

APPLICATION No. 12/00279/FUL

DEMOLISH CARE HOME AND CONSTRUCT NEW CARE HOME (USE CLASS C2) AND 43 No. DWELLINGS 1 No. TWO-BEDROOMED APARTMENT, 16 No. TWO-BEDROOMED HOUSES, 22 No. THREE-BEDROOMED HOUSES, 4 No. FOUR-BEDROOMED HOUSES, ASSOCIATED PARKING AND RECONSTRUCTION OF ACCESS ROAD FROM LONDON ROAD.

AT TIMBER GROVE ELIZABETH FITZROY HOMES, LONDON ROAD, RAYLEIGH.

APPLICANT: FITZROY AND WESTON HOMES (HOUSING) LTD

ZONING: COMMUNITY USE AND METROPOLITAN GREEN BELT

PARISH: RAYLEIGH TOWN COUNCIL

WARD: SWEYNE PARK

1 PLANNING APPLICATION DETAILS

- 1.1 The current proposal follows the refusal of planning permission for a similar development on 5 March 2012 under application reference 11/00492/FUL. Members held an accompanied site visit with regard to the previous application on 7 January 2012.
- 1.2 The application follows discussions between officers, Ward Members, the Leader, and Portfolio Holder for Planning and Transportation at a meeting held after the previous application was refused. The aim of the meeting was to seek clarification and to understand the details of the application now submitted for consideration.
- 1.3 The proposal is to demolish the existing care home building located on the western side of the front of the site and construct a development comprising a replacement care home and residential development of 43 houses accessed from the re-construction of the existing access, which currently serves the site and the adjoining Pope John Paul Hall and Scout Hut.
- 1.4 The layout would provide a new replacement care home to the east and opposite the existing building on land adjoining the end houses of the new cul-de-sac at Gunn Close.

- 1.5 The residential development of 43 houses would be laid out in a continuous frontage to the minor access road but with mews courts leading off the main frontage in terraced and semi-detached form, with the exception of the detached house to plot 24. The access road continues for the depth of the site stopping at the northern boundary to allow for the (future) development of areas beyond.
- 1.6 The layout provides for 104 car parking spaces throughout and distributed between the care home, individual dwellings and visitor spaces.
- 1.7 This current application would provide for five affordable units comprising 4 no. two-bedroomed and 1 no. three-bedroomed houses. This provision would equate to 11.6% of the housing proposed. The application is supported by a viability assessment setting out the reasons why only 11.6% of the dwellings can be affordable.
- 1.8 The proposed care home would comprise a new two-storey building comprising 15 no. bedrooms with communal kitchen, lounge areas, laundry and shared bathrooms arranged in three circulation houses connected internally across an “L” shaped plan format, but with a degree of independence such that the style is similar to living in a terrace of three dwellings.
- 1.9 The care home building would have an overall ridge height of 8.5m with walling to an eaves height of 4.9m. The cross wings would have a slightly lower ridge line at 8.2m but the same eaves height.
- 1.10 The proposed housing would comprise 1 no. two-bedroomed apartment, 16 no. two-bedroomed houses and 22 no. three-bedroomed houses and 4 no. four-bedroomed houses (total 43 houses.)
- 1.11 The proposed housing would be predominantly two storey, with ridge heights of between 8.2m - 8.6m. The predominant eaves height of 5m is consistent between all two-storey house types.
- 1.12 A two and a half storey semi-detached house type featuring rooms in the roof space with one pitched roofed front dormer and one roof light on the rear elevation, together with a three-storey house type also feature to an overall ridge height of 10.6m and eaves heights of 5m and 7.7m respectively.
- 1.13 The single two-bedroomed apartment would be located above a block of three garages to plot 35 in the parking area serving nearby dwellings.
- 1.14 The houses would be finished in a mixture of red and yellow multi - I stock facing bricks, traditional weatherboarding and smooth render to the walls. The windows, doors and fascia boards would be white uPVC. The roof finish would be in plain tiles and slate.

- 1.15 The carriageway would have a width of 4.8m with a pedestrian footway of 1.5m and 2m width each side. The minor access way proposed is sufficient to serve up to 100 dwellings.

2 THE SITE

- 2.1 This application is to a site set back from the highway some 90m on the northern side of London Road almost opposite the junction made with Louis Drive West. On the site is an existing single storey pitched roofed building set in extensive grounds and in use for residential care. The site access is shared with two halls located between the front of the site and the limits of the highway.
- 2.2 Immediately adjoining the site to the east are the former offices of E-On electricity provider. This site is the subject of an application for 101 dwellings approved under application reference 12/00363/FUL. The site is currently in the stages of demolition and site preparation.
- 2.3 To the south east of the site a recent development of fourteen houses now exists. Immediately to the west of the site are buildings and playing fields in use by a social club. A dwelling exists some 70m to the south west of the site adjoining a petrol filling station.
- 2.4 The site has an area of 1.36ha with lawned grounds behind the main building and hard surface areas and with trees and hedging to the site boundaries and the eastern side of the site.
- 2.5 The eastern side of the application site includes additional land in separate ownership and an area of poplar trees the subject of Tree Preservation Order 1 / 82.
- 2.6 Part of the western side of the application site also forming the extended grounds includes an area of mixed tree species consisting mainly of oak, hawthorn, field maple and sycamore the subject of Tree Preservation Order 26/09.
- 2.7 The front part of the site is allocated for community use in the Council's adopted Local Plan (2006). The rear part of the site is allocated Metropolitan Green Belt.

