
16/00899/FUL

TIMBER GROVE, LONDON ROAD, RAYLEIGH, SS6 9DT

DEMOLITION OF EXISTING CARE HOME AND ALL OTHER BUILDINGS; ERECTION OF 83 DWELLINGS COMPRISING 2 NO. TWO-BED HOUSES, 25 NO. THREE-BED HOUSES, 14 NO. FOUR-BED HOUSES, 3 NO. FIVE-BED HOUSES, 29 NO. ONE-BED FLATS (INCLUDING 4 NO. 'FOG' UNITS, AND 10 NO. TWO-BED FLATS; ERECTION OF 3 NO. FOUR-BED SUPPORTED LIVING UNITS, ASSOCIATED PARKING AND LANDSCAPING; STOPPING UP OF EXISTING ACCESS AND IMPROVEMENTS OF EXISTING ACCESS ONTO LONDON ROAD)

APPLICANT: PANNELL DEVELOPMENTS LTD AND FITZROY SUPPORT

ZONING: SER1 (SETTLEMENT EXTENSION)/EXISTING BUILT AREA

PARISH: RAYLEIGH TOWN COUNCIL

WARD: SWEYNE PARK

1 PLANNING APPLICATION DETAILS/THE PROPOSALS

- 1.1 The planning application has been the subject of scheme amendments since its original submission, these design revisions being submitted to the Local Planning Authority in September 2017 and November 2017 respectively, which have been the subject of re-consultation. Although satisfied that the substantive development remains that of a residential development comprising 83 units as originally proposed, including an element of supported living, the planning application description has been amended to account for the variation in dwelling types and numbers, which are associated with the design changes, which are indicated by those revised drawings submitted for consideration in November 2017. It is clarified that the revised plans submitted replace all previously submitted plans. A revised schedule of accommodation is attached to this report, as an appendix for reference (Appendix 1: Schedule of Accommodation). A

full list of the revised plans is also attached as an appendix to this report (Appendix 2: Revised Drawings/Plans)

- 1.2 The application proposes therefore the demolition of an existing care home and all other buildings, erection of 83 dwellings comprising:-
- 2 No. two-bed houses;
 - 25 No. three-bed houses;
 - 14 No. four-bed houses;
 - 3 No. five-bed houses;
 - 29 No. one-bed flats (including 4 No. 'FOG' units); and
 - 10 No. two-bedroomed flats;
 - Erection of 3 No. four-bed supported living units;
 - Associated parking and landscaping, stopping-up of existing access and improvement of existing access onto London Road.
- 1.3 The application forms part of a masterplan which includes the future development of the site located to the north and west by Countryside Properties (UK) Ltd, which is currently being determined. There is a site previously developed by Bellway Homes to the east of the application site and the southern site previously developed by Weston Homes Plc. The scheme is for primarily residential use with the south east of the site being allocated for the relocated care home. Its key objective is to provide quality housing in an area with good infrastructure.

2 SUMMARY OVERVIEW

- 2.1 The application, as revised, seeks full planning consent for a mixed development comprising 83 new dwellings and 3 No. Supported Living units to be operated by Fitzroy Support. The residential element of the scheme would deliver 44 houses and 39 flats, and would be accessed by a network of estate roads. Parking for the residential accommodation would be provided in the form of off-street spaces, garages and car ports.
- 2.2 The majority of the proposed flats would be provided in four blocks located in the northern part of the site. These would provide accommodation over three floors, with the top floor of each block incorporated within the roof space. In addition, 4 No. one-bedroom 'flat over garage' (FOG) units would be provided. All flats would be served by communal open space.
- 2.3 The new houses would be two storeys in height, although some would include roof level accommodation (two and a half storey) served by dormer windows. A mix of 2, 3, 4 and 5-bedroom houses would be provided in

terraced, semi-detached and detached form. All houses would include private gardens.

- 2.4 In place of the previously proposed replacement care home, the revised application proposes 'supported living' accommodation in the form of three detached, 4-bedroom bungalows with roof level accommodation. These units would be operated by Fitzroy Support whose existing premises at the site, which are in a poor state of repair, would be demolished. Fitzroy Support is a national charity which assists people with learning disabilities to live more independent lives.
- 2.5 Fitzroy are required by the Essex Care Quality Commissioners to 'split' the single care home into three smaller units for supported living but in the same use (Class C2), the size of which, in combination, would be similar to the previously proposed single home. The occupants of the existing care home would transfer to the three Supported Living units where they would receive the same level of care which they receive at present within the care home. Care would be administered by staff employed on a shift basis, who would provide 24 hour cover at each unit but who would not live at the properties. The same number of staff would be required to cover the three units as would be required to cover the single care home. It should be noted that none of the occupants can live independently, and they will require this level of care from the start of their occupation of the proposed Supported Living units.
- 2.6 The site would be subject to comprehensive planting proposals including buffer zone planting in the northern part of the site, and areas of boundary and structural planting. Important existing trees would be retained. The main area of public open space would be provided in the north-eastern part of the site, along with smaller areas on the eastern side of the site.
- 2.7 Access to and from the site would be provided from London Road, and the existing care home access would be stopped up. Car and cycle parking would be provided across the site for the flats and houses. Land forming part of the previous access from London Road, and originally proposed for car parking, would be used to provide a new, well-lit pedestrian route.

3 DEVELOPMENT PROPOSALS

- 3.1 The layout has twelve different house types and within that a high number of variations in materials. Six different apartment types are proposed with external material variations mixed throughout, which provide differing street scenes. These include detached, semi-detached, FOGs, terraced and apartments all set out across the site punctuated with landscaping, boundaries, garages and pergolas. The main arterial road provides a change in direction to ensure there are no over long linear spaces.
- 3.2 The application proposes densities and dwelling mix within the development, which the application promotes as appropriate for this

location and which are in context with the surrounding environments. Densities generally stay constant from the entrance at the south to the north where the apartments are located. The total application site area is 3.02 Ha, which includes the site buffer zone. The proposed residential development therefore equates to a density of 27.4 d/ha, which the application promotes as being appropriate in this location and reflects the guidance within the Essex Design Guide.

- 3.3 In addition, the proposals include the provision of three supported living dwellings to replace the previously proposed care home. These provide a more expectable integration into the overall scheme
- 3.4 The mix of dwellings proposed has been arrived at by establishing a quantum of units that a site of the size, relationship to the local transport infrastructure and overall sustainability can support. The application indicates that the number of units on site delivers a sensible layout supporting an appropriate quantum of parking, refuse, and cycle storage and amenity area.
- 3.5 The proposed design seeks to provide a quality residential scheme to enhance the local area. The scheme intentionally proposes a mixture of family homes and single occupancy dwellings to give a wide appeal to the site, while also adding a varied mix of new housing stock. In addition, a selection of traditional quality external materials have been blended together to complement the classic house designs influenced by the Essex Design Guide.

4 ACCESS AND PARKING

- 4.1 Vehicle access will be from London Road and will have a 6m wide carriageway and have 1.5m - 2m wide footways. The proposed road would run through the core of the site to the front of the apartments. There are five side roads that are 5.8m wide with 1.5m footways that lead to the care home and other dwellings. Where there are parking spaces, the road width increases to 6m.
- 4.2 Following comments from the Urban Design Officer parking was removed from the access point to the southern point by the previous care home (by plots 11 - 12). This has now been altered to an access point to London Road, furthermore creating access to the town of Rayleigh.
- 4.3 The revisions have opened up, broken down, softened and varied the parking arrangements across the site. The parking courts have been rearranged and split with landscaping and distance. Where the parking is located to the front of the building (the apartments) street scaping has been introduced. Parking space has been re-rationalised and reconfigured showing no more than four parking spaces in a row before a break for landscaping. The application indicates that these amendments will further break up the road materials and soften the appearance.

5 REFUSE AND RECYCLE COLLECTION

- 5.1 Hard standing will be provided within the curtilage of each plot for residual waste, recyclable waste, food waste and glass waste. This detail is shown by Housing Plan drawing No. 263/17/PL1000.
- 5.2 To the apartments there will be 2 bin store collection points located close to the side of the apartment block and would provide the following capacities for each:-
- 1 x 1,100 ltr euro bin for residual waste
 - 1 x 180 ltr purple lid bin for residential waste
 - 3 x 240 ltr grey lid bin for recyclable waste
 - 2 x 140 ltr yellow lid bin for food waste
 - Wash down tap

6 DESIGN EVOLUTION

- 6.1 The proposed design seeks to provide a quality residential scheme to enhance the local area. The scheme includes an intentional mixture of family homes and single occupancy dwellings to give a wide appeal to the site while adding a varied mix of new housing stock. Also a selection of traditional quality external materials have been blended together to complement the classic house designs influenced by the Essex Design Guide.
- 6.2 A number of recent developments are located directly adjacent to Timber Grove. To the south, Gunn Close was developed by Weston Homes where, more recently to the east, the area has been developed by Bellway Homes for residential use. A recent planning consent has been granted to Countryside Developments for the land to the north west.
- 6.3 There are a number of newly built properties in Rochford which provide a mixture of style features to the community and bring a wide range of desired properties for a range of different home owners. The surrounding influences that have been picked out from the Rochford District are all house types that have similar features but still provide varied character.
- 6.4 The majority of parking spaces have been set back and provide breaks in the street scenes along with the under crofts. This principle which is also found in the Essex Design Guide is one which has been carefully followed at Timber Grove, along with allocated parking courts.
- 6.5 A significant amount of the properties are between 2 - 3 storeys with 3 storeys to the apartments, such as the properties on Bellingham Lane. The majority of houses that are 3 storeys have rooms within the roof, which

doesn't disturb the height levels to the main street. Materials are mixed and weather boarding is a feature that runs through Rochford District. A number of the more historic buildings in Rayleigh such as the grade 2 listed building, 66 London Hill, have dark timber weather boarding. This has influenced the design of Timber Grove with materials and building form. Red and yellow bricks along with an off white render have also been picked up as features that have influenced Timber Grove.

- 6.6 It has been noted that many of the new builds such as the properties seen on Temple Way (Rawreth) have a high roof pitch of around 45 degrees. That can also be seen on The Trunnions and Heritage Way (Rochford). There is also a mix of red, grey and black roof tiles that in some occasions appear along the same street, such as on most new developments. Large front gardens with landscaping is not a common theme through Rochford District as paved paths are more favoured. It is noted that this is also common with the historic buildings.
- 6.7 The application has sought to incorporate some of the design features from Rayleigh that would enhance Timber Grove development and the wider area by taking influence from both the new and listed buildings in the area. This includes window treatment, and external material choices.

7 DESIGN AND ACCESS STATEMENT/SURROUNDING INFLUENCES

- 7.1 The original site layout was reviewed by the urban design officer, Peter Dawson, in December 2015. This provoked a re-design and a detailed response which took place in the early part of 2016. The resulting layout was further reviewed by Martin Ivatt (on 28/06/2017) which again resulted in an updated layout. Further comments were received on 05/10/2017 and this was followed by a design review meeting held on 18/10/2017 where the site layout and related comments were discussed in detail.
- 7.2 Once a way forward had been agreed, the layout was further updated and a dialogue ensued between the Council and the urban design officer where the layout was finalised and agreed. Further drawings were issued which included:-
- Supported living units, 3 No. chalets
 - The apartments to the north of the site
 - Key focal units to the main entrance and the P.O.S.
- 7.3 No comments were received with regard to the key units and the chalets, therefore, it was deemed acceptable as the design ethos followed the site' principles as well as the urban design officer's general comments. Positive feedback was received with regard to the apartments and these were further developed into the units now submitted.

8 SECURE BY DESIGN

- 8.1 Advice has been sought from Essex Police with regard to security of the site and the proposals aspire to obtain a level similar to an accredited standard.

Layout Proposal

- 8.2 Timber Grove looks to provide its own architectural identity and variety whilst drawing on the positives from the immediate areas and the simple forms and materials of the more established and historic buildings dotted around the town.

9 SUMMARY OF DESIGN CHANGES

- 9.1 Following the previously submitted drawings the application in its latest form incorporates the following changes:-
1. Planting of screen between the public open space and the parking to the flats created.
 2. Public open space opened up by the re-positioning of proposed trees.
 3. The re-positioning of parking in front of public open space to increase openness and access.
 4. Removal of proposed trees to allow for more useable public open space.
 5. Road surface material changes and raised tables at key junctions have been included to allow more visual interest and create focal points of the development.
 6. Areas of additional landscaping have been added along the main access road throughout the site.
 7. Plots 46-49 have been revised to take on the suggestions by the ECC Place Services to ensure that the building heights are in line with the neighbouring plots, and the façades have been revised along with the addition of rear windows on the ground floor, which have been introduced to increase surveillance.
 8. Orientation of and re-plan of plots 17 - 19 and 28 - 31 has allowed for perimeter blocking to be applied. This in turn allowed for:-
 9. The design of the parking requirements to the terraces that is away from the spine road. This reduces the visual impact for pedestrians.
 10. The area of public open space/place making to the north of the site has been opened up to allow for better place making and natural play areas to be included.

11. Ground floor windows introduced to crease surveillance to key dwellings.
12. Feature dwellings have been revised in appearance to enhance the scheme.
13. All plots have been amended to take on board the comments by the ECC Place Services in regard to the appearance. This includes:-
14. Improved fenestration detailing.
15. Creation of a more desirable building frontage has increased manoeuvring space and provided a better view from the spine road.
16. Improved parking layout design to the north with smaller and connected flats to the site.
17. Massing reductions and scale improved to the flats.
18. Improved communal amenity spaces to the flats.
19. Separate public footpath from the site to London Road which is to be well lit.
20. Replacement of the care home with three supported living accommodations to the south east of the site, allowing improvements to the road layout.

10 STREET AND SPACES

- 10.1 Generally, the highway design is dictated by the constraints given by the access point, tree retention and unique shape of the site. The main spine road and fronted buildings have been softened with pockets of landscaping with static spaces at 2 of the road junctions.
- 10.2 Visual character is promoted by buildings fronting the shared street spaces immediately off the primary road and the change in direction of the spine road reduces over linear runs whilst introducing visual interest when traversing the site. Soft landscaping has been placed to the entrance road as suggested.
- 10.3 The location of public open space is due to constraints imposed by the environmental, ecology and arboriculturalist reports. Although located to the north of the site the public open space (POS) would be accessible to all future occupiers, while respecting the existing ecology of the site. It also recognised that there is some parking fronting the POS and this has now been relocated, creating greater levels of accessibility. The densely wooded area is indicative and would be subject to a landscaping condition where it would be more open and available for general use.

11 SCALE/MASSING

- 11.1 The proposed buildings are between 2 and 3 storeys, which is in context with the neighbouring residential properties. These dwellings would be spread across the site with dormers to the 3rd storey to complement the existing street scenes of Kingley Grange and Gunn Close. The offsetting of dwellings from the main road changes through the site which allows for front gardens and variation.

12 MATERIALS/APPEARANCE

- 12.1 A change in surface materials and road types further enhances the place making of the small offset clusters. A mixture of facing brick work and render with brick window heads and stone sills/string courses have been carefully selected to blend with the surrounding materials and also present a quality palette of materials to the elevations. Through the site the mix of materials has been placed strategically to ensure the character of each street is unique.
- 12.2 The proposed windows and doors frames would be white uPvc along with white fascias, soffits and barge boards. Black gutters and down pipes offer a classic contrast for the rain water goods, fixtures and fittings. The roofing would be traditional with a style and mixed colours to match the surrounding area.

13 LANDSCAPING AD PUBLIC OPEN SPACES

- 13.1 Soft landscaping has been introduced to the frontages in numerous locations and the brick boundary walls have been set back to accommodate planting and create static areas.
- 13.2 Although the landscape proposals have not been designed by a specialist, careful consideration has been given to the landscaping aims in order to respond to comments received by the case officer. Amenity space to the apartments has been clearly defined and separated from the public areas. All amenity areas are at least a minimum of 100m² and 50m² to the terraces.

14 SUPPORTING INFORMATION

- 14.1 The application is supported by a number of plans which indicate the layout of the proposed development, including the position and orientation of the proposed residential units and their associated private amenity and parking spaces, relative to the access routes which are to serve the development. The submitted site plans also indicate the proposed location and layout of the new Timber Grove care home, which has been established since the early 1970's and is a single storey building of traditional construction, which will be relocated from its current position to an area of land, which is shown to be located at the south eastern corner of the application site.

- 14.2 The development involves the closure of the existing access which serves Timber Grove care home in favour of the use of the existing access located approximately 54 m (when measured from its centre) west of the care home access. The proposed use of the access located near to the BP petrol station is stated to meet the required road width, commensurate with the nature and scale of the development proposed.
- 14.3 The development will incorporate all the physical infrastructure works which are commensurate with the scale of the residential development proposed taking into account the physical characteristics of the site, its constraints and physical relationship to other built form in addition to the highway from which the development will be served.
- 14.4 The proposals will entail works which are required to ensure that the development is acceptable within the parameters of planning policy and associated regulatory requirements, including landscaping, drainage infrastructure works and vehicle access works, which will run through the core of the site in the form of a 6m wide carriageway with 1.5m - 2m wide footways.
- 14.5 A number of supporting documents have been submitted to support the planning application including the following:-
- An updated Design and Access Statement (as amended November 2017)
 - A Planning Statement (as amended November 2017)
 - A Travel Plan
 - A Transport Assessment
 - An Ecological Impact Assessment
 - An Air Quality Assessment
 - Heritage Statement
 - Flood Risk Assessment
 - An Arboricultural Report
 - A Noise Assessment
 - A Preliminary Land Quality Risk Assessment
 - Landscape Masterplan
 - Ecological Impact Assessment; and

- Flood Risk Assessment (FRA), Hydraulic Modelling Report and Surface Water Drainage Plan.

15 THE SITE

- 15.1 The application site is approximately 95x265 metres in site area (excluding the westerly protruding element). The site area consists of an area of land which is in the main occupied by woodland, which has in part been cleared to create open glades. There is an open area of rough grassland around which a path has been kept mown and the remainder is trees and shrubs (a mix of native and non-native), most of which were planted, and have more recently been in-filled with scrub and young trees as management has lapsed. To the north of the Timber Grove site is a block of secondary woodland established around 40 years ago and mainly comprising of oak and hawthorn with some exotics. Around and within the area of secondary woodland are a small number of more mature trees which mainly comprise of white poplar, field maple, oak, sycamore, Norway maple and ash. The site is bordered by dry ditches to the west and east and by a small stream along the north.
- 15.2 This area occupies the central and northern aspect of the application site, whilst the current and proposed care home occupies the southern aspect of the site. Although broadly rectangular in shape the site plan which indicates the extent of the application site shows two projections at the southerly aspect of the site. The larger rectangular projection, which currently provides access to the Rayleigh Sports and Social Club, will form the new access route to serve the development site, whilst the shorter projections will serve as a car park area for the relocated care home.
- 15.3 The application site partly envelopes the building shown as the community hall on the site plans, and its associated operational area, where provision will be made to the eastern boundary of this building for parking to serve Timber Grove care home in the form of a narrow band of land that comprises the existing site access, which is shown to provide 10 vehicular parking spaces set at an oblique angle to the site boundary. The projection to the north west of the central aspect of the site currently constitutes an area of arable land.
- 15.4 Site boundaries are partly shared with neighbouring residential development to the east of the site and Rawreth Brook which forms the physical boundary at the northern aspect of the site. The site at its northerly fringes is indicated to be located within Flood Zone 3 which is affiliated with proximity of that vicinity to Rawreth Brook. A ditch runs along the eastern aspect of the site which it is indicated will be retained as part of the development. The outlook to the north and north east of the site is out onto open countryside, which contrasts with the outlook to the south of the site, which is characterised by residential and commercial built form which are served off London Road.

- 15.5 The application site shares a common boundary with London Road where a new vehicular access road is proposed, which will constitute the only and principal access to the development. The width of the application site at the point of the new access located approximately 19m from the scout hut is 13m. The site plans indicate the location of the facilities associated with the Rayleigh Town Sports and Social Club, including a parking area which is the subject of a separate planning permission.

16 SITE CONTEXT

- 16.1 The application site (National Grid NO 72644 62636) is located towards the western edge of the settlement of Rayleigh, north of London Road with the nearest habitable dwellings (to London Road) within the proposed development site being shown as plots 1 and 12, together with Timber Grove care home, which are located approximately 105m north of London Road. The immediate area to the east and south of the site, with the exception of the site of the community hall, is entirely residential in its character with the nearest residential development, namely that known collectively as Kingley Grange which now comprises a number of named streets including Gunn Close, Claremont Crescent and Diamond Close. The vicinity to the south of London Road is mainly residential in character with other yet complementary land uses evident including shops, garages and a primary school (Our Lady of Ransom RC Primary School), which serve the residential use which is the dominant use of the vicinity.
- 16.2 The northern boundary of the site follows and abuts a section of the Rawreth Brook, beyond which the land to the north and north west of the site is currently characterised by open countryside. A section of the western boundary of the site borders land which forms part of the SER1 allocation for which outline planning permission for largely residential development was recently granted (Planning Reference 15/00362/OUT). Rayleigh Town Sports and Social Club shares a common boundary with a part of the site on its western flank. This land which is under the Council's ownership and currently leased to Rayleigh Sports and Social Club is characterised by sports pitches and buildings which serve the recreational use. The remainder of the site is undeveloped, whilst a significant land area proposed for development is subject to a Woodland Tree Preservation Order.
- 16.3 The application site resides in an area defined by residential uses characterised by property types including bungalows, apartments and houses. Mostly these are post war houses dating from the 1960's, however; the land to the east of the application site has been recently developed by Bellway Homes and provides a variety of domestic dwellings. Overall, the area appears to benefit from a wide range of tenure including private and rented housing. The proposal would fit well within this context by providing 1-2.5 storey 1, 2, 3 and 4-bedroom houses and apartments. The houses included are detached, semi-detached and terraced.

17 ADJACENT USES

- 17.1 The application site is in an area defined by residential uses characterised by property types including bungalows, apartments and houses. Mostly these are post war houses dating from the 1960's; however, the land to the east of the application site has been recently developed by Bellway Homes and provides a variety of domestic dwellings.
- 17.2 The dwellings that surround Timber Grove within a 1,000 feet radius include predominantly two to three storey, detached, semi-detached dwellings that vary in size and mass. There are also a number of bungalows to the south of the site.
- 17.3 The site is currently accessed via an access road onto London Road that is centrally positioned along the southern boundary and which currently serves the existing care home. This existing access will be stopped up as part of the proposals with the existing hardstanding being utilised in part to provide the car parking provision for Timber Grove care home.
- 17.4 It is proposed that the development be served by the access route which currently serves Rayleigh Sports and Social Club; this road being under the ownership of Rochford District Council.

18 TRANSPORT AND LOCAL CHARACTER

- 18.1 The site is located 1.2 miles from the north west of Rayleigh town centre. The site lies to the north of London Road (A129) and is bounded by a sports ground and agricultural land to the north, and residential land to the east.
- 18.2 The site is well situated for families with children due to the abundance of educational facilities within the area. There are seven primary and secondary schools ranging from 1/4-3 miles from the application site.
- 18.3 There is good access to healthcare facilities such as dentists, nursing homes, chemists and doctors' surgeries. Southend Hospital is approximately 6 miles to the south east and offers a wide range of healthcare facilities and an A&E.
- 18.4 The site is well connected to a range of public amenities such as a news agent, a convenience store, barbers, garage, butchers and florist all within 600 metres. There are 3 supermarkets close by: Asda, The Co-Operative and Tesco Express, all within 1.2 miles of the site. Rayleigh Grange community centre is close by with its own amenity area along with other amenity areas such as Swayne Park and Wheatley Wood. The area gives excellent access to Rayleigh town centre which provides plenty of varied employment opportunities and also some businesses located close by the site.

