

15/00599/FUL

**POND CHASE NURSERY, FOLLY LANE, HOCKLEY,
SS5 4SR**

**ERECTION OF 70 DWELLINGS, TOGETHER WITH
IMPROVEMENTS TO EXISTING ACCESS, PEDESTRIAN
ACCESS, CAR PARKING, LANDSCAPING, OPEN SPACE,
AND RELATED WORKS**

APPLICANT: CHARLES CHURCH - MISS ANNA DAVIES

**ZONING: EXISTING RESIDENTIAL, SER3 OF THE
ALLOCATIONS PLAN 2014 AND METROPOLITAN
GREEN BELT**

PARISH: HOCKLEY PARISH COUNCIL

WARD: HOCKLEY WEST

1 EXECUTIVE SUMMARY

Site

- 1.1 The site is approximately 4.07 hectares and currently in use for various commercial purposes. Historically, the site operated as a mushroom farm. Many buildings remain on site and would require removal to facilitate the development proposed.
- 1.2 The site is an irregular shape with a narrow entranceway located between two residential properties. The site borders one dwelling on all 3 sides (No. 78) and has two boundaries with Folly Lane: the access referred to earlier and also a plot of land, which is within the site area and borders Folly Lane. The site widens as you go northwards. Approximately half of the site is hard surfaced; the northerly section is soft landscaped with trees, ponds and grassed areas. There are trees and hedging along parts of the site boundaries and ditches to both the western and eastern boundaries. The land slopes from Folly Lane down towards the soft landscaped northern area of the site, but rises again approximately halfway into this northern area up to the railway line embankment. The pond within the soft landscaped northern area is elevated and the land also slopes from east down towards the western boundary.
- 1.3 The southernmost section of the site where the main access and plot 70 and parts of plots 68 and 69 are located is within the existing residential area. Beyond this, the site is within site SER3 of the Allocations Plan 2014,

allocated for residential development. The most northern area of the site is located within the Green Belt. The site borders the residential area to the south and west and the Green Belt to its western, northern and eastern boundaries. The residential allocation site SER3 also extends to a site known as land south of Windfield to the west of the application site. This has received outline planning permission for 7 dwellings under application reference 14/00832/OUT.

- 1.4 To the north the site borders the railway line. To the west there are 5 residential properties, which border the site and front onto Church Road and a collection of dwellings whose construction is nearing completion within an estate of 8 dwellings approved in 2006, 'The Astors'. To the south are three dwellings that border the site and front onto Folly Lane. To the east are what appear to be large garden areas serving dwellings fronting Folly Lane and Folly Chase and an area of woodland close to the northern boundary with the railway line.

Proposal

- 1.5 The proposal is for the demolition of existing buildings and re-development to provide 70 dwellings incorporating 1, 2, 3, 4 and 5-bedroomed properties of detached, semi-detached, terraced and flatted form.
- 1.6 There would be one main access road into the site from Folly Lane utilising the existing access, but undertaking improvements. The development would be designed around a loop road with a home zone located to the centre whereby the road is much narrower. There would also be a new dwelling fronting Folly Lane at plot 70. A new footpath would be located to the east connecting Folly Lane to the central area within the development. A footpath/cycle link would also be provided to the west. Visitor parking would be provided in various locations throughout the development. Parking is provided for the dwellings in the form of communal parking, driveway spaces, garages and car ports.
- 1.7 There would be a play space within the developable part of the site. There is also a proposed public open space area shown to the north of the developable area within the Green Belt.

Key Issues

- 1.8 These are as follows:-
- Principle of residential development
 - Layout and design considerations
 - Amenity and refuse
 - Landscaping and boundary treatment

- Residential amenity
- Affordable housing
- Highways and parking
- Ecology and arboricultural
- Land contamination and light pollution
- Air quality and noise
- Technical housing standards and renewable energy
- Flooding
- Open space and play space
- Education and health care
- Utilities and archaeology

Recommendation

- 1.9 That planning permission be refused for this proposal. The proposal is considered to be contrary to policies H4 and CLT2 of the Core Strategy due to the lack of adherence to the 80:20 (social/affordable rent:intermediate/shared) affordable housing split and the lack of clarity that the necessary mitigation sought by ECC Education would be accepted by the developer.

2 PLANNING APPLICATION DETAILS

- 2.1 The proposal is for the demolition of existing buildings and re-development to provide 70 dwellings, together with improvements to the existing access and provision of pedestrian access, car parking, landscaping, open space and related works at Pond Chase Nursery, Folly Lane, Hockley.
- 2.2 70 dwellings are proposed in total incorporating 1, 2, 3, 4 and 5-bedroomed properties of detached, semi-detached, terraced and flatted form. The development would include 8 no. one-bedroomed houses, 5 no. one-bedroomed flats, 12 no. two-bedroomed houses, 1 no. two-bedroomed flat, 19 no. three-bedroomed houses, 17 no. four-bedroomed houses and 8 no. five-bedroomed houses. They would be split as follows:-
- Private housing: 7 no. two-bedroomed houses, 14 no. three-bedroomed houses, 16 no. four-bedroomed houses and 8 no. five-bedroomed houses

- Affordable housing: 8 no. one-bedroomed houses, 5 no. one-bedroomed flats, 5 no. two-bedroomed houses, 1 no. two-bedroomed flat, 5 no. three-bedroomed houses, 1 no. four-bedroomed house

There would be 12 different house types for the private housing and 4 for the affordable units with 2 flatted blocks also for the affordable although all are relatively similar in design.

- 2.3 There would be one main access road into the site from Folly Lane utilising the existing access, but undertaking improvements. The development would be designed around a loop road with a home zone located to the centre whereby the road is much narrower. Dwellings would front onto the main access road, loop road and home zone. There would also be a new dwelling fronting Folly Lane at plot 70.
- 2.4 A new footpath would be located to the east connecting Folly Lane (to the east of plot 70) to the central area within the development (between plots 53 and 54). A footpath/cycle link would also be provided linking the main access road to the western boundary providing potential future access through to the site known as land south of Windfield where residential development has been granted for 7 dwellings through an outline application (reference 14/00832/OUT). Visitor parking would be provided in various locations throughout the development, including to the frontage to plots 3-5, 17, 26-27, 32-33, 34 and within the area for play. Parking is provided for the dwellings in the form of communal parking, driveway spaces, garages and car ports.
- 2.5 There would be a play space within the developable part of the site near to the entranceway into the development close to the western boundary. There is also a proposed public open space area shown to the north of the developable area within the Green Belt. Soft landscaping would be provided in various locations across the development.

3 THE SITE

- 3.1 The site is approximately 4.07 hectares and currently in use for various commercial purposes. Historically, the site operated as a mushroom farm. Many buildings remain on site and would require removal to facilitate the development proposed; this includes a residential property (No. 80 Folly Lane).
- 3.2 The site is an irregular shape with a narrow entranceway located between two residential properties measuring approximately 9m. The site borders one dwelling on all 3 sides (No. 78) and has two boundaries with Folly Lane: the access referred to earlier and also a plot of land, which is within the site area and borders Folly Lane, which has a frontage of approximately 18m in width. The site widens as you go northwards. Approximately half of the site is hard surfaced (predominantly the more southerly section located within the SER3 developable area); the northerly section is soft landscaped with trees, ponds and grassed areas. There are trees and hedging along parts of the site

boundaries and ditches to both the western and eastern boundaries. The land slopes from Folly Lane down towards the soft landscaped northern area of the site, but rises again approximately halfway into this northern area up to the railway line embankment. The pond within the soft landscaped northern area is elevated and the land also slopes from east down towards the western boundary.

- 3.3 The site is located to the north west of Hockley. The site is within close proximity to Hockley town centre and the railway station, approximately 1260m and 2000m respectively. The site abuts part of the built up residential edge of the town, bordering properties on Folly Lane.
- 3.4 The site is located to the north of Folly Lane. The southernmost section of the site where the main access and plot 70 and parts of plots 68 and 69 are located is within the existing residential area. Beyond this, the site is within site SER3 of the Allocations Plan 2014, allocated for residential development. The most northern area of the site is located within the Green Belt. The site borders the residential area to the south and west and the Green Belt to its western, northern and eastern boundaries. The residential allocation site SER3 also extends to a site known as land south of Windfield to the west of the application site. This has received outline planning permission for 7 dwellings under application reference 14/00832/OUT.
- 3.5 To the north the site borders the railway line, which connects Hockley, Rayleigh and Rochford to London. To the west there are 5 residential properties, which border the site and front onto Church Road (Windfield, Hillcrest, Clifton, Fairdene and Wildwood) and a collection of dwellings whose construction is nearing completion within an estate of 8 dwellings approved in 2006, 'The Astors'. To the south are three dwellings, which border the site and front onto Folly Lane (No. 72, 78 and 82). To the west are what appear to be large garden areas serving dwellings fronting Folly Lane and Folly Chase and an area of woodland close to the northern boundary with the railway line.

4 RELEVANT PLANNING HISTORY (from mid 1980s onwards)

- 4.1 The relevant planning history for the site is as follows:-
- 4.2 12/00283/OUT - outline application for residential development to comprise up to 50 dwellings units, improvements to existing vehicular access. New pedestrian access. Provision for public open space and play space and provision of area preserved for ecology. PENDING DECISION (resolution was made to grant planning permission at the Committee meeting of 22 November 2012, but legal agreement was never signed after the Committee meeting so the decision was not issued).
- 4.3 04/00223/DPDP6 - steel portal frame agricultural building (connected to existing mushroom farm). PRIOR APPROVAL REQUIRED.

- 4.4 04/00094/FUL - erect a general purpose agricultural building for farm workshop and storage (connected with existing mushroom farm). APPROVED.
- 4.5 04/00093/DPDP6 - steel portal frame agricultural building (connected to existing mushroom farm). PRIOR APPROVAL REFUSED.
- 4.6 03/00713/OUT - to cease all commercial activity, to remove all commercial buildings and re-develop for residential purposes. REFUSED.
- 4.7 95/00475/FUL - erect five growing rooms and three new spawn running rooms. APPROVED.
- 4.8 94/00466/COU - change use of land to site mobile home for a temporary period of 3 years. REFUSED.
- 4.9 85/00341/FUL - siting of mobile home for occupation by an agricultural worker. REFUSED.

5 CONSULTATIONS AND REPRESENTATIONS

Hockley Parish Council (29/09/15)

- 5.1 Comments:- Object.
- 5.2 The Core Strategy signed it off for 50 houses so Members would expect it to stay at that.
- 5.3 There is not enough parking; residents are concerned with the increase of traffic and it will put pressure on schools, doctors, etc.
- 5.4 There are no details of rubbish collections.
- 5.5 The application needs an additional study for the badger setts, and it also needs to have a footpath all the way round.
- 5.6 It is essential that all asbestos is cleared correctly.
- 5.7 Adequate drainage should be a priority.
- 5.8 There should be no encroachment on Green Belt land.
- 5.9 Agree with the 35% affordable houses.

RDC Ecology

FIRST RESPONSE (15/09/15)

- 5.10 The application is accompanied by an ecological report dated August 2015. The report highlights the presence of three badger setts on the site, and the

presence of a 'good' population of slow worms and 'low' population of grass snakes.

- 5.11 There is sufficient information to judge that it is unlikely that, with appropriate mitigation, the impacts of the proposals as they stand will have a significant negative impact on the species and habitats present. Should the Council be minded to grant consent then adherence to these recommendations should be included as a planning condition. The condition should also require the recommendations arising from further survey work and the licensing procedure to be submitted to and approved by the Council at the appropriate time, prior to the commencement of any construction work that could have an adverse or illegal impact on the badger population.

FURTHER COMMENTS (23/10/15)

- 5.12 The application is accompanied by an ecological report dated August 2015. The report highlights the presence of three badger setts on the site, and the presence of reptiles.
- 5.13 The survey is adequate and concludes that a site mitigation plan (Heading 6.0) would be needed to ensure the protection of two of the three badger setts, during construction, and to act as a suitable receptor site for reptiles. The application of the Mitigation Strategy should be made a condition, if planning consent is granted. A licence to destroy the third 'outlier' badger sett will be required from Natural England.

RDC Strategic Housing

FIRST RESPONSE (27/08/15)

- 5.14 We would expect 35% of the new development to be affordable housing split between rented and shared ownership, in line with Council policy.

FURTHER COMMENTS (02/09/15)

- 5.15 Yes, seems ok (with reference to housing mix); we would be looking at a usual 80:20 in regard to affordable rented/shared ownership.

FURTHER COMMENTS (11/11/15)

- 5.16 Our demand for Hockley currently is:-

1-bed list - 211 applicants of which 7 applicants have expressed an interest in shared ownership

2-bed list – 138 applicants of which 3 applicants have expressed an interest in shared ownership

3-bed list - 45 applicants of which 5 applicants have expressed an interest in shared ownership

4-bed list – 11 applicants of which 1 applicant has expressed an interest in shared ownership.

RDC Waste and Recycling (03/11/15)

- 5.17 Although the plans do not currently show three bins per property, I am happy that there is adequate room for three bins to be stored and presented. I am also happy with the routes shown for residents to move and present their bins on collection days.
- 5.18 I am happy that there is adequate provision for bins in the bin store for the flatted properties and the roadway appears to provide adequate access to refuse vehicles, except for the home zone; however, collectors can still access this area within appropriate distances.

RDC Environmental Services (16/10/15)

- 5.19 Environmental Health reports that if Members are minded to approve the application, the following conditions should be attached to any consent granted:-
- 1) Model Contaminated Land conditions, except for the requirement for a Phase 1 assessment.
Informative: The submitted Phase 2 assessment concludes there is a need for further investigation. The Council must be satisfied that all land contamination has been identified and appropriate measures are taken.
 - 2) During site preparation and construction phases, a dust management scheme shall be in place. Such a scheme shall be submitted to and agreed in writing with the LPA prior to the commencement of any site works and be adhered to until such time as the LPA determines the construction phase is complete.

RDC Engineering (09/10/15)

- 5.20 Limited public surface water sewers in the vicinity of the site. Surface water ditch system serving the site will need to be shown to have adequate capacity on and off site.

RDC Arboriculture (23/10/15)

- 5.21 A tree impact assessment has been supplied by Haydens Arboricultural Consultants reference 4295/RB/PDH/EH. The impact assessment correctly identifies all trees and their current constraints; the classification favours the mid range slightly and following my site visit I would have classified some of the category B trees as A, however this is largely academic as nearly all are to be retained as part of the development proposal.

- 5.22 Most of the tree cover is situated to the east and west boundary with an area identified and retained as green space to the north. There is a broad mix of native/non-native species throughout the site. The area toward the north of the site is particularly attractive and offers a number of decent quality, open grown trees with semi improved grass beneath the crowns, most of which have received little past management. Toward the eastern boundary is a secondary linear woodland with occasional mature trees along the boundary of the site; it is colonised mostly by native mixed broad leaved trees and provides a valuable contribution to the surrounding area. These areas and tree features identified above, although within the site, will not be directly affected by the development proposal.
- 5.23 The removal of the trees as specified in the impact assessment is acceptable; these are the lower category trees and will not impact upon the tree based amenity of the area.
- 5.24 The tree works specified in the impact assessment for both the AIA and irrespective of development is acceptable.
- 5.25 I would recommend the following by way of condition for the site:-

Tree Protection

- 5.26 No demolition, development or any preliminary ground works shall take place until:-
- a. All trees to be retained during the construction works have been protected by fencing of the 'Heras' type or similar. The fencing shall be erected around the trees and positioned in accordance with the method statement and tree protection plan supplied by Haydens Arboricultural Consultants Drawing reference 4295-D.
 - b. All weather notices prohibiting accesses have been erected on the fencing demarcating a construction exclusion zone, as detailed in BS5837:2012 section 6.
- 5.27 Notwithstanding the above, no materials shall be stored or activity shall take place within the area enclosed by the fencing. No alteration, removal or repositioning of the fencing shall take place during the construction period without the prior written consent of the Local Planning Authority.

Root Protection Area

- 5.28 No works should be carried out within the Root Protection Area (RPA) unless provisions are made in a site specific Arboricultural method statement and subsequently approved by RDC.

