

20/00332/FUL

PROPOSED ERECTION OF 17 No. DWELLINGS (11 No. HOUSES AND 1 No. BUILDING CONTAINING 6 No. FLATS) WITH ASSOCIATED ACCESS, PARKING AND PRIVATE AMENITY SPACE

LAND OPPOSITE 92 TO 102 WINDERMERE AVENUE, HULLBRIDGE

APPLICANT: **MARDEN NEW HOMES LTD – MR S PRIDMORE**

ZONING: **SER 6a AND 6b SOUTH WEST HULLBRIDGE**

PARISH: **HULLBRIDGE AND RAWRETH**

WARD: **HULLBRIDGE AND DOWNHALL AND RAWRETH**

1 RECOMMENDATION

1.1 It is proposed that the Committee RESOLVES

That planning permission be approved, subject to the completion of a **LEGAL AGREEMENT** under Section 106 of the Act for the heads of terms set out below:

- (a) Financial contributions towards education provision: Early Years and Childcare Contributions of £18,887.00 (plus indexation) and Secondary Education contributions of £74,851.00 (plus indexation).
- (b) Provision and implementation of a Residential Travel Information Pack for every household.
- (c) Provision of 12-month season tickets for bus travel to all eligible occupiers of the development (maximum 2 per household).
- (d) Provision of 35 per cent affordable housing, as cited by the details of the planning application.
- (e) Payment of a financial contribution of £3,400 (at a cost of £200 per dwelling) towards the cost of providing the proposed National Cycle Network Route 135 (Stock to Southend).

- (f) Resurfacing and pavement construction works on Windermere Avenue (as set out by section 3.2 of the submitted Transport Statement.
- (g) Financial contribution of £2,134.86 (£125.58 per dwelling) to RDC prior to occupation of the dwelling to which the payment would relate, to mitigate cumulative impact from increased recreational activity on international sites of ecological importance along the district's coastline.
- (h) Payment of a financial contribution towards the provision of open space (skate park or multi use games area of £5,100 (£300 per dwelling).
- (i) Payment of a financial contribution towards the provision of sports and recreation facilities of £2,250 (£150.00 per dwelling).

and subject to the **CONDITIONS** as set out below:

Commencement

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

- (2) The development shall be undertaken in strict accordance with the details of the approved plans referenced:

Site Layout Plan (Reference: 200.06)

Apartment Floor Plans (Reference: 201.06)

House type One (Reference: 203.06)

House type Two (Reference: 204.06)

House type Three (Reference: 205.06)

House type Four (Reference: 206.06)

Apartment Elevations (Reference: 202.05),

Street Scenes (Reference: 208.05)

Accommodation Schedule (dated 27.07.2020) and the

Revised Arboricultural Report and revised Tree Protection Plan dated 28 August 2020.

REASON: To ensure that the development is undertaken in accordance with the approved plans as considered.

Submission of External Finishes

- (3) Prior to the construction of any buildings on the site details of the specification and finish of all external materials to be incorporated into the development on all external finishes shall be submitted to the Local Planning Authority for its written approval. These details shall include details of all wall elevation treatment and finishes including brickwork, render, external cladding (including its colour, finish and texture), details of all roofing materials, details of all windows and frame casing, doors, fascias, bargeboards, soffits and all rainwater goods. The development shall be implemented in accordance with the details as may be approved and permanently maintained as such thereafter.

REASON: To ensure a satisfactory appearance in compliance with Rochford District Council's Local Development Framework Development Management Plan policy DM1.

Submission of External Lighting Details

- (4) Prior to first installation, details of an external lighting scheme shall be submitted to the Local Planning Authority for its written approval. Such details shall include details of all external lighting and illumination within the development site, including details of the height and position of all lighting columns, together with details of luminosity. The lighting shall be installed in accordance with the details as may be approved.

REASON: To ensure adequate control over design and to ensure a satisfactory appearance in the interests of visual amenity in compliance with policy DM1 of Rochford District Council's Local Development Framework Development Management Plan (adopted December 2014).

Submission of Landscaping Details

- (5) Prior to the first roof construction of any dwelling to the development hereby approved, details comprising plans and particulars shall be submitted to the Local Planning Authority showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority shall show the existing trees, shrubs, and hedgerows on the site where to be retained and shall include details of:
- schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted.
 - areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment.

- paved or otherwise hard surfaced areas including the extent and specification for footways and kerbing, together with the type and specification of all permeable paving and asphalt surfaces.
- existing and finished levels shown as contours with cross-sections, if appropriate.
- All means of enclosure and all boundary treatments between individual plots, all boundary treatments around the perimeter of the site and all boundaries adjacent to the service road.
- Precise location of refuse collection points and associated landscaping.
- Details relating to the protection and enhancement of the existing hedgerow forming the north boundary of the site and its ongoing management over the lifetime of the proposed use.

Such details as may be agreed, shall be implemented in their entirety during the first planting season (October to March inclusive) following approval, or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in an agreed location, in the first available planting season following removal.

REASON: To ensure adequate control over design and to ensure a satisfactory appearance in the interests of visual amenity in compliance with policy DM1 of Rochford District Council's Local Development Framework Development Management Plan (adopted December 2014).

Removal of permitted development rights

- (6) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A, B, C, D and E, of the Town and Country Planning (General Permitted Development) Order 2015 (including any Order revoking or re-enacting that Order, with or without modification) following first implementation no extensions, porches or alterations of any kind including the insertion of any window openings or the creation of balconies may be implemented within the development hereby permitted, nor ancillary buildings erected anywhere within the respective curtilage(s) of the properties without the prior permission in writing of the Local Planning Authority.

REASON: In order that the Local Planning Authority retains control over future development at the site, in the interest of visual and residential amenity and limited garden areas to some parts of the development in accordance with policy DM1 of the Council's Local Development Framework's Development Management Plan

Provision of Off Street Loading and Storage Areas

- (7) From the first day of the commencement of the development and for the duration of all construction works thereafter until the completion of the development the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including demolition and construction traffic shall be provided clear of Windermere Avenue.

REASON: In the interest of maintaining access to and the amenity of properties served by Windermere Avenue in compliance with policies DM1 and DM10 of the Council's Local Development Framework Development Management Plan (adopted 16th December 2014).

Provision of Parking Spaces

- (8) All parking areas to serve plots 1-11 inclusive shall be provided with parking space (combined undercroft and drive parking space) of no less than 11 metres in length and 3 metres in width.

REASON: To encourage the use of garages / undercrofts for their intended purpose and to ensure adequate provision for parking clear of the highway, in the interest of highway safety in accordance with policy DM1 of the Council's Local Development Framework's Development Management Plan and the adopted parking standards - contained in the Essex County Council "Parking Standards - Design and Good Practice" 2009 (adopted 2010).

Tree Protection

- (9) Prior to the undertaking of works which potentially affect the root protection area (RPA) of protected trees, details of any special engineering required to accommodate the protection of retained trees (e.g. in connection with foundations, bridging, water features, surfacing), details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction and details of the working methods to be employed for the access and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site, details of the working methods to be employed for site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity, details of the method to be employed for the stationing, use and removal of site cabins within any root protection areas shall be submitted to the Local Planning Authority for its written approval. The development shall be implemented in accordance with such details as may be agreed.

REASON: To safeguard protected trees in accordance with policy DM25 of the Local Development Framework's Development Management Plan.

- (10) Development shall proceed in accordance with the principles laid out by the revised Arboricultural Report Rev 2 and Tree Protection Plan dated 28 August 2020.

REASON: To safeguard protected trees in accordance with policy DM25 of the Local Development Framework's Development Management Plan.

Sustainability

- (11) Prior to the occupation of any dwelling, details shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how at least 10 per cent of the energy source serving the development would be derived from a decentralised and renewable or low-carbon sources unless it is demonstrated that this attainment is not achievable on site by way of clear evidence, in which case a report demonstrating the case and the amount (decentralised/low carbon/renewable energy) that would be provided shall be submitted to and agreed in writing by the Local Planning Authority.

REASON: In the interests of sustainability in compliance with the policy ENV8 of the Local Development Framework's Core Strategy.

Submission of Construction Method Statement

- (12) No development shall take place 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 and underbody washing facilities
- V. the control of dust, noise, and vibrations

REASON: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Provision of Parking Spaces

- (13) All vehicular parking spaces serving the development whether internally or external parking shall have minimum dimensions of 2.9 metres x 5.5 metres.

REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with the Local Development Framework's Development Management Plan policies DM1 and DM30 and the requirements of the Essex Parking Standards (2009) adopted 2010.

Submission of Surface Water Drainage Details

- (14) No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall include but not be limited to:
- Limiting discharge rates to 0.9l/s for all storm events up to and including the 1 in 100-year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall shall be demonstrated.
 - Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
 - If a hybrid approach is utilised, appropriate distancing from buildings and roads to the point of infiltration should be provided. In addition, ground water levels should be provided to ensure there is a minimum distance of 1metre from the base of the feature and the highest annual ground water level.
 - Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
 - Final modelling and calculations for all areas of the drainage system.
 - The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan which details exceedance and conveyance routes, Finished Floor Level and ground levels, and location and sizing of any drainage features.
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

REASONS:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment.

Pre - commencement reason:

Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Submission of Details to Minimise Construction Flooding

- (15) No works shall take place until a scheme to minimise the risk of off site flooding caused by surface water run off and ground water during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as may be approved.

REASONS:

The National Planning Policy Framework paragraph 163 and paragraph 170 states that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of top soils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates.

Pre -commencement reason:

To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Submission of Surface Water Drainage Maintenance Plan

- (16) Prior to occupation, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the

surface water drainage system and the maintenance activities/frequencies, shall be submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long-term funding arrangements shall be provided.

REASONS:

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Surface Water Drainage Maintenance Logs

- (17) The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Submission of Archaeological Investigation

- (18) No development or preliminary ground works of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation (WSI) which has been submitted by the applicant, and approved in writing by the local planning authority.

REASON: To safeguard the archaeological integrity of the site in accordance with the provisions of The National Planning Policy Framework 2019.

- (19) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined above.

REASON: To safeguard the archaeological integrity of the site in accordance with the provisions of The National Planning Policy Framework 2019.

- (20) The applicant shall submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Local Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: To safeguard the archaeological integrity of the site in accordance with the provisions of The National Planning Policy Framework 2019.

Contamination Matters

- (21) Prior to the importation of any material brought onto the site for use as subsoil, topsoil or backfill, a compliance certificate for that material proposed to be imported to the site shall be submitted to and agreed in writing by the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ENV11 of the Rochford District Council Local Development Framework adopted Core Strategy 2011.

- (22) In the event that contaminated material or asbestos is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the following requirements and a report submitted to and approved in writing by the Local Planning Authority to include: -
- (i) a survey of the extent, scale, and nature of contamination
 - (ii) an assessment of the potential risks to:-
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments.
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Where remediation is necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall

ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works and the developer shall complete the remediation works in accordance with the scheme approved. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

Prior to occupation of any property hereby permitted the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in the approved remediation scheme.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ENV11 of the Rochford District Council Local Development Framework adopted Core Strategy 2011.

Implementation of Hard Landscaping

- (23) All hard landscaping including the surfacing of private or shared access drives, the service road and all pedestrian footways required for approval by condition 5 shall be fully constructed and completed in accordance with the details to be approved prior to the occupation of any dwellings to be served by such surfacing.

REASON: To achieve an inclusive design which promotes choice and to ensure that the development provides opportunities for pedestrians and cyclists to move freely between this development and the adjacent development in order to access designated open space and play areas in accordance with the Principles laid out by The Essex Design Guide and Chapter 12 of the National Planning Policy Framework.

Provision of Footway/Cycle Way Link to Neighbouring Development

- (24) Prior to the submission of the details of any landscaping provision to serve the development including the details of hard surfacing and boundary treatments; details shall be provided demonstrating how a footway comprising a pedestrian / cycle way link shall be provided to the adjacent development subject of outline approval under planning reference 14/00813/OUT and subsequent Reserved Matters approval 18/00135/REM. This footway/cycle

link shall be provided in accordance with the approved details prior to the first occupation of any dwelling house or apartment.

REASON: To achieve an inclusive design which promotes choice and to ensure that the development provides opportunities for pedestrians and cyclists to move freely between this development and the adjacent development in order to access designated open space and play areas in accordance with the Principles laid out by The Essex Design Guide and Chapter 12 of the National Planning Policy Framework.

