

ITEM 6 – 18/00556/REM
LAND BETWEEN STAR LANE AND ALEXANDRA ROAD,
SOUTH OF HIGH STREET, GREAT WAKERING

1. Habitat Regulations Assessment

The Conservation of Habitat and Species Regulations 2017 (Habitat Regulations) requires the Local Planning Authority as a 'competent authority' in the exercising of its planning function to undertake a formal assessment of the implications of development proposals before granting consent for any development which is likely to have a significant effect on a European site (either alone or in combination with other development). The formal assessment is known as a 'Habitat Regulations Assessment (HRA)' which has several distinct phases. The first is a formal 'screening' for any likely significant effects. Where these effects cannot be excluded, assessment in more detail through an 'appropriate assessment' is required to ascertain that an adverse effect on the integrity of the site can be ruled out. Where such adverse effects on the site cannot be ruled out, appropriate mitigation must be secured by condition/limitation.

A Local Planning Authority may only agree to grant planning permission after having ascertained that the development will not adversely affect the integrity of the European site; this can include consideration of proposed mitigation secured via condition/limitation. The Local Planning Authority is required by law to have regard to guidance provided by Natural England.

A Habitat Regulations screening opinion was submitted by the applicant in respect of the original outline planning application (16/00668/OUT) at this site. Natural England advised that the submitted opinion in effect amounted to an 'appropriate assessment' and advised that further information was needed. Further information was subsequently provided and mitigation secured in relation to the outline planning consent 16/00668/OUT by way of a planning condition requiring appropriate mitigation to ensure that the development in the outline application would not result in an adverse impact on the integrity of the European site along the Essex coastline; this included the delivery of suitable semi-natural space as a dog walking space at the application site. The Council confirmed in the officer report for 16/00668/OUT that it treated the submitted 'appropriate assessment' as being adopted by the Council and, in doing so, fulfilled the requirement that the Council as competent authority undertakes a HRA.

The current proposal is for 78 dwellings, 20 of which are in addition to the number already consented at the site. Natural England has confirmed in its consultation response that, in its view, a Habitat Regulations Assessment should be undertaken. No new or updated assessment has been submitted with the application. Officers have considered the current proposal in respect of the Habitat Regulations, taking account of advice submitted by Natural England. Officers have followed the advice provided as interim advice by Natural England in August 2018 and have completed the HRA record template. The conclusion of the HRA is that, subject to securing appropriate mitigation, the proposed 78 dwellings, 20 of which are additional, would not likely result in significant adverse effects on the integrity of the European site along the Essex coastline. The same condition as was imposed on the outline consent would secure on site alternative dog walking provision and, in addition, the applicant has agreed to a financial contribution of £100 per dwelling applied to the 20 additional dwellings to contribute towards longer term monitoring and mitigation along the coastline.

2. Open Space Contribution

The applicant has agreed to a £25,000 contribution towards the enhancement and improvement of the existing play space in Great Wakering.

3. Supplement to Officer Report - Housing Mix

Below is a comparison table of the mix of dwellings already approved and the mix of dwellings proposed across the entire site. The table indicates there is an increase in the number of three-bedroom dwellings.

| | Approved | | Proposed | |
|-----------------------|-----------------|-------------------|-----------------|-------------------|
| Dwelling Types | Private | Affordable | Private | Affordable |
| 1-bed house | | 12 | | 12 |
| 2-bed house | 9 | 27 | 25 | 31 |
| 3-bed house | 49 | 20 | 58 | 23 |
| 4-bed house | 47 | 4 | 35 | 4 |
| 5-bed house | 12 | | 12 | |
| Total | 117 | 63 | 130 | 70 |

4. Supplement to Officer Report – Technical Space Standards

The below details provide an analysis for the various house types below against the nationally described space standards for dwellings.

