
15/00144/OUT

27 - 29 ELDON WAY HOCKLEY ESSEX

OUTLINE APPLICATION TO DEMOLISH WAREHOUSE UNITS 27, 28 AND 29 AND CONSTRUCT A THREE STOREY BUILDING INCORPORATING 5 NO. RETAIL UNITS AND UP TO 20 FLATS (8 NO. TWO-BEDROOMED AND 12 NO. ONE-BEDROOMED) AND ASSOCIATED PARKING, ALL MATTERS TO BE RESERVED (RE-SUBMISSION FOLLOWING THE REFUSAL OF APPLICATION REFERENCE 13/00351/OUT)

APPLICANT: SAPPHIRE PACKAGING – MR STUART REEVES

ZONING: ELDON WAY OPPORTUNITY SITE

PARISH: HOCKLEY PARISH COUNCIL

1 PLANNING APPLICATION DETAILS

- 1.1 Outline planning permission is sought at this site to demolish existing warehouse units 27, 28 and 29 and construct a three storey building incorporating 5 retail units and up to 20 flats (8 x two-bedroomed and 12 x one-bedroomed) and associated parking, with all matters reserved for consideration within a further application. As such, appearance, access, landscaping, layout and scale are not for consideration. This application will consider the principle of the mixed use, amount of development, indicative layout, and indicative access points.
- 1.2 The indicative layout, elevation and floor plan drawings as provided show a proposed pitched roofed L shaped building with 5 retail units at ground floor level and 20 flats spread between first and second floor level with 10 flats on each level. The indicative layout sees the retail parking to the front onto Eldon Way and an access road providing further parking to the rear of the building for the residential use. Cycle parking is provided adjacent to the parking that fronts onto Eldon Way and at ground floor level between each retail unit. Bin storage is located adjacent to the access road and fronting Eldon Way.

- 1.3 The indicative massing and scale of the building includes one wing measuring 28m long x 10m wide and the second wing measuring 22m long x 10m wide. This rises to a height of 11.5m. The retail units would provide a mixed range of floor space areas of 50m², 88m², 107m² and 126m².

The completed scheme would be laid out with landscaping and planting that would provide more trees. One tree would require removal to allocate for the parking spaces/building to the front.

2 CONSULTATIONS AND REPRESENTATIONS

Hockley Parish Council

- 2.1 Providing the application is consistent with the Core Strategy then the Council has no objection.

RDC Engineering

- 2.2 Public foul sewer within site adjacent front boundary.

RDC Environmental Services

- 2.3 The Assistant Director, Environmental Services reports that if Members are minded to approve the application, the following conditions should be attached to any consent granted:-
- 2.4 An acoustic report should accompany any subsequent application such that the residential properties are protected from externally-generated noise. The noise insulation scheme shall be submitted to and agreed by the Local Planning Authority (LPA). The scheme shall be installed and maintained in the approved manner for the duration of the permitted use.

Informative: The report shall also consider any external plant or equipment required by the retail units comprising part of the proposal.

Model contaminated land conditions.

ECC Highways

- 2.5 As stated in the Parking Standards Design and Good Practice September 2009, a lower provision of vehicle parking may be appropriate in urban areas where there is good access to alternative forms of transport and the proposal site is considered to be in a sustainable location in the immediate vicinity of Hockley town centre with good access to public transport and other facilities.
- 2.6 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to the following conditions:-

1. Notwithstanding the dimensions shown in the supporting information, prior to first occupation of the development the vehicular accesses at the north east and south east of the development as shown on the planning drawing 1301/1G shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of each access at its junction with the highway shall not be less than 5.5 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.
2. Notwithstanding the dimensions shown in the supporting information, prior to first occupation of the development the vehicular access to the 11 parking spaces to the site frontage as shown on the planning drawing 1301/1G shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of this access at its junction with the highway shall not be more than 35 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway*.
3. Any existing redundant accesses at the site frontage shall be suitably and permanently closed incorporating the reinstatement to full height of the highway footway/kerbing immediately the proposed new access is brought into first beneficial use.
4. Prior to first occupation of the development, the proposed private drive at the north east shall be constructed to a width of 5.5 metres for at least the first 16 metres from the back of footway.
5. The proposed development shall not be occupied until such time as the vehicle parking areas as shown on planning drawing 1301/1G, including any parking spaces for the mobility impaired, have been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
6. No unbound material shall be used in the surface treatment of the vehicular parking areas.
7. There shall be no discharge of surface water onto the Highway.
8. The cycle/powered two wheeler parking shall be provided in accordance with the EPOA Parking Standards. The location and details of the powered two wheeler parking bays and the details of the cycle parking facilities are to be agreed with the Local Planning Authority. The approved facilities shall be secure, convenient, covered and provided prior to occupation and retained at all times.

9. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.
10. Prior to first occupation of the proposed development, the developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, (to include six one day travel vouchers for use with the relevant local public transport operator). One pack per dwelling.

RDC Arboricultural

- 2.7 There are occasional hawthorn plantings either side of the proposed development shown to be retained. Although these trees have been subject to poor past management, they do provide reasonable amenity to an area largely reduced in tree cover.
- 2.8 I would recommend that the verge area, where the trees are rooted, are protected using suitable tree protection methods (heras type fencing surrounding the trees) in accordance with BS 5837. I would recommend the following by way of planning conditions:-

No development or any preliminary ground works shall take place until:-

1. All trees to be retained during the construction works have been protected by fencing of the 'HERAS' type or similar. The fencing shall be erected around the trees and positioned in accordance with British Standard 5837:2012, and;
2. All weather notices prohibiting accesses have been erected on the fencing demarcating a construction exclusion zone as detailed in BS5837:2012 section 6.
3. Notwithstanding the above, no materials shall be stored or activity shall take place within the area enclosed by the fencing. No alteration, removal or repositioning of the fencing shall take place during the construction period without the prior written consent of the Local Planning Authority.

