



Rochford District Council

## **SUPPLEMENTARY ITEM**

### **SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY PLANNING COMMITTEE 25th July 2002**

All planning applications are considered against the background of current Town and Country Planning legislation, rules, orders and circulars, and any development, structure and locals plans issued or made thereunder. In addition, account is taken of any guidance notes, advice and relevant policies issued by statutory authorities.

Each planning application included in this Schedule is filed with representations received and consultation replies as a single case file.

The above documents can be made available for inspection as Committee background papers at the office of Planning Services, Acacia House, East Street, Rochford.

If you require a copy of this document in larger print, please contact the Planning Administration Section on 01702 – 318191.

**PLANNING COMMITTEE 25th July 2002**

**SUPPLEMENTARY SCHEDULE ITEM**

8	01/00876/FUL	Peter Whitehead	PAGE 4
	Erection Of 118 (No.) Dwellings Including 24(No.) Affordable Units And Associated Works And Doctors Surgery, 'Together With 4m High Fence/Wall To west Site Boundary With Imperial Park Industrial Estate. Reads Nursery Rawreth Lane Rayleigh		

## **PLANNING SERVICES COMMITTEE - 25 July 2002**

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### **DOWNHALL AND RAWRETH**

Cllr C I Black

Cllr R A Oatham

**TITLE :** 01/00876/FUL  
ERECTION OF 118 (NO.) DWELLINGS, INLCUDING 24 (NO.)  
AFFORDABLE UNITS AND ASSOCIATED WORKS AND  
PROVISION OF A SITE FOR A DOCTORS SURGERY,  
TOGETHER WITH 4M HIGH FENCE/WALL TO WEST SIDE  
BOUNDARY WITH IMPERIAL PARK INDUSTRIAL ESTATE  
READS NURSERY RAWRETH LANE RAYLEIGH

**APPLICANT :** COUNTRYSIDE RESIDENTIAL (NORTH THAMES) LTD

**ZONING :** AREA OF SPECIAL RESTRAINT/NO ZONING (But Annotated  
Nursery)

**PARISH:** RAYLEIGH TOWN COUNCIL

**WARD:** DOWNHALL & RAWRETH

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#### **PLANNING APPLICATION DETAILS**

- 8.1 The application proposes the erection of a total of 118 dwellings. These would be provided in a variety of dwelling types ranging in size from two-bed terraced dwellings and flats to three and four bed detached properties. 24 of the properties would be affordable dwellings. The application also provides a site for a doctor's surgery – although the provision of the surgery itself does not form part of this application.
- 8.2 The properties facing towards Rawreth Lane are all two storey. The properties to the Downhall Park Way frontage comprise a mixture of two storey houses and three storey town houses. Within the site, towards the western boundary, six blocks of three storey flats are proposed - four of these comprising the affordable dwellings. The flats would be served by communal car parking/car ports. All other parking would be provided within the curtilages of the respective dwellings. All vehicular access would be gained via Downhall Park Way.
- 8.3 Given the site's location adjacent to an industrial estate where general industrial activities take place, an acoustic barrier has been proposed to the Western site boundary. Depending upon the housing layout the barrier varies in style and height between a 4m high fence/wall at the southern end of this boundary to a 2.5m high fence to the northern end at its junction with Rawreth Lane.
- 8.4 In addition to the affordable housing element of the scheme, the applicants have offered the following as part of the application:
- A site for a doctor's surgery and £50,000 towards the provision of this facility
  - The sum of £76,768 towards the cost of making provision for further children at Downhall Park School

- The sum of £64,900 towards highway improvements

- 8.5 All of these contributions would need to be secured via a planning obligation under Section 106.