Additional Arboricultural Information Required

- 5.29 No [works or] development shall take place until the following further details, in accordance with BS5837:2012, have been submitted to and approved in writing by the RDC:-
- a) details and positions of the underground service runs in accordance with sections 4.2 and 7.7 of BS5837:2012;
 - b) details of any changes in levels or the position of any proposed excavations, including those on neighbouring or nearby ground in accordance with paragraph. 5.4.2 of BS5837:2012;
 - c) details of any special engineering required to accommodate the protection of retained trees [e.g. in connection with foundations, bridging, water features, surfacing] in accordance with section 7.5 of BS5837:2012;
 - d) details of the methodology to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of retained trees;
 - e) details of the method to be employed for the stationing, use and removal of site cabins within any root protection areas, in accordance with section 6.2 of BS5837:2012.
- 5.30 Following appropriate supply and approval of the above, the development shall be carried out in strict accordance with the arboricultural impact assessment and accompanying documents reference 4295/RB/PDH/EH and reference 4295-D.

FURTHER COMMENTS (10/12/15)

- 5.31 There are 2 trees that will be affected by the proposal with regard to finished surfaces T004 (TPO reference T1) and T008 (TPO reference T2). A method statement for the hard surfacing alterations has been submitted, which provides details for the use of no dig construction or to tar spray the existing hard surface. As there is an existing hard surface and the trees are relatively young specimens I would consider the impact to be low and unlikely to harm the trees in the long term.
- 5.32 The development does not appear to affect any other trees directly.
- 5.33 T15 (TPO T3) is to have dead wood removed from the crown as part of routine management.
- 5.34 The conditions I put forward in my original consultation would still be applicable. Please see attached.

ECC Highways (23/10/15)

5.35 The following amendments are required prior to approval:-

- Disabled bay allocation not required within development.
- Visitor parking bay adjacent to dwelling No. 4 and 5 to be removed due to parking in visibility splay.
- Visitor parking bays and PTW parking adjacent to dwelling No. 26 and 27 removed due to parking in visibility splay and inappropriate vehicle movement within the junction.
- Footway on eastern side of access road to be extended to link into proposed uncontrolled crossing indicated on the plan to the south of dwelling No 1.
- Continuation of footway around the area for play to link into transition of shared surface.
- Continuation of footway along south eastern side of square to link footways together with independent footpath.

Following which:-

5.36 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to the following mitigation and conditions:-

5.37 All housing developments in Essex, which would result in the creation of a new street (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.

1. Prior to occupation of the development, the road junction shall have been remodelled with appropriate kerb radii and road markings. The junction shall be maintained with a clear to ground visibility splay with dimensions of 2.4 metres by 90m to the east and Fountain Lane junction to the west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times.

2. Prior to commencement 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 construction traffic, shall be identified clear of the highway, submitted to and approved in writing by the Local Planning Authority.
3. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

Additional Note:

With reference to the above condition the applicant's attention should be drawn to the recent alterations to householder "permitted development" in so far as there is now the need to provide a permeable solution (SUDS) for the hard standing to reduce the cumulative impact of surface water run off and overloading of sewers.

4. Prior to commencement of the proposed development details of a wheel cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The wheel cleaning facility shall be provided at the commencement of the development and maintained during the period of construction.
5. Prior to commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.
6. All independent footpaths to be a minimum of 2 metres wide, with details of lighting and drainage to be submitted to and approved in writing by the Local Planning Authority.
7. Any tree planting proposed within the highway must be agreed with the Highway Authority. Trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme. All proposed tree planting must be supported by a commuted sum to cover the cost of future maintenance, to be agreed with the Highway Authority.
8. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

9. All parking shall conform to the EPOA Parking Standards Design and Good Practice September 2009. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres. All single garages should have a minimum internal measurement of 7m x 3m.
10. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. 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
11. Prior to occupation of the proposed development, the developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.
12. Prior to occupation of the proposed development, the developer shall be responsible for the provision and implementation of improvements to the bus stop in the vicinity of the site on Alderman's Hill to include, where appropriate, real time information, raised kerbing and associated infrastructure approved by Essex County Council.

INFORMATIVES

- All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.
- The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:-

SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, CM2 5PU
- The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973.

To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

- The above is required to ensure the proposal complies with the County Council's Highways and Transportation Development Control policies, as originally contained in Appendix G of the Local Transport Plan 2006/2011 and refreshed by Cabinet Member Decision dated 19 October 2007.
- The requirements above should be imposed by way of negative planning condition or planning obligation as appropriate.
- Prior to any works taking place in the public highway the developer shall enter into the appropriate legal agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.
- Prior to occupation, the development shall be served by a system of operational street lighting, which shall thereafter be maintained in good repair.
- In all cases where spoil is unavoidably brought out onto the highway, the applicant/developer must be reminded of their responsibility to promptly remove such spoil at their own expense and to the satisfaction of the Highway Authority.
- A size 3 turning head should be provided at the ends of the site.
- Full details of SUDS should be provided and agreed.

ECC Education (29/10/15)

- 5.38 According to our forecasts, there should be sufficient early years and childcare provision to meet the needs of the development.
- 5.39 This proposed development is located within the Rochford primary group 3 (Hockley) forecast planning group. The forecast planning group has an overall capacity of 1,380 places. The Rochford primary group 3 forecast planning group is forecast to have a deficit of 59 places by the school year 2019-20; a contribution for additional primary school places will, therefore, be requested for the expansion of Westerings Primary Academy.
- 5.40 This proposed development is located within the Rochford secondary group 2 (Rochford/Hockley) forecast planning group. The forecast planning group has an overall capacity of 3,280 places. The Rochford secondary group 2 forecast planning group is forecast to have a surplus of 232 places by the school year 2019-20. No contribution for additional secondary school places will, therefore, be requested.

5.41 In view of the above, I request on behalf of Essex County Council that any permission for this development is granted, subject to a section 106 agreement to mitigate its impact on education. The formula for calculating education contributions is outlined in our Developer's Guide to Infrastructure Contributions, 2010 Edition. Our standard s106 agreement clauses that give effect to this formula are stated in our Education Contribution Guidelines Supplement, published in July 2010. For information purposes only, should the final development result in the suggested net increase of 57 dwellings with two or more bedrooms, the primary school contribution sum would be £206,315; this amount would be index linked to April 2015 costs.

5.42 If your Council were minded to turn down the application, I would be grateful if the lack of education provision in the area can be noted as an additional reason for refusal and that we are automatically consulted on any appeal or further application relating to the site.

FURTHER COMMENTS (30/10/15)

5.43 This development is estimated to produce 17.10 primary school pupils at a cost of £12,172, which means my calculation was incorrect, but not in the way the agent will want.

5.44 I make 17.10 places at 12,172 = £208,924; however, I am prepared to round the number to 17, which is 17 places at 12,172 = £206,924.

FURTHER COMMENTS (06/11/15)

5.45 The request for a contribution towards the cost of primary school places is based on the updated forecasts produced during the course of the summer term 2015 for the School Capacity return required by the Department for Education. This shows a forecast deficit of places within this forecast planning group of 59 places.

5.46 This appendix to the 'Commissioning School Places in Essex' document has not yet been placed on the ECC website, but it is the intention to do so during the course of the next two weeks.

5.47 As you can see, pupil numbers in the area have increased since last year and there is a forecast deficit of places in the group, even before new housing is taken into account.

FURTHER COMMENTS (10/11/15)

5.48 Whilst the figures provided have yet to be published on Essex County Council's website they have been provided to, and accepted by, the Department for Education. The reason for the slight delay in publication is that we are checking the figures for the number of temporary places included within schools' net capacity figures.

- 5.49 ECC has taken a decision this year to publish the appendices to the Commissioning School Places document ahead of the main body of the report, to provide updated figures as soon as possible after they have been signed off.
- 5.50 Please find the clarification requested in respect of the questions raised by Phase 2 Planning and development:-
- The forecasts have changed because they have been updated by new data concerning the number of pupils on roll at the 4 primary schools in the forecast planning group, new GP registration data for the schools in the forecast planning group and updated housing figures.
 - For example, the number on roll data for the forecast planning group changed from 1,373 in May 2014 to 1,407 in May 2015, an increase of some 34 pupils in a single year.
 - It is clear from the forecasts that even without any pupil product from new housing being added to the forecasts there is a forecast deficit of places by 2019-20. Capacity - 1,380 forecast number on roll without housing - 1,404 a forecast. A deficit of 24 places.
 - The School Capacity Survey was signed off by the County Council's Director of Children's Services on 29 October 2015. This confirms the accuracy of the data provided to the Department for Education in the return.
 - There have been very few housing applications in this area and until the most recent forecasts there has always been a surplus of places.

FURTHER COMMENTS (11/11/15)

- 5.51 The response to the Bullwood Hall application was sent to Rochford District Council on 16 September whilst the response to the Pond Chase Nursery application was sent on 28 October, i.e., 6 weeks later.
- 5.52 As previously indicated, the County Council is required to supply the Department for Education (DfE) annually with information concerning school capacity across the county. This information is usually sent at the end of July each year and contains data concerning the numbers of pupils on roll at schools in Essex for the year concerned, the capacities of the schools in Essex and a five year ahead forecast of pupil numbers. There then follows a period of time when officials at the DfE scrutinise the information supplied and seek to resolve/raise any queries they might have concerning the data supplied. This can result in minor adjustments being made to the data. At the end of this process the DfE writes to the Director of Children's Services to confirm that it has completed the process of quality assuring the data supplied and does not expect to come back with any further queries. This letter was

received from the DfE towards the end of October. It is at this point that the County Council is satisfied that it can use the information as the basis for its planning for the next 5 years ahead.

- 5.53 The response to the Bullwood Hall application was sent well before the County Council received notification that the DfE had completed the process of quality assuring ECC's data. The response to the Pond Chase Nursery application was sent following receipt of the DfE notification that the quality assurance process had been completed.
- 5.54 I hope that this clarifies the reasons why one response contained figures for 2018-19 whilst the other referred to figures for 2019-20.

FURTHER COMMENTS (11/12/15)

- 5.55 I think that much of the discussion surrounding this application has resulted from the use of updated pupil forecasts that cover the period 2014-15 to 2019-20 to inform ECC's response to this planning application. The position changed within the Rochford Group 3 (Hockley) pupil forecast planning group from the previous year's forecasts, covering the period 2013-14 to 2018-19, when a surplus of primary school places was indicated. As you are aware, the most recent set of pupil forecasts indicate a deficit of some 59 places in the school year 2019-20.
- 5.56 In terms of the publication of the updated data, this is available on ECC's website using the following link:-
- http://www.essex.gov.uk/Education-Schools/Schools/Delivering-Education-Essex/School-Organisation-Planning/Documents/Commissioning_School_Places%20in_Essex.pdf
- 5.57 The primary school forecasts for Rochford District Council's area can be found on page 46 of this document.
- 5.58 The housing sites that are included within the pupil forecasts for Rochford District Council's area can be found on page 130 of this document. The information identifies each site, indicates the number of dwellings to be built and the number of houses that it is anticipated will be built on each site during the 5 year period covered by the plan.
- 5.59 You will note from the forecast data that the schools in Rochford are split into forecast planning groups based on geographical areas. Pond Chase Nursery is located in the Rochford group 3 forecast planning group. Planning school places using forecast planning groups is an established methodology supported by the Department for Education. Attempting to use the whole of Rochford District Council's area to plan pupil places would be unhelpful since it would be unrealistic to suggest that the high level of surplus places at

Riverside Primary School in Hullbridge could be used to offset forecast deficits in Hockley and Rochford.

- 5.60 You will appreciate that the County Council will provide comments at the time an outline/full planning application is submitted and will use the most up to date information available at the time this assessment is made. Pre-application advice is simply that and circumstances can and do change.
- 5.61 I have not attempted to answer every point in detail as this would be difficult as most of the references made in the letter refer to the data covering the period 2013-14 to 2018-19 and not the most recent data.

ECC Flood and Water Management

FIRST RESPONSE (14/09/15)

- 5.62 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we would like to submit a holding objection against the granting of planning permission based on the following:-
- 5.63 The drainage strategy submitted with this application does not comply with the requirements set out in Essex County Council's detailed Drainage Checklist.
- 5.64 Therefore the submitted drainage strategy does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.
- 5.65 In particular, the submitted FRA fails to:-
- Provide a suitable run off rate from the site - as stated in our SuDS Guide we would expect to see at least 50% betterment on brown field sites. Whilst the drainage scheme proposed does provide much betterment on the current situation for larger storms, there is not a 50% betterment on the smaller more regular 1 in 1 storms. Therefore we would want betterment on the 1 in 1 rate also included into the drainage scheme.
 - Provide enough water quality on site - in line with table 3.3 of the CIRIA SuDS Manual there should be two treatment stages for highway surface water. Currently there is little detail as to how highway surface water will be treated. Therefore more detail should be provided on this and additional treatment stages should be added if necessary.

Overcoming Our Objection

- 5.66 You can overcome our objection by submitting additional details outlined above and demonstrate that the development will not increase flood risk elsewhere and where possible reduces flood risk overall. Once the additional

information has been provided to our satisfaction, we will be in a position to recommend removal of our holding objection and seek to condition the application. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection.

5.67 We also have the following advisory comments:-

- Further detail will need to be provided at the detailed stage to show how all elements of the drainage scheme will be maintained.
- Further information should be provided outlining downstream connectivity from the site. It should be clearly highlighted where water goes once it has discharged into the ditch to the west of the site.
- Infiltration testing in line with BRE 365 should be conducted at the detailed stage.
- Ground water testing should be conducted at the detailed stage.
- It must be noted that we would want to see 'urban creep' included in storage calculations in line with Document 'BS 8582:2013 Code of Practice for Surface Water Management for Development Sites' which states:-

"To allow for future urban expansion within the development (urban creep), an increase in paved surface area of 10% should be used, unless this would produce a percentage impermeability greater than 100%, or unless specified differently by the drainage approval body or planning authority" (page 32).

- Any basin on site should not have more than 1.2 metre depth of water for safety reasons. Currently the infiltration basin is 1.3 metre although it is not clear what height water would reach in a 1 in 100 +30% storm event.
- More information should be provided on what will happen to the pond that is currently on site.
- This location has been identified as being in a Critical Drainage Area in the South Essex Surface Water Management Plan. A CDA has been defined in the South Essex SWMP as 'A discrete geographic area (usually a hydrological catchment) where multiple and interlinked sources of flood risk (surface water, ground water, sewer, main river and/or tidal) cause flooding in one or more Potential Surface Water Flooding Hotspot (PSWFH) during severe weather thereby affecting people, property and critical infrastructure'. Therefore any measure undertaken on this site must take this evidence into consideration and act to mitigate any potential flood hazards.

- 5.68 Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

PLEASE NOTE: Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

- 5.69 Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- 5.70 Whilst we have no further specific comments to make at this stage, attached is a standing advice note explaining the implications of the Flood and Water Management Act (2010), which could be enclosed as an informative, along with your response issued at this time.

SECOND RESPONSE (12/10/15)

- 5.71 Further to a series of emails sent in response to our objection, we now do not object to planning permission.
- 5.72 The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures, as detailed in the FRA and the above mentioned documents submitted with this application, are implemented and secured by way of a planning condition on any planning permission.

Condition 1

- 5.73 Before each phase of development approved by this planning permission, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, should be submitted to and approved in writing by the Local Planning Authority.
- 5.74 The scheme shall include:-
1. Infiltration testing in line with BRE 365. If infiltration is found unviable, surface water run off generated by all storm events up to the 1 in 100 inclusive of climate change should be limited to a maximum of 17.1l/s.
 2. Storage for the 1 in 100 year event inclusive of climate change storm event plus the effect of 'urban creep'.

3. An appropriate level of treatment for all run off leaving the site in line with table 3.3 of the CIRIA SuDS Manual.
 4. Ground water testing
- 5.75 The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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.

Condition 2

- 5.76 The development hereby permitted shall not be commenced until such time as a scheme to minimise the risk of off site flooding caused by surface water run off and ground water during construction works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason

The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development.

- 5.77 Construction may lead to excess water being discharged from the site. If de-watering takes place to allow for construction to take place below ground water level, this will cause additional water to be discharged. Furthermore, the removal of top soils during construction may limit the ability of the site to intercept rainfall and may lead to increased run off rates. To mitigate against increased flood risk to the surrounding area during construction therefore, there needs to be satisfactory storage of/disposal of surface water and ground water, which needs to be agreed before commencement of the development.

