

18/00625/OUT

**FAIRWAYS GARDEN CENTRE, HULLBRIDGE ROAD,
RAYLEIGH**

**OUTLINE APPLICATION TO DEMOLISH COMMERCIAL
AND RETAIL UNITS AND CONSTRUCT 4 No. TWO-
BEDROOM DWELLINGS, 7 No. THREE-BEDROOM
DWELLINGS AND 5 No. FOUR-BEDROOM DWELLINGS (16
DWELLINGS IN TOTAL) WITH ACCESS ONTO
HULLBRIDGE ROAD**

APPLICANT: KENT PROPERTY INVESTMENTS LTD

ZONING: METROPOLITAN GREEN BELT

PARISH: RAYLEIGH TOWN COUNCIL

WARD: DOWNHALL AND RAWRETH

1 RECOMMENDATION

1.1 It is proposed that the Committee RESOLVES

That planning permission be approved, subject to a Legal Agreement under Section 106 of the Act to the following heads of terms; Section 106 Head of Terms

- (a) The provision of two on site affordable units or a commuted sum payment of £633,429 if no housing provider can be found for the two units.
- (b) Prior to first occupation of the dwellings the pedestrian path and crossing, as shown on drawing number 2862 PL122, shall be constructed and made available for use.
- (c) Financial contribution of £100 per dwelling (£1600) to contribute to a future management scheme for the Crouch and Roach estuaries SPA and Ramsar site.

and to the following Conditions:

Reserved Matters

- (1) Plans and particulars showing precise details of the landscaping (herein after called the 'Reserved Matters') shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced. All development at the site shall be carried out in accordance with the 'Reserved Matters' details approved.

Submission of Reserved Matters

- (2) Application for approval of all 'Reserved Matters' referred to in Condition 1 above shall be made to the Local Planning Authority before the expiration of three years from the date of this outline planning permission. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the Reserved Matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

List of approved plans

- (3) The development hereby permitted shall not be carried out other than in accordance with the approved plans listed below:

2862 PL100B, 2862 PL101B, 2862 PL102A, 2821 PL103C, 2862 PL104B, 2862 PL105B, 2862 PL106A, 2862 PL 107C, 2862 PL108A, 2862 PL110A, 2862 PL111A, 2862 PL112, 2862 PL122

Submission of Details for Water Efficiency of Dwellings

- (4) Part G (water efficiency) of the Building Regulations (2010) shall be met for the dwellings on the site and be permanently retained thereafter.

Submission of Details for Energy Performance of Dwellings

- (5) Part L of the Building Regulations 2010 in respect of energy performance shall be met for the dwellings.
- (6) Prior to their use, details shall be submitted to the Local Planning Authority of all external facing (including windows and doors) and roofing materials to be used in the development. Such materials as may be agreed in writing by the Local Planning Authority shall be those used in the development hereby permitted.

Submission of Decentralised and Renewable or Low Carbon Energy Source Details

- (7) Prior to occupation of the development details of how the development will secure at least 10 per cent of their energy from decentralised and

renewable or low carbon sources, unless this is demonstrated to be not feasible or not viable, shall be submitted to and approved in writing by the Local Planning Authority. The details as may be agreed shall be implemented prior to first beneficial use of the development (to which the agreed provision relates) hereby approved.

Submission of Surface Water Drainage Scheme

- (8) 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 of the existing brown field rate 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.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all run off 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.
- Permission in principle should be demonstrated by the Water Authority for a connection to the surface water sewer.

The agreed scheme shall subsequently be implemented prior to first occupation.

Surface Water System Maintenance Plan

- (9) The development shall not be occupied 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. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon request by the Local Planning Authority.

Construction Method Statement

- (10) No construction of the dwellings approved shall take place, including any ground works, 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. If the development is phased the requirement for a Construction Method Statement shall apply equally to each phase. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and underbody washing facilities

Provision of Car Parking

- (11) A minimum of two parking spaces having minimum dimensions of 2.9 metres x 5.5 metres for each vehicle shall be provided prior to the first beneficial occupation of the development and retained, thereafter, in perpetuity.

2 PLANNING APPLICATION DETAILS

- 2.1 Outline planning permission is sought for re-development of the Fairways Garden Centre site to provide 16 new dwellings. The outline application seeks approval at this outline stage for matters of access, appearance, layout and scale. The matter of landscaping is a reserved matter to be considered at a later stage.
- 2.2 The proposal would demolish the existing commercial buildings and provide five separate housing types varying between two and four bedrooms. All dwellings would be detached. There would be 4 No. two-bedroom houses, 7 No. three-bedroom houses and 5 No. four-bedroom houses. The site will utilise the existing access onto Hullbridge Road.

3 MATERIAL PLANNING CONSIDERATIONS

- 3.1 The proposed development has to be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 3.2 The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).

Relevant Planning History

- 3.3 The site has a long planning history. Originally a nursery it began operating as a garden centre during the 1970s. More recently the site has been occupied by a number of small businesses. The planning application history post 1989 follows:-

ROC/195/89 Demolish front wall of building replace in same position and renew existing roof. APPROVED.

CU/0185/92/ROC Change use of part of centre from open storage to display and sale of caravans. REFUSED.

F/0295/95/ROC Erect two canopied walkways. APPROVED.

F/0318/96/ROC Covered walkway/canopy to front and side elevations of building. APPROVED.

CU/0612/98/ROC Retain use of building as café (ancillary to existing garden centre). REFUSED.

99/00564/COU Change of use of a unit to ornamental stone mason. APPROVED.

99/00565/COU Extend area of caravan display and storage. REFUSED.

99/00764/FUL Siting of three temporary buildings/structures(retrospective). REFUSED.

99/00801/FUL Retain use of building as café ancillary to existing garden centre (not opening before 0800 hours each day). APPROVED.

99/00802/FUL Retention of pergola and single storey building used as craft shop. APPROVED.

00/00131/ADV Display of a non-illuminated signboard (retrospective). APPROVED.