3 RELEVANT PLANNING HISTORY

- 3.1. Application No. ROC/1106/80. Erect a home for the mentally handicapped with supporting staff. Permission granted 4 February 1981.
- 3.2. Application No. ROC/021/90. Single storey day centre for mentally handicapped children. Permission granted 23 February 1990.

- 3.3. Application No. F/0367/98/ROC. Retain Two Portable Buildings, One for Use as Day Centre, One For Use as Staff Meeting Room, Offices and Toilet. Permission granted 2 December 1998
- 3.4. Application No. 07/00664/FUL. Demolish Existing Building and Construct One Part Two Storey, Part Single Storey Building Containing 9 No. Bedrooms With Shared Communal Facilities, One Part Two Storey, Part Single Storey Building Containing 6 No. Bedrooms With Shared Communal Facilities and One Two Storey Building Containing 8 No. Two-Bedroomed Flats With Access and Parking Areas. Permission granted 11 September 2007.
- 3.5. Application No. 11/00492/FUL. Demolish Care Home and Construct New Care Home (Use Class C2) and 43 No. Dwellings Comprising 19 No. Two-Bedroomed and 24 No. Three-Bedroomed Houses and Parking. Reconstruct Existing Access From London Road.

Permission refused 5 March 2012 for the following reasons:-

- 1) The site is partly located within an area of Metropolitan Green Belt, as defined in the Council's saved Local Plan (2006). Within the Green Belt permission will not be given except in very special circumstances for the construction of new buildings, other than the reasonable replacement of existing dwellings, as defined in Policies R2 and R6, or necessary for agriculture or limited recreation that would keep land open. The proposal represents inappropriate development and no very special circumstances have been demonstrated by the applicant that would outweigh the harm to openness and other harm caused by the piecemeal ad hoc development of small parcels of land on the fringe of the settlement in a resulting unsustainable form lacking pedestrian and cycle integration with neighbouring and proposed adjoining development. If approved, the proposal would fail to ensure the comprehensive treatment of the greater land release and would fail to bring forward the proportionate contribution such release ought to make to community infrastructure provision contrary to Policy H2 and appendix H1 to the Rochford District Council adopted Core Strategy (2011) and Policy CLT1.
- 2) The proposal fails to demonstrate conclusively that affordable housing cannot be provided and is contrary to Policy H4 of the Council's adopted Core Strategy (2011). If allowed, the development would lose the opportunity of providing affordable housing against the severity of the need for affordable housing in the Rochford District and which is one of the key priorities of the Local Planning Authority to maximise the provision of affordable housing through the planning system.
- 3) The proposal fails to provide pedestrian and cycle connectivity to integrate the proposed layout with existing and proposed neighbouring development. The proposal would therefore fail to achieve a

sustainable form of development allowing free movement of pedestrians and cyclists and convenient link with public transport as an alternative use of the car. Such need for connectivity between sites is fundamental to good planning and good design and the achievement of sustainable development. If allowed, the proposed layout would prove contrary to PPS1 and Policy CP1 to the Council's adopted Core Strategy.

- 4) The proposed detailed design of spaces and buildings fails to provide a high quality design for the site as expected by PPS1 and the Core Strategy Policy CP1. In particular, the central public open space is undermined by its use for parking; the housing has instances of poor window to void relationships, overlarge 1st floor windows and poor relationship and dominance of the narrow 3 storey house type. The care home has instances of poor symmetry to the gables, lacks in variation of eaves and ridge heights and is also lacking as to the principal entrance to the building and confusing multiple external doors.
- 5) The tree report submitted as part of the application fails to provide an assessment of the existing trees to be removed and the existing trees to be retained based upon the proposed layout. Furthermore, there is no tree protection plan based upon the proposed layout to show how retained trees will be protected during the development. There are many trees on the site and adjoining the site, some protected by Tree Preservation Orders. Other trees have acknowledged value of some importance. Without this information it has not been possible to assess the impact on the development fully upon existing trees and their longevity and contribution to visual amenity.

4 CONSULTATIONS AND REPRESENTATIONS

Rayleigh Town Council

- 4.1 Unless there is a substantial alteration to the original design, endorse the refused planning permission recommendation made by the Council previously to application 11/00492/FUL.

Essex County Council Highways

- 4.2 Have no objections to the application.
- 4.3 Advise that the 4.8m wide minor access way would limit any future development at this location with a single point of access permitting up to 100 units. This layout could not offer any form of bus penetration into the development, should further phases be submitted. A bus network would require a minimum carriageway width of 6.75m.
- 4.4 Require the following contributions:-
- 4.5 A contribution of £6,000 towards infrastructural improvements at the bus stops opposite the site on Little Wheatley Chase.