2 PLANNING APPLICATION DETAILS

- 2.1 The application proposes seventeen units in total comprising eleven four-bedroom dwelling houses, four one-bedroom apartments and two in number two-bedroom apartments. The four-bedroom dwellings will comprise open market dwellings whilst the apartments will comprise the affordable element which equate to a policy compliant level of affordable housing set at a proportion of 35%. Four house types are indicated together with an apartment block which are shown to be orientated with their principal elevations facing north. It is indicated that what the application describes as a Hawthorn hedge (which forms the northern boundary of the site located south and adjacent to Windermere Avenue, with the exception of the site entrance) will be retained.
- 2.2 The application was revised on August 4th 2020 as shown by revised plans and as reflected by a revised Design and Access Statement and Tree Protection Plan which sought to address design issues raised during the application process and a greater degree tree protection measures as compared to that originally indicated. Further minor adjustments were made on 6th November 2020 which demonstrated compliance with the required minimum gross floor space standards as set out by the established nationally described space standards. It was also confirmed that the footprint of the dwellings affected have not changed the overall parameters of the site layout plans including the attainment of private amenity space and parking.
- 2.3 The originally submitted plans indicated two storey buildings whilst the revised plans indicate three storey units which are set back further south of the hedge line boundary than shown by the originally submitted plans. The revised layout achieves a greater distance between the development and the properties located to the north aspect of Windermere Avenue and greater distances between proposed development at Plots 1-4 relative to the required Root Protection Areas of two protected oak trees which the revised Tree Protection Plan has extended.
- 2.4 The application states that a total of 35 car parking spaces are proposed at a ratio of two car parking spaces for every dwelling and one car parking space for each one-bedroom apartment with the provision of 5 visitor car parking spaces. The parking spaces to serve the apartment block are shown by the revised site layout plan, to be located south (behind) the apartment block within a yard area indicated to be enveloped in a green landscaped edge. The

parking to serve the four-bedroom dwellings (Plots 1-11) are indicated to comprise tandem parking accommodated in part by the space provided by the undercroft/garage floor layout with a 3 metre depth of private drive being utilised to accommodate the required total parking depth of 11 metres.

- 2.5 The eleven dwellings are to be served by enclosed gardens where bin and bicycle storage will be facilitated. The apartment block will be served by shared amenity space and a centrally located internal bike and refuse store.

A number of supporting documents have been submitted including a Flood Risk Assessment and Surface Water Drainage / SuDS Strategy prepared by Evans Rivers and Coastal, Transport Statement prepared by Journey Transport Planning, Planning Support Statement, Design and Access Statement, Updated Ecological Survey (dated June 2020), an updated Arboricultural Report and Tree Protection Plan (dated 28 August 2020) and a Topographical Survey prepared by Survey Solutions and Architectural Plans prepared by DAP Architects.

3 MATERIAL PLANNING CONSIDERATIONS

Site and Context

- 3.1 The application site constitutes a rectangular area of land which is approximately 0.46 hectares in site area being located to the south of West Avenue which forms the western continuation of Windermere Avenue. The site is located to the west of those properties located at Harrison Gardens which will remain separated from the site's east boundary by approximately 105 metres. The north aspect of the site features a hedgerow which is to form the physical boundary of the site whilst a veteran Oak tree, being one of two Oak trees together with a Field Maple and six Hawthorn trees (together are the subject of Tree Preservation Order reference TPO/00006/07) are located within the vicinity of the boundary. The two Oak trees are however located outside the extent of the planning application site boundary.
- 3.2 The site constitutes an area of agricultural land bearing evidence of having been mown and grazed as at the time of the officer's site visit undertaken on 17 July 2020. The site is served by a gated access at its north aspect set adjacent to Windermere Avenue along which a mature mixed species hedge predominated by Hawthorn provides an established boundary. An open drainage ditch runs along the outer boundary of the site being open and visible from the grass verge located directly adjacent and south of Windermere Avenue. This ditch drains in an easterly direction along Windermere Avenue coinciding with a slight fall within the site itself in the same direction. Ground levels also fall gently to the south and south west.
- 3.3 The site is adjoined to the east, south and west by grazed paddocks marked by post and wire fencing whilst to the north aspect at Windermere Avenue an unadopted highway separates the site from residential development arranged in linear form along its north aspect. There are no water courses within the

site itself which was dry at the time of the officer site visit. In addition to the site itself the land to the east and south of the site forms part of the strategic allocation which has been subject to outline approval 14/00813/OUT and subsequent Reserved Matters approval reference 18/00135/REM. Development on adjacent parcels within the immediate vicinity of the site was not evident at the time of the officer's site visit.

- 3.4 The shortest route to the site from Ferry Road is via Windermere Avenue and West Avenue whilst access can also be gained via the latter mentioned Avenue from Grasmere Avenue which runs parallel to Windermere Avenue and West Avenue.
- 3.5 Following the adoption of the Allocations Plan in February 2014 the application site forms a part of that land allocated for residential development under Policy SER6b which adjoins that land subject of allocation SER6a which together is subject to an outline approval for 500 dwellings on a site constituting an approximate site area of 21.79ha. The outline planning approval under planning reference 14/00813/OUT (approved 18th January 2017) was subsequently followed by a Reserved Matters application 18/00135/REM granted approval on 16th January 2019.
- 3.6 In its wider context the whole of the SER6a and SER6b allocation site allocation is identified to provide up to 500 dwellings over a total site area of 23.4ha at a density of 30 dwellings per hectare with associated open space. That part of the site nearest the existing built up area forming allocation SER6a is allocated from adoption of the allocations plan. The north western area of the site allocated SER6b will be safeguarded from development until 2021 unless required in order to maintain a five-year supply of housing land.
- 3.7 The land subject of this particular application forms part of what remains of the total allocation of 23.4 hectares taking into account that the outline planning permission granted principled consent for 21.79 hectares.

Relevant Planning History

- 3.8 Application No 14/00813/OUT: Land between Windermere Avenue and Lower Road, Malyons Lane, Hullbridge: Outline planning application for development of 500 dwellings together with associated access, car parking, Landscaping, Open Space, and elated works. Approved 18 January 2017. This application adjoins but does not include the site of the current application.
- 3.9 Application No 18/00135/REM: Application for reserved matters (in respect of layout, scale, design, external appearance, access (save for access points to the site as shown on the approved parameters plan) and landscaping) in relation to the outline application permission 14/00813/OUT at land between Windermere Avenue, Malyons Lane and Lower Road Hullbridge for the development of 500 dwellings together with associated access, car parking, landscaping, open space and related works. Granted Reserved Matters approval 16 January 2019.

- 3.10 Application No 17/01019/FUL Construct 6no. 4-bed Houses to Front and Form Access Road to 2no. 4-bed Chalets and 2no. 4-bed Bungalows With Garages and Parking (10 Dwellings in Total): Application withdrawn 8 November 2018.

Principle of the Development

- 3.11 The proposal for residential development has to be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 3.12 The former East of England Plan required a minimum of 4600 dwellings to be provided in the District between 2001 and 2021. In addition, the Council was required to plan for housing delivery for at least fifteen years from the date of the adoption of the Core Strategy. This has assumed an annual requirement of 250 completions up to 2025 working forward from the adoption of the Council's Core Strategy in December 2011.
- 3.13 Paragraph 60 to The National Planning Policy Framework requires Local Planning Authorities to use their evidence base to ensure that local plans meet the full objectively assessed needs for market and affordable housing and to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. Where there has been a record of persistent under delivery of housing a further buffer of 20% of dwellings required must be moved forward from later in the plan period in order to provide a realistic prospect of achieving the planned supply. Although the Former East of England Plan has been abolished, its evidence base provides a sound assessment of housing need for the area.
- 3.14 The adopted Development Plan for the area in which the site is located comprises the Rochford District Council Local Development Framework Core Strategy adopted December 2011, the Rochford District Council Local Development Framework Allocations Plan adopted February 2014 and the Rochford District Council Local Development Framework Development Management Plan adopted in December 2014.
- 3.15 The application site is within the general location of South West Hullbridge referred to in Policy H2 and Policy H3 of the Core Strategy as one of the general locations in the District where land would be released from the Green Belt to meet a rolling up-to-date five year supply of deliverable sites for residential development up to 2021 and also post 2021. This general location was identified in Core Strategy Policy H1 to accommodate 250 dwellings between 2015 and 2021 and by Core Strategy Policy H3 to provide a further 250 dwellings post 2021.

- 3.16 The Allocations Plan which has subsequently been adopted, identified a specific site within this general location known as SER6 but which is subdivided further whereby that south and eastern part of the site identified as SER6a would be developable prior to 2021 with that northern and western part of the site shown in the Allocations Document as SER6b would be developable after 2021 unless required earlier in order to maintain a five year supply of housing land. The Core Strategy (Policy H2 and H3) identifies that the site in this general location should have the capacity to accommodate a minimum of 500 dwellings during the plan period.
- 3.17 The site is located within the northern aspect of the allocation identified as land suitable for housing delivery post 2021. The application site constitutes an area of land which remains undeveloped and which has not formed part of any Reserved Matters approval. It is understood that this may be due land ownership issues. The allocation as a whole has approval for 500 dwellings subsequent to the Reserved Matters approval issued under planning reference 18/00135/REM whilst it is noted that the Allocations Plan indicates that the site will accommodate no more than 500 dwellings, unless it can be demonstrated that:
- The additional number of dwellings are required to maintain a five year-land supply; and
 - The additional number of dwellings to be provided on the site is required to compensate for a shortfall of dwellings that had been projected to be delivered within the location identified in the adopted Core Strategy.
- 3.18 The planning application has not been supported by evidence that the development is required to maintain a 5 year-land supply. The application has not been progressed on the basis of compensating for a shortfall of dwellings that had been projected to be delivered within the location identified in the adopted Core Strategy. The concept statement as set out within the allocations document identifies parameters for unit numbers on site taking into account the space required by related infrastructure including site access and undeveloped parts of the allocation including open space.
- 3.19 Given the certainty which now exists in that the site is capable of delivering the allocated number of housing in line with the concepts of the master Plan highlighted at outline planning permission stage, and as clarified further by the Reserved Matters approval, it is not considered as a matter of principle that further development over and above the specified 500 units (which are noted to be highlighted as a both minimum and a maximum by the allocations document) is objectionable as the additional dwellings proposed within this parcel would not compromise the delivery of 500 dwellings nor undermine the strategic objective of the allocation.
- 3.20 It is on this basis that officers consider the development as a principle to be acceptable. Despite there being no evidence of a shortfall in housing delivery, the provision of additional units over and above the figure of 500 outlined by

the allocations document utilises land located within the allocation which at a density of 37 dwellings per hectare reflects the increased emphasis placed on the efficient use of land within the National Planning Policy Framework which is a material planning consideration. The development will deliver a policy compliant proportion of affordable housing which supports the council's own corporate objective in this context.

Design Principles

- 3.21 The National Planning Policy Framework (the framework) places emphasis on the importance of design in achieving well-designed places recognising that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 3.22 Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users ; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 3.23 The framework advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
- 3.24 In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 3.25 These objectives are reflected in the Local Development Framework adopted Core Strategy (adopted version: December 2011) and the Development

Management Plan (adopted December 2014). The Council demands that a high standard of design and layout be achieved in order that new residential developments create high quality places to live as detailed in Policies CP1 of the Core Strategy and Policy DM 1 of the Development Management Plan. Good design is that which contributes positively to making places better for people and takes the opportunities available for improving the character and quality of an area and the way it functions. Places exhibiting good design should be visually attractive, safe, accessible, functional, inclusive, and have their own identity and maintain and improve local character. They should also be well integrated with neighbouring buildings and the local area more generally in terms of scale, density, layout, and access and relate well to the surroundings.

- 3.26 The originally submitted plans proposed two storey buildings. Revisions were made to the application to address a number of design issues raised by the original consultation with Essex County Council Urban Design in addition to issues raised by the councils Arboricultural and Conservation Officer regarding the proximity of development to protected trees and their associated Root Protection Areas (RPA's) located adjacent to the northern boundary of the site.

Design: Development Layout

- 3.27 Article 2(1) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 defines layout as the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- 3.28 The revised site layout is shown by plan reference 200.05. The layout of the development has been revised which has resulted in the footprint of the built form as originally shown being scaled back relative to the hedge boundary of the site on its north aspect. The total length of the site boundary adjacent to Windermere Avenue is indicated to be 67 metres whilst the proposed access will be located approximately 40 metres west of the east boundary of the site at its frontage with the verge set aside the edge of Windermere Avenue.
- 3.29 The Apartment block at the north west aspect of the site, has been relocated a further 14 metres from the north boundary and in so doing, has created a large expanse of amenity space which will provide a grassed amenity area for the occupants of the apartments though unusually forward of the building would be screened from wider views by the existing hedge which it is considered could be enhanced and managed over the lifetime of the use by the use of planning conditions. This apartment block is shown to be served by Parking for 8 vehicles located to the south and rear aspect flanked by periphery landscaping.
- 3.30 The footprint of plots 1-4 which are those properties located to the east aspect of the site fronting Windermere Avenue has also been taken back

approximately 14 metres relative to the same boundary to create a consistent frontage depth which was necessary in the case of these plots due to requirement for the development to avoid harmful impacts upon the identified Root Protection Areas (RPA's) of protected Oak trees which the coinciding Tree Protection plan indicates.