### **RELEVANT PLANNING HISTORY**

0499/96/ROC - Demolish dwellings, kennels and nursery, erect 102 dwellings and garages, estate road, etc. This application was refused for the following reason:

- 8.6 *'Sufficient housing land has already been identified for development in Rochford District up to 2001, through the Residential Land Availability and Local Plan process, in accordance with the Essex Country Structure Plan Housing Allocation.'*
- 8.7 *'The development of this site at the present time for housing purposes for which it is not allocated is not required to contribute to Rochford District's residential land supply for the above period. In accordance with current Planning Policy Guidance, the development proposed is considered to be unacceptable and potentially prejudicial to the forthcoming review of the Rochford District Local Plan.'*

### **CONSULTATIONS AND REPRESENTATIONS**

- 8.8 **Essex County Council (Highways)** do not wish to raise an objection, subject to a Section 106 Agreement to cover the following:  
Highway Access. The provision of the accesses off Downhall Parkway must be constructed prior to the commencement of development.  
Financial contribution of £50,000 to enable the County Council to improve the existing bus stops with the provision of bus shelters, raised kerbs, bus timetables, hardstanding and real time information on Rawreth Lane.  
Financial contribution of £85,000 to enable the County Council to provide a Puffin pedestrian crossing and a Pegasus crossing at the traffic signal junction of Rawreth Lane.
- 8.9 Highways also recommend a number of planning conditions, to ensure compliance with the Essex Design Guide for residential roads and mixed uses, and to prevent vehicular access to the proposed doctors surgery via the internal estate access roads. In this regard they note, 'The Highway Authority is very concerned over the siting and access to the proposed Doctors Surgery. This type of development is frequently a high traffic generator often attracting a large proportion of vehicle borne clients. The proposed position of the surgery would result in visitors parking in the adjacent estate roads causing inconvenience and congestion on the access road. This is unacceptable to the Highway Authority. An option would be the use of the far end of the Sweyne Park Car park (nearest to the proposed doctors surgery) with the provision of a footpath link to the Surgery.'

- 8.10 **County Planner's Archaeological Advisor** - the Essex Heritage and Conservation Record shows that the proposed development is unlikely to disturb known archaeological deposits. Therefore no archaeological recommendations are being made on this proposal.
- 8.11 **Anglian Water** - no objection, subject to conditions
- 8.12 **Head of Housing, Health and Community Care** reports that the location of the proposed development gives rise to significant potential for noise nuisance arising from the adjacent industrial estate. Should members be minded to approve the application, he recommends the imposition of a number of conditions/clauses in the accompanying S106 Agreement requiring the approval of: a scheme of measures for the control and suppression of dust emissions generated during the construction of the proposed development; prohibiting the burning of waste materials on the site during construction; the approval and installation of appropriate noise attenuation, the monitoring of noise to ensure the efficacy of such solutions and, if necessary, the ability to require that further works be carried out; the developers be held to maintain any acoustic ventilation system installed in the affordable housing implemented in the approved form and, similarly, the acoustic fence. The imposition of Standard Informatives SI16 (Control of Nuisances) and S125 (Contaminated Land). Having regard to the issues identified by the Council's Housing Needs Study, the Head of Housing, Health and Community Care supports the inclusion of a section 106 agreement to provide affordable housing on this site as part of any planning permission which may be issued.
- 8.13 **Rayleigh Town Council** - have submitted representations in respect of the scheme as originally submitted (29 November 2001) and as subsequently revised (12 March 2002).  
29 November 2001:  
'The Town Council object to this application on the following grounds:-  
1) since refusal of the previous planning application for this site there has been further development in the surrounding area leading to increased pressure on the already overloaded local roads which are subject to daily morning and evening traffic jams.  
2) the development proposed is considered to be unacceptable and potentially prejudicial to the forthcoming review of the Local Plan.  
3) it is also considered that sufficient land is already identified in Rochford District to meet today's housing needs.  
12 March 2002:  
The Town Council objects to the proposed development for the following reasons:
- Lack of facilities incorporated into the infrastructure
  - Potential drainage problems in the area
  - Large numbers of vehicles accessing onto an exceptionally busy road
  - Housing need in this vicinity being at saturation point, and these can be met at other locations in the District
  - Could be potentially prejudicial to the review of the Rochford District Local Plan