- 18.5 There is an extensive range of shops, food outlets, restaurants and cafés within the town centre. There are also recreational facilities such as health clubs, fitness clubs, and golf courses. Socialising choices range from public houses to restaurants, with plenty of 'takeaway' outlets. The land is well placed for playgrounds, common land and public open spaces.
- 18.6 Rayleigh train station is 1 mile from the site and runs directly to London Liverpool Street Station with a journey time of 45 minutes. The service is operated by National Express East Anglia and also provides a service to London Southend Airport which takes approximately 10 minutes.
- 18.7 London Road offers bus routes to other urban areas and the town centre and the surrounding road network offers access to the local amenities. There is also access by car without travelling through Rayleigh town centre to the A127 and thus Southend-on-Sea and the M25, (junction 29) which is 15 miles away, Chelmsford (via A130) and Basildon (A127 or A13). Approximate distances to the nearby towns and cities are 7 miles to Southend-on-Sea, 8 miles to Basildon, 15 miles to Chelmsford and 37 miles to central London.

19 SITE DESIGNATION

- 19.1 Following the adoption of the Allocations Plan in February 2014, the application site (save for the existing and part of the proposed access roads which are within the adjoining existing built up area) is allocated for residential development as part of a wider site allocation which is subject to Policy SER1.
- 19.2 The SER1 site allocation extends westwards and northwards from the application site. The whole of the SER1 site allocation is identified to provide up to 550 dwellings and other ancillary development with associated open space.
- 19.3 To date one outline planning application relating to the SER1 site allocation has been approved reference 15/00362/OUT; in summary this consent approved residential development of up to 500 dwellings and included land for a primary school and healthcare facility. Planning permission has also been granted in respect of residential development on land adjacent to Grange Villas which is within the southern portion of the SER1 site allocation adjacent to London Road, which approved permission for 47 residential planning units under planning reference 15/736/FUL.
- 19.4 A previous planning application for full planning permission preceded this current planning application, planning reference 15/00593/FUL and was subsequently withdrawn prior to determination.

20 RELEVANT PLANNING HISTORY

- 20.1 The site's planning history relates principally to the plot of the existing care home and some associated land, albeit of a smaller area than the current defined application site.
- 20.2 Planning permission was granted on 4 February 1981 under reference ROC/1106/80 for the erection of a home for the mentally handicapped with supporting staff.
- 20.3 Planning permission was granted on 23 February 1990 under reference ROC/021/90 for a single storey day centre for mentally handicapped children.
- 20.4 Planning permission was granted on 2 December 1998 under reference F/0367/98/ROC to retain two portable buildings, one for use as a day centre, and one for use as a staff meeting room, offices and toilet.
- 20.5 Planning permission was granted on 11 September 2007 under reference 07/00664/FUL for the demolition of the existing building, and the construction of a part two storey, part single storey building containing 9 bedrooms with shared communal facilities, a part two storey, part single storey building containing 6 bedrooms with shared communal facilities, and a two storey building containing 8 two-bedroomed flats with access and parking areas.
- 20.6 Planning permission was refused on 5 March 2012 under reference 11/00492/FUL for the demolition of the care home, and the construction of a new care home (Use Class C2) and 43 dwellings comprising 19 No. two-bedroomed and 24 No. three-bedroomed houses and parking, and for the re-construction of the existing access from London Road. This application was refused on Green Belt, affordable housing, design, tree impact and other detailed grounds.
- 20.7 Planning permission was refused on 30 August 2012 under reference 12/00279/FUL for the demolition of the care home, and the construction of a new care home (Use Class C2) and 43 No. dwellings comprising 1 No. two- bedroomed apartment, 16 No. two-bedroomed houses, 22 No. three-bedroomed houses, 4 No. four-bedroomed houses, with associated parking and the re-construction of the access road from London Road. This application was refused on Green Belt, affordable housing, parking, amenity space, and surface water flooding grounds.
- 20.8 In response to the applicant's Environmental Impact Assessment (EIA) Screening Request of 13 May 2014, the LPA issued a Screening Opinion on 6 August 2014 that an EIA would not be required in respect of amended proposals for the site which would become the subject of a revised application (reference 15/00593/FUL) for the 'demolition of existing care home and all other buildings, erection of 91 dwellings comprising 34

No. three-bed houses, 24 No. four-bed houses, 8 No. five-bed houses, 7 No. one-bed flats, and 18 No. two-bed flats, construction of replacement part single and part two storey 13 bedroom care home, associated parking and landscaping, stopping up of existing access, and improvement of the existing access onto London Road'. This application was withdrawn on 26 January 2015. In an email dated 25 January 2015, officers had raised concerns with the application on the following grounds, as summarised:-

- Inadequate information with regard to the impact of the proposal on existing trees;
- Over-development based on failure to achieve high standard of design and layout, and inadequate space for on-site attenuation storage;
- Inappropriate mix and layout of affordable housing;
- Failure of some units to accord with national minimum space standards for specified size of dwelling; and
- Lack of clarity regarding compliance with Policy H6 (3% wheelchair accessible housing).

20.9 15/00/593FUL: Demolition of existing care home and all other buildings, erection of 91 dwellings comprising 34 No. 3-bed houses; 24 No. 4-bed houses; 8 No. 5-bed houses; 7 No. 1-bed flats; 18 No. 2-bed flats and 13 bed care home; associated parking and landscaping, stopping up of existing access onto London Road (withdrawn 26/01/2015).

21 CONSULTATIONS AND REPRESENTATIONS

Essex County Council Place Services (Urban Design):

- 21.1 No objection, subject to planning conditions addressing further certainty required with regard to use of materials and landscaping masterplan.
- 21.2 Thank you for consulting me on the re-submitted plans associated with the development at Timber Grove, London Road, Rayleigh. This letter summarises my response to the submitted proposals for 83 No. residential dwellings including 3 No. 4-bed supported living units. The following comments are based on the submitted layout, elevations and revised Design and Access Statement (DAS) submitted in response to earlier comments and subsequent design review meeting, and responds directly to how design issues have been addressed and integrated into the latest layout.
- 21.3 The development layout remains fundamentally as per the earlier submissions, with proposals arranged around a central spine road servicing a number of short access roads; however, significant changes have been made to the design and layout following the last iteration. The proposed layout includes a development mix comprising of 2 No. two-bed houses, 25 No.

three-bed houses, 14 No. four-bed houses, 3 No. five-bed houses, 29 No. one-bed flats, 10 No. two-bed flats and 3 No. four-bed supported living units, which have been provided in place of the previously proposed care home.

Design and Access Statement (DAS)

21.4 The DAS has been amended where appropriate to address the issues raised relating to the precedent images from the surrounding area which was not deemed appropriate to achieve the necessary quality of design required. The other issues raised formerly, including ensuring that all information is correct to the latest design iteration and consolidation of text to form a coherent and logical design evolution history, has been addressed. The DAS now outlines how the recommended amendments suggested in earlier responses and at design workshops have been integrated into the overall design, which have fundamentally improved the scheme. There are, however, some remaining points which it is felt need to be addressed as part of the full planning application, and are outlined further in this report. Points of note relating specifically to information outlined in the DAS include:-

- It is suggested in the DAS that Essex Police Secure by Design officers have been consulted regarding the latest proposals, and we would be keen to obtain a copy of their response for clarity.
- It is stated that a minimum of 100sqm is provided for all houses, with the exception of the terraces which afford 50sqm. Whilst this is a low level of amenity space provision for a family home, it is considered acceptable given that the gardens are of a regular and useable form.
- The DAS refers to two bin store collection points located on the side of the apartment blocks, however the Amenity and Parking Analysis Plan does not make it obvious as to how servicing and access by refuse vehicles will work for the apartment units.

Layout

21.5 The layout has improved greatly in areas where there was considerable concern previously and it is felt that the form is now more legible and in keeping, which presents a more attractive street scape and development as a whole.

21.6 It is noted that further design refinement has been undertaken to the eastern side of the development, whereby units 25-27 have been rotated to form a terrace onto the street, with adjacent units 28-29 and 16-19 forming two sides of a perimeter block. Whilst a traditional perimeter block arrangement is not proposed on the northern edge, the provision of a corner turning building of sufficient quality helps to address this shortfall. The loss of the green space previously shown adjacent to the care home is not considered to have a negative impact in light of creating a better development layout and the provision of a single, high quality green space to the northern edge which is

more easily accessible to the areas of highest dwelling density. The introduction of the corner turning house (plot 38) is welcomed and follows earlier advice on how to best address the aspect onto the car parking area; however, it is felt that there could be more space between this stand alone unit and the row of terraces which sit adjacent, thereby enhancing its status as a key feature building and not just a continuation of the terrace.

- 21.7 The three proposed supported living units present a scale and over-sized footprint which is not necessarily in keeping with the surrounding proposed development; however, it is considered that given their location within a defined cul-de-sac area of their own and 1.5 storey height, their presence will not be seen as overly intrusive and will be less than the originally proposed care home. Appropriate landscaping to the front and side elevations of these three units will be imperative to ensure a softening of their appearance.
- 21.8 The relocation of the pedestrian connection through to the adjacent development from the car park adjacent to unit 38 has eliminated the requirement for pedestrians to utilise a narrow path at the rear/side of garden fences and will provide a much improved sense of security for this important cut through. Discussions with ECC Highways is required to ensure that suitable provisions are made to allow for this path to connect into third party land.
- 21.9 The removal of parking to the access road is welcomed, as is the introduction of a new landscaped pedestrian route providing an additional connection to London Road. This route should be designed as to tie into the proposed footway within the development seamlessly without any awkward dog leg arrangements to footways. We would seek further information by way of a condition for the detailing of this path in terms of materials and lighting.
- 21.10 Substantial alterations have been made to the two apartment blocks, which have now been broken down into four apartment blocks. This is a positive amendment, as it allows for blocks which are much more in keeping with the development and the wider context than previously proposed, both in terms of massing and scale. Additionally, by breaking down the apartments into smaller units, the issues associated with overly large 'business park' style car parks has been reduced, which has created a development which connects the apartment blocks together in a much more cohesive manner, as well as improving the general flow. The architect has been receptive in comments made regarding realigning apartment block 79-85 to create a better terminating vista to the street scape, as well as the overall design of the blocks as a whole. Other improvements as a result of this reconfiguration include improved private amenity space through the provision of a new enclosed and overlooked green space.
- 21.11 We had previously requested that we would welcome the addition of design principles or indicative future layouts for the adjacent upcoming development onto this plan and how they would relate to the road containing units 48-55. It is understood following on from workshop discussions that details of this

development have yet to be produced and therefore it is acceptable that this has not been addressed in this instance.

- 21.12 Issues relating to the corner turning building at what was plot 40 have been addressed by means of a stand alone building (now plot 20) which includes suitable fenestration to the side aspect to the street.
- 21.13 The same approach should have been considered for the site occupied by plot 44-45; however, it is accepted that this would result in the net loss of one unit.
- 21.14 There is concern regarding the garden space shown associated with plot 6 which appears irregular in shape due to the intrusion of off street parking into the boundary and may result in a good proportion of the garden (within the extended 'L' shape) being unusable. Options for how else this garden can be arranged should be investigated where possible.

Streets and Spaces

- 21.15 The highway design has been amended to reflect earlier comments made regarding hierarchy, raised tables and changes in material to denote key spaces. The proposed masterplan has integrated these amendments; however, there is still a missed opportunity to make a tri arrival space adjacent to units 19/20, which could have contributed positively to place making at the development.
- 21.16 There is very limited information available within the DAS and associated plans to denote the proposed materials within the public realm. This is a very important aspect when considering how the street scape will appear and generally the level of quality of the public realm which forms the foreground to all dwellings. As this information is currently lacking, a full material specification will be required under condition.
- 21.17 It was discussed during the workshop that natural play should be integrated into the large area of POS at the northern edge of the development; however, no information has been shown either in the DAS or masterplan as to the form this will take. The provision of play space will be required to be conditioned alongside the provision of a full landscape masterplan.

Elevations and Street Scenes

- 21.18 The elevational treatment to the housing is considered relatively restrained in design, reflecting a predominantly generic housing style with a simple material treatment that is commonplace among developments at present. The elevation treatment is primarily traditional for dwellings; however, the elevations to the apartment blocks provide some contemporary interest by way of their front elevation designs which is welcomed and is a marked improvement to the previous iterations of the design as a result of breaking down two blocks into four smaller blocks.

- 21.19 Amendments have been made to elevations where concern was expressed regarding a lack of informal surveillance and windows onto streets from side elevations, which is welcomed. This is particularly important for properties which have side aspects onto the spine road and those which overlook enclosed parking areas.
- 21.20 Following a review of house types and street scenes submitted, the following additions and amendments are recommended to be included:-
- 21.21 It is considered that additional detail could be provided to side elevations where it is not appropriate or necessary to add fenestration. This could include chimney breast detailing or patterned brick work. Examples of where a chimney breast would add interest to the streetscape includes the side elevations to plots 7, 27 and 43.
- Windows to stairwell should be provided at ground and first floor onto side street facing elevation to plot 6;
 - Fenestration should be added to the side of plot 8 facing onto the parking court area to provide passive surveillance;
 - Ground floor fenestration should be provided to either (or both) plots 54/55 to provide passive surveillance onto the parking area and turning head area;
 - Consideration could be given to providing an obscured window from first floor bathrooms onto the street facing elevation to units 27 and 43; and
 - The frontage to units 32-37 as proposed appears too bulky and lacks relief, which is further extenuated by the close proximity of the gable on elevations to each other. To alleviate this, the northernmost and southernmost gables should be relocated to ends of the terrace.
- 21.22 The reduced height ridge to the side wings should be retained as shown, which will allow for the slightly raised gable pitch, creating 'bookends' to the terrace. This item is imperative to the application's approval on design grounds. It is considered that it would be aesthetically more interesting to continue the proposed weather board finish around to the front of the building, addressing both gables. Additionally, as per the scheme overall, glazed balustrading should be replaced with a powder coated metal finished railing. Consideration should be given to providing a 'hit-and-miss' brick pattern to the rear wall of the undercroft garages at units 46-47 and 48-49. This will allow for natural light to the undercroft area from the rear, as well as providing a sense of visual openness to the street scape. Slim-line windows should be provided adjacent to the front doors for units 46-47 and 48-49 to allow for more interest on the street scene and light penetration to the hallway. It is still not considered that unit 22 presents a feature building for the development, as the same style is repeated numerous times across the development. It is suggested that additional height could be added to this building by means of

dormers in the roof to give the building more presence (akin to units 50/51). It is recommended that the gable feature of units 8-9 is switched to the southern side of the building, presenting a mirror image of the adjacent unit 10-11. More variation needs to be applied to units 50-55. This could include different window styles, doors, entrances or the addition of chimney breasts. More generally, with the exception of the chalet units, all doors are shown to be of the same design and this is not encouraged. There are instances where it will be entirely necessary to provide brick walls to garden boundary walls, for example between units 20-27. Whilst closed-board fencing is appropriate for internal garden sub-divisions, brick walls (of a brick to match the housing) will be required where there is a substantial frontage onto the public realm. Patterned brick work will help to add interest to prolonged walls such as that mentioned between units 20-27.

- 21.23 Generally, very little information has been provided relating to materials, detailing and to fixtures and fittings. We would seek to obtain a full material specification and appropriate samples as part of a condition on this application to ensure suitability.

Parking

- 21.24 The parking layout has been improved as part of this revised application, with improvements made to the apartment building parking courts and generally the rule of providing a maximum of four parking bays before a landscaped break. It is, however, still felt that there is a missed opportunity to provide well designed on street parking in certain areas.
- 21.25 It appears from the masterplan that there may be issues accessing some on plot parking spaces from the street. This is particularly prominent where car parking bays are accessed from corners in the highway (e.g. adjacent to plot 7) and therefore the functionality of all spaces should be ensured.

Landscaping

- 21.26 There have been a number of landscape improvements to the revised scheme, particularly in regard to car parking arrangement and on street greening. Whilst this is welcomed, it is required for a full landscape masterplan to be submitted for the site which outlines the landscape proposals and the anticipated maintenance regime. It will be important for this document to also include reference to where formal/informal play will be located within the site and the form it will take.
- 21.27 The issue of on street sustainable drainage application such as integrated swales, rain gardens or attenuation points has again not been addressed, either within the DAS or the masterplan. This is considered an important element of any new development, particularly in areas with possible flood risk. Consideration should be given to how landscaped breaks between car parking runs could be utilised for rain water run off and this will need to be

included as part of a comprehensive landscape masterplan for the site to be submitted under condition.

- 21.28 It will also be important to ensure that consideration has been given within the landscape masterplan for planting of trees to the car park area associated with the apartment blocks, particularly in areas that will allow for a softening of views from the apartment block with units 79-85, as there is a risk that views from the front elevation will be predominantly onto a hard landscaped car park.

Summary

- 21.29 A number of amendments have been undertaken as part of the latest iteration for Timber Grove design which has had a positive impact on the scheme. The majority of design concerns have been addressed, and providing that the points as listed within this report are integrated into the design through conditions, then there is no basis for objection on urban design grounds.

Sport England

- 21.30 Summary: Sport England raises no objection to this application, which is considered to meet exception E4 of our adopted Playing Fields Policy, subject to two conditions being imposed on any planning permission relating to the delivery of the replacement car parking and the details of acoustic fencing as set out below.
- 21.31 Thank you for consulting Sport England on the above planning application (including the amended plans that have been consulted on in September 2017). The site is considered to constitute playing field, or land last used as playing field, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). This is because the proposal prejudices the use of the existing access road and car parking that supports the use of the playing field at Rayleigh Sports and Social Club. As such Sport England is a statutory consultee.
- 21.32 Sport England has considered the application in the light of the National Planning Policy Framework (particularly Paragraph 74) and Sport England's policy on planning applications affecting playing fields 'A Sporting Future for the Playing Fields of England' (see link below):
www.sportengland.org/playingfieldspolicy
- 21.33 Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all or any part of a playing field, unless one or more of the five exceptions stated in its policy apply.

The Proposal and Impact on the Playing Field

- 21.34 The application involves a residential development and a residential care home on the site of an existing care home and adjoining undeveloped land. While the proposed development would not directly affect the playing field at the Rayleigh Sports and Social Club (RSSC) site which is located immediately to the west of the application site, the proposals would result in the re-development of the access road that serves the club house. The verge areas either side of the existing access road currently provide informal (and not demarcated) car parking spaces for users of the club's playing field and club house facilities and this represent the only on site parking provision that supports the RSSC facilities. While a new access road from London Road to serve the proposed residential development and the RSSC facilities would be provided which follows the alignment of the existing access road, the informal parking provision would be lost. To mitigate the loss of the car parking area, a separate planning application (16/01105/FUL) was submitted and subsequently approved by the Council earlier in 2017 for a new 58 space car park that would be sited on part of the RSSC playing field to the north of the club house, to support the use of the RSSC facilities.
- 21.35 The proposed residential development would also have a potential impact on the operation of the RSSC in terms of dwellings being sited in close proximity to the club house, which is licensed to hold functions which can generate noise, which may be sensitive in relation to residential amenity, especially in the evenings. These functions provide an important source of revenue which help sustain the club's operations, including the maintenance of the playing fields. It is therefore important that the development is designed to avoid or minimise any residential amenity issues that may arise by the introduction of dwellings in close proximity to the club house to avoid pressures being placed on the club and the Council to curtail functions at a later date after the development has been implemented, which may have a consequential impact on the sustainability of the club.

Assessment against Sport England Policy

- 21.36 The proposed development would involve the loss of the access road and car parking area that supports the use of the RSSC playing field and club house. To compensate for the loss of the access road and car parking area, a new access road is proposed as part of this application and a new car park area has been proposed in the separate planning application that has been approved as set out above. It therefore needs to be considered against exception E4 of the above policy, which states:-
- E4 – The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development.

While exception E4 is worded to apply to playing fields, the same principle applies to ancillary facilities that support the use of playing fields such as car parking and access roads.

- 21.37 The proposed car park that has been permitted in application (16/01105/FUL) and would be clearly superior in quantity and quality to the existing informal parking arrangement and is supported in terms of representing an equivalent or better facility to the parking area that would be displaced. The new access road would also be superior in qualitative terms. In terms of phasing and delivery, the applicant has recently advised that the new car park would be implemented in advance of development in the current application commencing in order to provide continuity of parking provision for users of the RSSC, which is welcomed. It is understood that the existing access road would be used during the construction stages and that the new access road would be constructed when the residential development is more advanced and that the delivery of the new access road would be managed to ensure that there is continuity of access to the club house. The proposals would therefore be considered to accord with exception E4 although there will be a need for a planning condition to ensure the delivery of the proposed car park before construction commences.
- 21.38 In relation to the potential residential amenity impact associated with siting the residential development in close proximity to the club house, the applicant has offered to provide acoustic fencing between the boundary of the residential development and the club house to mitigate noise although no details have been provided of the extent or design of the fencing at this stage. The acceptability of the siting of the residential development in relation to the club house and the mitigation measures proposed such as acoustic fencing is a matter for the District Council (Environmental Health) to assess as Sport England is not able to provide informed advice on this matter. If the Council considers that further measures are required to mitigate noise beyond acoustic fencing (e.g. in relation to the glazing of windows and doors on nearby properties) then Sport England would be supportive of such measures being incorporated into the scheme. If the Council considers that the provision of acoustic fencing is adequate to address potential residential amenity concerns then it would be necessary for a condition to be imposed requiring the details of the fencing to be submitted and approved so that the Council can assess its acceptability from a noise mitigation, visual appearance etc. perspective.

Conclusion and Recommendation

- 21.39 In view of the above assessment, I can therefore confirm that Sport England does not wish to raise an objection to this application as it is considered to meet exception E4. However, this is strictly subject to the following conditions (or provision being made in a section 106 agreement) being attached to the decision notice should the local planning authority be minded to approve the application.

Replacement Car Parking Provision

- 21.40 To provide continuity of car parking provision for existing users of the RSSC it will be essential that the new car park permitted by permission 16/01105/FUL is completed and operational before the development commences. A planning condition (or section 106 agreement provision) is therefore requested which requires the car park to be constructed and made available for use before development commences. A planning condition that I would recommend which is based on Sport England's model conditions (model condition 4 <https://www.sportengland.org/facilities-planning/planning-for-sport/planning-applications/>) is:-

The development hereby permitted shall not be commenced until the car park permitted by planning permission 16/01105/FUL dated xx has been implemented and made available for use.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use [phasing provision] and to accord with Development Plan Policy **.

Acoustic Fencing

- 21.41 To provide details of the proposed acoustic fencing including the extent and the design of the fencing (and any other measures to mitigate the impact of noise on residential amenity associated with the club house required by the Council), a planning condition should be imposed requiring such details to be submitted and approved and for the approved details to be implemented in full. It would not be appropriate for Sport England to be prescriptive on the wording of such a condition as the Council is better placed to determine the wording of such a condition following consideration of advice from the Council's Environmental Health service.
- 21.42 If your Council decides not to attach the above conditions, Sport England would wish to raise an objection to this application. Should the local planning authority be minded to approve this application without the above conditions, then given Sport England's subsequent objection and in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 the application should be referred to the Secretary of State via the National Planning Casework Unit.
- 21.43 Sport England would also like to be notified of the outcome of the application through the receipt of a copy of the decision notice.

