5.63 The ECC Arboriculturalist has no comments to make with regard to this application as long as the works follow the recommendations of the arboricultural report from DF Clark submitted with their planning application including following guidance of British Standard BS3998 Tree Work and NJUG 10 Guide for trees in relation to construction. A planning condition to this effect could be imposed.
- 5.64 Additional trees to replace those removed could be required by planning condition and could be located within the open space.

Land Contamination and Light Pollution

- 5.65 Policy ENV11 of the Core Strategy requires applicants who wish to develop suspected contaminated land to undertake a thorough investigation of the site and determine the risks. This policy also makes clear that the presence of contaminated land on a site will not, in itself, be seen as a reason to resist its development.
- 5.66 The current application provides a site investigation desk study (phase 1). It concludes that there is significant potential for contamination at the site and advises that an intrusive geo-technical site investigation (phase 2 assessment) and removal of asbestos survey should be undertaken. RDC Environmental Services has been consulted for their views and advises that model land contamination conditions should be attached to an approval.
- 5.67 Concern has been raised with regard to the possibility of asbestos to be present on the site by residents and also noted within the site investigation desk study. As it represents a conclusion of the site investigation desk study for a removal of asbestos survey to be undertaken it is considered that such a survey should be required by planning condition.
- 5.68 Policy DM5 of the Development Management Plan 2014 refers to light pollution and explains that in certain environmental zones lighting proposals are not considered to be acceptable. The site is within development boundaries and is therefore considered to fall within Environmental Zone 3. Lighting proposals in this zone are only to be permitted if the applicant can demonstrate to the Local Planning Authority that the scheme proposed is the

minimum needed for security and/or working purposes and that it minimises the potential obtrusive light from glare or light intrusion to an acceptable level.

- 5.69 The Planning Statement submitted advises that lighting is proposed to be kept to the minimum needed for security and/or highway safety purposes and will be designed so as to minimise the potential obtrusive light. It is considered that an acceptable lighting scheme could be required to be submitted by planning condition showing the minimum lighting required. It is not considered justified to refuse the application on the lack of submission of such a strategy at this stage. Such a lighting scheme should also ensure no detrimental impact upon neighbouring residential properties, highway safety and the night sky.

Air Quality and Noise

- 5.70 The application does not provide an individual air quality assessment however, air quality is referred to within the Planning Statement and Transport Statement.
- 5.71 Policy ENV5 of the Core Strategy which refers to air quality requires consideration. This policy states that new residential development will be restricted in Air Quality Management Areas (AQMAs). The 90 Main Road site is not located within an AQMA. This policy goes on to state that where poor air quality threatens to undermine public health and quality of life the Council will seek to address such impacts. Policy DM29 of the Development Management Plan requires major developments to submit an air quality assessment with their planning application to determine the potential cumulative impact of additional transport movements on potentially significant road junctions.
- 5.72 Paragraph 4.22 of the Transport Statement explains that in reducing the vehicular traffic associated with the site the development proposals will have a beneficial impact on air quality in the vicinity of the site. This is evidenced by the TRICs data comparison between the residential and industrial use within the Transport Statement. Although a specific air quality assessment has not been submitted as required by policy DM29 this policy requires this information specifically with regards to impact on air quality in terms of additional transport movements which is addressed within the Transport Statement concluding that the proposal would not increase traffic movements in comparison to the authorised usage.
- 5.73 There are no suggestions within this statement submitted or from the Council's Environmental Services department that the proposal would have a detrimental impact on air quality. ECC Highways suggests a planning condition for a Construction Method Statement to be submitted and agreed including wheel washing facilities which would assist with dust.

- 5.74 There is no noise assessment submitted with the application, however, in general terms it is considered that a proposal for housing in place of commercial premises would represent an improvement in terms of noise generation from the site.