- 8.14 **Buildings and Technical Support (Engineering)** - surface water drainage difficulty, attenuation may be required, ditch through or piped ditch through site.
- 8.15 **Woodlands and Environmental Specialist** - highlights the likely presence of several protected species on the site, and considers that the ecological assessment recently received from the applicants is inadequate. He considers that the consultants need to establish numbers/distribution of protected species on the site, and provide a simple mitigation strategy for their removal, protection and monitoring. He considers that this can be achieved by condition. He further notes the existence of a number of outbuildings on the site, which could be used by bats, and considers that a bat survey is required. Again, he considers that a condition could be imposed to this end. The ecological assessment notes the existence of a earth works of a larger protected animal. He considers the assessment of the implications of this is to be inadequate. In particular, he questions the statement made in the assessment that because this is not within a licensing distance of the proposed development, it has no relevance to the application.
- 8.16 **Essex County Council (Urban Designer)** - has, during the evolution of the proposals, made a number of comments with regard to the siting and design of dwellings, the amount of car parking per unit, and its siting relative to the street scene, and the opportunity to orientate dwellings to so as to overlook the adjacent playspace in Sweyne Park and so provide some security.
- 8.17 **Environment Agency** - originally objected to the scheme on the basis that it did not sufficiently consider the issue of surface water drainage. Discussions have taken place between the applicants and the Environment Agency, and agreement has now been reached in principle.
- 8.18 **Essex County Council (Learning Services)** - calculates that 30 children of primary school age will arise from this development, and requires that a sum of £76,768 be paid by the developer towards the provision of education infrastructure to serve those children.
- 8.19 **Local Plans** - within the Rochford District Local Plan First review, part of the site is annotated as a Nursery and part of the site is zoned as an Area of Special Restraint but there are no specific policies that apply to the allocations. This notation has been carried over from the RDLP (1988). At that time the land was excluded from the Green Belt and zoned as an Area of Special Restraint, 'to ensure that adequate provision is provided for future urban uses, particular the provision of land for housing.' (Para 2.7.2). This notation is somewhat of an anachronism, given the extent of new development that has taken place along Rawreth Lane and in west Rayleigh generally. The Local Planning Authority is currently preparing a replacement Local Plan, during which the planning status of both the nursery and kennels sites fall to be reconsidered. In the Council's Urban Capacity Study carried out to inform the Plan process, both sites are flagged up as being capable of contributing to the Structure Plan allocation for housing to 2011. This would appear the most appropriate use for the land.

- 8.20 **Essex Police (Architectural Liaison Officer)** - makes an observation that the layout includes rear parking courts with little natural surveillance and a large number of trees. He considers that this type of layout will aid the possibility of auto crimes.
- 8.21 **Rochford Primary Care Group** - welcome in the application that primary services will be required. We would wish to work with the developer and the GP community to explore the nature and scope of the GP surgery/clinic proposed.
- 8.22 **Essex County Council (Strategic Development Team)** - note the current zoning of the site, and its inclusion in the Council's urban capacity study as a potential housing site, but have several reservations:
- In the sense that housing development has not yet been indicated in the forthcoming replacement local plan, the 'plan, monitor and manage' approach is undermined,
  - Shortcomings of the layout and building design
  - The absence of an educational contribution
- 8.23 Neighbouring properties have been notified of the application at various stages of its evolution; when first received; also in March, following the substitution of different house types/amendments to the layout and in July, following further changes to the layout, and the inclusion of an acoustic fence along the boundary with Imperial Park industrial estate.
- 8.24 A total of 31 letters of objection were received in respect of the original plans. A further 17 letters were received following the renotification in March. Any further letters received will be reported to Members at the meeting.
- 8.25 The grounds for objection cited in these letters are broadly as follows:
- Development has taken place without improvements in infrastructure/facilities in west Rayleigh - doctors, schools, sewers, etc.. Now the Council is not just considering this application, but the application at Park School too
  - Further homes are not necessary in this area, given the amount of housing development that has already taken place
  - Concerns relating to the admissions arrangements to schools in the area
  - Traffic congestion is already an issue, and the proposal will worsen the situation
  - The proposal will cause highway danger to car users and pedestrians
  - Rayleigh is becoming overcrowded
  - The site is not designated for housing purposes, and should not be built upon prior to the development of designated housing sites
  - Would 'affordable units' be in-keeping with the character of other houses in the area?
  - The proposal will aggravate the existing potential flooding to the area
  - Three storey houses would be a total eyesore and out of character with the area
  - The development will lead to more children using the park, and create more noise and disturbance, which will be intolerable



