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From: planning applications
Sent: 23 July 2018 14:48
To: Data Scanning
Subject: FW: HRA submission re Refusal of Applic. 18/00135/REM
Attachments: HRA submit re Refusal 19.7.18.docx

From: Brian Carleton [REDACTED]
Sent: 19 July 2018 15:58
To: Mike Stranks
Cc: planning applications; Shaun Scrutton
Subject: HRA submission re Refusal of Applic. 18/00135/REM

Dear Mr. Stranks and Mr. Scrutton,

Please find attached our letter in respect of Application 18/00135/REM and the Planning Officer's Refusal Report.

Yours Faithfully

Brian Marsden-Carleton
Chairman
Hullbridge Residents Association
20 High Elms Road
Hullbridge
Essex Ss5 6HB

The Hullbridge Residents Association



To

Mr. M. Thomas, MRTPI
Assistant Director of Planning
Planning Department
Council Offices
South Street
Rochford SS4 1BW

From

Brian Carleton
Chairman
Hullbridge Residents Association
20 High Elms Road
Hullbridge
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Email: [REDACTED]

Tel: [REDACTED]

19. 07. 18

Stakeholder: 29007. Community Representative: CP 15678E.

Dear Mr. Thomas,

Re: "Proposed Residential Development". Application (Reserved Matters): 18/00135/REM. To develop 500 homes on land between Windermere Road and Lower Road (Malvons Lane) Hullbridge SS5 6EN. And the Planning Officers Report.

Please accept this submission on behalf of our community (97% Extrapolated support) with respect to the above application.

We request that the following issues be included in your "**Refusal Report**" as applicable and we apologise if there is any repetition but time is of the essence to allow you to make any last minute amendments as you see fit. We have informed Mark Francois MP that our Infrastructure issues are paramount and good reasons for refusal and we hasten to add that we agree with your issues of "Refusal" with the exception of some issues we feel have been excluded. The terms of your "Refusal" are wholly in accordance with Planning Law, although we do not claim to be experts, only by experience and qualifications. If we were acting as your Consultants this is exactly what we would advise you.

With respect to RESERVED MATTERS:- Having examined the detailed application showing the proposed layout and house designs we agree with ECC Urban Design that the general layout lacks substance and that alternative options can improve the layout etc

Conditions 6 & 7.

We refer to Application ref 17/01242/Doc in respect of **Discharging Condition 6 & 7** of the original Outline Application by the developer, remains outstanding for approval, including a 'design brief'.

1 Without the 'discharge' of these conditions, RDC should not approve "Reserved Matter Application".

2 HRA observed the absence of the 'buffer zone' shown on previous OPA, pointing out 'boundary security' for the Elm Grove residents would be compromised and suggested some 'security screening'. HRA suggest that back-to back gardens would allow greater security to residents. This issue is giving rise to deep concern from existing residents.

3 HRA asked BDW if 35% 'affordable homes' remain as 'two-storey dwellings'. BDW answer = No. HRA have consistently stated this is not acceptable and is not acceptable under current planning policy.

4 **Lifetime Homes.** HRA state that although the Government have abolished CfSH, this is only removed from planning, but now included in part M of the Building Regulations. HRA informed BDW that LDDF requires 15 bungalows, not 5 bungalows and 10 'maisonettes' as indicated on the REM plans. HRA request that RDC check these amendments should be made to the plans.

5 HRA request a new 'site plan' to allow us to compare the new with the old as soon as possible and we are pleased to have received the copy but we need a schedule of house types with allocated plot numbers.

6 **Ordnance Survey Boundary line.** The boundary line divides the site areas between Hullbridge and Rawreth Parish Councils with 69.5% (232 homes) and 30.5% (101 homes) respectively. Please explain how this division is expressed on the plans especially as Essex County Council requested that the boundary line should be retained. HRA are not satisfied with the responses from BDW or RDC and will take this issue to the Boundary Commission and ECC. HRA will check the new layout and forward our observations, particularly to ascertain the final number of homes on each side of the boundary (as stated above).