- 3.31 Plots 1-11 are served by rear garden areas which are to be enclosed, the details of such enclosure which are to be the subject of a planning condition. Car parking is indicated to be provided within the under croft / garage and partly on the driveway at all these plots which is a factor in determining the height of the development taking into account the spatial separation which has been created between the built form and the existing dwellings located to the north aspect of Windermere Avenue which are located approximately 31 metres in distance from the nearest part of any dwelling proposed.
- 3.32 It is considered from a design layout perspective, that the development layout succeeds in many respects to create a suitable relationship with nearby built forms taking into account the significant constraints placed on the layout by the Root Protection Areas (RPA,s) of the two Oak Trees. Notwithstanding some shortfall in amenity space to serve some of the proposed houses, it is considered that the layout would achieve useable garden areas and would not constitute over development.
- 3.33 It is acknowledged that the built form comprises three storeys, however providing that the necessary technical standards can be achieved and requirements as set out by conditions there is no reason to consider that the layout cannot provide an attractive development creating its own pocket and sense of space and 'place' within land which forms part of the wider allocation. It is considered that the development layout provides adequate physical separation between the development and the dwellings located adjacent to the north aspect of Windermere Avenue.
- 3.34 It is considered that the development succeeds in providing adequate spatial separation between the frontage buildings and plots 5-11 at the rear since a distance of approximately 23 metres will be maintained between the rear elevations of Plots 1-4 and the front elevations of plots 5-11 behind whilst the apartment building would be located further in distance in its own setting such that its presence it is considered will not impact upon the amenity of the remaining development.
- 3.35 It is also noted that part of the approved Reserved Matters application; reference 18/00135/REM is laid out in a very similar manner in terms of its relative proximity to Windermere Avenue and orientation. It is noted that a total of 8 plots associated with this Reserved Matters application are located to the west of 61 Windermere Avenue as shown by Drawing Number 17-2600-002 (Site Layout Plan) of the Reserved Matters application which have a slightly deeper set back position.

- 3.36 It is also noted that immediately to the south aspect of the application site but set back in their respective curtilages plots 484-500 of the approved Reserved Matters applications will be located. In the context of the spatial dimension of the development under consideration in this instance and its relationship to the approved development it is not considered that the development in terms of its layout will appear out of character as plot widths and depths are very similar whilst the development along the setback frontage with Windermere Avenue it is considered will form a westerly aspect continuum of the already approved Reserved Matters approval which is yet to be implemented in this adjoining parcel.
- 3.37 The comments raised by Essex Police in terms of critique that the development does not demonstrate how the design takes into account 'Secured by Design' as a concept is noted. The consultation response was not specific in its critique other than re iterating the aspirations set out by the framework. Secured By Design is one of the police crime prevention initiatives, established by the Association of Chief Police Officers (ACPO) in 1989, Secured by Design, or SBD, is a group of national projects focused on crime prevention through innovative security designs.
- 3.38 It is considered that this consideration is not determinative in itself in terms of informing the acceptability or unacceptability of development design as a whole, however it is a factor to consider. The material weighting to be given to it will depend on the individual circumstances of a site. It is considered that the retention of the hedge boundary in particular enveloping the shared amenity space serving the apartment block, will provide a positive feature in this respect as will the orientation of the apartment block offering natural surveillance over this amenity space. It is considered that the landscaping scheme required to be approved by condition including the treatment of site and internal plot boundaries will provide an opportunity to consider how the principles of Secured by Design can be met the same time as promoting an attractive quality development.

Design: Height

- 3.39 In assessing the appearance and height of the development, regard has to be given to the implications of either parameter (appearance and height) in terms of whether there are guiding principles, specific design requirements or any other material considerations which place limitations on either the design by way of appearance or height. The outline planning application for the neighbouring site included an outline of broad parameters and concepts set out by a Master Plan in regard to a number of factors including design and appearance and building heights as was set out by the Height Parameters Plan supporting the outline planning application for the strategic site. This detail was subject to detailed scrutiny at the time the Reserved Matters application was assessed. The concept was to ensure that character areas were defined by a number of parameters including external material palette and building heights which generally concentrated higher buildings towards

the centre of the strategic allocation with lower buildings located within peripheral areas.

- 3.40 It appreciated that the height of a development will contribute to the character of the development when considered in its own right and when taken in conjunction with existing or approved development which has not as yet in its entirety been implemented. The concerns raised by residents regarding the height of the proposed built form are noted and the view that the development will be out of character with the remaining development and the existing character of neighbouring established development.
- 3.41 It is noted that the height of the house types proposed in this instance range from 10.06m (House Type 1), 10.21m (House Type 2), 9.98m (House Type 3), 9.41m (House Type 4) and 10.67m (Apartment Block (middle section) and 9.98m (Flank Section). Comparing these heights to those approved on the 18/00135/REM it is not considered that the height differential is significant from the heights of those dwellings approved within the northern section of the site the roof heights of which have been measured at a height of 8.94m whilst the house type that was that of Bayswater is noted to be 9.73m. The height difference would equate to around 1m higher than those dwellings approved to the neighbouring development.
- 3.42 It is not considered that the development proposed in this instance at the height proposed defeats the objective of the overall master plan as the character areas are established by way of previous approval and related conditions, whilst the development approved in relative proximity to this application site is not dissimilar in height such that the development in this respect is considered objectionable.
- 3.43 It is acknowledged that the height is in contrast with the dwellings at Windermere Avenue which are 1.5 and 2 storey properties, but there is no factor to indicate that this in itself is a defining consideration as there is no evidence of any direct emerging harm being caused to visual amenity as a consequence of this contrast. The properties at Windermere Avenue are located over 30 metres in distance from the proposed built development at its nearest point which creates a visual break between the existing and proposed which is further defined and softened by the hedge boundary which is being retained. Given the development's closer physical relationship to the approved development the assimilation of the development with the peripheral development approved by the 18/00135/REM application is a more materially relevant consideration. It is considered that the development taking into account the relative heights of those buildings under consideration is acceptable.

Quantum of Development

- 3.44 Chapter 11 of the framework indicates that planning policies should promote the efficient use of land in meeting the needs to provide homes and other uses while safeguarding and improving the environment and ensuring safe

and healthy living conditions. Achieving appropriate densities is a key issue when considering residential development. The Council's baseline requirement as far as density is concerned is 30 dwellings per hectare. Policy DM2 requires that residential development must make efficient use of land in a manner that is compatible with the use, intensity, scale and character of the surrounding area, including potential impact on areas of nature conservation importance, and the size of the site. The policy goes on to stipulate that the density across a site should be a minimum of 30 dwellings per hectare unless exceptional circumstances can be satisfactorily demonstrated.

- 3.45 The development density of this development is stated to be 37 dwellings per hectare. Density is the degree to which an area is filled or occupied. In the context of housing and planning policy, it generally refers to the quantity of people or buildings in an area. Two principal measures are often relied upon to measure density, these being: the number of homes (units) per hectare (u/ha) and the number of habitable rooms per hectare (hr/ha).
- 3.46 The way in which a site area is measured for planning purposes is not always consistent and without a consistent approach it is hard to make meaningful comparisons. The same location can have very different housing densities if the number of homes is measured according to gross site area (including land used for surrounding shops, services, roads and public realm) as opposed to the net built area (which restricts the calculation only to the land on which the residential buildings stand).
- 3.47 It is noted that the officer's report accompanying the outline application at paragraph 4.19 indicated as follows:
- “ 4.19 The submitted density and building height parameters plan shows proposed variation in density across the site. It would not be imperative that the detailed plans worked up at the Reserved Matters stage adhered rigidly to these density bands, however some variation in density across the wider site would be needed to ensure that that in design terms the whole site did not appear homogenous and this would be secured by the suggested planning condition relating to density and character areas. Variation of other factors such as architectural detailing, house type, external facing materials and layout will also add to the creation of place and provide opportunity for variation across the site. “
- 3.48 It is noted that it was stated at paragraph 4.13 of that report that 'The design and access statement accompanying the application envisages the high density development to contain a mixture of terraced, semi-detached house types and apartment buildings at a maximum three storeys in height and to a density of 45 dwellings per hectare. This area is shown to the middle part of the site occupied at present by and south east of the existing group of farm buildings'
- 3.49 The outline application envisaged variation in density throughout the strategic site ranging from 25 through to 35 and 45 dwellings per hectare. Given this

parameter although it is appreciated that the lower densities were envisaged at the site peripheries, it is considered that the density given the way that the accommodation is arranged in 3 storey form is acceptable as in alignment with the increased emphasis set out within the framework in terms of promoting the efficient use of land.

Housing Mix

- 3.50 Policy H5 of the Core Strategy requires new developments to have a mix of dwelling types but does not specify a mix. It advises that developers consult with the Council's Housing Strategy team which has been undertaken in this case. The 11 open market dwellings are 4-bedroom 7 person and 8 person dwellings whilst the affordable mix are 1- and 2-bedroom apartments. The Council's housing section supports the application on the basis of the provision of the affordable 1 and 2 bed units. The council's objectives as set by policy H5 are considered met as the scheme does provide a mix of dwelling types although it is appreciated that there is no variation in the type of market dwellings which reflects the viability issues associated with delivering the policy compliant 35% proportion within what is a modest development.

Affordable Housing

- 3.51 The site forms part of a strategic allocation which entails that the 35% proportion of affordable housing provision as cited by policy H4 of the Core Strategy has to be met by this development. The development proposes the provision of 4 x 1-bedroomed affordable apartments and 2 x 2-bedroomed apartments aligned with the evidence base the council holds in this respect. It is considered that the proposed development complies in this respect.

Design: Appearance.

- 3.52 House types 1-3 are very similar in terms of height and proportion whilst house type 1 and 2 incorporate hipped roofs whilst house type 3 constitutes a pitched roof as does House Type 4. House type 2 incorporates a flat roofed fenestrated rendered section in which the entrance door is sited which contrasts with the main wall elevations which are shown to be brick. A parapet at wall plate level will provide a visual distinction between the vertical elevations and the hipped roof. House Type 4 which is also a pitched roof building, incorporates a pitched roof gable feature at its front elevation.
- 3.53 The development from a built form perspective is of a contemporary design, whilst from a spatial perspective although a scheme of landscaping needs to provide more clarity and certainty in terms of how the landscape element of design contributes to the whole there is considered adequate space within the site to provide a sense of 'place' which is facilitated by the retention of the existing hedge boundary.

- 3.54 It is considered that the development succeeds in providing open spaces, providing active frontages, and offering natural surveillance. The shared surface drive to the rear it is considered will act as an open platform where residents can have open views which will allow them to police their own streets. The buffer zone to the north along Windermere Avenue would provide an opportunity to retain existing vegetation and for new landscaping to give privacy to the development and also to help soften the appearance from the road.
- 3.55 It is noted that the apartment building has been strategically designed so that the central element mimics a tall Georgian house that has been 'extended' with the addition of two wings to either side. Given its degree of setback relative to Windermere Avenue when considered in conjunction with the retention of the hedge boundary it is not considered that the apartment will constitute an overbearingly dominant building. It is considered that the building is legible within the context of the development.
- 3.56 The proposals as revised have ensured that paraphernalia associated with residential development is minimised including bike stores which will be provided in secure back gardens and internally within the lobby area of the apartment whilst the same applies to refuse storage. Parking is located in undercroft garage and part drive parking areas with the exception of the 8 parking spaces serving the apartment building and visitor parking. This design ensures that there is scope to maximise soft landscaping integrated with the necessary hard landscaping in the remaining areas of the site.
- 3.57 The applicant proposes the use of a traditional palette of materials including red and grey clay roof tiles, Loxley Red Multi Brickwork, Green Marley weatherboarding and limestone white render. It is stated that the materials have been selected to provide balance against the contemporary design features. Given the extent of fenestration which is particularly prevalent within the design of the apartment block, it is considered that the use of appropriate fenestration is a key aspect of the design which it is considered is addressed by planning condition.
- 3.58 It is acknowledged that landscaping can transform a development site depending upon how such is implemented and given the individual circumstances of the site. The application has not provided specific details in this context. It is considered that the use of a high quality material such as brick with intermittent brick piers bridged by decorative iron railings must be provided as boundary features along the service road and public realm boundaries with ornamental planting aligning with designing out crime principles which is possible through the use of shrub species including *Berberis Montana* which is an attractive shrub which provides a strong visual boundary and natural deterrent from unauthorised access.