Condition 3

- 5.78 Prior to commencement of the development the applicant must submit 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.

Reason

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

Condition 4

- 5.79 The adopting body responsible for maintenance of the surface water drainage system must record 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.

Summary of Flood Risk Responsibilities for your Council

- 5.80 We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless, these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.
- Sequential Test;
 - Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
 - Safety of the building;
 - Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
 - Whether insurance can be gained or not;
 - Sustainability of the development.
- 5.81 In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise Local Planning Authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.
- 5.82 Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your Council.

Please note: Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

- 5.83 Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note. Whilst we have no further specific comments to make at this stage, attached is a standing advice note explaining the implications of the Flood and Water Management Act (2010), which could be enclosed as an informative along with your response issued at this time.

ECC Urban Design (12/10/15)

- 5.84 Following pre application meetings on 18/11/2014 and 16/07/2015, detailed written responses were provided to the applicant; these responses set out a series of recommendations to improve and guide the emerging layout.

General Summary

- 5.85 On review of the submitted proposal it is clear that the site layout has been widely amended to reflect the vast majority of my pre application comments. There are a number of minor amendments (which have been listed below) but overall in terms of design I see no reason to refuse the application.

Layout

- 5.86 The layout has been amended to reduce the amount and impact of the rear parking courts, which were seen to be out of context with the site. The proposed layout has also addressed and refined the street frontages, which help to create a greater interaction between the various street types and building frontages. Parking has been rationalised and where parking courts are used, these are now small, have been sufficiently hard and soft landscaped and cater for a limited number of parking spaces.
- 5.87 Regarding the layout the minor points which need to be addressed include:-
- The transitional points between each of the alternative road types require further thought and detailing, especially where the main access road links into the shared surface street and home zone.
 - The footpath on the southern side of the main access road terminates without an obvious alternative pedestrian route - a crossing could be designed in at this point to link with the northern adjacent footpath.
 - The design of the on street visitor parking bays seems very squeezed in and would benefit from a re-design (See plots 31-34).
 - The submitted materials plan should be expanded to include appropriate boundary treatments.

House Types and Elevations

- 5.88 The street scenes and elevations are generally suitable to the site, reflecting some of the local materials and built form found within the context of the site. There is a suitable variety of dwelling types, sizes and forms to create a cohesive development structure. Regarding the elevations the minor points which need to be addressed include:-
- The front elevation to plots 58-63 (terrace units) could be improved as a gateway frontage into the development. A central feature chimney should be added between the two central units to help both break up the long elevation roof line and provide another visual cue. This terrace would also be improved if the elevation treatment to plots 58, 60 and 62 were mirrored to reinforce the traditional design approach to terrace design, creating pairs of buildings rather than a single repetitive elevation.
 - The side elevation of house type CC (plots 20, 25 and 27) needs to be reconsidered in terms of fenestration. The prominence of these plots within the layout and the guidance on 'duality' from the Essex Design Guide, suggests that alternative side elevation treatments should be explored. See Essex Design Guide page 93 paragraphs 1 and 2.

FURTHER COMMENTS (27/10/15)

- 5.89 I am happy with the boundaries proposals.

FURTHER COMMENTS (16/12/15)

- 5.90 As discussed this week, I've reviewed the updated layout and think that overall it is an improvement.
- 5.91 The rotated units (dwellings 7-9) work much better and the amended frontage to dwellings 58-63 helps break up the long street elevation - adding variety.
- 5.92 There are still a number of minor amendments I would like to see carried forward/incorporated in planning conditions (as set out in my response dated 1 October 2015) and including landscaping, location and design of visitor parking, materials and the design of the street transitional points.

ECC Archaeologist (16/10/15)

- 5.93 The works will not impact upon any known below ground archaeological remains and accordingly there are no recommendations for archaeological works on this application.

Essex Police (20/10/15)

- 5.94 The layout is acceptable to Secured by Design and I see from their Design and Access Statement that they are following the guidelines to the SBD New Homes Document 2014. I would suggest if possible a condition that SBD certification is achieved and the SBD New Homes 2015 is used. As from 1 October 2015 all new homes must fit windows and doors to pass 24 standards. With this building regulation there appears to be no problem with seeking SBD certification. I would seek full SBD, not part 2.
- 5.95 There is mention in the Design and Access Statement of sustainability and as you know you cannot have sustainable developments if crime is a problem. Crime has its own carbon footprint resulting in low crime low carbon outputs for local authorities and emergency services.
- 5.96 Good secure homes reduce the fear of crime for residents and fear of crime is a material consideration for local authorities.
- 5.97 The Crime and Disorder Act also reminds Councils of their obligations relating to crime and disorder.
- 5.98 I see no reason to object to this application should SBD be sort.

Essex and Suffolk Water (17/09/15)

- 5.99 We would advise you that our existing apparatus do not appear to be affected by the proposed development.
- 5.100 We have no objection to the development, subject to compliance with our requirements. Consent is given to this development on the condition that a new water main is laid in the highway on the site, and a new water connection is made onto our company network for each new dwelling for revenue purposes.
- 5.101 Should our existing water main network require reinforcement to meet the demand of the new development, then our works will be carried out with the full cost met by the developer.

Anglian Water (17/09/15)

- 5.102 Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.
- 5.103 The foul drainage from this development is in the catchment of Rochford Water Recycling Centre that will have available capacity for these flows.
- 5.104 The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve

notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

5.105 The surface water strategy/flood risk assessment submitted with the planning application is not relevant to Anglian Water as the flood risk assessment states surface water will discharge to a water course; therefore this is outside our jurisdiction for comment and the Planning Authority will need to seek the views of the Environment Agency.

5.106 Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

5.107 Trade Effluent - Not applicable.

Natural England (04/09/15)

5.108 No comments to make on this application.

5.109 The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

5.110 It is for the Local Planning Authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process.

5.111 We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

5.112 We recommend referring to our Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England.

NHS England (03/11/15)

5.113 The proposed development is likely to have an impact on the services of 1 GP branch surgery operating within the vicinity of the application site.

5.114 This practice does not have capacity for the additional growth resulting from this development.

5.115 The intention of NHS England is to promote Primary Healthcare Hubs with co-ordinated mixed professionals. This is encapsulated in the strategy document: Transforming Primary Care in Essex – The Heart of Patient Care.

- 5.116 New development will be 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. NHS England would therefore expect these impacts to be fully assessed and mitigated by way of a developer contribution secured through a Section 106 planning obligation.
- 5.117 The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 168 residents and subsequently increase demand upon existing constrained services.
- 5.118 The healthcare services directly impacted by the proposed development and the current capacity position are shown in Table 1.

Table 1: Summary of capacity position for healthcare services within a 2km radius of the proposed development

Premises	Weighted List Size ¹	NIA (m ²) ²	Capacity ³	Spare Capacity (NIA m ²) ⁴
Church View Branch Surgery (Including the main surgery)	15,010	703.56	10,260	-356.7
Total	15,101	703.56	10,260	- 356.7

Notes:-

1. The weighted list size of the GP Practice based on the Carr-Hill formula, this figure more accurately reflects the need of a practice in terms of resource and space and may be slightly lower or higher than the actual patient list.
2. Current Net Internal Area occupied by the Practice
3. Patient Capacity based on the Existing NIA of the Practice
4. Based on existing weighted list size

- 5.119 The development would have an impact on healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.
- 5.120 The development would give rise to a need for improvements to capacity by way of extension, refurbishment or reconfiguration of the existing practices, a proportion of the cost of which would need to be met by the developer.

5.121 Table 2 provides the Capital Cost Calculation of additional health services arising from the development proposal.

5.122 Table 2: Capital Cost calculation of additional health services arising from the development proposal

Premises	Additional Population Growth (70 dwellings) ⁵	Additional floor space required to meet growth (m ²) ⁶	Spare Capacity (NIA) ⁷	Capital required to create additional floor space (£) ⁸
Church View Branch Surgery (Including the main surgery)	168	11.52	-356.7	23,040
Total	168	11.52	- 356.7	£23,040

Notes:-

5. Calculated using the Rochford District Average household size of 2.4 taken from the 2011 Census: Rooms, bedrooms and central heating, local authorities in England and Wales (rounded to the nearest whole number).

6. Based on 120m² per GP (with an optimal list size of 1750 patients) as set out in the NHSE approved business case incorporating DH guidance within "Health Building Note 11-01: Facilities for Primary and Community Care Services"

7. Existing capacity within premises as shown in Table 1.

8. Based on standard m² cost multiplier for primary healthcare in the East Anglia Region from the BCIS Q1 2014 price Index, adjusted for professional fees, fit out and contingencies budget (£2,000/m²), rounded to nearest £.

5.123 A developer contribution will be required to mitigate the impacts of this proposal. NHS England calculates the level of contribution required, in this instance to be £23,040.

5.124 NHS England therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a section 106 Agreement.

5.125 This response follows a consultation by Rochford District Council on the erection of 70 dwellings at Pond Chase Nursery, Folly Lane, Hockley. In its capacity as the health care commissioner, NHS England and the CCG has identified that the development will give rise to a need for additional health care provision to mitigate impacts arising from the development.

- 5.126 The capital required through developer contribution would form a proportion of the required funding for the provision of increased capacity within the existing healthcare premises servicing the residents of this development.
- 5.127 Assuming the above is considered in conjunction with the current application process, NHS England would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.
- 5.128 The terms set out above are those that NHS England deem appropriate having regard to the formulated needs arising from the development.
- 5.129 NHS England is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

Environment Agency (16/10/15)

- 5.130 This does not relate to any triggers on our Consultation List.

Local Residents

In Objection

- 5.131 17 responses have been received from the following addresses:-

Belchamps Way: 25b (Hockley and Hawkwell Residents Associations)
(11/09/15)

Folly Chase: Westerly (16/09/15), Windleoak

Folly Lane: 19 (18/09/15 and 30/11/15), 38 (11/09/15), 56 (07/09/15), 68
(18/09/15), 77 (03/09/15), 99 (18/09/15)

Gay Bowers: 3 (10/09/15), 12 (11/09/15)

Hawthorne Gardens: 9 (07/09/15), 18 (10/09/15)

High Road: 24 (22/09/15)

Laburnum Grove: 28 (07/09/15)

Sunnyfield Gardens: 6 (02/09/15)

St. Peter's Road: Oakfield (08/09/15)

- 5.132 These can be summarised as follows:-

OTHER SITES

- I do not object to the need for additional housing in the Hockley/Rayleigh area, but would see that there are more appropriate sites for these developments, such as that proposed near Makro.

AFFORDABLE HOUSING

- After a public consultation at the Hockley fire station, I understand that 30% (21) of these houses would be low cost housing association, whose condition would be managed by an independent company and not the Council directly.
- As this company's interest would be purely financial I would see that there is a high risk that the general condition of these houses would deteriorate, which would affect the general condition of Folly Lane and the conditions of its residents.
- We are also concerned that sufficient affordable homes should be provided.
- I also understand that there will be a small amount of social housing included as a compulsory measure, which I object to and am sure I am not alone due to the nature of the value of many of the properties in this location and our choosing to retain the character of the area that we have moved into.
- If social housing is required this shall be within the original 50 properties.

EXISTING SITE CONCERNS

- We have been subjected to years of foul smells coming from the said nursery and heavy traffic using what once was a nice quiet road. The people who live in the Folly Lane area have suffered years of being plagued by the smell from the mushroom farm (we have lived here for forty years) followed by huge "Artics" day and night and now industrial units have moved in and more heavy vehicles. Why are there industrial units there now when it was classed as agricultural land? (a farm that grew tomatoes and then mushrooms).
- We have also been reliably informed that he is applying on the grounds that he is using redundant farm buildings. Because the Government had stated that due to foot and mouth disease and BSI this could be done to help with the livelihood of farmers who were affected in this way, i.e. loss of cattle, etc. as a crop of mushrooms hasn't as yet been subject to BSI or foot and mouth disease and as far as we know livestock have never been kept on this site; we cannot see that this criteria applies in this case.

- The land as I understand it was Green Belt land before the Council managed to let firstly a mushroom farm be developed, which then allowed the land to be described as brown field, which led to an industrial estate in a residential area, now 70 new homes; this has been the plan for the land ever since the mushroom farm - why don't you stand up and say no.

PRECEDENT

- If this is passed it will open the flood gates to further developments and this is not acceptable or suitable in this area.

CHARACTER

- Hockley is a small area with a village feel. This will be totally destroyed. We think that the amount of housing that is being planned will swamp the area and take away its character.
- I have lived in the area nearly all my life; it was a lovely area with villages separated by Green Belt. Now Rochford has merged with Southend, Hockley with Rochford and so on; when will it stop? Soon we will be changing our postcodes as we will become a borough of London.

CRIME

- The more densely populated an area becomes the more crime it invites.

OPEN SPACES

- Children need space to grow and all the green spaces are being eroded and there will be nothing left for the next generation. Just a concrete jungle and the only people to benefit as always are the builders and those engaged in numerous consultations.
- We spoke to the developer's representative on the day of the exhibition in the Parish with a view to the developer providing suitable allotment land. She was not interested, even though she was aware that the Parish is searching for suitable land. So what is their 'open space' to be used for?
- The need for a life buoy at the ponds is stated. Will the care and maintenance of this be the responsibility of the Council?

AREA NORTH OF SITE

- We are also concerned that the area north of the estate be protected from further development.

OVER-DEVELOPMENT

- I still have a fundamental objection to the over-development of the site known as Pond Chase Nursery.
- We are concerned that the Rochford District Council allocation for this area is 50 homes and we feel that this should be adhered to.
- The amount of houses specified to be built is far too many for this area.
- There are already big developments at Clements Hall, Rayleigh, Hullbridge, not to mention 12 houses in Church Road, together with Hall Road that is also earmarked.
- However you dress this up with added “parkland”, this is still over-development in such a small area.
- Inappropriate for the planned location.
- Having expressed concerns with the previous application, for 50 houses to be built, we are even more concerned that a proposal for 70 houses is now being entertained. That number is almost the equivalent to all the houses currently in Folly Lane, being just over 80.
- We avidly object to any increase in development over and above existing outline approval and above the Core Strategy.

INFRASTRUCTURE

- With only one school in catchment of the new development, Hockley Primary, I feel like this school would become over subscribed and current children living in the catchment area will not be able to attend.
- With Plumberow hardly taking any children not in catchment parents will be forced to look further away in Rayleigh.
- It is progressively more difficult to get a doctor’s appointment in the area - 70 more dwellings will potentially make matters even worse.
- The infrastructure issue should be sufficiently addressed for drainage, flooding, power and water supplies and additional school places.
- What about health care, doctors, dentists, etc.; we are limited at the moment. Hospitals will be overloaded as they are stretched now.
- Education – where are the children going to go to school; the places are inadequate now.

In some places parents are being asked to send children out of the area. This would cause a great deal of stress.

- Our doctor's surgery is full to bursting and it is very hard to get an appointment.
- There are already issues at the local doctor's surgery with current patients being unable to access a doctor within a reasonable time frame.
- The impact of 70 additional houses on the local community should not be underestimated. It is already very difficult to get a doctor's appointment within 2 weeks and local schools are full, with parents being told their children must go to other local schools, such as in Hullbridge, to which there is no direct public transport.
- Traffic, doctors, dentists, trains, buses, all can't cope already.
- Utility services – these are totally overloaded.
- Electricity supply is frequently outside and below tolerance parameters for voltage of frequency in winter months.
- Gas supplies are also overloaded.
- Healthcare – hospital on red alert.
- Transport – all infrastructure runs east to west.
- I would like the 'open space' to become an allotment site, as I indicated at the recent exhibition earlier this year. New allotment sites have been built with S106 money; examples include: Market Harborough (2004), Basingstoke (Chineham Parish Council) (2008), Salisbury (Durrington), and Wirral MBC, which was specifically advised that it should include allotment provision in its s106 Policy (2008). Please also see this link: Kings Hill is a parish newsletter from Kent where S106 money has been used to provide allotments.
https://dub118.mail.live.com/mail/ViewOfficePreview.aspx?messageid=mgck_sow-V5RGTIWw75afbeg2andfolderid=flinboxandattindex=3andcp=-1andattdepth=3andn=75334550

DRAINAGE

- The drains are forever collapsing already.
- Church Road is liable to flooding and treacherous in the winter due to the rural nature of the road thus leaving Folly Lane to cope with the majority. Houses on the left hand side of Folly Chase are already prone to flooding

in the back gardens due to poor drainage and thus the extra strain on the water system will not help.