The retained Parish Boundary between Rawreth and Hullbridge is not shown, so the numbers of dwellings in each Parish cannot be determined at this stage. RDC should insist that this is provided

7 HRA do not agree with BDW response that the RMA proposes 6.2 Ha. The large POS in the NW corner has been reduced from 3.6 ha to 3.0 ha. BDW say they have increased other areas to compensate but all these are now shown with surface water attenuation 'basins', inadvertently agreeing with our 16 page submission that the 'attenuation tanks' were impractical, and giving restricted areas for the public. We consider the scheme is 'overdevelopment (35.13/ha)', especially taking into account the reduced area of public open space in the NW corner which is now 15% smaller than shown on the outline approved layout.

8 Although some road widths appear to meet with the Essex Design Guide Highway Standards, they do not agree with Barratt's design brief, and some road frontages are on the limit of minimum 10 metres as required by the Essex Design Guide for daylight/overshadowing between opposite dwellings, but again they do not agree with Barratt's design brief.

The developer has confirmed that the existing 4.5m wide entrance to Malyons Lane, which will become a 'feeder' road, is not going to be widened to the minimum 5.5m width, HRA had always insisted this is totally unacceptable.

9 Sewage connections between 'old' and 'new' and the 'collection/dispersal criteria should be clarified. Have RDC received this information, if so the submitted drainage strategy should be made available for scrutiny.

10 **Watery Lane** What plans for improvement of Watery Lane - storm and surface water collection points, drainage dispersal and Signage need to be provided. We require a copy of the drainage and flood risk assessment strategy for our observations and comments. BDW stated that they had no plans for works on Watery lane. The combination of 'traffic lights' and inclement weather will have a devastating effect on traffic through Watery Lane, Hullbridge and Lower Road's during construction. The Highways, Environment and Water Agencies seem to turn a blind eye to this problem and we are most concerned that their 'assessments' follow the financial constraints issued by the Councils and not the practical solutions which are plain to be seen. Perhaps we can rely on BDW to put our case forward to the

Agencies, after all this will also affect normal deliveries and working practices to the site. This gives rise to our concern that this does not bode well for the future development of the site.

Please read our issues set out in our previous submissions, which reflected the Planning Inspector's request for RDC to take heed of what HRA had suggested about widening Watery Lane to accommodate traffic which have no options but to use the lane.

11 HRA request that RDC ask the developer to make additional contributions towards existing infrastructure which will need urgent upgrading.

12 **Infrastructure.**

We rely on BDW to review the Contributions offered and to include an allowance for existing infrastructure specially for all roads and drainage which need to be connected to the roads and drainage from the site.

13 **Adopted and un-adopted roads:**

How will the existing residents' properties be safeguarded against disrupted/ progressive construction works and what 'guarantees' can the community expect from BDW on this issue, BDW lost this opportunity to have good constructive dialogue with us. As we reported to RDC and BDW that some 1475 properties are affected by the development over five to six years. BDW did agree to look at this situation urgently and consult us on their proposals. BDW stated that all site vehicular traffic would enter the site from Lower Road but reserved the option to use Malyons Lane for the first six months while the roundabout is being built. HRA demonstrated the impracticality and inconvenience which will be caused to the residents in Malyons Lane and all roads leading from and to this lane. BDW agreed to review this issue but to date we have not been consulted on these issues.

BDW state that their appointed Site Manager will be responsible to observe "Instruction". HRA advised BDW that this site should have a "Contracts Manager" based full time on site to communicate with HRA.

14 **Existing telephone/communication masts-** recorded as hazardous to the community, HRA requested proposals to remove all the masts. We have been informed by the developer that one of the three existing telecommunication masts in the centre of the site is to be removed, but is due to be relocated elsewhere. Plots 315-317, 318-323, & 325-330 are in very close proximity to these 'health hazardous masts and being totally unacceptable.