In concluding this section it is considered that the proposal is compliant with policy CP1 'Design' of the Core Strategy, as the new development to be created would be of good, high quality design consistent with salient designs

which would give the development distinctiveness as required by policy CP1 and Supplementary Planning Document SPD2 'Housing Design' (January 2007). The proposal is also considered compliant with policy DM1 'Design of New Developments'. Consideration has been given to the identity of the surrounding area when designing the proposal. The scheme is also in compliance with the other policies referenced in DM1 which are relevant to this application, including sufficient car parking in accordance with policy DM30. The density is considered a suitable density for the locality in line with policy DM2 which would ensure a positive relationship with existing and nearby buildings in accordance with DM3.

Parking Provision

- 3.59 The Council's parking policy is set out in policy DM30 which cross references to the parking standards contained within 'Parking Standards: Design and Good Practice Supplementary Planning Document (Adopted December 2010). This this is applied to all new developments.
- 3.60 The Supplementary Planning Document (SPD) considers parking for residential development can be provided in a variety of ways which provide safety and security. This can be through parking on shared surfaces, on street parking, parking squares, parking courts, in curtilage, in garages, tandem parking and on setbacks. The type of parking to be provided must be appropriate to the scale and location of the proposed development.
- 3.61 The adopted Parking Standard indicates that a property comprising one bedroom should have one off street car parking space, whilst dwellings or apartments providing two or more bedrooms should have two car parking spaces. The preferred parking bay size is 5.5 metres in depth and 2.9 metres in width increasing to 6m by 2.9m for parallel parking. A residential development would also require 0.25 visitor/unallocated vehicle spaces per unit.
- 3.62 House types 1 and 2 are those hipped dwellings which will occupy plots 5,6,7,9,1, and 11 whilst house type 3 will occupy plot 8. House type 4 are those properties to the east front aspect of the site (plots 1-4) facing in the direction of Windermere Avenue. These properties are 3 storey properties which the floor plans indicate will be served by under croft and part drive parking. The ground floor plans for these dwelling types show the provision of an 8-metre-deep under croft area with a further 3 metres of frontage drive with a width of 3 metres which is the same as the width of the under croft parking. These under croft spaces are shown to have no other use whilst the combined length of 11 metres by a width of 3 metres is considered acceptable equating to two spaces for each dwelling. Two further visitor car parking spaces are shown to be located adjacent to Plot 4 on the east boundary which provide the required parking bay dimension of 2.9 x 5.5. A further visitor parking space is shown opposite plot 2 parallel with Windermere Avenue. Two car parking spaces are also shown to be located in between plots 6 and 7 and 9 and 10.

- 3.63 The apartment block is shown as being served by 8 parking bays which are to serve 4 x 1-bedroom apartments and 2 x 2-bedroom apartments. This parking area is located to the south of the building and set either side of the central access way noted to be 5.79 metres in width. Parking bay dimensions are shown by the proposed site layout plans as being are 2.9 x 5.5.

The standards indicate a ratio requirement of 0.25 parking spaces per unit as visitor / unallocated parking space rounding up to the nearest whole number as set out by page 64 of the parking standards. On this basis as the standards strictly apply, 5 visitor / unallocated parking spaces would be required. The site layout plan does indicate the provision of 35 car parking spaces coinciding with that stated in the Accommodation Schedule and supporting statements. Despite the perceived lack of parking which it is noted has been highlighted within third party representations, it is concluded that the development is policy compliant.

Landscaping

Landscaping is defined as the improvement or protection of the amenities of the site and the surrounding area which could include planting trees or hedges as a screen. The application does not include details of boundary treatments or soft or hard landscaping which it is considered can be adequately covered by planning condition. The surface water and drainage strategy will require the use of permeable paving and Asphalt surfaces to coincide with the on- site requirements. The one feature which shall be retained which forms an intrinsic aspect of the landscaping scheme is the hedgerow forming the north boundary of the site. Although it is noted from the officer's site visit that this Hawthorn growth extends from the boundary line into the field (in a southerly direction), which bears evidence of little maintenance over many years, the extent of this Hawthorn growth subject to adequate management will provide visual screening to the site. A planning condition is recommended requiring details as to how the existing hedge is to be protected during the course of development and managed thereafter.

Separation Distances

- 3.64 The Framework Supplementary Planning Guidance (SPD2) House Design requires that 1m separation is provided between the side boundaries of the hereditament and habitable rooms of dwelling house. 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.
- 3.65 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. The built form is set out as semi-detached dwellings (plots 1-4, 5, 6 and 10-11 whilst units 7, 8 and 9 comprise a block of 3). A separation distance of approximately 2.6 metres is shown between the side aspect of plot 2 and plots 3 whilst the separation between the 3 buildings which make up plots 5-11 is noted to be approximately 3.66

metres. The Apartment block although the floor plan suggests that it is split into 3 separate blocks, forms a continuous block marked by a central higher roof section which breaks up the uniformity of the roof line. It is considered that the proposed development is policy compliant in this respect.

- 3.66 A minimum distance of 25m is required where the rear of neighbouring property facades would face each other. For instances where the rear of properties would face the sides of houses containing habitable rooms with windows, a minimum distance of 15m is required. Where flanks of houses contain no windows, or contain windows onto landings or bathrooms, a minimum distance of 13m is required. It is not considered that the layout of the development gives rise to any conflict in terms of compliance with the requirements set out by the Essex Design Guide as the layout does not propose private rear rooms backing onto each other.

Technical Housing Standards

- 3.67 All new dwellings are expected to comply with internal space standards set out in the Nationally Described Space Standards. Rochford District Council has existing policies relating to 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). 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. An assessment of the proposal against the national criteria is shown by the table below.
- 3.68 The table indicates that the gross floor space requirement in respect of the 4-bedroom 7 person dwellings (plots 1,2,3 and 4) is 121m² which are met (as shown by the revised plans received 6 November 2020). The required storage space of 3m² is also achieved.
- 3.69 House type 3 (plot 8) which is shown to be a 4-bedroom 8-person dwelling set out over 3 storeys requires a storage area of 3.0 m². This storage area is shown to be achieved. The gross floor space required for such a dwelling is indicated to be 130m² whilst 130m² is shown to be provided.
- 3.70 The 1-bed 2 person apartments (plots 12,13,15,17) require a minimum gross floor space of 50m² whilst 59m² and 54m² is shown to be provided (plot 12, at 59m²) and plots 13,15 and 17 at 54m²). Although given that the gross floor space exceeds the minimum requirement by 9m² and 4m² there is scope to accommodate the required storage of 1.5m².
- 3.71 The 2-bed 3 person apartments (plots 14 and 16) require a gross floor space of 61m² which is met by the proposed gross floor space of 70m². The commensurate storage space of 2m² is indicated by the submitted plans to be provided.

| National Technical Housing Standard Assessment | | | | | |
|--|---|--|---|---|--------------------|
| House Type | Gross Internal Floor Area (m ²) | Storage (m ²) and N.S.S Requirements | Single bed size (m ²) and width (m) | Double bed size (m ²) and width (m) | Ceiling Height (m) |
| HT1 Plots 5, 6, 10, 11 | 4b8p (3 storey dwellings) require 130m ² . 140 m ² provided. Requirement met) ✓ | Ground Floor Storage 2.03m ² Second Floor Storage 1.00m ² (3.0 required) Requirement met) ✓ | ✓ | ✓ | ✓ |
| HT 2 Plots 7 & 9 | 4b8p (3 storey dwellings) require 130m ² . 140 m ² provided. Requirement met) ✓ | Ground Floor Storage 2.03m ² Second Floor Storage 1.00m ² (3.0 required) Requirement met) ✓ | ✓ | ✓ | ✓ |
| HT 3 Plot 8 | 4b8p (3 storey dwellings) require 130m ² . 130 m ² provided. Requirement met) ✓ | Ground Floor Storage 1.00m ² Second Floor Storage 2.00m ² (3.0m ² required) Requirement met) | ✓ | ✓ | ✓ |
| HT4 Plots 1, 2, 3 & 4 | 4b7p (3 storey dwelling s require 121 m ²) 121m ² provided Requirement met | Ground Floor Storage 1.02m ² 1 st & 2 nd floor storage 2m ² required) Requirement met) | ✓ | ✓ | ✓ |

| National Technical Housing Standard Assessment | | | | | |
|--|---|--|---|---|--------------------|
| House Type | Gross Internal Floor Area (m ²) | Storage (m ²) and N.S.S Requirements | Single bed size (m ²) and width (m) | Double bed size (m ²) and width (m) | Ceiling Height (m) |
| | | | | | |
| Apartments Plots 12, 13, 15 & 17 | 1b2p (set out over 1 floor requires 50m ²) 59m ² provided. Requirement met ✓ | 1.5m ² required 1.5m ² shown. Requirement met. | ✓ | ✓ | ✓ |
| Apartments Plots 14 & 16 | 2b3p (set out over 1 floor requires 61m ²) 70m ² provided. Requirement met ✓ | 1.5m ² required 1.5m ² shown. Requirement met. | ✓ | ✓ | ✓ |

Amenity Space / Garden Sizes

- 3.72 The Council's Supplementary Planning Document SPD2 (2007 Housing Design sets out the minimum garden areas which new housing developments must adhere to, which are in line with the garden size requirements contained within the previous Essex Design Guide current at that time.
- 3.73 The SPD also requires 3-bedroomed terraced properties to provide a minimum depth of 2 ½ x the width of the house (except where the provision exceeds 100m²) and a minimum garden area of 50m². For 1 and 2-bedroomed dwellings a minimum 50m² garden is required provided that the second bedroom is not of a size that would allow sub-division into two rooms. And for flats there is a requirement for a minimum balcony area of 5m², with the ground floor dwelling having a minimum patio garden of 50m²; or the provision of a useable communal residents' garden on the basis of a minimum area of 25 m² per flat. These two methods for flats may also be combined.
- 3.74 The revised site layout plan reference 200.05 and as later indicated by 200.06 indicates that plots 1-11 are all served by amenity areas amounting to 100m² which in the majority of cases is provided within the rear garden areas. The

following amenity areas are provided in compliance with the supplementary guidance: Plot 1 at 100.63m², Plot 2 at 104.5m², Plot 3 at 103.6m², Plot 4 at 118m², Plot 5 at 131m² and Plot 11 at 120m² of amenity space.

- 3.75 Whilst the Council's guidance allows for three-bedroomed terraced dwellings to have a lower provision, three plots; Plot 6 at 97.6m² rear amenity space, Plot 7 at 94m² rear amenity space and Plot 8 at 93.5m² rear amenity space are four-bedroomed terraced dwellings that would require provision of 100 square metres private amenity space.
- 3.76 The semi-detached Plot 9 provides approximately 96.26m² of rear amenity space, Plot 10 provides approximately 95.78m² of rear amenity space. The plots with the shortfall are at the back of the site.
- 3.77 Although under size by some 6.5 square metres or less, these garden areas would not be reliant on an amalgam of small spaces but instead would comprise a single usable space. Future occupiers would be aware of the space available before choosing to live at the plots affected. Though the shortfall is disappointing, officers consider that the shortfall would not be significant enough to justify withholding consent for this reason. Officers, however, consider it necessary to remove permitted development rights in order to safeguard amenity space provision.
- 3.78 The apartment block is served by a spacious amenity area located between its north aspect and the retained hedge boundary. This has been created as a result of scaling down the footprint of the building with consequential increase in its height. The useable space is considered to provide an area of approximately 281m² which is to be accessed by the occupants of 4 x 1-bedroom apartments and 2 x 2-bedroom apartments. Based on the combined methodology of calculating appropriate usable space these 6 apartments would require 25m² per flat. It is also noted that a narrow green strip would be located either side of the building and to its front (south elevation) which would provide in excess of 300m² which would be equivalent to 50m² of space per apartment. It is considered that this apartment would offer favourable amenity space offering a sense of privacy and enclosure by the presence of the hedge boundary which is to be retained as part of the development. The apartment block complies with the SPD standards.

Water Efficiency

- 3.79 Until such 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.

Lifetime Homes

- 3.80 Policy H6 of the Council's Local Development Framework's Core Strategy states that all new housing developments will be required to comply with the Lifetime Homes Standard. In addition, at least 3% of new dwellings on developments of 30 dwellings or more will be required to be built to full wheelchair accessibility standards. In the case of developments comprising between 10 and 30 dwellings, at least one dwelling will be expected to be built to full wheelchair accessibility standards.
- 3.81 Given the lower threshold based upon the scale of the development in this instance 1 dwelling will be expected to be built to full wheelchair accessibility standards. The only concession to this requirement is where such a provision would render the development unviable. A planning condition is proposed to the planning consent to address this attainment.