ECC Education

- 2.9 With regard to the above application, I have reviewed the current data available, and can confirm we will not be requiring a S106 education contribution on this occasion.

ECC Urban Design

- 2.10 The proposed layout is based around a single ‘L shaped’ block fronting onto Eldon Way. The central location of the development site with the industrial estate creates a poor environment for a piecemeal residential development - a more comprehensive master plan approach and development would be the preferred approach. The range of potential conflicts between uses, pedestrian and vehicular access, noise and parking diminish any of the positive elements of a sustainable mixed used development.
- 2.11 The site is small and further limited by the adjacent existing ‘north estate car park’ and the need to provide frontage parking for the retail units, reducing the available depth of the site and development area.
- 2.12 The outline layout is unconvincing in its approach to properly segregating the residential and retail users; access points to the residential block seem to be shown to terminate directly into the rear parking court. Furthermore, the lack of detail for access points to the retail units again creates doubt about the robustness of the outline proposal.
- 2.13 The outline height, massing and form of the proposals is in keeping with the context of the industrial estate however the development proposals are severely limited by the requirements for onsite parking, which will inevitably limit the development potential of the site. In relation to the AAP, the building heights are suitable to the requirements set out in the planning guidance.
- 2.14 The proposed architectural approach is uninspiring for what would be the first phase of a significant new regeneration development. The application lacks the detail and design justification of how the proposal has been informed by positive context of Hockley.
- 2.15 In developing the site in isolation, car parking capacity will be the key factor in determining density levels. The proposal includes 25no. car parking spaces within the rear courtyard, which is both very tight and in some areas unconvincing and impractical for the end users; the parking levels shown are not policy compliant with the parking standards guidance.
- 2.16 The 11 No. visitor/retail parking spaces to the front of the site begin to dominate the street scene, conflicting with traffic on the loop road and setting a precedent for future development sites within the estate.
- 2.17 The proposed development struggles to achieve the necessary parking requirements, which begins to compromise the access and street frontage into the site. The lack of available space to create an appealing entrance points into the residential areas furthermore highlights the restrictions of available space on site. There are a number of potential conflicts between the residential and retail areas, access and servicing.

- 2.18 In its current form it seems unlikely that the proposed scheme can support a development of this scale unless alternative parking arrangements are proposed. A masterplan should be produced to ensure the different parts are brought together at a more detailed level to maximise the vision of the AAP, reinforcing place-making principles. We would recommend the need for a robust development which facilitates and complements a suitable range of wider regeneration possibilities with the adjacent sites, while collectively addressing car parking, access and movement.

ECC Flood and Water Management

- 2.19 In the absence of a surface water drainage strategy, we object to this application and recommend refusal of planning permission until a satisfactory surface water drainage strategy has been submitted.
- 2.20 The application lies within Flood Zone 1 defined by the Technical Guide to the National Planning Policy Framework (NPPF) as having a low probability of flooding. However the proposed scale of development may present risks of flooding on site and/or off site if surface water run-off is not effectively managed.
- 2.21 The proposed development is classified as a Major development and the applicant needs to demonstrate that the necessary information has been supplied to assess the suitability of sustainable drainage systems, in line with paragraphs 103 and 109 of the NPPF.
- 2.22 In the absence of a sustainable drainage strategy, the surface water flood risks resulting from the proposed development are unknown. The absence of a Drainage Strategy and Flood Risk statement(s) is therefore sufficient reason in itself for a refusal of planning permission.
- 2.23 You can overcome our objection by submitting a Drainage Strategy which demonstrates how the increase in surface water run off will be managed within the development, and how it will be discharged, and therefore demonstrating that the development will not increase flood risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we will consider whether there is a need to maintain our objection to the application. Production of a Drainage Strategy and Flood Risk Statement will not in itself result in the removal of an objection.
- 2.24 Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.
- 2.25 Please note: Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

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

London Southend Airport

- 2.27 No safeguarding objections.

Anglian Water

- 2.28 There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted:-

“Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.”

- 2.29 The foul drainage from this development is in the catchment of Rochford Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.
- 2.30 The preferred method of surface water disposal would be to a sustainable drainage system (SUDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to water course and then connection to a sewer.
- 2.31 The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency.
- 2.32 We request a condition requiring a drainage strategy covering the issue(s) to be agreed. Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval:-

1. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

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

Neighbour Letters

- 2.33 5 responses have been received, which in the main make the following points:-

Belchamps Way: 25b (2 letters)

Bramerton Road: No number

Southend Road: 6

Eldon Way: Unit 25

- 2.34 The parking and bin provision is not sufficient.
- 2.35 The detail on the layout of the flats needs improvement, as some bedrooms seem to be missing on the plans.
- 2.36 This plan appears to be much the same as the one in 2013 but without the flat roofs, which is a definite appearance improvement.
- 2.37 A shop has already failed in this area, as people will not walk the 200m or so from the Spa Road shops.
- 2.38 I believe the flats will be popular if affordable, but being tucked away, the shops could possibly remain unused and empty unless enough specialty use can be found.
- 2.39 I am concerned with the loss of jobs in Hockley. I know that the RDC HAAP is for changing Eldon Way into a mix of shops, flats and leisure facilities, but I believe that we need local jobs for local people. Many people that work on the Eldon Estate live in Hockley and walk to work.
- 2.40 Shipping jobs out to the airport in my opinion is not the answer. These high-tech jobs are not suitable for 'Mr Average' and the airport area is not served by public transport. As far as I can see, the buildings proposed for demolition are in use and the businesses that occupy them would need to move or close

down and I find this totally unacceptable.