Technical Housing Standards

- 5.75 The Ministerial Statement of the 25th March 2015 announced changes to the government's policy relating to technical housing standards. The changes seek to rationalise the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building Regulations on water and access, and a new national space standard.
- 5.76 From the date the Deregulation Bill 2015 was given royal ascent, 26 March 2015 to 30 September 2015, the Government's policy is that planning permissions should not be granted requiring, or subject to conditions requiring, compliance with any technical housing standards other than for those areas where authorities have existing policies on access, internal space, or water efficiency.
- 5.77 Rochford District Council has existing policies relating to all of the above, namely access (Policy H6 of the Core Strategy) , internal space (Policy DM4 of the Development Management Plan) and water efficiency (Policy ENV9 of the Core Strategy) and can therefore require compliance with the new national technical standards, as advised by the Ministerial Statement (March 2015).

Internal Space

- 5.78 Until such a time as existing Policy DM4 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to internal space standards. Consequently all new dwellings are required to comply with the new national space standard as set out in the DCLG Technical housing standards – nationally described space standard March 2015. An assessment of the proposal against the national criteria and policy DM4 is undertaken below.

National Technical Housing Standard Assessment					
Hous e Type	Gross Internal Floor Area (m2)	Storage (m2)	Single bed size (m2) & width (m)	Double bed size (m2) and width (m)	Ceiling Height (m)
A	124.6 (97 required and MET) ✓	0.6 (3 required and NOT MET but could be met	✓	✓	✓

		by requiring more gross internal space to be storage)			
B	76.1 (79 required and NOT MET but could be met by turning into 2b3p house)	1.1 (2 required and NOT MET but could be met by turning into 2b3p house)	✓	✓	✓
C	97.8 (102 required and NOT MET but could be met by turning into 3b5p house)	1.5 (2.5 required and NOT MET but could be met by turning into 3b5p house)	✓	✓	✓
D	90.4 (93 required and NOT MET but could be met by turning into 3b4p house)	2.2 (2.5 required and NOT MET but could be met by turning into 3b4p house)	✓	✓	✓
E	114.2 (115 required and NOT MET but could be met by turning into 4b6p house)	2m2 (3 required and NOT MET but could be met by turning into 4b6p house)	✓	✓	✓
F	126.9 (112 required and MET) ✓	3.5 (MET) ✓	1 bedroom (no.4) NOT MET by 0.6 but could be met by requiring more gross internal space to be storage)	✓	✓

			Rest MET.		
G	109.9 (102 required and MET) ✓	1.7 (2.5 required and NOT MET but could be met by requiring more gross internal space to be storage)	✓	✓	✓

Policy DM4 Assessment	
House Type	Internal Floor Area (m2)
A	93 (106 required)
B	53.9 (77 required)
C	69.2 (93 required)
D	63 (93 required)
E	79.2 (106 required)
F	88.2 (106 required)
G	81.5 (93 required)

- 5.79 The proposed dwellings do not meet policy DM4 and some of the requirements are not met with regards to the national standards however, with some internal alterations the proposed dwellings do have the potential to meet the national minimum standards and for this reason it is considered that a planning condition requiring revised internal layout arrangements to be submitted to and agreed should be attached to an approval. Whilst the internal ceiling heights are not shown on any section drawings, the agent has advised that they will be 2.4m, which would adhere to the minimum 2.3m criteria. This could also be controlled by planning condition.

Water Efficiency

- 5.80 Until such a time as existing Policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to water efficiency. Consequently all new dwellings are required to comply with the national water efficiency standard as set out in part G of the Building Regulations (2010) as amended. A condition

is recommended to require compliance with this Building Regulation requirement.

Energy

- 5.81 Policy ENV9 requires all new dwellings to achieve Code Level 4 of the Code for Sustainable Homes as a minimum. The Ministerial Statement relating to technical standards has not changed policy in respect of energy performance and this requirement still therefore applies; a condition is recommended to require that the dwellings achieves this as a minimum.

Access

- 5.82 Until such a time as existing Policy H6 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to access. Consequently 3 per cent of all new housing developments of 30 dwellings or more are required to achieve the optional building regulation requirement relating to wheelchair access (Part M). In the case of developments comprising 10 to 30 dwellings at least 1 dwelling is expected to be built to the optional building regulation requirement relating to wheelchair access. In both cases this requirement applies unless such a proportion can be shown to threaten the viability of a particular development in which case a lower proportion may be considered. Technically, 2 units would be required to be to wheelchair accessibility standards. The agent has advised that one plot, plot 32, would be built to the standard. This is considered acceptable and should be required by planning condition.
- 5.83 In light of the Ministerial Statement which advises that planning permissions should not be granted subject to any technical housing standards other than those relating to internal space, water efficiency and access, the requirement in Policy ENV9 that a specific Code for Sustainable Homes level be achieved and the requirement in Policy H6 that the Lifetime Homes standard be met are now no longer sought.