- 4.6 A contribution of £8,000 towards pedestrian infrastructural improvements on London Road.
- 4.7 A contribution of £5,000 towards the Traffic Regulation Order towards the investigation, advertisement and introduction, if permitted, of the relocation of the 30 MPH zone along London Road fronting the proposed development site.
- 4.8 And to the following heads of conditions:-
- 1) Prior to the commencement of the development the road junction shall have appropriate kerb radii and shall be provided with clear to ground visibility splay with dimensions 2.4m x 120m to both east and west as measured from the nearside edge of the carriageway.
 - 2) Any new boundary planting shall be planted a minimum of 1m back from the highway boundary and any visibility splay.
 - 3) Provision within the site of an area for the loading and unloading of materials and storage of equipment clear of the highway.
 - 4) Submission of details showing the means to prevent the discharge of surface water from the development onto the highway.
 - 5) Submission of details for a wheel cleaning facility for construction traffic exiting the site for the duration of the construction period.
 - 6) Submission of details of the estate roads and footways
 - 7) All independent paths shall be a minimum of 2 metres wide, with details of lighting and drainage to be submitted.
 - 8) Any tree planting proposed within the highway must be agreed with the Highway Authority and to be sited clear of underground services.
 - 9) All parking to conform to the EPOA Parking standards.
 - 10) Submission of details for the amount, location and design of cycle parking facilities to be submitted and approved.
 - 11) Developer to provide and implement a travel information pack approved by Essex County Council to include 10 No. All Essex Scratch Card Tickets.

Essex County Council Schools, Children and Families Directorate.

- 4.9 Advise there should be sufficient primary school places at a local school serving this development.

- 4.10 Advise the Commissioning School Places in Essex Plan indicates a deficit of 16 secondary school places at the Sweyne Park School serving this development against their permanent capacity, even before new housing is taken into consideration.
- 4.11 With regard to Early Years and childcare provision the local ward for this development would be Sweyne Park. According to the Essex Childcare Sufficiency Assessment the ward has no full day care available and no nursery school at the moment.
- 4.12 Based on the information provided it is estimated that the development proposed will result in 3.83 additional Early Years and childcare and 8.5 additional secondary school places being required. Therefore formally request a financial contribution of £176,650.

Natural England

- 4.13 Advise that this proposal does not appear to affect any statutorily protected sites or landscapes or have significant impacts on the conservation of soils, nor is the proposal EIA development.
- 4.14 The protected species survey has identified that bats, a European Protected Species, may be affected by this application and refer to standing advice to Local Planning Authorities with regard to protected species.
- 4.15 Identify that there are suitable features for the roosting of bats (such as buildings and trees) within the site that are to be impacted by the proposal. The visual inspections have not been undertaken and found evidence of a roost.
- 4.16 The application does involve a medium or high risk building and advise that further survey work is required and if not provided by the applicant the application should be refused.

Environment Agency

- 4.17 Advise that the site is within Flood Zone 1 and is therefore considered to have a low risk of flooding from tidal or fluvial sources. However, as the site is greater than 1 ha in size the application must therefore demonstrate that the additional surface water generated by the development will not increase flooding on or off site, post development. The Agency has reviewed the submitted Flood Risk Assessment (FRA) and does not consider it currently demonstrates the full details of how surface water will be managed from the site. Therefore raise a holding objection.
- 4.18 The FRA has indicated that the site is underlain with clay and has no public surface water sewers in the area meaning that infiltration and discharge to a sewer are not available options. It is therefore proposed that surface

water disposal will be managed by attenuation and restricted discharge from the site.

- 4.19 The FRA should state the precise current discharge rate from the site for the 1 in 1 and 1 in 100 year events. It should then demonstrate that these discharge rates will be mimicked post development or that discharge will be restricted for all events up to and including the 1 in 100 year climate change to the current day 1 in 1.
- 4.20 It is proposed within the FRA to use a piped ditch to attenuate flows on the site. The FRA should therefore contain information that consent for the piping of this ditch has been granted from the lead local flood authority, whilst also demonstrating that the piping of this ditch and use as an attenuation structure shall not result in potential flooding elsewhere such as discharge of flood waters from the pipe upstream.
- 4.21 Further advise on the need for the development to improve resilience to climate change by undertaking the development in a sustainable manner incorporating water and energy saving devices and management of waste and building materials.

Anglian Water

- 4.22 Advise 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. Recommend an informative note to the grant of permission drawing the applicant's attention to this.
- 4.23 Advise that the foul drainage from this development is in the catchment of Rayleigh West Sewage Treatment Works that at present has available capacity for these flows.
- 4.24 Advise that the sewerage system at present has available capacity for these flows.
- 4.25 Advise that the preferred method of surface water disposal would be to a sustainable drainage system (SUDS) with connection to sewer seen as a last option.
- 4.26 The surface water strategy/flood risk assessment submitted with the application is not relevant to Anglian Water and is therefore outside our jurisdiction and defer to the advice of the Environment Agency on this issue. However, request that the agreed strategy is conditioned in the planning approval.

Essex County Council Urban Design

- 4.27 There are a number of issues with the application.