- The introduction of 70 more houses would also put a strain on the drainage and sewage facilities. In recent years the road under the railway bridge in Church Road has been flooded many times, with water cascading down Church Road and from Folly Lane. This now occurs more frequently than in the past, with properties getting flooded more than once in the past two years. Although the plans include the creation of two detention basins, in addition to the existing pond, there is reference to the need to regularly inspect and clean these and the associated ditches and gullies. Will this be undertaken by Rochford District Council?
- On several occasions recently foul sewers have overflowed in Folly Lane.
- Surface water drainage is dysfunctional, as you are fully aware.

ENVIRONMENTAL

- The pollution in the form of Sulpha Dioxide and Carbon Monoxide will rise and our health will suffer. Our quality of life will be greatly affected.

HIGHWAYS AND PARKING

- The impact of traffic with 70 new dwellings, each property having approximately 2 vehicles, would have a grave impact on the current traffic heading away from the Folly Lane area using either Fountain Lane, Folly Lane or Church Road. Both of the junctions onto the Main Road are busy now; up to a further 100+ vehicles would make these junctions very congested and would make the Main Road into Hockley and Rayleigh even busier. It would also mean a far greater number of vehicles using Church Road and heading through Hullbridge. It would also increase the traffic congestion during rush hour around the Travellers Joy Pub junction as this is a route many vehicles take to go to the A127 and A13. More consideration needs to be given to ensure these surrounding roads are able to cope with the increased amount of traffic that would ensue and thus avoid further delays and congestion to these already busy routes.
- I understand the original planning permission was for 50 no. units and the developer wishes to increase this to 70. I consider this to be unacceptable due to the traffic problems on Folly Lane, which, due to residents parking on the road near bends causes many near misses; I feel that in the very near future there will be a serious accident. Persimmon Homes purchased the land on the original planning permission and it appears that they wish to increase the density to reduce the cost per plot, but not address the traffic problems.

- There are already additional houses being built/finished on Church Road and with potentially another 100 cars on already congested back roads I think this is a serious point that needs to be considered.
- The level of traffic and its speed in Folly lane is already excessive as it is used as a cut through route for a large volume of traffic. This ranges from horses, articulated lorries and boy racers who try to test their driving skills through both "S" bends in Folly Lane. The additional traffic generated by the current proposed access road from this development onto Folly Lane would further add to this issue and make the situation unbearable and dangerous for local residents. If this development is to be implemented then additional access roads need to be added directly into Church Road and traffic calming features need to be added to Folly Lane, given the additional pedestrian traffic the 70 houses would bring.
- We object to the planning proposal because the Main Road through Hockley is already regularly jammed through rush hour and even Saturday morning.
- Access to the Main Road will be via Fountain Lane, which has obscured vision. This is from bushes growing beyond the fountain towards the Main Road when looking east or through Folly Lane from which a right turn is extremely difficult during peak times and dangerous at other times as west bound traffic on the Main Road comes round a bend and is unsighted. 70 houses will put a lot more cars on the road, making it even more dangerous and congested.
- I'm sure the developer has attempted to provide 2 parking bays per premises and this no doubt meets the current planning rules, however as witnessed throughout the Folly Lane catchment area, most homes have 3 vehicles or more. This is a simple reflection that families, regardless of the number of bedrooms in a property, have offspring which also seek to have independent means of transport.
- The very word "planning" means both considering today and future needs when contemplating this development, which in turn means what the situation will be in 10+ years from now when the new families have offspring with vehicles and vehicular traffic along Folly Lane continues to increase as more motorists use it as a rat run to avoid congestion on the B1013 high road.
- Clearly residents on the new development will be faced with parking issues as their family mature and it follows on-road parking will arise, as the development is so crowded there is limited on-road space so the next step will be for vehicles to be parked in Folly Lane or other local roads. This situation already exists, even without this development, and I would welcome you to view Gay Bowyers/Hawthorne Gardens, etc., in the evening with me to witness how these roads have to accommodate other

non-resident parked vehicles. Those parking on public highways have every right to do so, but more recently as these overspill parking slots have been taken up and more people are now parking in Folly Lane itself. This situation is giving rise to difficulties for cars wishing to access or leave these roads, certainly in the evenings; fire and ambulance emergency vehicles would not be able to readily reach many locations without asking for vehicles to be moved. I can visualise exactly the same situation within the proposed development where emergency vehicles will have limited access, simply due to the lack of planning for future growth of both families and their needs in the next 10+ years within the site.

- Living local to the area for many years I have witnessed the traffic growth in Folly Lane and in particular the parking issues which are a sure fire recipe for a serious accident; indeed, there have been several arising in the past 12 months.
- 70 more dwellings will mean a considerable amount of extra cars using Folly Lane. This road is already very busy and it is very difficult and dangerous pulling out from Gay Bowers. The traffic should be slowed down in Folly Lane as it stands now, let alone with the extra traffic once the above is completed. Surely Rochford District Council must give some consideration to the increase in cars on the roads?
- We have further concerns about the access road junctions with the B1013, particularly with the busy Folly Lane junction that should be improved with maybe a mini roundabout. From the plan we are concerned that the junction area without pavements would be dangerous and ask why this is necessary. We believe the large loop and the middle road (that cars would cut through) without pavements would also be dangerous, particularly on the bends, and again ask why this is necessary. We also believe the entrance road is not wide enough for two reasonably wide vehicles to pass one another.
- The traffic this will bring is unacceptable. The road is over used now. It was not built for the amount of traffic, as it is.
- Even in present conditions we find it very difficult to exit Gay Bowers into Folly Lane due to the volume of traffic. Coming out of Gay Bowers there is a blind bend to the right hand side and cars speed through Folly Lane, which is used as a 'rat run' through to Hullbridge. With the use of large lorries and excavation machinery during the preparation and build of the new site, the traffic will be increased dramatically. After completion of the site with the addition of 70 new houses there will be an increase of traffic volume by at least one car per household, if not two or three, and the jams will be tremendous.
- To get out of Folly Lane and Fountain Lane into Main and High Road, even now, there are always queues and it is very difficult. With the

additional traffic this will be near on impossible, especially at school time and rush hour and there is every chance that there will be gridlock. No thought has been given to the local residents who are already finding it increasingly difficult to move around.

- Your letter mentions improvement to existing access, but Folly Lane and Fountain Lane, as their names denote, are narrow lanes and both have blind and sharp bends, which do not lend themselves to heavy traffic. Fountain Lane has no pavements and Folly Lane is very narrow so the safety of pedestrians will be badly compromised and hazardous.
- I am absolutely certain that a bad accident is going to happen, either to a vehicle or a pedestrian.
- After speaking to Charles Church at the consultation I was informed that there will be 171 parking spaces allocated, in addition to the extra 20 houses. I strongly object, as the side roads and main roads cannot cope with the extra traffic. The High Road is already 'bumper to bumper' during rush hour and Fountain Lane being one way increases the traffic into Folly Lane or Church Road.
- With its series of sharp bends it is already a dangerous road. Having observed the increase in vehicle movements in Folly Lane as properties have changed hands and resulted in 2 to 5 cars in each newly acquired property making 8 to 12 journeys per day it is clear that the addition of 70 houses would generate several hundred additional vehicle movements along Folly Lane, a narrow and twisting lane. Contrary to the response from Charles Church that with the development the removal of heavy commercial vehicles associated with the site's current commercial use will result in a net reduction in vehicle movements and the statement from HTTC Ltd that there are currently 945 vehicle movements per day into and out from Pond Chase my observations indicate that these figures are grossly over stated. The numbers are in the 10s, with most of them being cars and light vans, not heavy commercial vehicles. The number of large lorries is usually between 2 and 6 per day, often less and rarely more.
- In addition to the anticipated increase in traffic Folly Lane and Church Road are used from dawn until dusk (and sometimes beyond) by horse riders on their way to and from Hockley Woods from stables in the areas of Murrells Lane and Blountswood Road. Combined with the volume of speeding cars and even faster motorcycles that currently use Folly Lane the extra traffic that the new houses would create would be a recipe for major accidents to occur.
- The plans for the proposed development show limited parking spaces on the site, with just 18 visitor spaces for 70 properties, so any overflow parking would occur on Folly Lane itself, with a sharp bend and road junction in the immediate vicinity.

This would clearly add to the dangers already mentioned.

- The roads of Gay Bowers and Hawthorne Gardens, which are almost opposite the proposed development, are already filled with parked vehicles, many from residents of Folly Lane.
- There are no proper footpaths shown on part of the site plans.
- The junction of Fountain Lane/High Road has been the scene of 4/5 serious accidents in the last 2 years and the similar junction of Folly Lane/Alderman's Hill.
- Fountain Lane has no footpaths and is already heavily trafficked.
- The Main Road/Alderman's Hill and High Road are heavily trafficked. 25 – 27,000 vehicles/day. Several years/10 years ago the ECC figure was 20,000 before increased building. Note – M1 was built dual for 19,000/day.
- The road is regularly totally queued from Hambro Hill to Spa Road and vice versa.

In Support

5.133 3 responses have been received from the following addresses:-

Aldermans Hill: 38 (23/09/15)

Stirling Close (18/09/15)

Woodlands Close: 16a (18/09/15)

5.134 Which can be summarised as follows:-

- I have lived in this area all my life. We are most enthusiastic about the potential development of new homes in such a nice area. I think the homes proposed by Charles Church looked lovely and I liked the garden areas and that there is a play area for children.
- This would be the ideal place for us to own our first home as it would mean that I can stay close to my family. Whilst facing the same problems as most other young people who can't afford to buy or stay in this area, we hope to find somewhere affordable so we can continue to work locally and so our children can grow up here too.
- Why not make good use of a brown field site? I hope this is supported.
- I am very keen for our young sons and daughters in Hockley to be able to buy affordable housing and not to have to move away to other districts to

be able to afford their first homes, preferably for them to have shared equity.

- We need affordable housing for our children to stay in their home town. This is a good position for new houses; it will not impact on too many existing homes.

Neighbours

5.135 2 responses have been received from the following addresses:-

Folly Lane: 78 (07/10/15 and 10/12/15), 80 (26/08/15)

5.136 These can be summarised as follows:-

- Adverse effect on the density and possible over-development of the area.
- Folly Lane used to be a very quiet road, but the volume of traffic has increased immensely as it's a cut through road from Church Road to Hockley and many roads which run off it. With a potential of 70 houses being built with an average of 2 cars per household this is a very high volume of extra road users with one main access road in and out of the development, which is poor layout.
- Noise also will be a problem with the proposed development.
- Protection of wildlife and green area is another great concern.
- Nothing has changed from the previous application from the landowner, which was refused although down sized to 50 units. From a developer's point of view having to commit to a percentage of social housing and contributing to a 106 agreement, reducing this to fifty units is not so enticing.
- Since the last application the local infrastructure has declined further, traffic in Folly Lane has increased dramatically, a non urgent doctor's appointment can take up to a week increasing the pressure on the A and E at Southend, Arriva are reducing the local bus service to Southend, and the village's last bank is closing; in addition, traffic cutting through to the growing Southend Airport has made the Lane on the border of dangerous.
- Another item of worry is a few years ago planning permission was approved to construct 5 small factory units; no more would be allowed as the Head of Essex Highways stated that Folly Lane could handle no more than 5 extra vehicles. This has already surpassed that number with local families having more than one car per household. My last appeal via my solicitors, Paul Robinson, is in fact slightly out dated now due to the local infrastructure declining further.

- Please take this email as my objection to the alterations to the planning application to plot 70 to the above application by adding an additional window to the 1st floor side of this plot. This would affect my privacy as this would directly be looking over my property. I have a large garden and swimming pool which is in use all of the time as a private space for friends and family to use, not to be observed by potential neighbours.

6 MATERIAL PLANNING CONSIDERATIONS

Principle of Residential Development

- 6.1 Policy H2 of the Core Strategy 2011 identifies the general site locations for residential development. West Hockley is identified for 50 dwellings to be built by 2015. This policy goes on to explain that the Allocations Development Plan Document (now adopted as the Allocations Plan 2014) will articulate the detailed location and quantum of development.
- 6.2 The Allocations Plan was adopted on 25 February 2014. The majority of this site is allocated for residential development, along with an area immediately to the west of the application site, under policy SER3 of the Allocations Plan. This policy allocates the site for 50 dwellings. Outline planning permission was granted on 8 April 2015 for 7 dwellings at the site known as 'land west of Windfield,' which is accessed from Church Road and located within the SER3 residential allocation. One of the dwellings proposed is entirely outside of the allocated area and is located within the residential area (plot 70). This dwelling is not counted within the 50 allocation. One dwelling would also be demolished (No. 80) on the site within the allocated area. Therefore, the proposal within the allocated area is considered to be for 68 dwellings. Being mindful of the previous grant of planning permission at the 'land west of Windfield' site for 7 dwellings, the proposal would result in 75 total dwellings within the allocated site.
- 6.3 Paragraph 3.86 of policy SER3 to the Allocations Plan states that 'the site will accommodate no more than 50 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.
- 6.4 The planning statement submitted explains that the position on five year land supply has been set out in the Annual Monitoring Statement 2013/2014, which confirms that the Council considers that there is a five year supply within the Rochford district. The planning statement goes on to state that it is

acknowledged within the report that there have been delays in bringing forward some allocated sites, including Hall Road and Stambridge Mills and the West Rayleigh and West Hullbridge sites and that the monitoring report also acknowledges that a five year supply can only realistically be achieved by bringing forward post-2021 sites.

- 6.5 On the basis of the information currently available it is considered that a five year land supply is provided for within the Rochford district, with the last assessment within the last 12 months. The latest 2015 update on the five year supply will not be available until early 2016. However, it is apparent that some large sites have been stalled and will reach the development stage later than anticipated.
- 6.6 The additional number of dwellings proposed for this site over the anticipated allocation is modest and can justifiably be considered against the principles set out in policy SER3. The concept statement to policy SER3 is clear that it should not be applied too stringently with regard to total dwelling numbers, if this leads to the site moving forward and producing a quality outcome.
- 6.7 As this site falls within the definition of a Previously Developed site these should be maximised to their full potential without jeopardising design and policy requirements. Such maximisation would reduce the pressure to build on the Green Belt, though any development should still provide for a good level of design. Therefore, it is considered that if the development is acceptable, the Council could not be justified in refusing the application on the basis of a resulting additional 25 dwellings within the allocated area, as set out within the SER3 policy allocation.
- 6.8 Policy H1 of the Core Strategy requires development within the general locations to provide infrastructure, as per Appendix 1 of this policy. For the West Hockley general location this is identified as follows:-
- Local highway capacity and infrastructure improvements
 - Public transport infrastructure improvements and service enhancements
 - Link and enhancements to local pedestrian/cycling and bridleway network
 - Sustainable drainage systems
 - Public open space
 - Play space
 - Link to cycle network

These will be referred to within the relevant sections of the report.

- 6.9 The principle of residential development at this site is considered acceptable and would accord with policies H1 of the Core Strategy and SER3 of the Allocations Plan. Whilst the detention basins forming the surface water drainage scheme, public open space and underground pumping station would be located outside of the residentially allocated area, within the Green Belt, these are uses which are open in nature and would be considered appropriate

uses within the Green Belt, not detrimental to the openness or character of the Green Belt in accordance with the National Planning Policy Framework.