- West Rayleigh is losing its rural feel
- The last application for 102 houses was refused, how can a scheme for more houses be acceptable?
- The lack of facilities in the area means people have to drive everywhere
- Potential overlooking

### **MATERIAL PLANNING CONSIDERATIONS**

- 8.26 In considering this application particular attention is drawn to Policies H2, H8, H11, H13, H14, H15 and H16 of the Rochford District Local Plan.
- 8.27 In terms of key issues, consideration of the proposals may be appropriately be broken down as follows:
1. Local plan allocation
  2. Design and layout issues, inc. crime prevention density/mix, affordable housing
  3. Impact of the Industrial Estate upon the living conditions of residents
  4. Highway issues
  5. Protected species
  6. Drainage and Flood Risk
  7. Infrastructure
- Local Plan allocation
- 8.28 As indicated above, in the current Local Plan part of the site is zoned as an Area of Special Restraint and part of the site is annotated as a Nursery, and there are no specific policies that apply to these allocations. The original Local Plan makes clear that the site was set aside as an Area of Special Restraint to ensure that adequate provision was provided for future urban uses, particular the provision of land for housing. Indeed, application ref. 499/96/ROC which sought permission to erect 102 houses on the site was not refused for reasons relating to the fact that the site was not specifically designated for housing purposes, but for reasons of prematurity - the application was made at a time when sufficient land was available to meet the housing allocation up to 2001, and no allocation had been set for the period up to 2011.
- 8.29 A number of factors have changed since the previous application, which mean that the current application cannot reasonably be considered premature. Firstly, the housing allocation for the period up to 2011 is now known. Secondly, the Council's urban capacity study specifically identifies the site as one that can contribute to the meeting this housing allocation. The fact that the site is highlighted is not surprising.

- 8.30 Government guidance relating to the provision of new housing (PPG3) requires that local authorities take a sequential approach to site selection, promoting the development of sites within the boundaries of existing urban areas ahead of sites adjoining but outside existing areas and entirely new freestanding settlements. The site clearly falls into the first category. Moreover, government guidance also promotes the use of previously developed land ahead of Greenfield sites. Again, the site does accommodate several dwellings and a number of other buildings and therefore falls into the former category. Accordingly, whilst the site is not currently allocated for housing development, (though it would be in the forthcoming replacement local plan), it is not considered that a reason for refusal on grounds of prematurity could now be sustained.

Design/layout issues

- 8.31 One of the key points to establish when considering an estate layout is whether the scheme makes the most efficient use of land (having regard to the advice of PPG3) but, at the same time, is compatible with existing development both in terms of its density and character.
- 8.32 The net density of this scheme is approximately 41 dwellings per hectare (15.7 per acre), which complies with the policy aim of PPG3 that developments should not normally be constructed at densities less than 30 dwellings per hectare, and should be encouraged to build at densities of 30-50 dwellings per hectare (12-20 per acre).
- 8.33 The number of units able to be accommodated is, in part, achieved by the introduction of a number of three storey town houses and flats. The question when looking at three storey development is, of course, whether such development is in keeping with the character and scale of existing development.
- 8.34 Existing residential development in the general area is largely two storey. However, this does not mean that the introduction of three storey development is fundamentally wrong in design terms. The Essex Design Guide, which the Council has adopted as Supplementary Planning Guidance, promotes the enlivening of street scenes by the provision of buildings of various heights - to avoid the construction of regimented and uniform estates that hold little visual interest. In this particular case, a number of three storey town houses are proposed fronting Downhall Park Way, and a number of three storey blocks of flats are proposed within the estate, towards the western boundary with Imperial Park industrial estate. These are considered entirely appropriate in street scene terms. Such an approach was supported on appeal by the Inspector in allowing the Ashingdon Heights development.

