
ITEM 6 – 18/00135/REM
LAND BETWEEN WINDERMERE AVENUE, MALYONS
LANE AND LOWER ROAD, HULLBRIDGE

Further to the details set out in the report, the following replies have been received and are set out below for consideration:-

1. APPLICANT CORRESPONDENCE

With reference to the officer's recommendation to refuse the reserved matters application, 18/00135/REM, we wish to set out additional information for further consideration, namely:-

1. The advice from Peter Goatley, QC of No5 Chambers, dated 15 July 2018. The reserved matters application is not an application for planning permission. The principle for 500 dwellings at this site is established under 14/00813/OUT. Unlike recent previous consents for housing development in the district no space standard related condition was imposed on the outline permission decision notice or obligation in the s106. RDC has not adopted the Nationally Described Space Standards (NDSS) in its Local Plan and has not taken steps to update the development plan to be consistent with the wording contained within the NDSS. Consequently, paragraph 6.33 of the officer's report does not accurately reflect the position under the NDSS and therefore the Council's approach is unjustified.
2. A productive meeting took place on 17 July 2018 between BDW, ECC Place Services (ECC) and the case officer at Rochford District Council (RDC). We wish to continue to work closely with officers, Members and key stakeholders to address the points raised by ECC's Urban Designer so that distinctive and high quality homes can be delivered for Hullbridge on this allocated site.
3. The statement of support from the L&Q's (*officer comment* - London and Quadrant Housing Association) Head of Land & Acquisitions dated 17 July 2018, which states that L&Q has assessed and costed the affordable homes on the basis of the unit sizes proposed by Barratt and that L&Q are keen to proceed on this basis.

In light of this new and compelling information we respectfully request that Members defer the application so due consideration can be given.

2. HULLBRIDGE PARISH COUNCIL

Hullbridge Parish Council does not oppose the Reserved Matters application for the proposed Malyons Farm development, but does have the following observations:-

- There are only 5 bungalows which are affordable housing. We would like to see additional bungalows for the open market. All Members agreed.
- 3 storey apartment blocks. These should be a maximum of 2.5 storey apartment blocks, as not in keeping with the current housing design in the village.
- Flat roof dormers. The design of these properties needs to be changed as flat roof dormers are against RDC Policy.
- Elm Grove. There needs to be additional green buffer curtilage between the rear gardens of Elm Grove and the proposed development.
- Additional footpath to extend around the perimeter at the top left corner of the development so the open space is used to its fullest potential.

3. ESSEX BRIDLEWAYS ASSOCIATION

Our response relates primarily to the application to remove the condition to provide a bridleway within the site as required as part of the permission granted against application 14/00813/OUT, but also relates to the accompanying reserved matters application as they are of course linked; therefore the same representations are lodged against each application. We strongly object to the removal of the condition to provide a bridleway. When we responded to the outline application, we cited the need to equestrians (and cyclists) in the area and that the provision of this would accord with Rochford's emerging Local Plan, as well as the aims of the Rights of Way Improvement Plan. The need for access has not changed; the local roads are narrow and winding and are not ideal for horse riders or cyclists, and the inclusion of an off road route for both cyclists and equestrians is essential to enable a link between the bridleway network to the south of the site and the byway to the north east, via the adjoining quiet residential roads, which will ensure users' safety by the provision of an off road link.

The applicant's supporting statement states that there is a lack of connectivity with the existing network in this instance. We beg to differ; the network south of the site exits onto Hullbridge Road and is only 500m from the site boundary. The site adjoins a settlement comprising quiet residential roads to the north which lead to a substantial byway (287_6) which is only 1200m away from the northernmost point of the site (straight line distance). Such distances are minimal, both on horseback and walking, and the provision of a route through the new estate will enable all vulnerable road users – including cyclists, equestrians and the disabled – to access the byway without the

danger of using the stretch of Lower Road. This byway in turn leads to another going southwards, which will also become accessible and create a circular route. It is also interesting to note that footpath 300_2, running from Malyons Lane westwards towards Pickerels Farm shows potential for an historical claim to upgrade to either bridleway or restricted byway status, and work continues by this Association to gather the required evidence to submit such a claim. Depending upon the result of any claim made, the access for equestrians within this new estate will need to be reconsidered, and the statement made relating to connectivity in this case would therefore be rendered inapplicable.