Refuse Storage/Collection

- 3.82 The Council operates a 3 bin system per dwelling consisting of a 240l bin for recycle (1100mm high, 740mm deep and 580mm wide), 140l for green and kitchen waste (1100mm high, 555mm deep and 505mm wide) and 180l for residual waste (1100mm high, 755mm deep and 505mm wide). The supporting information indicates that refuse receptacles serving plots 1-11 will be kept in rear enclosed gardens removed from the frontage. Access is provided to the sides of plots 1-11 with the exception of plot 8 which is the middle building of 3 which, however, would be able to provide access by wheeling the bins through the under-croft parking area. This would depend on cars being moved from the garage and drive to accommodate this action.
- 3.83 The apartment block provides an area within the ground floor close to the main access within its own space and separately accessed to provide refuse and cycle storage. The ground floor plan for the apartment reference 201.05 shows a rectangular space approximately 4.17 in length by 2.18 in width. Previously the refuse storage was to be sited externally to the east aspect of the building whilst its accommodation internally is considered an improvement in that it mitigates the requirement for specific landscape screening and creates the opportunity for the creation of a continuous verge and landscaped open space where it was previously to be sited.
- 3.84 Previously the provision of between 3,600l and 4,800l of bin capacity has been recommended by Rochford District Council's Street Scene officer in relation to similar apartment developments of similar scale and configuration. It is considered the space is sufficient to provide the required level of storage although it is likely that bike racks will need to be bolted onto the wall of the store such that the 6 bicycle spaces will offer upright storage where bicycles will rest on their back wheel whilst the front will be secured to the racking system.

- 3.85 No refuse plan setting out precisely the intended points of refuse collection or swept path analysis tracking lorry movements in connection with this activity has been submitted. The access geometry at the entrance of the site together with the demonstrated width of the access road at 5.5 metres (providing that such remain clear of obstruction) together with the turning radius at the southern aspect of the site, indicates that turning movements within the site in connection with this operation will not be an issue. The access to plots 1-4 given its proximity to the main entrance, its narrow point of access off the main service road and its proximity to protected trees (where a Green Grid) surfacing regime will be deployed within that area to the north of Plots 1-4 will not be suitable to accommodate access movements by a refuse lorry.
- 3.86 In the event that the 8 car parking spaces are occupied within the car parking area located directly south of the apartment block (which is a likelihood) a question does arise with regards to the location of collection point to serve both Plots 1-4 and also the apartment block. This location will need to be near the main service road but not as such that its location (despite its temporary nature) will impact upon the movement of vehicles or pedestrians. The recommended maximum drag distance of 25 metres will be exceeded as such relates to Plot 4 the nearest part of which is located over 30 metres from the location where the shared access drive meets the main spine road which appears to be the only feasible collection point. This area is located close to an indicated pedestrian footway also. However, bins can be placed outside the back fence to plots 1 – 4 directly adjoining the site access road.
- 3.87 The Council's Appendix 1 to the Development Management Plan explains that a minimum of 5m width should be provided for a refuse vehicle. Access roads to be used would need to be engineered to take the weight of a 26-tonne refuse vehicle. Providing that the access road is constructed to a standard capable of accommodating a 26 tonne refuse lorry plots 5-11 inclusive will it is anticipated be served by a kerb side collection. It is considered that as part of a planning condition coinciding with a separate planning condition relating to landscaping that details relating to collection points and intended refuse lorry movements together with the construction and engineering detail of all vehicle access ways are submitted to the local planning authority for its written approval within one month of the commencement of the development.

Cycle Space

- 3.88 Safe secure storage can be provided for bicycle storage at Plots 1-11 inclusive within secure back garden areas or within the under-croft areas. A cycle space is indicated on the floor plan of the apartment block which it is considered is capable of accommodating 6 cycles (1 per apartment). This provision can be conditioned as part of any planning consent.

Renewable or Low-Carbon Energy

- 3.89 Policy ENV8 of the Local Development Framework's Core Strategy requires developments of 5 or more dwellings to secure at least 10 per cent of their energy from decentralised and renewable or low-carbon sources unless this is not feasible or viable.
- 3.90 A planning condition is recommended to require compliance with the above policy unless it is demonstrated that this would not be viable or unless provision of such would be at the expense of provision of a higher specification energy efficient building fabric (to meet code level 4 with regard to energy efficiency) in which case a report demonstrating the case shall be submitted to and agreed in writing by the Local Planning Authority.

Transport, Access and Sustainability

- 3.91 A Transport Statement is submitted in support of the application. The purpose of the Transport Statement is to identify the transport issues and benefits associated with a proposed development. The Transport Statement will often where appropriate be used by the Highway Authority and Local Planning Authority as the decision maker to determine whether the impact of the development on transport is acceptable.
- 3.92 The statement indicates that public transport is available within the vicinity in the form of a bus stop located at Ambleside Gardens located 600metres east of the site. It is stated that the Number 20 bus service – Southend Victoria to Rayleigh Railway Station serves Hullbridge whilst Battlesbridge Railway Station is located 4.3km and Rayleigh railway station are located 5km from the site.
- 3.93 The statement indicates that the site is within a reasonable 800 metre distance from facilities and services including the Library, Pharmacy, Shops, a Public House, and medical centre. The statement acknowledges the poor condition of Windermere Avenue whilst at point 4.14 of the statement it is indicted that it would be proposed to resurface the unmade Section of Windermere Avenue up to as far as the site access at a width of 5.5 metres and at least 1 metre footway.
- 3.94 The key issues for a Transport Assessment are those of whether a development when considered alone or in conjunction with other residential impacts cumulatively would result in marked impacts including any severe impacts upon the local road network. It is not the purpose of such assessment to take a view of impacts on private roads such as Windermere Avenue which was a point raised by representations. The assessment concludes that the additional trips generated would not be likely to generate significant material impacts upon highway safety.
- 3.95 To render a development unacceptable in this context the movement of vehicles at the point of exit from or access onto Ferry Road which is the point

the unadopted road meets the highway network would need to be proven to be detrimental to safe and free flow of traffic along that highway. The access visibility it is stated is 2.4 x 43 metres in each direction along the highway which is an expression of the field of vision at the centre of the access at a point set back 2.4 metres from Ferry Road on emergence from Windermere Avenue. The Statement indicates that there are no records of any incidents or accidents within the vicinity between 2017 and 2020.

- 3.96 The number of concerns raised by residents regarding the use of Windermere Avenue as the means of access to the development site is noted. One of the concerns raised is that Windermere Avenue is a private road maintained by residents at their own cost whilst the developer without the necessary legal easements or agreement would have no legal right to use Windermere Avenue during the course of construction or for the development to be served by this unadopted highway on occupation of the development. The application has cited the intended use of Windermere Avenue which in terms of the legal right of access is a matter for address outside that of the planning process. It is not the role of the planning process to involve itself directly with this matter since the granting of planning permission does not confer a legal right to access onto or over land.
- 3.97 Ultimately the Local Planning Authority is not an arbiter of law but rather the decision maker which is required by Section 38(6) of The planning and Compulsory Purchase Act 2004 to determine applications in accordance with the provisions of the development plan and other policies including the National Planning Policy Framework. The right to use Windermere Avenue as an access route to the site in connection with this development as a matter of law is not a judgement that the local planning authority has to exercise as such lies outside its regulatory remit.
- 3.98 As any reasonable person would consider such (which is often the tests applied in the High Courts), the rights of access to the site during construction and occupation thereafter could not be assumed and neither is it implied and it would be the case that the developer would need to be satisfied that there is no legal or civil incumbrance which affects the implementation of the consent and access to the site by individual landowners thereafter.
- 3.99 The concerns raised by third parties in relation to the impact of construction traffic movements along Windermere Avenue is not a highway safety issue as such unless during the course of development loose materials are carried on the tyres of vehicles travelling to and from the site from the site or from any loose materials forming the surface of Windermere Avenue onto Ferry Road. The Construction Management Plan is a mechanism which addresses this issue to the degree and purpose it is intended.
- 3.100 It is noted at point 4.14 of the submitted Transport Statement that the developer proposes to resurface the unmade section of Windermere Avenue as far as the site access at a width of 5.5 metres and at least a 2-metre footway. Although a different matter from that of rights of access, it is

considered that in order to maintain the current amenity which residents of Windermere Avenue enjoy that the experience of the access road despite its current failings should be no worse as a consequence of the development at construction stage or thereafter as a result of the development and its ongoing use should legal access be established.

- 3.101 From a policy perspective, as a principle, residential developments should be accessible by a number of modes including public transport, private means of transport including the motor car. and on foot. Notwithstanding the legal matters which would need to be resolved between the parties concerned, as a matter of principle from the perspective of providing a level of amenity and access which is fit for purpose providing a defined pedestrian footway along Windermere Avenue would be appropriate.
- 3.102 Given the applicant's willingness to provide improvements which would be a legitimate contribution towards the infrastructure of the local highway network officer consider that despite its non-adopted status the Local Planning Authority from a contributions perspective of this development on this site which forms part of the strategic allocation would be justified in seeking financial contributions or in seeking works which improves access to the site.
- 3.103 From the perspective of promoting safe and accessible developments which have good connectivity the principle of improving the infrastructure along Windermere Avenue in line with what the applicant sets out within the Transport Statement is a sound principle, particularly in the light that this development proposes no access from or to the substantive development approved in terms of vehicular access, footway access nor indeed access to open space or facilities and services from the site which is sole dependant on Windermere Avenue and West Avenue for access.
- 3.104 Windermere Avenue purely from an accessibility perspective is not conducive to being used by people on foot, particularly persons pushing buggies and prams, and it is considered for this reason that improvements to Windermere Avenue in particular but not excluding the immediate vicinity of the lower section of West Avenue is justified on accessibility grounds which form part of the overall consideration. Development Management considers that the mechanism to achieve a proportionate improvement to Windermere Avenue given that as part of the allocation there was a policy expectation to provide infrastructure improvements is via a Section 106 as the works which would need to be subject of further clarification and agreement would constitute off site works which could not be secured by a planning condition as the applicant has no current control or ownership of the land which constitutes that at Windermere Avenue.
- 3.105 A point raised by third parties is that the Allocations Plan specifies that the allocated site as a whole must be accessed from Lower Road. The concept plan sets out parameters which the substantive development is to be implemented in accordance with. However, the Allocations Plan does not specifically set out that any future undeveloped parcels of land which did not

form part of the original outline approval yet allocated must be accessed via the access route into Lower Road. Instead paragraph 3.187 to the allocations plan clearly states that there should be at least two access/ egress points onto the site. The proposed third access to serve this relatively small part of the overall allocation does not conflict with the allocations plan.

- 3.106 From a highway safety perspective, taking into account conclusions of the Transport Statement with which officers concur, there is no highway safety issue at the point of access at the junction of Windermere Avenue with Ferry Road. Although Essex County Highways has been consulted and a response sought, no comment to date has been received.
- 3.107 It is considered that this development has the potential to deliver improvement to the local infrastructure in some way proportionate to its impacts to mitigate its effects which policies T3 'Public Transport', policy T5 'Travel Plans' and policy T6 'Walking and Cycling' of the Council's Local Development Framework's adopted Core Strategy advocates.

Impact of Proposed Development on Protected Trees

- 3.108 Policy DM25 (Trees and Woodlands) of the of the Council's Development Management Plan indicates that development should seek to conserve and enhance existing trees and woodlands, particularly Ancient Woodland. Development which would adversely affect, directly or indirectly, existing trees and/or woodlands will only be permitted if it can be proven that the reasons for the development outweigh the need to retain the feature and that mitigating measures can be provided for, which would reinstate the nature conservation value of the features.
- 3.109 Where development would result in the unavoidable loss or deterioration of existing trees and/or woodlands, then appropriate mitigation measures should be implemented to offset any detrimental impact through the replacement of equivalent value and/or area as appropriate. Consideration should be given to the impact on the landscape character area and the findings of the Rochford District Historic Environment Characterisation Project (2006) when considering the potential loss of trees and/or woodland, and the replacement of these.
- 3.110 In addition, policy DM26 states that: "When considering proposals for development, it must be shown that consideration has been given to the landscape character of the area and the findings of the Rochford District Historic Environment Characterisation Project (2006)." The National Planning Policy Framework at chapter 15 (Conserving and enhancing the natural environment) indicates that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).