- 4.28 Connectivity – One vehicular link to green field land to the north, a pedestrian cycleway to the E-On site to the east and one to land west of the site are indicated. I am concerned that these routes may not be the most suitable access points to the adjacent land. For example, no information has been provided on the wooded area to the north. If the area around the site comes forward for development this area might be considered an appropriate area for open space to support local wildlife and different habitats.
- 4.29 In respect of the links to the E-On site the footpath cycle route is not direct and it is unclear how it joins onto the link approved on the E-On site. The footpath cycle link to the west goes through the middle of a car park. This is not appropriate as it creates conflicts of movement with cars manoeuvring across the footpath.
- 4.30 Landscaping/Ecology –There are hedges and trees on the approach to the site from London Road. Trees and/or hedges are also to be found along the east and west boundaries, within the site and there is a wooded area to the north. Whilst I note that some existing trees are to be retained and there will be some new tree and hedge planting within the development, I think there is the opportunity to provide additional tree and hedge planting, particularly along the initial length of roadway, which would support the character that is currently established on the approach road.
- 4.31 Layout –The enclosure to the square is not as satisfactory as that indicated on the previously submitted scheme. The large gap between Plots 34 and 36 allow space to ‘leak’ out. Some trees between bays in the car park in front of Plot 24 would provide relief to this area of hard standing.
- 4.32 It is unclear where all of the visitor parking is located. It should be apparent and convenient to visitors where they should park.
- 4.33 The landscaped square –does it meet RDC open space requirements? Is there a need for a LAP or LEAP on the site?
- 4.34 House types – Comparing the house types with those submitted previously [App No ROC/492/11] I note there have been amendments to the house types, however many of these changes are for the worse.
- 4.35 There is now a problem with duality of windows on a number of gables such as Plot 1, 2, 20, 21, 38 and 39. Windows should be centrally located to reinforce the central axis of the gable. [See page 93 of the Essex Design Guide] In respect of Plots 38 and 39 the long canopy across the frontage also effectively bisects the elevation and compromises the form of this projecting element. This gabled projection should be omitted to avoid these problems.

- 4.36 The size of the canopies has increased significantly and they are now dominant elements on the front elevations. They should be reduced in size and not extended over adjacent windows.
- 4.37 The deep plan of units 25 to 28 creates a large roof area and uneconomic roof space. Raising the eaves and gabling the end units and lowering the pitch of the central units could resolve this problem.
- 4.38 The three storey units have a projecting single storey addition on the front. This has the appearance of an 'added on' appendage and this undermines the clarity of form and the relationship to the street.
- 4.39 Care Home - The elevational composition is still poor, the proportions are unattractive and the gables over wide. It is a fairly formal plan, however there is no rhythm to the openings or hierarchy of openings such that it is not apparent where the main entrance is. I am also rather concerned that there appears to be a fence around the car park. How high will this be? What is the boundary treatment around the care home and what will be seen from the roadside? I would not consider a 'fenced compound' to be acceptable. The home needs to have an appropriate public realm interface.

Essex Police Architectural Liaison Officer

- 4.40 Do not object to this application, but do raise the issue that the Design and Access Statement does not cover safety and security issues. At points 2.7, 2.8. refer to sustainable developments, 2.13 High Quality Homes, 2.17. Good Design. There is no reference to the fact that you cannot have a sustainable development that suffers crime and anti-social behaviour. Good design and high quality homes must be designed, laid out and built with security as a major consideration. Essex Police therefore requests the development works towards Secured by Design standards and complements the development at the adjacent E-on site. All housing, private and H. A. , must achieve equality in the provision of services and standards.

Essex County Council Specialist Archaeological Advice

- 4.41 Advises that the Historic Environment Record shows no known archaeological sites within the development area. Therefore no archaeological recommendations are being made.

Rochford District Council Head of Environmental Services

- 4.42 Advises that if Members are minded to approve the application the following conditions should be attached to any consent granted:-
- 1) Full model contaminated land conditions 1 – 4.
- 4.43 Standard informative 16 (Control of nuisances)

- 4.44 Site waste Management Plan Informative,

Rochford District Council Consultant Arboriculturalist

- 4.45 Advises that there are a number of trees on the site, many of moderate to good value. Whilst most cannot be clearly seen from outside the site they contribute to the local tree scape in addition to wider ecosystem contributions.
- 4.46 The proposed layout would require the removal of most trees on the site. A greater attempt to retain more trees would be desirable.
- 4.47 The supplied tree report covers tree protection matters generally, however there is little detail on individual tree protection or methods of work close to trees. Neither the tree constraints plan nor tree protection plan appear to have tree numbers annotated and therefore it is not possible to know which trees are to be retained or removed.
- 4.48 Before a decision is taken would like to see clearer details in plan form of which trees are proposed for removal or retention and more specific details of methods of work close to those trees to be retained.

Neighbour Letters

- 4.49 19 letters have been received from the following addresses:-

Leonard Drive: 1, 5, 6.

Little Wheatley Chase: 1, 15, 31

London Road: 237

Louis Close: 4

Louis Drive: 59

Gunn Close: 1 (two letters), 7, 8

Louis Drive Residents Association

And five signed but unaddressed letters

- 4.50 These letters make the following comments and objections:-

- o London Road is already heavily congested, not only at peak times but throughout the day, including three serious accidents recently including a taxi losing control and ploughing into a children's play area. Enhancing the access point to allow more traffic onto it will only lead to more difficulties.