- 2.41 Flats on this site would not be a good idea, as Hockley Village would not cope with the increased traffic that this would cause; there is already a problem with congestion in and around the area.
- 2.42 Flats here will encroach on our privacy, and may become a ghetto for youngsters to hang around and cause trouble at the rear gardens of Bramerton Road. Already this is a nuisance area with children and young adults loitering on the path and the estate in the evenings. Building flats and retail units will only add to the above problems.
- 2.43 We moved into the area four years ago. We currently like Hockley as this is a little village and if the plans did go ahead this will take the village away due to the congestion and the issues this may cause. We do have problems with Eldon Way and we can imagine what this can cause if we had 24/7.
- 2.44 I wish to object to the above proposal. Having viewed the site, it's not an empty building, but consists of an active company, with a number of employees, who may not even be aware of this plan. This could result in local jobs being lost, or perhaps moved elsewhere which may not be suitable for those who live locally. This has always been a risk with the HAAP.
- 2.45 The site is too cramped to accommodate 20 flats. Traffic on local roads is approaching full capacity. Also the route within Eldon Way is incredibly busy and parking is already a problem. In order to avoid collision, cars are parked up on the pavement, precluding pedestrians using it - you can't solve this by abolishing the green verge, so traffic generated by 5 shops (if they last) and 20 flats will be a problem.
- 2.46 The leisure units and service industries are thriving. But I doubt the viability of shops here, well away from the Hockley centre.
- 2.47 As we have an issue with parking at the moment it seems unrealistic to make things worse and although you mention that parking will be provided I fail to see how parking will not be an issue. It will put a tremendous strain in the already over parked area that has no parking control now.
- 2.48 We have minimal natural light and putting a three story building will cause us to lose what little we have.
- 2.49 It is an Industrial estate and should not be considered for residential use as this could cause serious accidents with large volumes of traffic, i.e articulated lorries and families with children.

3 PLANNING HISTORY

- 3.1 ROC/28/48 - Proposed layout of Hockley brickfield for industry. APPROVED.
- 3.2 ROC/36/51 - Layout of industrial estate and erection of industrial units. APPROVED.
- 3.3 ROC/2/63 - Construction of roads and sewers. APPROVED.
- 3.4 ROC/604/64 - Construction of estate roads and erection of 3 warehouse units. APPROVED.
- 3.5 ROC/471/68 - Erection of 7 warehouse units with road and drainage - phase V. APPROVED.
- 3.6 ROC/471/68/1 - Erection of 7 warehouse units (amended plans). APPROVED.
- 3.7 ROC/165/69 - Change use of existing building from storage (Class X) to industrial (Class III) (28 ELDON WAY). APPROVED.
- 3.8 ROC/323/69 - Use warehouse building as Class III industrial building (28 ELDON WAY). APPROVED.
- 3.9 ROC/327/69 - Use warehouse as Class III industrial building. APPROVED.
- 3.10 ROC/327/69 - Use warehouse as Class III industrial building. APPROVED.
- 3.11 ROC/346/69 - Change of use Class X to Class III. (28 ELDON WAY). APPROVED.
- 3.12 A/14/70 - Erection of illuminated fascia sign. (28 ELDON WAY). APPROVED.
- 3.13 ROC/297/71 - Change use from Class III light industry to Class IV general industry (28 ELDON WAY). APPROVED.
- 3.14 95/00004/COU - Use Building For Class B2 (General Industrial Sheet Metal Working and Engineering) (28 ELDON WAY). APPROVED.
- 3.15 12/00100/FUL - Change of Use from Warehouse to Retail Warehouse Including New Front Facade, New External Staircase to Rear to Provide Access at First Floor Level (27 ELDON WAY) REFUSED.
- 3.16 12/00541/FUL - Change of Use from Warehouse to Retail Warehouse With Mezzanine Floor Including New Front Facade, New External Staircase to Rear to Provide Access at First Floor Level (27 ELDON WAY). APPROVED.
- 3.17 12/00552/FUL - Proposed Change of Use from Warehouse to Retail Warehouse With Mezzanine Floor, New Front Facade, and Staircase to Rear (28 ELDON WAY). APPROVED.