- 8.35 The application, as originally submitted, proposed a great variety of house types and designs - too great a variety, in fact to give the development a sense of identity and place. Accordingly, the house types were altered and the proposal now comprises fewer number of house types, with a general design theme running throughout - from the two bed terraced houses to the four bed detached houses and the three storey flats and town houses. This, it is considered, makes for a far more satisfactory scheme. The application also includes a number of landscaped public areas, which will be dominated by trees. These will also contribute to the sense of place. Hedges are also proposed to the front/side boundaries of most properties, which will contribute to the estate's identity, as well as providing a pleasant character.
- 8.36 In terms of the relationship of the dwellings to one another, the layout generally complies with the normal 'back to back' and 'back to flank' distances to provide appropriate remoteness between opposing houses and avoid overbearing relationships. There are two cases where 'back to flank' distances are 11m, as opposed to the usual standard of 15m. Given that the units in question are on corner plots and thereby benefit from the open aspect this creates, this relationship is considered satisfactory. Where applicable, overlooking problems can be dealt with by the imposition of a standard condition requiring the use of obscure glazing. Representations have been received, raising concern that the proposed houses will overlook existing properties in Downhall Park Way. The Local Planning Authority would not normally seek to protect windows on the public side of properties. Clearly, most streets are fronted by properties on both sides, and the relationship proposed here is considered no different.
- 8.37 In terms of car parking, it is noted that the scheme meets the Council's adopted standards. Parking is generally provided in a mixture of carports/garage blocks and open car parks in respect of terraced units and flats and garages, and garages/spaces within the curtilages of detached/semi-detached houses.
- 8.38 Amenity space has been provided having regard to the Council's standards. It is noted that there are a number of units that do not fully comply with these standards. However, it is considered that the garden areas proposed are reasonable, and comparable with other estate developments granted permission in the District in recent years.
- Impact of the Industrial Estate
- 8.39 Within the Local Plan Imperial Park industrial estate is allocated for light and general industrial use, together with storage and distribution-type uses. Indeed, many of the existing occupiers of units/yards closest to the application site fall within these categories. It is clear that such uses can result in a significant amount of noise and activity, and could have a significant effect upon the amenities of the occupiers of the proposed dwellings.

- 8.40 The applicant has commissioned a noise report to investigate the noise issue, and provide suggestions as to the most effective way of dealing with it. This report has been considered in depth by the Head of Housing, Health and Community Care, and has been the subject of detailed discussions with the applicants. These discussions have resulted in the inclusion in the scheme of an acoustic fence along the boundary with the industrial estate. In order to provide the appropriate level of attenuation, the fence has been provided to a height of 3m for much of the boundary, atop a 1m high retaining wall. This height is considered appropriate as viewed from the industrial estate, where normal standards of amenity are not applied. However, it would not be normal to provide a means of enclosure of such height to residential gardens, as such could be considered most oppressive and overbearing. In order to reduce impact upon the occupiers of the houses, the ground to the application site is to be raised by 1-1.5m, and gardens terraced, so that the overall height of fencing to the end of private gardens will not exceed 2.5m. This is considered acceptable.
- 8.41 In terms of the three storey flats to the south-west corner of the site, particular concern has been expressed by the Head of Housing, Health and Community Care, since these units would be situated close to an open yard used for the storage of steel, in conjunction with a steel fabrication business. The yard accommodates a large crane used to move steel around. Whilst planning conditions on the yard prohibit its use for industrial processes, it is considered that the movement of large pieces of metal and the use of the crane, could have a significant effect upon the occupiers of the flats. The fact that the flats are three storey means that the acoustic fence would not provide an effective attenuation to the first, and particularly the second, floor residents.
- 8.42 Discussions have, therefore, centred around providing attenuation to the flats themselves. The applicants have offered to accept a condition that the windows of the flats in the elevations facing towards the industrial estate be fixed shut. Such a solution could comply with the Building regulations, subject to an alternative means of ventilation being provided. This would meet the concerns of the Head of Housing, Health and Community Care with regard to noise nuisance. However, it is considered that such a solution, whilst effective, would not necessarily result in the best possible living environment for the occupiers of the flats. Another option would be to re-arrange the internal layout of the flats such that bathrooms and kitchens, as opposed to habitable rooms (bedrooms or living/dining rooms) faced the estate. This option is being discussed with the applicants. The agreed solution to this issue will be clarified in the Addendum and orally at the meeting.
- Highways Issues
- 8.43 The application is accompanied by a travel assessment, which has been fully considered by Essex County Council (Highways). The highway authority's consultation response raises no objection to the proposals, subject to compliance with a number of criteria.
- 8.44 With regard to the internal layout, the scheme complies with the relevant Essex Design Guide specification.