Layout and Design Considerations

- 6.10 The Strategic Housing Land Availability Assessment 2012 – SHLAA Review estimated the appropriate density for the Pond Chase Nursery site area to be 30 dwellings per hectare. The design and access statement states that the dwellings per hectare of the proposal equates to 34dph. This statement identifies varying densities within the surrounding area ranging from 20dph to 39dph. By way of comparison, the Star Lane Brickworks site had a density of 35dph. The proposed density would accord with policy DM2 of the Development Management Plan 2014, which requires density across a site to be a minimum of 30dph and for proposals for residential development to make efficient use of a site area in a manner that is compatible with the use, intensity, scale and character of the surrounding area. It is considered that this would adhere to policy DM2.
- 6.11 Whilst this would result in a greater quantity and density of properties on the application site, the National Planning Policy Framework is supportive of the re-development of previously developed land (also called brown field land). For this reasoning, maximising such residential development on this previously developed site is not considered objectionable and the density proposed is considered acceptable.
- 6.12 Policy H5 of the Core Strategy requires new developments to have a mix of dwelling types. The proposal consists of one, two, three, four and five-bedroomed units. No bungalows are proposed. However, it is still considered that a reasonable mixture of property sizes has been provided at this site in a proportionate manner.
- 6.13 SPD2 requires that 1m separation is provided. 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. Revised plans have been provided which now address the majority of the areas where the 1m separation was not initially achieved. There are some areas remaining (plots 22, 23, 31, 35, 44 and 64-67). However, in all of these cases there is a visual gap formed through pathways or parking spaces immediately adjacent to these side walls. With such visual gaps provided across the majority of the dwellings it is not considered a reason for refusal would be justified on the lack of strict adherence to the 1m separation criteria for these plots.
- 6.14 The layout is not vehicle dominant with parking predominantly located to the sides of dwellings with some to the frontage to plots 46-53 and visitor parking within the area for play and to the frontage of some dwellings.

- 6.15 The proposal uses quite traditional appearance in elevation treatment. The use of red and buff brick, white render and black and white weather boarding assists in providing material variety across the scheme. The buff brick is predominantly reserved for the home zone, giving this area a more distinct character. The ECC Urban Design Officer considers that the street scenes and elevations are generally suitable to the site, reflecting some of the local materials and built form found within the context of the site with a suitable variety of dwelling types, sizes and forms to create a cohesive development structure. There were some elevation alterations which the ECC Urban Design Officer suggested within the consultation response received. This included forming a more traditional terraced appearance to plots 58-63 and to re-visit the side elevation of house type CC (plots 20, 25 and 27) in terms of fenestration. Revised plans have now been provided, which incorporate such changes and further comments from the ECC Urban Design Officer consider the incorporation of such changes to represent an improvement.
- 6.16 Dormers are proposed to house types D, Dv, H and J. House types D and Dv have pitched roofed dormers, which are of reasonable scale in accordance with SPD2. House types H and J have dormers of reasonable scale, however, they are flat roofed in design. This would not strictly accord with SPD2. However, they are of a more colonial design with a flat roofed porch canopy to both and a parapet roof to house type J. It is therefore considered that the flat roofed dormers fit with the theme of these two particular house types.
- 6.17 There would be a variety of dwelling heights used across the development with the majority being of two storey form, but the use of some 2.5 and 3 storey dwelling heights. There are only 3 no. three storey dwellings proposed. The heights proposed for each house type are detailed below:-

House Type	Height (m)
A	8.7
B	8.4
C	7.7
CC	7.7
D	10.1
Dv	10.1
E	8.5
F	9.1
G	8.5
H	10.4
J	9.9
K	11.4
4B	8.7
3B	8.4
2B	8.3
1B	8.3
2BF	8.7

1BF	8.7
1BFV1	8.3
1BFV2	8.3
1BAFV1	8.7
1BAFV2	8.7

Such heights are considered acceptable. 27 would exceed 9m in height, however, this is not considered objectionable and would give some height variety to the scheme. Most of the dwellings with the greater heights would be located deeper into the scheme although there are two which rise to 10.1 at the entranceway to the site, which gives visual variety when compared with the lower 8.3m height of the terraced houses directly opposite. The 3 no. three storey dwellings are located to the western boundary visible from the open space. The side elevation to plot 7 was originally proposed to front the open space. However, after concerns were raised with regard to this arrangement revised plans were provided showing the 3 dwellings fronting the space, which is considered to form an improved relationship.

- 6.18 The area for play and public open space are considered to be located in usable and appropriate positions within the development easily accessible to residents.
- 6.19 Other concerns raised by ECC Urban Design include the need for improved transitional points between road types, the need for a pedestrian crossing and the re-design of on-street visitor parking spaces. All of these matters can be sufficiently addressed by planning condition where necessary. The pedestrian crossing is now accurately depicted connecting the two paths of the development as part of the revised layout drawing supplied.
- 6.20 Essex Police do not object to this application, but seek a planning condition requiring that Secure by Design certification is achieved on all housing. It is not reasonable to impose a planning condition with regard to this, but the design and access statement has advised that the scheme has been designed with regard to the principles of Secured by Design. Essex Police advise that SBD NEW HOMES 2015 should be used rather than the 2014 version. An informative to this effect could be attached to an approval. Passive surveillance is considered to be provided to the parking courts and footpaths within the development.

Amenity and Refuse

- 6.21 The majority of the units are 3 or 4-bedroomed requiring minimum 100m² gardens. All of the units requiring 100m² of garden provide this as a minimum. Revised plans were provided during the course of the application, which gave greater garden areas to some units to the eastern boundary, which had less than the required 100m² due to the siting of a ditch along this boundary.

- 6.22 There are three units (plots 7, 8 and 9) whose floor plan areas show them to be 2-bedroomed but the room showing a 'study' is considered to reasonably represent a third bedroom, being of the same size as the other two bedrooms. The proposal for these plots would adhere to the garden area requirements of SPD2. The proposal also incorporates 1-bedroomed units in the form of houses and flats. The houses all provide the necessary 50m² garden areas and the flats provide 2 no. 5m² balconies with the remainder having communal amenity space measuring 25m² per flat. This would accord with SPD2.
- 6.23 The Council operates a 3 bin system per dwelling. The refuse and cycle strategy plan provided shows that within the curtilage of each dwelling the bins would be located to the rear or side and brought through to the frontage/side on collection day either through rear or side access ways or parking spaces. With regard to the flats, the block of flats would have a bin store for residents to use. The Council's waste and recycling team has advised that for this scale of flatted scheme there would be a requirement for 4 x 240l recycle bins, 4 x 180l residual bins and 1 x 180l green and kitchen waste bin. These would all fit within the allocated bin store. The 2 flats at plots 56 and 57 now show access to the rear for presenting of bins to the frontage on collection day.
- 6.24 The strategy plan initially submitted only showed space for 2 bins on collection day rather than the 3 required at Rochford, however, a revised plan has now been submitted showing space for 3 bins per property. Plots 7-9 would now have an area to the side of plot 7 allocated for bin storage.
- 6.25 The access road with turning head and shared driveway would need to be engineered to take the weight of a 26 tonne refuse vehicle. A planning condition would need to ensure that this is the case. It is considered that a refuse vehicle could reverse into the home zone area and gain access to bins located to the frontages of plots 21, 22, 23 and 24. All bin storage areas can be located within 15m of the road on collection day.

Landscaping and Boundary Treatment

- 6.26 Various soft and hard landscaping is proposed across the site. A soft landscaping plan has been provided with this application, which provides a detailed plan of the intended landscaping to be used.
- 6.27 This provides a good quality level of soft landscaping, however, it doesn't show the drainage detention basins, which will require incorporation into any soft landscaping scheme. There is also no detail around the type of ornamental hedging proposed. The plan, however, is very useful to understand how soft landscaping could work on the site and a similar scheme is likely to be considered acceptable.

- 6.28 It is still considered necessary to require a soft landscaping scheme to be submitted to and agreed in writing so that some of the additional detail above can be provided. It is also considered that the scheme should include enhanced tree coverage along the western and southern boundaries of the site, as required within the Allocations Plan and more tree planting to the frontage to plots 3-6. Soft landscaping should also be provided within the strip to the east of the access road into the development. Any soft landscaping plan needs to interact with the mitigation and recommendations within the phase 2 ecological survey.
- 6.29 A good quantity of tree coverage will be retained at the site along the boundaries (although this is not shown on the revised landscaping plan so would need to appear in any revised drawing), which will assist in retaining a sub urban feel to this development and trees will be interspersed within the development. All properties have a reasonable quantity of soft landscaping to their frontage with some having generous larger frontages than others. The soft landscaped area for play and the area to the front of plots 26 and 27 particularly assist in softening the appearance of the development.
- 6.30 A hard landscaping plan has also been provided, although this is less detailed, but identifies the principle of intended hard landscaping types across the scheme, incorporating a mixture of tarmac and block paving. More detail will be required regarding this at discharge of condition stage. Any road surface material must be suitable for a refuse vehicle where a refuse vehicle would require access.
- 6.31 A boundary treatment plan has been provided with the application. No detail is provided with regard to boundary treatment to the western and eastern boundaries, but it is assumed that these will use hedging/ditch/trees, etc., which is considered acceptable. The proposed boundary treatment shown on the plan is considered acceptable. Confirmation has been received that red brick would be used to the 1.8m high brick wall. The boundary treatment would not require details to be agreed.

Residential Amenity

- 6.32 The Essex Design Guide explains that a minimum of 25m between rear elevations is considered acceptable to avoid unacceptable overlooking; this figure is reduced to 15m from the nearest corner where the backs of houses are at more than 30 degrees to one another.

82 FOLLY LANE

- 6.33 This property is a detached chalet bungalow, which has the access road to Pond Chase Nursery located to its eastern boundary. It also shares its rear boundary with the site. The side elevation of the dwelling is located 4m from the boundary with this access road. It is not considered that the traffic

generated by 70 dwellings would have any greater impact on this property in comparison to the authorised usage.

- 6.34 The side elevation of plot 1 would be located approximately 42m from the rear elevation of No. 82. This is a good separation distance to ensure no detrimental impact in terms of overlooking or scale upon the occupiers of No. 82. No windows are proposed to the side elevation of plot 1.

78 FOLLY LANE

- 6.35 This property is a detached house, which shares three boundaries with the application site, both side boundaries and its rear boundary. It should be noted that the layout plan provided does not accurately depict this dwelling. The access road to Pond Chase Nursery is located to its western boundary. The side elevation of the dwelling is located 1.5m from the boundary with this access road. It is not considered that the traffic generated by 70 dwellings would have any greater impact on this property in comparison to the authorised usage.
- 6.36 To the rear of No. 78, an access road through to a shared parking court would be located. The rear elevation of No. 78 is located approximately 35m from the boundary with this access road which is considered to represent reasonable separation distance to ensure no detrimental impact. Beyond this, plot 63 would be located, no windows are proposed to the side elevation of this unit.
- 6.37 Plot 69 would be located to the side of the rear garden of No. 78. Two windows would be located to the side elevation serving a WC at ground floor and a bathroom at first floor. To ensure no unacceptable overlooking from these windows, they would be required to be obscure glazed and fixed shut below a height of 1.7m. Future side window insertions should be controlled by planning condition. To the rear elevation of plot 69, patio doors would be located at ground floor serving a living/dining area and two windows would be located at first floor serving bedrooms. These would be located in relatively close proximity to the rear elevation of No. 78 (approximately 20m). However, as the first floor windows, where views of the rear elevation of No. 78 could be achieved, serve bedrooms where protracted periods of time are unlikely to be spent, such proximity is not considered objectionable.
- 6.38 Plot 70 is located to the side elevation of No. 78. No. 78 has a first floor and ground floor window to its side elevation. Revised plans have now been provided, which no longer show a bedroom window to the side elevation at first floor to plot 70, which was considered to generate unacceptable overlooking. Further comments have been received from No. 78 raising concern to the addition of a further window to the side. However, the proposed changes to plot 70 do not incorporate any new windows from that initially considered. One window to the side has been relocated to the rear elevation. All first floor windows to the side elevation to this plot will be

required to be obscure glazed and fixed shut below a height of 1.7m to prevent unacceptable overlooking. This would address the concerns of this neighbour. Future side window insertions should be controlled by planning condition. The lounge patio doors also face towards No. 78, but fencing should prevent unacceptable overlooking.

- 6.39 It is not considered that the scale and mass of the proposed dwellings close to No. 78 would have a detrimental impact on this property.

72 FOLLY LANE

- 6.40 This property is a semi-detached house, which shares a side boundary with the application site. Plot 70 would be located alongside the boundary with No. 72. No. 72 has window at first floor level and a window at ground floor level to the side elevation.
- 6.41 Plot 70 would have several windows to its side elevation. At ground floor there would be three serving the dining room and lounge and at first floor there would be three serving two bedrooms. A fence exists at ground floor level, which would prevent unacceptable overlooking from ground floor windows, but all first floor side windows have the potential to generate unacceptable overlooking and should be required to be obscure glazed and fixed shut below a height of 1.7m. This would not interfere with fire escape requirements to bedrooms 1 and 2. Future side window insertions should be controlled by planning condition.

62 FOLLY LANE

- 6.42 This property appears to have a rear boundary, which borders the site however, due to the considerable distance that exists between the rear elevation of this dwelling and the boundary with the application site, no detrimental impact is considered to occur.

1 and 2 THE ASTORS

- 6.43 The distance between the rear elevation of plots 1-4 and 1 and 2 The Astors equates to approximately 21m. Whilst this is below the 25m advisory distance this is still considered to provide adequate separation distance here.

LAND SOUTH OF WINDFIELD, CHURCH ROAD

- 6.44 The distance between the rear elevation of plots 5-6 and the land south of Windfield indicative dwelling layout as part of the approved outline application equates to approximately 27m, in accordance with the Essex Design Guide. The distance between the rear elevation of plot 9 and the land south of Windfield indicative dwelling layout equates to approximately 27m.

WINDFIELD, HILLCREST AND CLIFTON, CHURCH ROAD

- 6.45 Due to the minimum approximately 72m distance between the rear corner of Windfield and plot 10, the proposal would not be detrimental to the occupiers of this property. This is also considered to be the case in relation to Hillcrest and Clifton, which are positioned even further away. Plot 9 would be located slightly closer to Windfield, but the separation distance would still be considerable.

FAIRDENE and WILDWOOD, CHURCH ROAD

- 6.46 These dwellings would only border the undevelopable part of the site and would be located a good distance from these properties. No detrimental impact is considered to occur.

HOCKLEY VALE, FOLLY CHASE

- 6.47 The nearest dwelling to this site is plot 45, which would be located approximately 43m from the rear elevation of Hockley Vale which is considered to represent a good separation distance.

62 and 66 FOLLY LANE

- 6.48 These properties appear to have land which borders the application site. However, as the dwellings themselves are of good distance from the site it is not considered that this would generate a detrimental impact upon the occupiers of these properties or their immediate garden areas.

NEW DWELLINGS

- 6.49 All side windows proposed to the majority of plots would serve bathrooms, which would be obscure glazed anyway. Where bedroom windows are proposed to the side elevation of the F and J type units, intervening garages would assist in limiting unacceptable overlooking between the plots on the development in the majority of cases.
- 6.50 Windows which are considered to be required to be obscure glazed and fixed shut below a height of 1.7m include:-
- Plot 15 – single side elevation window to bedroom 2 and side elevation window to bedroom 1
 - Plot 16 – side elevation window to hallway and side elevation window to bedroom 3 (a revised plan has been provided showing a larger window to one side of this bedroom removing the fire escape conflict)
 - Plot 24 – staircase window
 - Plot 26 – side window to bedroom 2
 - Plot 35 – single side elevation window to bedroom 2
 - Plot 54 – first floor side elevation window

A condition preventing the insertion of future windows to these side elevations would also need to be attached to an approval.

- 6.51 In addition, an obscure screen/fence should be installed to the side of the balcony to plot 67 to prevent unacceptable overlooking to plots 61-63 controlled by planning condition.
- 6.52 15 and 25m separation distances are adhered to across the majority of the development. In places the distances drop from 15m to between 13m and 10m (minimum) (between plots 19 and 20, 17 and 19, 22 and 31, 23 and 30). However, this is not considered objectionable and any new occupiers would be aware of such relationships with neighbouring properties.