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- 3.18 12/00553/FUL - Proposed Change Of Use From Warehouse To Retail Warehouse With Mezzanine Floor, New Front Facade And External Staircase To Rear (29 ELDON WAY). APPROVED.
- 3.19 13/00351/OUT - Outline Application to Demolish Warehouse Units 27, 28 and 29 and Construct Three Storey Building Incorporating 5 No. Retail Units and 20 Flats (8 No. Two-Bedroomed and 12 No. One-Bedroomed) and Associated Parking and Amenity Areas. All Matters Reserved. REFUSED for the following reasons:-
- 1 The proposal would be tantamount to over-development of this site. This is by virtue of the lack of compliance with the amenity space provision within Supplementary Planning Document 2, which requires flatted schemes to provide 25m² of communal private amenity space per flat. With the need to provide space for bin storage and bicycle storage, amenity space provision is further reduced within the proposed development. This is also due to the inadequate parking provision formed by use of the minimum rather than the preferred bay size criteria, inadequate quantity of parking spaces required, lack of provision of disabled and powered two wheeler parking bays and lack of servicing arrangements for the retail units all contrary to the Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010 and policy SAT7 of the Local Plan 2006. Collectively, these would result in a development that would not meet policy and supplementary planning guidance criteria and would represent over-development of the site. This would be contrary to parts iii), iv) and v) to policy HP6 of the Local Plan 2006 and to policy CP1 of the Core Strategy and the National Planning Policy Framework (NPPF) which seek good, high quality design.
 - 2 The proposal does not provide information to advise how it will contribute towards delivery of the Hockley Area Action Plan (HAAP) Submission Document spatial framework. This framework, together with Appendix H1 to policy H1 of the Core Strategy 2011, requires proposals for re-development within the Eldon Way Opportunity Site to be comprehensively planned including necessary infrastructure requirements. The current proposal does not provide information as to how infrastructure requirements would be met for the wider HAAP site, contrary to policies 1, 2, 3 and 6 of the HAAP Submission Document, Appendix H1 to policy H1 of the Core Strategy 2011 and policies CLT5 and CLT7 of the Core Strategy 2011. In addition, no transport assessment and travel plan has been submitted which is a requirement within policy 3 of the HAAP Submission Document. Also, due to the lack of clarity around the proposed affordable housing provision it is unclear as to how the proposal would adhere to policy H4 of the Core Strategy 2011, which requires the provision of affordable housing for schemes of the scale proposed unless economically unviable, rendering the site undeliverable. A site such as this, which is part of the wider Eldon Way Opportunity Site within the HAAP Submission Document, has the potential to be unsustainable

without adherence to such policy requirements which look to seek infrastructure to support the provision of the additional dwellings and retail within this location, in a comprehensively planned manner.

4 MATERIAL CONSIDERATIONS

Principle of Mixed Use Development

The Development and the Hockley Area Action Plan

- 4.1 The site currently forms part of the existing Eldon Way Industrial Estate. The site is identified within the Core Strategy as a site for re-development for appropriate alternative uses, including residential development (policies H1 and ED3). The site is identified within policy BFR2 of the Allocations Plan 2014 and the Hockley Area Action Plan (HAAP) 2014 for development.
- 4.2 Planning permission was refused for a similar development in 2013 (13/00351/OUT); in part this proposal has sought to remedy the place-making issues. The second reason for refusal reflected the lack of evidence regarding how the proposal would contribute towards the delivery of the Hockley Area Action Plan (HAAP). The HAAP looks to predominantly provide new housing in the area of the application site with the proposal for some mixed use retail also venturing into this area. The application site is located within the 'Eldon Way Opportunity Site'. The Hockley AAP Framework Plan represents an overview and provides a broad indication of where development should take place. The mixed use nature of this proposed development is broadly in line with this framework in this particular location.
- 4.3 The HAAP sets out clear aspirations for development and requires that any proposal accords with and contributes towards delivery of the spatial framework. It requires that the Eldon Way Opportunity Site will deliver a mixed use development, and it is considered that the residential/retail use proposed accords with this.
- 4.4 The development makes an improved physical contribution to the locality by virtue of it occupying half the footprint of the existing warehouses, thus having a reduced impact in terms of visual amenity, and by way of the enhanced soft landscaping which has been introduced in this application.
- 4.5 In terms of highway improvements as required by the framework, Essex County Council Highways has confirmed since being formally consulted that it would not require any contribution to the Spa Road mini roundabout nor any proposed contribution towards bus service infrastructure.
- 4.6 There are enhancement potentials for walking routes and a financial contribution to enhance pedestrian routes linking the centre with the rail station has been put forward by the applicant, based on a contribution of £50 per retail unit and residential flat. This would result in a contribution of £1250. The same methodology has been applied to contributions to car parking

signage for the Eldon Way site, with the application proposing a contribution of £50 per retail unit and residential flat of £50, resulting in a contribution of £1250 towards enhanced car parking signage.

- 4.7 Whilst this application has gone some way to address the previous concerns regarding lack of financial and physical contributions, it is unclear how the calculation of 8.5% of the Eldon Way Opportunity site relates to the contributions of £50 per residential and retail unit towards enhanced car parking signage and enhanced pedestrian routes. The Hockley Area Action Plan roughly estimates that the cost of such works for new and enhanced pedestrian links would be between £150,000 and £200,000 and as such a contribution of 8.5% of the lowest parameter would be £12,750. The Eldon Way Opportunity Site Public Realm enhancement is estimated to cost £400,000 - £500,000, and as such a contribution of 8.5% at the median level would be £53,125 (table showing costings set out below). Whilst soft landscaping is proposed it is not considered that this sufficiently addresses the aim of the policy. The proposed contributions would therefore not be considered sufficient in order to contribute to the HAAP.