- 3.111 The north aspect of the site features a hedgerow and trees which include a veteran Oak. This oak tree is one of two, together with a Field Maple and six Hawthorn trees, which together are the subject of Tree Preservation Order TPO/00006/07. These trees are located outside the limits of the application site. Further along the hedge line there are individual trees. The Arboricultural Impact Assessment dated 5 March 2020 identifies the constraints of trees in relation to the development and considers the potential impacts and measures required to provide protection as best prescribed by guidance; B55837 2012 'trees in relation to design, demolition and construction.
- 3.112 The Council's Arboricultural and Conservation officer has previously highlighted that Tree T3 is an old tree with occasional veteran associations, the tree has good vitality and provides good visual amenity, landscape and wildlife value and advised that this tree should be categorised as A1/2/3 those of high value. Officers advised the applicant that BS 5837 recommends that any permanent hard surfacing should not exceed 20% of any existing unsurfaced ground. Windemere Avenue has a road stone covering that is very well compacted and as such is considered a surfaced road that suggests that the hard surfacing, as shown by the original Tree Protection Plan, exceeds 20% of the current unsurfaced area and very likely to have a detrimental impact upon the health of tree T3 resulting from a loss of water and nutrient uptake that is currently available.
- 3.113 It is recognised that development proposed in close proximity to established trees many of which in this case are protected under statute, has the potential to affect their root protection areas (RPA's). This can occur as a result of any excavations on site which either directly affects the root systems or indirectly by way of material operations taking place on land such as the construction of access roads, access drives, car parking and foundation construction.
- 3.114 The original Tree Protection Plan identified that 18% of the Root Protection Area (RPA) of T3 a veteran oak, would be covered by some form of the development. Subsequently to address the concerns raised by officers at hard standing and compaction, a revised Tree Protection Plan was prepared and submitted (dated 8th August) which it is considered subject to the installation of a Green Grid system providing hard standing within an area of land to the north of Plots 1-4 and subject to safeguarding conditions is acceptable. The Council's Arboricultural and Conservation Advisor and officers are satisfied on the basis of the revised Tree Protection Plan and a condition seeking further details of the specification of works incorporating no dig principles to be submitted and approved in writing by the local planning authority prior to the construction of the Green Grid system, that the development is now acceptable.
- 3.115 It has been advised that the barrier protection should be extended to the full extent of the RPA up to the point of installation of the green grid system which is subject of a planning condition.

- 3.116 Despite representations expressing concern that the development will lead to loss of wildlife and vegetation with the exception of the opening to the existing predominantly Hawthorn hedge which will otherwise be retained, there will be no significant net loss of trees or vegetation as a result of the proposed development.

Surface Water Drainage and Flood Risk

- 3.117 The site forms part of a strategic allocation which has taken into account flooding risk, including Sequential Testing as part of a strategic assessment at the plan making stage. The National Planning Policy Framework (February 2019) indicates at paragraph 163 that when determining any planning application, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. There is a policy requirement for development proposals to demonstrate that it is appropriately flood resistant and resilient, that it incorporates sustainable drainage systems unless there is clear evidence that this would be inappropriate, that any residual risk can be managed whilst providing safe access and escape routes where appropriate as part of an agreed emergency plan.
- 3.118 The application is supported by a site-specific Flood Risk Assessment and Surface Water Drainage / SuDS Strategy. This document indicates that the site according to the Environment Agency flood zone maps and the Strategic Flood Risk Assessment (SFRA) published (2018) is in Flood Zone 1. This classification entails that the considered risk of flooding at this site is low having less than 1 in 1000-year annual probability of fluvial and tidal flooding which is an event more severe than the extreme 1 in 1000-year event. The FRA indicates that there is no risk of flooding to the site from reservoirs or canals.
- 3.119 The other potential source of flooding is from ground water flooding during higher return period rainfall events. The FRA in assessing this aspect consulted a number of source material including the Jacobs/DEFRA report entitled 'Strategy for Flood and Coastal Erosion Risk Management Groundwater scoping study published in May 2004. The geology of the site is indicated to comprise head deposits overlying London Clay. Clay and Silt have low to very low permeability whilst the London Clay has a moderate to very low permeability. The geology where it is sited and the low permeability of the soil type below the site will allow the recharge potential of the water table to be low, as will the high buffering effect on infiltrating surface water.
- 3.120 The FRA concluded that London Clay does not allow significant movement of ground water. Whilst there are no historical incidents of flooding with a significant consequence in Essex, no recorded ground water flood events have occurred according to recent records.
- 3.121 The soil has a low infiltration capacity that infiltration devices such as soak aways are not considered to be an appropriate drainage solution for the site

which informs an attenuation SuDS based approach as opposed to infiltration SuDS based solution. Permeable block paving and porous Asphalt will be used as a means of water attenuation whilst roof water will be drained onto pervious paving adding a secondary water quality treatment and as a means of secondary treatment.

- 3.122 It is noted that the FRA states that the surface water sewer at Windermere Avenue is located approximately 153 metres east of the site. The invert level is understood to be set at 20.63AOD. The attenuated discharge from pervious paving will be directed into the sewer at manhole number 6951 subject to an agreement from Anglian Water. The FRA advises that to avoid increased water run off into the sewer, the volume should be discharged at a rate of 2/ls/ha.

Ecology

- 3.123 Policy DM27 requires consideration of the impact of development on the natural landscape including protected habitat and species. National planning policy also requires the planning system to contribute to and enhance the natural environment by minimising impacts on biodiversity, providing net gains in biodiversity where possible.
- 3.124 In addition to the UK Biodiversity Action Plan, proposals for development should have regard to Local Biodiversity Action Plans, including those produced at District and County level.
- 3.125 Furthermore, the National Planning Policy Framework at paragraph 174-177 indicates the importance of avoiding impacts on protected species and their habitat where impact is considered to occur, requires appropriate mitigation to offset the identified harm.
- 3.126 The application as originally submitted was accompanied by the Ecological Survey which was also submitted to support the earlier planning application reference 17/01019/FUL which was withdrawn. This Ecological assessment dated April 2018 cited that the site was regularly cut or grazed which coincided with the observations previously made by the case officer in the course of assessing the previous application and the current application.
- 3.127 The assessment cited that there were no features existing on the site that were attractive to basking reptiles and there was no habitat nearby from which the site could be colonised by reptiles. It was indicated that there was no suitable habitat within the site nor within adjoining sites which were managed grassland, presenting suitable dispersal habitat for Great Crested Newt. The assessment also reported no evidence of latrines or digging on site by Badgers.
- 3.128 A view was sought from the Council's Arboricultural and Ecology adviser as to whether the report given the time of its undertaking in 2018 and its submission in support of this application was out of date despite the fact that there

appeared to be no discernible change in the vegetation type or its height on site or within adjoining sites. A further walk over survey was undertaken on the specialist advice provided, culminating in the submission of an updated Ecology Survey dated 20 June which confirmed that there was no change in the habitat nor its colonisation by protected species. Consequently, it is considered that no ecological mitigation is required whilst there is no objection to the development on ecology impact grounds. No trees are being removed which would potentially implicate bat species if they were utilising such trees as maternity or hibernating roosts.

Ecology and RAMS Mitigation

- 3.129 The site is within the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) zone of influence for the Crouch and Roach Estuaries Special Protection Area and Ramsar site. The proposed development falls within the scope of the RAMS as relevant development. Given that the proposal is for additional housing, and its proximity to the SPA there is a reasonable likelihood that it would be accessed for recreational purposes by future occupants of this development. This additional activity would have the potential, either alone or in combination with other development in the area, to have a likely significant effect on the European site.
- 3.130 The Conservation of Habitat and Species Regulations 2017 (the Regulations) require that the competent authority must ensure that there are no effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of the SPA. The likely significant effects arising from the proposal need to be considered in combination with other development in the area and adopting the precautionary principle.
- 3.131 The Essex Local Planning Authorities within the Zones of Influence have developed a mitigation strategy to deliver the measures to address direct and in-combination, effects of recreational disturbance on the SPA. The Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) sets out a strategic approach to mitigation by several councils across the wider area. It details mitigation measures that would be funded by financial contributions at a specified tariff per dwelling. Since these include a range of habitat-based measures such as education, communication and monitoring, and have been endorsed by Natural England (NE), the authority's position is that such measures would adequately overcome any adverse effects of the proposal on the SPA. A tariff to fund the mitigation, which is payable for all additional new dwellings is currently set at £125.58 per dwelling. The applicant has indicated the preference that RAMS mitigation to offset the impacts of 17 new dwellings be made subject of a clause in the Section 106 agreement. This contribution payment is covered under clause (h) in the recommended 106 agreement Heads of Terms.

Education Impacts and Contributions

- 3.132 It is noted that the previous consultation with Essex County Council Economic Growth and Development (Education Provision) relating to the outline application in respect of the substantive 500 dwelling development on the strategic allocation (planning application reference 14/00813/FUL, indicated that according to sufficiency data collected in the summer during 2014; childcare places in Hullbridge were at 92% capacity and 99% capacity in Downhall and Rawreth. Hockley West at that time only had one provider with sufficient capacity to meet the needs of the development:
- 3.133 At that time, it was stated that the development was located within the priority admissions area of Riverside Primary School which forecasts indicated would retain sufficient capacity to meet needs of the proposed development.
- 3.134 It was also noted that it was indicated that the proposed development was located within the Rochford secondary (Rayleigh) forecast planning group. The forecast planning group was indicated to have an overall capacity of 2,590 places. The Rochford secondary (Rayleigh) forecast planning group was at that time forecasted to have a deficit of 116 places by the school year 2017-18.
- 3.135 It was recommended at the time the outline planning application was considered for determination that in view of the evidence a financial sum was requested to mitigate the development impacts on early years and secondary education provision. On the basis that the final development resulted in 500 houses with two or more bedrooms, the early years and childcare contribution was indicated to be £555,840 and the secondary contribution indicated to be £1,645,700.
- 3.136 The applicant has been aware prior to the submission of the application that given that the site forms part of the strategic allocation the development would need to provide a commensurate provision where considered necessary, coinciding with the key principles set out by the Allocations Plan. The Allocations Plan identified policy requirements such as affordable housing provision and the impacts and implications of the proposed development upon services, facilities and infrastructure including Health, Education and Highway impacts. The outline planning permission 14/00813/OUT secured planning obligations via a Section 106 agreement to offset the impacts which would be met by both financial contributions (Health, Education, contribution towards sports and recreational facilities, open space, landscaping and play areas, and cycle route 135 together with the undertaking of highway infrastructure works and contributions.
- 3.137 Essex County Council Economic Growth and Development (Education Provision) has been consulted regarding this application being advised that advice is being sought on Education contributions on the basis that the site forms part of the strategic allocation which the Council views (consistent with

the approach set out by the Allocations Plan) that this scheme of 17 dwellings triggers an Education contribution.

- 3.138 In the absence of a response which has been sought in this respect the Local Planning Authority has no updated information or evidence base other than the information submitted previously to inform the requirements as were set out by the Section 106 agreement drawn up in connection with the outline planning permission. The guiding parameters for consideration of a commensurate contribution in this respect has been drawn from that previously established advice. It is acknowledged that the scale of the development subject of outline and house types / sizes (as the Section 106 cross references to the Reserved Matters application which was to follow) would be a determinative factor in informing the identified financial contribution (as the house types in terms of the number of bedrooms were not known at the outline planning permission stage when the Section 106 was drawn up and agreed).
- 3.139 It is acknowledged for these reasons that the commensurate contribution may not be a simple exercise of applying the contribution cost previously applied to each unit and multiplying this by the total 17 units proposed in this instance. Without further evidence to indicate that mitigation would not be required in the same manner as previously considered or without advice from the statutory consultee regarding the formulae that should be applied, officers consider that it is a reasonable approach to base the requirement on previously established financial sums commensurate to the scale of the development. On the basis of the contribution previously stated as set out by the Section 106 agreement relating to the outline planning permission reference 14/00813/OUT which set out an Early Years and Childcare contribution of £555,840.00. This sum pro rata as such relates to 17 dwellings would equate to a financial contribution per dwelling of £1,111.00 requiring a total contribution of £18,887.00. On the basis of contributions previously required for secondary Education contributions which was £1,645.700.00, the sum required for 17 dwellings is £74,851.00.

Health Impacts and Contributions

- 3.140 It is noted that NHS England, Essex Area Team previously commented that the neighbouring substantive 500 dwelling scheme was likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. It was indicated that NHS England expected these impacts to be fully assessed and mitigated by way of a developer contribution secured through a Section 106 planning obligation.
- 3.141 It is noted that in assessing the impact of a proposed development NHS England review the capacity of practices within a 2km radius of the proposed development. 2km is considered to be a reasonable distance to travel to access such services, in line with policy and guidance, which encourages the

protection and promotion of local services that are within easy walking distance of housing, replacing short car trips where possible.

- 3.142 It is noted that it was previously stated by NHS England, Essex Area Team 'The fact that a practice is open for the registration of new patients is not an indication as to whether or not the practice has spare capacity. Under the terms of a GP contract the practice is unable to close its list to new patients without prior discussion and agreement from NHS England. NHS England would only agree to this in extreme circumstances'.