Health Housing and Communication: Assistant Director

- 21.44 No response recorded.

Essex County Council: Ecology

- 21.45 No response recorded.

Strategic Housing

21.46 No response recorded.

Ward Members

21.47 No response recorded.

Planning and Admissions Strategy Unit

21.48 No response recorded.

Natural England Consultation Service

21.49 No objection.

21.50 Natural England has previously commented on this proposal and made comments to the authority in our letter dated 16/10/2016.

21.51 The advice provided in our previous response applies equally to this amendment, although we made no objection to the original proposal.

21.52 The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

21.53 Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Essex Wildlife Trust Ltd:

21.54 I am unable to comment fully due to difficulties in accessing the relevant planning documents on your consultation portal. I have been unable to examine the Phase 1 Habitat Survey, the Design and Access Statement and a detailed development masterplan.

21.55 Consequently, my comments are limited to being only general observations. The site does not carry any ecological designations; however, the habitats on site will support some biodiversity which will be lost as a result of the development. It is important that the developer should aim for an overall net gain in biodiversity. Features to encourage biodiversity within the development should be included in the design and landscaping, using native planting wherever possible. Residential garden boundaries should incorporate 150cm-150cm gaps at the base of fence panels to allow for the movement of hedgehogs. Log piles, areas of long grass, nectar-rich flowering plants and

strategically-positioned bird nest boxes and bat boxes should be included in the design.

- 21.56 The location of the site makes it potentially suitable for the incorporation into the building design of Manthorpe swift brick boxes to contribute to the current Swift Conservation initiative.
- 21.57 To increase the likelihood of swifts colonising the new boxes a call device can be installed to attract the birds to the location.

Health and Safety Executive

- 21.58 No response recorded.

Essex Police HQ

- 21.59 No response recorded.

Essex & Suffolk Water

- 21.60 No response recorded.

Essex County Council Archaeologist

- 21.61 The proposed development lies within an area of potential archaeological interest. Archaeological investigations just to the north west of this site revealed a Roman farmstead. Further evidence relating to Roman settlement may extend into this site.
- 21.62 In view of this, the following recommendation is made in line with the National Planning Policy Framework:-

RECOMMENDATION: Full condition

‘No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority’.

The work will comprise archaeological evaluation by trial trenching, which may be followed by open area excavation if significant features are found. A professional archaeological contracting team should undertake any archaeological work.

An archaeological brief outlining the methods of investigation can be issued from this office (on request) and there would be a cost implication for the developer.

Environment Agency:

21.63 No comment.

21.64 It would appear that we were inappropriately consulted on this application as it does not meet any of the Development Management Planning Order requirements in which we would be consulted as a statutory consultee. We therefore have no comments to make on this application.

Rayleigh Town Council

21.65 Objection received.

21.66 Concern expressed on the basis that the 'siting would lead to a fragmental form of development along the frontage of London Road out of keeping and detrimental to the character and appearance of the area and would be harmful to the open, rural and undeveloped character of the Green Belt'.

21.67 Concern that the site access is not in accordance with acceptable standards and would lead to potential safety hazards.

21.68 The proposals for internal circulation within the site are unacceptable and will create conflict between pedestrians, cyclists and vehicular movements, thereby creating a safety hazard.

Essex Highways Development Management

21.69 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 specifications sufficient to ensure future maintenance as a public highway.

21.70 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority for the following reasons:-

1. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

2. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. 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 areas within the curtilage of the site for the purpose of:-
 - 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; and
 - iv. wheel and underbody washing facilities.

Reason: To ensure that on street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway and to ensure that appropriate loading/unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

4. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

5. The parking shall be provided in accordance with the EPOA Parking Standards.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Highway Works/Mitigation Measures/Contributions

- 21.71 Prior to occupation of the proposed development, the developer shall be responsible for the provision and implementation of a Residential Travel

Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- 21.72 Prior to occupation of development, the eastern junction on London Road shall be closed off and reinstated with full height kerb and include the provision of a 2m wide footway along the entire site frontage from the existing facility at Gunn Close to the site access junction with associated dropped kerb crossing.

Reason: To make adequate provision within the highway for additional pedestrian movements generated as a result of the proposed development.

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 the developer's improvements. 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.
- 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.
- 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.
- Full details of SUDS should be provided and agreed.

Anglian Water Services Ltd:

21.73 No objection.

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

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

Waste Water Services: Waste Water Treatment

21.75 The foul drainage from this development is in the catchment of Rayleigh.

21.76 West Water Recycling Centre that will have available capacity for these flows.

21.77 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.

21.78 From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a water course. 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.

21.79 The planning application includes employment/commercial use. To discharge trade effluent from trade premises to a public sewer vested in Anglian Water requires our consent. It is an offence under section 118 of the Water Industry Act 1991 to discharge trade effluent to sewer without consent. Anglian Water would ask that the following text be included within your Notice should permission be granted.

“An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.

Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.

Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.”

Essex County Council SuDS: Essex County Council Lead Flood Authority (SuDS)

21.80 Thank you for your email received on 21 June 2017 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

21.81 As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been the statutory consultee on surface water since 15 April 2015.

21.82 In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:-

- Non statutory technical standards for sustainable drainage systems.
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide.
- The CIRIA SuDS Manual (C753).
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

21.83 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission and suggest the following conditions:-

Condition 1

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:-

- Limiting discharge rates to the 1 in 1 green field rate or at least 50% betterment f existing brown field rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Provide consideration of the critical drainage area partially located within the site.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment.
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Condition 2

No works shall take place until a scheme to minimise the risk of off site flooding caused by surface water run off and ground water during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

The National Planning Policy Framework paragraph 103 and paragraph 109 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If 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 increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and ground water which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 3

No works shall take place until 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, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

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.

Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 4

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

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.

Summary of Flood Risk Responsibilities for Your Council

21.84 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 in relation to fluvial flood risk;

- 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); and
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the 4 emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

Informatives

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- 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.
- 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.
- The Ministerial Statement made on 18 December 2014 (reference HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after 15 April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the

planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

- 21.85 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.

NHS (over 50 houses)

- 21.86 No response received.

Rochford District Council Assistant Director, Legal Services and Monitoring Officer

- 21.87 No response received.

Rochford District Council Arboricultural Officer (Engineers)

- 21.88 The following advice has been provided in relation to the changes made to the application in September but now requires clarification as to how the further amendments affect the advice provided. Clarification has been sought from the specialist arboricultural consultant in this respect.
- 21.89 The site is subject to the following TPO's:-
1/82 A1 and 26/09 W1, adjacent to the site are 11/11 and 120/09, see below



- 21.90 Most of the woodland structure has been lost/alterd with felling/removal of the shrub canopy; this has left a collection of oak with occasional field maple,

pear and ash within the area subject of the woodland TPO and sycamore, poplar and oak within the area subject of the Area TPO. The structure is likely to improve over time as the herb layer and shrub layer go through secondary succession (ecological concept of species colonisation following removal of flora from a site). Many of the trees at the site are subject to large felling wedges within the stems (this was carried out sometime in 2009), many trees are structurally unsound due to this previous management; their retention is difficult to justify if mindful of permitting the development; however, as the site stands now with no public access, many of the trees could be left in situ with no issue. The development of housing will see a loss of this secondary woodland and all ground flora associated with it, albeit many of the trees may be retained, the function of the woodland ecosystem will be lost. If mindful to permit the development the TPO will have to be re-served from woodland order to a group/individual TPO. A woodland order protects the woodland unit; this includes all trees, shrubs, seedlings, etc. It protects the woodland system as a whole; this will no longer be valid at this site should the application be permitted.

- 21.91 A tree impact assessment has been provided by Andrew Day Consulting. The survey correctly identifies the best trees at the site and their suitability for retention (BS 5837 categorisation) when considering tree retention for development purposes.
- 21.92 The better specimens at the site are those found in the south eastern corner of the site (T1-T12), the eastern aspect (T14-T17) and the western aspect (G1). T12 is considered a veteran tree due to the number of veteran associations. If retention is desirable for continued wildlife interest, it is recognised that its life expectancy is limited due to the species of tree and its poor defence mechanisms against advancing decay; however, it should be retained and the development should look to enhance such trees with no further loss/deterioration to its condition as described in NPPF section 5. Generally, the trees listed above are suitably retained; some will require special construction techniques to ensure their retention, notably the use of no dig construction. The use of no dig construction within adopted highways needs to be approved by ECC highways; at present it is my understanding that its use is not approved for adopted highways and therefore further clarification of this will be required. If the use of no dig construction is not permitted then a different method needs to be provided in order to retain those trees where it is required. This should be provided before permitting development as it will have a significant impact upon the following trees: T10, T12, T29 and G1.
- 21.93 Originally recommended the following conditions be attached to the planning consent.

I would recommend the following by way of condition should the development be permitted:

-
- (1) The area to the north eastern aspect of the site be left as semi natural habitat, no mowing, tree planting or change in use.
 - (2) Further details of protection for those category C trees shown to be retained on the tree protection plan (hatched black with stem icons shown) is to be provided and approved by RDC – the details shall include the root protection areas, type of protection required and method statement for construction.
 - (3) No works or development shall take place until a full Arboricultural survey and report in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The report shall include the following:
 - (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 methodology to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of “No-Dig” construction.
 - (F) details of the methodology to be employed for the access and use of heavy, large, difficult to manoeuvre plant [including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc.] on site.
 - (G) details of the methodology to be employed for site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and photo toxicity
 - (H) 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.
 - (I) details of tree protection measures for the hard landscaping phase in accordance with section 5.6 of BS5837:2012.
 - (J) the timing of the various phases of the works or development in the context of the tree protection measures.

- (4) Unless otherwise approved in writing by the Local Planning Authority, no retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree's branches, stems or roots be pruned.
- (5) No works or development shall take place until a scheme of supervision for the arboricultural protection measures has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be appropriate to the scale and duration of the development hereby permitted and shall include details of:
 - A. an induction and personnel awareness of arboricultural matters;
 - B. identification of individual responsibilities and key personnel;
 - C. a statement of delegated powers;
 - D. timing and methods of site visiting and record keeping, including updates;
 - E. procedures for dealing with variations and incidents.

The development shall be implemented in accordance with the approved scheme.

- (6) No 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 British Standard 5837:2012 and with the supplied details as provided in the above conditions and within the supplied arboricultural report; And
 - B. All weather notices prohibiting accesses have been erected on the fencing demarcating a construction exclusion zone as detailed in BS5837:2012 section 6.

21.94 Further to the revisions made to the site layout which was subject of re-consultation in November 2017 the arboricultural officer has sought clarification as to how the amended layout affects those trees which were cited as originally to be retained together with the mitigation planting originally proposed. Bases on the amended Arboricultural Impact Assessment (AIA) submitted, together with associated plans (received 14 December 2017). The arboricultural officer notes the removal of a small number of additional trees which has been necessitated and driven by the recent changes to the scheme layout required by officers, including ECC Place Services. The trees in question are generally of limited quality but crucially, in addition to the retention of many important specimens, the proposal offers the opportunity for substantial new planting across the site. In this regard, the applicants would propose a 'two for one' replacement of the higher quality specimens. These matters could be assured through an appropriately worded planning condition. The wider benefits of the application scheme, including the provision of much needed new housing, must also carry significant weight in the 'planning balance'.

- 21.95 Concern has been expressed regarding the loss of Category B trees as a consequence of the amended scheme layout which will involve the felling of T3, T5, T6, T9, Y10, T14, whilst T4, T15, T16 will be subject to hard surfacing within its root protection area over the recommended 20%. Further hard surfacing to some unlisted trees on the western boundary is proposed whilst it is suspected that T4, T15 and T16 cannot be reasonably retained due to the amount of hard surfacing recommended and therefore will either fall in to decline quickly or require removal as part of the construction phase.
- 21.96 Part of G1 may be lost as no dig is not approved for adoptable highways and therefore the road will need to be to adoptable standards which will involve significant excavation.
- 21.97 If you feel that you can secure a planning condition which facilitates the planting of instant trees within a suitable location so as to offer continued tree amenity whilst requiring limited future maintenance, then this may work; although I suspect it probably won't happen. The landscaping phase has a tendency to change/get forgotten. Furthermore, the trees to be removed have (according to the surveyor's calculations) average DBH of 500cm (although I think some are larger) - stem girth of 160cm - using Alan Mitchell's rule are approximately 80 - 100 years of age; therefore fairly substantial trees will need to be planted to restore the amenity lost. The trees will need to be around 10-12m in height, spread of 4-5m, dbh of around 20-25cm with clear stem to about 3m, they should be grown as container specimens.
- 21.98 With design modification or the reduction of some units, some of the trees listed above could be retained, if the open space was in the south western aspect as opposed to the north western aspect, then most of the trees listed above could be retained.

Rochford District Council Housing Options Allocations and Enabling Officer

- 21.99 We fully support this development as it will help us meet a large housing need in the Rayleigh area of the District.

Rochford District Council Principal Street Scene Officer

- 21.100 There is a charge of £168.00 per household for bins which is required in advance of occupancy. Additionally please refer them to planning policy document page 90 Appendix 1 for waste collection requirements.

Essex County Council Economic Growth and Development (Education)

- 21.101 Advises in its consultation response that it has assessed this application on the basis of 49 houses and 34 flats discounting the proposed 19 x 1-bed flats. Indicates that development of this size can be expected to generate the need for up to 5.09 early years and childcare (EY&C) places, 16.95 Primary School places and 11.30 Secondary School places. Indicates that the site is located

in the Sweyne Park ward. According to Essex County Council's childcare sufficiency data published in the summer of 2016 there are 12 providers of early years and childcare in the area and of these 1 is a pre school provision and 11 are child minders. From a secondary school provision perspective the site is located within the Rayleigh forecast planning group which has an overall capacity of 2870 places. It is estimated that there will be a deficit of 334 places by 2020-2026. Developer contributions of £209,739 are stated to be required therefore index linked to April 2016.

21.102 Overall a total of 0 unfilled places were recorded for 2 year olds and 0 unfilled places were recorded for 3-4 year olds. Therefore there will be a shortfall of funded vacancies. For Essex to meet its statutory duties it must both facilitate sufficient places to meet free childcare entitlement demands and ensure a diverse range of provision for different needs to be met. Although some EY&C capacity exists in the vicinity, the data shows insufficient places to meet demands. It is clear that additional provision will be needed for a project to expand current provision and a Section 106 contribution is requested based on demand generated by this proposal. Developer contributions of £70,834 index linked to April 2016 are sought to mitigate the impact on local EY&C provision.

21.103 The proposal is within the priority admissions area of Glebe Primary School, which is part of the Rayleigh Primary Forecast Group set out in the Essex County Council's document 'Commissioning School Places in Essex'. The group has an overall capacity of 3044 places with a forecast of a surplus of 282 permanent places by the school year 2020-2026. No additional contribution is required.

21.104 No school transport provision is sought. However, it is indicated that the developer should ensure the safe walking and cycling routes to school are available.

21.105 Advice issued that if it was the recommendation of the Local Planning Authority to refuse the planning application – the lack of childcare and education provision in the area would constitute a valid reason to refuse the application.

Housing Allocations Leader

21.106 Supports the application, subject to the provision of 35% affordable housing provision within the development.

Essex & Suffolk Water:

21.107 Our records show that we do not have any apparatus located in the proposed development.

21.108 We have no objection to this development, subject to compliance with our requirements, consent is given to the development on the condition that a

water connection is made onto our company network for the new dwelling for revenue purposes.

Louis Drive Residents Association

21.109 Representation of objection received citing concern on the grounds of congestion on London Road and related highway safety issues.

Public Representations

21.110 17 individual representations of objection to the proposals have been received from members of the public, (5 of which have been issued following re-consultation in September 2017); all of which object to the proposals and which raise concern regarding the development and its perceived impacts. Representations have been received from the following household addresses:-

Cecil Way: 10 (two letters).

Claremont Crescent: 19, 31, Anon.

Durham Way: 5.

Gunn Close: 9, 10.

Grosvenor Road: 48, 65.

Haddon Close: 9.

Leonard Drive: 23.

Little Wheatley Chase: 15.

London Road: 173, 196, 201.

Louise Drive East: 11.

Ronald Drive: 2.

The concerns expressed are highlighted as follows:-

1. Concern regarding the impact of the development upon badgers with reference made to the consultation response The Badger Protection League issued in relation to planning reference 15/00593/FUL, which remains a valid objection on the basis that the badger sett located within the site remains inhabited and active.
2. Concern regarding the impact of the construction phase of the development upon traffic flows on London Road, in particular right hand turns across traffic flows in and out of the site adjacent to a busy BP filling station, and a commercial unit. Concern expressed regarding the

cumulative impact of vehicle flows connected with this development when considered in conjunction with the site traffic associated with the development site at Grange Villa and possibly the 'Countryside' 500 house development which has been approved in principle. Concern expressed that no meaningful overview of cumulative traffic impact has been undertaken by the statutory consultee (Essex County Council) as environmental air quality levels are already exceeded. Traffic congestion along London Road is unacceptable, being particularly problematic between 4.30 pm and 6.30 pm resulting in queuing around the roundabout at The Carpenters Arms. Concern indicating that rush hour lasts from 2.30 pm to 7-7.30 pm on week nights and queues to get up Crown Hill starting at Rayleigh Station most of the time on most days.

3. Concern that more housing will add to the existing problem. Concerns highlighted that more traffic entering London Road from this development added to other proposed developments in the area also entering London Road will result in complete stand still at peak times. This is currently the case now before the development starts.
4. Concern regarding flash flooding of the highway network in the vicinity with concern that further development on this site will give rise to a higher risk of localised flooding. Concern regarding flooding as the area was subject to severe flooding in August 2013 and July 2014. Reference is made to the Rayleigh West Flood Alleviation meeting which met on 19 October which suggests that there is a flooding concern.
5. Concern that the development constitutes over development as the area is already saturated with development.
6. Concern regarding noise and disturbance to residential properties arising out of the proposed development. With all the approved developments by the council in the area and the proposed demolition and erection of yet another large building (existing Care Home) of Timber Grove, the increase in noise pollution and air pollution that local residents will have to experience and be subjected to for the next few years should also be taken into consideration.
7. Concern expressed regarding the traffic congestion and safe and free flow of traffic along London as a consequence of cars tailing back out of the entrance onto the London Road which is opposite the junction of Little Wheatley Chase. In turn cars queuing to turn out of Little Wheatley Chase wanting to turn right to go to Rayleigh then block the London Road joining the already queuing traffic. With the very close proximity of the London Road/Little Wheatley Chase junction, a lack of any pedestrian crossing in close proximity will further increase risk to a pedestrian getting knocked down.

-
8. Concern regarding the lack of pedestrian crossing.
 9. Concerns expressed regarding air quality in the vicinity and the impact of further development and vehicle numbers on air quality.
 10. Concerns that Local services already at a premium, including Schools, Doctors, will not be able to accommodate cope with the addition to the population.
 11. Concern regarding the impact of the development upon the level of the water table in the vicinity when considered in conjunction with other developments in the vicinity. Concern that parking bays for Timber Grove, north and west of Gunn Close will causing a higher risk to localised flooding of adjacent gardens and properties.
 12. Concerns expressed regarding the proximity of the proposed site of the relocated care home to the end boundary of Gunn Close. Concerns regarding the aesthetic change of view as a result of development from Gunn Close and overlooking.
 13. Concerns expressed regarding the noise levels from the relocated care home.
 14. Concern regarding the removal of the majority of the trees and vegetation on the Timber Grove site with consequential impact upon wildlife and loss of species and loss of amenity to properties which adjoin the site.
 15. Concern expressed regarding the perceived loss of light as a consequence of the development.
 16. Concern expressed regarding creation of a footpath link between the development site and the established Kingsley Grange development which gives rise to security and amenity issues.
 17. Concern regarding that the new care home will be visually overbearing. Concern that the design is an inappropriate design for this location. Such a large building would be totally out of keeping with the neighbouring properties, which are mainly smaller houses.
 18. Concern that London Road does not currently provide a safe pathway in which pedestrians can safely access services such as schools with no safe crossing points. Even with the proposed increase in traffic there is no provision for this. The pathway is too narrow and extremely poorly maintained by the council highways department.
 19. Concerns expressed regarding poor design and layout of development.

20. Concern that there is lack of adequate infrastructure commensurate with the scale of development with consequential impact upon the quality of life.
21. Concern that neighbouring residential development which adjoins the boundary with the site has not been shown on the plans.
22. Concern that EU environmental air quality levels are already exceeded. Concern regarding impact of development in terms of noise and air pollution associated with the development and impacts upon public health. It is indicated that a recent survey has released figures stating that air quality management area (AQMA) is not being met within the area of Rayleigh due to the heavy amount of vehicular traffic (vehicle exhaust emissions).

22 MATERIAL PLANNING CONSIDERATIONS

Principle of Development

- 22.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a statutory responsibility on planning authorities to determine planning applications in accordance with the provisions of the development plan unless material planning considerations indicate otherwise.

The National Planning Policy Framework (NPPF)

- 22.2 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development which is defined to comprise economic, social and environmental dimensions. The planning system should:-
- (i) contribute to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places,
 - (ii) support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built environment accessible to local services, and
 - (iii) contribute to protecting and enhancing the natural, built and historic environment, including through the prudent use of resources, the minimising of waste and pollution, and moving to a low carbon economy.
- 22.3 The NPPF sets down a presumption in favour of sustainable development which is regarded as the 'golden thread' running through both plan-making and decision-taking. Proposals that accord with the development plan should be approved without delay. Where a development plan is absent, silent or where relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and

demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole or when specific policies in the Framework indicate that development should be restricted.

- 22.4 The NPPF lays down a series of core planning principles which should underpin the planning system. Planning should be genuinely plan-led, should proactively drive and support sustainable economic development to deliver homes and other needs, and should secure high quality design and amenity. Planning should also encourage the effective use of land by reusing land which has been previously developed provided that it is not of high environmental value. Patterns of growth should be actively managed to make the fullest use of public transport, walking and cycling.
- 22.5 The Allocations Plan (2014) forms part of the Development Plan for the Rochford District. The Allocations Plan superseded the proposals map that accompanied the 2006 Replacement Local Plan. In this instance given the nature and scale of the proposed development the provisions of The National Planning Policy Framework (March 2012) and Planning Practice Guidance have to be taken into account in the consideration and determination of this planning application.
- 22.6 The adopted Development Plan is the Rochford District Core Strategy adopted December 2011, the Allocations Plan adopted February 2014 and the Development Management Plan adopted December 2014.
- 22.7 The Allocations Plan was formally adopted following confirmation from the Planning Inspector conducting the examination that the Plan was sound and legally compliant. The Allocations Plan allocates specific sites and sets out detailed policies for a range of uses, including residential, employment, education and open spaces, and has been prepared in accordance with the general locations and policies set out in the adopted Rochford Core Strategy to accommodate the current housing and other development needs in the District.
- 22.8 A legal challenge to the adoption of the Allocations Plan was made to the High Court on 4 April 2014 under Section 113 of the Planning and Compulsory Purchase Act 2004 on grounds that the document was not within the appropriate powers and/or a procedural requirement had not been complied with. Several hearing sessions took place and the claim was dismissed by the High Court in a decision issued in December 2014. The Allocations Plan therefore proceeds as adopted. (Note: The site is now an allocated site further to the adoption of the Local Development Framework: Allocations Document in February 2014).
- 22.9 The application site is within the general location of 'North of London Road', Rayleigh' referred to in Policy H2 of the Core Strategy as one of the general locations in the District where land would be released from the Green Belt to meet a rolling up-to-date five year supply of deliverable sites for residential development up to 2021. This general location was identified in Policy H2 to

accommodate 550 dwellings between 2015 and 2021. The Allocations Plan which has subsequently been adopted identified a specific site within this general location known as SER1 and it is this wider site allocation of which the application site forms a part.