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- Will generate up to 250 cars on a very dangerous road with shockingly thin paths and few pedestrian crossings.
 - London Road has shops, a school and a public house. It is only a matter of time before a child or pedestrians are involved in a serious RTA.
 - Close proximity of access points and junctions causing accidents including a fatality. How many more people will have to die before you realise there are too many exits onto the London Road in such a short distance?
 - All surrounding roads suffer from on street parking when events are held at the school, Rayleigh Town Sports and Social Club, the community centre, scout hut , Pope John Paul Hall and petrol filling station and shop each impacting onto the road network causing problems.
 - The area is saturated with development including the recent Bellway application. How much more is planned with phases 3 and 4 and the care home at 247 London Road?
 - Lack of facilities in the area with schools already full and only a small local GP practice.
 - Construction traffic will cause nuisance.
 - By adding more dwellings on the flood plain will increase the risk of flooding and the increase in concrete footings will push the water table up.
 - Lack of local infrastructure to accommodate this many families for schooling and doctor's surgery .
 - Do not understand why the developers wish to re-position the care home to cause maximum intrusion/overlooking to No. 8 Gunn Close and will spoil the look of Gunn Close as a small mews type development, making it appear part of a much larger site
 - Very little has changed to the previous application.
 - No concern for neighbours privacy or house value.
 - Has any real study of the wildlife and woodland this development is planning to destroy taken place? Have noticed many birds in the area not seen before.
 - The tree report submitted is also inaccurate as the tree positions marked are inaccurate or do not exist.

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- Loss of trees at the end and side of Gun Close and wish these trees to stay.
 - Loss of oak tree T1 to London Road frontage the subject of a Tree Preservation Order, which forms a natural barrier and screen between the houses in Gunn Close and the London Road helping with noise pollution and car headlights.
 - Widening of the access road reducing the grass verge width and with street lighting will have adverse effects upon properties in Gunn Close backing onto the site, encouraging people to congregate and dump rubbish as well as damage and graffiti to fencing.
 - Speed limit should be reduced on London Road from 40 to 30 mph and introduction of a speed camera.
 - Want no more development because it will cause too much traffic and Rayleigh will become a car park and a ghost town because no-one can get to it.
 - Whilst appreciate the need to replace the care home, to add another 43 dwellings is unacceptable, having regard to access on and from the London Road A129.
 - Would like a detailed explanation of how traffic flow on the London Road can sustain what will possibly be three housing and care home developments in close proximity. Many accidents minor and unreported but still hold up traffic.
 - Over-development of sites in London Road, e.g. Gunn Close 14 dwellings replaced one bungalow with little or no parking resulting in overspill to adjoining streets.
 - There are other sites equally suitable instead as shown in the original Core Plan.
 - People who chose to live in Rayleigh and this area in particular come to live in a relatively quiet part of the country and not a city, which this is becoming. Peace and quiet we thought we would be able to enjoy has become a nightmare of proposed new buildings.
 - Will change the previous leafy character of the area when considered alongside other developments such as the E-On site and Gunn Close.
 - Issue with parking in the area.
 - Understand the previous application was turned down because social housing was not taken into account. When we purchased our property we took into account that social housing was not in close proximity to

our road and we do not want this type of housing development being built so close to our home.

- The new care home will seriously alter my young family and de-value our home with it being such an imposing building an extremely short distance from my home.
- Removal of trees will open up my property with no private space and increased risk of theft, damage and total loss of security to children
- Threat to wildlife, including woodpecker, owls, squirrels, bats, all in evidence in the locality and threat to domestic cats with dangerous development going on all around Gunn Close.
- The Council has refused permission in the past for new accesses to fields to be created onto London Road because of the traffic danger so how can this development be acceptable?
- London Road is a rat run when problems occur on the A127.
- Will our drainage cope?
- Had heard that Rochford Council was very good and thought our environment would be protected against over-building. Applications on Green Belt land should be automatically refused.
- Over last three months residents to Gunn Close have had to experience severe vibrations through footings in our properties, not to mention excessive dust from the demolition on the Bellway site. With demolition of another building close by and simultaneous development as well as noise pollution, these issues should be taken into consideration.
- The level of the water table in the vicinity would surely be impacted with the amount of proposed parking bays for Timber Grove north of Gunn Close and the Bellway development to the east and the removal of vegetation at the Timber Grove site, there has to be somewhere for water to go and that can only be the immediate surrounding area.

5 MATERIAL PLANNING CONSIDERATIONS

5.1 The material considerations including those matters on which the previous application was refused are as follows:-

- Green Belt issue and the issue of land release in this general location and the need for comprehensive treatment of the site and future allocations;
- Affordable housing and economic viability;
- Access and highway issues;

- Design issues;
- Arboricultural issues; and
- Drainage and flooding issues.

The Green Belt Issue and the Issue of Land Release in this General Location and the Need for Comprehensive Treatment of the Site and Future Allocations

- 5.2 The site is allocated partly for community uses with the remainder of the site being land currently allocated Metropolitan Green Belt. The southern part of the site incorporating the replacement care home and 14 of the houses proposed is not in the Green Belt. This part of the proposal is consistent with the previous permission granted on 11 September 2007, but which has now lapsed.
- 5.3 The Green Belt issue in this application concerns the balance of 29 houses, which would extend into the Green Belt. Such development is inappropriate and it is for the applicant to demonstrate that the harm to the Green Belt by way of inappropriateness and any other harm would be outweighed by very special circumstances concerning the application.
- 5.4 The applicant states that the National Planning Policy Framework (2012) strongly advocates sustainable development and that in their view the adopted Local Plan (2006) was not adopted under the Town and Country Planning (Transitional Arrangements) Regulations 2004. Consequently the applicants do not consider that the Local Plan has saved policies. In contrast the applicant states that as the Council has adopted the Core Strategy due weight should be given to the site being part of a greater area identified for future release.
- 5.5 The applicant considers there are very special circumstances that apply to the application in that there is an urgent need to replace the Fitzroy Care Home, for which there is no public funding and which is a joint venture between the applicant and Elizabeth Fitzroy Homes. The applicant reiterates their previous position that the need for the replacement of the care home is driven by the fact that the condition of the building, together with the more institutionalised format, is preventing further placements and that the operator cannot wait for the long term release of the land through planned allocation documents. The amount of housing also contained within the application is necessary to cross subsidise the provision of the care home.
- 5.6 The site is considered to be in the general location “north of London Road” identified in Core Strategy Policy H2 for housing post 2015. The housing trajectory set out in the Council’s annual monitoring report does not anticipate any of the total quantum of 550 units being delivered before 2018/19. The general location does not therefore feature in the Council’s five year land supply 2011-2016. It is, however, noted that the potential 14 units on that part

