

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 percent 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 the submitted Transport Statement).
- (g) Financial contribution of £2,164.10 (£127.30 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:

DAP-1299-200-07 – Site Layout Plan

DAP-1299-201-07 – Apartment Floor Plans

DAP-1299-202-07 – Apartment Elevations

DAP-1299-203-07 – House Type 01

DAP-1299-204-07 – House Type 02

DAP-1299-205-07 – House Type 03

DAP-1299-208-06 – Street Scene

DAP-1299-209 –01 Parking Plan

203.08 (showing revised treatment of east elevation: Plot 4)

DAP-1299-210 – Illustrative Visual

DAP-1299-211 – Illustrative Visual

DAP-1299-212 – Illustrative Visual

DAP-1299-213 – Illustrative Visual

DAP-1299-610-02 – Design Updates Document

Plan Reference 05 2226-21.1 Structural Landscape Scheme

220.01 Boundary Plan

Plan Number 211.00 Street View Plan (indicating inclusion of window to east elevation of Plot 4)

2475-RE-03-20-01 – Flood Risk Assessment and Drainage Strategy prepared by Evans Rivers and Coastal Ltd.

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, fascia's, 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).

Implementation of Landscaping Details

- (5) The soft and hard landscaping provision as shown by plan references 05 2226-21.1 Structural Landscape Scheme and 220.01 Boundary Plan shall be implemented in its entirety in accordance with the submitted and approved details within the first planting season (soft landscaping) and within one year respectively (boundary treatments) from the date of occupation of any development. 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.

Development in accordance with Arboricultural Report and Tree Protection 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 as shown by the submitted revised parking layout plan reference 209.01.

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 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 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 offsite flooding caused by surface water runoff 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 topsoil 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, ground waters 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 (Private & Shared Access Drives)

- (23) All hard landscaping including the surfacing of private or shared access drives, the service road and all pedestrian footways 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 (July 2021).

Limiting Construction Hours

- (24) No works during any part of the construction phase of the development, including all associated ground works, building operations deliveries and / or collections shall take place between the hours of 6pm and 7 am (Monday to Friday) and between the hours of 1 pm and 7am on Saturdays. No construction works, deliveries or collections shall take place on a Sunday or on any bank holidays,

REASON: To safeguard the residential amenity of the vicinity. in accordance with policies DM1 of Rochford Council's Development Management Plan (Adopted December 2014).

Travel Information Packs

- (25) Prior to first occupation of the proposed development, the developer shall be responsible for the provision, implementation, and distribution 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. These packs (including tickets) are to be provided by the developer to each dwelling free of charge.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the council's Local Development Framework's Development Management Plan.

Access Construction

- (26) Prior to first occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in each direction, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be

provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with Rochford District Council's Local Development Framework Development Management Plan policy DM1

- (27) Prior to first occupation of the development, as shown in principle on planning drawing 209.01. the shared vehicular access shall be constructed at right angles to the existing carriageway and shall be provided with an appropriate vehicular crossing.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway in the interest of highway in accordance with Rochford District Council's Local Development Framework Development Management Plan policy DM1

- (28) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Rochford District Council's Local Development Framework Development Management Plan policy DM1.

- (29) Prior to first occupation of the development, as shown in principle on planning drawing 209.01. The shared internal access road, turning head, parking, and turning areas shall be provided in accordance with current standards. 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.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety in accordance with Rochford District Council's Local Development Framework Development Management Plan policy DM1 and DM8.

Electric Car Charging Points

- (30) Prior to the first occupation of the development hereby permitted the electric car charging points as shown on plan reference 209.01 (Parking Plan) (shown to be serving Plots 1-11 inclusive) shall be installed and fully operational.

REASON: To ensure that the development achieves sustainability in its design in compliance with Rochford District Council's Local Development Framework Development Management Plan policy DM1 and policy CP1 of the Core Strategy and Chapter 12 of the National Planning Policy Framework (July 2021).

- (31) Notwithstanding the details of the submitted Parking Plan (which does not indicate electric car charging points to serve the Apartment Block) , prior to the first occupation of the Apartment Block electric car charging points shall be provided and fully operational in accordance with the details of a further plan which shall have been submitted to and agreed in writing by the Local Planning Authority.

REASON: To ensure that the development achieves sustainability in its design in compliance with Rochford District Council's Local Development Framework Development Management Plan policy DM1 and policy CP1 of the Core Strategy and Chapter 12 of the National Planning Policy Framework (July 2021).

2 PLANNING APPLICATION DETAILS

- 2.1 This application was deferred at Development Committee of 10th December 2020 for in order that the applicants be given an opportunity to address issues relating to:

- a) conformity with Secure by Design requirements;
- b) the overbearing height of the proposed three storey buildings;
- c) lack of compliance with parking standards;
- d) access onto unadopted highway;
- e) amenity spaces being under-sized;
- f) Density too great;

and

- g) Surface water details need to be considered at the heart of the permission and not reserved for condition.