At our meeting BDW stated that only two masts are likely to remain, being on the west of the boundary away from proposed dwellings/residents. HRA asked where the masts will be located on removal? We have stated many times that the masts are a health hazard and indeed a copy of the **GUIDE TO MOBILE PHONE MASTS** were shown to Barratts indicating 'Cancer Clusters' being found on people living near these types of masts. If RDC insist that these can remain then we reserve the right to request inclusion of this information on all Solicitors requests for 'property searches' on behalf of all their clients, to seek proper advice prior to purchase or rent of accommodation for the sake of "Health & Safety" issues.

15 **Housing.** The community have objected to 3-storey buildings which are totally unacceptable on the grounds of separating the village from the existing conurbation which are predominantly 1 and 2-storey buildings.

BDW explained that the approved outline permission of the Concept Master Plan setting out areas of low, medium and high density (1-3 storeys). HRA pointed out that Landhold Capital (original applicants) would respect existing views to open countryside and that the whole development would be in 'Keeping' with the existing conurbation of Hullbridge, and the development would remain as **two-storey buildings**. Indeed, we have stated many times that these plans will be in breach of the NPPF and LDDF. We respectfully request a complete review of this part of the development planned by Barratts on the second 'phase' of the development. HRA expect consultation with all concerned on this issue.

16 **Parking.** The parking provisions shown is inadequate for the number of vehicles for 500 homes with being a minimum of 1000 without allowance for ENOUGH Visitors' parking.

BDW stated that all requisite parking spaces have been adhered to in accordance with the regulations. HRA insisted that there appeared to be insufficient 'visitor parking spaces' and the 'turning space

diagrams' at all junctions would not work if visitors parked in the roadways (many properties have more than two cars to each household). HRA requested a 'review' of these plans. BDW have agreed but RDC should insist that this be put forward for approval.

17 Road frontages – We have noted that plots 9-10, 66-67, 74-75, 93-94, 209-210, 211-215, 241-242, 256-257, 260-261, 372-373, 378-379, & 418-419 contravenes the 45 degree rule for over- shadowing. The minimum back to side distances of 13.5m has not been shown to meet the requirements of Essex Design Guide for plots 34-35, 39-40, 101-102, 371-372, 414-415 & 468-469.

A majority of the affordable housing plots have car parking against the highway boundary which goes against the reduction of visual impact of on-site parked cars as required by the Essex Design Guide. In many cases the double car parking spaces between dwellings are only shown 6m apart not the recommended 7m between walls to enable opening of car doors and pedestrian access with bicycles/pushchairs etc. BDW insist that the submitted layout complies with the regulations. HRA disagree and that the 'revised layouts' will be perused. BDW failed to respond to these issues stated in our previous correspondence. HRA request RDC scrutiny of these issues.

18 Malyons Lane. Will Malyons Lane be used for traffic whilst the roundabout is being constructed? What steps are being taken to mitigate the use by LGV's and other traffic to avoid local residents inconvenience in Malyons Lane, Elm Grove, Ambleside Gardens, Harrison Gardens and Windermere Avenue, while the roundabout is being built?

Essex Design Guide Highways Standards suggest that the width of Malyons Lane must be 5.5m wide, with footways on either side. The existing width is only 4.5m wide with only one 1.3m wide footway. HRA suggested a 'temporary road' be built to alleviate congestion and over-use of roads mentioned above.

BDW stated that the Lane will not be widened beyond the existing extremities of ECC Highways owned land. All site matters will be referred to the Construction Method Statement (CMA).

HRA have stated that the residents will be duly informed of this matter. We now understand that Malyons Lane will not be used for site traffic. RDC should make sure make sure this is implemented.

19 The ground work activities will ensure major disruption. Activities to minimise surface water flooding, eradicating **Blue Clay** and flood water disposal into ponds and attenuation tanks.

HRA consider a **Contracts Manager** will be better placed to deal with pertinent issues. BDW agree the enormity of the site warrants a full time Representative to communicate with HRA.

BDW stated that a Full Geo-Physical Site Investigation was undertaken and Hydrology Tests, as part of the Drainage Strategy. BDW have promised to provide such details. Has RDC received this information?