- 22.10 Policy SER1 sets out the policy requirements of development within this allocation which is expected to accommodate 550 dwellings in total, consistent with Policy H2 of the Core Strategy.
- 22.11 Following the adoption of the Allocations Plan the land designated as SER1 is no longer subject to the former Green Belt designation. The principle of the proposed residential development is therefore accepted, in accordance with Policy SER1.
- 22.12 Whilst Policy SER1 does not specifically mention the replacement of the existing care home there is no planning objection to the principle of a replacement care home with modern up to date supported living accommodation. The applicant has explained in the documentation supporting the application that the existing care home is in need of substantial repair.

Quantum of Residential Development

- 22.13 Policy SER1 does not divide up the site allocation and specify the number of dwellings to be provided in parts but simply identifies that the site allocation as a whole will accommodate no more than 550 dwellings unless it can be demonstrated that:
- 22.14 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 has been projected to be delivered within the location identified in the adopted Core Strategy.
- 22.15 Outline planning permission has been granted for development of up to 500 dwellings (planning reference 15/00362/OUT) as proposed by Countryside Properties on land to the north east of the application site. A further planning permission exists (planning reference 15/00736/FUL) for the development of 47 dwellings (comprising 21 Flats and 26 Houses) within the SER1 site allocation on land adjacent to Grange Villa fronting London Road, which when developed provides a shortfall of only 3 residential planning units when considered against the overall allocation provision. The proposed development of a further 83 dwellings at Timber Grove, therefore, would entail an overall provision of 630 residential planning units within the SER1 site allocation. In addition, the supported living accommodation to be provided would provide additional accommodation not factored into the overall figure outlined above.
- 22.16 The Planning Statement submitted in support of the planning application indicates that the NPPF seeks to boost significantly the supply of housing. LPAs should use their evidence base to ensure that the Local Plan meets the

full needs for market and affordable housing, and identify a supply of specific deliverable sites to provide 5 years worth of housing against their requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, LPAs should increase the buffer to 20%. LPAs should also identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15. Housing applications should be considered in the context of the presumption in favour of sustainable development, and relevant policies for the supply of housing should not be considered to be up-to-date if the LPA cannot demonstrate a five-year supply of deliverable sites. LPAs should seek to deliver a wide choice of high quality homes by planning for a mix of housing sizes, types and tenures, including affordable housing where needed, and create sustainable, inclusive and mixed communities. Policies for the provision of affordable housing should be sufficiently flexible to take account of changing market conditions over time. This is considered in further detail elsewhere in this report.

- 22.17 The NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should ensure that that developments function well, establish a strong sense of place, optimise the potential of the site, respond to local character while not preventing appropriate innovation, create safe and accessible environments, and are visually attractive as a result of good architecture and appropriate landscaping. Design policies should avoid unnecessary prescription of detail but should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access for new development in relation to the local area. LPAs should not impose architectural styles or tastes.
- 22.18 The NPPF states that the planning system should contribute to and enhance the natural and local environment. This will be achieved by, inter alia, protecting and enhancing valued landscapes, minimising impact on biodiversity, and remediating contaminated land. Planning policies and decisions should encourage effective use of land by re-using land that has been previously developed (brownfield) land provided that it is not of high environmental value.

The Statutory Development Plan

- 22.19 The statutory development plan for the area comprises the adopted Rochford Core Strategy, the Rochford Development Management Plan, and the Rochford Allocations Plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

The Rochford Core Strategy (RCS)

- 22.20 The RCS was adopted in December 2011. The strategy explains how the Council will deliver the spatial aspects of the vision set out in the Sustainable Community Strategy and the Council's Corporate Plan, as well as in national and (now revoked) regional policies. The following policies of the RCS, as summarised, are considered to be of relevance to the issues raised by this planning application:
- 22.21 Policy H1 states that the Council will prioritise the re-use of previously developed land;
- 22.22 Policy H2 states that the residential envelope of specified existing settlements will be extended to contribute to a five year supply of housing land in the period 2015 to 2021, including through the provision of 550 dwellings on land north of London Road, Rayleigh. Appendix H1 outlines the infrastructure that will be required for each residential area.
- 22.23 Policy H4 seeks at least 35% of dwellings on all developments of 15 or more, or on sites greater than 0.5 hectares, as affordable housing. This requirement may be relaxed where, for example, a developer is able to demonstrate that 35% provision will be economically unviable, rendering the site undeliverable.
- 22.24 Policy H5 specifies that a mix of dwelling types will be required in new developments. The Council's aim is for 80% of affordable housing to be social housing and 20% to be intermediate housing but this will be subject to constant review. Policy H6 requires new housing schemes to comply with Lifetime Homes Standards, and at least 3% of housing on schemes of 30 or more units to meet full wheelchair accessibility standards.
- 22.25 Policy CP1 states that the Council will promote good, high quality design which has regard to adopted Supplementary Planning Documents and emerging design guidance.
- 22.26 Policy ENV1 states that the Council will maintain, restore and enhance sites of international, national and local nature conservation importance.
- 22.27 Policy ENV4 requires all residential development over 10 units to incorporate SUDs unless this is shown not to be viable on a particular site.
- 22.28 Policy ENV8 requires developments of 5 units or more to secure at least 10% of their energy from decentralised and renewable or low carbon sources.
- 22.29 Policy ENV9 requires a minimum of Code Level 3 of the Code for Sustainable Homes in all new residential developments.
- 22.30 Policy ENV11 states that the presence of contamination will not be seen, in itself, as a reason to resist development. Applicants will be required to undertake appropriate investigation, remediation and mitigation measures to ensure the safe development of the site.

-
- 22.31 Policy CLT1 requires developers to enter into legal agreements to secure planning obligations, and the Council will apply standard charges to secure financial contributions towards off-site and strategic infrastructure.
- 22.32 Policy CLT4 states that the Council will take a positive approach towards proposals for the renovation or replacement of healthcare facilities that become outdated. Policy CLT6 states that existing community facilities will be safeguarded and new facilities will be promoted.
- 22.33 Policy CLT5 requires new public open space to accompany residential development having regard to current and projected need. Policy CLT7 requires new residential development to incorporate appropriate communal play space.
- 22.34 Policy T1 requires developments to be located and designed to reduce reliance on the private car whilst recognising that some impact on the highway network is inevitable. The Council will seek developer contributions to highway improvements where necessary.
- 22.35 Policy T3 requires new development to be well located to public transport or to be accessible by means other than the private car. Developer contributions to sustainable transport infrastructure may be sought.
- 22.36 Policy T5 requires the preparation of a Travel Plan for any residential development of 50 or more units.
- 22.37 Policy T6 requires that where developments generate a potential demand for travel, a contribution to improved cycle and pedestrian routes will be sought.
- 22.38 Policy T8 states that the Council will apply minimum parking standards.

The Rochford Development Management Plan (DMP)

- 22.39 The DMP was adopted in December 2014, and the following policies, as summarised, are considered to be of relevance to the issues raised by this planning application.
- 22.40 Policy DM1 lays down a series a series of detailed requirements relating to the design of new development. These include the need for schemes to promote sustainable transport, provide adequate landscaping and boundary treatment, provide sufficient car parking, be of an appropriate density, and respect residential amenity and townscape context.
- 22.41 Policy DM2 requires new residential development to make efficient use of land in a manner which is appropriate for the site's context. The density across a site should be a minimum of 30 dwellings per hectare.
- 22.42 Policy DM4 requires new dwellings to meet specified minimum habitable floor space standards, and should apply the principles of the Lifetime Homes Standard criteria.

- 22.43 Policy DM5 states that schemes should minimise the impact of light pollution on residential and commercial areas.
- 22.44 Policy DM25 states that development should conserve and enhance existing trees and woodlands, and should include appropriate mitigation measures where unavoidable loss or deterioration would result.
- 22.45 Policy DM27 states that proposals should not harm priority species or habitats.
- 22.46 Policy DM29 states that an air quality assessment will be required to accompany applications for major development.
- 22.47 Policy DM30 states that the parking standards contained within the 'Parking Standards Design and Good Practice' SPD will be applied to all new developments.
- 22.48 Policy DM31 states that all new major developments must include appropriate traffic management measures to facilitate the safe and efficient movement of people and goods by all modes whilst protecting and enhancing the quality of life within communities.

The Allocations DPD

- 22.49 The Allocations DPD was adopted in February 2014. The document identifies the northern section of the application site as part of Allocation SER1. Under Policy SER1, a 'Concept Statement' identifies a series of site-specific requirements and issues which the Council seeks to have addressed as part of any planning application for the overall site. These include the following.
- 22.50 Development at this site should provide 550 dwellings of which at least 192 should be provided as 'tenure blind' affordable units. The site will accommodate no more than 550 dwellings unless it can be demonstrated that the additional quantum is required to maintain a five year land supply, and the additional dwellings are required to compensate for a shortfall of dwellings that had been projected to be delivered within the location identified in RCS.
- 22.51 All dwellings should comply with Lifetime Homes Standards, and with the appropriate Code for Sustainable Homes. A minimum of 10% of energy should be generated by on-site renewable and low carbon sources unless this would be unviable.
- 22.52 A series of requirements are included with regard to the provision of a primary school, youth facilities, play space, green space including buffer land and green links, the retention of existing trees, and the potential for neighbourhood retail uses.
- 22.53 With regard to access, at least one access point should be provided on London Road and Rawreth Lane but there should no north-south through route between.

Supplementary Planning Documents

22.54 The Council adopted a series of Supplementary Planning Documents (SPD) in January 2007. SPD 2 (Housing Design) includes guidance on minimum garden areas including a minimum private zone garden area of 100 square metres for houses. Exceptions are allowed:-

- i. for single storey housing,
- ii. where dwellings are located adjacent to a substantial area of well landscaped and properly maintained open space,
- iii. for one and two-bedroom dwellings where a minimum of 50 square metres will be required, and
- iv. for three bed terraced dwellings where private gardens should have a minimum depth of 2.5 times the width of the house to a minimum private garden area of 50 square metres. For flats, a ground floor unit should have a minimum patio garden of 50 square metres. Useable communal garden space should be provided on the basis of a minimum area of 25 square metres per flat.

22.55 The LPA adopted the 'Parking Standards Design and Good Practice' SPD in December 2010. This incorporates the Essex County Council document entitled 'Parking Standards – Design and Good Practice' of September 2009. In addition to parking standards, the document provides guidance on the design, size and layout of parking spaces.

22.56 The design principles set out in the Essex Design Guide are a further material consideration.

PLANNING CONSIDERATIONS

22.57 Having regard to the above policy context, the main planning issues raised by the application are considered to relate to the following:-

- Land Use Principles and Residential Development Quantum
- Scale, Character and Appearance
- Housing Choice and Quality
- Highways, Access and Parking
- Local Environmental Impacts
- Sustainability and Infrastructure

Land Use Principles

- 22.58 The rear part of the application site forms part of Allocation SER1. This is a sustainable location for the provision of new residential development, adjacent to the existing built-up area. No part of the application site lies within the Green Belt, and the objection to the earlier planning applications for the site, on the ground that residential development constituted inappropriate development within the Green Belt, is now conclusively overcome. As a matter of land-use principle, the residential component of the application scheme, in the northern part of the site, is therefore compliant with Allocation SER1. The proposal would complement, and be entirely compatible with, the outline planning consent granted to Countryside Properties for the main part of the allocated site. The required connectivity with the Countryside land is explained below.
- 22.59 An element of the residential component of the application scheme would be provided on previously developed land which forms part of the curtilage of the existing care home, and therefore not within the defined boundary of Allocation SER1. This land forms part of the built-up area. Subject to the retention of the care use, this approach accords with RCS Policy H1 which prioritises the re-use of previously developed land.
- 22.60 The southern part of the application site was allocated for community use in the Council's previous Local Plan (2006) but this allocation was not carried forward into the Allocations DPD. It is also noted that planning consent 07/00664/FUL, for the construction of replacement care facilities and new independent residential accommodation, was granted on the basis that the mixed use scheme was not in conflict with the Local Plan allocation, as applicable at that time. The current application also retains community use in the form of the three proposed Supported Living units, the provision of which is fully supported by RCS Policies CLT4 and CLT6. The new accommodation would enable Fitzroy Support to continue and enhance the vital services it provides to vulnerable persons. This clear benefit of the application scheme represents an important material consideration which weighs strongly in favour of the proposed development. It should also be noted that the provision of 'enabling' residential development is central to the delivery of the Supported Living units through cross subsidy.
- 22.61 The use of the application site for the proposed Supported Living units and for the provision of new dwellings is therefore fully supportable, as a matter of land use principle, in the context of RCS Policies H1, H2, CLT4 and CLT6, and an allocated site within Policy SER1 of the Allocations Plan.

Residential Development Quantum

- 22.62 RCS Policy H2 identifies land north of London Road, Rayleigh as a location for the delivery of 550 new dwellings by 2021. The northern part of the application site is included within Allocations DPD Policy SER1, and it is therefore reasonable to presume that the LPA considers this land to be

suitable for residential development subject to site constraints. If, as a matter of principle, the land had been considered to be unsuitable for residential use, it would presumably have not been included within the defined boundary of SER1.

22.63 Condition 6 to the outline planning consent (15/00362/OUT) granted for the Countryside land specifies no more than 500 dwellings that would be provided on that part of the allocation, although Countryside's Planning Statement indicated that the site is capable of delivering between 430 and 500 new homes. The precise number of dwellings to be delivered will become known and confirmed only at reserved matters stage. It is acknowledged that the full planning application (15/00736/FUL) for the land adjacent to Grange Villa, which the Council has resolved to approve, would deliver 47 dwellings, if implemented.

22.64 By combining a delivery of between 430 and 500 dwellings on the Countryside land with 47 dwellings on the land adjacent to Grange Villa, a residual requirement for the application site of between 3 and 73 dwellings can be identified against the SER1 total allocation figure of 550 dwellings. The application scheme proposes 83 dwellings of which 13 units (plots 1 to 13) would be fully located outside site SER1, although it should be noted that a further 6 (plots 17 to 22) would straddle the boundary between SER1 and unallocated land to the south. The scheme would therefore contribute a maximum of 70 dwellings towards the SER1 allocation. If development on the Countryside land delivers at the lower end of its identified potential, the application scheme for Timber Grove would clearly provide the appropriate residual quantum. Furthermore, the application scheme, if approved, would provide these new dwellings in a timely fashion without the delay which inevitably arises from a reserved matters application. The applicants intend to proceed with the project without delay, in part due to Fitzroy's urgent need for replacement care facilities. The scheme therefore offers the opportunity for early delivery of part of the SER1 residential land allocation.

22.65 Policy SER1 states that no more than 550 dwellings should be provided unless:-

- (i) the additional dwellings are required to maintain a 5 year land supply; and
- (ii) 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.

Five Year Housing Land Supply

22.66 Turning first to the issue of a 5 year housing land supply, it should be noted that the RCS of 2011 pre-dates the publication of the NPPF in 2012. The latter requires LPAs to identify and update annually a supply of deliverable sites to provide five years' worth of housing against their housing

requirements with an additional buffer of 5%. Where Councils have a persistent record of under delivery of housing, this buffer should be increased to 20%.

- 22.67 The Council's latest Authority Monitoring Report (AMR) is dated August 2016, and the Council published a Housing Land Supply Position Statement in July 2016. With the exception of two years, the Council has otherwise not met its annual housing target since 2001/2. Since the adoption of the RCS, despite the Council effectively planning to meet its housing target, there has been a shortfall in the required delivery of housing in every year due to challenges experienced with the economic downturn and developers bringing sites forward through the planning application process. The Housing Land Supply Position Statement 2016 sets out the Council's expected housing delivery against the Council's housing target in the RCS, and unconstrained need identified in the South Essex Strategic Housing Market Assessment (2016 SHMA), including 5% and 20% buffers.
- 22.68 The Council's Housing Land Supply Position Statement recognises that the 2016 SHMA, which was accepted into the Council's evidence base in June 2016, concludes that the objectively assessed housing need for Rochford District equates to between 312 and 392 dwellings per year which is far in excess of the RCS annual target of 250 dwellings per year. This is, however, an unconstrained need in accordance with the PPG, and is untested through the plan-making process as reiterated in the Council's Position Statement. The Council has taken a 'scenario-based' approach to setting out potential supply against the Council's housing target and unconstrained need. In these circumstances where the relevant development plan policy is out-of-date, paragraph 14 of the NPPF states that planning permission should be granted unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole". When considering the balance of planning merits, considerable weight should therefore be attached to the housing supply benefits of the application scheme, particularly as this site is allocated as residential and community use within the 2014 Allocations Plan. It is also noted that the Council's pre-application advice on the Timber Grove scheme stated that although the authority's housing land supply position was 'reasonable', the proposed quantum of development would 'help the Council's land supply position'.
- 22.69 The applicant's Planning Statement submitted in support of the application cites those planning policies considered relevant to the determination of this planning application, and indicates that the residential component of the scheme in the northern part of the site is considered compliant with Allocations Plan Policy SER1. It is indicated that the development would be entirely compatible with the outline planning consent granted to Countryside Properties for the main part of the allocated SER1 site to the north of London Road (the 'Countryside' site). In principle, this is not disputed by the Council.

- 22.70 The Planning Statement indicates that the proposed use of the southern part of the application site for purposes of supported living is not in conflict with policy as the use will continue to be a community use in the form of supported living accommodation. Fundamentally the Planning Statement identifies that the precise number of dwellings to be provided as a consequence of approved planning permissions on the 'Countryside' site and land adjacent to Grange Villa cannot be precisely stated at this juncture. It is set out that by combining the delivery of between 430 and 500 new dwellings on the 'Countryside' site and 47 dwellings on land the adjacent to Grange Villa a residual requirement for the application site of between 3 and 73 dwellings can be identified against the Policy SER1 total allocation figure of 550 dwellings.
- 22.71 It is indicated within the Planning Statement that this scheme would contribute a maximum of 71 dwellings towards the Policy SER 1 allocation (as located within the SER1 boundary) whilst a remaining 12 would be located outside the Policy SER 1 boundary. Policy SER 1 indicates that no more than 550 dwellings should be provided unless the additional dwellings are required to maintain a 5 year land supply or alternatively required to compensate for a shortfall of dwellings that had been projected to be delivered within the location identified in the RCS.
- 22.72 The applicant's Planning Statement makes a case for the additional units on the basis of the lack of evidence that the Council is meeting its obligation of the delivery of a sustainable 5 year land supply for housing and refers to the guidance of paragraph 14 of the National Planning Policy Framework (NPPF) as a means of justification for the proposals in this instance in that the proposed quantum of development would help the Council's land supply position.
- 22.73 Furthermore it is asserted that the provision of 71 dwellings towards the total allocation of 550 units in as much as what can be anticipated from the outcome of schemes already granted planning permission would provide an appropriate quantum and deliver new housing promptly and in line with the urgent need for the replacement care home, which it would cross subsidise. It should also be noted that Rawreth Industrial Estate is allocated for 220 dwellings (Allocations Plan policy BFR4) and is located close to the application site. It has yet to be delivered, although it is expected to be delivered later on in the plan period. A such, in principle the Council does not dispute that this site could deliver a 'boost' to housing delivery to the west of Rayleigh in the short-term.
- 22.74 The case put forward in the applicant's Planning Statement in this instance in support of the planning application is that the additional number of dwellings are required to maintain a 5 year land supply. Caution needs to be applied however, when considering the Council's adopted housing target in the RCS, against the unconstrained need figure within the 2016 SHMA (and subsequent 2017 Addendum), as it remains untested through the plan-making process. The PPG is clear in this regard.

- 22.75 Given the consents which have been granted in respect of the 'Countryside' site and that on land adjacent to Grange Villa, there is a case that the Council's strategic objective of fulfilling its housing supply provision in this location is almost met, without the need for such development as that proposed in this instance. However, previous comments issued by the Local Planning Authority have indicated that, there would be no objection, in principle, to a proposal for a quantum of development on the site that would result in total provision in the Policy SER1 allocation over the 550 identified in the policy, providing that the number could be accommodated to a high standard of design and ensuring sufficient space on site to accommodate other requirements, including but not limited to the required open space, retention of trees and attenuation storage.
- 22.76 This initial, in principle, view has been expressed by the Council in relation to considering further proposals, on the basis that the additional number of dwellings across the whole site requires justification.
- 22.77 The applicant's Planning Statement indicates that since 2001/2 with the exception of two years the Council has otherwise failed to meet its annual housing targets and has a record of persistent under delivery of housing. It is set out in the Planning Statement that the 20% buffer principle should be applied as required by the NPPF. The key assertions of the Planning Statement in this respect is that the Council's objectively assessed housing need equates to between 312 and 392 dwellings per year (as identified in the 2016 SHMA), which is in excess of the RCS annual target of 250 dwellings per year. It is set out that in these circumstances where the relevant development plan policy is out of date, paragraph 14 of the NPPF states that planning permission should be granted unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole". The statement indicates that when considering the planning merits, considerable weight should therefore be attached to the housing supply benefits of the application scheme.
- 22.78 Furthermore the Planning Statement seeks to justify the projected delivery of housing within the allocated Policy SER1 site on the basis that there can be no certainty that the outline planning consent for the 'Countryside' site will deliver a precise maximum of 500 units and that there is also uncertainty over the timing of such delivery given and the protracted process of reserved matters approval, the size and constraints of the site and the likely phasing of development. The development proposed in this instance it is asserted would deliver new housing promptly, and in line with the urgent need for the replacement care home which it would cross subsidise.
- 22.79 On the applicant's argument in relation to the record of "persistent under delivery" and application of the 20% buffer, the meaning of "persistent under delivery" needs to be given consideration. The PPG states in Paragraph 035 (Reference ID: 3-035-20140306) that "assessment of a local [housing] delivery record is likely to be more robust if a longer term view is taken, since

this is likely to take account of the peaks and troughs of the housing market cycle". It also states that "the approach to identifying a record of persistent under delivery of housing involves questions of judgement for the decision maker in order to determine whether or not a particular degree of under delivery of housing triggers the requirement to bring forward an additional supply of housing". In addition, it emphasises that "the factors behind persistent under delivery may vary from place to place and, therefore, there can be no universally applicable test or definition of the term".