On a requisition pursuant to Committee Procedure Rule 12.4 a recorded vote was taken on a motion to defer the application for further consideration by the applicants of issues relating to:

- i) conformity with Secure by Design requirements;
 - ii) the overbearing height of the proposed three storey buildings;
 - iii) lack of compliance with parking standards;
 - iv) access onto unadopted highway;
 - v) and amenity spaces being under-sized,
- 2.2 Following discussion with officers revised plans with corresponding documents were submitted on 21st April 2021 which seek to address the concerns expressed by members of the Development Management Committee.
- 2.3 The application still proposes seventeen units. The revised Design and Access Statement indicates that the scheme proposes 11 in number of 4 bed dwellings, which will be open market dwellings in addition to affordable housing provision within the apartment block provided for by 4 in number of 4 one bed apartments and 2 in number of 2 bed apartments. The apartment block intends to provide the required affordable element which equate to a policy compliant level of affordable housing set at a proportion of 35%. The proposals have been adjusted to take into account the matters discussed and raised by the Development Committee with key changes being made and additional information submitted which are summarised as follows:
- A further statement setting out further to discussions with Essex Police how the principles of Secure by Design have been embedded within the proposed development.
 - Revisions to the scale and massing of the proposed development with a reduction in the height of the built form relative to the original and previously revised plans, reflecting the heights of dwellings approved by the previous Reserved Matters application forming part of the strategic development which is illustrated by means of street view and section plans.
 - Demonstration of the relationship between the development proposed and neighbouring development whilst highlighting improvements to the design of the proposed development.
 - Improvements to parking provision as demonstrated by plan reference 209.01 (Parking Plan) achieved by an open under croft as opposed to an enclosed parking space.
 - Additional information relating to soft landscaping and boundary treatments in the form of a Structural Landscape Plan and Boundary Plan. This plan indicates the proposed establishment of a native hedge along the frontage of the site with Windermere Avenue and to the western boundary of the site

adjacent to the car parking which is to serve the apartment block with the selective use of ornamental trees at suitable locations within the site.

- The submission of additional information and verification in terms of the status of Windermere Avenue in relation to site access.
- An amended site layout plan adjusting slightly individual plots (Plots 1-11) (all shown to be served by Electric Car Charging points) which achieves adequate parking and private amenity space which was questionable on the previous plans. This site layout plan shows a slight adjustment to the position of the Apartment Block in its degree of set back relative to the boundary with the grass verge set south of Windermere (being set back 13.5 metres from the boundary line)
- Revised surface water drainage details providing further details supplementing previously submitted details including calculations to demonstrate that the details as proposed are suitable for the site in principle.
- The omission of House Type 4 from the proposals with 3 house types being proposed in addition to the apartment block.
- An updated Design and Access Statement which speaks to the changes.

- 2.4 In summary the apartment floor plans (reference 201.07) indicate the provision of 6 units. Unit 1 is shown to be a 1 bed two-person unit (62m² gross internal area), Unit 2 is shown to be a 1 bed two-person unit (55m²), Unit 3 is shown to be a 2 bed three-person unit (69m²), unit 4 being a 1 bed two-person unit (55m²), unit 5 a 2 bed three-person unit (69m²) and unit 6 being a 1 bed two-person unit (55m²). These units equate to Plots 12,13,14,15,16 and 17 as cited by the most recently submitted Accommodation Schedule.
- 2.5 The elevation plan (reference 202.07) indicates the height of the apartment block to be 9.91 metres (approximately), 22.8 metres in length as viewing from Windermere Avenue and 8.4 metres in gable width. This block is shown to be served by 7 car parking spaces a minimum of 2.9 metres by 5.5 metres, two of which are designated visitor parking with additional lateral space shown (highlighted in blue) either side to accommodate the mobility needs of disabled persons. The amenity space afforded to this block is indicated to be 180m².
- 2.6 Three house types are indicated by the revised plans as opposed to what was previously indicated to be four house types. The House types relate to the appearance and design of the properties with some variation in gross internal floor space and storage. Plots 1-6 are all house type 1 (as shown by plan reference 203.07), being 4 bedroom 7 person dwellings providing a gross internal floor space area of 132 m². Plots 10 and 11 are also 4 bedroom 7 person dwelling providing the same gross internal floor space of 132 m².

House type 2 (Plots 7 and 9) comprise 4 bedroom 7 person units providing a gross internal floor space area of 150 m². House type 3 (Plot 8) comprises a 4 bedroom 8 person unit providing a gross internal floor space area of 153m².