00/00556/COU Extend area of caravan display and storage. REFUSED.

14/00127/LDC Application for lawful development certificate for existing use of four premises on the site as residential dwellings. REFUSED.

14/00606/LDC Application for a certificate of lawfulness for existing uses R.K.Baits Fish and Food, Barneys Pet Shop, Stephanies Grooming Parlour, Equistitch, Timber Land Timber Merchant, Blinds Shop and Fairways Diner. APPROVED.

14/00610/LDC Application for a certificate of lawfulness for existing commercial uses of premises for R and T Builders, Brooks Care Nursing Services, Mastic, Storage by Timberland Merchants, The Mower Doctor, external storage areas and 2 no. storage containers. REFUSED.

14/00611/LDC Application for a certificate of lawfulness for existing uses. Help To Health Chiropractic, Rhino Gym and Rayleigh Mill Amateur Boxing Club. REFUSED.

14/00613/LDC Application for a certificate of lawfulness for existing uses for landscaping, supplies, castle caravans, car breaking and dismantling, pet supplies, pet storage and pet kennels. APPROVED.

3.4 The following application is of most relevance:

17/00431/OUT Outline application to demolish commercial and retail units and construct 4 two-bedroom dwellings, 8 three-bedroom dwellings and 4 four-bedroom dwellings (16 dwellings in total) with access onto Hullbridge Road. Refused for the following reasons:

1. Policy H4 of the Rochford District Council Local Development Framework Core Strategy (2011) requires at least 35% of dwellings on all developments of 15 or more units to be provided as affordable housing, subject to viability. Whilst the applicant has proposed an affordable housing contribution towards off site affordable housing, the applicant has not demonstrated that provision of affordable housing on site would be impossible. The proposal would therefore fall contrary to policy H4.
2. The proposal would result in the loss of businesses at the site and the loss of employment opportunities in a semi-rural area contrary to policy ED1 of the Rochford District Core Strategy (2011) which seeks to support the protection and enhancement of the role of small and medium sized businesses in the District and in rural locations which are important to the economy. The loss would also run contrary to paragraph 70 of the NPPF.
3. The site is not considered to constitute sustainable development within the green belt by virtue of the site not being well related to a defined residential settlement but rather part of the countryside between the

settlements of Hullbridge and Rayleigh. In addition, the site, by virtue of its location, is also not considered to be well related to local services and facilities the nearest of which are not considered to be within walking distance and in this regard the proposal is also not considered to promote sustainable transport modes. The proposed development is considered to be contrary to parts (i), (ii) and (iv) of policy DM10 of the Rochford District Development Management Plan (2014). The proposal would erode the green belt between Hullbridge and Rayleigh and thus undermine the purpose that the green belt plays in this location to separate these residential settlements and would result in encroachment of development into the countryside also contrary to policy DM10.

4. The proposed layout results in an inward looking development which would not result in dwellings that integrate well with the context of the site. The proposal to orientate dwellings with rear garden boundaries along the entire length of the Hullbridge Road site boundary which is very publicly visible would not result in a public vista that promotes a high standard of design. The main access road to the site is over-engineered for the scale of development proposed. The site fails to provide for safe pedestrian access to nearby bus stops and is not therefore considered to have demonstrated that matters of accessibility, particularly promoting alternatives to the private car, have been carefully considered and addressed within the proposal. The proposal by virtue of the aforementioned reasons is not considered to demonstrate the high standard of design sought contrary to parts (i) and (ix) of Policy DM1 and part (i) of policy DM3 the Rochford District Development Management Plan (2014).

This application is subject to a pending appeal with the reference APP/B1550/W/18/3203038

Principal of Residential Development

- 3.5 The application site is designated as Metropolitan Green Belt. The Government attaches great importance to Green Belts. Paragraph 133 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 3.6 Paragraph 145 (NPPF) goes on to say that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. But that general policy is immediately qualified by exclusions, one of which is:

'limited infilling or the partial or complete redevelopment of previously developed sites (brown field land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development; or not cause substantial harm to the openness of

the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”

- 3.7 Previously developed land is defined in the NPPF as land that is or was occupied by a permanent structure and its curtilage and any fixed surface infrastructure. Whilst the definition makes clear that that it should not be assumed the whole curtilage should be developed the existing site has built form and hardstanding throughout the site and it is duly considered that the entire site meets the criteria to be previously developed land.
- 3.8 Policy GB 1 to the Council's adopted Core Strategy (2011) pre-dates the national policy position set out at paragraphs 143-147 (proposals affecting the Green Belt) to the NPPF. Policy GB1 sets out that the Council will protect the Green Belt by releasing the minimum required. However, the site does not comprise a planned release but instead constitutes a windfall site in addition to those sites for planned release under policies H1 and H2 to the Core Strategy. The proposal would constitute the re-use of a previously developed site favoured in policy H1.
- 3.9 Policy DM10 relates to the development of previously developed land within the Green Belt. Proposals for the development of residential, retail and other uses not promoted by policy GB2 of the Core strategy on previously developed land may be appropriate if it can be demonstrated that it would contain sustainable development. In particular, proposed residential development of previously developed land in the Green Belt will be permitted provided that the proposal:
- is well related to a defined residential development;
 - is well related to local services and facilities;
 - has good connections to the strategic road network;
 - would promote sustainable transport modes;
 - would not have a negative impact on areas of international, European and local nature conservation importance, or the historic environment; and
 - is located within the South Essex Coastal Towns landscape character area.
- 3.10 Policy DM10 also states that the development of previously developed land should not undermine the five purposes of including the land within the Green Belt. Furthermore any development which is permitted should be of a scale, design and siting such that the openness of the Green Belt and character of the countryside is not harmed, and nature conservation interests are protected.
- 3.11 The site is located between Rayleigh and Hullbridge and, although not part of the defined residential settlement, is nonetheless on the main linking road with good access to both settlements and close to bus stops on Hullbridge Road that link the settlements.