Renewable Energy

- 5.84 Policy ENV8 of the Core Strategy requires developments of five or more dwellings to secure at least 10% of their energy from decentralised and renewable or low-carbon sources, unless this is not feasible or viable.
- 5.85 The Design and Access Statement explains that 10% of the predicted energy requirements for the development will be provided in the form of photo voltaic panels to the roof of the proposed dwellings with the roofs having orientations to allow for such provision. This is considered acceptable and a planning condition requiring such compliance including detail around how such compliance would be achieved using such panels should be attached to an approval.

Flooding

- 5.86 The application site lies within flood zone 1 and the site is entirely hard standing with a gentle slope from Main Road to the west down to the ditch on the eastern boundary. The NPPF technical guidance advises that ‘more vulnerable’ uses (a definition which includes housing) are acceptable within flood zone 1. A site specific flood risk assessment (FRA) has been produced for this site; this is a requirement of the NPPF via footnote 20 because the site is greater than 1 hectare in size.
- 5.87 The site is not at risk of flooding from tidal/fluviial flooding, ground water, surface water or any nearby reservoir according to the submitted FRA. The FRA advises that the proposed impermeable area is calculated to be approximately 0.575ha with the remainder being soft landscaped (approximately 52%).
- 5.88 During the course of the application the Flood Risk Assessment was revisited due to concerns raised by the Environment Agency and ECC Flood and Water Management team.
- 5.89 The changes made were as follows (with regard to surface water):-
- Within the flood risk section, reference has now been provided to a geotechnical assessment and trial pits undertaken to the neighbouring David Wilson Homes site in order to conclude that the site will not be at risk of groundwater flooding. It also now advises that the EA has confirmed that there is no record of surface water flooding occurring at the site and that finished floor levels will be set 150mm above the ground levels to provide a freeboard tolerance.
 - The post-development discharge rate will now be restricted to 71.35 litres/sec in comparison to the 100 litres/sec initially put forward, representing a 50% rather than a 30% reduction.
 - A paragraph now explains that the existing ditch received a significant run-off rate which is conveyed in a northerly direction. The post-development flows will be considerably less and therefore can be accommodated within the channel system.
 - A section on exceedance flows is now provided explaining that finished floor levels will be set 150mm above the ground levels to provide a freeboard tolerance and that the external ground levels will be designed to ensure that any surface water run-off should an exceedance event occur be directed towards the access roads i.e. away from the buildings.
 - The preliminary attenuation simulation now predicts that in the region of 89m³ to 177m³ of storage will be required in comparison to the 59m³ to

152m³ initially suggested to facilitate the surface water run-off from the re-development site.

- More detail has been provided regarding why infiltration techniques have been excluded using the geotechnical assessment and trial pits undertaken to the neighbouring David Wilson Homes site for the 2011 application. This section concludes that based on this local information infiltration drainage techniques have been excluded from further consideration.
- The peak flood water level in the basin itself is now modelled to be a maximum of 23.001 AOD (depth of 701mm) in comparison to the 22.881 AOD (depth of 581mm) initially put forward.
- The volume of storage required in the basin is now currently modelled to be 27.8m³ when subjected to a 1:100 year rainfall event in comparison to the 19.5m³ initially put forward with the freeboard provision accommodating a further storage volume of 28.9m³ for any exceedance events.
- A Downstream Defender (or similar device) will now be installed in the proposed manhole referenced S6 to remove the fine particles along with oils and other floatable debris from the run-off.
- The trapped road gullies referred to could be fitted with Smart Gully Adaptors to remove hydrocarbons from the run-off to reduce the risk of any potential contamination of the receiving water course.
- Explanation on intended maintenance arrangements has been provided. The maintenance regime will be placed under contract with a maintenance company to inspect and maintain the off-line basin, geo-cellular units and surface water drainage network. The maintenance of the existing retained ditch will be placed with the individual property owners.
- To ensure the conveyance of flows is improved, the water course will be cleared of any debris as part of the development works.
- The off-line detention basin includes a 300mm freeboard tolerance to accommodate any additional run-off should an exceedance event occur.