- 2.7 The height of this house type is indicated to be 9.14 metres being 7.62 metres wide with a gable depth of 11.91 metres (approximately). House type 2 (as shown by plan reference 204.07) is also a 4-bedroom unit of accommodation comprising a gross internal floor area of 150m² with 3.2m² of storage space. The height of this house type is indicated to be 9.45 metres, being 7.42 metres wide with a gable depth of 9.07 metres which excludes the depth single storey rear extension.
- 2.8 House Type 3 (as shown by plan reference 205.07) is also a 4-bed unit comprising a gross floor space of 153m² with 4.7m² meters of storage. The height of this house type is indicated to be 9.42 metres, being 9.12 metres in width.
- 2.9 Car parking is provided on the basis that all 4 bed dwellings (Plots 1-11) are served by 2 car parking spaces as are the 2 bed 3 persons apartments (units 14 and 16) whilst the 1 bed 2 person apartments (units 12, 13, 15 and 17 are served by 1 car parking space providing a total of 30 car parking spaces in addition to 5 visitor parking spaces.
- 2.10 The proposals in terms of the minor adjustments to the individual plots have no material bearing on the provisions to protect important oak trees located at the northern extremity of the site. As such the details laid out by the Tree Protection Plan (which sought to address design issues raised during the early stages of the application process and a greater degree tree protection measures as compared to that originally indicated) remain unchanged.
- 2.11 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.
- 2.12 A number of supporting documents have been submitted in support of the application some of which have been updated which include a Flood Risk Assessment and Surface Water Drainage / SuDS Strategy prepared by Evans Rivers and Coastal, an updated Transport Statement prepared by Journey Transport Planning and an updated Design and Access Statement. The, Planning Support Statement, Design and Access Statement, Updated Ecological Survey (dated June 2020) the 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 remain unchanged.

3 MATERIAL PLANNING CONSIDERATIONS

Site and Context

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- 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. Further site visits have been undertaken since the case was deferred to ascertain whether there has been any material change on site. 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 most of the land excluding this current application site, 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 and which is now under construction.

- 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 must 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 Chapter 5 of the National Planning Policy Framework (July 2021) 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 Southwest 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 Outline or Reserved Matters approval. It is understood that this may be due to 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 at Chapter 12 (achieving well designed places) 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.

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- 3.22 The NPPF as updated July 2021 indicates that 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 decisionmaker 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 A number of design changes have been made by the most recently revised plans submitted on 21st April 2021 which seek to address the perception of inconsistency or harm found in the development that was previously

presented to members. The design layout in its latest iteration achieves physical separation between the built form, safeguards protected trees, provides adequate access, private amenity space, parking, policy compliant units in terms of floor space standards and landscaping provision to enhance a site which when implemented it is considered will create a sense of place, wellbeing and belonging.

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 200.07. 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 almost 14 metres further back from the north boundary (as compared by what was originally shown). This set back which was previously reported to members has been maintained by the most recent revisions. In so doing this set back has created a large expanse of amenity space which will provide a grassed amenity area for the occupants of the apartments which would be screened from Windermere Avenue by new hedgerow planting as indicated by the structural Landscape Plan.
- 3.30 The footprint of plots 1-4 which are those properties located to the east aspect of the site fronting Windermere Avenue are shown to be located 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 otherwise 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 (proposed housing) are served by rear garden areas which are to be enclosed and framed by a brick wall which is indicated by the Boundary Plan. 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 as such affects plots 1-4. Contrary to the views expressed by third parties, it is not considered that the development constitutes over development.
- 3.33 It is acknowledged that the built form comprises 3 floors but perceived as 2.5 storey due to the windows being within the roof element. 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 19 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 172600-002 (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.

Secured by Design

- 3.37 Officers previously reported the previous comments issued by Essex Police in terms of critique that the development does not demonstrate how the design takes into account 'Secured by Design'. 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 was previously reported that it was not considered that this consideration was determinative in itself in terms of informing the acceptability or unacceptability of development design as a whole, however it was a factor to consider. It was reported that the material weighting to be given to it will depend on the individual circumstances of a site. It was previously reported that the retention of the hedge boundary in particular enveloping the shared amenity space serving the apartment block, would provide a positive feature in this respect as would the orientation of the apartment block offering natural surveillance over this amenity space.
- 3.39 The revised details submitted on 21st April 2021 which included a covering letter, speak to the issues around this matter. The covering letter states that the site has sought to incorporate general Secure by Design principles through the encouragement of natural surveillance, overlooking of parking areas, security of private spaces and the opportunities afforded for the future detailed landscaping proposals. Beyond this however, and despite the fact that Secure by Design certification is not a policy requirement it is indicated that Marden Homes have also met with Essex Police to ensure they have a clear understanding in terms of what features of detail could be incorporated into the scheme post-planning to reach Gold certification.
- 3.40 Essex Police have confirmed that in their view, the scheme accords with Secure by Design principles in its current form, and that there would be few additional requirements to reach formal certification level. Marden and Essex Police have agreed to work together to consider this further post-planning. Essex Police confirms it has no objection to the development as a matter of principle and based on the details discussed.