- 3.12 In respect of the site being well related to local services and facilities, the preamble to policy DM10, as a guide, considers that residential proposals would be considered well related to local services and facilities provided they are within 800m walking distance of at least one of the following: allocated town centre; doctors' surgery; school (primary or secondary); or convenience retail store. Of these stated facilities the nearest one to the site would be the Budgens store on the corner of Ferry Road/Lower Road; this store is approximately 1,000m walking distance from the site and thus beyond the 'well related' figure. The site is, however, only slightly further (some 1120 metres) from other amenities, including a corner shop and take away located at the junction of Hambro Hill and Hullbridge Road. The site is opposite a golf course.
- 3.13 In terms of promoting sustainable transport modes, occupants of the site would have good access to local bus services operating along Hullbridge Road with bus stops only a short distance from the site. On the opposite side of the road to the site there is also a combined footway and cycleway that runs along Hullbridge Road; this would enable occupants to access local amenities on foot or by cycle.
- 3.14 The Essex Landscape Character Assessment 2003 places the site within the Crouch and Roach Farmland character area as are the settlements of Hullbridge and South Woodham Ferrers to the north. The South Essex Coastal Landscape Area lies a short distance south of the site. The sixth bullet point of policy DM10 requires sites, for the residential development of previously developed land, to be within the South Essex Coastal Landscape Area (SECLA). The maps contained within the assessment that identify the character areas do not provide a clearly defined boundary between the character area and the boundary with the SECLA is only 100-200m to the south and does not follow any specific features (built form, roads, landscape features etc.) in this location. The site is therefore between both landscape designations such that the development proposed would not be harmful in landscape terms.
- 3.15 The Conservation of Habitat and Species Regulations 2017 (Habitat Regulations) requires the Local Planning Authority as a 'competent authority' in the exercising of its planning function to undertake a formal assessment of the implications of development proposals before granting consent for any development which is likely to have a significant effect on a European site (either alone or in combination with other development). The formal assessment is known as a 'Habitat Regulations Assessment (HRA)' which has several distinct phases. The first is a formal 'screening' for any likely significant effects. Where these effects cannot be excluded, assessment in more detail through an 'appropriate assessment' is required to ascertain that an adverse effect on the integrity of the site can be ruled out. Where such adverse effects on the site cannot be ruled out, appropriate mitigation must be secured by condition/limitation

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- 3.16 The site lies within a distance where future occupiers of the development proposed, and particularly residents of the development with dogs, would be likely to increase pressure for dog walking along the River Crouch Coastline. Natural England has produced an Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record. This comprises a two stage process which must be adhered to for the purpose of recording the conclusion of both Screening and Appropriate Assessment stages of the HRA for planning applications within scope of the Essex Coast RAMS for which recreational disturbance to the above sites is the only HRA issue.
- 3.17 The site is within a 'Zone of Influence' but due to the nature of the proposal being less than 100 dwellings officers consider that the development is not within or directly adjacent to a European designated site and therefore is not likely to have a significant effect as a result of the distance between the application site and the nearest nature site (Crouch and Roach estuaries SPA and Ramsar site) and the availability of suitable areas of alternative open space in the area to also meet the recreational needs.
- 3.18 In reply to consultation on other applications, it is emerging for the interim period given the absence of further guidance, that Natural England is supportive of a financial contribution of, say, £100 per dwelling to contribute to a future management scheme for the Crouch and Roach estuaries SPA and Ramsar site. This is recommended as a head to the legal agreement to form part of the approval.
- 3.19 Officers consider that whilst the site would not fully satisfy all elements of policy DM10, and notwithstanding the previous reasons for refusal, the use of the site for residential purposes would be an acceptable use of the site.
- 3.20 Policy DM10 also states that the development of PDL should not undermine the five purposes of including the land within the Green Belt; these are as follows:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 3.21 It is considered that the proposed development would not undermine the purposes of the Green Belt. Although the site is designated Green Belt it is largely hard surfaced and with the active business use does not appear in character to be part of the open countryside. Given the previously developed nature of the site the proposed development would not be considered to

amount to encroachment into the countryside. The site is located between the settlements of Hullbridge and Rayleigh; however, the limited size and already developed nature of the site is such that the proposed development would not undermine the role the Green Belt plays in separating these two settlements. The open countryside surrounding the site would remain unchanged, separating the two settlements.

- 3.22 Lastly, policy DM10 requires that any development that is permitted should be of a scale, design and siting such that the openness of the Green Belt and character of the countryside is not harmed.
- 3.23 Openness is generally held to be the absence of built form. There is a need to compare the respective impacts on openness of the existing and proposed development at the site. This comparison is not simply a floor area comparison, but consideration of floor area alongside other factors including scale and massing and degree of permanence.
- 3.24 There are 6 existing buildings on the site which range in scale and design. The large building sited towards the southern boundary has two parallel dual pitched roofs to a ridge height of some 4.5 metres and is 2.2 metres to eaves; this building has a warehouse type scale and appearance. One of the buildings is a glass house now put to use as a car breakers, which has a ridge height of some 4.2 metres and 2 metre high eaves. Centrally within the site are two buildings which contain a number of small business units; these buildings are composed of an assemblage of forms with varying ridge and eaves heights; all, however, are single storey, the maximum height some 4.39metres. The building sited on the northern boundary is approximately 3 metres in height whilst the smallest building sited in the south-east corner is some 3.5 metres to ridge. The buildings are largely contained within the southern/central/eastern portion of the site. The remainder of the site is, however, almost entirely hard surfaced and used for parking and some external storage. There are a number of mobile homes/caravans on the site put to residential use; none of these, however, are authorised.
- 3.25 The applicant has provided details of the total volume of the existing buildings on site and the total volume of the dwellings proposed. The existing volume of the commercial units equates to some 7,740m³. The dwellings would have volumes of between 289m³ and 443m³ (as stated on the plans) to give a total stated proposed volume of some 5,565m³. In terms of volume of the built form on the site there would therefore be a net reduction of approximately 2,175m³; this would be an improvement in terms of Green Belt openness.
- 3.26 First floor accommodation has also been contained within the roof space of the proposed dwellings to restrict the building height. The ridge height of the dwellings ranges from some 6 metres to some 6.4 metres with eaves height at around 2.6 metres. The proposed dwellings at 1.5 storeys are all greater in ridge height than the existing buildings which are all single storey, with a maximum ridge height of 4.5 metres. The proposal would therefore result in a lower total volume of development at the site but an increased height of

development. The increase in height would, however, be relatively modest and as the eaves height of the proposed dwellings has been kept low it is considered that the dwellings would not appear excessive in height to the detriment of Green Belt openness.