- 22.80 In *Cotswold District Council v Secretary of State for Communities and Local Government and Fay and Son and Hannick Homes and Development Limited* (2013) the judge recognised that local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land where there is a record of persistent under delivery as set out in paragraph 47 of the NPPF.
- 22.81 In addition the judge in this case stated that in the context of paragraph 47, the reference to "persistent" under delivery of housing is a reference to a state of affairs, under delivery of housing, which has continued over time. A decision maker would need to have regard to a reasonable period of time measured over years rather than looking at one particular point, to ensure that the situation is one of persistent under delivery rather than a temporary or short lived fluctuation. The precise period of time would be a matter of judgement of the decision maker. There has to be a 'record' of under delivery of housing. That points towards assessing previous performance. The need to establish a record of under delivery indicates there will need to be some measure of what the housing requirements were, and then a record of a failure to deliver that amount of housing persistently, i.e. a failure continuing over a relevant period of time.
- 22.82 Persistent under delivery is clearly a matter of judgement for the decision maker (i.e. the Council) taking into consideration relevant fluctuations in the market and other factors. The Council has been consistently and pro-actively planning to meet its housing targets and housing has been delivered against these housing targets. However due to factors outside the Council's control, including the economic downturn and issues with developers bringing sites forward through the planning system and subsequently delivering housing in a timely manner, this has not been at the expected rate. As the Council has been delivering against its target as far as possible under difficult economic conditions, the 20% buffer is not applicable. Furthermore the PPG is clear that the objectively assessed needs identified in assessments such as the 2016 SHMA (and 2017 Addendum) are unconstrained and need to be tested for deliverability through the plan-making process.
- 22.83 Nevertheless, it is recognised that the scheme would deliver housing in the short-term, which would assist in 'boosting' supply in accordance with the NPPF on an allocated site in the Council's Allocations Plan. It would also provide a proportion of affordable housing in line with policy requirements.

There can be no certainty that the outline planning consent for the 'Countryside' site would deliver a precise maximum of 500 units, and there is also uncertainty over the timing of such delivery given:

- (i) the potentially protracted process of reserved matters approval;
- (ii) the size and constraints of the site; and
- (iii) the likely phasing of development.

22.84 By contrast, the application proposal would – in theory – deliver new housing more quickly, and in line with the urgent need for the replacement care facilities which it would cross-subsidise. On this basis it is not considered that the proposed development conflicts with policy.

Density

22.85 This amended proposal is for a lower density than that proposed by the previously withdrawn planning application now being 26.86 dwellings per hectare as opposed to the earlier proposed 36.7 units per ha.

22.86 The Council has expressed previously the view that the extra quantum proposed over and above what the council requires (as there is no pressure to develop more intensely) could be accepted if the development were to achieve and deliver a high standard of design the same time as retaining as much tree cover as possible.

22.87 The proposed development would result in a residential density of approximately 26 dwellings per hectare (dph) which is below the overall density assumption of 30 dph for site SER1, and the authority-wide minimum density of 30 dph laid down by DMP Policy DM2. The proposal is for a lower density scheme than was proposed in the previously withdrawn application for the site. The number of proposed dwellings reflects the capacity of the site having regard to all relevant planning constraints including the need to meet standards relating to townscape character, mix, garden size, public open space provision, highway and parking layout, tree retention and landscaping, and environmental protection including ecological and flood constraints (see further below).

22.88 The application scheme would therefore provide a quantum of housing development which is supportable under RCS Policy H2 and Allocations Plan Policy SER1.

Scale, Character and Appearance

22.89 The visual merits of the application scheme, as revised, are assessed in the revised Design and Access Statement, and can be summarised as follows:

22.90 The layout, orientation and scale of the revised scheme are designed to respect its context on the edge of Rayleigh. The new buildings would be

stylistically linked and unified through an appropriate use of external materials and other design features but would also create character areas and reflect the need for a hierarchy of streets and spaces. The scheme would comprise 2 and 2½ storey development, with the flatted blocks and some dwellings featuring accommodation within the roof slope. This scale of development would be wholly consistent with the established pattern of older and more recent development in the vicinity of the site;

- 22.91 The revised scheme would provide street enclosure allied to longer views across and out of the site. The layout of buildings would allow for the incorporation of landscaping as an integral feature of the scheme. The layout would also allow for the future functional and visual integration of the scheme with the anticipated development of the Countryside land to the west;
- 22.92 The site boundaries would be treated so as to provide an edge condition which is appropriate for adjoining context. Extensive new and retained boundary and internal planting, including landscape buffers, are key features of the scheme; and
- 22.93 The proposed Supported Living units would appear as integrated features of the overall development, well related in terms of scale, appearance and location to adjacent residential buildings.
- 22.94 The revised approach to design, scale and landscaping is considered to accord with the principles of the Essex Design Guide, and has been the subject of discussion and agreement with the county's Place Services team. The revised proposal would provide well-designed new buildings of a scale, layout and appearance which will be appropriate for the site's context. In these respects, compliance is achieved with RCS Policy CP1, DMP Policy DM1, and Allocations DPD Policy SER1.

Housing Choice and Quality

Affordable Housing Statement

- 22.95 The applicants have been in detailed discussions with Sanctuary Housing with regard to the delivery of a policy compliant level of affordable housing at 35% of overall dwelling provision across the site. The affordable housing element would deliver a total of 29 units comprising 6 houses for shared ownership, 2 houses for affordable rent, and 21 flats for affordable rent. These units would be dispersed across the site, and would be well integrated into the overall development.

Residential Mix

- 22.96 In accordance with RCS Policy H5 and relevant national policy set out in the NPPF, the proposal would provide a wide range of unit sizes including a high proportion of family homes with 2, 3, 4 or 5 bedrooms. Smaller units are also proposed to offer housing choice, and to ensure the creation of a sustainable, inclusive and mixed residential community.

Size and layout

- 22.97 The layout of the proposed residential accommodation responds to the constraints and opportunities of the site. All proposed residential accommodation would experience satisfactory levels of daylight, sunlight, outlook and privacy, and would comply with national space standards. The location, layout and orientation of new buildings ensures that there would be no material impact on the living conditions of adjacent residents. The scheme would comply with RCS Policy H5 with regard to the provision of 3% wheelchair accessible units.
- 22.98 All houses would include external amenity/garden areas which meet or exceed the LPA's standards as set down in SPD2, and the areas of communal open space to serve the flats would similarly comply with the SPD2 standards.
- 22.99 The application scheme incorporates an area of public open space which, in addition to contributing beneficially to the visual character of the development, would provide shared external amenity and play facilities for residents. This provision meets a specific requirement for the site under Allocations DPD Policy SER1, and also accords with RCS Policy CLT5.
- 22.100 For the above reasons, the application scheme is considered to provide a choice of new residential accommodation of a high standard served by appropriate levels of private and communal open space including play space.
- 22.101 The proposed Supported Living units would provide purpose-built accommodation to meet contemporary needs for the care of people with learning difficulties. The size and layout of these units would meet relevant standards for this type of facility.

Highways, Access and Parking

- 22.102 The planning application is accompanied by a detailed Transport Assessment. The scheme has evolved to address issues raised in earlier pre-application discussions with ECC's Highway Department in relation to the internal road layout and applicable county standards.
- 22.103 The Transport Assessment indicates that the forecasted level of traffic associated with the proposed development would be likely to have an imperceptible impact on the local highway network. No highway safety issues which could be exacerbated by the proposed development have been identified in the vicinity of the site.
- 22.104 The proposed scheme would make use of an existing access which has been assessed to be satisfactory in terms of its size and location for the quantum and type of development proposed. Existing informal car parking along this access would be removed through the implementation of planning consent 16/01105/FUL for a new car park to serve the adjacent Rayleigh Sports and Social Club. The access to the existing care home would be

stopped up, and a new well-lit pedestrian route would be established in its place. The proposed access arrangements and site layout would allow for the provision of a potential circular route serving the southern section of site SER1, as indicatively envisaged under Allocations DPD Policy SER1, and as required by condition 37 of the outline planning consent (15/00362/OUT) for the Countryside land.

22.105 The proposal would incorporate car and cycle parking facilities in line with the LPA's adopted standards including those standards relating to the size of parking spaces. The proposal also incorporates appropriate arrangements for the servicing of the site including suitable facilities for the storage and collection of domestic and other waste.

22.106 The development would be accessible by a range of transport modes. The site is well linked to existing sustainable transport infrastructure, and a number of non-car options, including bus and rail services, would be available to future occupiers. The Travel Plan will include a series of measures aimed at encouraging and facilitating sustainable travel choices for future occupiers of the development.

22.107 The proposal therefore complies with all levels of transport policy, including RCS Policies T1, T3, T5 and T8, and DMP Policies DM30 and DM31, and is considered to be acceptable in traffic and transport terms.

Local Environmental Impacts

22.108 The application is accompanied by a series of specialist reports which assess the application scheme's impact on trees, heritage assets, air quality, noise levels, ecology, and flooding and drainage conditions. The key conclusions of these assessments are as follows:

22.109 The application indicates that the revised proposal would allow for the retention of various trees and other natural vegetation at and around the site, in accordance with DMP Policy DM25. Much of the existing tree cover is of low quality. New landscaping would provide boundary screening, and would also be an integral feature of the scheme's layout and character. Although the Council's Arboricultural and Ecology Officer was satisfied with the revised scheme presented in September 2017, further clarity is sought on the implications of the scheme as further revised on the tree retention and mitigation plans that were set out at that time.

22.110 Desktop investigations indicate that there is evidence of archaeological remains and other heritage assets from various eras from the Bronze Age to the early twentieth century within 2 kilometres of the application site. No direct evidence of remains within the application site itself have been identified but the context raises the possibility that such remains could exist, and this potential could be addressed through a planning condition. No significant impacts on heritage interests are considered likely to arise from the proposed development;

- 22.111 A qualitative assessment of the potential dust impacts during the construction of the proposed development has been undertaken in accordance with DMP Policy DM29. The release of dust would be effectively controlled and mitigated through good practice and appropriate mitigation measures. All dust impacts would be temporary and short-term in nature. Any change in air quality resulting from development traffic on local roads is predicted to be imperceptible, and therefore the impact of the scheme is considered to be negligible according to recognised assessment criteria;
- 22.112 Construction noise impacts would be mitigated by following best practice methods. Existing external noise levels meet the Council's standards, and internal noise level guidelines would be met during the night subject to suitable mitigation;
- 22.113 A preliminary ecological assessment has been undertaken to identify the main habitat types and the potential for protected and notable species. Subsequently, a number of specific surveys were undertaken to ascertain the presence or absence of species, and if present, to determine the likely importance of the application site for a given species or group. The application site is not the subject of any statutory or non-statutory ecological site designations, and it does not support any undesignated habitats of high conservation value.
- 22.114 Existing site habitats are small and man-made in character, and therefore of 'site-level' value only. Surveys have identified protected species including badgers, bats, common amphibians, reptiles and breeding birds. These are legally protected species that will require pre-commencement surveys and mitigation measures to be undertaken. A dedicated area to the north of the application site has been identified as an 'Ecological Mitigation Area' for use as a reptile and amphibian receptor. The proposed site layout and landscaping scheme will retain important trees and protect a badger sett, provide alternative habitats, and integrate the development into the surrounding landscape. No overriding ecological issues have been identified that would prevent development proceeding subject to appropriate protection and mitigation measures which could be secured through planning conditions. Compliance is therefore achieved with DMP Policy DM27.

Drainage issues

- 22.115 The application is accompanied by a site-specific Flood Risk Assessment, as required by Allocations DPD Policy SER1. The northern part of the application site falls within Flood Zones 2 and 3. As the site has been allocated for development, the Sequential Test is not required, as confirmed by the LPA. However, the Exception Test must be passed for development in Zone 3, and the FRA confirms that this can be successfully applied. The proposed development is categorised as 'more vulnerable', and is therefore appropriate for these flood zones. Following detailed hydraulic modelling of the Rawreth Brook, ground floor levels would be set at a minimum of 13.215 metres Above Ordnance Datum, allowing for 'upper end' estimate of climate

change. Implementation of the proposed surface water management plan would ensure that the development would not have an impact on flood risk elsewhere. Similarly, the proposed development would have no impact on flood risk elsewhere by virtue of the minor obstruction to flood flows and the reduction of floodplain storage. The residual flood risk can be managed by setting minimum floor levels and ensuring that the surface water drainage system is adequately maintained. The application indicates that the proposal complies with RCS Policy ENV4.

Sustainability and Infrastructure

- 22.116 Having regard to the above considerations, the application proposals can be seen to constitute sustainable development, as required by the NPPF, for the following reasons:
- 22.117 The proposed development would not involve the loss of land within the Green Belt. The application site is part allocated for residential development, and the remainder constitutes previously developed land, the re-use of which is sought by national and local planning policies. The currently undeveloped part of the site relates well to the adjacent established built-up area;
- 22.118 The proposals would assist in meeting local housing targets and needs, and would deliver replacement care facilities which provide a valued community service to vulnerable people. Both proposed use components would support local services in Rayleigh;
- 22.119 The proposed residential accommodation would be constructed to a high standard of amenity and sustainable design which would enhance the appearance of the locality, provide good quality new homes with associated private and public amenity space, and minimise energy consumption;
- 22.120 The proposed development would protect and enhance all applicable environmental interests including local ecology, heritage assets, trees and other landscape features, flood protection, drainage management, air quality and noise control.
- 22.121 The application site occupies a sustainable location which is well served by non-car modes. The proposed Travel Plan will encourage future occupiers to make sustainable transport choices.
- 22.122 The proposal would generate additional vehicle trips; the scheme would have no material impact on the local highway network. The environmental effects of the additional trips would be minimal other than those effects arising from the mode of travel.
- 22.123 It is anticipated that, where justified, the application scheme would deliver proportionate off-site contributions arising from Allocation Policy SER1 towards local infrastructure. These may include contributions relating to primary school provision, local highway and public transport improvements, pedestrian links, public park provision, and youth and community facilities.

The application scheme would make on-site provision for sustainable drainage and play space.

- 22.124 The proposal therefore responds effectively to the sustainable development objectives of the NPPF in terms of its social, economic and environmental impact and benefits.
- 22.125 The scale, design and layout of the proposed development would respect local context, and protect neighbouring amenity. The scheme would provide new residential accommodation of a high standard of internal and external amenity, and all applicable internal layout and private external amenity space standards would be fully met.
- 22.126 The application proposal complies with the County Council's parking and highway standards, and would include measures to encourage sustainable transport choices by future occupiers. There will be no adverse impact on local highway capacity or safety.

Design

- 22.127 The submitted planning statement refers to the provisions of the National Planning Policy Framework (NPPF) and the great importance placed on design of the built environment which is a fundamental aspect of sustainable development. Good design should contribute positively to making places better for people. Planning decisions should ensure that developments function well, establish a strong sense of place, optimise the potential of the site, respond to local character while not preventing appropriate innovation, create safe and accessible environments, and are visually attractive as a result of good architecture and appropriate landscaping. It is indicated also that the NPPF states that the planning system should contribute to and enhance the natural and local environment, which will be achieved by protecting and enhancing valued landscapes, minimising impact on biodiversity and remediating contaminated land.
- 22.128 The Council demands that a high standard of design and layout be achieved in order that new residential developments create high quality places to live as detailed in Policies CP1 and DM1. Good design is that which contributes positively to making places better for people and takes the opportunities available for improving the character and quality of an area and the way it functions. Places exhibiting good design should be visually attractive, safe, accessible, functional, inclusive, and have their own identity and maintain and improve local character. They should also be well integrated with neighbouring buildings and the local area more generally in terms of scale, density, layout and access and relate well to the surroundings.
- 22.129 The Planning Statement indicates that the layout, orientation and scale of the scheme are designed to respect the context on the edge of Rayleigh, with new buildings stylistically linked and unified through the appropriate use of external materials and other design features but would also create character

areas and reflect the need for a hierarchy of streets and spaces. It is indicated that the scheme would provide street enclosure allied to longer views across and out of the site with building layout allowing for the incorporation of landscaping as an integral feature of the scheme. It is indicated that the layout of the site would also allow for the future functional and visual integration of the scheme with the anticipated development of the Countryside land to the West.

- 22.130 It is indicated that the overall design is considered to accord with the principles of the Essex Design Guide, as the proposals would provide well designed new buildings of a scale, layout and appearance which will be appropriate for the site's context, thus complying with RCS policy CP1, DMP policy DM1, and Allocations DPD Policy SER1.
- 22.131 The planning submission indicates that the proposed development looks to provide its own architectural identity and variety whilst drawing on the positives from the immediate areas and the simple forms and materials of the more established and historic buildings dotted around the town.
- 22.132 Through the site there are varying street scenes with a mixture of 1- 5 bed properties. The mix has been prescribed to provide a broad selection of dwellings. This is intended to promote a varied residency which is to enrich the wider community.
- 22.133 The orientation and positions of the apartments are designed to bring openness to the site and to provide aesthetically pleasing views for the occupiers. Effort has been made to bring variation to the development and increase the level of place making.
- 22.134 The consultation response now received from Essex Place Services indicates significant improvement to the design of the development. However the following points are noted.
- 22.135 It is stated that a minimum of 100sqm is provided for all houses, with the exception of the terraces which afford 50sqm. Whilst this is a low level of amenity space provision for a family home, it is considered acceptable given that the gardens are of a regular and useable form'
- 22.136 'The DAS refers to 2 bin store collection points located on the side of the apartment blocks, however the Amenity and Parking Analysis Plan does not make it obvious as to how servicing and access by refuse vehicles will work for the apartment units'.
- 22.137 'The three proposed supported living units present a scale and over-sized footprint which is not necessarily in-keeping with the surrounding proposed development, however it is considered that given their location within a defined cul-de-sac area of their own and 1.5 storey height, their presence will not been seen as overly intrusive and will be less than the originally proposed

care home. Appropriate landscaping to the front and side elevations of these three units will be imperative to ensure a softening of their appearance’.

22.138 ‘There is very limited information available within the DAS and associated plans to denote the proposed materials within the public realm. This is a very important aspect when considering how the streetscape will appear and generally the level of quality of the public realm which forms the foreground to all dwellings. As this information is currently lacking, a full material specification will be required under condition’.

22.139 ‘It was discussed during the workshop that natural play should be integrated into the large area of POS at the northern edge of the development; however no information has been shown either in the DAS or masterplan as to the form this will take. The provision of play space will be required to be conditioned alongside the provision of a full landscape masterplan’.

22.140 ‘It is considered that additional detail could be provided to side elevations where it is not appropriate or necessary to add fenestration. This could include chimney breast detailing or patterned brickwork. Examples of where a chimney breast would add interest to the streetscape includes the side elevations to plots 7, 27 and 43. Windows to stairwell should be provided at ground and first floor onto side street facing elevation to plot 6. Fenestration should be added to the side of plot 8 facing onto the parking court area to provide passive surveillance. Ground floor fenestration should be provided to either (or both) plots 54/55 to provide passive surveillance onto the parking area and turning head area. Consideration could be given to providing an obscured window from first floor bathrooms onto the street facing elevation to units 27 and 43. The frontage to units 32-37 as proposed appears too bulky and lacks relief, which is further extenuated by the close proximity of the gable on elevations to each other. To alleviate this, the northernmost and southernmost gables should be relocated to ends of the terrace’

22.141 ‘The reduction height ridge to the side wings should be retained as shown which will allow for the slightly raised gable pitch, creating ‘bookends’ to the terrace. This item is imperative to the applications approval on design grounds. It is considered that it would be aesthetically more interesting to continue the proposed weatherboard finish around to the front of the building, addressing both gables. Additionally, as per the scheme overall, glazed balustrading should be replaced with a powder coated metal finished railing. Consideration should be given providing a ‘hit-and-miss’ brick pattern to the rear wall of the undercroft garages at units 46-47 and 48-49. This will allow for natural light to the undercroft area from the rear as well as providing a sense of visual openness to the streetscape. Slim-line windows should be provided adjacent to the front doors for units 46-47 and 48-49 to allow for more interest on the street scene and light penetration to the hallway. It is still no considered that unit 22 presents a feature building for the development, as the same style is repeated numerous times across the development. It is suggested that additional height could be added to this building by means of

dormers in the roof to give the building more presence (akin to units 50/51). It is recommended that the gable feature of units 8-9 is switched to the southern side of the building, presenting a mirror image of the adjacent unit 10-11. More variation needs to be applied to units 50-55. This could include different window styles, doors, entrances or the addition of chimney breasts. More generally, with the exception of the chalet units, all doors are shown to be of the same design and this is not encouraged. There are instances where it will be entirely necessary to provide brick walls to garden boundary walls, for example between units 20-27. Whilst closed-board fencing is appropriate for internal garden sub-divisions, brick walls (of a brick to match the housing) will be required where there is a substantial frontage onto the public realm. Patterned brick work will help to add interest to prolonged walls such as that mentioned between units 20-27'.

- 22.142 Generally, very little information has been provided relating to materials, detailing and to fixtures and fittings. We would seek to obtain a full material specification and appropriate samples as part of a condition on this application to ensure suitability.

Parking

- 22.143 Parking layout has been improved as part of this revised application, with improvements made to the apartment building parking courts and generally the rule of providing a maximum of four parking bays before a landscaped break. It is however still felt that there is a missed opportunity to provide well designed on-street parking in certain areas.

- 22.144 It appears from the masterplan that there may be issues accessing some on-plot parking spaces from the street. This is particularly prominent where car parking bays are accessed from corners in the highway (e.g. adjacent to plot 7) and therefore the functionality of all spaces should be ensured.

Landscaping

- 22.145 'There has been a number of landscape improvements to the revised scheme, particularly in regards to car parking arrangement and on-street greening. Whilst this is welcomed, it is required for a full landscape masterplan to be submitted for the site which outlines the landscape proposals and the anticipated maintenance regime. It will be important for this document to also include reference to where formal / informal play will be located within the site and the form it will take'.

- 22.146 'The issue of the application of on-street sustainable drainage such as integrated swales, rain-gardens or attenuation points has again not been addressed either within the DAS or the masterplan. This is considered an important element of any new development, particularly in areas with possible flood risk. Consideration should be given to how landscaped breaks between car parking runs could be utilised for rain water run-off and this will need to be

included as part of a comprehensive landscape masterplan for the site to be submitted under condition’.

- 22.147 ‘It will also be important to ensure that consideration has been given within the landscape masterplan for planting of trees to the car park area associated with the apartment blocks, particularly in areas that will allow for a softening of views from apartment block with units 79-85, as there is a risk that views from the front elevation will be predominantly onto a hard landscaped car park’.

Highways, Access and Parking

- 22.148 The Planning Statement indicates that the proposals have sought to take into account the issues raised by Essex County Council’s Highway Department in relation to the internal road layout and applicable county standards issued prior to the submission of this application. Issues previously indicated to be of concern to Essex County Council Highways Authority were as follows, which constituted grounds for a recommendation to refuse the previous planning application:

- Turning heads
- Carriageway and footway widths
- Junction design
- Pedestrian visibility splays
- Linkages to adjacent developments
- Care home servicing / turning
- Access arrangements to Rayleigh club
- Building over carriageway
- Parking in turning head
- Traffic calming features required
- Unusable parking space (e.g. plot 56)

- 22.149 The Transport Assessment indicates that the forecasted level of traffic associated with the proposed development would be likely to have an imperceptible impact on the local highway network, whilst it is stated that no highway safety issues which could be exacerbated by the proposed development have been identified in the vicinity of the site.

- 22.150 It is indicated that the proposed scheme would make use of an existing access which has been assessed to be satisfactory in terms of size and location for the quantum and type of the development proposed. The proposed access arrangements and site layout would allow for the provision of a potential circular route serving the southern section of the sit SER1, as indicatively envisaged under Allocations DPD Policy SER1 and as required by

condition 37 of the outline planning consent (15/00362/OUT) for the countryside land.

- 22.151 It is indicated that the proposal would incorporate car and cycle parking facilities in accordance with adoptable standards. It is indicated that the development would be accessible by a range of transport modes.
- 22.152 The site is well linked to existing transport infrastructure, and a number of non car options, including bus and rail services would be available for future occupiers.
- 22.153 The site will be served by a standard access onto London Road. The representations received from the public have been noted in particular the issues associated with congestion on London Road. The concerns raised highlight perceived access problems for vehicles emerging onto London from the site.
- 22.154 Essex Highways has indicated verbally that it has no objection to the proposed scheme.