Affordable Housing

- 6.53 Policy H4 of the Core Strategy seeks at least 35% of dwellings on all developments of 15 or more units, or on sites greater than 0.5 hectares, to be affordable. However, such quantity can be relaxed where the developer is able to demonstrate that 35% provision will not be economically viable, rendering the site undeliverable.
- 6.54 The application proposes 25 affordable units, which represents 35.7% of the proposed 70 units, in accordance with policy H4. Therefore, there is no need for the application to be supported by a viability assessment on the basis of the number of affordable units proposed.
- 6.55 Policy H4 also requires that affordable dwellings be well integrated into the layout of new residential developments. The proposal shows the affordable housing on opposite sides of the entranceway and venturing slightly deeper into the layout although still within the south eastern corner. This would provide for two/three areas of affordable to be provided within the layout, which would be considered acceptable positioning.
- 6.56 Policy H4 also advises that the Council will aim for 80% of affordable housing to be social housing and 20% intermediate housing. It goes on to explain that the Council will constantly review the affordable housing needs of the District and that developers should consult with the Council's Housing Strategy team to ensure their proposals meet the Council's needs before submitting planning applications. The Council's Strategic Housing team has advised that the mix is considered acceptable as long as 80% is affordable rented and 20% shared ownership. The proposal put forward seeks 20% affordable rented and 80% shared ownership. This would not comply with the advice of the Council's Strategic Housing team received during the course of the application and would not comply with policy H4 of the Core Strategy.
- 6.57 There has been no viability assessment submitted to demonstrate why a split of 80% affordable rent and 20% shared ownership could not be achieved, especially considering that the proposal seeks additional dwellings above the

50 allocation. Without sufficient justification, the Council would be accepting a proposal, which is unlikely to meet the affordable housing needs of the district in terms of tenure split. This would not be acceptable and without justification would set a precedent for other residential development sites throughout the district to under provide on affordable rented dwellings. The recent letter from MP Brandon Lewis, which is a material consideration to this application, makes it clear that Local Planning Authorities should be flexible in their requirements, which has resulted in a recent application (13/00552/REM and 10/00234/OUT) to be returned to Development Committee with a split of 70:30 (affordable rent: shared) accepted. However, this is quite different to a split of 20:80.

6.58 The agent considers that they are policy compliant, making reference to policy H4 'aiming' to seek an 80:20 split, the 2013 SHMA and email correspondence with the Council's Strategic Housing Manager prior to the application being submitted. The 2013 SHMA is now 2 years old and therefore, whilst a published document produced after adoption of the Core Strategy in 2011, it cannot be considered to be given substantial weight when considering this application in comparison to correspondence with the Council's Strategic Housing team who assess the housing needs of the district on a regular basis, which forms a more up to date review of affordable housing needs in the district. Email correspondence with the Council's Strategic Housing Manager which took place ahead of the application being submitted, supplied by the agent, accepts a mix of affordable dwelling types (which is not precisely what has been put forward as part of this application and relates to an earlier proposal for 76 dwellings) and there is also no mention in his email of acceptance of a tenure mix of 20:80. Data supplied by the Council's Strategic housing team as of 11 November 2015 shows that the current need for Hockley includes 405 applicants to which only 16 have shown interest in shared ownership dwellings. The lack of adherence to an 80:20 split without any clear justification is considered to represent a reason for refusal of this application.

6.59 The agent has provided further information to argue their position to provide a 20:80 split since the Development Committee meeting of 17 December was cancelled. However, such information is not considered to alter officers' view and still no viability assessment has been submitted to demonstrate why an 80:20 split in favour of affordable rent could not be provided at the site. Whilst an offer has now been made for a viability assessment to be submitted and for this to be independently tested it is considered that this would further delay a determination of this application and that a decision should now be reached on this proposal. Such a viability assessment could be submitted and independently tested within a revised application.

Highways

6.60 The site is considered to be located in a sustainable location within walking distance of bus stops, Hockley train station and Hockley town centre. There is

access to bus stops within Alderman's Hill/High Road, which provide access to neighbouring towns and a connection to Hockley train station. Policy T5 of the Core Strategy requires a travel plan to be submitted for an application of this scale identifying a series of practical measures to encourage residents to be able to use methods of transport other than the car. No such travel plan has been provided, however, such a travel plan could be required by planning condition and ECC Highways has suggested a condition be imposed for the provision and implementation of a Residential Travel Information Pack for sustainable transport, which could be incorporated within such condition.

- 6.61 Folly Lane is a single carriageway, which is subject to a speed limit of 30mph along the site frontage. The access to the site is proposed via a modified version of the existing access point to the site. The proposed site access arrangement plan shows a visibility splay of 2.4m x 61m to the west and 2.4m x 90m to the east. ECC Highways suggests a planning condition for a visibility splay 2.4m x 90m to both the east and west, however, upon further discussion with ECC Highways, it is clear that this cannot be achieved to the west, which they do not consider objectionable. A condition requiring 2.4m x 90m to the east and 2.4m up to the junction with Fountain Lane/Church Road to the west is considered acceptable and would provide sufficient visibility. Some hedging within the highway may need to be cut back slightly to provide for this splay.
- 6.62 The proposal incorporates an access road 5.5m in width, a shared surface carriageway arrangement 6m in width and a home zone area 4m in width. A type 2 turning head is also shown although ECC Highways advises that this is over engineered and could be a type 3, which would give greater space within this area of the layout. ECC Highways has advised that it is unlikely it would adopt the home zone area, however, this is a small section of the overall estate and it is not considered objectionable for this to be private. To ensure this is sufficiently maintained in the future this should form part of the maintenance company arrangements within the legal agreement, which has been accepted by the agent. It is not objectionable that a footpath is not provided all around the scheme as a shared surface roadway is designed to provide sufficient space for both pedestrians and vehicle users and also acts as a traffic calming measure on new estates.
- 6.63 The transport assessment and technical note conclude that the proposal will result in a reduction in trips in the vicinity of the site when considered against the existing use. Concern has been raised by local residents with regard to the increase in traffic and potential highway safety issues generated by an additional 70 dwellings. However, ECC Highways does not object to the proposed number of dwellings using the local highway network and does not consider that such a number would generate highway safety issues so long as the suggested conditions are imposed. The previous outline application for 50 dwellings was not refused on highway safety grounds. ECC Highways does not seek a financial contribution towards highway works but does seek the upgrade of an existing bus stop in Alderman's Hill, which is considered acceptable and should be controlled by condition. It does not consider that the

suggested cycleway work to the Fountain Lane/Church Road/Folly Lane junction, as shown on the proposed cycleway layout drawing, is necessary and therefore it seeks the bus stop work as a replacement of this suggested work. Under Appendix H1 to policy H1 within the Core Strategy local highway capacity and infrastructure improvements and public transport infrastructure improvements and service enhancements are sought. The bus stop improvements sought by ECC would fall within this. No other such improvements are sought by ECC under Appendix H1.

- 6.64 Appendix H1 also refers to the need for link and enhancements to the local pedestrian/cycling and bridleway network and for a link to the cycle network. A proposed footpath/cycle link is shown linking the access road of the development through to the land south of Windfield site which would then connect up with Church Road. A proposed cycleway/pedestrian link is also shown to the east of the site linking Folly Lane with the new development. These new linkages are considered to be located in acceptable positions and would accord with the requirements of Appendix H1.
- 6.65 Where considered reasonable, the planning conditions suggested by ECC Highways department could be attached to an approval. ECC Highways does seek amendments with regard to footways within the site, which could be controlled by planning condition. One such footway alteration has now been incorporated within the revised layout plan supplied.

Parking

- 6.66 The Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010 requires dwellings with one bedroom to have a minimum of one off street parking space and two bedrooms or more to have a minimum of two off street parking spaces. These spaces would serve the residents of the dwellings. 13 of the 70 dwellings would be one bedroomed and the remaining 57 would be two-bedroomed or more. This would result in a need to provide a minimum of 127 spaces across the development. 127 spaces are provided in accordance with this minimum requirement.
- 6.67 The Parking Standards document requires 1 secure covered cycle space per dwelling to be provided for residents, but none if there is a garage or secure area provided within the curtilage of the dwelling. For those dwellings with garages, sufficient cycle storage would be provided, for those without there is adequate space within the garden areas for sheds to provide such secure storage by condition or, for the flats, a cycle store is provided of adequate size and reasonable positioning for the 6 flats. If parking is located within the curtilage of dwellings disabled parking spaces are not required.
- 6.68 The Parking Standards document requires a minimum of 0.25 visitor parking spaces per dwelling (unallocated). For 70 dwellings, this would equate to the need for a minimum of 18 visitor parking spaces. 18 are provided here and

whilst they are pepper-potted across the development for ease of use their precise location does appear as an after thought in terms of positioning and could have been designed better. However, this alone is not considered to represent a reason for refusal of this application. The design of some of these spaces in terms of surfacing material could be improved, addressed by planning condition to seek some degree of improvements. ECC Highways in its consultation response considered that the 2 visitor parking spaces to the front of plots 3-5 and 4 to the front of plots 26 and 27 were a highway safety concern and sought the removal of these from the scheme. As a result, revised plans were provided which removed these parking spaces and proposed the same quantity of visitor parking across different locations within the development, which is now considered acceptable. ECC Highways has questioned the usability of one parallel visitor parking space within the eastern parking court, whilst requiring some manoeuvrability this is still considered usable. The majority of dwellings either have a garage or capacity within their gardens for a shed within their curtilage, which would provide secure cycle storage for visitors' bicycles. The cycle store for the 6 flats would accommodate further storage for at least the 1 communal visitor parking space required for the flats.

- 6.69 The Parking Standards document requires a minimum of 1 powered two wheeler space plus 1 per 20 car spaces (for 1st 100 car spaces) and then 1 space per 30 car spaces (over 100 car spaces). Therefore 2 spaces would be required for this development. 2 powered two wheeler spaces are shown, which would adhere to this criteria.
- 6.70 This document also requires 3 bays or 6% of total capacity to be to disabled bay sizing. This has been adhered to here and the spaces are located close to the units which are intended to be designed as wheelchair accessible units. ECC Highways seeks the removal of these, however, as they are not intended as visitor bays and are allocated to the specific wheelchair accessible units it is considered that they are required within the scheme and should remain. They do not form a highway safety concern.
- 6.71 Parking space allocation is considered acceptable with all parking spaces located within close proximity to the dwelling to which they would serve. Demarcation of visitor spaces by condition would be required to ensure that it remained clear that such spaces are intended for such purpose.
- 6.72 The parking bay sizes should meet the preferred bay size criteria of 5.5m x 2.9m. This would be adhered to across the development. Garage spaces should meet 7m x 3m (internal measurements) which is adhered to for all garages across the development. The proposal incorporates car ports. As these are open on one side it is less likely that storage or other uses would be put to them than if they were garages. Therefore, as long as the car ports are not enclosed, it is acceptable for them to meet the 5.5m x 2.9m criteria, which they meet. A planning condition ensuring that these are not enclosed should

be attached to an approval. 6m reversing distances are provided across the development.

Ecology

- 6.73 The application is supported by two ecological reports, an extended phase 1 habitat survey and bat inspection survey and a phase 2 ecological survey and mitigation strategy.
- 6.74 The site survey for the phase 1 assessment was undertaken in October 2014. This concludes that potential significant effects of the proposed development upon designated sites close to the application site are highly unlikely. The survey considers that with suitable mitigation, enhancement of key features (scattered trees, tree lines and pond) and provision of appropriate levels of green space; the proposed development site could mitigate for any adverse effects upon local biodiversity and make a valuable contribution to the local wildlife.
- 6.75 It recommends that the ponds on site are retained and enhanced to increase their biodiversity value and that any loss of ponds is compensated for through the creation of new ponds. Mitigation of any indirect impacts during construction is advised following the Environment Agency pollution prevention guidelines. Although off site the survey considers that the woodland block should be protected during construction and post development, if possible. Trees should be retained and protected during construction and pollution prevention guidelines should be adhered to. It is recommended within the survey that measures are taken to prevent the spread of Floating Pennywort in the larger pond.
- 6.76 The phase 1 survey concludes as follows with regard to bats, birds, badgers, dormice, invertebrates, great crested newts, reptiles and water voles:-

Bats

- 6.77 The habitats on site are thought to be of potential value to local bat populations for foraging and/or commuting. However, the proposed development is almost entirely restricted to the industrial units and hard standing landscape, which is considered to be of little value to foraging bats. If the lighting recommendations are implemented no impacts upon foraging/commuting bats are predicted and no further survey works are considered necessary. There are numerous mature trees on site which may demonstrate roosting opportunities. Further inspection is deemed necessary to determine presence or likely absence of roosting bats on trees due to be affected (either directly or indirectly) through the proposals (i.e. eastern and western boundaries, northern extent of proposed residential development). It is considered that none of the buildings on site have potential for roosting bats to be present.

Birds

- 6.78 The site's habitats provide good foraging and nesting opportunities for many bird species. The proposals are largely confined to within the existing building's footprints with additional green space incorporated into the scheme (residential gardens) and as such no significant impacts are predicted and no further survey is recommended. There may be limited potential for bird species of conservation concern to be utilising the site and it is recommended that a suitably qualified ecologist has input into a construction management plan to ensure appropriate mitigation measures are in place to reduce any disturbance impacts. If any nesting bird habitat is to be lost (trees and buildings) these should be cleared outside of the nesting season (which is generally March to August) or after an ecologist has confirmed active nests are not present.

Badgers

- 6.79 A number of potential badger setts were observed within the study area. A number of mammal tracks were also observed heading between the residential gardens and site (on the western boundary) and across the middle of the site through the scattered trees. Due to the potential setts on/off site as well as the foraging signs (mammal runs), suitable habitat on and off site, it is recommended that a badger survey is undertaken to further assess how badgers are currently using the site and the potential impacts of the proposed development. Precautionary construction techniques sympathetic to badgers should also be used.

Dormice

- 6.80 The potential dormice habitat within the vicinity of the study area is restricted to the adjacent woodland and railway embankment. Due to the potentially suitable habitats for dormice being present off site, no records in the surrounding landscape as well as the development being restricted to the southern extent of the site where minimal potential dormouse habitat is present, it is considered that impacts upon the sub-optimal habitats on site will be negligible with the retention of these sub-optimal habitats and as such no further survey is recommended.

Invertebrates

- 6.81 The majority of the site is unlikely to currently support rare or noted invertebrates due to the lack of structural diversity displayed. A survey is not considered necessary. The habitats present on site provide ample scope for enhancement for invertebrates.

Great Crested Newts

- 6.82 The site comprises regularly cut grassland and buildings, which are considered to be of very little value to great crested newts. However, the site also comprises multiple trees, rubble piles and two ditches with water, which may offer potential foraging, dispersal and hibernating habitat. Furthermore, potentially suitable aquatic habitat for breeding was observed within the study area in the form of two ponds and within proximity of additional potentially suitable aquatic habitat off site.
- 6.83 Due to the proposed demolition (which could potentially create temporary suitable habitat through rubble piles etc.), potential habitat loss/building work in close proximity to a potential great crested newt pond, as well as the previous survey work not covering all ponds with potential connectivity to site, it is recommended that a great crested newt assessment is undertaken.

Reptiles

- 6.84 The site contains habitats with potential suitability for reptiles; multiple trees, adjacent woodland, ponds, ditches with water and rubble piles. It is considered that these habitats have the potential to support viable populations of common lizards, slow worms, adders and grass snakes.
- 6.85 The vast majority of the development footprint (amenity grassland and buildings) is considered to be of little/no value to reptiles and represents a sub-optimal transitory habitat with the boundary and edge habitats only being of potential value to reptiles. As such habitat loss is not predicted to generate an impact upon any potential reptile population within the wider landscape and any population present could be maintained within its existing range.
- 6.86 Construction activities could potentially result in death or injury to any reptiles potentially present through destruction of a limited amount of sub-optimal hibernating/sheltering habitat or by earth works creating temporary suitable habitat. Therefore it is recommended that a presence/likely absence reptile survey is undertaken. It is considered that any potential adverse impacts could be mitigated.

Water Voles

- 6.87 There are two ponds on site, as well as two wet ditches (east and west boundaries), which may constitute limited sub-optimal habitat for water voles. There are no records of water voles within the vicinity of the proposed development site. Water bodies on site (ponds and ditches) contain sparse bankside vegetation required by water voles for foraging and shelter habitat. As such it is considered unlikely water voles are present on site and thus no further works are recommended.

6.88 Therefore, the phase 1 survey recommended further survey work for bats, great crested newts, reptiles and badgers, with precautionary methods also recommended. It concluded that any potential adverse impacts from the proposed development upon specific protected species/habitats/designated sites will likely be mitigated.