of the site not in the Green Belt are counted for delivery in 2013/14. Notwithstanding this, there is no pressing need for the release of the site as a whole to contribute towards the five year supply for housing in the district.

- 5.7 Whilst there would likely be public benefit from the replacement of the care home facility, there remains no strong evidence in the applicant's submissions to demonstrate this to be the only opportunity for the building to be replaced. The release of Green Belt land for development in the general location specified in the Core Strategy north of London Road, in itself provides an opportunity, if the site is part of that release, for the likely increase in value of the land and the provision for a new facility within the comprehensive treatment of the area, rather than by a piecemeal proposal as presented in this current application.
- 5.8 The access road width would be inadequate to serve the greater quantum of development envisaged in the Core Strategy and would yield no more than a further 57 units. It is important therefore that the site is considered in the context of the greater release of land, to avoid an incremental, piecemeal approach to development that would harm the opportunity for the comprehensive treatment of the locality in future, together with the provision of infrastructure associated with that release in a planned way. To bring forward the site ahead of 2015 would avoid likely future contributions the future allocation will be making to community infrastructure and the planned approach set out in Appendix 2 to Policy H2 to the Council's Adopted Core Strategy.

The Affordable Housing and Economic Viability Issue

- 5.9 Policy H4 to the Council's adopted Core Strategy requires that at least 35% of dwellings on sites of 15 units or more and greater than 0.5ha be affordable. In this case the expectation would be for 15 affordable units. The requirement may, however, be relaxed where the developer is able to demonstrate that 35% provision would be economically unviable rendering the site undeliverable.
- 5.10 Footnotes 11 and 12 to Paragraph 47 to the National Planning Policy Framework (NPPF) state that for a site to be deliverable it must be ready now, be viable and offer a suitable location for development. Paragraphs 47 and 50 of the NPPF explain that sites should be identified by Local Planning Authorities for market and affordable housing. It is the Council's approach that new sites should provide affordable housing as part of the overall development to create mixed and balanced communities.
- 5.11 The current application proposed 11.6% affordable housing and comprising 4 No. two-bedroomed and 1 No. three-bedroomed units. The applicant states the affordable housing would be provided in tandem with market housing and to an agreed tenure. The location of the units within the layout is not specified.

- 5.12 In the previous application the Council arranged for an independent assessment of the applicant's own submissions, paid for by the applicant in accordance with best practice. The applicant has not funded an independent assessment of the project viability for this current application. Instead the applicant has commissioned their own viability assessment by consultants, which concludes that given the need for the re-provision of the care home as a prerequisite to any development of the site, there is only a small margin of £16,000 between the residual value of the scheme and the cost of land assembly. On this basis, the applicant contends there is effectively no scope to make a further contribution to affordable housing beyond the provision of the new care home and the shared ownership accommodation allowed for.
- 5.13 Although there have been some alterations to the buildings and layout, the development is in principle the same as that previously considered in the earlier application. The dwelling numbers are essentially the same. That previous application was the subject of an independent assessment carried out for the Council and where the independent consultant concluded that the full 35% affordable dwellings could be provided. This earlier assessment thus challenges the applicant's position.
- 5.14 It is the Council's position that Policy H4 to the Core Strategy does not allow the provision of the care home and its costs to substitute for affordable housing or other infrastructure. Whilst the applicant has provided an assessment supporting the current application that the Council has not been able to have independently scrutinised, nonetheless the previous assessment cannot be ignored. The applicant has an expectation of a particular level of profit as well as the provision of a new care home fitted out and ready to be occupied, but whilst these considerations are unusual, officers still consider that a full contribution of 15 affordable dwellings is justified.

Access and Highway Issues

- 5.15 The application layout shows an area of pedestrian and cycle connectivity between the central access road and potential land to the west of the site by way of a shared surface detail to a communal parking area located behind plots 3 and 9 and across the parking area to the front of plots 4 – 8. This access would also provide vehicular access to 10 parking spaces in this part of the site.
- 5.16 Pedestrian and cycle connectivity is shown to the eastern side of the site off the central square alongside the main access road and between the flank to plot 36 and the adjoining car parking area. It is understood there has been difficulty in the applicant meeting with the applicant for the adjoining E-on site to agree a common point for their schemes to link up. In the previous application no links were shown. The link to the east almost meets that now approved to the former E-on site but is misaligned. However, it would be possible to directly meet the neighbouring link approved by a similar approach across the car parking area in front of plot 35. This approach has been followed in this layout to the west, as explained above. The submission of

details to achieve this can be the subject of a condition to the grant of permission.