- 3.27 An increased degree of soft landscaping, in comparison to the existing site, would also help contribute positively to the setting.
- 3.28 Overall it is considered that the proposed development would be of a scale, design and siting such that the openness of the Green Belt and character of the countryside would not be harmed.

Existing Employment Uses

- 3.29 Policy ED1 of the Core Strategy advises that the Council will support the protection and enhancement of the role of small and medium sized businesses. There are various small businesses located within the units on the site, some of which have recently been determined as lawfully occupying the site. The proposed residential re-development of the site would result in the existing businesses needing to relocate elsewhere.
- 3.30 Reason for refusal 2 of the decision notice for 17/00431/OUT stated that the proposal would result in the loss of businesses at the site and the loss of employment opportunities in a semi-rural area contrary to policy ED1.
- 3.31 The table below has been provided by the applicant at the time of the application submission. It highlights the current employee number and position of each existing business on site.

Business Name	Number FT employees	Number PT employees	Business Position
Fairways café	1	3-4	Relocating to 'The Dome, Saltings'. Planned move to coincide with development of the site
Barneys Pet Shop	N/A		Trading ceased on 30 July. Relocated to a new premises in Rayleigh
Bentley Paving	0		Storage only. No on-site employees
LST Gym	1	1-2	Relocating. Personal trainers work predominantly off site on 1:1 basis
The Mower man	1		Relocating to work at garage at home and clients' properties
Bait Shop	0		Storage for equipment only

Business Name	Number FT employees	Number PT employees	Business Position
Golf Aider		2	Relocating off site (PT jobs)
Blinds		1-2	Relocating off site (PT jobs)
Glazing Workshop	1		Office admin only – PT basis only. Relocating to new premises
Carpentry Workshop	1		New – Temporary only
Boxing Gym	0		Charity – No employees. Offering space for enthusiasts
Embroidery Workshop		2	Embroidery Workshop is PT hobby/business
Castle Caravans	N/A		Ceased trading

- 3.32 As can be seen from the above table, the loss of employment from the site would be minimal due to the majority of businesses having relocated or in the process of relocating. The applicant also contends that the site does not easily attract commercial occupiers due to the poor state of the facilities and inability to meet retail/office standards. Also it is added that the costs associated with complete re-development of the site for commercial/retail use would far exceed that of the potential rental income.
- 3.33 Consideration should be given to paragraph 92 of the NPPF which requires decision makers to take account of potential loss of services. In this case, although the proposal would result in the loss of businesses from the site, as the site is not located within an existing settlement this loss would not be considered to reduce any community's ability to meet its day to day needs such as to warrant refusal of the application.
- 3.34 Given that the site is not allocated specifically for employment use, it is considered that there is not strong policy support for the retention of employment uses at the site.

Quantum of Development

- 3.35 Policy DM2 of the Development Management Plan 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. 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. The precise density for any individual site will be determined

by its immediate context, on site constraints, the type of development proposed and the need to provide an appropriate mix of dwellings to meet the community's needs.

- 3.36 The proposal is for a development of 16 dwellings on a site area of 1.16ha representing a development of approximately 14 dwellings per hectare. A minimum 30 dwellings per hectare is usually required to ensure that best use of Green Belt land is achieved. Although the proposed density figure is low for a new housing development, it is considered that the quantum proposed would be suitable for this location, particularly given the need to ensure that on previously developed land the proposed re-development would not be of a scale greater than the existing buildings to be replaced to limit adverse impact on openness.

Design and Layout

- 3.37 Policy CP1 requires new housing developments to achieve high quality design and layout. 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.
- 3.38 Policy H5 of the Core Strategy requires that new housing developments contain a mix of dwelling types to ensure that they cater for and help create mixed communities. The development would provide five different housing types with 4No. two-bedroom houses, 7No. three-bedroom houses and 5No. four-bedroom houses providing a suitable mix of dwellings in accordance with policy H5.
- 3.39 There would be a dwelling located either side of the access point onto Hullbridge Road (plots 1 and 16) with their principal elevation fronting onto Hullbridge Road. This would help integrate the development into the street scene rather than turning its back onto Hullbridge Road, as with the previous scheme. The remaining fourteen dwellings would be placed, as before, in a loop around a central landscape area.
- 3.40 The County Urban Design Officer does not favour this loop layout and would rather seek a layout based around a number of small courtyard spaces as opposed to the proposed estate style layout and have the main access road designed to be an integral part of the housing layout rather than a road to position dwellings around. Notwithstanding this view, District officers nevertheless consider that the layout with the dwellings positioned around a central 'village green' would provide an agreeable setting for the dwellings and on this occasion do not support the County Urban Design officer.
- 3.41 A summary of the dwelling types follows.