5.90 The changes made were as follows (with regards to foul water):-

- Anglian Water was in the process of carrying out a pre-development capacity assessment at the time the previous FRA was submitted. It now advises that AW have confirmed that there is sufficient spare capacity in the nearby public sewer network to accommodate the peak discharge from the redevelopment site. A detailed study is apparently being prepared by AW which identifies the preferred point of connection.

- More detail around the pumping station has been provided with an explanation that it will be designed to comply with the requirements of 'Sewers for Adoption' and the adopting authority's specific design requirements to ensure the necessary volume of emergency storage is provided in case the pumps fail. Based on the accommodation schedule for the 37 unit development scheme with an assumed occupancy of 169 people, the volume of emergency storage required is calculated to be up to 23.35m³ (based on 150 litres/per person per day). Using 2.1m diameter chamber rings in the pumping station compound area, the manhole could provide storage for 18m³ of the emergency storage, with the remaining 7.35m³ of storage provided in the upstream manholes of foul water drainage network. It is also explained that the pumping station will include a pump set arrangement that operates on a duty and standby arrangement. Furthermore, the pump set will include a high level float switch which will sound the alarm should the waste reach this level. It also explains that the pumping station will be offered for adoption to AW and will be maintained as part of the agreement.
- 5.91 In light of the changes made within the FRA the Environment Agency have now removed their holding objection from the proposal. The ECC Flood and Water Management Team continued to maintain a holding objection following these changes with concern raised that the revised FRA does not adequately address the surface water flood risk at the site. They considered this to be critical as the site falls entirely within the boundaries of the Hockley Woods (ROC5) Critical Drainage Area, as outlined in the South Essex Surface Water Management Plans. In addition, the site also falls within the only Potential Surface Water Flooding Hotspot in the ROC5 CDA.
- 5.92 ECC advised that to overcome the objection the applicant should submit hydrological modelling of the catchment in which the site falls in order to understand the surface water flood risk at this site and that it must be demonstrated that a finished floor level of 150mm above the ground levels is a suitable freeboard tolerance and if hydrological modelling suggests otherwise, suitable mitigation measures should be implemented against surface water flood risk on site. Upon further discussions between ECC and the applicant's Engineers ECC has removed their holding objection so long as a number of planning conditions are attached to an approval. One of these conditions requires that the floor levels of the dwellings are set no less than 300mm above the existing ground levels. Detailed level/section drawings are to be required to be submitted to and agreed by planning condition in association with street scene/neighbour considerations. This should also incorporate the levels referred to and will also need to ensure that the minimum 2.3m internal ceiling heights are still achieved. All other conditions are reasonable and should be incorporated.
- 5.93 The sustainable drainage scheme proposed includes a detention basin to the centre of the site directing water towards the nearby water course to the eastern boundary to replicate the existing scenario. A reduced discharge rate,

flow control device, permeable paving, underground cellular storage, a down stream defender and road gullies are also proposed as part of the strategy.

- 5.94 It is not considered that the proposal would have a detrimental impact in terms of flooding due to its location within flood zone 1. Policy ENV4 of the Core Strategy requires all residential development over 10 units to incorporate runoff control via SUDS to ensure run off and infiltration rates do not increase the likelihood of flooding. It is considered that the proposed strategy together with the conditions suggested by ECC and the Environment Agency would be acceptable.
- 5.95 Future maintenance of the SUDs systems would be best controlled by a maintenance company. Such maintenance could be sufficiently dealt with by legal agreement as agreed by the agent.