It is noted that the Riverside Medical Centre is increasing its capacity at this practice, to accommodate patient growth as a result of the above development. It is noted that the formulae applied at the time the outline planning application impacts were being assessed was detailed in section 6.53 of the Planning Statement which at that time was consistent with the formula used by NHS England. The sum if applied (pro rata) on the basis of contributions made in connection with the neighbouring outline planning application would have been £5,595.04. A consultation response has been received from NHS Mid Essex Clinical Commissioning Group which indicates in this instance, that no mitigation is required on the basis of which, it does not object to the application. Officers have made clear to the CCG that the application is for a remaining part of a wider allocation but nevertheless a contribution is not sought and in the circumstances it would be unreasonable and unjustified to recover such a contribution.

Other Contributions

- 3.143 It is acknowledged that the Section 106 associated with the neighbouring site 14/00813/OUT secured a number of significant contributions in lieu of open space, landscaping, play areas, highway improvements and contributions towards sports and recreational facilities. This development of 17 dwellings will have an impact upon the requirements for services and facilities proportionate to the scale of development given the status of this application site in that it forms part of the strategic allocation which is required to provide commensurate contributions and provide mitigation as considered necessary to offset the impacts.
- 3.144 The sums secured by the outline planning permission in terms of contributions towards open space (£150,000) and Sports and Recreation facilities (£70,000) are noted. This equates to a contribution of £300.00 per dwelling for the provision of open space and £140.000 per dwelling as contribution towards Sports and Recreation facilities. Multiplying these figures by the number of houses proposed in this instance it is considered that the contribution of this development to the same should be £5,100.00 (contribution towards the provision of open space) and £2,380.00 (contribution towards the provision of Sports and Recreation facilities).
- 3.145 The proposed development should also contribute towards the provision of National Cycling Route Number 135 (Stock to Southend) which the outline

secured £100,000.00. This equates to the sum of £200.00 per dwelling which multiplied by 17 gives a requirement for a contribution of £3,400.00.

- 3.146 From the perspective of the provision of highway infrastructure and drainage which has already been provided in connection with the implementation of the 14/00813/OUT consent given the circumstances officers are of the view that the imposition of requirements in this respect are not required as the works have been secured whilst this development does not seek to rely on the highway or drainage arrangements secured by that consent.
- 3.147 For design and access reasons but not to offset impacts it is considered that a clause in the Section 106 agreement as a means of securing surface improvements and a pedestrian footway along Windermere Avenue (subject to third party agreement and confirmation of legal rights) would, however, be appropriate. This is addressed under (g) within the Heads of Terms relating to the Section 106 agreement.

Archaeology

- 3.148 The application is not accompanied by a detailed Archaeological Assessment. The site has had a predominantly agricultural history with the existing field pattern largely intact since around 1780. Many finds have been recorded in the vicinity of the site over distance of some 1.5km. It was indicated in connection with the outline planning application that two unexplained banked enclosures exist to the south west and north east of the group of farm buildings together with a possible medieval moat to the east. A Second World War floodlight position exists to the north western boundary of the site.
- 3.149 Essex County Council Specialist Archaeological advice has been sought. There is no objection to the proposed development subject to three conditions which forms part of the officer recommendation.

Contamination

- 3.150 The Council's Core Strategy policy ENV11 advises that the presence of contaminated land is not in itself a reason to resist development but requires that sites are subject to thorough investigation and that necessary remediation is carried out. Subject to the recommended conditions the proposal would comply with this policy.
- 3.151 The neighbouring outline planning application was accompanied by a report examining contamination risk at the site based on consideration of desk-top data and a site walkover. This report assessed the overall risk of contamination affecting the site subject of that application as being low. The Council's Environmental Health Department at that time were satisfied with the investigations carried out and conclusions of the report and raised no objection.
- 3.152 Given that this site is an additional parcel of land which was not subject of consideration as part of the 14/00813/OUT, the historical use of the site as

agricultural land suggests low risk and probability of contamination, planning conditions are recommended to address this issue should it arise. One condition requires remediation in the event that any contaminated material is discovered during ground works and one to require compliance certificates are provided for any material to be brought to the site for use as subsoil, topsoil or backfill.

Air Quality

- 3.153 The Council's Core Strategy policy ENV5 states that new residential development will be restricted in Air Quality Management Area (AQMA), however this site does not fall within an AQMA and the proposed residential development of the site is therefore acceptable in this regard. This policy also requires that proposed development will be required to include measures to ensure that it does not have an adverse impact on air quality. The proposed development would not be in close enough proximity to the only identified AQMA in the district, in Rayleigh High Street, such as to warrant the requirement of any mitigation in relation to this.

Residential Amenity Impact

- 3.154 Public representations submitted raise concerns with regards to the perception of the impacts of the proposed development including noise impacts, the impacts of the use of Windermere Avenue as the proposed means of access, impact upon views and outlook, the proximity of the development relative to properties at Windermere Avenue and related impacts by reason of perceived physical presence, overlooking and loss of light.
- 3.155 Amenity is defined and understood as the prevailing set of environmental conditions that one would reasonably expect to enjoy on a daily basis. The concerns raised are understood although ultimately it is the role of the Local Planning Authority to assess whether the development would give rise to a set of circumstances so altered that when compared to the existing circumstance the impacts of the development would have a significant detrimental impact in this respect given the residential nature of the locality.
- 3.156 It is not considered that this development would significantly impact upon the amenity of residential properties in the vicinity of the site, in particular those dwellings located at Windermere Avenue. The boundary hedge at the north aspect of the site with the exception of the access, would be retained which will maintain the verdure which characterises the street scene as experienced from the properties located opposite the site to the north of Windermere Avenue. Furthermore, the degree of set back of the principal front elevations of Plots 1-4 and Plots 12-17 set back some 30 metres relative to the principal front elevation of properties adjacent at Windermere Avenue mitigates any tangible impact in term of overbearing physical presence relative to the amenity of the adjacent properties.

- 3.157 The heights of the buildings are acknowledged to be relatively high in comparison to those at Windermere Avenue, but this bears no direct relation to considered impacts upon amenity of existing properties by way of overbearing physical presence, overshadowing or overlooking. The separation distance between the proposed built form and these properties in a fundamental design aspect which it is considered successfully mitigates any detrimental impacts.
- 3.158 The heights of the properties: (House Type 1 (10.06m), House Type 2 (10.21m), House Type 3 (9.98m), House Type 4 (9.41m) and the apartment block (9.98 Flank Sections and 10.67 central section) given this physical horizontal separation will not demonstrably impact upon the natural light enjoyed at any part of any residential property located at Windermere Avenue.
- 3.159 The physical separation is also fundamental in informing the same conclusions being reached with regards to the consequence of overlooking which it is not considered will be the case on occupation of the development proposed.
- 3.160 It is established that rights to a view as a concept or the perceived loss of such is not a material planning consideration. This site forms part of a strategic allocation deemed as a matter of principle suitable for development whilst it was inevitable on the adoption of the Allocations Plan that there would by implication of any development be a change to the outlook and views in a southerly direction on the development of the site.
- 3.161 The concern raised relating to Hullbridge not being able to accommodate further residential development and the perceived effects of such are noted. Capacity studies would have informed the Allocation Plan adoption process whilst connections to services such as water, electricity and the public sewer will be subject of separate consenting regimes.
- 3.162 The condition of the road is a prevailing condition in terms of its surface condition as is the lack of drainage. The development subject to the measures to rectify and improve the road surface prior to first occupation of any dwelling, will constitute an improvement on the existing circumstances. The improvement measures it is highlighted are not proposed to address the current condition of the road as such but rather ensure that a suitable and accessible means of access is provided providing that the developer can satisfy itself that it has the legal scope to implement such works.
- 3.163 The issues relating to perceived noise generation in connection with the development are noted. This matter it is considered is adequately addressed by environmental health legislation that is best placed to address issues of noisy plant and machinery as well as unreasonable operating hours of construction. In addition, a construction management plan to be submitted and agreed in writing by the local planning authority will control other aspects of the development including controlling general noise generation, dust, and dirt mitigation.

- 3.164 The site is not susceptible to flooding as confirmed by the submitted Flood Risk Assessment (FRA), There may be localised overtopping of the ditch (set adjacent to the verge alongside Windermere Avenue) which is outside the planning application site brook at times of high rainfall. The unadopted road lacks the basic drainage infrastructure which is a prevailing circumstance not caused by the development, whilst importantly there is no evidence to suggest given the drainage regime clearly outlined by the FRA and the discharge of attenuated surface water at a rate of 2l/s into the sewer that the development will have any impacts in this respect. The planning conditions as attached ensure a sustainable SuDS compliant surface water drainage scheme.

4 CONSULTATIONS AND REPRESENTATIONS

Hullbridge Parish Council: Objection.

- 4.1 Initial response received 10 June 2020: Objection. The following comments were received:
- Access is on to unmade road.
 - There appears to be insufficient amenity space for the apartments.
 - Overlooking due to properties facing the rear of others; this is also affected by the currently approved plans for properties to the south on the BDW development.
 - Possible overlooking of rear gardens to the east on the BDW Development.
 - Concerns about surface water drainage.
- 4.2 Further response received 1 October: Objection. The following comments were received:
- 2.5 dwellings are not appropriate in this location, especially as it is the highest level in the area. Barratt David Wilson proposed 2.5 storey dwellings were moved further away from existing properties in response to local opinion.
 - Over-development of site and concerns with parking.
 - Concern with the loss of any established oak trees.

Rawreth Parish Council

- 4.3 The Council has already expressed their desire for the entirety of the major development in Hullbridge to fall within the Parish Boundary for Hullbridge, therefore the only comment they would like to make is that this forms a small part of the larger site, is the total number of dwellings overall going to remain

the same, or are areas going to be subdivided with individual proposals and no overall sustained plan.

Rochford District Council Housing Options Allocations and Enabling Officer

- 4.4 Support. First response received on 19 May 2020: Supports the application on the basis that the development would provide affordable housing where the evidence base indicates that currently there are 750 applicants awaiting re-housing.
- 4.5 Further representation received on 13 August on the basis of revised plans stating: We would support this application for new development as long as it provides affordable housing in line with our planning policy. We have a high demand for Housing across the District with over applicants currently awaiting rehousing

Rochford District Council Principal Street Scene Officer: No objection.

- 4.6 Advises of the charge which applies to each household in respect of a set of bins to the amount of £174.00.

Essex County Council SuDS (Lead Local Flood Authority LLFA): No objection, subject to the following conditions:

Condition 1

- 4.7 No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Limiting discharge rates to 0.9l/s for all storm events up to an including the 1 in 100-year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
 - Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
 - If a hybrid approach is utilised, appropriate distancing from buildings and roads to the point of infiltration should be provided. In addition, ground water levels should be provided to ensure there is a minimum distance of 1metre from the base of the feature and the highest annual ground water level.
 - Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.

- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment.
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Condition 2

- 4.8 No works shall take place until a scheme to minimise the risk of off site flooding caused by surface water run off and ground water during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason:

- The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.
- Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of top soils during construction may limit the

ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and ground water which needs to be agreed before commencement of the development.

- Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 3

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

Reason:

- To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.
- Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 4

- 4.9 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason:

- To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Rochford District Council Arboricultural and Conservation Officer

- 4.10 Initial response dated 21 May 2020.
- 4.11 Tree T3 is an old tree with occasional veteran associations, the tree has good vitality and provides good visual amenity, landscape, and wildlife value. I would advise that this tree should be categorised as A1/2/3 those of high value. BS 5837 recommends that any permanent hard surfacing should not exceed 20% of any existing unsurfaced ground. Windemere Road has a road

stone covering that is very well compacted, this is considered a surfaced road, I would suggest that the current hard surfacing that is shown exceeds 20% of the current unsurfaced area and very likely to have a detrimental impact upon the health of tree T3 resulting from a loss of water and nutrient uptake that is currently available. I would suggest the design be modified to reduce or remove the hard surfacing within the RPA.

- 4.12 Confirmed on 2 September that the use of the Green Grid Star system aligned to the principles set out in the revised Tree Report and Tree Protection Plan (dated 28 August) is acceptable subject to a condition seeking further details of the specification of works incorporating no dig principles which is to be submitted and approved in writing by the local planning authority prior to the construction of the Green Grid system.

Essex County Council Specialist Archaeological Advice: No objection, subject to the following conditions:

Condition 1

- 4.13 No development or preliminary ground works of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

Condition 2

- 4.14 No development or preliminary ground works of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above.

Condition 3

- 4.15 The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Essex County Council Urban Design

Initial response received on 3 June 2020.