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- 3.42 House Type A (plot 11). This would be a four-bedroom, gable ended property with three of the bedrooms contained within the roof space. It would broadly adopt an L shaped footprint with a maximum width of 14.3m and depth varying from 13.3m down to 5.2m. The ridge height of the main roof would be 6.4m above ground level. There would be a chimney stack attached to the left side. The front elevation would feature a 0.5m deep and 5.1m wide gable projection with a gable end feature window. There would be a single storey projection extending 3.4m outwards to the right side and this would have a ridge height of 5m. The rear elevation would feature a 5.1m deep and 6.5m wide projection with a gable end feature window.
- 3.43 House Type B (plots 3, 4, 8, 9). This would be a three-bedroom property with the bedrooms contained within the roof space. It would have a maximum depth of 11.2m and elevational width of 12.2m. There would be a 6m ridge height and a chimney stack attached to the right side. The front elevation would feature a 0.5m deep and 5.1m wide gable projection with a gable end feature window. The rear elevation would feature a 3m deep and 6.5m wide projection with a gable end feature window.
- 3.44 House Type C (plots 1, 2, 6, 16). This would be a four-bedroom property with two bedrooms on the ground floor and two within the roof space. It would have a T shaped footprint with a maximum width of 13.7m and a depth varying from 9.3m to 7.6m. The front elevation would feature a 0.5m deep and 5.1m wide gable projection with a gable end feature window. The front facing roof pitch would also contain three velux windows. The rear elevation would feature a 1m deep and 6.8m wide projection with a gable end feature window.
- 3.45 House Type D (plots 7, 10, 13, 14). This would be a two-bedroom property with bedrooms within the roof space. It would adopt a more rectangular footprint, albeit with a cutaway section to the front corner where there would be a canopied roof porch. It would have a depth of 12.4m and a width of 7.5m. The ridge height would be 6m. There would be a window within the front and rear gables, but not one of the larger feature windows common to the other dwelling types.
- 3.46 House Type E (plots 5, 12, 15). This would be a three-bedroom property, again with the bedrooms within the roof space. It would adopt a broadly L shaped footprint with a maximum elevational width of 10.2m and a depth varying from 13.3m to 7.6m. The ridge height would be 6.3m and there would be a chimney stack attached to the left hand side of the dwelling. The front elevation would feature a 0.5m deep and 5.1m wide gable projection with a gable end feature window. The rear elevation would feature a 5m deep and 6.5m wide projection with a gable end feature window.
- 3.47 All dwellings would have a gabled porch canopy to the front door entrance and share similar design characteristics including gabled projections, chimney stacks (except type D), and external materials. This would provide a degree of homogeneity whilst still allowing a mix of styles, hence an element of variety, within the development.

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- 3.48 The design and scale of the dwellings and the attention to detail would ensure that the proposed development contributes positively to the surroundings, in accordance with policy DM1. There would also be a degree of openness throughout the site which, with soft landscaping, would contribute positively to this Green Belt location.
- 3.49 Each dwelling would be provided with a minimum one metre side space to the side boundaries, as required by the Council's supplementary planning guidance.
- 3.50 The Essex Design Guide states that as a minimum every effort should be made to avoid overlooking of rear facing living room windows to ensure privacy is retained at existing dwellings. In cases where the rear faces of dwellings are approximately parallel, and there would be an intervening fence or other visual barrier which would be above eye level from the potential vantage point, a minimum of 25m between the backs of houses may be acceptable. Where the backs of houses are more than 30° to one another this separation may be reduced to 15m from the nearest corner. The proposed dwellings to plots 2 and 3 are angled at more than 30° from Nursery Lodge and have minimum separations of approximately 18m. Plots 5 and 6 are at a lesser angle to Nos.1 and 2 Goldsmith Avenue, but would have minimum corner to corner distances of 28m and 35m respectively. The proposed dwellings would thus exceed the minimum standards of the Guide.
- 3.51 All dwellings would be provided with ample private amenity space varying between 200m² and 490m² per dwelling. These areas would be well in excess of the 100m² minimum requirements for houses.
- 3.52 The Council's guidance for refuse storage and collection provision within residential layouts is set out in appendix 1 to the Development Management Plan. That guidance generally advocates the provision of storage within rear or side garden areas and collection points off the highway to avoid obstruction and cluttered street scenes. Each dwelling would have areas where bins could be stored clear of the highway and within private areas.
- 3.53 Policy CLT5 to the adopted Core Strategy requires new public open space to accompany additional residential development with policy CLT7 requiring play spaces. The development would provide an open space with a pond feature in the centre of the development with the housing positioned in a circular pattern around it. This would provide a suitable open space with natural surveillance, in accordance with the policy requirements. It is considered that the scale of development is such that on site play space would not be sought.

Technical Housing Standards

- 3.54 The Ministerial Statement of 25 March 2015 announced changes to the Government's policy relating to technical housing standards. The changes rationalised the many differing existing standards into a simpler, streamlined system and introduced new additional optional Building Regulations on water

and access, and a new national space standard. Government policy is now that planning permissions should not be granted requiring, or subject to, conditions requiring compliance with any technical housing standards other than for those areas where authorities have existing policies on access, internal space, or water efficiency. Rochford District Council has existing policies relating to all of the above, namely access (policy H6 of the Core Strategy), internal space (policy DM4 of the Development Management Plan) and water efficiency (policy ENV9 of the Core Strategy) and can therefore require compliance with the new national technical standards.

- 3.55 Until such time as existing policy DM4 is revised, this policy must be applied in light of the Ministerial Statement (2015), which introduced a new technical housing standard relating to internal space standards. Consequently, all new dwellings are required to comply with the new national space standard, as set out in the DCLG Technical Housing Standards - Nationally Described Space Standards March 2015.
- 3.56 The following is a table of the individual dwellings, their gross internal floor spaces and compliancy.

Plot Numbers	Type	Area m ² Required	Area m ² Provided	Area Compliant	Storage Compliant
1, 2, 6, 16	C (4 bed)	102	156	Yes	No
3, 4, 8, 9	B (3 bed)	93	143	Yes	No
5, 12, 15	E (3 bed)	93	160	Yes	Yes
7, 10, 13, 14	D (2 bed)	79	126	Yes	No
11	A (4 bed)	115	176	Yes	Yes

- 3.57 Dwelling types B, C, and D are not shown to meet the required built in storage requirements; however, the layout would allow sufficient space for such storage. A planning condition to require this would be recommended if planning consent were to be granted. As no section drawings have been submitted, a condition would also be recommended to require that a minimum 2.3m floor to ceiling height is achieved for at least 75% of the gross internal area of each dwelling.
- 3.58 Until such time as existing policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement (2015), which introduced a new technical housing standard relating to water efficiency. Consequently, all new dwellings are required to comply with the national water efficiency standard, as set out in part G of the Building Regulations (2010) as amended. A condition would be recommended to require compliance with this Building Regulation requirement, should the application be granted consent.