Open Space and Play Space

- 5.96 Policies CLT5 and CLT7 of the Core Strategy look at open space and play space provision and require open space and play space to accompany additional residential development.
- 5.97 The proposal would include 675m² of open space which is approximately 17% of the site area. Policy CLT5 does not specify a specific amount of open space to be provided to accompany residential development at this site, however, this is considered to represent a reasonable proportion of open space at this site. The open space is shown to include trees to the edges and a pond also acting as a detention basin to the centre. The layout as initially submitted proposed a footpath surrounding the pond but this was removed when the revised layout was submitted. It would be advisable to require this to be reinstated by planning condition which would also work alongside the ECC Highway requirement for a connecting footway as referred to earlier.
- 5.98 Policy CLT5 of the Core Strategy encourages the provision of public conveniences and art within public open spaces. Public conveniences are not considered necessary but the requirement for public art could be controlled by planning condition to encourage the use of this area. The open space would be located in a central position in a prominent usable location throughout the development and would add amenity value to the street scene of the new development.
- 5.99 Policy CLT7 requires new residential development to incorporate communal play space. Whilst no independent play space is provided, open space which could act as informal play space is provided and the garden sizes all meet the SPD2 requirement. For this reasoning and for this scale of development, it is not considered reasonable to require any play space here.
- 5.100 Management of the open space is important to ensure its success. A legal agreement should incorporate maintenance arrangements for all communal

open/play space which could involve the establishment of a maintenance company.

Education and Health Care

- 5.101 Policies CLT2 and CLT3 of the Core Strategy 2011 require applications of this scale to consider capacity of primary and secondary education along with early years and childcare facilities.
- 5.102 ECC Education team was consulted for their views with regard to this. They have advised that there is sufficient capacity at primary and secondary level. However, additional capacity at early years and childcare level would be needed to appropriately serve a development of this size and to mitigate its impact on early years and childcare facilities.
- 5.103 ECC uses a formula outlined in their Developers Guide to Infrastructure Contributions 2010 Edition to calculate education contributions, this resulted in a contribution figure of £41,132 for this development index linked to April 2014 costs (using the PUBSEC index).
- 5.104 It is considered that the contribution sought towards early years and childcare education would meet the tests in paragraph 204 of the NPPF. The applicant was aware of such contribution prior to submission and has confirmed in their planning statement acceptance of such contribution which has been taken account of within their viability appraisal. This will be subject to a section 106 legal agreement.
- 5.105 Policy CLT4 of the Core Strategy requires proposals for more than 50 dwellings to be accompanied by a Health Impact Assessment (HIA) and an assessment of their impact on healthcare facilities. As this proposal is below such threshold it does not require such an assessment to be submitted. NHS Property Services have been consulted for their comment however, they have not responded as they do not seek contributions on developments of 50 or fewer.

Utilities

- 5.106 A utilities and drainage plan has been provided with the application which looks at water, gas, electricity, telecom and other utilities and their proximity to the site.
- 5.107 Essex and Suffolk Water does not object to the proposal but has suggested a condition is imposed stating that a new water main is laid in the highway of the site and connection is made onto its network for each new dwelling. Water connections such as this are commonly addressed via Building Regulations therefore such a condition is not considered necessary here.

- 5.108 Electricity and telecom equipment is located within and bordering the site. It would be for the developer to investigate this privately with the relevant utility companies.
- 5.109 A new pumping station is proposed to a central area within the site. This is located in an acceptable position. The ownership and operation of the pumping station would be a matter for the applicant to address if planning permission were to be granted.
- 5.110 Anglian Water has advised that foul drainage from this development is in the catchment of Rochford Water Recycling Centre that will have available capacity for these flows. They have advised that the development will lead to an unacceptable risk of flooding downstream and that a drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures. They seek a planning condition be imposed requesting a foul water strategy to be submitted to and agreed which could be attached to an approval.

6 CONCLUSION

- 6.1 The proposal is considered not to cause undue demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area or residential amenity such as to justify refusing the application; nor to surrounding occupiers.