- 5.17 The layout provides car parking either in parking forecourts or undercroft arrangements to the terraced house types. The flat unit to plot 35 is the exception where the residential accommodation is provided over three garages beneath. The car parking spaces and garage spaces are to the preferred size, as set out in the Council's parking standards. The layout generally achieves two spaces for each dwelling proposed. However, these spaces include those designed as disabled spaces and there are no additional visitor spaces.
- 5.18 The care home would be provided with nine spaces, including one disabled space. Standard C2 would require a maximum of five spaces for visitors and in addition one space for each full time staff equivalent. The applicant has previously advised that a maximum of nine staff would be present on a shift and 10% of staff use public transport. Given the location of the site near to a regular bus route officers previously concluded that the nine spaces shown on the care home plot would be sufficient to serve the care home.
- 5.19 Whilst no objection is raised to the level of parking by the County Highway Authority, there is no dedicated visitor parking over and above the two spaces required for each dwelling. The use of communal parking areas would encourage visitor parking but the total number of spaces are required to serve the household needs. There is therefore a numeric parking shortfall of 11 visitor spaces across the residential development proposed. This shortfall was true also of the previous application but was overlooked and not included in the recommended reasons for refusal. However, this shortfall, despite not featuring in the previous formal decision, is significant to the extent that failing should not be replicated in the consideration of the current application.
- 5.20 The accompanying Transport Assessment concludes that the existing site access is a priority junction that joins London Road and is suitable to accommodate the development proposed. The assessment also concludes that the development would not have a detrimental impact upon the local highway network and would be likely to generate limited additional traffic only 1.2% above background traffic levels and significantly below the assessment threshold recommended by the Department of Transport.
- 5.21 The assessment lastly confirms that a review of highway safety issues and road accident records for highways in the vicinity of the site over a five year period up to June 2011 does not suggest a significant road safety problem in the area. This information does, however, pre-date more recent accidents to which neighbours to the site refer that have occurred over the last year. The County Council has, however, considered the report and does not raise objection to the impact of the proposal upon the local highway network subject to a number of conditions necessary to the grant of consent.

Design Issues

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- 5.22 The residential element of the layout would occupy 1.2ha of the application site and at a density of 35.8 dwellings per hectare. This density was accepted in the previous application.
- 5.23 The layout provides a continuous frontage of development in predominantly terraced form. The proposed layout would provide a wide range in garden sizes from 51 square metres to 145 square metres. The slight shortfall to the terraced house to plot 4 at 49 square metres was previously accepted because the space was useable. In the current layout there is a similar shortfall of 1 square metre for the four-bedroomed three storey semi-detached house to plot 42. The garden area here is also of a useable shape where the shortfall would not be material. However, the three bedroom semi-detached house to plot 43 would have a rear garden area of only 60 square metres and, although of a useable space, this would prove significant for future use. Furthermore, the two-bedroomed flat above the garage block to plot 35 has no garden area or area shown for limited outside storage such as for refuse bins. These shortfalls to plots 35 and 43 weigh against the merits of the application.
- 5.24 The previous application was criticised for the placement of car parking to the public space and the relationship of window to void generally throughout the house types then proposed, and the dominance of the three storey house type. The care home was criticised for poor symmetry and the lack of variation in roofing, as well as the confusing amount of external doors and lack of a principal entrance.
- 5.25 The applicant has revised the layout to provide a landscaped square midway into the development and to which the adjoining housing would front. The previous car parking spaces have been removed. Whilst the County Council's urban designer is critical of the absence of an area for play and of the gap between the built frontage to allow access to the nearby parking area, the submitted landscape strategy shows the area laid out with formal tree planting and crossed by pathways. District officers take the view that the vehicle access from the square in both corners is necessary to access parking convenient to the dwellings and is acceptable.
- 5.26 The applicant has revised the house types in an attempt to address the problems previously identified. However, there remains criticism that there is a duality of windows to plots 1, 2, 20, 21, 38 and 39. There is a long and dominant canopy to the house types to plots 38 and 39. Whilst these design features do not strictly accord with the vernacular detailing embodied in the Design Guide, it is questionable as to whether such further refinement, whilst desirable, is essential in order that the development would have a true sense of place and character. The window pattern to those house types to the above mentioned plots would not be so visually jarring as to detract from the appearance of the development overall. The size of the canopy is a matter of taste. The site is not in a conservation area and whilst these details are important to raising the quality of new development, these specific faults are

minor so as not to justify a reason why this application should be refused permission.

- 5.27 The applicant has revised the appearance of the care home building. The building now proposed has a greater variation in roof form with a hipped roofed design, but would maintain the same height of walling to eaves. The building design features a central reception area facing the car park, but it is important that the building has multiple access features such that residents will have a home akin to residential living in a terraced type design. It is important that the new design departs from the institutional appearance and setting of the existing building to be replaced. District officers consider that the multiple door features are important to this ambition and are not objectionable, given the site is not within a location such as a Conservation Area where greater sensitivity is required. District officers consider that the applicant has overcome the concerns at the design and appearance of the development such that, notwithstanding the detailed concerns of the County Council's urban designer, no material objection can now be raised to the appearance of the care home building.
- 5.28 Concern is, however, raised at the means of enclosure to the car park fronting the care home. The existing building has a low rise fence and gates. The site would need to be secure but any means of enclosure would need to provide a satisfactory setting to the building. The consideration of the means of enclosure can be the subject of details to be submitted as a condition to the grant of permission.