4 AFFORDABLE HOUSING

- 4.1 The adopted Core Strategy (2011) sets out the Council's current requirements with regard to affordable housing. Policy H4: Affordable Housing seeks a minimum of 35% affordable housing on all developments of 15 or more units. The current policy also aims for 80 per cent of affordable housing to be rented, with 20 per cent intermediate housing (shared-ownership). The supporting text of the policy also states that it is important that a mix of house types is provided on larger sites in order to deliver mixed communities, as opposed to developments which cater entirely for one demographic group.
- 4.2 In the previous application a viability assessment for the scheme was provided arguing that the development then proposed could not viably provide any affordable housing.
- 4.3 The recommended approach in undertaking viability assessments is to assess viability based on a residual valuation basis. This means assessing the development value of the proposed scheme and deducting from this the costs of the development, including profit, to leave a residual sum representing the site value. If the Residual Land Value is in excess of the Benchmark Land Value the scheme is considered able to viably provide planning contributions (including affordable housing), up to an amount equal to the difference between the two figures. If it falls below the Benchmark Land Value it could be considered unviable.
- 4.4 The applicant's report concluded that the proposed development produces a Residual Land Value of £2,520,159 against a Benchmark Land Value of £2,609,901 and therefore the scheme is not viable at -£89,742.
- 4.5 As is usual practice, the Council commissioned an independent assessment of the applicant's viability appraisal. The independent assessor (DVS) provided a report to the Council which concluded that the proposed scheme achieves a Residual Land Value higher than the Benchmark Land Value and is therefore able to make a contribution towards affordable housing. The figures put forward by DVS are that the proposed scheme achieves a Residual Land Value of £2,663,429 set against a Benchmark Land Value of £2,000,00 and thus a surplus of £663,429 is achieved, indicating that the provision of some affordable housing would be viable.
- 4.6 Members are reminded of the addendum to the 22 March 2018 Committee meeting in which the previous application 17/00431/OUT was determined. The applicants stated that they were willing to pay a capital contribution towards the provision of affordable housing. The sum is what the Council's viability assessor - DVS- has stated is the surplus between the residual land value and the benchmark land value, thus making the scheme viable for the provision of affordable housing. The surplus sum is £663,429.
- 4.7 Whilst the applicant had proposed an affordable housing contribution towards off site affordable housing, the applicant had not demonstrated that provision

of affordable housing on site would be impossible. The proposal was therefore contrary to policy H4 and this was given as a reason for refusal.

- 4.8 Following the refusal the applicant has adopted the DVS values in their assessment and concluded that the provision of two rented units would be the maximum number of affordable housing units that could be reasonably accommodated on the site.
- 4.9 The applicant has approached local social housing providers to take on two proposed affordable housing units. The following nine providers have declined in writing to take an interest in the units – Sanctuary Housing Group, Genesis Housing Association, Hanover, Swan Housing, Moat Housing Association, Anchor Trust, Housing 21, London and Quadrant, Estuary Housing Association. Circle Living (Clarion Housing) have declined verbally. Three of the providers specifically referred to the development as being too small for their requirements.
- 4.10 The applicant therefore confirms their willingness to enter into a S106 agreement for affordable housing via a commuted sum to the value of £663,429 or for the provision of two rented units on the site if a housing provider is interested. If no housing provider were to take up the units the commuted sum would assist the Council in providing units elsewhere given that the site has received no interest from affordable housing providers. Officers consider this would be the preferred way forward and that a refusal on lack of on site affordable housing would be unreasonable given the offer of such a payment. In these circumstances the previous reason has now been overcome.

Parking and Access

- 4.11 The proposal would use the existing site access onto Hullbridge Road. This road is a single carriageway road subject to a 40mph speed limit. Adjacent to the existing access is a ghost island T junction for right turning traffic into the golf club. There is a shared use pedestrian/cycle path on the eastern side of Hullbridge Road, but no direct footpath access onto the site. There are bus stops on each side of Hullbridge Road by the entrance to Goldsmith Drive approximately 130m south of the site entrance.
- 4.12 The Parking Standards: Design and Good Practice Supplementary Planning Document adopted 2010 requires dwellings with two bedrooms or more to have a minimum of two parking spaces. In addition, the document requires a minimum of 0.25 visitor parking spaces per dwelling (unallocated). As the proposal is for 16 dwellings, this would require 32 spaces to serve the dwellings, together with a further 4 visitor parking spaces. Each dwelling would be provided with a minimum of two parking spaces. Although no visitor spaces are provided this can be achieved via a condition given that landscaping is a reserved matter as part of the hard landscaping for the development.

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- 4.13 A transport statement has been submitted with the application. In terms of traffic generation, the submitted statement identifies that the proposed re-development of the site for residential purposes, when compared to the existing commercial uses, would result in a 70% drop in vehicle movements to and from the site.
- 4.14 The proposed internal road layout would accord with highway standards and be wide enough to accommodate two-way passing traffic. A swept path analysis has been undertaken for refuse and emergency vehicles entering the site indicating that all vehicles can enter and exit the site in a forward gear.
- 4.15 Included in the fourth reason for refusal of 17/00431/OUT was that ‘the site fails to provide for safe pedestrian access to nearby bus stops and is not therefore considered to have demonstrated that matters of accessibility, particularly promoting alternatives to the private car, have been carefully considered and addressed within the proposal’. It is now proposed to put in a new section of shared pedestrian/cycle path either side of the site access (to part of the front of plots 1 and 16) together with a crossing point that will improve pedestrian/cyclist safety. The enhancements to the pedestrian route have improved the site’s sustainability credentials providing a now safe pedestrian route to the nearby bus stops, as well as improving cyclist connectivity to the existing cycle route.