7 PLANNING OBLIGATIONS

- 7.1 The developer has agreed to enter into a section 106 legal agreement in order to secure compliance with requirements of CLT1 of the Core Strategy and other contributions required directly in connection with the proposed development in order that the development be acceptable in planning terms. The heads of the legal agreement with contribution figures are:-
1. Education - £41,132 mitigation towards capacity deficit
 2. Affordable Housing Contribution - £37,000
 3. The following to be maintained by management company:-
 - a. Central public open space
 - b. Sustainable urban drainage systems
 - c. Other soft landscaped edges within the development that would be outside of the control of individual homeowners

8 RECOMMENDATION

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

That planning permission be approved, subject to the provisions of a legal agreement under section 106 covering the heads of terms as outlined above, and the following heads of conditions:-

General

1. Time Limit.
2. Works to be undertaken in accordance with the approved plans.

Layout, Design and Refuse

3. Materials/external details of dwellings to be agreed including brick pillars re-detailed in timber and use of render.
4. Ground surface finishes including kerbs and manhole covers on public frontages to be agreed.
5. Elevation door and fenestration position improvements to be agreed.
6. Soft and hard landscaping to be agreed.
7. Boundary treatment to be agreed including use of walling to all boundaries visible within the public realm.
8. No enclosures forward of front and side walls of dwellings.
9. Detailed section/level drawing of site and dwellings to be agreed.
10. Refuse collection details for plots 11, 12, 21, 22 and 29 to be agreed.
11. Roads to take weight of refuse vehicles.

Residential Amenity

12. OBS windows.
13. Window insertion restrictions.

Highways and Parking

14. Visibility splays to be provided.
15. 1.5m x 1.5m pedestrian visibility splays to be provided.
16. Any planting to be sited 1m back from highway boundary and visibility splays.

17. Access to be constructed at right angles with width 6m for first 10m and dropped kerb of footway.
18. Carriageway width of 5.5m with a 2m wide footway along northern edge from Main Road to transition between plots 9 and 25 to be provided.
19. Footway 2m wide through the public open space to be provided.
20. Vehicle parking areas to be provided and demarcated with details to be agreed around allocation and demarcation and retained for parking only.
21. Parking spaces to be 5.5m x 2.9m, parallel 6m x 2.9m.
22. Cycle parking to be secure, convenient, covered and provided prior to occupation and retained.
23. Upgrades to be provided to two bus stop facilities in Main Road.
24. Residential travel information packs for sustainable transport to be provided.
25. Construction Method Statement to be agreed and implemented.
26. One visitor parking bay to be increased to disabled bay sizing around the open space.
27. No doors to be installed to any of the car ports across the development.

Ecology and Arboricultural

28. Works including tree protection to be undertaken in accordance with arboricultural report and BS3998 Tree Work and NJUG 10 Guide for trees in relation to construction.
29. Recommendations for ecological gain in ecological report shall be undertaken.

Land Contamination and Light Pollution

30. Full model contaminated land conditions.
31. Removal of asbestos survey to be undertaken and agreed.
32. Lighting strategy to be agreed showing minimum lighting required.

Technical Housing Standards and Renewable Energy

33. Revised internal layout adhering to national housing standard to be agreed and minimum ceiling height to be adhered to.
34. Water efficiency measures to be agreed.
35. Code Level 4 Energy Performance measures to be agreed.
36. One dwelling to be built to full wheelchair accessibility standards.
37. Details of 10% renewable energy through photovoltaic panels to be agreed.

Flooding

38. Detailed surface water drainage scheme to be agreed.
39. Scheme to minimise off-site flooding caused by surface water run-off during construction works to be agreed.
40. Foul water drainage strategy to be agreed.

Open Space

41. Footpath to be provided surrounding the pond within the open space to be agreed.
42. Provision of public art within open space to be agreed.



Shaun Scrutton

Head of Planning and Transportation

Relevant Development Plan Policies and Proposals

H1, H4, H5, H6, CP1, ENV1, ENV3, ENV4, ENV5, ENV8, ENV9, ENV11, CLT1, CLT2, CLT3, CLT5, CLT7, T1, T2, T3, T6 and T8 of the Core Strategy 2011

DM1, DM2, DM3, DM4, DM5, DM25, DM26, DM27, DM28, DM29, DM30 and DM31 of the Development Management Plan 2014