HAAP Contribution	Mid range of total cost	8.5% calculation
New and improved pedestrian links	£175,000 (mid range of £150,000 - £200,000)	£14,875
Eldon Way Opportunity Site Public Realm enhancement	£450,000 (mid range of £400,000 - £500,000)	£38,250

- 4.8 A transport and travel plan has been submitted with this application, as required by Policy 3 of the HAAP, and as such the previous reason for refusal regarding the lack of a transport and travel plan cannot be carried forward.
- 4.9 Residential development opportunities are considered acceptable within the Eldon Way Opportunity Site as long as the proposals are policy compliant. The proposal would not result in more than 50% of the Eldon Way Opportunity Site being developed for housing. The application form confirms the site area to be 0.21ha. With a proposal for 20 residential units, the density level at this part of the Eldon Way Opportunity Site would be 95 dwellings per hectare. The policy refers to an approximate figure of 50 dwellings per hectare; this proposal exceeds the preferred density level. This alone is not considered to represent a reason for refusal.

- 4.10 A mixed retail development within the Eldon Way Opportunity Site is acceptable. The proposal would provide a range of retail unit sizes. There are issues relating to how the proposal will integrate with the rail station and other areas of Hockley in terms of pedestrian links, and is therefore considered unacceptable unless further contributions are proposed to alleviate this concern and allow for further work external to this application. The application is therefore considered to be contrary to policy 6.
- 4.11 The physical measures and financial contributions which have been put forward as part of this application are not considered to contribute sufficiently to the framework and aspirations of the HAAP. This is important in ensuring a structured development is provided with improvements to local infrastructure.

5 OTHER PLANNING CONSIDERATIONS

- 5.1 The Core Strategy encourages the creation of new business enterprises. The proposal for 5 retail units would adhere to this objective (Policy ED1), in principle, which encourages economic growth. Whilst employment land would be lost to this proposal, a change of use of all three units to retail warehouses was granted planning permission in 2012 and could still be implemented and this employment area would potentially be lost as a result of the HAAP. On this basis, the loss of employment land to a mixed residential/retail scheme is not considered objectionable here.
- 5.2 The change of use to retail needs to be addressed with care and is supported at Policy RTC2 of the Core Strategy 2011 and the National Planning Policy Framework (NPPF), both look to apply a sequential test to potential retail development in areas outside the town centre. The proposed retail units are on an existing industrial estate on an accessible site and well connected by foot to of Hockley town centre. The NPPF defines an edge-of-centre site as being 'for retail purposes, a location that is well connected and up to 300 metres of the primary shopping area... In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances'. The site is located, at its closest point, within 300m walking distance of the primary shopping area of Hockley and is considered to be well connected to it with good access to bus and train links with bus stops close to the edge of the industrial estate and the train station a short walk away. Therefore the site is considered to be defined as 'edge-of-centre' rather than 'out-of-centre' or 'out-of-town'.
- 5.3 Policy prioritises retail development to the town centres of Rochford, Rayleigh and Hockley. It states in policy RTC2 that 'where town centre locations are not available, edge-of-centre locations are to be utilised with priority given to locations which have good links to the town centre and are accessible by a range of transport options'. The start of this sentence states 'where town centre locations are not available'. The application provides a supporting statement looking at all the current uses in the town centre and on the Eldon Way estate. Bearing in mind that the Eldon Way Opportunity Site is identified

for retail development in the HAAP and the good links the site has to the town centre where a range of sustainable transport options are available, the proposal is not considered to be contrary to policy RTC2.

6 IMPACT ON NEIGHBOURING PROPERTIES

- 6.1 There are no dwellings in close proximity to the site therefore it is not considered that the proposal would be detrimental to the occupiers of any neighbouring residential properties. The proposal would be in close proximity to commercial units but it is also not considered that the proposed development would be detrimental to the occupiers of any neighbouring commercial units. The land level drops between the commercial units to the rear (No. 23, 24, 25 and 26) and the application site, therefore the building would appear less prominent to these units than it might do normally if the land were level.

7 DESIGN

- 7.1 The current proposal would create a ground floor footprint of 539m², in comparison the footprint of the existing building equates to 1162.5m². Therefore the current proposal would create a reduced quantity of built form at ground floor level in terms of scale. However, the building would be greater in height with a total height of 11.5m in comparison to the 6.4m ridge height of the existing buildings and 8.3m flat roof proposed within the previously refused scheme. The overall massing of the proposed new building would be greater than the existing at third storey level but less at ground/first floor level. There are both two and three storey buildings located in close proximity to the site, therefore the proposal would accord with the existing street scene of Eldon Way with its proposal for 3 storeys with pitched roof over. No detailed design requirements are presented within the HAAP to explain the heights and scale of new buildings sought. Considering its setting, the massing of the building is considered acceptable here.
- 7.2 The positioning of the building within the plot, using a similar positioning to the existing buildings, is considered acceptable. The indicative layout with parking to the front and rear would also be considered acceptable. The bins and bicycle storage would be located in an approximate area accessible from the private drive. In design terms, parking to the frontage in the style shown is not considered to present a particularly attractive appearance within the street scene creating a dominance of parked vehicles. The ECC Urban Design officer raises concerns with this particular arrangement. It is not considered sufficiently detrimental to the street scene, considering the height and scale of this building and the appearance of the existing estate, to justify refusal of this application.
- 7.3 With regard to the Core Strategy (policy H5), the development would provide one and two-bedroomed units. This also requires a proportion of affordable housing provision to be in the form of three-bedroomed or larger dwellings

however, for the quantity of residential development proposed, it is not considered appropriate to refuse an application on the lack of three-bedroomed or larger dwellings.