Arboricultural Issues

- 5.29 The previous application was accompanied by an arboricultural assessment, which concluded that the trees on the site are generally of low quality and insignificant value, but that few better quality specimens would benefit from the removal of the poor quality specimens around them. In the previous application there were no details submitted to compare the proposed layout with the tree survey preventing accurate assessment of the development upon existing trees and those to be retained.
- 5.30 The current application would remove most trees on the site in accordance with the applicant's consultant's recommendations. The applicant has provided larger scale details and the Council's consultant arboriculturalist has been re-consulted. Whilst the details for specific root protection matters can be the subject of conditions to the grant of consent, the Council's consultant arboriculturalist will re-advise on the extent of tree loss in terms of the layout proposed and whether such loss is acceptable.

Drainage and Flooding Issues

- 5.31 The Environment Agency advises that the submitted Flood Risk Assessment (FRA) does not make clear how the surface water arising from the

development will be managed. It is not therefore possible to grant consent until this matter has been resolved.

6 CONCLUSION

- 6.1 The site is allocated partly for Community Use and partly Metropolitan Green Belt. The site is in a fringe location on the edge of the Rayleigh settlement adjoining more recent and approved developments.
- 6.2 The proposal would represent inappropriate development in as much as 29 of the proposed dwellings would encroach into the Green Belt for which no very special circumstances have been demonstrated by the applicant to outweigh the harm to the openness of the Green Belt.
- 6.3 The Rochford District is experiencing a severe shortage of affordable housing. The application details fail to make sufficient provision of affordable housing in accordance with Policy H4 to the Council's adopted Core Strategy (2011). Policy H4 does not provide a mechanism to offset the provision of affordable housing against the provision of other types of facility, including the replacement care home.
- 6.4 The submitted layout does not provide sufficient off-street parking to serve the development by failing to accommodate adequate visitor spaces within the layout as distinct from those required to serve the needs of residents. The layout provides a shortfall of 11 visitor spaces.
- 6.5 The layout fails to provide an adequate rear garden area for the three-bedroomed house to plot 43, and no garden or amenity area at all for the proposed flat unit above the garage block to plot 35. If allowed, there would be insufficient space for these future residents for the necessary outside storage and limited recreation required.
- 6.6 The submitted Flood Risk Assessment fails to make clear and demonstrate how the resulting surface water from the scheme will be managed and could, if approved, result in flooding within or elsewhere from the site.

7 RECOMMENDATION

- 7.1 It is proposed that the Committee resolves to **REFUSE** planning permission for the following reasons:-
 - 1) The site is partly located within an area of Metropolitan Green Belt as defined in the Council's saved Local Plan (2006). Within the Green Belt permission will not be given except in very special circumstances for the construction of new buildings, other than the reasonable replacement of existing dwellings as defined in Policies R2 and R6 or necessary for agriculture or limited recreation that would keep land open. The proposal represents inappropriate development and no very special circumstances have been demonstrated by the applicant that would outweigh the harm to openness and other harm caused by the

piecemeal ad hoc development of small parcels of land on the fringe of the settlement in a resulting unsustainable form lacking pedestrian and cycle integration with neighbouring and proposed adjoining development. If approved, the proposal would fail to ensure the comprehensive treatment of the greater land release and would fail to bring forward the proportionate contribution such release ought to make to community infrastructure provision contrary to Policy H2 and appendix H1 to the Rochford District Council adopted Core Strategy (2011) and Policy CLT1.

- 2) The proposal fails to demonstrate conclusively that sufficient affordable housing cannot be provided within the development and as such the proposal would be contrary to Policy H4 of the Council's adopted Core Strategy (2011). If allowed, the development would lose the opportunity of providing sufficient affordable housing on the site against the severity of the need for affordable housing in the Rochford District and which is one of the key priorities of the Local Planning Authority to maximise the provision of affordable housing through the planning system.
- 3) The proposal fails to provide sufficient off street car parking to serve the development proposed. The layout fails to show the necessary provision of 11 no. visitor car parking spaces to serve the development in accordance with Standard C3 to the Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010. If allowed, the development would give rise to the need for parking overspill into nearby streets to the detriment of visual amenity and the free flow of traffic.
- 4) The proposed layout fails to provide an adequate private amenity space for the three-bedroomed semi-detached house to plot 43 and no private amenity space for the two-bedroomed flat proposed to plot 35. If allowed, the proposal would fail to provide sufficient private amenity space for limited outdoor recreation, outside storage and outside drying to serve the reasonable needs of future occupiers of those new dwellings and proving detrimental to the amenity those future occupiers ought reasonably expect to enjoy.
- 5) The site is greater than 1 ha in size and the application must therefore demonstrate that the additional surface water generated by the development will not increase flooding on or off site post development. The submitted Flood Risk Assessment does not currently demonstrate the full details of how surface water will be managed from the site. If allowed, the development may potentially give rise to additional surface water flooding.



Shaun Scrutton

Head of Planning and Transportation

Relevant Development Plan Policies and Proposals

Rochford District Council Local Development Framework Core Strategy Adopted
Version December 2011

H1,H2,H4, CP 1.

Rochford District Replacement Local Plan (2006) as saved by Direction of the
Secretary of State for Communities and Local Government and dated 5th June 2009
in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning
and Compulsory Purchase Act 2004.

HP6

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

Standards C2, C3.

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