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

Supplementary Planning Document 1 – Educational Contributions

Supplementary Planning Document 2 – Housing Design

Essex Design Guide 2005

National Planning Policy Framework 2012

Allocations Plan 2014

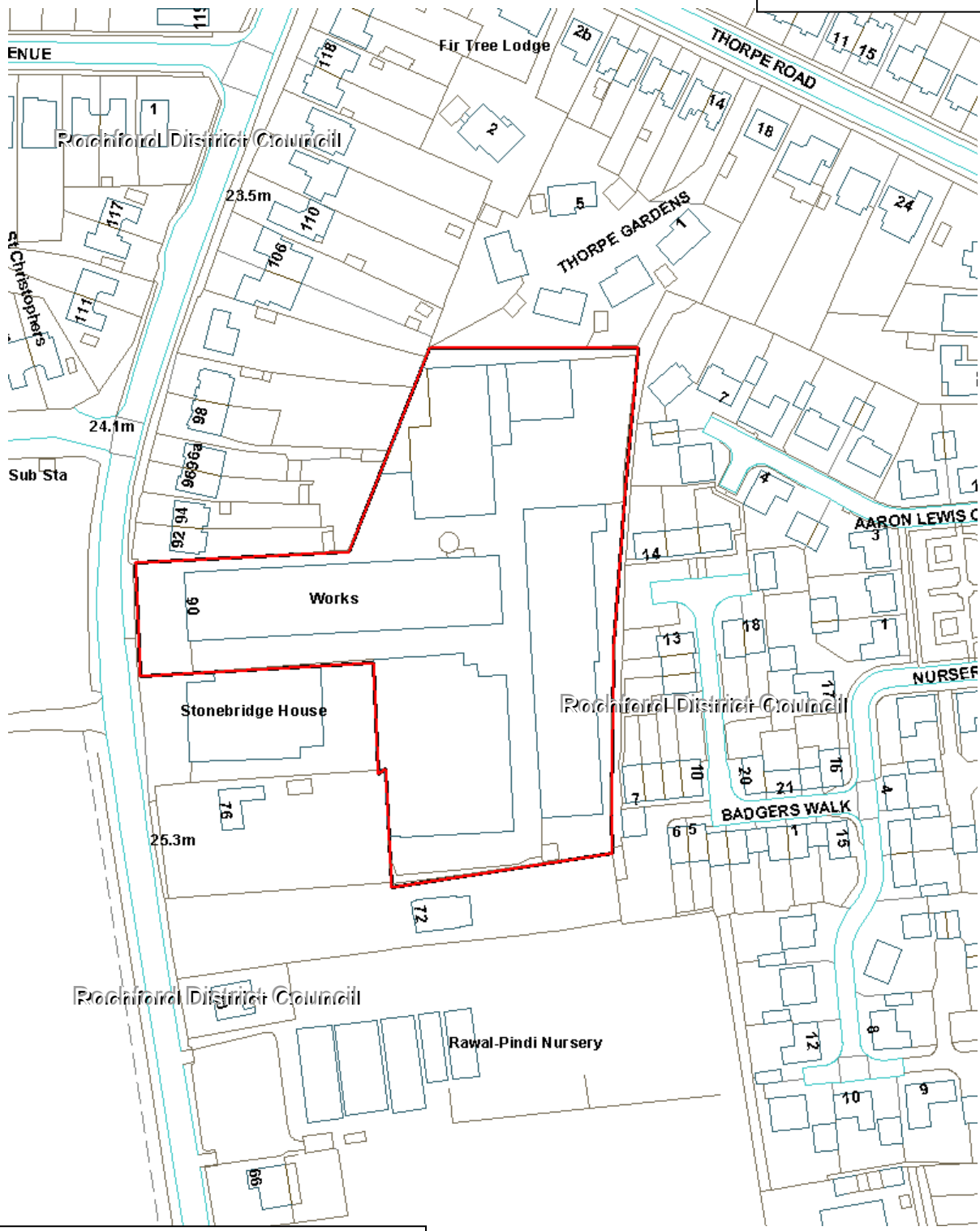
For further information please contact Claire Buckley on:-

Phone: 01702 318096

Email: claire.buckley@rochford.gov.uk

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

15/00075/FUL



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. This copy is believed to be correct.

Nevertheless Rochford District Council can accept no responsibility for any errors or omissions, changes in the details given or for any expense or loss thereby caused.

Rochford District Council, licence No.LA079138

5.54



NTS