- 7.4 With regard to amenity space, the indicative elevation and floor plan shows that all of the flats would have balconies measuring 5m² which would accord with SPD2 and provide acceptable amenity space provision. This revision removes the previous concern regarding lack of amenity space and as such the previous reason for refusal regarding overdevelopment and lack of amenity space would not be carried forward.
- 7.5 The Ministerial Statement of 25 March 2015 announced changes to the government's policy relating to technical housing standards. The changes seek to rationalise the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building Regulations on water and access, and a new national space standard.
- 7.6 From the date the Deregulation Bill 2015 was given royal ascent, 26 March 2015 to 30 September 2015, the Government's policy is that planning permission should not be granted requiring, or subject to conditions requiring, compliance with any technical housing standards other than for those areas where authorities have existing policies on access, internal space, or water efficiency.
- 7.7 Rochford District Council has existing policies relating to all of the above, namely access (Policy H6 of the Core Strategy), internal space (Policy DM4 of the Development Management Plan) and water efficiency (Policy ENV9 of the Core Strategy) and can therefore require compliance with the new national technical standards, as advised by the Ministerial Statement (March 2015).

8 INTERNAL SPACE

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

National Technical Housing Standard Assessment				
House Type	Gross Internal Floor Area (m ²)	Storage (m2)	Single bed size (m ²) and width (m)	Double bed size (m ²) and width (m)
Flats 3,4, 8 and 9	37 sq metres (37 required and MET) ✓	None identified	✓	
Flats 2 and 7	41 sq metres (37 required and MET) ✓	None identified		✓
Flats 1, 6 and 10	50 sq metres (61 sq metres required and NOT MET)	None identified	1 met, 2 not met	✓
Flat 5	66 sq metres (61 sq metres required and MET)	None identified	✓	✓

Policy DM4 Assessment	
House Type	Internal Floor Area (m ²)
Studio Flat	35 sq metres required 37 sq metres (1 unit, 1 unit met)
1 bedroom flat	51 sq metres required 5 units, (5 units not met)
2 bedroom flat	66 sq metres required (1 unit met, 3 units not met)

- 8.2 The proposed development in its current form does not meet policy DM4 and some of the requirements are not met with regard to the national standards. However, with some internal alterations the proposed dwellings do have the

potential to meet the national minimum standards and for this reason it is considered that a planning condition is attached to an approval requiring internal layout arrangements which comply with the national standards to be submitted and agreed by the Local Planning Authority. Whilst the internal ceiling heights are not shown on any section drawings, the agent has advised that they will be 2.4m which would adhere to the minimum 2.3m criteria. This could also be controlled by planning condition.

9 WATER EFFICIENCY

- 9.1 Until such a time as existing Policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to water efficiency. Consequently all new dwellings are required to comply with the national water efficiency standard as set out in part G of the Building Regulations (2010) as amended. A condition is recommended to require compliance with this Building Regulation requirement.
- 9.2 In light of the Ministerial Statement which advises that planning permissions should not be granted subject to any technical housing standards other than those relating to internal space, water efficiency and access, the requirement in Policy ENV9 that a specific Code for Sustainable Homes level be achieved and the requirement in Policy H6 that the Lifetime Homes standard be met are now no longer sought.
- 9.3 Policy ENV10 requires all new non-residential buildings to meet the BREEAM rating of 'Very Good'. A condition requiring details and plans demonstrating assessment of the retail units against the BREEAM standard should be attached to an approval. Policy ENV8 would require the development to secure at least 10% of its energy from decentralised and renewable or low-carbon sources, unless this is not feasible or viable. This could be controlled by planning condition.

10 TREES

- 10.1 There are occasional hawthorn plantings within the vicinity of this site. The supporting statement advises that more trees would be planted as part of a landscaping scheme; this could be controlled by planning condition. The Council's Arborist suggests a condition requiring a tree protection plan at reserved matters stage which could be imposed.

11 HEALTH AND SAFETY

- 11.1 A consultation response from the Health & Safety Executive advised that the PADHI+ software should be used where necessary. Use of the PADHI software is only necessary where any pipeline is considered a major pipeline. Previous contact with National Grid has confirmed that low or medium pressure (below 2 bar) gas pipes and associated equipment are located within the vicinity of the proposed scheme. However, these are not considered major

pipelines for the purposes of the PADHI+ software. In which case, the proposal is not considered to have health and safety implications material to the application in terms of the siting of pipelines. The applicant is advised to contact National Grid with regards to the positioning of such pipelines and the implications for the scheme in a private capacity.

12 NOISE

- 12.1 The flats within the indicative layout would be located 27m (furthest distance) from the rear elevation of the industrial units at No. 23, 24, 25 and 26. The closest flat would be located 5m from the rear elevation of these units. The 5m distance could generate noise disturbance to the occupiers of the closest flats, however, the Council's Environmental Services department does not object to the proposal. They consider a planning condition requiring an acoustic report and noise insulation scheme to be submitted to, agreed and then implemented by planning condition would sufficiently protect the residential properties from externally-generated noise.

13 DRAINAGE

- 13.1 Policy ENV4 of the Core Strategy requires all residential development over 10 units to incorporate run off control via SUDS. No information has been supplied to demonstrate how such SUDS measures would be provided on the site. However, details of such measures should be controlled by planning condition. The site does slope down from the commercial units to the west to Eldon Way to the east. Therefore, any proposal to address drainage issues would need to consider such sloping and would need to ensure that the rear parking spaces in particular, considering their proximity to higher land to the west, do not become flooded.
- 13.2 Anglian Water has confirmed that it has assets close to or crossing this site or there are assets subject to an adoption agreement. The applicant should be aware that this development may require diversion of the sewers in accordance with Anglian Water. An informative to such effect should be attached to an approval. Anglian Water suggests a condition relating to implementation of the surface water strategy provided. But as no such specific strategy has been supplied a condition requiring this to be submitted to and agreed in writing could be controlled by planning condition rather than the condition suggested by Anglian Water.