Travel Plan

- 22.155 Travel Plans are an important element of the Governments Integrated Transport Strategy and are a means of managing the transport generated by a development or site, and implementing initiatives to reduce identified adverse effects of such transportation. Every development has potential implications for local transport systems to a lesser or greater degree. The way that these implications are managed is fundamental to the scale of transport effects associated with the development.
- 22.156 A Travel Plan is a package of measures and initiatives designed to reduce the reliance on the car, whilst at the same time supporting more sustainable forms of travel. These measures may take the form of 'soft measures' which are designed to encourage and positively influence good travel habits or 'hard measures' which act to reduce bad travel behaviour e.g. reduced on-site parking provision.
- 22.157 The Travel Plan sets out details of the initiatives and measures that will be implemented by the developer in order to mitigate and manage the transport impacts of the development. The content of this Travel Plan has been based upon national and local guidelines for the undertaking of such plans, and also with due reference to discussions held in consultation with Essex County Council (ECC).

Pedestrian Accessibility

- 22.158 The assessment has considered the accessibility of the site to local amenities and facilities by foot and the quality of the surrounding pedestrian environment. Pedestrian access would be gained via the proposed site

access off the A129 London Road, which will comprise an upgrade of the existing access currently serving the Rayleigh Town Sports and Social Club.

22.159 The proposed access is planned to measure 5.5 metres in width with 2 metre wide footways along both edges, offering connectivity to the surrounding pedestrian infrastructure.

22.160 The Manual for Streets (Department for Transport 2007), notes at Section 4.4.1 that 'walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes' (up to 800m) walking distance of residential areas'. However, it is also noted that this is not an upper limit and that 'walking offers the greatest potential to replace short car trips, particularly those under 2km'. A 2km radius from the application site covers a large residential catchment which incorporates the majority of Rayleigh.

22.161 This Travel Plan has been produced to encourage the use of alternative forms of travel to access the Timber Grove development site. It has been drafted in accordance with the wider objectives of Essex County Council as the Local Highway Authority. In order to satisfy the requirement for a robust Travel Plan, the development will provide a comprehensive package of measures of physical infrastructure and service related improvements, which compliment improvements to the local area. The primary aim of the Travel Plan is to provide and manage a series of initiatives to promote the use of non-car modes for regular journeys, thus seeking to minimise the traffic generation and unnecessary car usage of future residents of the new development. In addition, it is proposed that the measures will benefit existing residents and employees within the immediate and wider Rayleigh areas more generally by providing attractive non car travel alternatives that are not presently available. The Travel Plan will also act as a springboard to improving accessibility to the wider area.

22.162 Since the development site adjoins a number of well-established (and potential future) residential areas of Rayleigh, it is proposed that the Travel Plan measures can also positively influence the travel habits and behaviours of those people living and working in those areas, particularly in strengthening transport links with the Town Centre and bringing new travel opportunities for journeys between these areas by non-car modes.

22.163 As part of the plan, a Travel Plan Co-ordinator will be appointed to promote the Travel Plan to new residents, implement the Plans measures and provide the necessary reporting and liaison with the local authority. Regular monitoring and review will enable car-reduction targets to be set, and provide an information bank on the success of the scheme, identifying where further improvements can be made.

Transport Assessment

22.164 The report submitted with the application sets out detailed consideration of the proposed development in terms of its implications for highway and

transportation matters. The report provides a quantification of the existing traffic on the local highway network, the movement activity associated with the development proposals and as a result, the overall traffic impact.

22.165 It was confirmed that a Transport Assessment and Travel Plan would be required to support the planning application. With regards to the proposed masterplan layout, the following was advised. The information indicates that:

- The access junction onto London Road can remain as a standard priority junction (i.e. no requirement for a ghost right turn lane);
- Visibility splays of 2.4m by 90m will need to be provided.

22.166 The upgraded access road should be designed as a 'Type 3: Feeder Road', 5.5- 6.0m carriageway width with 2m x 2m footways and a design speed of 20mph; The internal road layout should be designed as a 'Type 6: Minor Access', with a combined (shared) pedestrian/vehicular surface of 5.8m. Turning heads should be 'Size 3'; and Car parking should be based on ECC Parking Standards, i.e. the larger 5.5m x 2.9m bays; any garages provided to be 7m x 3m. No disabled parking required, although some additional visitor parking to be provided.

22.167 The existing site access road is a single carriageway road with a footway flanking the western edge. This links with the footway which runs along the northern edge of the A129 London Road. Cars associated with users of the 'Pope John-Paul II' Hall are parked along the western side of the carriageway adjacent to the building.

22.168 The site access forms a simple priority junction with the A129 London Road.

22.169 The existing site access junction is situated between the Rayleigh Town Sports and Social Club access to the west and Gunn Close to the east. The Rayleigh Town Sports and Social Club access is approximately 50m to the west adjacent to a Petrol Filling Station (PFS) and runs parallel with the existing site access in a north-south alignment.

22.170 Following a thorough review of the data obtained, including a detailed examination of each incident on an individual basis, it has been concluded that no incident occurring within the identified study area between 1st March 2009 and 31st March 2016 may be attributed to a highway deficiency of any kind, and that all recorded incidents are attributable to driver error. As such, it is the conclusion of this report that no highway deficiency exists within relevant proximity of the application site entrance or surrounding highway infrastructure that may now or in the future pose a detrimental effect upon highway safety in the vicinity.

Local Environmental Impacts

Trees

- 22.171 The site is subject to an area Tree Preservation Order (TPO) and a woodland TPO. Most of the woodland structure has been lost with felling / removal of the shrub canopy and this has left a collection of Oak with occasional field maple, pear and ash within the woodland TPO and sycamore, poplar and oak within the area order TPO.
- 22.172 The site has been subject to an Arboricultural Impact Assessment in accordance with S5837:2012 (Trees and Development). An updated Arboricultural Impact Assessment has been undertaken and submitted 14th December 2017 taking into the account the revised site layout and its considered impacts on existing trees and opportunities for mitigation planting to ensure the continuity of tree cover where possible within the scheme as now proposed.
- 22.173 It is noted from previous correspondence with the Council's arboriculture advisor that many of the trees at the site are subject to large felling wedges within the stems which it is understood were carried out sometime in 2009 and many trees are structurally unsound due to this. Whilst the Council's arboriculture advisor comments that the retention of such trees would be difficult to justify if mindful of permitting the development they go on to state that as the site stands now with no public access many of the trees could be left in situ with no issue.
- 22.174 The topographical survey shows in excess of 100 trees on the site. The report does not indicate that all the trees on site have been subject of assessment therefore. However given the involvement of the council's Arboricultural Officer in informing the scope of the report, there is some indication that the assessment of the proposed development on trees subject of a blanket Tree Preservation Order (TPO) is adequate in that such assesses the amenity value of the trees and the implications of their loss and associated mitigation planting.
- 22.175 The updated Arboricultural Impact Assessment (AIA) submitted together with associated drawings were submitted on December 14th 2017 which reflects the revised proposals.
- 22.176 This amended AIA indicates that a large number of the specimens that remain have a limited safe useful life expectancy (SULE) due to their growth habit and biomechanical defects within their structure that make them more vulnerable to failure. Mutual suppression is also an issue, which means a lot of these trees will not mature into notable specimen's worthy of long term retention.
- 22.177 The design layout has sought to address fundamental design matters to retain as many trees as possible, whilst other trees of lower quality can also

be retained, but with the intention of establishing new trees of better and more diverse quality, and eventually moving the lower quality trees in order for the new trees to develop to become amenity assets in the new layout and landscape setting.

22.178 To implement this development the following tree surgery works will be required:

Trees to be Removed

G3 – Possible selected specimens retained on boundary.

G4, G5, G6, G7

G8 – Possible selected specimens retained as part of amenity space.

G9 – Possible selected specimens retained at the edge of the parking area.

G10, G11

G12 – Possible selected specimens to be retained toward edges and either side of new path.

G13 – Possible selected specimens retained towards edges of parking area and boundary.

G14 – Possible retention of specimens toward boundary.

G15, G16, G17, G18, G19

T3, T5, T6, T7, T9, T10, T13, T14, T21, T22

T23 – T26

T31 – T32

T34 – T35

T38 – T49

Trees to be Crown Reduced/Selectively Thinned Out

22.179 G2 – Selective thinning out of specimens and crown reductions will be required to facilitate the parking bays in this location. This can be discussed site with the tree officer when setting the site out.

22.180 The trees to be retained will be protected in accordance with the tree protection method statement provided.

22.181 Protective fencing will be installed to prevent access into the protected areas whilst the site is cleared and when future phases of development are carried out. The line of protective fencing will need to be adjusted in selected areas where hard surfacing is to be installed. When this is required it will be directed by the supervising arborist to ensure the trees are protected as far as is practically possible.

22.182 Within the RPA where hard surfacing is required as part of the development, this will be constructed using a 'no dig' surface construction method. This will prevent any roots being damaged by excavation work or soil compaction issues. Reference 01097 Timber Grove, London Road, Rayleigh, Essex REV3 page 15 of 48.

- 22.183 The design of the layout has carefully taken into account the constraints offered by the trees identified by the tree officer as those most worthy of retention, to ensure they are included within the scheme with the space required so as not to be impacted by construction works and to have space to continue to develop.
- 22.184 Other trees of lower quality have also been retained in the layout, with the long-term plan of providing new planting to establish in between those specimens of limited safe useful retention, so that when they require removal the new planting will have replicated them.
- 22.185 A replacement tree planting was previously approved by the tree officer; this will be expanded on to include the same species diversity and greater numbers for inclusion in the scheme where the new layout has provided space for this.
- 22.186 The trees to be retained have been carefully designed around and can be adequately protected from construction pressures, by implementing and adhering to the protection measures provided in the method statement in Appendix 3.
- 22.187 A landscape scheme has previously been presented which has been agreed by the Arboricultural Officer. Further tree planting will also be included in this revised scheme, in amenity spaces provided and within groups of trees that are to be retained, but where thinning would benefit development of some of the individuals in the group and allow space for the new planting to develop. This strategy will also ensure that the age diversity on site will be such that the trees will not reach an age, where at the same time, they will begin to decline or require surgery works to retain them. Again, creating a scheme that not only is designed around retaining the existing, better quality trees, but also including provision for the development of the site to include the existing and newly planted trees in such a way that they coexist with the buildings to create a harmonious and pleasant environment to live.
- 22.188 The revised layout has been designed to accommodate these better-quality trees and avoid conflict with them where possible. The layout will impact on a number of groups of trees, but it is likely that some of the specimens within the group will be able to be retained as well. However, their retention would only be limited due to their quality and condition and to allow time for new trees to be established prior to their removal. It is anticipated that a phased removal of these low-quality trees would take place over a 10-year period or longer depending on their condition and establishment of the new trees. Therefore, the character of the site will be retained within the landscape setting and the development itself. An 8m buffer strip will be retained along the northern and eastern boundaries, further screening the development within the wider landscape setting.
- 22.189 The protection of the trees in this case will have to be undertaken in two phases, the site clearance phase where the trees to be retained will be

suitably fenced off while the rest of the site is cleared. As previously mentioned, where groups of trees are to be removed, where it may be possible to retain certain specimens, these trees will be identified and also suitably protected. The tree officer will be involved in this process to demonstrate to the council and local residents that every effort is being taken to retain trees where practicably possible. Even if it results in these trees being retained for a short time in order to allow new planting to develop and reach a maturity to replicate them, the project arborist will liaise directly with the tree officer to ensure this is undertaken in accordance with good arboricultural practice.

22.190 Once clearance works have been completed, the protective fencing will be retained in place at all times. In certain areas the line of fencing will need to be slightly amended to facilitate the construction of hard surfacing, using the 'No Dig' technique. During such times the supervising arborist will be involved to provide ongoing advice as to how, where and when the alterations in the protective fencing will be achieved to ensure that the trees are protected as far as possible at all times. It will be important to have a retained arborist in place from the start of the development to advise on how the tree protection is installed, altered when required and how this is communicated with the rest of the team and the tree officer to prevent the trees from being damaged or conflict arising with the local authority.

22.191 In this case the layout design has moved the more intense construction zone activity away from the trees and the constraints they present, with only minor works taking place within the RPA that can be facilitated using specialised techniques to avoid conflict with the trees. The development impact of the development proposal in relation to the trees to be retained is considered to be moderate, with specific measures being able to be implemented to ensure that construction pressures do not adversely affect its health or longevity.

22.192 Protective fencing will be placed around the entire Root Protection Area (RPA) and if considered necessary by the supervising arborist when setting out the protection fencing with the site manager the canopy spread of the trees, which will be retained during the site clearance. Only arboricultural contractors will be allowed in this protective area to clear what is required to ensure that the trees to be retained are not damaged in the clearance process and any due diligence to wildlife restrictions are undertaken etc. Stumps will be ground out and not removed with a digger, so that the root system of trees to be retained are not damaged. Once the site is cleared and ready for ground works, the protective fencing re-aligned if need be to accommodate the implementation of the approved layout. This will be supervised and coordinated by the site manager and supervising arborist. Fencing will only be moved when the area surrounding the trees is being developed and not before, so as to retain the protection in a greater area for as long as possible.

22.193 The trees are the subject of a tree preservation order and therefore the permission of the council is required before any works to them take place, except for certain exemptions such as dangerous. I suggest that the local

authority is kept updated with any proposed tree works so as to form a good working relationship and to prevent misunderstandings or contravention of protection measures.

- 22.194 Policy SER1 acknowledges that part of the SER1 site allocation contains an area Tree Preservation Order towards the south-eastern corner and it is this part of the SER1 site allocation that forms the northern part of the application site. Although part of the SER1 allocation, this constraint to development was recognised through the site allocation process and the quantum of development sought on the site allocation as a whole is such that these areas of constraint need not accommodate development.
- 22.195 Given the overview provided by the NPPF with regards to the contribution of the planning system in enhancing the natural and local environment there appears to be direct conflict between the proposals and the underlying principles of national planning policy in this respect since the development will affect trees which are understood to be currently safeguarded via statutory Tree Preservation Order (TPO) protection.
- 22.196 Policy DM25 also seeks to conserve and enhance existing trees and woodlands and identifies that development which would adversely affect, directly or indirectly, existing trees and/or woodlands will only be permitted if it can be proven that the reasons for the development outweigh the need to retain the feature and that mitigating measures can be provided for, which would reinstate the nature conservation value of the features.
- 22.197 Where development would result in the unavoidable loss or deterioration of existing trees and/or woodlands then appropriate mitigation measures should be implemented to offset any detrimental impact through the replacement of equivalent value and/or areas as appropriate.
- 22.198 Coinciding with this principle and on the basis of the provisions of the NPPF in this respect, it is reasonable as a planning authority to consider what benefits can there be in planning policy terms in enabling development to proceed on part of a site which has statutory protection in force.
- 22.199 In view of the updated response received from the Council's Arboricultural adviser as contained within this report – on the basis of his considerations and mine as case officer giving regards to all material facts it is considered that the perceived benefit of providing housing over and above the prescribed allocation for the vicinity outweighs the requirement of planning policy to safeguard features of the natural environment which are subject of Tree Preservation Orders. A condition is attached to the recommendation which indicates the requirement that the development is undertaken in accordance with the details and requirements set out in the revised Arboricultural Impact Assessment AIA dated 14 December 2017.

Heritage Considerations

22.200 Baseline data has been gathered for a study area of land within 2km of the application site from county and national archaeological and asset databases, and on-line historic and current mapping and satellite imagery. A study area of land within 2km of the application site contains evidence for:-

- Bronze Age burial features to the northwest, to the east of Shotgate Farm;
- Mesolithic to Bronze Age flint tools, a possible Bronze Age burial and indications of Iron Age activity particularly to the southeast on the ridge in modern Rayleigh;
- Iron Age and Roman settlement and an early medieval cemetery north of Swayne Park;
- A recently-discovered Roman settlement close to but north-west of the application site which is not recorded in the HER dataset;
- Roman period sites with a similar though more extensive distribution;
- Two early medieval cemeteries;
- The late-Saxon and medieval town and castle of Rayleigh and a large number of isolated moated sites and farms on the lower ground of the study area;
- Limited post-medieval extension of Rayleigh until the 20th century with rural features in the wider study area; and
- World War II military features.

22.201 Indirect effects resulting from the development causing change within the setting of designated heritage assets are predicted to constitute no greater than very slight harm. No direct evidence was found within the sources consulted for the presence of archaeological remains within the application site, but the known context raises the possibility that such remains could exist. Any such remains are likely to have been adversely affected by existing buildings and planting, or by long-term ploughing. It is considered on the basis of the evidence in this report that they would be of greater than local significance. This view is subject to potential revision when the nature of the Roman settlement recently discovered to the north-west of the site can be taken into account.

22.202 The proposed development would form extensive ground disturbance within the application site but it is unlikely that it would result in the complete destruction of any archaeological sites present. Taking these factors into consideration, on the basis of the information considered in this study the effect of development is predicted to be no greater than slight harm and

permanent. The assessment of the significance of archaeological remains in the application site could require revision when the Roman site to the north-west has been considered.

22.203 Essex County Council recommended that archaeological impacts from the scheme as initially submitted could be addressed through a planning condition securing a programme of archaeological work. The physical impact of the current scheme on potential archaeological remains would be no different in general terms; it is therefore expected that a similar condition would be considered appropriate for the current proposals and sufficient to provide mitigation of any impacts on archaeological remains.

22.204 There is therefore no archaeological reason why planning permission should not be granted. The effect on the historic landscape is predicted to be neutral.

Ecology

Legislative Background

22.205 All native UK species of bat are listed on Annex II and IV of the EEC Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. This Directive is transposed into UK law through The Conservation of Habitats and Species Regulations Amendment 2012. All bats are also listed on Schedule 5 of Wildlife and Countryside Act 1981 (as amended) and are afforded further protection under Section 9 of this Act.

Section 41 Species of Principal Importance

22.206 The Natural Environment and Rural Communities (NERC) Act came into force on 1 Oct 2006. Section 41 (S41) of the Act requires the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England. The list has been drawn up in consultation with Natural England, as required by the Act. The S41 list is used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 40 of the Natural Environment and Rural Communities Act 2006, to have regard to the conservation of biodiversity in England, when carrying out their normal functions.

Summary

22.207 SLR Consulting Limited was retained by Pannell Developments Limited and Fitzroy Support to undertake an Ecological Impact Assessment (EclA) in respect of the proposed development of the Timber Grove Care Home Site and adjacent land to the north and north west (referred to as the Application Site).

22.208 A Preliminary Ecological Assessment (PEA) was initially undertaken in April 2014 which comprised of both a desk study and fieldwork. The PEA was updated in 2015 and 2016. The site based work mapped and described the

main habitat types and considered the potential for protected and notable species to occur.

- 22.209 Following the completion of the PEA a number of specific surveys were undertaken by experienced and appropriately licenced ecologists from SLR to ascertain the presence / absence of protected and notable species and, if present, to determine the likely importance of the Application Site for a given species/group. The surveys used recognised methods to ascertain the presence of/record the use made of the site by bats, badger, water vole, otter, hazel dormouse, reptiles, amphibians (including great crested newt) and breeding birds.
- 22.210 The desk study revealed that the Application Site is not the subject of any statutory or non-statutory ecological site designations (i.e. as SSSI, County Wildlife Site or Local Nature Reserve) or supports undesignated habitats of high conservation value (e.g. ancient woodland). The appraisal of site habitats has concluded that they are small in extent and anthropogenic (man-made) in character and therefore of ecological value at “site” level only.
- 22.211 The surveys have found that the site supports protected animal species including badger, bats, common amphibians, reptiles and breeding birds. Due to the legal protection afforded to these species a careful approach to development will be required guided by the preparation of a CEMP and other key documents such as a Reptile Mitigation Strategy and overseen and implemented by an Ecological Clerk of Works. More specifically, pre-commencement surveys and mitigation schemes in respect of protected species (bats, badger and reptiles) will be required, where necessary under licence, and the demolition of buildings and removal of vegetation timed appropriately to avoid impacts on nesting birds.
- 22.212 A dedicated area to the north of the Application Site has been identified as an Ecological Mitigation Area for use as a reptile and amphibian receptor which will need to be prepared well in advance of any translocation and managed appropriately over the long term. The site layout and landscaping scheme aims to retain the most important trees and protect a badger sett. The planting proposals have been designed to provide replacement planting so as to provide alternative habitats and to integrate the development into the surrounding landscape. The scheme provides the opportunity to erect bird and bat boxes on new buildings and retained trees.
- 22.213 The reports have concluded that there are no overriding reasons why the proposed development should not proceed subject to a number of recommendations suggested by the ecological specialists and to any other conditions which may be reasonably imposed by the planning authority to ensure the continued protection and enhancement of wildlife.
- 22.214 The repeat walkover undertaken in August 2016 has found that the main habitat baseline remains broadly the same. The area of glade continues to increase following the continued removal of young oak and hawthorn and

some mature trees, principally within TN 7/8 and 15. The cleared areas are re-vegetating to an extent and becoming colonised by vigorous bramble.

22.215 The repeat walkover survey recorded the continued presence of badger setts around the north-west boundary of the site. Here, the main sett (Sett 1) is spread out along the site boundary with clusters of holes (see Table 1). The general impression gained from the August 2016 visit is of much less activity here *per se* (no active holes) compared to 2014 (8 active holes) and 2015 (two active holes). However, the continued presence of this species in the site was recorded in the form of a latrine (dung pit) in the north-west corner. As such, it is possible that badgers could re-occupy the currently dis-used setts. Elsewhere within the site, mammal excavations, attributed to rabbits were recorded.

22.216 The repeat walkover survey has recorded the presence of small numbers of slow-worm in association with TN 14. The 2014 reptile survey recorded this species here and also in the main grassland area to the rear of the home. The removal of young oak and hawthorn trees has resulted in the creation of areas of open glade. The introduction of sunlight and presence of piles of wood-chip for egg-laying is expected over time to lead to a rise in numbers and colonisation of more of the site by slow worm, although it is noted that bramble is rapidly taking over these areas.

Indirect Effects on Ground Water and Surface Water

22.217 Indirect effects on groundwater are not predicted to occur. The stream forming the northern boundary would be offset by a corridor extending to 8m and there would be narrower buffers next to the ditches along the west and east of the Application Site (which hold water occasionally) as such indirect effects are not considered likely.

Noise and Visual Disturbance during Construction.

22.218 There will be an increase in the levels of noise and visual disturbance during the construction phase which have the potential to result in disturbance to the retained badger sett. If works were to take place during the bird nesting season (March to August) then nests in adjacent vegetation could experience disturbance.

Pollution

22.219 During the construction phase there is the potential that stored materials, stationary plant and vehicles could lead to an increased risk of accidental pollution events, which could have an effect upon retained habitats and species. There is however a very small risk of accidental pollution, e.g. fuel spill leakage from vehicles. Even if such incidents occur control measures are in place to ensure that they are dealt with quickly and effectively and that they are contained. If such a rare pollution incident were to happen, even if unmitigated, it is considered that it would be of a small scale, able to be

remedied quickly, and is unlikely to impact upon any sensitive ecological receptors.

Dust Deposition

22.220 The proposed development of the site is unlikely to result in the significant generation of dust and no sensitive ecological receptors have been identified in the immediate vicinity. The implementation of effective suppression techniques together with monitoring and other control methods should ensure that any impacts arising from dust deposition are avoided or minimised.