Design: Height

- 3.41 Officers previously reported that in assessing the appearance and height of the development, regard must 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.

- 3.42 It was previously reported 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 as is the view previously expressed that the development will be out of character with the remaining development and the existing character of neighbouring established development.
- 3.43 It was previously reported 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.
- 3.44 It was previously reported that it was not considered that the development proposed as considered by members at its December 2020 committee meeting, 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 was considered objectionable.
- 3.45 It was previously reported that the height is in contrast with the dwellings at Windermere Avenue which are 1.5 and 2 storey properties, but there was no factor to indicate that this in itself was a defining consideration as there was 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 development which is further defined and softened by the hedge boundary which is being retained and proposed hedgerow planting. 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 was a more materially relevant consideration. It is considered that the development taking into account the relative heights of those buildings under consideration was acceptable.
- 3.46 Following deferral by the committee on the basis of reservations regarding the height of the development and further to discussion with officers the applicant has revised the proposals in this respect. The applicant's further submission

in this respect indicates that the adjacent development has delivered dwellings which range in height across the development, with a number of key buildings, particularly those along Windermere Avenue being over 9m in height. It was previously reported that the height of some of the house types exceeded 10 metres in height at 10.06m (House Type 1), 10.21m (House Type 2), whilst house type 3 (9.98m) and house type 4) at 9.14m (now omitted) were under 10 metres. The apartment block was shown to be 10.67m (middle section) and 9.98m (Flank Section). House type 1 is now indicated to be 9.14 metres in height, house type 2 is indicated to be 9.45 metres in height, house type 3 being 9.42 metres in height and the apartment elevations 9.91 metres.

- 3.47 The measurement taken from the scale plan do not align with the statement made by the applicant in this respect (which states that the majority are under 9 metres which is not reflected by the submitted plans which have been measured against the stated scale). However, it is considered that the heights have been sufficiently reduced to address the previously expressed concerns and reservations.
- 3.48 It is the applicant's position that this approach in terms of building heights therefore accords with the principles established on the neighbouring development whereby building heights are used to distinguish key feature buildings and for heights to be used to provide variety and interest across the site. The built form on the site has also been set further back from Windermere Avenue to dilute the relationship of the new proposed buildings with those existing dwellings on the north side of Windermere Avenue. This positioning also further ensures a cohesive street frontage when viewed in the context of the adjacent new development. Additional visual models have also been prepared and submitted to help clarify how the proposals will appear and respond to existing development along Windermere Avenue.
- 3.49 The applicant submitted that the ridge heights of neighbouring Barratts development (which are 3 storey) are in line with the proposed house types as proposed where it is stated that the height of neighbouring development along Windermere Avenue is 9.6 metres which sets the precedent for the development now proposed. Taking precedent from the Barratts development; it is stated their flat blocks are all three storeys, hence why on the previous design the central element of the proposed flat block was three storeys with two and a half storey wings either side. The new proposal has been designed to be two and a half storeys to be more sympathetic to its surroundings

Quantum of Development

- 3.50 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.

- 3.51 The development density of this development is stated to be 38.6 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).
- 3.52 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).
- 3.53 It is noted that the officer's report accompanying the neighbouring outline application at paragraph 4.19 indicated as follows:
- Par 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.
- 3.54 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 southeast of the existing group of farm buildings.
- 3.55 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.

- 3.56 It was previously reported that the applicant has submitted a further statement in support of the density of the proposed development setting out that the density of the site (37dph) is considered appropriate in respect of neighbouring development (ranging between 25 and 45dph), particularly given that the scheme can be achieved alongside full compliance with requirements relating to parking, affordable housing, amenity space and internal space standards. It also allows for an appropriate setback distance from the front of the site to respect the amenity of existing residential properties along Windermere Avenue. The Council should therefore support the efficient use of land, and appropriate densities as advocated by paragraph 124 of the National Planning Policy Framework. A reduction in the number of units on the site of this size would either reduce the provision of affordable housing, or possibly even make the site as a whole unviable and unable to provide any affordable housing at all.

Housing Mix

- 3.57 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 with the exception of Plot 8 (4 bedroom 8 persons dwelling) are 4-bedroom 7 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

- 3.58 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

- 3.59 House types 1-3 are very similar in terms of height and proportion whilst the apartment block incorporates a shallow pitched roof determined by its proportions. Further work has been placed on the design and appearance of the proposed development in the most recent plans.