14 S106 CONTRIBUTIONS

- 14.1 ECC Education has confirmed that it will not be seeking a financial contribution with regard to this proposal. ECC Highways has also not sought a financial contribution in its consultation response.

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- 14.2 Policy H1 of the Core Strategy not only prescribes the sites proposed for re-development but also the infrastructure provision which must be delivered at each general location in order to ensure that new residential development across the District is comprehensively planned. Appendix H1 to policy H1 advises that Eldon Way/Foundry Industrial Estate should provide new infrastructure to accompany residential development. It states as follows:-
- 14.3 Contribution towards Hockley centre regeneration to be determined through development of Area Action Plan, including:-
- Public transport infrastructure improvements and service enhancements
 - Healthcare facilities
 - Public open space
 - Landscaping and street furniture
 - Pedestrian links between centre and train station, linking residential development to both
 - Early years and childcare facility
 - Youth and community facilities
 - Local highway capacity and infrastructure improvements, including Spa Road/Main Road junction improvements
- 14.4 This should be provided in a proportionate manner when considering proposals for development of parts of general location sites. Whilst the proposal includes contributions to improve pedestrian routes and car parking signage, it is not considered that the contributions proposed above are significant enough when taking into account the proposed number of dwellings. As such at present, the proposal cannot currently be considered acceptable.
- 14.5 In addition to this, policies CLT5 and CLT7 require open space and play space to be provided with all new residential development. Whilst it may not be appropriate to provide this actually on the application site, this could also be provided by financial contribution. However, no physical or financial contribution has been put forward.
- 14.6 Policy H4 of the Core Strategy requires at least 35% of dwellings on all developments of 15 or more units to be affordable. At this site, it would result in the need for 7 units to be affordable with a split of 80% social and 20% intermediate housing. The application form states that of the 20 units proposed, 13 units would be market housing, 5 units would be for social rent, 1 unit for intermediate rent and 1 unit for key workers. On this basis the

proposal is considered acceptable and the previous reason for refusal regarding affordable housing provision would not be carried forward.

15 PARKING/HIGHWAYS

- 15.1 Thirty five parking spaces have been allocated, three of which would be disabled. The revised indicative layout shows that the recommended parking bay sizes are used here measuring 5.5m x 2.9m, as required for entirely new developments. The Highways Authority has advised that three parking spaces would be considered acceptable. The revised allocation of disabled parking spaces removes the previous concern regarding disabled parking provision and the reason for refusal on these grounds would not be carried forward.
- 15.2 An area for the parking of bicycles is shown. This would need to provide space for 23 bicycles for the flats including visitors and 4 for the retail units, totalling 27. This is achieved in the indicative layout. The required amount of cycle storage has been identified but not marked out in detail. The cycle area has been relocated since the previous application and the revised proposal removes the previous concerns regarding the impact on the amenity area. Parking provision for 8 powered two wheelers is identified on the plan but not marked out in detail. This provision meets the requirements (4 for retail and 4 for residential) however it is unclear how these would be allocated within the existing layout. It would be reasonable to impose a condition requiring approval of these details of these spaces by the Local Planning Authority.
- 15.3 The indicative layout shows parking for 35 vehicles to serve the 8 two bedroomed and 12 one bedroomed flats and the 5 retail units. The Parking Standards document would require a minimum of 28 vehicle spaces for the 20 flats, 12 for the one-bedroomed, 16 for the two-bedroomed. For the retail units, assuming they would not serve food stores, the requirement is for a maximum of 1 vehicle space per 20 sqm. With a total floor area of 545sqm, there would be a requirement for a maximum of 27 spaces. In addition, visitor parking for the flats would require a minimum of 5 additional parking spaces. Therefore, to strictly adhere to the Parking Standards document, there would be a requirement for 60 parking spaces, 25 more spaces than the number shown.
- 15.4 However, the retail provision is a maximum rather than a minimum figure and the document states that a lower provision of vehicle parking may be appropriate in urban areas (including town centre locations) where there is good access to alternative forms of transport and existing car parking facilities. There are good bus links through the town centre, a short distance away, and Hockley train station is also within walking distance. There is also a public car park in walking distance of the site, however, this is an approximately 10 minute walk away and therefore not particularly usable to residents of the flats. There is estate parking available to the premises which a statement produced by the agent for a previous application explains equates to 83 spaces (however, such parking is also available and shared

with other estate users). Whilst a lower provision than required by the Parking Standards document is proposed, due to the sites location the 35 spaces identified would be considered acceptable here.

- 15.5 ECC Highways has not objected to the application but have recommended a number of conditions which would be reasonable to impose.
- 15.6 The revised plans show two possible servicing spaces. A service space to the rear with a swept path analysis showing the ability for a 2 ton vehicle to reverse into this area, and a space for an artic lorry lorry to pull off the highway to the frontage. ECC Highways have been consulted and have no objection to the service spaces proposed. As a result of the changes to parking provision and servicing detailed in the revised submission the previous reasons for refusal on parking grounds and servicing cannot now be brought forward.