| House Type | Area M ² | Number of Bedrooms (Bed Spaces) | Area M ² required | Storage M ² required | Compliant |
|----------------|---------------------|---------------------------------|------------------------------|---------------------------------|-----------|
| Alresford Apts | 50 | 1 (2) | 50 | 1.5 | N |
| NA21 PRELIM | 81 | 2 (4) | 79 | 2 | Y |
| PT21 FOG | 60 | 2(3) | 61 | 2 | N |
| BUNGALOW 27 | 72 | 2(4) | 70 | 2 | Y |
| NA21 | 81 | 2(4) | 79 | 2 | Y |
| NA22 | 80 | 2(4) | 79 | 2 | Y |
| NA30 PRELIM | 86 | 3(4) | 84 | 2.5 | N |
| NA31 | 90 | 3(4) | 84 | 2.5 | Y |
| NT30 | 94 | 3(4) | 84 | 2.5 | Y |
| WOODMAN | 102 | 3(5) | 93 | 2.5 | Y |
| NT31 | 95 | 3(4) | 84 | 2.5 | Y |
| NA34 | 95 | 3(4) | 84 | 2.5 | Y |
| NA30 | 86 | 3(4) | 84 | 2.5 | Y |
| NT41 | 115 | 4(6) | 106 | 3 | Y |
| NB41 | 116 | 4(6) | 106 | 3 | Y |
| MARSHALL | 128 | 4(6) | 106 | 3 | Y |
| NT42 | 144 | 4(6) | 106 | 3 | Y |
| PA49 | 145 | 4(6) | 106 | 3 | Y |
| NB50 | 149 | 5(6) | 110 | 3.5 | Y |

5. ECC Urban Design Comments

Justification for the new proposed layout relates to the viability of larger dwellings for the local market. The removal of the larger dwellings in combination with adjusting the layout has resulted in an additional 20 units being added to the site. The increase in the number of units has led to an intensification of a number of perimeter blocks. This intensification has had a minimal impact on the street frontages as the distances from dwelling to dwelling are relatively unchanged. Larger detached dwellings have been replaced with two smaller semi-detached units to retain a similar built area/ form.

Concerns have been raised relating to the outlook for plots 95, 137 and 140 as the front of these properties would overlook garages and parking spaces.

Plot 162 should ideally be a dual unit as it is located on a corner plot whereby an active street frontage is encouraged.

The number of garages has been reduced; the reductions in garages have been supplemented with off street car parking spaces. It has been observed that there are some detached single garages adjacent to dwellings. It is preferred that these garages are integrated within the dwellings, rather than detached.

A row of parking spaces near plots. 121 and 122 could be mistaken for visitor car parking. A rear car parking court has been suggested. Visitors' spaces are concentrated in the south eastern corner of the site. It has been suggested to relocate these spaces to allow for this corner to be a highly visible soft landscape area.

Where some larger dwellings have been substituted for smaller dwellings, the private amenity area has been reduced. However, it is accepted that these gardens are still deemed policy compliant. It is positive that the layout has resulted in an increased allocation of public open space.

Small turning heads were present on shared private drives. These have now been removed as they were over engineered. This alteration is supported as these turning heads would have led to unauthorised parking by residents or visitors, affecting their usability.

Overall the amended proposal is supported. It has been recommended that the above comments are addressed or justified in order for the scheme to reach its full potential.

6. Revised Officer Recommendation

Officers recommend **APPROVAL**, subject to the Heads of Terms of the s106 agreement/deed of variation and conditions as printed in the Committee Report, in addition to the following:-

Heads of Terms of Deed of Variation/s106 Agreement

- £100 per dwelling (applying to 20 additional dwellings only) as contribution towards management of the European sites along the Essex coastline in the District by way of mitigation of impact of increased recreational pressure resulting from the proposed development.

- £25,000 open space contribution towards the enhancement and improvement of the existing play space offering in the Great Wakering recreation ground.

ITEM 7 – 17/00877/OUT

CHERRY ORCHARD BRICK WORKS, CHERRY ORCHARD LANE, ROCHFORD

1. Consultation Response - Essex County Council – Surface Water Drainage and Officer Comment

Having reviewed the additional information submitted in support of the planning application we wish to issue a holding objection to the granting of planning permission based on the following:-

Inadequate FRA/ Drainage Strategy

The Drainage Strategy submitted with this application does not comply with the requirements set out in Essex County Council's Outline Drainage Checklist.