- 3.60 Juliet Balconies, stone detailing, Georgian Flat Roof Dormers, Georgian Proportion Windows, Projecting Gable, Covered Entrances, Grey Roof Tiles and Off-White Render have been highlighted indicating the proposed application of a traditional palette of materials carefully chosen to provide balance against the contemporary design features. Although contemporary in design, the dwellings aim to be sympathetic to the setting of this application. When designing the proposal, the statement indicates that the Essex Design Guide refers to materials such as red or yellow brick, smooth render, and weatherboarding. The finishes will give a high-quality feel to each building. Subject to availability, the carefully selected material palette would consist of;

1. Red Multi brickwork
2. Grey Clay tile roof
3. Off-White White Render.

The revised application indicates that investigation into a suitable material palette was an important part of the design process, whereby samples of different types of brick and cladding finishes were ordered to ensure the chosen materials will complement the local area.

- 3.61 The application indicates that when designing the proposal, it was important to think about the experiences the site may bring for the existing residents in the area as well as any new residents. From a user perspective, the application now states that the development has been designed giving regard to the local context. The development comprises a 2.5/3 storey, whilst the main argument progressed is that this area of Hullbridge does not have a fixed storey height, and it was on this bases that a taller development was conceived as acceptable. The applicants main concern was that the built form at Windermere Avenue if replicated would predetermine or predispose a development to being 1.5 storey.
- 3.62 The applicant considers that this concern has been negated by providing a deep set-back from Windermere Avenue. The view is that the design layout is sympathetic. It is the applicant's case that from a design perspective, the proposed spectrum of bright colours proposed for front doors provides an interesting feature adding visual interest to the street-scene. Furthermore, it is proposed that the internal of the covered entrance would mimic that colour on the walls and ceiling to provide a vivid 'portal' like entrance. The storey height has been increased whilst it is the applicant's case that although storey height has been increased (but not the ridge height) effort has been made to ensure that the development by means of massing will not be over dominant relative to the neighbouring development. This is illustrated by the 'Street Scene' drawing where it is clearly visible that the development proposed is no taller than the neighbouring development with the exception of the apartment building.

- 3.63 The development from a built form perspective is of a contemporary design, whilst from a spatial perspective although a scheme of landscaping enhances the development further creating a high level of amenity. 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.
- 3.64 It is noted that the apartment building has been strategically designed and placed. Given its degree of setback relative to Windermere Avenue when considered in conjunction with the hedgerow planting 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.
- 3.65 The proposals ensure 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.
- 3.66 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
- 3.67 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

- 3.68 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 is applied to all new developments.
- 3.69 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.

- 3.70 The adopted Parking Standard indicate that a property comprising one bedroom should have one off streetcar 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.
- 3.71 It was previously reported that House types 1 and 2 would occupy plots 5,6,7,9,1, and 11 whilst house type 3 will occupy plot 8. House type 4 as previously reported (now omitted) were those properties to the east front aspect of the site (plots 1-4) facing in the direction of Windermere Avenue. It was previously reported that these properties were 3 storey properties which the floor plans indicate would be served by under croft and part drive parking. The ground floor plans for these dwelling types showed 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 were shown to have no other use whilst the combined length of 11 metres by a width of 3 metres was considered acceptable by officers equating to two spaces for each dwelling.
- 3.72 Two further visitor car parking spaces were shown to be located adjacent to Plot 4 on the east boundary which provided the required parking bay dimension of 2.9 x 5.5. A further visitor parking space was shown opposite plot 2 parallel with Windermere Avenue. Two car parking spaces were also shown to be located in between plots 6 and 7 and 9 and 10.
- 3.73 The apartment block was shown as being served by 8 parking bays which were to serve 4 x 1-bedroom apartments and 2 x 2-bedroom apartments. This parking area was shown 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 were shown by the proposed site layout plans as being are 2.9 x 5.5.
- 3.74 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.
- 3.75 Further to the comments made by members in relation to the parking provisions, the revised plans submitted 21st April 2021 indicate that the proposals fully accord with Essex Parking Standards. The supplementary note makes reference to where members referred explicitly to the Standards in respect of a preference for parking spaces that are adjacent to solid structures having an additional 1m width for ease of access. Having reviewed the standards, the applicant states that it is understood that this actually refers to

car parks and shared parking areas rather than on-plot parking and car ports. However, the house types have been revised to allow the car ports to be accommodated on the outer edge of the dwellings, with no external wall, so that the spaces are at least 4m wide. The visitor spaces have also been redistributed across the site to ensure fair access for all users of the site.

- 3.76 This has been achieved by 'handing' the layout of the houses so that the parking will sit on the on the outer sides of each house instead of in the centre shown in the previous layout. Concerns were previously raised over the provision of visitor parking between plots 6 + 7 and 9 + 10 and the potential for this to restrict the fair use for all site users. The revised layout has therefore moved this visitor parking to the north of the site near the entrance in a more communally accessible position. This review of this area continues to ensure no unacceptable impact on the existing trees along the site frontage, as previously agreed with the Council's arboriculture officer.