20 Are details of the 'adoption agreement' established with Anglia Water for water, foul drainage catchment including the Malyons Lane manholes 7601 and 5201 connections.

BDW agreed to provide details. Has RDC received this information?

21 Assessment details of the 'Archaeological Excavations' in connection with 'Heritage Remains' and of the 'trial holes' prior to detail planning applications need to be submitted.

BDW stated that an "Archaeological Evaluation Report" has been completed & submitted to RDC following approved Written Scheme of Investigation. BDW agreed to provide details for perusal. Has RDC received this information?

22 Access to site. How will BDW ensure that the 6 gated access points will not be used by site traffic?

BDW stated that all this information would be incorporated with the Construction Method Statement.

HRA stated that the community were sceptical that BDW will abide by the instructions and that natural time keeping of delivery vehicles will force entry and exit from these gated sections of the site.

BDW agreed to provide written details to be informed to the community 'at-large'. HRA suggest that BDW liaise with HRA on a planned method of pacifying the community. Has RDC received this information?

23 ECC Flood & Water Management insist it is the Applicant's responsibility to check that they are complying with Common Law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream 'riparian' landowners. BDW failed to answer but agreed to supply information to HRA.

24 Foul Water Sewer. The existing foul water sewer requires 6m wide easement and a letter received from the Environment Agency dated 25 January 2015 states that the outline application form indicates that foul water will be discharged into the existing main sewer therefore Anglian Water need to be consulted regarding the available capacity in the foul water infrastructure. HRA request confirmation and evidence that this consultation took place and what remedies have been offered. BDW state that full consultation with the Statutory Authorities have taken place and submitted to RDC. HRA request SIGHT OF any approvals granted by Anglian water. Has RDC received this information?

25 Surface Water. Surface water attenuation tanks siting and size suggest that there will be no alternative for the surplus discharge into Beeches Brook which is subject to flooding. The siting of these tanks will increase the area of the existing flood zone.

Does the current criteria and methods of delivery comply with **Surface Water Management Systems**. The common law require registered Accredited Civil Engineers comply with Planning Law. Surface water collected by the site drainage systems are not allowed in natural water courses where the discharge rates are in excess of the natural intended run-off rate. It is illegal to overload natural watercourses. Common Law states you have to consult all downstream riparian owners to discharge into watercourses. All surface water must be modelled on the latest computer software and have the capacity to store water for 3 days, including 40% extra to allow for climate change. Common Riparian Law states the water should be controlled and of good quality. Geology of this land is reported to be London Clay.

We have also observed the that the underground attenuation tanks that were included in the original OPA are now replaced with above ground attenuation basins which due to very high water table and is in the 'flood zone, will be permanently full of stagnant water in areas which are supposed to be 'buffer zones' are used for additional public open spaces. Has RDC received this information?

BDW state that full consultation with the Statutory Authorities have taken place and submitted to RDC. HRA request any approvals granted by Anglian Water. Have all the 'Riparian Owners' been consulted, please provide proof of agreements? Has RDC received this information?

26 Flood Risk. The developer must demonstrate THAT THEY HAVE ARRANGED approval before any environmental works are carried out. The Secretary of State must be notified of the flood risk Assessment/compliance. It should also be noted that Beeches Brook affected by "Tide Locking" at its outfall at Beeches Brook 1 to 3 outfalls therefore being affected by Tidal Surges. Malyons Farm site has a large flood plain area and all surface water drainage systems will have to comply with Essex County Council **SUDS** schemes for major developments. A letter 13/10/17 from Essex County Council explains to the Rawreth Parish (this principle also applies to Hullbridge), that Flood & Water management, Planning and Environment and Lead Local Flood Authority position provides a statement suggesting that "Having reviewed the flood risk Assessment (FRA) and associated documents which accompanied the planning , we wish to issue a holding objection to the granting of planning permission based on the following: Inadequate Surface Water Drainage Strategy, the strategy submitted with an application does not comply with the requirements set out in the Essex County Council's Full Drainage Checklist, therefor the submitted drainage strategy does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development and in particular the submitted strategy fails to: Sufficiently limit the discharge rates which should be restricted back to the Greenfield 1 in1.