6.89 The phase 2 survey provides additional survey work considered necessary through the conclusion of the phase 1 assessment and concludes as follows:-

Badgers

6.90 The badger survey found 3 setts/potential setts on/adjacent to the site as well as latrines, hairs and snuffle marks. With the retention of habitats of value to badgers (amenity grassland, trees, hedgerows [boundary habitats]) development on the site is considered to have a neutral effect upon badger foraging and dispersal resources. Due to the distance from the construction site it is considered there will be no adverse impacts on either the main sett or subsidiary sett on site. Providing earth works do not encroach onto the 'nature conservation' retention area there is no need for mitigation with regard to setts 1 and 2 although precautionary construction methods are recommended. Sett 3 is approximately 12m from the proposed residential houses and is currently active. Therefore, either a Natural England licence must be applied for or 21 day monitoring should take place prior to construction commencing and action taken accordingly. The potential closure of sett 3 is not considered objectionable. Precautionary construction techniques sensitive to badgers should be used during construction.

6.91 The ecological report advises that the neutral impact on badger foraging is reliant on the retention of boundary habitats. The tree plan identifies some tree/hedgerow removal to the boundaries, however, the ecological consultant that produced the report has advised that the removals are isolated and limited in quantity so will not affect the ecological integrity of the site's boundary habitats and therefore their function as a green corridor for badgers moving around the site. They advise that the proposed loss of trees will not have a negative effect on the local badger population.

Bats

6.92 Trees were inspected from ground level on site and 19 were identified as requiring further aerial inspection for evidence of bats. No bats or evidence of roosting bats were found although some trees were still considered to have potential for roosting bats in the future. As long as these trees remain (which is intended to be the case when reviewing the arboricultural report and intended trees for removal) and the recommendations put forward are undertaken with regard to lighting and bat boxes then it is predicted that there will be no adverse effect on any local roosting bat populations or foraging and commuting bats.

Great Crested Newts

- 6.93 A number of ponds were considered for their suitability to support great crested newts, none of which were considered to provide suitable habitats. Therefore, it is considered highly unlikely that great crested newts are present on site. No further survey or mitigation is considered necessary.

Reptiles

- 6.94 The reptile survey work observed slow worms and grass snakes in 3 out of the 7 visit presence and absence surveys. Therefore, there is considered to be a good population of slow worms and a low population of grass snakes utilising the habitat to the north of the site. They are considered highly unlikely to be present within the hard standing areas to the south of the site. It is considered that the reptile populations present on site will be able to be retained in situ with no significant effect upon their conservation status. Recommendations to enhance habitat for reptiles and for reptile exclusion fencing to be installed during construction works should be undertaken.
- 6.95 Natural England has no comments to make on the application. The Council's ecological consultant does not object to the proposal, but considers that adherence to the recommendations within the surveys should be required by planning condition, which should be imposed.
- 6.96 On the basis of the survey results, including proposed mitigation, and comments from the ecological consultant, it is not considered that the proposal would be detrimental to any protected species, subject to appropriate conditions being attached to an approval.

Arboricultural

- 6.97 During the course of the application a Tree Preservation Order has been served on the application site for a number of trees (TPO/00013/15) mostly located to the eastern boundary. There is an area subject to Tree Preservation Order to the west of the site within the site of 'Windfield' (TPO/00032/92).
- 6.98 An arboricultural impact assessment (AIA) has been submitted with the application. This shows that it would be necessary to fell three individual trees (T003, T025 and T056) and five landscape features (H004, H005, H007, H009 and H010) in order to achieve the proposed layout. Additionally, two trees (T050 and T055) and two landscape features (A001 and A007) would require minor surgery to permit construction space or access. The assessment advises that the alignment of the dwellings and garages does not encroach within the Root Protection Areas (RPA) of any trees that are proposed for retention. However, it does state that the alignment of a short section of footpath encroaches within the RPA of one tree that is to be retained, but given the use of modern "no dig" construction techniques that is

not considered to be a substantial issue. The assessment recommends use of protective fencing and the production of a detailed Arboricultural Method Statement and Tree Protection Plan.

- 6.99 All of the trees proposed for removal are either C1, C2 or B2 category trees according to the assessment provided. The Council's arboriculturalist advises that these are the lower category trees and will not impact upon the tree based amenity of the area. He also advises that the tree works specified in the impact assessment for both the AIA and those proposed irrespective of development are considered acceptable. Three trees now subject to Tree Preservation Order would be affected by the proposal, T004 (TPO reference T1), T008 (TPO reference T2) and T15 (TPO reference T3). The Council's Arboriculturalist does not object to the works proposed in close proximity to and affecting these trees, which include removal of dead wood and surface alterations, which could use 'no-dig' methods. Planning conditions are recommended, which should be attached to an approval regarding tree protection, RPA works and additional arboricultural information to be submitted and agreed. It is noted that the revised tree plan no longer shows no-dig areas. It is considered that this has been missed from the revised plans and a condition requiring a revised tree plan to be submitted and agreed could be controlled by condition.
- 6.100 A large majority of the trees/features would be retained, those proposed for removal/minor surgery works are not considered objectionable. Additional trees to replace those removed could be required by planning condition and could be located within the open space.

Land Contamination and Light Pollution

- 6.101 Policy ENV11 of the Core Strategy requires applicants who wish to develop suspected contaminated land to undertake a thorough investigation of the site and determine the risks.
- 6.102 The current application provides a phase II geo-environmental assessment undertaken in 2013. It makes reference to a phase I geo-environmental site investigation - desk study undertaken in 2007.

This identified:-

- elevated PAH concentrations in the made ground associated with the location of former above ground fuel tanks;
- a fragment of asbestos cement product in the near surface soils at one location behind the buildings on the east side of the site;
- asbestos fragments in the made ground below the concrete slab at one location;

- sulphate, pH, arsenic, PAH and TPH exceeded the WRAS screening criteria for the protection of water supply pipe work in a number of samples.
- 6.103 The assessment provides various recommendations at section 9 relating to engineering, contamination and remediation, waste disposal of surplus soils, re-use of site own material, imported materials, regulatory liaison and discovery strategy.
- 6.104 RDC Environmental Services advise that model land contamination conditions should be attached to an approval except for the requirement for a Phase 1 assessment. They note that the submitted Phase 2 assessment concludes there is a need for further investigation and state that the Council must be satisfied that all land contamination has been identified and appropriate measures are taken. The model conditions, together with further investigative work, should sufficiently address any contamination at the site. Appropriate asbestos removal is the private responsibility of the developer.
- 6.105 Policy DM5 of the Development Management Plan 2014 refers to light pollution and explains that in certain environmental zones lighting proposals are not considered to be acceptable. The residentially developable area of the site neighbours or is near enough to significantly affect an area of nature conservation importance and is therefore considered to fall within Environmental Zone 1. Lighting proposals in this zone are only to be permitted in exceptional circumstances. However, the site is allocated for residential development neighbouring such a site whereby lighting is a necessity with such a development. Therefore, it is not considered that it would be reasonable to refuse an application on the basis of its proximity to an area of nature conservation importance bearing in mind the sites residential allocation.
- 6.106 It is considered that an acceptable lighting scheme could be required to be submitted by planning condition showing the minimum lighting required. It is not considered justified to refuse the application on the lack of submission of such a strategy at this stage. Such a lighting scheme should also ensure no detrimental impact upon neighbouring residential properties, highway safety and the night sky. The phase 1 ecological report submitted encourages the use of minimum lighting to minimise disturbance to foraging and commuting bats during demolition, construction works and post-development which should be considered when submitting a lighting strategy.

Air Quality and Noise

- 6.107 The application does not provide an individual air quality assessment and air quality is not referred to within the Planning Statement or Transport Statement.

- 6.108 Policy ENV5 of the Core Strategy states that new residential development will be restricted in Air Quality Management Areas (AQMAs). The Pond Chase Nursery site is not located within an AQMA. Policy DM29 of the Development Management Plan requires major developments to submit an air quality assessment with their planning application to determine the potential cumulative impact of additional transport movements on potentially significant road junctions.
- 6.109 Although a specific air quality assessment has not been submitted as required by policy DM29 this policy requires this information specifically with regards to impact on air quality in terms of additional transport movements. This is addressed within the Transport Statement which concludes that the proposal would not increase traffic movements in comparison to the authorised usage.
- 6.110 There are no suggestions within the statement submitted or from the Council's Environmental Services department that the proposal would have a detrimental impact on air quality. ECC Highways suggest a planning condition for a Construction Method Statement to be submitted and agreed including wheel washing facilities which would assist with dust and RDC Environmental Services also suggest a condition requiring a dust management scheme during site preparation and construction phases which could be attached to an approval.
- 6.111 There is no noise assessment submitted with the application, however, in general terms it is considered that a proposal for housing in place of commercial premises would represent an improvement in terms of noise generation from the site.

Technical Housing Standards

- 6.112 The Ministerial Statement of the 25th March 2015 announced changes to the Government's policy relating to technical housing standards. The changes seek to rationalise the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building Regulations on water and access, and a new national space standard.
- 6.113 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).

Internal Space

- 6.114 Until such a time as existing Policy DM4 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to internal space standards. Consequently all new dwellings are required to comply with the new national space standard as set

out in the DCLG Technical housing standards – nationally described space standard March 2015. An assessment of the proposal against the national criteria is undertaken below.

National Technical Housing Standard Assessment					
House Type	Gross Internal Floor Area (m2)	Storage (m2)	Single bed size (m2) and width (m)	Double bed size (m2) and width (m)	Ceiling Height (m)
A	2b3p 77.9 (70 required and MET) ✓	2.2 (2 required and MET) ✓	✓	✓	✓
B	3b4p 95.6 (84 required and MET) ✓	2.9 (2.5 required and MET) ✓	✓	✓	✓
C	3b4p 93.7 (84 required and MET) ✓	2.8 (2.5 required and MET) ✓	✓	✓	✓
CC	3b4p 98 (84 required and MET) ✓	2.8 (2.5 required and MET) ✓	✓	✓	✓
D	3b5p 108.1 (99 required and MET)	2.5m2 (2.5 required and MET)	✓	✓	✓
Dv	4b6p 123.6 (112 required and MET) ✓	3.2 (3 required and MET) ✓	✓	✓	✓
E	3b4p (haven't included study as a bedroom, its less than the minimum size for single bedroom) 112.1 (84 required and MET) ✓	3.2 (2.5 required and MET) ✓	✓	✓	✓

F	4b6p 139.2 (106 required and MET) ✓	3 (3 required and MET) ✓	✓	✓	✓
G	4b7p 141.5 (115 required and MET) ✓	4.1 (3 required and MET) ✓	✓	✓	✓
H	4b8p 169.3 (130 required and MET) ✓	5.5 (3 required and MET) ✓	✓	✓	✓
J	5b8p 204.5 (134 required and MET) ✓	3.7 (3.5 required and MET) ✓	✓	✓	✓
K	3b5p (there is a study shown which is the size of a single bedroom and would very likely be used as such, this has been calculated as a 3 rd bedroom) 107.5 (99 required and MET) ✓	3.3 (2.5 required and MET) ✓	✓	✓	✓
4B	4b5p 109.4 (97 required and MET) ✓	5.8 (3 required and MET) ✓	✓	✓	✓
3B	3b5p 96 (93 required and MET) ✓	3.5 (2.5 required and MET) ✓	✓	✓	✓
2B	2b4p 79 (79 required and MET) ✓	2.2 (2 required and MET) ✓	✓	✓	✓

1B	1b2p 60 (58 required and MET) ✓	1.5 (1.5 required and MET) ✓	✓	✓	✓
2BF (block)	2b2p 66 (61 required for a 2b3p, no 2b2p calculation is listed, MET) ✓	2.2 (2 required for 2b3p, 1.5 required for 1b2p, MET) ✓	✓	✓	✓
1BF (block)	1b2p 54 (50 required and MET) ✓	1.5 (1.5 required and MET) ✓	✓	✓	✓
1BFV1	1b2p 51.9 (50 required and MET) ✓	1.6 (1.5 required and MET) ✓	✓	✓	✓
1BFV2	1b2p 51.9 (50 required and MET) ✓	2.4 (1.5 required and MET) ✓	✓	✓	✓
1BAFV 1 (block)	1b2p 65.8 (50 required and MET) ✓	1.7 (1.5 required and MET) ✓	✓	✓	✓
1BAFV 2 (block)	1b2p 53.4 (50 required and MET) ✓	1.5 (1.5 required and MET) ✓	✓	✓	✓

6.115 During the course of the application, revised floor plans were provided for four of the house types (B, C, CC and 1BFV1 and 2) which addressed initial lack of compliance. Incorporating this amendment, the proposals can be confirmed to meet the National Technical housing standards. Adherence to the standards within the build should be attached to an approval.

Water Efficiency

6.116 Until such a time as existing Policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to water efficiency. Consequently all new dwellings are required to comply with the national water efficiency standard as set out in part G of the Building Regulations (2010) as amended. A condition is recommended to require compliance with this Building Regulation requirement.

Energy

- 6.117 Policy ENV9 requires all new dwellings to achieve Code Level 4 of the Code for Sustainable Homes as a minimum. The Ministerial Statement relating to technical standards has not changed policy in respect of energy performance and this requirement still therefore applies; a condition is recommended to require that the dwellings achieves this as a minimum.

Access

- 6.118 Until such a time as existing Policy H6 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to access. Consequently 3 per cent of all new housing developments of 30 dwellings or more are required to achieve the optional building regulation requirement relating to wheelchair access (Part M). This requirement applies unless such a proportion can be shown to threaten the viability of a particular development in which case a lower proportion may be considered. Technically, 3 units would be required to be to wheelchair accessibility standards. The wheelchair location plan supplied shows that 3 of the 1-bedroomed affordable flats would be wheelchair accessible units. This is considered acceptable and should be required by planning condition.
- 6.119 In light of the Ministerial Statement which advises that planning permissions should not be granted subject to any technical housing standards other than those relating to internal space, water efficiency and access, the requirement in Policy ENV9 that a specific Code for Sustainable Homes level be achieved and the requirement in Policy H6 that the Lifetime Homes standard be met are now no longer sought.

Renewable Energy

- 6.120 Policy ENV8 of the Core Strategy requires developments of five or more dwellings to secure at least 10% of their energy from decentralised and renewable or low carbon sources, unless this is not feasible or viable.
- 6.121 The Sustainability statement recommends the use of solar photo voltaic panels. A planning condition requiring compliance with policy ENV8 including detail around precisely how such compliance would be achieved should be attached to an approval.

Flooding

- 6.122 The application site lies within flood zone 1 and the residentially developable area is predominately hard standing with an area of soft landscaping to the northern edge of the developable area, linking into the Green Belt section of the site.

The site is located within a Critical Drainage Area (ROC4) as identified in the South Essex Surface Water Management Plan Phases II, III and IV dated April 2012.

- 6.123 The NPPF technical guidance advises that ‘more vulnerable’ uses (a definition which includes housing) are acceptable within flood zone 1. A site specific flood risk assessment (FRA) has been produced for this site. The FRA includes the original 2012 assessment and a 2015 addendum to this report.
- 6.124 According to the 2012 FRA the site is not considered to be at risk from river or sea flooding.
- 6.125 The sustainable urban drainage scheme proposed includes the use of an existing natural ditch to the western boundary and existing attenuation pond and two detention basins. It follows a cascade approach from large sewers to Detention Basin 1, Detention Basin 2 through the existing pond and finally outfalls into the local ditch network via an existing 500mm pipe. Some of the surface water would reach the existing pond direct through discharge to the existing western ditch which connects to the existing pond.
- 6.126 During the course of the application a revised plan was provided showing increased storage capacity within the detention basins and alterations to some of the discharge rates due to concerns raised by the ECC Flood and Water Management team. As a result their holding objection was removed and 4 conditions suggested, if permission were to be granted, which should be imposed. A further revised plan has shown a slight change to the quantity of foul manhole covers in the north western corner of the site, which is not considered to alter the view reached.
- 6.127 It is not considered that the proposal would have a detrimental impact in terms of flooding due to its location within flood zone 1. Policy ENV4 of the Core Strategy requires all residential development over 10 units to incorporate run off control via SUDS to ensure run off and infiltration rates do not increase the likelihood of flooding. It is considered that the proposed strategy, together with the conditions suggested by ECC would be acceptable.
- 6.128 Future maintenance of the SUDs systems would be best controlled by a maintenance company. The precise ownership of the western drainage ditch is unclear and therefore the ability to ensure future maintenance of the ditch is unknown. The current owners have advised that they have always discharged from the current site to this ditch and precise ownership is unknown. The drainage consultants who produced the FRA have advised that the landowner is what is classed as a Riparian Owner; this term describes “anyone who owns property alongside a natural water course, under common law the owners possess rights and responsibilities in relation to the stretch of the water course that flows through or adjacent to their property”. They state that part of the responsibility of a Riparian Owner is to keep the beds and banks clear of any obstruction for which the current land owner has been doing for a number

of years. All other elements of the drainage scheme would be within the site boundary. Bearing in mind the above, it is considered that maintenance could be sufficiently dealt with by legal agreement; the agent has accepted such arrangement. Life buoys would be provided, as advised within the addendum to the FRA submitted.