Landscaping

- 3.77 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. These details have now been submitted indicating structural landscaping details and the treatment of public realm boundaries (to the west flank and rear of Plots 1-4) comprising a brick wall with plot separation provided by close boarded fencing. 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. The latterly submitted Landscape Plan will provide native hedgerow screening utilising species such as Acer Campastre, Corylus avelania, Crytaegus monogyna, Prunus Spinosa, Quercus robur, with the use of 5 metre specimen trees (Ilex Castanifolia) and Liquidamber Worpesdon, Betula pendula, Amelanchier 'robin hill', shrub beds and amenity lawn.

Separation Distances

- 3.78 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 houses. Whilst mostly applicable to infill plots within existing residential areas SPD2 also makes clear that this should also be applied to development of new estates.
- 3.79 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.

- 3.80 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

- 3.81 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.
- 3.82 The Technical Standards table indicates that the gross floor space requirement in respect of the 4-bedroom 8 person dwellings of which there are 11 (plots 1 to 11) is 121m² which are met as the floor space to be provided is 140 square metres (by House Type 1) 150 square metres (by House Type 2) and 153 square metres (by House Type 3) The required storage space of 3m² is also achieved and exceeded by all plots.
- 3.83 The 1-bed 2 person apartments (Units 12, 4 and 6) require a minimum gross floor space of 50m² whilst 62m², 55m², 55m² and 55m² are provided respectively. The 2-bed 3 person apartments (Units 3 and 5) require a gross floor space of 61m² which is met by the proposed gross floor space of 69m². 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 1-6, 10 & 11	4b7p (3 storey dwellings) require 130m ² . 132 m ² provided. Requirement met) ✓	Ground Floor Storage 2.03m ² Second Floor Storage 1.00m ² (3.0 required) Requirement met) ✓	✓	✓	✓
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)
HT2 Plots 7 & 9	4b7p (3 storey dwellings) require 121m ² . 150m ² provided. Requirement met) ✓	Ground Floor Storage 2.03m ² Second Floor Storage 1.00m ² (3.0 required) Requirement met) ✓	✓	✓	✓
HT3 Plot 8	4 b 8 person (3 storey dwelling) Requires 130m ² 153m ² provided requirement met	Ground Floor Storage 2.03m ² Second Floor Storage 1.00m ²	✓	✓	✓

		(3.0 required) Requirement met) ✓			
Apartments (plot numbers 12,13,15,17	1b2p (set out over 1 floor requires 50m ²) 55m ² & 62 m ² provided X 3 +62m 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) 69m ² provided. Requirement met ✓	1.5m ² required 1.5m ² shown. Requirement met.	✓	✓	✓

Amenity Space / Garden Sizes

- 3.84 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.
- 3.85 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
- 3.86 The most recently revised site layout plan reference 200.07 indicates and as measured and verified by the case officer that Plots 1-11 inclusive provide the minimum 100m² of private amenity space. This provision is in compliance with the supplementary guidance. The amenity space provided as cited as follows: Plot 1: 101m², Plot 2: 105m², Plot 3: 105m², Plot 4: 126m², Plot 5:

169m2, Plot 6:110m2, Plot 7: 110m2, Plot 8:102m2, Plot 9: 110m2, Plot 10: 110m2 and Plot 11: 122m2.

- 3.87 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. The useable space is considered to provide an area of approximately 180m2 which is to be accessed by the occupants of 4 x 1bedroom 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 which is exceeded by the provision (providing 30 m2 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.

Water Efficiency

- 3.88 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

- 3.89 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.
- 3.90 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

- 3.91 The Council operates a 3-bin system per dwelling consisting of a 240l bin for recyclate (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.
- 3.92 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 building shows a rectangular space approximately 4.17 in length by 2.18 in width. Previously as proposed right at the outset 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.

- 3.93 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.
- 3.94 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.

Cycle Space

- 3.95 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

- 3.96 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.
- 3.97 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

- 3.98 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.
- 3.99 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.
- 3.100 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.
- 3.101 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.
- 3.102 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.
- 3.103 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 officers consider required to be addressed 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.

- 3.104 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.
- 3.105 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.
- 3.106 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.
- 3.107 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.
- 3.108 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.

- 3.109 Given the applicant's willingness to provide improvements which would be a legitimate contribution towards the infrastructure of the local highway network, officers consider that despite its non-adopted status, the Local Planning Authority from a contribution's 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 improve access to the site.
- 3.110 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 solely dependant on Windermere Avenue and West Avenue for access.
- 3.111 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. Officers consider 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.
- 3.112 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.
- 3.113 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. Essex Highways has been consulted and has provided a comprehensive response. In terms of the issues around the status of Windermere Avenue it has provided confirmation on this issue which coincides with the due diligence checks undertaken by the applicant (Birkett's Solicitors letter).