Under the heading of **INFORMATIVES** – It is the applicant's responsibility to check they are complying with the **Common Law** if the drainage scheme proposes to discharge into an off-site ditch/pipe . The applicant should seek consent where appropriate from other downstream riparian landowners e.g. the Beeches Brook which 'wriggles' through their land to the River Crouch.

BDW state that full consultation with the Statutory Authorities have taken place and submitted to RDC. HRA request any approvals granted by the Authorities. Has RDC received this information?

27 Buffer Zone between 'old' and 'new' Hullbridge.

A 'Buffer Zone' is shown on the plans only sent to the homes adjacent the new development in the west of Hullbridge, in Priory Close, Abbey Road and Abbey Close and not to Malyons Lane, Elm Grove, Ambleside Gardens, Harrison Gardens and Windermere Avenue, all these roads are "Flood Prone".

We request an explanation how your assessments seem to be at odds with the Environment Agency and the Insurance industry who have stated that the premiums would be enhanced accordingly.

BDW replied that the plans are being amended to include continuation of the buffer zone and that full consultation with the Statutory Authorities have taken place and submitted to RDC.

The original 'Buffer Zones' were to have underground attenuation tanks but the layout now shows above ground attenuation 'basins' and with such a 'high water table', these basins will be full all year round providing stagnant water encouraging mosquitos and gnats. Has RDC received this information?

28 Minimum Garden Areas. Garden sizes/areas need to be checked against the schedule of house types as the requirement for 3 to 4 bedrooms houses are 100 m2 and have a usable rectangular shape. 1 to 2 bedrooms houses should have 50 m2 with the dwellings not being extendable. Flats/apartments should have 25m2 flat amenity space. BDW reply: The plans have been revised to comply, but HRA disagree. HRA to scrutinise the revised layouts. Has RDC received this information?

29 Fire services.

Some Fire Fighting appliances positions are shown on private access drives and is not acceptable as these are not normally constructed to adoptable standards specifications for weight limits, fire appliances and refuse collection vehicles are only allowed to reverse a maximum of 10 metres from an adoptable road turning head. It also appears that the hose reel lengths will exceed 45 metres maximum.

30 The revised layout now shows three pedestrian crossings which will add to already intolerable congestion.

31 Public Right of Way. Regarding Application no. 18/00124/FUL (still pending consideration) Southend Standard news mentioned that RDC are agreeing to remove the "Public Right of Way" via Malyons Lane into and through the Malyons Farm site.

This surely is against the Planning Bye-laws. HRA ask for a reply on this issue and what steps are being taken to protect the right of way in accordance with the NPPF and LDDF terms and conditions.

32 Observations on House Types:

Dwg No. 101 – Ground floor indication states 2 x 1b and 1 x 2b which is incorrect, should read 3 x 1b.

Dwg No. 048 – H588 Ground Floor wc door should open outwards.

Dwg No 055 – H546 Arbury garage not shown to the minimum required internal size.

Dwg No 066 – Kingsville- no window giving natural light shown to kitchen area.

Dwg No 075 – Radleigh- Ground floor wc door should open outwards.

Dwg No 079 – Alnmouth unprotected areas to side elevation need to be checked dependent on location.

Dwg No 094 – T72 Ground Floor car ports are not shown to correct current sizes.

We have also noted that a majority of the proposed dwellings appear not to meet the National Space Standards and BDW should not be allowed to go against/alter this requirement.

33 The front elevations to 2.5 storey dwellings show proposed flat roof dormers, by reason of their size, siting and poor design in particular its roof and fenestrations is considered to relate poorly with the main properties resulting in an incongruous structure on the roof slope that is materially harmful to the character and appearance of the surrounding Hullbridge vicinity.

HRA remind RDC and BDW that this chaos will run for more than 6 years

Thanking You
Yours sincerely

Brian Marsden-Carleton ICIOB. IMASI. MBIFM. FNAEA. FICBA. (Retired)