The applicant also cites a previous application – 17/00588/REM – where a bridleway was requested but rejected on the basis that it did not create a useable link as there was no network to the south of London Road. This example cannot be compared to this particular application – as demonstrated above, there is potential for the creation of a link of two networks which will enhance the overall accessibility of the area to all users. What has been suggested is a footpath that cyclists will also be able to use; it is our opinion that access for all should be created rather than discriminate against one vulnerable user group.

We understand that ECC is unwilling to support a bridleway creation within this site due to potential cost implications relating to maintenance of a shared route. Whilst this is disappointing, the route should not be discounted because of possible maintenance costs. Whilst the preferred surfacing for horse riders is a softer one, it is far preferable to have access to an off road tarmac-ed route, rather than none at all, and continue to be exposed to the increasing traffic that this development will undoubtedly generate.

Notwithstanding the above, if Members are minded to approve the application to remove the condition to provide a bridleway, we ask that consideration is given to provide on road access through the new estate linking Lower Road with Windermere Avenue and/or the other adjoining local roads.

Application 18/00135/REM details the layout of the new site – a plan most recently added to the website (reference 2051 27) shows potential vehicular access to Malyons Lane, but it is unclear if this is the case and is not confirmed in the supporting documentation, as far as we can ascertain. Access is also shown from the site onto Harrison Gardens and Monksford Drive, although again, it is unclear what users this will be open to. Access to Windermere Avenue is also unclear as the northernmost properties face onto this road but it is not clear whether non-motorised users can access Windermere Avenue from the site. Clarification was sought from the planning department on this point by email on 10 May, but no response was forthcoming and we have no choice but to assume that this is not the case.

We therefore request that if application 18/00124/FUL is approved access for equestrians is enabled at Malyons Lane, Harrison Gardens and Windermere Avenue as part of any permission granted to this application. We feel that this

will be an acceptable compromise if no dedicated route for equestrians is provided and will go some way to ensuring that vulnerable road users can access the public rights of way network rather than using Lower Road. Again, my email of 10 May enquired of this possibility but no feedback has been received.

4. ESSEX COUNTY COUNCIL HISTORIC BUILDINGS AND CONSERVATION ADVICE

The site does not include any designated heritage assets, although the farmstead which falls at the centre of the application site is evident on the first edition Ordnance Survey Map and as such could be considered a non-designated heritage asset. The proposed works would considerably divorce this building from its historically open agricultural setting, to the detriment of its significance.

However, given this harm has already been considered acceptable in principle as a result of the outline approval, I would offer no argument in relation to the general extent and layout of the proposed development. I also note the applicant has shown the retention of some sort of landscape buffer around the building and this is to be supported, particularly in combination with the open land to its north, which appears to include the SUDS attenuation. I would, however, suggest that the understanding of the historic farmstead could be better preserved by the re-configuring of the units directly to the south, to allow it greater breathing space and for it to be read as an independent asset as opposed to forming part of a larger suburban development. I would therefore not offer particular objection to the greater majority of the proposed works but I would have to identify harm to the significance of the non-designated heritage, which could be mitigated if the south western corner of the scheme was reconfigured.

5. REVISED OFFICER RECOMMENDATION

Since the publication of the officer report the applicant wishes to make amendments to the application to resolve the objections and concerns of the County Council's Urban Design specialist. These changes need to be prepared and then considered and the officer report and recommendation revised accordingly.

The applicants have also provided information from their affordable housing partner (London and Quadrant) who have already costed their bid based upon the current scheme and that review would result in delay in implementation.

The applicants have also provided a copy of advice they have received from Counsel in support of their position that the application of the national space standards to the scheme should not apply.

In light of the applicant's request to be given time to revise the application details and layout to overcome the objections to the scheme on Urban Design

grounds and the further viewpoint expressed by the applicant in that the Council's reliance upon the national space standards is misplaced, officers request that consideration of this application be **DEFERRED** to:-

- a) allow preparation and consideration of further improvements to the development in urban design terms and;
- b) allow consideration of the status of the National Space Standards relevant to this application in light of the applicant's comments and legal opinion.

The application will be brought back to a future Committee following consideration of these aspects.