Therefore the submitted drainage strategy does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to:-

- Provide a drainage strategy that in principle will work and has all the necessary third party agreements with Anglian water about discharge points and rates.
- Drainage hierarchy needs to be followed:-
 1. Infiltration- If infiltration is proposed, ground water testing and infiltration testing in line with BRE 365 will need to be submitted to show that infiltration is feasible. Any infiltration storage devices should have 1m between the base of the storage device and seasonal high ground water level.
 2. Discharging to a water course- Sufficient water quality data needs to be submitted in order to show treatment in line with Chapter 26 of the CIRIA SuDS Manual C753 for all areas across the site, especially due to possible site contamination. Any appropriate permissions need to be in place for discharge points and rates.
 3. Discharge into a sewer.

- Provision of suitable 'urban creep' allowance.
- The proposed drainage strategy layout suggests that there will be a flooded parking area to the South East of the site in a 1 in 100 flood event. A detailed justification for this option needs to be provided, including clear evidence that this does not offer a significant flood risk.
- Over ground storage options would be preferable; otherwise details for not choosing this option should be provided.
- Any potential off site flood risk from neighbouring developments should be taken into consideration in the drainage strategy.

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless, these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures); and
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, ECC advises local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

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significant effects. Where these effects cannot be excluded, assessment in more detail through an 'appropriate assessment' is required to ascertain that an adverse effect on the integrity of the site can be ruled out. Where such adverse effects on the site cannot be ruled out, appropriate mitigation must be secured by condition/limitation.

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Natural England has advised that it considers that the development would be likely have a significant effect on the European site and that a HRA is required. Very limited information has been submitted with the application with regard to the potential for impact on the European site and details of proposed mitigation have not been submitted.

3. Revised Recommendation

The applicants have requested additional time to allow them to consider further and submit additional information in relation to the matters of flood risk and Habitat Regulations. Officers consider the applicants' request for additional time reasonable and recommend that the application be deferred.

Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record

| Application details | |
|---------------------------|--|
| Local Planning Authority: | Rochford District Council |
| Case officer | Katie Ellis |
| Application reference: | 18/00556/FUL |
| Application description: | Construction of 78 no. dwellings |
| Application address: | Land Between Star Lane And Alexandra Road South Of High Street, Great Wakering |
| Status of Application: | Pending |
| Grid Ref: | E: 593710 N: 187417 |

HRA Stage 1: screening assessment

Test 1 – the significance test: Based on the development type and proximity to European designated sites, a judgement should be made as to whether the development constitutes a 'likely significant effect' (LSE) to a European site in terms of increased recreational disturbance

Is the development within the zone of influence (Zoi) for the Essex Coast RAMS with respect to the below sites?

- Essex Estuaries Special Area of Conservation (SAC)
- Hamford Water Special Protection Area (SPA) and Ramsar site
- Stour and Orwell Estuaries SPA and Ramsar site (Stour on the Essex side only)
- Colne Estuary SPA and Ramsar site
- Blackwater Estuary SPA and Ramsar site
- Dengie SPA and Ramsar site
- Crouch and Roach Estuaries SPA and Ramsar site
- Foulness Estuary SPA and Ramsar site
- Benfleet and Southend Marshes SPA and Ramsar site
- Thames Estuary and Marshes SPA and Ramsar site (Essex side only)

YES

NO

Does the planning application fall within the following development types?

- New dwellings of 1+ units (excludes replacement dwellings and extensions)
- Houses in Multiple Occupancy (HMOs)
- Student Accommodation
- Residential care homes and residential institutions (excludes nursing homes)
- Residential caravan sites (excludes holiday caravans and campsites)
- Gypsies, travellers and travelling show people plots

YES

NO

Conclude LSE. This proposal is within scope of the Essex Coast RAMS as it falls within the 'zone of influence' for likely impacts and is a relevant residential development type as listed above. It is anticipated that such development in this area is 'likely to have a significant effect' upon the interest features of the aforementioned designated site(s) through increased recreational pressure, when considered either alone or in combination. Therefore:

- Proceed to HRA Stage 2: Appropriate Assessment to assess recreational disturbance impacts on the above designated sites
- Check IRZs to see whether recreational disturbance is an issue for non-coastal European sites or Sites of Special Scientific Interest (SSSIs). If so, this will also need assessing outside of this HRA form.