Renewable or Low Carbon Energy

- 4.16 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 or viable. A planning condition would be recommended to require compliance with the above policy unless it is demonstrated that this would not be viable or unless provision of such would be at the expense of provision of a higher specification energy efficient building fabric in which case a report demonstrating the case shall be submitted to and agreed in writing by the Local Planning Authority.

Lighting

- 4.17 Policy DM5 of the Development Management Plan requires that applicants should take into consideration the environmental zone where a development is being proposed and the corresponding lighting thresholds. The site is considered to fall within Environmental Zone 2 as it is within the Green Belt. Lighting proposals in this zone are only permitted if the applicant can demonstrate that the scheme proposed is the minimum needed for security and/or working purposes and that it minimises the potential for obtrusive light from glare or light intrusion to an acceptable level. Artificial lighting in the open countryside can have a demonstrable effect on ‘dark skies’, one of the special qualities of the rural landscape. An acceptable lighting scheme could be controlled by condition.

Contamination

- 4.18 Although the site consists of commercial premises it is not suggested within any of the accompanying statements that the land is contaminated. Planning conditions to require de-contamination where necessary could be imposed if the application were to be approved.

Surface Water

- 4.19 Policy ENV4 requires all residential developments of over 10 units to incorporate run off control via Sustainable Urban Drainage Systems (SuDS). It is considered that due to the existing brown field nature of the site and the extent of built form and hard surfacing, the development for residential purposes would increase the proportion of soft surfacing given over to gardens and landscaping. This will reduce the extent of impermeable area on the site.
- 4.20 The development would provide for a surface water attenuation basin within the central amenity space. The stated capacity of this would be 405m³. There would be an out fall to the existing adopted surface water sewer on Hullbridge Road. A flow control chamber would restrict the outflow to 3.4 litres/second. Due to the underlying clay geology the potential for ground infiltration is limited, thus requiring a connection to the sewer network.
- 4.21 Foul water would also outflow to the existing foul water sewer on Hullbridge Road.
- 4.22 Essex County Council Lead Flood Authority has no objection to the proposal and has recommended conditions to ensure a detailed surface water drainage scheme for the site and management plan is provided prior to development.

RDC Woodlands

- 4.23 Policy DM25 requires that development seeks to conserve and enhance existing trees and woodlands.
- 4.24 An impact assessment, including tree protection plan, has been prepared in accordance with BS 5837:2012. The majority of trees are located towards the edges of the site. To implement the development some low quality trees with a limited useful life expectancy would need to be removed.
- 4.25 The Council's arboricultural officer considers that removal of the trees, as identified, is acceptable and will not result in a significant loss to tree based amenity for the area. All remaining trees can be adequately protected during construction, subject to the method statement provided being implemented as part of the development; this would be made subject to a planning condition.
- 4.26 Policy DM27 requires consideration of the impact of development on the natural landscape, including protected habitat and species. National planning policy also requires the planning system to contribute to and enhance the

natural environment by minimising impacts on biodiversity, providing net gains in biodiversity where possible.

- 4.27 The applicant has submitted an ecological appraisal of the site conducted by Essex Ecology Services Ltd. The survey is in accordance with standing advice provided by Natural England and in accordance with JNCC phase 1 habitat surveys. The survey concludes that, with the exception of birds, none of the habitat present is suitable for protected species. It is, however, not considered likely that any species of particular conservation significance breed on the site. Mitigation is provided within the appraisal for best practice regarding birds such as timing of development works, tree works, etc. Further mitigation is provided regarding the use of lighting, bat boxes, bird nest boxes, etc. Mitigation could form part of the planning conditions.
- 4.28 Although landscaping would be determined at the reserved matters stage, the indicative site plan includes ponds which would allow for the enhancement of habitat for amphibians at the site.

Existing Residential Amenity

- 4.29 No objections have been received from the residents of neighbouring properties; however, in the consultation for 17/00431/OUT the occupier of Nursery Lodge considered that the proposed dwellings to plots 2 and 3 were too close to the existing boundary and would result in overlooking.
- 4.30 As stated in the previous report, the level of separation exceeds the minimum requirement sought by the Essex Design Guide for dwellings with rear facing rooms at an angle to existing houses. In addition, there is existing tree planting within the Nursery Lodge site providing intervening screening. Given these factors and the angled relationship, it is not considered that there would be significant overlooking of Nursery Lodge.
- 4.31 The dwellings proposed for plots 5 and 6 would have minimum corner to corner distances of 28m and 35m respectively to Nos. 1 and 2 Goldsmith Drive. As such, any impact on existing residential amenity would be minimal.
- 4.32 There would be no amenity impact upon other dwellings.

5 CONSULTATIONS AND REPRESENTATIONS

Rayleigh Town Council

- 5.1 Objects to this application due to there being no pond safety, no public footpath access and no inclusion of a pedestrian crossing.

Anglian Water

- 5.2 No assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

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- 5.3 The foul drainage from this development is in the catchment of Rayleigh West Water Recycling Centre that will have available capacity.
- 5.4 The sewerage system at present has available capacity for these flows via a gravity discharge regime only without further consultation
- 5.5 The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England include a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to water course and then connection to a sewer. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. Evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H. However, infiltration logs were not received in accordance with the Building Regulations and the proposed discharge rate to the surface sewer is currently unacceptable. It is therefore recommended that the applicant needs to consult with Anglian Water. The need for an agreed strategy is reflected in the planning approval.

ECC Archaeological

- 5.6 The Historic Environment Record shows that there are no archaeological features directly impacted by the proposed development. Therefore no archaeological recommendation is being made on this application.

ECC Lead Local Flood Authority

- 5.7 Having reviewed the Flood Risk Assessment and Surface Water Drainage Strategy and the associated documents which accompanied the planning application, acting on behalf of ECC we do not object to the granting of Outline planning permission, subject to recommended conditions.