- 4.16 Indicate that it would have been expected to see clear and direct reference to the surrounding development (18/00135/REM) in particular boundary (plots 475 and 484). Advise that the application in terms of its design should consider the potential within the development for overlooking and how this could be offset. Advise that back to back distances should be reviewed due to the potential for the development to create privacy issues applying the 15 m back to back distances for units set more than a 30-degree orientation.

-
- 4.17 Advise further consideration be given to boundary treatments at the east and west aspect and the set back of the built form relative to Windermere Avenue to open up the space such that Windermere Avenue is seen as a continuous verge avoiding the use of boundaries or divides which is not to be encouraged.
- 4.18 Advise that frontages facing rear properties can raise concerns around the quality of space and privacy and that the use of trees alone as a landscaping measure to defuse these views holds no certainty in their retention or maintenance.
- 4.19 Advise a potential alternative layout approach which would include the reduction of gardens to the north to allow for suitable space for street tree planting.
- 4.20 Concern expressed regarding the scale/number of apartments coming forward as part of the proposals. Concern expressed that the design is steered by the extent of parking and lack of open space for residents to the apartments. Express the view that the siting and scale of the block denotes this as a bookend to Windermere Avenue, where, there is potential for further development to the west. If this would be the case it would be expected to see the block brought in line with the continuous set back along Windermere Avenue. Advise that there should be further review to assess a balance in apartment numbers against suitable external space (open space and parking) for this block.
- 4.21 Comment that due to the scale of the building, this has had knock on affects to external amenities such as the bin store which was shown to be located on the main access to the rear of the site, acting as a focal feature. Advise that the arrangement and positioning is reconsidered to consider the approach and access for all users of the site.
- 4.22 Advise that in principle the approach and architecture is deemed acceptable in terms of quality and its relation to the existing built form within Hullbridge. Advise the importance of demonstrating how the proposals work in line with the neighbouring development and how it can be seen to incorporate or extend the character being taken forward in that this is a continuum rather than a pocket development from an architectural perspective.
- 4.23 Landscaping: Advise that further review was required around additional tree planting. Although it acknowledged that the street scenes predicted heavy tree coverage across the site Urban Design advise that there are further opportunities to address key entrances, ends of drives and boundaries further to build on and promote the green approach.

Response received 24 September to revised application details

- 4.24 With regard to the above application, I worked closely with Laura and DAP Architects. The scheme was developed further to respond to the neighbouring

development as the previous scheme had little visual links. The revised approach demonstrates a clear progression and direct link to its (better) context while being progressive in a slight contemporary approach to the Georgian style which we encourage. We also raised issues around fronts facing backs and the proximity of neighbouring properties in the development to the east and south. Additional landscaping was proposed to filter overlooking internally and neighbouring properties were reviewed further to ensure no direct overlooking. I'm happy with how the proposals were developed over the course of our discussions and confident the development is both responsive and to a good quality for Hullbridge.

Essex Police: Objection.

- 4.25 Consultation response received on 18 August 2020. The published documents have been studied and, unfortunately, do not provide sufficient detail to allow an informed decision pursuant to the National Planning Policy Framework, section 12, paragraph 127 indicates that planning policies and decisions should ensure that developments: create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience or the Rochford District Council Development Management Document Policy DM1,.
- 4.26 Schemes should have a safe, inclusive layout with legible and well-planned routes, blocks, and spaces, integrated residential, commercial and community activity, safe public spaces and pedestrian routes without traffic conflict, secure private areas. Security principles set out in the national guidance 'Secured By Design' should be taken into account in the formulation of development proposals.
- 4.27 Essex Police provide a no cost, impartial advice service to any applicant who request this service; we are able to support the applicant to achieve appropriate consideration of the Secure By Design requirements and invite them to contact Essex Police via designingoutcrime@essex.police.uk to discuss this further.

- 4.28 **Anglian Water:** No objection.

NHS Mid Essex Clinical Commissioning Group: No Objection.

- 4.29 Due to the level of development NHS Mid Essex (CCG) is not seeking any mitigation and does not object to the development at this time.

Public Representations

- 4.30 23 representations have been received from the following households:

Windermere Avenue: 56, 64, 66, 70, 80, 82, 84, 88, 92-96 (1 representation) , 96, 98, 100, 102, 106

West Avenue: 2,10

Lower Road: 171

2 addresses undisclosed.

The representations raise the following matters:

- The land adjacent to this plot constantly floods.
- Concern expressed regarding perceptions that the development would lead to a loss of light and an increase in light pollution and loss of view.
- Concern regarding the use of the unmade road (Windermere Avenue) which would be unable to cope with the additional traffic which would result in at least 50 cars a day taking into visitors.
- Concern regarding the impact of the development on the residents at Windermere Avenue including noise from construction traffic.
- Concern expressed regarding the removal of the existing hedgerow to the south of Windermere avenue which should be maintained as a buffer between the site and Windermere Avenue.
- The development constitutes over development over and above the 500 dwellings already approved which will result in over subscription of schools thereby adding to an existing problem.
- No mention of how foul sewage is going to be addressed or where it is to be connected. The sewer system in Windermere Avenue is old and would be unable to accommodate this increase in demand.
- There should be a clause requiring the developer to make good any damage to West Avenue and the contractor should pay for bringing Windermere Avenue up to a road worthy standard.
- Access to the site should not be via Windermere Avenue. The site should link up with the Barratt development.
- Perceived adverse impacts upon environment and wildlife.
- Apartments are totally out of character with the neighbourhood and should not border Windermere Avenue. These apartments should be located at the opposite end of the development well out of site.
- There is no mention how construction vehicles will access the site.
- Windermere Avenue cannot take heavy construction vehicles. 3 water mains have burst in the last year.

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- A view is expressed that no vehicles associated with SER 6 is allowed onto Windermere Avenue.
 - 35 car parking spaces is insufficient for a development of this size.
 - Increased noise and disturbance.
 - Hullbridge cannot sustain more dwellings as there are no jobs, schools are also at saturation point.
 - Is the developer going to adopt the access road?
 - Concern regarding the use of an unmade road with no surface water drainage.
 - The development is a denser development than the BDW development and so will be out of character.
 - The development scheme proposing the 500 dwellings does not propose vehicular access along Windermere Avenue
 - The rail link is inadequate to meet the demands of new residential developments which will be compounded further by further residential development.
 - No further development should be contemplated until further infrastructure improvements have been made.
 - The development combined with the Barratt development .
 - Concern regarding congestion in Hullbridge.
 - Concern regarding the perceived loss of hedgerow and wildlife.
 - Concern regarding the perceived loss of Green Belt.
 - No traffic impact assessment has been undertaken as such affects Windermere Avenue and West Avenue.
 - The plan does not show the drainage ditch located adjacent to Windermere Avenue. This ditch prevents the flooding of the road during heavy rainfall. This ditch should be retained.
 - Concern regarding the lack / absence of open space to serve the new properties and additional parking requirements for visitors.
 - The site should only be accessible through part of the larger approved development.
 - Insufficient infrastructure and concern regarding drainage.

- No details of extra funding to school or doctor's surgery or details of traffic movement.
- No secondary school in Hullbridge.
- The road currently has no recognisable pathway. Concern that this development provides no pathway for pedestrians or mobility scooters.
- Lack of consideration to access and egress during the construction period.
- No buses run after 8pm.
- Grasmere and West Avenue are totally unsuitable for an increase in traffic including construction traffic on an unmade road.
- An upgrade to the existing road network is required before more houses are built.
- Concern expressed regarding electricity supply, water drainage, sewage connection and capacity.
- Overdevelopment for the area blighting views of properties on other side of Windermere Avenue.

5 EQUALITY AND DIVERSITY IMPLICATIONS

- 5.1 An Equality Impact Assessment has been completed and found there to be no impacts (either positive or negative) on protected groups as defined under the 'Equality Act' 2010.

6 CONCLUSION

- 6.1 The proposed development site forms part of an undeveloped parcel which forms part of the strategic allocation set out by the adopted Allocations Plan 2014. It is considered that the proposed development which will provide a policy compliant proportion of affordable housing has demonstrated alignment with all relevant established planning policies such that the development is considered acceptable subject to the recommendations which include financial contributions in the form of commuted sums as covered under recommendation a-j (inclusive) relating to Section 106 Heads of Terms and the recommended conditions.



Marcus Hotten

Assistant Director, Place and Environment

Relevant Development Plan Policies and Proposals

National Planning Policy Framework (February 2019)

Rochford District Council Local Development Framework Core Strategy (Adopted December 2011) Policies: H1, H2, H4, H5, H6, CP1, ENV9, CLT1, T8,

Rochford District Council Local Development Framework Development Management Plan (Adopted December 2014) Policies DM1, DM2, DM4, DM25, DM26, DM28, DM30,

Rochford District Council Local Development Framework Supplementary Planning Document 2 Housing Design (January 2007)

SER6a and 6b of the Allocations Plan 2014

Supplementary Planning Document 2 – Housing Design

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

Essex Design Guide 2019

Background Papers

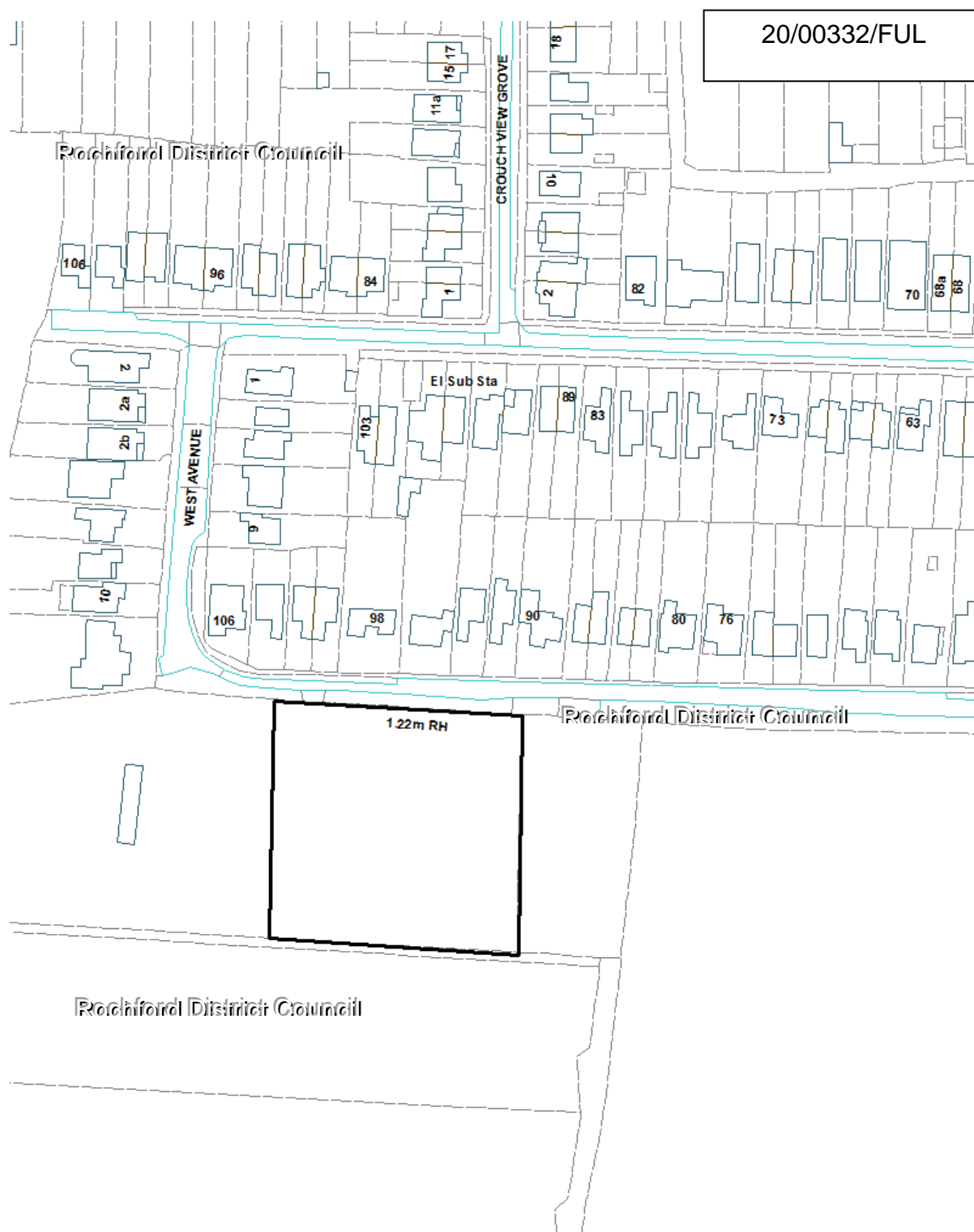
None.

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



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