Open Space and Play Space

- 6.129 Policies CLT5 and CLT7 of the Core Strategy require open space and play space to accompany additional residential development.
- 6.130 In addition to this, policy SER3 of the Allocations Plan refers to the need to provide 0.4ha of publicly accessible amenity green space. It goes on to explain that the provision of other forms of open space such as allotments (a minimum of 0.02 hectares) and outdoor sports facilities (at least 0.2 hectares) could take the form of financial contributions and provided off site, if it is demonstrated at the planning application stage to be undeliverable on site. Youth facilities are also referred to within policy SER3. Whilst the need for allotments, outdoor sports facilities and youth facilities is not referred to within Appendix H1 to policy H1 of the Core Strategy they are specifically referred to within policy SER3 of the Allocations Plan, a more recent document which identifies the specific needs for each allocated site and therefore must be considered as part of this application as a specific requirement for the SER3 allocation.
- 6.131 Policy SER3 also goes on to state that at least a local area for play on a minimum of 0.01 hectares should be provided on the site. It also explains at paragraph 3.92 that the calculations of allotments, youth facilities, play space and outdoor sports facilities is based on 50 dwellings being provided and that if a greater number are provided, the provision of such facilities should increase proportionately.
- 6.132 The application incorporates an area for play equating to 400m² (0.04ha) close to the entranceway to the site, which is considered to be located in a good position within the estate, accessible to all. An area of 3600m² (0.36ha) is proposed within the Green Belt area of the site outside of the residentially developable area and the site allocation. This is also considered to be located in an area accessible to occupiers of the development.
- 6.133 The 2012 outline application accepted that the public open space could be provided outside of the residentially developable area with an element also provided within the residentially developable area. The two areas shown would adhere to the 0.4ha of amenity space required for 50 dwellings. One would also incorporate the area for play but this would not be considered objectionable. The area for play would be located in an area which would be considered open, welcoming, safe and easily accessible from pedestrian routes, in accordance with policy SER3.

- 6.134 However, there is intended to be two detention basins forming the surface water drainage scheme and grass crete forming an area where a below ground foul water pumping station is proposed within the 3600m² area shown as the public open space. If the detention basins are to remain dry for most of the year these could potentially still form usable areas, however, this remains unclear. It is also the case that a more proportionate amount of open space would be required as per paragraph 3.92 of policy SER3 due to an increase of dwellings within the allocated Pond Chase Nursery site to 68, a 26% increase in the number of dwellings. A 26% increase in open space would equate to 1040m² in additional open space. Bearing in mind that the northern area equates to approximately 17,300m², as there is the potential due to the size of this space, for the public open space to be extended to the 5040m² required, it will be a requirement by condition for the 3600m² amount to be extended by 1440m² and to form uninterrupted space from the surface/foul water drainage scheme.
- 6.135 It is also considered that within the 17,300m² area, of which 5040m² would be open space, a further 2520m² could be provided as potential allotment space and a further 2520m² as outdoor sport/youth facility, as a specific requirement of policy SER3. These figures are also proportionate to the dwelling increase and could all be accommodated within the land north of the developable area as open forms of development within the Green Belt. The agent does not consider a financial contribution here reasonable. However, it is considered that the requirement for allotments and outdoor/youth facilities is a reasonable requirement assessed and considered necessary within policy SER3. As there is the physical space for such facilities it shall be controlled by planning condition for specific physical amounts to be provided. If the agent is not supportive of such an arrangement they could appeal the condition for such a requirement and an independent inspector could consider this further.
- 6.136 Policy CLT5 of the Core Strategy encourages the provision of public conveniences and art within public open spaces. Public conveniences are not considered necessary but the requirement for public art could be controlled by planning condition to encourage the use of this area.
- 6.137 Management of the open space/play space is important to ensure its success. A legal agreement should incorporate maintenance arrangements for all communal open/play space which could involve the establishment of a maintenance company. Such an arrangement has been accepted by the agent.

Education and Health Care

- 6.138 Policies CLT2 and CLT3 of the Core Strategy 2011 require applications of this scale to consider capacity of primary and secondary education, along with early years and childcare facilities.

- 6.139 ECC Education team was consulted for their views. They have advised that there is sufficient capacity at early years and childcare level and secondary level to support the development, but not at primary school level. They therefore seek a contribution for additional primary school places for the expansion of Westerings Primary Academy equating to £206,924 index linked to April 2015 costs. Such a contribution would mitigate the impact of the proposal on education.
- 6.140 It is considered that the contribution sought towards primary education would meet the tests in paragraph 204 of the NPPF. The agent advises that in principle they are prepared to accept a contribution if a need can be justified, which they are currently disputing. They have undertaken a separate review, which has been considered by ECC. However, ECC maintains its position with regard to how the figure has been calculated and confirms that it would support the Council through any potential appeal process in relation to the contribution sought. Therefore, as there is currently no clarity that the necessary mitigation sought by ECC would be accepted by the developer, this represents a reason for refusal of this application.
- 6.141 Policy CLT4 of the Core Strategy requires proposals for more than 50 dwellings to be accompanied by a Health Impact Assessment (HIA) and an assessment of their impact on healthcare facilities. An HIA is provided within the planning statement submitted. This concludes that there is sufficient capacity within local dental surgeries, opticians, pharmacies and the nearest hospitals to support the development. However, a deficit has been identified with regard to local doctor's surgeries. The HIA does not put forward a suggested contribution to address such deficit. It should be noted that paragraph 6.41 inaccurately refers to a proposal for 50 dwellings generating an expected population increase of 120 people, however, elsewhere in the HIA the accurate position of a proposal for 70 dwellings is referred to.
- 6.142 The NHS has advised that 1 GP branch within the vicinity of the site does not have capacity for the additional growth resulting from this development. They advise that the development would have an impact on healthcare provision in the area and its implications, if unmitigated, would be unsustainable. As a result, they advise that a £23,040 developer contribution will be required to mitigate the impacts of this proposal. NHS is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.
- 6.143 It is considered that the contribution sought towards healthcare would meet the tests in paragraph 204 of the NPPF. The agent has advised that they are prepared to provide the contribution sought towards healthcare, which would be dealt with by legal agreement.

Utilities and Archaeology

- 6.144 A utilities and servicing statement plan has been provided with the application which looks at water, gas, electricity and telecom utilities and their proximity to the site.
- 6.145 The statement advises that there are no existing gas pipelines present within the site boundary. There are two low pressure gas pipelines routed along Folly Lane, which apparently have the capacity to serve the site. There are no main gas pipelines within or in close proximity to the site.
- 6.146 The statement further advises that the Essex and Suffolk Water maps have confirmed that there is current infrastructure in close proximity to the site. Essex and Suffolk Water does not object to the proposal, but has suggested a condition is imposed stating that a new water main is laid in the highway of the site and connection is made onto their network for each new dwelling. Water connections such as this are commonly addressed via Building Regulations therefore such a condition is not considered necessary here. They also advise that should their existing water main network require reinforcement to meet the demand of the new development, then their works will be carried out with the full cost met by the developer.
- 6.147 Electricity equipment is located within and close to the site; there is a low voltage pole within the site and a sub-station fed off the high voltage network on Gay Bowers Road. The statement supplied advises that the pole be disconnected and cut back to the public highway. It also advises that there is the possibility that a new dedicated sub-station will be required to deliver a low voltage network to the site and that diversionary works may be required at the boundary with Folly Lane. A sub-station is proposed to the east of the main access road adjoining an access way through to a parking court. This is considered a reasonable location for it within the layout. It would be for the developer to investigate the requirements privately with the relevant utility companies. The ownership and operation of the sub-station would be a matter for the applicant to address, if planning permission were to be granted.
- 6.148 Underground telecommunication plant is located within the south eastern end of the site according to the statement supplied. The statement also advises that minor diversionary works will be required to accommodate the new proposed constructions. It would be for the developer to investigate the requirements privately with the relevant utility companies.
- 6.149 The statement advises that there are no sewers within the site and that two surface water sewers are located beneath the footways of Folly Lane. Anglian Water has advised that foul drainage from this development is in the catchment of Rochford Water Recycling Centre, which will have available capacity for these flows. They do not object to the proposal. A foul water pumping station is shown within the area allocated for public open space adjacent to the proposed detention basins; this is intended to remain private.

6.150 The ECC Archaeology team has advised that the works will not impact upon any known below ground archaeological remains and accordingly there are no recommendations for archaeological works on this application.

7 CONCLUSION

7.1 The proposal is considered to be contrary to policies H4 and CLT2 of the Core Strategy due to the lack of adherence to the 80:20 (social/affordable rent/intermediate/shared) affordable housing split and the lack of clarity that the necessary mitigation sought by ECC Education would be accepted by the developer.

8 RECOMMENDATION

8.1 It is proposed that the Committee **RESOLVES**

That planning permission be refused, for the following reasons:-

1. Policy H4 of the Core Strategy 2011 advises that the Council will aim for 80% of affordable housing to be social housing (affordable rent) and 20% intermediate housing (shared ownership). It goes on to explain that the Council will constantly review the affordable housing needs of the District and that developers should consult with the Council's Housing Strategy team to ensure their proposals meet the Council's needs before submitting planning applications. The Council's Strategic Housing team has advised that the mix is considered acceptable as long as 80% is affordable rented and 20% shared ownership. The proposal put forward seeks 20% affordable rented and 80% shared ownership. This would not comply with the advice of the Council's Strategic Housing team received during the course of the application and would not comply with policy H4 of the Core Strategy. Data supplied by the Council's Strategic Housing team as of 11 November 2015 shows that the current need for Hockley includes 405 applicants, only 16 of whom have shown interest in shared ownership dwellings. There is therefore a clear strategic need for social housing that is affordable rent. There has been no viability assessment submitted to demonstrate why a split of 80% affordable rent and 20% shared ownership could not be achieved, especially considering that the proposal seeks additional dwellings above the 50 allocation within policy SER3 of the Allocations Plan 2014. Without sufficient justification, the Council would be accepting a proposal that is unlikely to meet the affordable housing needs of the district in terms of tenure split. This would not be acceptable and, without justification, would set a precedent for other residential development sites throughout the district to under provide on affordable rented dwellings.
2. Essex County Council's Economic Growth and Development section has identified deficit predictions and thus implications for the proposal upon primary education. Whilst the applicants have advised that in

principle they are prepared to accept a contribution if a need can be justified, they are currently disputing such justification. It is not possible for the Council to approve an application subject to a legal agreement with a financial contribution towards education provision without clear commitment from the applicant as to whether they would definitely provide a contribution, the precise amount that they would provide and whether such amount would mitigate the impact identified. This site has the potential to be unsustainable without clear adherence to policy requirements, which look to seek infrastructure to support the provision of new dwellings, as identified within policies H1, CLT1 and CLT2 of the Core Strategy 2011. It is considered that the contribution sought towards primary education would meet the tests in paragraph 204 of the NPPF.



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Assistant Director, Planning Services

Relevant Development Plan Policies and Proposals

H1, H2, H4, H5, H6, CP1, GB1, ENV1, ENV3, ENV4, ENV5, ENV8, ENV9, ENV11, CLT1, CLT2, CLT3, CLT4, CLT5, CLT7, T1, T2, T3, T5, T6 and T8 of the Core Strategy 2011

DM1, DM2, DM3, DM4, DM5, DM25, DM26, DM27, DM29, DM30 and DM31 of the Development Management Plan 2014

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

Supplementary Planning Document 1 – Educational Contributions

Supplementary Planning Document 2 – Housing Design

Essex Design Guide 2005

National Planning Policy Framework 2012

Policy SER3 of the Allocations Plan 2014

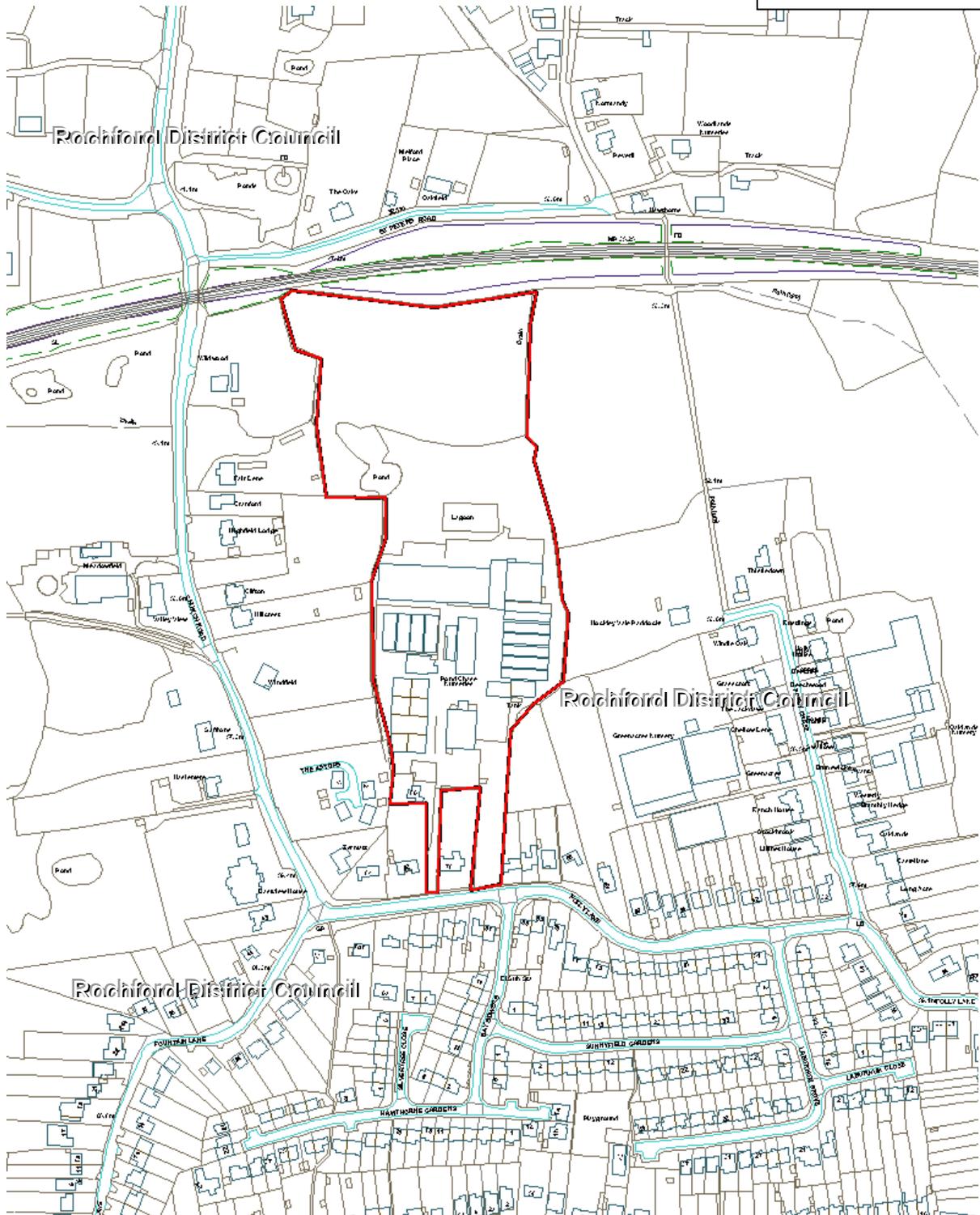
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