Potential Operational Impacts

22.221 Once residential development has been completed and residential housing and the care home are occupied the potential exists for the retained badger sett to be subject to disturbance by humans and dogs and for any areas set-aside for reptiles to be subject to disturbance by humans and for the animals to be predated by cats.

Summary of likely impacts

22.222 In the absence of mitigation the following impacts on valued ecological receptors are predicted to occur.

Statutory and Non Statutory Sites

Statutory Sites

22.223 The proposed development has not been predicted to lead to any direct habitat loss or indirect impacts on any statutorily designated nature conservation sites such as an SSSI, SAC or SPA.

Non Statutory Sites

22.224 The proposed development has not been predicted to lead to the direct or indirect impacts such as habitat loss in respect of any non-statutory wildlife sites.

Habitats

22.225 The habitats within the site fall into the category of being “undesigned” and have been evaluated by SLR, using recognized frameworks, as being of importance at a site-level only (see Table 4).

22.226 5.186 The development would result in the loss of habitats comprising of c. 2.6 ha of a mix of types which are secondary / anthropogenic in origin. As such the significance of effects, such as habitat loss, would be at a local level and would not involve habitats considered to be a high priority for conservation. In a local context the presence of this mix of habitats provides

diversity to an area generally dominated by residential housing and arable farmland.

22.227 The following section considers the likely significance of effects arising from the proposed development on the VER's listed Section 5.1.

Bats

22.228 The proposed development layout includes the retention of existing boundary vegetation (which includes the areas where the majority of activity has been observed), and the creation of replacement areas through a nature conservation-led landscaping of amenity areas. This resource is considered adequate to maintain the current levels of common pipistrelle foraging at the site; particularly as common pipistrelle is regarded as being one of the more adaptable bat species and is known to occur frequently in urban situations.

22.229 As such, no significant impacts to bat foraging habitats (i.e. that could reduce wider population fitness or conservation status) are predicted.

Badgers

22.230 The presence of sett 1 (TN 13) has been a central consideration in respect of the design of the proposed development and would be retained. However, the level and duration of indirect noise and visual disturbance if it is re-used during construction is likely to be of a magnitude and duration that disturbance is likely and this may result in the temporary abandonment of the sett. A Natural England disturbance licence may be required, Pannell Developments Limited and Fitzroy Support 44 SLR Project Reference No: 407.06531.00001 Timber Grove Village, Rayleigh – depending upon usage at the time, which would permit works which could result in disturbance only during the “open season” period July to November.

Reptiles

22.231 All terrestrial native reptiles are protected under the Wildlife and Countryside Act 1981 (as amended), making it an offence to intentionally kill or injure any British reptile listed in Schedule 5.

22.232 The most widespread reptile species comprising grass snake (*Natrix natrix*), adder (*Vipera berus*), slow worm (*Anguis fragilis*), and common lizard (*Zootoca vivipara*) are protected under Section 9 (Parts 1 and 5) against intentional killing and injury, and sale. The proposed development would lead to the loss of habitats for this group and in the absence of mitigation animals could also be killed or injured. The reptile assemblage and the individual populations which occur are deemed to be of parish-level ecological value.

22.233 In the absence of mitigation, an impact on populations of reptiles of ecological importance at a parish level and therefore of significance at this geographical level are predicted to occur. In addition, an offence under the

Wildlife and Countryside Act 1981 (as amended) is also likely to be committed.

Common Amphibians

22.234 The loss of the plastic pond and associated areas of terrestrial habitats would result in impacts on a small population of smooth newt and common frog. The small populations of common amphibian species which are present are not considered to be of conservation significance at more than a site level. Such impacts will not affect the wider conservation status of these species.

Breeding Birds

22.235 The demolition of buildings and removal of vegetation would temporarily reduce opportunities for breeding until such time as new structures are built and site landscaping and gardens mature.

22.236 The removal of vegetation or demolition of buildings during the breeding season (March to August inclusive) would be likely to result in the loss of active nests and/or disturbance to nearby nests; this would constitute an offence under the Wildlife and Countryside Act 1981 (as amended).

22.237 The following sections of this EclA considers the range of mitigation measures which are deemed to be required in order to avoid or reduce impacts on these ecological receptors. Following this an assessment of residual ecological effects is made.

Mitigation

22.238 The application recognises that mitigation is required. The following is indicated:

Ecological Supervision

22.239 Due to the presence of protected species, it is recommended that a Construction and Environmental Management Plan (CEMP) is prepared to guide and inform the demolition and construction phases. The implementation of the CEMP should be through an Ecological Clerk of Works (ECOW) who would oversee key stages in site development and provide tool box talks as appropriate to contractors.

22.240 General Mitigation Incorporation into Scheme Working practices would include procedures and safeguards to monitor and mitigate the risk of pollution, dust generation and to control the quality and quantities of surface water discharged from the site. As far as Statutory and Non Statutory Wildlife Sites no mitigation is deemed to be applicable.

22.241 Other Sensitive Ecological Receptors

Individual Trees

22.242 The layout of the proposed development has been informed by a tree survey in accordance with BS5837: 2012 (Trees and Development). Mature trees with the highest amenity value have been retained where possible and these will be subject to protection measures during construction as per an Arboricultural Method Statement (AMS). The landscaping scheme which will need to be submitted for approval as part of a planning condition will aim to provide new tree and shrub cover with native species being the main species component .

Protected Species**General**

22.243 In the event that development works do not proceed within two years of the baseline surveys (i.e. 2016) undertaken to inform this EclA then it would be necessary to undertake repeat surveys. Some of the species will require mitigation which involves considerable lead-in times and this should be anticipated. Of particular note would be the need to ensure that:-

- Any receptor areas are fully prepared and ecologically functional;
- Applications for a badger licence is accompanied by full supporting information which may involve the need for additional surveys; and
- Any pre-demolition/felling surveys of structures and/or trees for bats are undertaken in the appropriate time period and no more than six months in advance. It should be noted that considerable delays can be experienced if bats are present and EPS licences are required.

Bats (Roosts)

22.244 The demolition of the care home (including preparatory works) and removal of mature trees must be preceded by a repeat daytime inspection by a licensed bat worker in order to ensure that the baseline in respect of the potential for roosts to occur had not changed in the intervening period. This can occur due to deterioration of materials, storm events, disease or acts of vandalism.

22.245 If the baseline in respect of bat roosts was found to have changed and roosts are detected or significant new opportunities are evident then bat activity surveys would need to be undertaken followed, where necessary, by an application to Natural England for a European Protected Species Licence (EPSL), if roosts were affected. See Section 8 for proposed enhancement measures for bats in respect of the provision of roosting opportunities.

Bats (Foraging)

22.246 The layout of the proposed development has been designed to retain individual mature trees where possible.

22.247 The landscaping scheme for areas of public open space (0.56 acres) and the riparian corridor bordering the Rawreth Brook (see Drawing 2 and 3) will be tailored to wildlife enhancement and will include species known to support insects. Table 7 provides examples of species known to be beneficial to wildlife¹⁵ which would be incorporated.

Lighting

22.248 It is recommended that the design of the lighting scheme avoids direct illumination of site boundary vegetation, so as not to deter any bat species from foraging or commuting in these areas. Where luminaires are required in locations that light spill of the retained vegetation may occur, design measures such as reducing the column height and directional luminaires may be required and should be developed with input from an ecologist.

Badger (Setts)

22.249 The proposed development has been designed so as to retain the badger sett at a 13 and a 10m buffer established to protect any underground structures which may extend into the site. The sett would be fenced off to prevent access by humans and dogs. Due to the proximity of development works it is likely that this sett will experience disturbance when construction commences unless it there is a documented history of visits showing that the structure is not occupied.

22.250 Natural England may issue licenses for operations which would otherwise constitute an offence and this includes disturbance. It is therefore proposed that a licence would be applied for, which may also need to include the closure of sett 3 (a single outlier hole), depending on the level of use which this feature is subject to at the time. When works get close to the 10m buffer around the main sett they would need to be supervised to ensure that no tunnels/chambers were present outside of this area. It is important to note that operations which would result in disturbance to badgers are only permitted during the non-breeding “open” season (July to November inclusive).

22.251 Post construction monitoring of the relevant setts is likely to be a requirement of any licences which are granted.

Badger (Foraging)

22.252 Access to adjacent farmland would be maintained. In the event that the land to the west of the Application Site is developed the land here was proposed as open space and as such would provide protection and access to foraging areas for the badgers using this sett.

Reptiles

22.253 Due to the UK legislation which protects all species of reptile against killing and/or injury it would be necessary to prepare and implement a Reptile Mitigation Strategy (RMS) to ensure that animals were protected from harm

and were relocated to an appropriate area which could meet their long-term needs.

22.254 An adverse impact on reptile habitats (principally an area of an area of un-managed lawn 0.3 ha and associated glades and rides) has been predicted, which is not deemed to be of ecological significance at a population level. However, in the absence of mitigation, works to remove such habitats to facilitate development would constitute an offence, due to the potential for reptiles to be killed or injured. It will therefore be necessary to seek to mitigate potential impacts on this group in full, however, such measures would need to be commensurate with the relatively small-scale nature of the habitats which currently occur, the common status of the species involved and the relatively small populations sizes which have been recorded (as determined through refuge-based surveys).

22.255 The reptile mitigation which is proposed has the following aim:-

- To ensure that the killing /or injury of slow worm, common lizard and grass snake is avoided and that the populations of these species are retained and that their status is enhanced over the long term.

22.256 The main elements of the proposed Reptile Mitigation Strategy would include:-

Re-Survey

- A re-survey using artificial refuges and direct observation in the appropriate season (i.e. spring or autumn) prior to translocation. This would be required to ensure that mitigation was based on the most current information available on distribution and population size(s);
- To avoid delays it would be beneficial to repeat the refuge-based reptile survey in the autumn (September) of 2016 to establish the effect of tree removal on population size and to update the survey results.
- The scheme would be co-ordinated, managed and supervised by an appropriately qualified ecologist;
- It is proposed that the suitable habitats within the Application Site would be subject to a translocation exercise during suitable weather within the season when reptiles are most active (i.e. April to September); and
- Opportunities to link up with areas of public open space/ habitat creation proposed for the adjacent Rayleigh West development site, in the event that this development is implemented, should be explored to ensure that the receptor site is not isolated and to investigate options to increase the population sizes in the wider area through habitat creation.

Preparation

- Well in advance of the translocation exercise the proposed receptor site (see Drawing 3), which comprises of an area extending to 0.35ha would be protected as green space and subject to habitat management and enhancement measures to ensure that suitable habitat were present for reptiles and managed appropriately;
- The proposed receptor site would be barrier fenced to prevent the re-entry of reptiles into areas where development activities were being undertaken and would be enhanced to increase its carrying capacity. This would involve the creation of a new lined pond, log piles, areas of rough grass and light scrub, bare ground and egg-laying sites (compost/grass heaps); and
- Once suitable habitat conditions are established in the receptor site then animals would be introduced from the translocation site.

Implementation

- The above exercise would involve the erection of temporary reptile/amphibian fencing around and within the development site and the deployment of artificial refuges and habitat manipulation within the translocation area to maximise capture efforts as per best practice.
- The exact numbers of reptiles which will require translocation is unknown and can differ considerably (i.e. can greatly exceed) those recorded by surveys using artificial refuges. As such, a cut-off level has been applied (i.e. maximum of 100 animals including juveniles of any/all species).

Summary

22.257 Taking the above into account, it is considered that the avoidance of killing and injury will be achievable through a translocation exercise and that the establishment of a dedicated receptor area of equivalent size to the area being lost, enhanced to increase carrying capacity and appropriately managed, will ensure that populations of slow worm, common lizard and grass snake will persist within the site. Species such as slow worm can inhabit less intensively managed gardens and as such the possibility exists that reptiles would be able to re-colonise the main parts of the development site.

Amphibians

22.258 No specific mitigation is proposed; however, the removal of the pre-formed pond should occur during the period when breeding by amphibians is not taking place (i.e. September to January). This work should be supervised and any animals found should be re-located to the reptile receptor area pond (see below). The proposed enhancements to the reptile receptor area will include the creation of a lined pond which will provide alternative breeding sites for both smooth newt and frog.

- 22.259 No plant species from the pre-formed pond should be transferred to the newly created pond in the northern corridor as this could introduce water soldier, a plant species which is highly invasive.

Breeding Birds

- 22.260 The nests of wild birds, regardless of how common the species are, are protected under the Wildlife and Countryside Act 1981 (as amended) whilst they are occupied or being built.
- 22.261 All demolition of buildings and clearance of habitats that could provide nesting opportunities for wild birds would be undertaken outside the breeding season (March to August inclusive) to ensure that no active nests are lost or disturbed.
- 22.262 If the removal of vegetation during the nesting season is not possible then a prior check should be made by an experienced ecologist. If nests are recorded then works would need to cease until such time as nesting activity has ceased and any young have fledged.
- 22.263 The breeding bird survey has not recorded the likely presence of important species of nesting birds (i.e. Schedule 1 species).

Other Species

- 22.264 It is considered that no other mitigation measures for protected species are required, or that any other protected species would be impacted upon.
- 22.265 The patches of the Schedule 9 plant species variegated yellow archangel (*Lamium galeobdolon* subsp *argenteum*) should be removed and disposed of by landscaping contractors.

Enhancements

- 22.266 Nest boxes for birds would be installed in suitable locations¹⁶ on the new Timber Grove Care Home and retained trees. As the nesting resource is currently limited this would constitute an enhancement measure. The type of boxes would be tailored to provide nesting opportunities for bird species of conservation concern such as starling, house sparrow and hole nesting birds.
- 22.267 Bat Boxes: Roosting boxes for bats would be installed in suitable locations on the new Timber Grove Care Home and retained trees. Currently, roosting by bats within the site has not been recorded and as such these measures would constitute an enhancement. The type of boxes would be tailored to provide roosting opportunities for bat species known to occur and / or of conservation concern.
- 22.268 Bat boxes would be sited in a generally south facing location, at a height of at least 3m.

22.269 The bat boxes would be inspected annually for the first five years post installation.

22.270 Inspections would need to be undertaken by a Natural England licensed bat worker. A record would be made of the use of the boxes made by bats which would be prepared and presented in a final report to be submitted to the Local Planning Authority

Assessment of residual impacts

Habitats

22.271 The proposed development would replace areas of un-developed land comprising of the grounds of the care home, cleared land (formerly secondary woodland) and arable field with residential development.

22.272 The development layout seeks to avoid the loss of the most significant trees and the associated landscaping scheme would seek to reduce the effect of these losses and introduce a management regime designed to ensure the successful establishment of greenspace. The habitats and features involved have been assessed using recognized frameworks, as being of site level ecological value only. As such the residual impacts would be of significance at a local level. Opportunities to integrate areas of greenspace with adjacent development to the west should be taken if this is consented as this will result in greater overall functionality.

22.273 The proposed development would include the retention of a northern corridor adjacent to the Rawreth Brook and the development of an area of public open space (0.56 acres) which would be designed and managed for the benefit of wildlife and in-particular would form the core habitat area for reptiles.

Protected and Notable Species

22.274 The EclA has evaluated the Application Site as being of importance at up to a parish level for bats and reptiles and at a site level for amphibians, badger and breeding birds. It has been predicted that in the absence of mitigation residual impacts on these groups are likely to occur which for certain species could also result in offences being committed.

22.275 In recognition of the need to avoid or minimize such effects, mitigation measures have been proposed which include the timing of operations, provision of alternative areas to home translocated animals and the retention and replacement of vegetation known to benefit wildlife through the implementation of a landscaping scheme. In addition, nest/roost boxes for birds and bats are proposed which will provide replacement or new sites for these groups.

22.276 The preparation of a Construction and Environmental Management Plan and the employment of an Ecological Clerk of Works (ECoW) during the key

stages will ensure compliance with relevant legislation and delivery of ecological avoidance, mitigation and enhancement measures.

- 22.277 To conclude, through proper preparation, and careful management of development activities it is considered that significant residual effects on protected and notable species can be avoided.

Environmental Implications of Construction

- 22.278 The concerns raised by concerned parties with regards to potential/ perceived noise and disturbance and impacts upon residential amenity are noted. The Planning Statement indicates that a qualitative analysis of the potential dust impacts during the construction phase of the proposed development has been undertaken in accordance with DMP policy DM29. It is indicated that the release of dust would be effectively controlled and mitigated through good practice and appropriate mitigation measures. It is highlighted that all dust impacts will be a temporary short term issue whilst any change in air quality resulting from development traffic on local roads is predicted to be imperceptible. It is stated that the impact of the scheme is considered to be negligible according to the recognised assessment criteria. It is considered that the impacts of construction disturbance and amenity impacts can be controlled by planning condition in as much as is reasonable and practicable.

Flood Risk and Mitigation

- 22.279 The Environment Agency have previously advised that the site is currently shown to fall within flood zone 3a, the high probability flood zone and is classified as a 'more vulnerable' development as defined in Table 2: Flood Risk Vulnerability Classification Planning Practice Guidance, Flood Risk and Coastal Change,
- 22.280 No development should be provided within the current or future functional floodplain outlines (flood zone 3b), The functional floodplain is considered to be the area of land that would flood during the 5% annual probability flood (1 in 20 year), or greater, unless agreed otherwise with the council.
- 22.281 Ideally no development would be provided within flood zone 3a, making allowances for climate change. If development is exceptionally necessary in flood zone 3a, then the following will need to be demonstrated:
- The sequential approach should be applied to the site, which should result in the more vulnerable elements of the development (care home) to be located within the lower risk parts of the site.
 - Where development is considered necessary in flood zone 3a, the following applies:-
 - Ideally ground floor levels would be set above the flood level, including allowances for climate change - where it is not possible to provide ground floor levels above the flood level, non habitable accommodation

should be provided on the ground floor - Refuge should be provided above the 0.1% annual probability (1 in 1000 year) flood event, inclusive of climate change - Flood resilient and resistant construction techniques should be applied to the design of the buildings within the flood plain.

Flood Plain storage

- 22.282 Any loss of flood plain storage within flood zone 3a must be compensated for on a direct, level for level basis. It will need to be demonstrated, through modelling, that any changes to ground levels on site, or any buildings on site that would take up flood plain storage can be compensated for. Flood risk both on and off site must not be increased as a result of the sites development.

Environmental Permitting Regulations for Flood Risk Activities

- 22.283 A 9 metre clear buffer strip, measured from the top of the bank of Rawreth Brook should be maintained to allow for future maintenance and any intermittent project works to the watercourse. It is not clear from the site plan whether this buffer strip is allowed for between the car parking spaces and the bin/cycle store. This buffer strip should be grass and not shrubs/trees as we may look to use this buffer as access for large machinery in the future. Any future watercourse maintenance to this main river is not guaranteed and will take into account government funding and flood risk priorities. The information submitted in support of the planning application indicates that the site at its northerly aspect may be prone to flooding.

Surface Water Drainage Strategy

- 22.284 The Flood Risk Assessment refers to off site impacts of the proposed development and identifies the requirement of the National Planning Policy Framework (NPPF) which advises that new development must not increase the flood risk elsewhere. This can result in increased surface water run off and / or the obstruction of flood flows and reduction in floodplain storage. It is indicated that a surface water management plan has been developed with reference to Essex County Council's SuDS Design Guide and the SuDS Manual (C753) (CIRIA, 2015).
- 22.285 It is indicated that only the northern half of the northern most building that is located within the modelled 0.1% AEP flood extent. To assess the impact of the building on flood risk elsewhere, a post development 1D/2D model has been constructed and the flood depths compared to the pre development 1D/2D model within the study area. The impact of on the flood risk elsewhere has been evaluated for the 1% AEP flood event and the 1% AEP flood event when allowing for the 'upper end' estimate of the impact of climate (+ 65%).
- 22.286 The report concludes that there is no significant adverse impact on flood levels beyond the site boundary and that no specific measures are required to

mitigate the minor obstruction to flood flows or reduction in floodplain storage that will arise from the proposed development.

22.287 The lead Flood Authority (Essex County Council SuDS) are satisfied that the Surface Water Drainage Strategy submitted demonstrates that the development can provide a sustainable drainage system (SuDS) complying with green field water run off rates. This matter is addressed by a recommended condition.

Infrastructure Provision

22.288 Policy H2 and Policy SER1 prescribe the infrastructure requirements which must be delivered for development in the SER1 site allocation in order to ensure that the new residential development is comprehensively planned; these are as follows;

- New Primary School;
- Local highway capacity and infrastructure improvements;
- Public transport infrastructure improvements and service enhancements, including a link between Rawreth Lane and London Road;
- Link and enhancements to local pedestrian/cycling and bridleway network;
- Link to green grid greenway No. 13;
- Public park land to provide a buffer between the built environment and the A1245;
- Youth and community facilities;
- Play space; and

Sustainable Drainage System

22.289 Land for a new primary school has been set aside as part of the development for 500 dwellings on land within the SER1 allocation which lies to the west and north of the application site; the outline application for this development ref 15/00362/OUT received a resolution to grant consent from the Council in September 2015. ECC have however identified that a proportionate financial contribution towards primary education would be sought from the proposed development.

22.290 The proposal would deliver the following of the identified infrastructure requirements; It was recently accepted in relation to the planning application for 500 dwellings as mentioned above also within the SER1 site allocation that a link to green grid greenway no. 13 would not be required as Essex County Council has not progressed work on this and the position taken in respect of this application is the same. The 500 dwelling application had however

developed a proposal for the integration of a network of footpaths and cycle paths that would be created around the site which was considered sufficient and no further provisions are sought in respect of the green grid greenway.

- 22.291 Given the views expressed by the public within consultation responses there appears to be concern with regards to appropriately located and adequate crossing points on London Road in the vicinity of the site. This matter needs to be considered in terms of the physical infrastructure improvements relating to pedestrian movements which can be achieved via planning condition (if within the planning application site) or alternatively via a legal obligation.

Primary Health Care

- 22.292 NHS England has been consulted on the application and a response is awaited.

- 22.293 Policy DM2 requires that residential development must make efficient use of land in a manner that is compatible with the use, intensity, scale and character of the surrounding area, including potential impact on areas of nature conservation importance, and the size of the site. The policy goes on to stipulate that the density across a site should be a minimum of 30 dwellings per hectare, unless exceptional circumstances can be satisfactorily demonstrated.

Affordable Housing

- 22.294 The applicant is proposing that 35 per cent of the dwellings proposed are affordable. Whilst this would meet the Council's requirement in terms of quantum, Policy H4 also advises that the Council will aim for 80% of affordable housing to be social housing (rented) and 20% intermediate housing (part-buy). 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 have advised that the mix is considered acceptable as long as 80% is affordable rented and 20% shared ownership.
- 22.295 The planning application indicates that the affordable housing element will comprise a total of 29 units comprising 6 houses for shared ownership 2 houses for affordable rent and 21 Flats for affordable rent. These units would be dispersed across the site.
- 22.296 A view needs to be taken at this juncture as to whether the proposals as set out accord with the council's requirements in terms of the required split of 80% affordable rented and 20% shared ownership as part of any development scheme. The Councils housing officer is satisfied that this matter can be resolved via a Section 106 agreement.

National Space Standard

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

22.298 The Planning Statement recognises the provisions of the National minimum space standards for residential development as re-enforced by the council's Supplementary Planning Document SPD 2 (Housing Design), which will be met as will the parking provision on the basis of the 'Parking Standards Design and Good Practice SPD adopted December 2010 which in turn incorporates the Essex County Council document entitled 'Parking Standards – Design and Good Practice of September 2009.