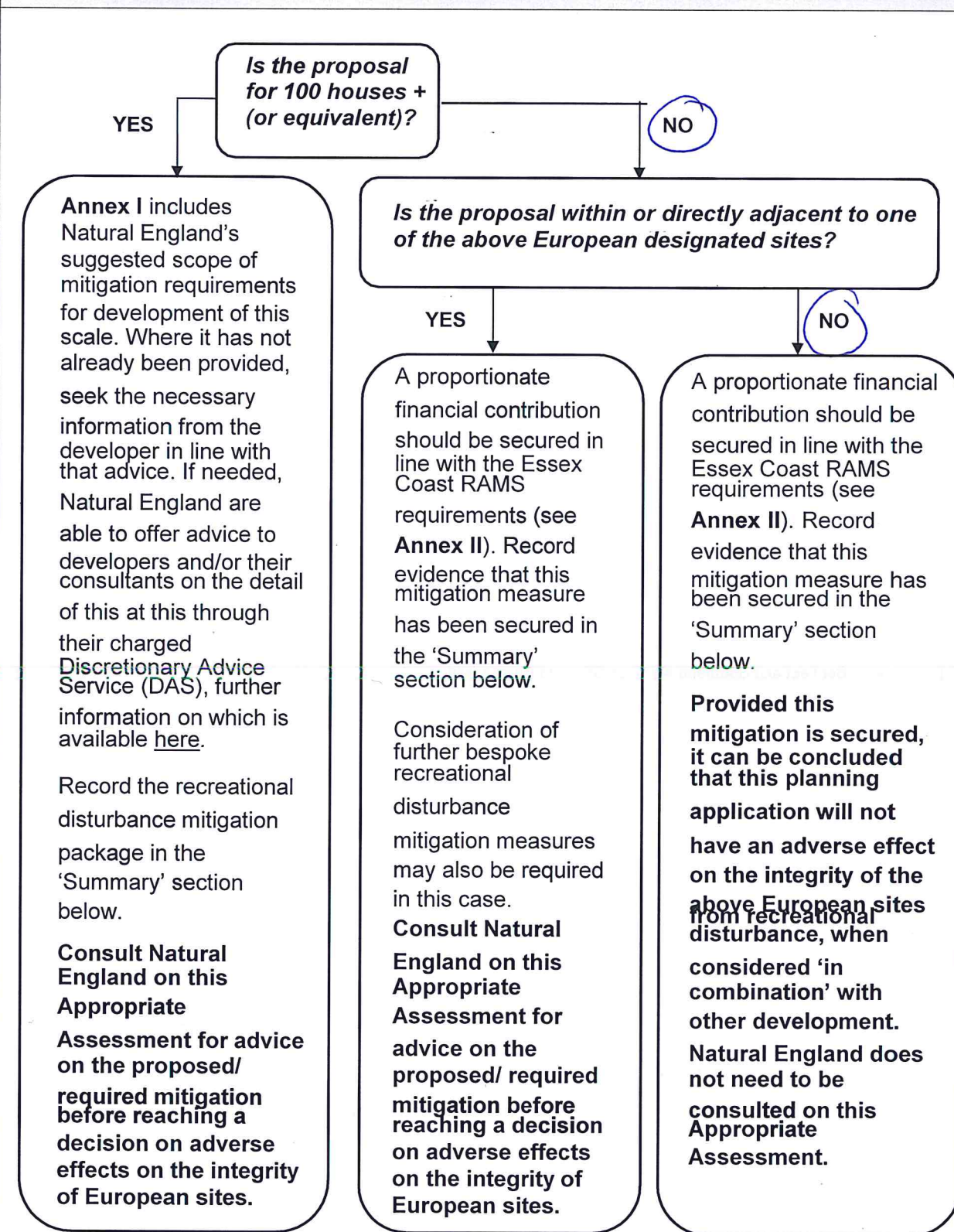
Conclude no LSE to the above designated sites in terms of recreational disturbance:

- An Appropriate Assessment (AA) is not required where recreational disturbance to these sites is the only issue or recreational disturbance to these sites can be scoped out of any HRA covering other issues.
- Check NE IRZs to see whether recreational disturbance is an issue for non-coastal European sites or Sites of Special Scientific Interest (SSSIs). If so, this will also need assessing outside of this HRA form.