ECC Urban Design

- 5.8 If the outline planning application is approved, we would like to see a reconsidered layout. The current layout is inefficient, lacking clarity and variety. There are a number of suggested amendments which highlight a series of actions to refine the current proposal:
- Consider a reduced density in order to remove the need for the provision of affordable housing
 - Consider utilising a layout based around a number of small courtyard spaces, as opposed to the proposed estate style layout
 - Explore a greater variety of dwelling design through the use of fewer and more distinct house types with a contextually informed material palette
 - Reconsider the layout of the main access road designed to be an integral part of the housing layout rather than a road to position dwellings around

- Demonstrate that all gardens meet Rochford's standard of 100m²
- Identify locations of refuse and cycle stores
- Provide a detailed landscape proposal including hard landscaping, soft landscaping and suds
- Provide a greater clarity on the public/private areas through the inclusion of boundaries
- Include a small number of visitor parking spaces in a suitable location.

RDC Woodlands

- 5.9 An ecology assessment has been provided for the planning proposal. The report concludes that the habitats on site are unsuitable for protected species.
- 5.10 I would recommend as a condition of consent an arboricultural protection plan and method statement be provided and approved by RDC. The assessment is to be in accordance with the criteria and recommendations contained within BS 5837.

6 EQUALITY AND DIVERSITY IMPLICATIONS

- 6.1 An Equality Impact Assessment has been completed and found there to be no impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

7 CONCLUSION

- 7.1 The proposal is not considered to cause undue demonstrable harm to any development plan interests, other material considerations or to the character and appearance of the Green Belt to justify refusing the application.



Marcus Hotten

Assistant Director – Environmental Services

Relevant Development Plan Policies and Proposals

Policies H1, H4, H5, H6, CP1, GB1, GB2, ENV3, ENV4, ENV8, ENV9, ENV11, CLT1, CLT2, CLT3, CLT5, CLT6, CLT7, T1, T2, T3, T4, T6, T8 and ED1 of the Core Strategy 2012

Policies DM1, DM2, DM3, DM4, DM5, DM10, DM25, DM26, DM27, DM28, DM29, DM30 and DM31 of the Development Management Plan 2014

Supplementary Planning Document 2 - Housing Design

Essex Design Guide 2018

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

National Planning Policy Framework

Allocations Plan

Background Papers

None.

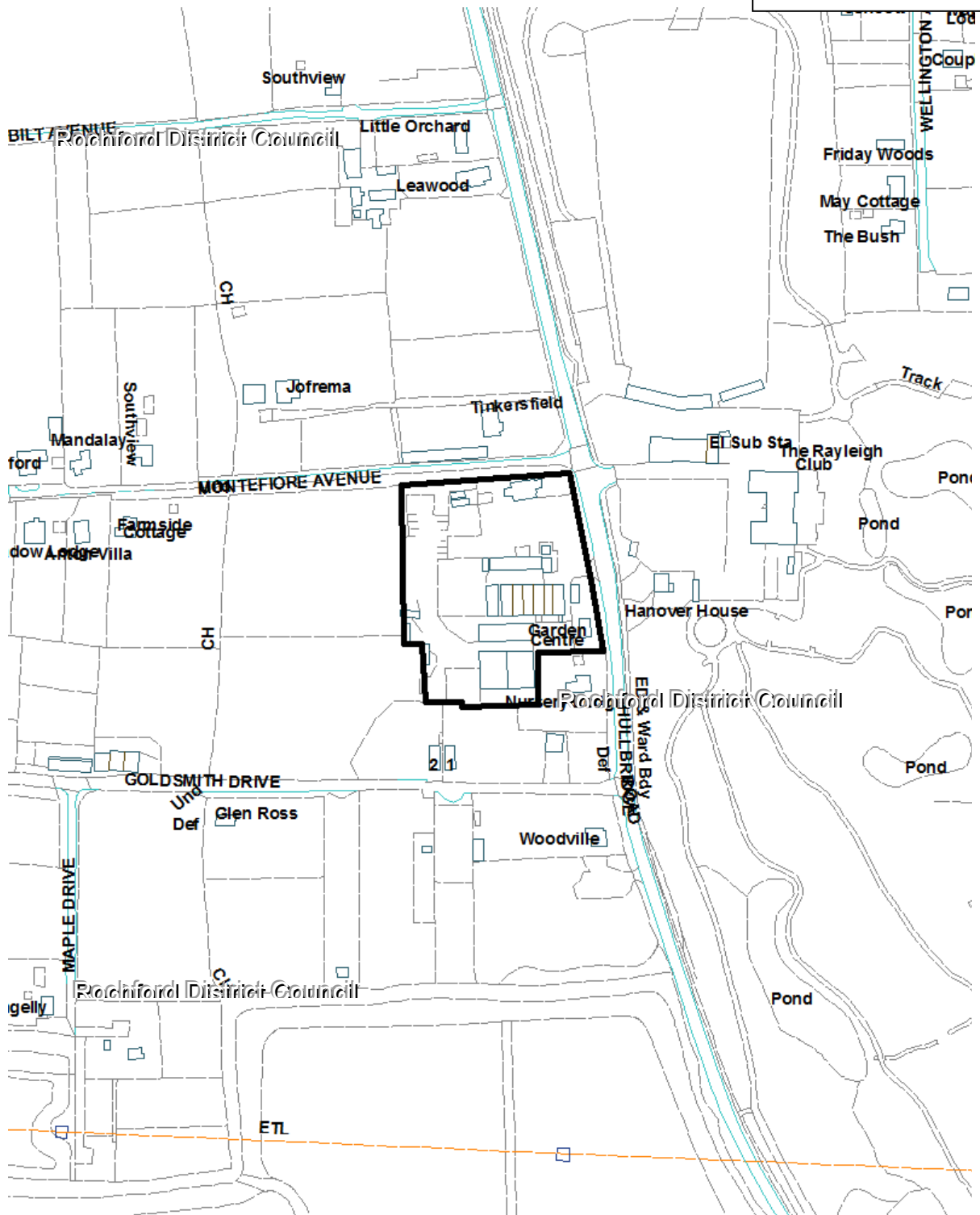
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