16 RECOMMENDATION

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

That the application be **REFUSED** for the following reason:-

The proposal does not adequately address the policies within the Hockley Area Action Plan nor does it provide sufficient contributions towards delivery of the Hockley Area Action Plan (HAAP) 2014 spatial framework. This framework, together with Appendix H1 to policy H1 of the Core Strategy 2011, requires proposals for redevelopment within the Eldon Way Opportunity Site to be comprehensively planned including necessary infrastructure requirements. The current proposal does not provide information as to how infrastructure requirements would be met for the wider HAAP site, contrary to policies 1, 2, and 6 of the HAAP Adopted 2014, Appendix H1 to policy H1 of the Core Strategy 2011 and policies CLT5 and CLT7 of the Core Strategy 2011. A site such as this, which is part of the wider Eldon Way Opportunity Site within the HAAP, Hockley has the potential to be unsustainable without adherence to such policy requirements which look to seek infrastructure to support the provision of the additional dwellings and retail within this location, in a comprehensively planned manner.

POLICIES

Policies H1, H4, H5, H6, CP1, ENV4, ENV8, ENV9, ENV10, CLT1, CLT2, CLT3, CLT5 CLT6, CLT7, T1, T3, T8, ED1, ED3, ED4, RTC1, RTC2 and RTC6 of the Core Strategy 2011

Policies HP6, HP10, HP11, EB6, SAT7 and UT2 of the Local Plan 2006

Supplementary Planning Document 1 – Educational Contributions

Supplementary Planning Document 2 – Housing Design

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

Rochford District Council Allocations Plan Adopted 2014

Hockley Area Action Plan Adopted February 2014

STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently identifying matters of concern with the proposal. The issues identified are so fundamental to the proposal that it has not been possible/is not considered possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.



Christine Lyons

Assistant Director, Planning Services

Relevant Development Plan Policies and Proposals

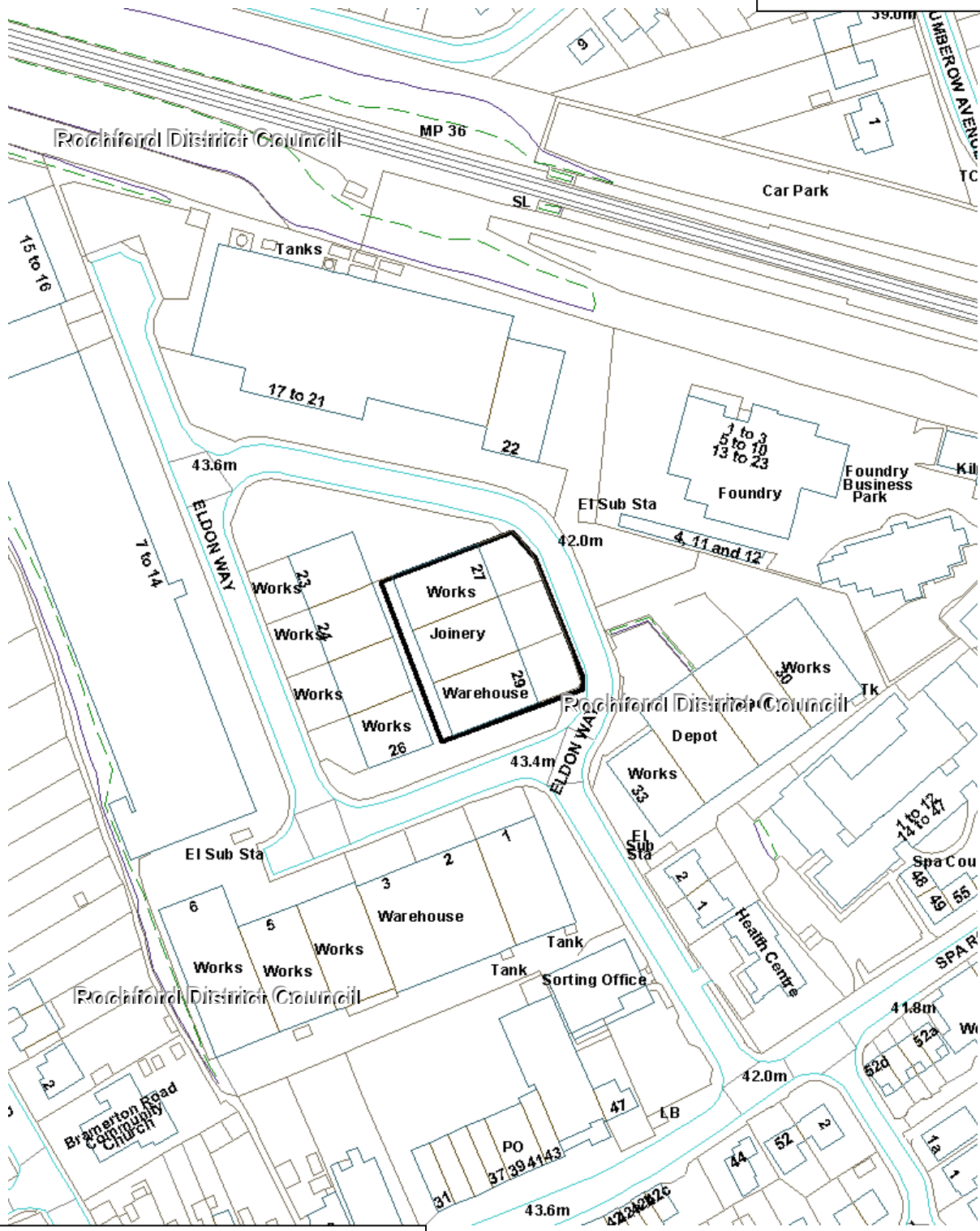
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