- 3.114 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.
- 3.115 Further to that previously reported as highlighted above in particular the status of Windermere Avenue the applicant has provided further information in this regard which includes the following documents
- Ringway Jacobs/ECC Highway Search
 - Legal Advice re: Highway Access Rights from Birkett's Solicitors
 - Updated Transport Statement prepared by Journey Transport Planning – to supersede July 2020
- 3.116 The covering letter submitted coinciding with the above stated documents indicates that highways searches confirm that whilst Windermere Avenue is not publicly maintained, it is in fact still public highway and as such, all users enjoy equal public access rights. Essex Highways have confirmed their agreement of this legal position and have advised that their revised consultation responses will confirm as such in writing. In the meantime, Essex Highways have provided the following response by email: *"It would appear that Windermere Avenue, in the vicinity of the proposal, is not adopted highway. The section of road is a private road. Private roads are not adopted by the local authority and therefore maintenance and upkeep are the responsibility of the landowner."*
- 3.117 Given the access is from a Private Road, the access rights are a private matter and have no implications on the Highway Authority recommendation. Marden Homes have also sought legal advice from Birkett's Solicitors regarding the status of the road and access rights. The applicant continues to propose the resurfacing of Windermere Avenue as detailed within the accompanying Design Updates document, which will improve amenity for both new and existing road users. An improved road surface will also lessen any existing impacts for residents in respect of noise and dust created as a result of the existing poor surface.
- 3.118 A letter submitted by Birkett's Solicitors confirms the following:
- 'During our mutual client's title due diligence, the legal status of Windermere Avenue was investigated, and enquiries made of the Highways Authority. A copy of the Highway Authority's response by way of letter dated 30th July 2019 is annexed to this letter. The letter confirms that the legal status of Windermere Avenue is split into two sections. Both sections are public highway and are capable of being openly traversed by members of the public both on foot and by vehicle. The section shown highlighted in yellow on the plan attached to the Highway Authority's letter is maintainable by the Highway

Authority at the public expense ('the Yellow Section'). The longer section of Windermere Avenue shown shaded pink on the plan is not maintained by the Highway Authority ('the Pink Section'). Our enquiries of the landowner have not revealed any formal maintenance protocol in respect of the Pink Sections of Windermere Avenue. Presumably any maintenance or upgrade works undertaken to those sections as part of our mutual client's development could only be regarded as improving the long-term condition of Windermere Avenue'.

Impact of Proposed Development on Protected Trees

- 3.119 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.
- 3.120 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.
- 3.121 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).
- 3.122 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.

- 3.123 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.
- 3.124 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.
- 3.125 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.
- 3.126 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.
- 3.127 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

- 3.128 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 (July 2021)

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.

- 3.129 The application is supported by a site-specific Flood Risk Assessment and Surface Water Drainage / SuDS Strategy which has been revised by the latest revised documents (document reference 2475-RE-03-20-01 – Flood Risk Assessment and Drainage Strategy prepared by Evans Rivers and Coastal Ltd). 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
- 3.130 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.
- 3.131 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.
- 3.132 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.
- 3.133 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 runoff into the sewer, the volume should be discharged at a rate of 2/ls/ha.

- 3.134 Officers previously indicated that the Lead Local Flood Authority had no issue with surface water drainage arrangements which were adequately covered by the submitted particulars. The conditions as previously recommended in this respect and which continue to prevail are standard conditions which in no way reflect the inadequacy of the information but rather provide the mechanism to agree and implement a scheme based on technical detail which are not determinant in themselves to reaching a conclusion on the adequacy of surface water drainage provision on site. The Lead Local Flood Authority was reconsulted on the revised information and has no objection.

Ecology

- 3.135 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.
- 3.136 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.
- 3.137 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.
- 3.138 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.
- 3.139 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.

- 3.140 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

- 3.141 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.
- 3.142 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.
- 3.143 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
- 3.144 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 £127.30 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

- 3.145 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/OUT, 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:
- 3.146 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.
- 3.147 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.
- 3.148 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.
- 3.149 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 in respect of 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.
- 3.150 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.

- 3.151 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).
- 3.152 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

- 3.153 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.
- 3.154 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.

- 3.155 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.
- 3.156 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

- 3.157 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.
- 3.158 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).

- 3.159 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.
- 3.160 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.
- 3.161 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

- 3.162 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 southwest 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.
- 3.163 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

- 3.164 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.
- 3.165 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.

- 3.166 Given that this site is an additional parcel of land which was not subject of consideration as part of the neighbouring outline application 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

- 3.167 The Council's Core Strategy policy ENV5 states that new residential development will be restricted in Air Quality Management Areas (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

- 3.168 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.
- 3.169 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.
- 3.170 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 greenness 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.