Lifetime Homes/Wheelchair Adaptable Properties

22.299 Policy H6 of the Core Strategy requires all new dwellings to meet the Lifetime Homes Standard, which seeks to ensure that homes can be easily adapted to meet the changing needs of homeowners throughout their lifetimes. Although this policy is extant it has been superseded by Government advice which prohibits Local Authorities from requiring compliance with any technical housing standard other than in relation to the national space standard, accessibility, the optional requirements of the Building Regulations and in respect of energy. The Council cannot therefore insist that the Lifetime Homes Standard is achieved. Given that Policy H6 is extant and requires that 3 percent of dwellings on sites of more than 30 dwellings be built to full wheelchair accessibility standards, the Council can insist that the optional building regulation requirement in respect of wheelchair accessible properties is met for 3 percent of the dwelling unless such a proportion is demonstrated to threaten the viability of the development in which case a lower proportion may be considered. The application is indicative that this requirement will be met.

Code for Sustainable Homes

22.300 Whilst Policy ENV9 is still extant this policy has also, in part been superseded by Government changes as of 1 October 2015. As with the Lifetime Homes Standard, the Local Authority can no longer require that dwellings achieve a certain Code for Sustainable Homes Standard level. However, changes have not yet affected energy requirements and given extant Policy ENV9 the Council would require that all dwellings achieve the same energy performance as had been required of Code Level 4, as a minimum. A planning condition could address this requirement.

22.301 In respect of water efficiency, extant Policy ENV9 enables the Council to insist on compliance with the optional requirement in the Building Regulations

relating to water efficiency. Again, this requirement could be addressed by way of planning condition.

Renewable or Low-Carbon Energy

- 22.302 Policy ENV8 requires developments of 5 or more dwellings to secure at least 10 per cent of their energy from decentralised and renewable or low-carbon sources unless this is not feasible. The means by which this is to be achieved can be clarified prior to determination and an appropriate condition attached if considered necessary and expedient.

Air Quality

- 22.303 An Air Quality Assessment is submitted with the application. Policy ENV 5 of Rochford's Core Strategy indicates that new residential development will be restricted in air quality management areas in order to reduce public exposure to poor air quality. In areas where poor air quality threatens to undermine public health and quality of life, the council will seek to reduce the impact of poor air quality on receptors in that area and to address the cause of the poor air quality. Proposed development will be required to include measures to ensure it does not have an adverse impact on air quality. The same principles are reflected in policy DM29 of Rochford Council Local Development Framework Development Management Plan which was adopted 16 December 2004.
- 22.304 The concern raised within representations in this respect are noted. The submitted assessment considers construction dust impacts and traffic exhaust impacts and identifies the source of potential pollutants together with mitigation and site management. The report concludes that through good practice and implementation of appropriate mitigation measures, it is expected that the release of dust would be effectively controlled and mitigated, with resulting impacts considered to be 'not significant'. All dust impacts are considered to be temporary and short term in nature.
- 22.305 The change in air quality as a result of development traffic on local roads is predicted to result in a 'negligible' impact according to IAQM / EPUK assessment criteria. The report concludes that air quality does not represent a material constraint to the development proposals which conform to the saved policies of Rochford District Council and the National Planning Policy Framework.

23 POLICIES

Relevant Development Plan Policies and Proposals

- 23.1 Policies RTC3, RTC2, ED1, T8, T7, T6, T5, T3, T2, T1, CLT10, CLT8, CLT7, CLT6, CLT5, CLT4, CLT3, CLT2, CLT1, ENV11, ENV10, ENV9, ENV8, ENV5, ENV4, ENV3, ENV1, GB1, CP1, H6, H5, H4, H2 and H1 of the Rochford District Core Strategy 2011.

- 23.2 National Planning Policy Framework (NPPF)
- 23.3 Essex Design Guide (October 2006)
- 23.4 Parking Standards Design And Good Practice Supplementary Planning Document (Adopted December 2010).
- 23.5 Policies DM1, DM2, DM4, DM5, DM16, DM25, DM26, DM27, DM28, DM29, DM30 and DM31 of the Development Management Document (Adopted December 2014).
- 23.6 Allocations Plan (2014) Policy SER

24 CONCLUSIONS AND RECOMMENDATIONS

Principle of Development

- 24.1 It is considered on the basis of the case put forward in support of this planning application that there is justification for the provision of residential development on this site in that such would further the national policy objective of increasing the supply of housing in the short-term on part of an allocated site (SER1).
- 24.2 The case made is that the proposed development at Timber Grove would deliver new housing promptly and in line with the urgent need for the replacement of the care home which it would cross subsidise.
- 24.3 Considering the principles of the proposals against the provisions of the National Planning Policy Framework (NPPF) which in principle supports the provision of housing to meet recognised needs, given the current evidence base on housing delivery and the shortfall within the district against housing adopted targets, I consider that the principle of residential development on this site is acceptable.
- 24.4 Turning to the provisions of Statutory Development Plan for the area which comprises the adopted Rochford Core Strategy, the Rochford Development Management Plan and the Rochford Allocations Plan, it is evident that the Council will prioritise the re use of previously developed land, whilst the residential envelope of specified existing settlements will be extended to contribute to a five year supply of housing land in the period 2015 to 2021.
- 24.5 Although only part of the site constitutes previously developed land, which is that land occupied by the existing care home, given the location of the site and its spatial relationship with the existing built form of the settlement, the site is considered suitably located in terms of its physical association with land, which is allocated for housing (SER1 allocation). Notwithstanding other material planning considerations, it is considered that the site is well located in terms of its association with highway infrastructure and access to services and facilities.

- 24.6 Notwithstanding therefore site specific issues which are nonetheless material to the consideration and determination of the application, it is considered that the site location in principle is acceptable for housing.

Design

- 24.7 The design of any development has to take into account the provisions of planning and local policy including the provisions of the National Planning Policy Framework (NPPF), the Rochford Core Strategy (RCS) and the Rochford Development Plan (DMP).
- 24.8 Policy CP1 of the Rochford Core Strategy, indicates that the council will promote good, high quality design which has regard to adopted Supplementary Planning Documents and emerging Design Guidance, whilst a number of policies contained within the Rochford Development Plan (DMP) promote good design including appropriate density, minimum habitable floor spaces, sustainable transport, adequate landscaping and boundary treatments, sufficient car parking, whilst residential amenity should be respected. Policy DM 25 states that development should conserve and enhance existing trees and woodlands, and should include appropriate mitigation measures where unavoidable loss or deterioration would result. .
- 24.9 Despite the scheme proposing a development density below 30 dwellings per hectare, the development is seeking to utilise land which is the subject of Tree Preservation Orders. Given this environmental constraint and the prominence within national and local policy to safeguarding the natural environment as referred to by the NPPF the impact of the development on existing trees needs to be viewed in the light of further advice from the Council's arboricultural officer and in the light of appropriate conditions should there be no fundamental objection to the scheme as now revised.

Impact upon Neighbouring Amenity

- 24.10 Although there is no indication that the development would demonstrably affect the conditions that residents in the neighbouring dwellings beyond the sites boundaries would reasonably expect to enjoy on a daily basis, the concerns raised by residents in this sense are noted. It is considered that the location, orientation and scale of the supported living units are as such that it cannot be concluded that its use would have an overbearing influence or impact upon those properties which share a common boundary with the application site. This is also considered to be the case as far as the remaining part of the substantive residential development is concerned.

Surface Water Drainage

- 24.11 The application needs to demonstrate that surface water run off is mitigated to an acceptable level, which is not entirely clear at present. Providing that this issue can be technically demonstrated, this matter could be conditioned.

25 RECOMMENDATION**25.1 It is proposed that the Committee RESOLVES**

That, subject to clarity on and the acceptance of the surface water drainage strategy and mitigation and impact of the revised particulars on group protected trees, conditional consent be approved in respect of the development, subject to the applicant entering into a Section 106 Agreement in respect of the following heads of terms:-

- (A) The delivery of a 35% affordable housing contribution.
- (B) Developer contributions towards secondary school provision where it is estimated that there will be a deficit of 334 places by 2020-2026. Developer contributions of £209.739 are therefore stated to be required index linked to April 2016.
- (C) Developer contributions towards education for 3-4 year olds. Developer contributions of £70.834 index linked to April 2016 is sought to mitigate the impact on local EY&C provision.

And subject to the following conditions:-

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The development shall be undertaken in strict accordance with the Revised Plans received November 2017, • 263/17/PL10.00 Plots 1-2, 5-6 and 28-31 Plans and Elevations • 263/17/PL20.00 Plots 3-4, 8-11, 17-18 and 25-26 Plans and Elevations • 263/17/PL30.00 Plots 7 and 12-13 Plans and Elevations • 263/17/PL30.01 Plot 19 Plans and Elevations • 263/17/PL40.00 Plots 14-16 Plans and Elevations • 263/17/PL50.00 Plots 21 and 21-42 Plans and Elevations • 263/17/PL60.00 Plots 22 and 52-54 Plans and Elevations • 263/17/PL60.01 Plot 20 Plans and Elevations • 263/17/PL70.00 Plots 23-24 and 39-40 Plans and Elevations • 263/17/PL80.00 Plots Plans and Elevations • 263/17/PL90.00 Plots 32-37 Plans and Elevations • 263/17/PL90.01 Plots 32-37 Roof Plan • 263/17/PL90.02 Plots 32-37 Elevations • 263/17/PL100.00 Plots 38 Plans and Elevations • 263/17/PL110.00 Plots 44-45 Plans • 263/17/PL110.01 Plots 44-45 Elevations • 263/17/PL120.00 Plots 46-47 Plans and Elevations • 263/17/PL130.00 Plots 48-49 Plans and Elevations • 263/17/PL140.00 Plots 50-51 and 55 Plans and Elevations • 263/17/PL150.00 Plots 56-63 Plans • 263/17/PL150.03 Plots 56-63 and 71-79 Elevations •

263/17/PL150.04 Plots 64-71 and 80-85 Elevations • • 263/16/PL1001 Location Plan • and additional plans received 15th December 2017, Drawing Numbers, 263/17/PL1000, Site Analysis Plan, Parking, Housing and Amenity), 263/17/PL1002 Site Plan, 263/16/PL150.04 Proposed Plots 64-71 and 80-86 Elevations), 263/16/PL150.02 Proposed Plots 80-86 Plans, 263/16/PL150.01 Proposed Plots 64-71 and 72-79 Plans).

REASON: For the avoidance of doubt and to ensure that the development is completed out in accordance with the details considered as part of the planning application.

- (3) No development shall commence before a detailed specification of all external materials to be used within the development as detailed for all house types (including windows and doors, roofing materials, guttering /rain water goods) have been submitted to and approved in writing by the Local Planning Authority.

REASON: To enable the Local Planning Authority to retain adequate control over the appearance of the building, in the interests of amenity.

- (4) The development shall be undertaken in strict accordance with the agreed details subject of condition 3.

REASON: To enable the Local Planning Authority to retain adequate control over the appearance of the building, in the interests of amenity.

- (5) No development shall commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and agreed in writing by the Local Planning Authority. This Plan shall include details of all ecological avoidance, mitigation and enhancement measures to be undertaken prior to commencement of the development and during the progress of development and ecological enhancements to be achieved as part of the development. This plan shall include details as such relate to safeguarding the badger set identified, and how works potentially affecting bat species, mammals, amphibians and reptiles will be assessed within the intervening period between the grant of planning permission and commencement of development. The details shall also include details of any necessary mitigation.

REASON: To safeguard biodiversity in accordance with Policies Dm25 and DM27 of the Development Management Plan (Adopted 2014)

- (6) The development shall be undertaken in strict accordance with the details of condition 5.

REASON: To safeguard biodiversity in accordance with Policies DM25 and DM27 of the Development Management Plan (Adopted 2014)

- (7) No development shall commence until details of a lighting scheme has been submitted to and approved in writing by the Local Planning Authority.

REASON: To safeguard biodiversity in accordance with Policies DM25 and DM27 of the Development Management Plan (Adopted 2014)

- (8) The development shall be undertaken in strict accordance with the details of the agreed lighting scheme. Any variation shall be first agreed in writing by the Local Planning Authority prior to implementation.

REASON: To safeguard biodiversity in accordance with Policies Dm25 and DM27 of the Development Management Plan (Adopted 2014)

- (9) Prior to the demolition of the existing care home or the removal of mature trees a repeat daytime inspection shall be undertaken of the care home and all mature trees on site by a licensed bat worker. Any mitigation shall be carried out in accordance with the advice provided. This inspection shall not be undertaken no more than 6 months in advance of demolition or removal of trees.

REASON: To ensure that the baseline in respect of the potential for bats to be present / roosts to occur had not changed in the intervening period and to safeguard biodiversity in accordance with Policies DM25 and DM27 of the Development Management Plan (Adopted 2014).

- (10) Notwithstanding the submitted plans details of the hard landscaping materials to be incorporated into the development including all public realm hard surfaces, fences and / or walls shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure a satisfactory development in compliance with Policy DM1 of the Development Management Plan

- (11) The Development shall be undertaken in accordance with the approved details and shall be fully complete prior to the occupation of any residential unit that hard surface serves including vehicular accesses and pedestrian footways.

REASON: To provide certainty regarding the completion of the works and to ensure a satisfactory development in compliance with Policy DM1 of the Development Management Plan.

- (12) No development shall commence until details of all soft landscaping works associated with the development in the form of a detailed planting specification has been submitted to and approved in writing by the Local Planning Authority. These details shall indicate details of species type including their height at the time of plating together with

details of treatment or replacement of any trees, shrubs or plants which become diseased or die within the first 3 years of planting. These details shall also include details of ongoing management over a time period of 10 years from the date of completion of the development.

REASON: To ensure a satisfactory development and environmental enhancements in compliance with Policies DM1 and DM25 and DM27 of the Development Management Plan (Adopted 2014).

- (13) The scheme in its entirety shall be undertaken with the agreed details subject of condition 12.

REASON: To ensure a satisfactory development and environmental enhancements in compliance with Policies DM1 and DM25 and DM27 of the Development Management Plan (Adopted 2014).

- (14) All planting works as agreed in writing by the Local Planning Authority shall be undertaken within the first planting season following the occupation of the respective units approved.

REASON: To ensure a satisfactory development and environmental enhancements in compliance with Policies DM1 and DM25 and DM27 of the Development Management Plan (Adopted 2014).

- (15) Prior to the first use of the access in connection with the residential use the alternative access point shall be stopped up so as to be incapable of being used by motor vehicles.

REASON: In the interest of highway safety in compliance with policy DM31 of the Development Management Plan (Adopted 2014).

- (16) Prior to first occupation of the proposed dwellings the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. One pack per dwelling.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

- (17) No surface water drainage from the site at any time during the construction phase or at any time thereafter on completion of the development shall be allowed to discharge onto the county highway.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- (18) Prior to commencement of development hereby permitted, details of the proposed surface material for the driveways to each property shall

be submitted and agreed in writing by the Local Planning Authority. The details shall be for a porous or permeable surface material unless it is demonstrated that this would not be appropriate at the site in which case means of preventing surface water flow onto the highway from the driveway shall be proposed. Once agreed, the driveways shall be constructed in accordance with the agreed details.

REASON: In the interests of sustainable surface water drainage at the site.

- (19) No works to hedges or trees on site required in connection with the development hereby approved shall take place within the bird nesting season (February - August inclusive) to guard against harm to any nesting birds, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of protecting nesting birds and to accord with emerging Policy DM27 which seeks to guard against harm to protected species.

- (20) Prior to commencement of development hereby approved, details to demonstrate compliance of the dwellings against the Lifetime Homes and Code for Sustainable Homes Level 4 standards shall be submitted to and agreed in writing by the Local Planning Authority. The dwellings shall then be built in accordance with the details as agreed.

REASON: To accord with the requirements of policies H6 and ENV9 of the Core Strategy.

- (21) The development in its entirety shall be undertaken in accordance with the details and safeguards highlighted in the revised Arboricultural Impact Assessment (AIA) received 14 December 2017.

REASON: To safeguard trees and woodland in compliance with policies DM25 of the Development Management Plan (Adopted 2014).

- (22) No works or development shall take place until a full Arboricultural survey and report in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The report shall include the following:

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 methodology to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of “No-Dig” construction.

F - details of the methodology to be employed for the access and use of heavy, large, difficult to manoeuvre plant [including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc.] on site.

G - details of the methodology to be employed for site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phototoxicity

H - 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.

J - details of tree protection measures for the hard landscaping phase in accordance with section 5.6 of BS5837:2012.

K - the timing of the various phases of the works or development in the context of the tree protection measures.

REASON: To safeguard trees and woodland in compliance with policies DM25 of the Development Management Plan (Adopted 2014

- (23) Unless otherwise approved in writing by the Local Planning Authority, no retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree's branches, stems or roots be pruned.

REASON: To safeguard trees and woodland in compliance with policies DM25 of the Development Management Plan (Adopted 2014).

- (24) No works or development shall take place until a scheme of supervision for the arboricultural protection measures has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be appropriate to the scale and duration of the development hereby permitted and shall include details of:

A - an induction and personnel awareness of arboricultural matters;

B - identification of individual responsibilities and key personnel;

C - a statement of delegated powers;

D - timing and methods of site visiting and record keeping, including updates;

E - procedures for dealing with variations and incidents.

The development shall be implemented in accordance with the approved scheme.

REASONS To safeguard trees and woodland in compliance with policies DM25 of the Development Management Plan (Adopted 2014)

- (25) No 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 British Standard 5837:2012 and with the supplied details as provided in the above conditions and within the supplied arboricultural report; And

B - All weather notices prohibiting accesses have been erected on the fencing demarcating a construction exclusion zone as detailed in BS5837:2012 section 6

REASONS To safeguard trees and woodland in compliance with policies DM25 of the Development Management Plan (Adopted 2014)

- (26) 'No development or preliminary ground works of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority'. The work will comprise archaeological evaluation by trial trenching, which may be followed by open area excavation if significant features are found. A professional archaeological contracting team should undertake any archaeological work.

An archaeological brief outlining the methods of investigation can be issued from this office (on request) and there would be a cost implication for the developer.

REASON: To evaluate archaeological interest / implications associated with the development in compliance with policy ENV 1 of the Core Strategy (Adopted Version 2011).

- (27) Prior to the commencement of development the off site car parking provision secured by planning permission 16/01105/FUL shall be fully operational and available for use.

REASON: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with policy CLT6 of the Core Strategy (Adopted 2011).

- (28) Prior to the commencement of development details of the proposed acoustic fencing including the extent and the design of the fencing shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To safeguard residential amenity in compliance with policy DM1 of the Development Management Plan (Adopted 2014)

- (29) The development shall be undertaken in full compliance with the details agreed:

REASON: To safeguard residential amenity in compliance with policy DM1 of the Development Management Plan (Adopted 2014).

- (30) The development shall be designed such that ground floor levels are above any predicted flood levels for the site and shall incorporate flood resilient measures / proofing.

REASONS: To ensure sustainable design in compliance with policy ENV 3 of the Core Strategy (Adopted 2011).

- (31) All highway related works including the construction of pedestrian footways and vehicular carriageways shall be fully complete prior to the occupation of the development.

REASONS: To ensure that the development provides adequate access in compliance with policy DM1 of the Development Management Plan (Adopted 2014).

- (32) Prior to the commencement of development a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include details of fuel storage on site including the means of safeguarding against spillages of fuel and mitigation in place in the event of any escape of fuel, oil or any other potential source of contamination to air, land or water during the duration of development. This Construction Management Plan will highlight details of all other potential hazards and risk during the duration of development including dust and particulate matter, noise, vibration and smells and methods deployed to minimise the impacts and mitigate the risks.

REASON: To safeguard the public interest from detriment in compliance with policy DM 1 of the Development Management Plan (adopted 2014).

- (33) The development shall be undertaken in strict accordance with the details of the approved construction management plan.

REASON: To safeguard the public interest from detriment in compliance with policy DM 1 of the Development Management Plan (adopted 2014).

- (34) The hours of construction / operation on site including any deliveries or transfer of materials to or from the site shall be restricted to the hours of 7.30 am to 7.30 pm (Monday to Friday) and between the hours of 8.30 am and 7.30 pm on Saturday and Sundays).

REASON: In the interest of residential amenity in compliance with policy DM 1 of the Development Management Plan (adopted 2014).

- (35) No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to the 1 in 1 greenfield rate or at least 50% betterment of existing brownfield rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Provide consideration of the critical drainage area partially located within the site.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

REASON

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
 - To ensure the effective operation of SuDS features over the lifetime of the development.
 - To provide mitigation of any environmental harm, which may be caused to the local water environment.
 - Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rain fall events and may lead to increased flood risk and pollution hazard from the site.
 - In compliance with Core Strategy policy ENV 4 Sustainable Drainage Systems (SuDS).
- (36) No works shall take place until a scheme to minimise the risk of off site flooding caused by surface water run off and ground water during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

REASON

- The National Planning Policy Framework paragraph 103 and paragraph 109 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution and In compliance with Core Strategy policy ENV 4 Sustainable Drainage Systems (SuDS)
- Construction may lead to excess water being discharged from the site. If dewatering 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 rain fall and may lead to increased run off rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and ground water which needs to be agreed before commencement of the development.
- Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

- (37) No works shall take place until 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, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

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 and in compliance with Core Strategy policy ENV 4 Sustainable Drainage Systems (SuDS).

Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- (38) The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk and in compliance with Core Strategy policy ENV 4 Sustainable Drainage Systems (SuDS).

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- (40) There shall be no discharge of surface water onto the Highway.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1 of the Development Management policies as adopted as County Council Supplementary Guidance in February 2011.

- (41) 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 areas within the curtilage of the site for the purpose of:-

- 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

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway and to ensure that appropriate loading/unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

- (42) Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

REASON: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- (43) The parking shall be provided in accordance with the EPOA Parking Standards.

REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- (44) Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

- (45) Prior to occupation of development, the eastern junction on London Road shall be closed off and reinstated with full height kerb and include the provision of a 2m wide footway along the entire site frontage from the existing facility at Gunn Close to the site access junction with associated dropped kerb crossing.

REASON: To make adequate provision within the highway for additional pedestrian movements generated as a result of the proposed development.

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 the developer's improvements. 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.
- 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.
- 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.
- Full details of SUDS should be provided and agreed.



Matthew Thomas

Assistant Director, Planning and Regeneration Services

Relevant Development Plan Policies and Proposals

Policies RTC3, RTC2, ED1, T8, T7,T6, T5, T3, T2, T1, CLT10, CLT8, CLT7, CLT6, CLT5, CLT4, CLT3, CLT2, CLT1, ENV11, ENV10, ENV9, ENV8, ENV5, ENV4, ENV3, ENV1, GB1, CP1, H6, H5, H4, H2 and H1 of the Rochford District Core Strategy 2011.

National Planning Policy Framework (NPPF)

Parking Standards Design And Good Practice Supplementary Planning Document (Adopted December 2010).

Policies DM1, DM2, DM4, DM5, DM16, DM25, DM26, DM27, DM28, DM29, DM30 and DM31 of the Development Management Document (Adopted December 2014).

Allocations Plan (2014) Policy SER1.

For further information please contact Arwel Evans (Senior Planner) on:-

Phone: 01702 546366

Email: arwel.evans@rochford.gov.uk

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

16/00899/FUL



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. This copy is believed to be correct.

Nevertheless Rochford District Council can accept no responsibility for any errors or omissions, changes in the details given or for any expense or loss thereby caused.

Rochford District Council, licence No.LA079138



NTS