The proposal is outside the scope of the Essex Coast RAMS. However, applications involving tourist accommodation (including holiday caravans and campsites), for example, could still potentially have recreational disturbance impacts (and other impacts) on designated sites, including those listed above. In cases such as these, consult Natural England for bespoke advice before concluding no LSE.

HRA Stage 2: Appropriate Assessment

Test 2 – the integrity test: The applicant must provide sufficient evidence to allow the Appropriate Assessment to be made, which is the stage at which avoidance and/or mitigation measures can be considered



Summary of the Appropriate Assessment : To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England (where necessary)

Summary of recreational disturbance mitigation package

At the outline stage, a Habitat Regulations Assessment: Stage 1 Screening Report (Report No: RTMME-121553-RevA, dated: July 2016 (HRA)) produced by Middlemarch Environmental Ltd was submitted and was adopted by Rochford District Council (RDC). The HRA confirms that a pre-application screening and scoping consultation was undertaken by Middlemarch Environmental Ltd in December 2015. As a result a response was received from Natural England concluding that only Foulness SPA and Foulness Ramsar site required consideration in regards to the effects of the proposed development. This site was considered and the HRA makes the following recommendations:

R1 - Implementation of a Construction Ecological Management Plan (CEcMP)

The purpose of a CEcMP is to outline how a construction project will avoid, minimise or mitigate effects on sensitive ecological receptors. A CEcMP should be produced for the proposed development to include information about how adverse effects on ecological receptors will be avoided during the construction phase. All proposed pollution avoidance and other environmental protected measures provided in the CEcMP must be adhered to. A suitably qualified ecologist should audit and sign off the implementation of biodiversity protection measures.

R2 - Management of Star Pits Local Wildlife Site

As part of the operation of the site, the Local Wildlife Site, which is located to the south of the site boundary, should be managed in an environmentally friendly manner in order to maintain and increase the integrity of the site for wildlife.

This application proposes to construct 78 dwellings. 20 of these dwellings are additional. Middlemarsh Environment Ltd has confirmed that the uplift in dwellings is not considered to alter their previous conclusions or recommendations. Nevertheless there are additional 20 dwellings on site, RDC has to fulfil its duty as a 'competent authority' and carry out a supplementary appropriate HRA as required by the Habitat and Species Regulations 2017.

Natural England has produced an Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record. This comprises a two stage process which must be adhered to for the purpose of recording the conclusion of both Screening and Appropriate Assessment stages of the HRA for planning applications within scope of the Essex Coast RAMS for which recreational disturbance to the above sites is the only HRA issue.

The development site has been screened and RDC accepts that the site is within a 'Zone of Influence' but due to the nature of the proposal being less than 100 dwellings, it has been assessed that the development is not within or directly adjacent to a European designated site and therefore is not likely to have a significantly effect as a result of the distance between the application site and the nearest nature site (Foulness SPA and Ramsar site) and the availability of suitable areas of alternative open space in the area to meet the recreational needs.

R1 and R2 of the HRA were previously agreed and adopted as part of the outline application and based on a supplementary HRA carried out by RDC, recommendations R1 and R2 will remain in situ. Furthermore, as part of this proposal it is recommended to enhanced footway connections with in Star Lane Pits (LWS). A condition has been imposed to ensure these enhancements and improvements are carried out.

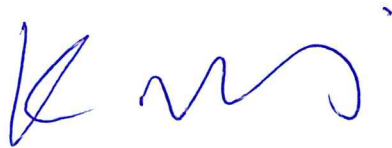
Conclusion

Having considered the proposed avoidance and mitigation measures above, Rochford District Council conclude that with mitigation the project will not have an Adverse Effect on the Integrity of the European sites included within the Essex Coast RAMS.

Having made this appropriate assessment of the implications of the plan or project for the site(s) in view of that (those) site(s)'s conservation objectives, and having consulted Natural England and

fully considered any representation received (where necessary), the authority may now agree to the plan or project under regulation 63 of the Conservation of Habitats and Species Regulations 2017.

Local Planning Authority Case Officer comments, signed and dated:



19. November 2018