- 3.171 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.
- 3.172 The heights of the proposed development 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. 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.
- 3.173 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.
- 3.174 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.
- 3.175 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.
- 3.176 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.
- 3.177 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 storey 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 2020 and during summer of 2021 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:

- 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 topsoils 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

- 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: No objection

Initial response dated 21 May 2020

- 4.10 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
- 4.11 Confirmed on 2 September 2021 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. There is no change in the position as the development has not changed in regards to its relationship to protected trees.

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

Condition 1

- 4.12 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

- 4.13 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

- 4.14 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.

- 4.15 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.
- 4.16 Advise further consideration to 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.
- 4.17 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.
- 4.18 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.
- 4.19 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.

- 4.20 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.
- 4.21 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.
- 4.22 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 first revised application details

- 4.23 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.

Further correspondence received in response to revised proposals submitted 21st April 2021.

- 4.24 It is noted that an updated Design and Access Statement has not been submitted to address both the amended approach to architecture and where we would see potential issues can be addressed. These would include screening to plot 4 with the neighbouring development and screening to the south of the site. This would then marry with the approach to landscaping which we have addressed below. Management of public landscaped areas

and those which are private should be made clear. There is a reliance that screening through tree planting will be focused to trees located in private gardens where there isn't any guarantee these will be kept or maintained. With this risk there should be a section in the DAS to outline and demonstrate any privacy issues are addressed through the built form or within the control of the management approach. Plot 4. The stepped approach to the frontage facing onto Windermere Avenue creates focus to the east elevation of plot 4. The visuals and plans show tree planting to help defuse this impact of the blank elevation, but it is unclear on the ownership of tree planting and whether this is within the application site or neighbour development land. If this cannot be committed to, we would recommend this elevation is reviewed to not create a blank bookend to this street scene.

- 4.25 Comment raised that the application did not include a landscape proposals plan. Given the importance of some of the tree location we would encourage this is submitted as part of the application stage. Tree sizes should be included as screening will be required from day one. Management of the landscaped areas should also be indicated in which is private and which are under the management regime. There is a reliance on trees within private back gardens to assist within screening where if these locations could be offset to the managed areas within the public realm it would add certainty this screening approach can be upheld. Architecture As outlined in previous comments we support the approach to architecture. The scheme demonstrates links with the neighbouring development in a contemporary and individual approach. Summary It is considered that that the approach to layout and architecture is acceptable subject to both further review and justification in line with the above comments. We are keen to see proposals around the landscape approach to ensure tree planting can be achieved to help assist with screening and responding to the surrounding views. We would also expect to see the DAS updated to reflect changes in architecture and how reflects to the neighbouring development

Further response received 22nd July 2021

- 4.26 Following a review, we support the additional plans and consider these provided the level of information required at this stage, while address our initial concerns around screening and boundary treatments.

Essex Police: Objection

- 4.27 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,.

- 4.28 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.
- 4.29 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.

Further correspondence received summer 2020

- 4.30 Essex Police wish to make an observation with regard this amended planning application in respect of the potential for Designing Out Crime in pursuance of the guidance offered within National Planning Policy Framework (NPPF). The applicant and the Essex Police have been involved in constructive consultation and Essex Police is content the ethos of Crime Prevention Through Environmental Design (CPTED) is being addressed adequately. Essex Police provide a no cost, impartial advice service to any applicants who request a service. The intended outcome of this is to promote CPTED, a key enabler being encouraging and supporting applicants to achieve certification to an appropriate level under the nationally acknowledged and police recommended Secured by Design award system
- 4.31 **Anglian Water:** No objection
- NHS Mid Essex Clinical Commissioning Group:** No Objection
- 4.32 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.
- Essex County Highways:** No objection subject to conditions.
- 4.33 The requirements in this recommendation shall be imposed by way of negative planning condition or planning obligation with associated legal framework as appropriate. The proposal will take access from a part of Windermere Avenue that is a Private Street, the proposal includes appropriate resurfacing of a length of this road. All of the dwellings include adequate off-street parking and a shared access road with a turning head, therefore all housing developments in Essex which would result in the creation of a new street.
- 4.34 Advises that more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways

Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

Neighbour Representations

4.35 45 representations have been received from the following households:

Windermere Avenue: 1, 2, 7,8, 10, 26, 28,29,39,46 52,54,56, 62a,64, 66, 70, 80, 82, 84, 86, 88, 90,92-96 (1 representation) 92, 96, 98, 100, 102, 106, 94, 1 undisclosed address at Windermere Avenue,

West Avenue: 2,10

Lower Road: 112, 171

Ambleside Gardens: 6

Crouch Avenue:32

Ferry Road: 219

Grasmere Avenue:34,106

Priories, Hullbridge:3

The Drive, Hullbridge: 15

2 addresses undisclosed.

21 Pagett's Way (no further details provided)

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 account 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.

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- 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.
 - 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

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- 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 (July 2021)

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

For further information please contact Arwel Gwilliam Evans on: -

Phone: 01702 318037

Email: arwel.evans@rochford.gov.uk

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

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