- 8.45 The highway authority requires that the applicants make a contribution of £85,000 to enable the provision of provision of a Puffin and Pegasus crossing (the former being designed for pedestrians, the latter for horse-riders) at the junction of Downhall Park Way and Rawreth Lane, in lieu of the existing traffic lights. (The travel assessment does raise the possibility that a controlled crossing might be required). The highway authority further requires that a financial contribution of £50,000 be made to improve existing bus stops with the provision of shelters, hardstandings, etc.
- 8.46 The applicants have offered a payment of £64,900 to fund a Puffin crossing, since they accept that this is related to the development and will have wider benefits, but do not consider that further payment to fund a Pegasus crossing can be justified. With regard to the bus-stop, the applicants do not consider that the provision of a bus shelter will make the scheme any more sustainable, given that the bus stops already exist. They also query the justification for the inclusion of computerised real-time information in the shelter, since such a facility is not to be found in any other shelter in Rayleigh.
- 8.47 As Local Planning Authority the criteria for the payment of financial contributions has to be based on the conclusion that the works, etc., for which the money is required are reasonably necessitated by the development. It is accepted that the provision of a pedestrian crossing at the junction of Downhall Park Way is a reasonable requirement to ensure highway/pedestrian safety, given the increase in traffic/pedestrian movements at this junction. However, the highway authority's view that such a crossing should also be designed to cater for riders, whilst laudable in principle, is considered difficult to justify, given the number of riders it would serve (though the bridleway in Sweyne Park is noted). Equally, the provision of bus shelters is considered difficult to justify. Put another way, it is not considered that the absence of these facilities could constitute a reason for refusing the application.
- 8.48 The final issue raised by the highway authority relates to a requirement that no vehicular access to the doctor's surgery should be available via the internal estate roads. They suggest, instead, that the car park serving the Sweyne Park playspace should be upgraded/enlarged, and provided with a footpath link to the surgery.
- 8.49 The applicants are not willing to reconsider relocating the surgery elsewhere on the application site and, therefore, their offer of the land for the surgery (and the financial contribution towards its construction) has to be considered in its present form.
- 8.50 Whilst it is accepted that the location of the surgery is not ideal, it is questioned whether the highway authority's solution of a shared use of the playspace car park is essential. To begin with, the Council as landowner would need to support such a proposal. Secondly, to prohibit vehicular traffic to the surgery would be difficult to justify, given that many patients would be ill and/or infirm, and unable to reach the surgery via a footpath. It is also noted that, a number of other surgeries in the District are accessed through residential estates.
- 8.51 In conclusion, it is not considered that the location of the surgery would be unacceptable in principle but that is not to say that such an arrangement may not be forthcoming.

Protected Species

- 8.52 The ecological statement accompanying the application has been assessed by the Council's Woodlands and Environmental Specialist. He considers that the consultants need to establish numbers/distribution of protected species on the site, and provide a simple mitigation strategy for their removal, protection and monitoring. Moreover, a bat survey needs to be carried out to establish whether bats roost in any of the outbuildings on the site. These matters can be covered by planning conditions.
- 8.53 Concern is also expressed with regard to the ecological statement's assessment of earth works of a large protected animal, and the conclusion drawn that because the proposed development would be situated in excess of 30m from it (within this distance English Nature would need to grant a licence for the works), the proposal is acceptable.
- 8.54 Whilst the Woodlands and Environmental Specialist's concern is understood, it is not considered that the matter prevents a decision being taken on the application, or that a reason for refusal could be substantiated. The location is within the site set aside for the Doctors Surgery, not within the residential development area. The position of the Doctors Surgery and for hardsurfacing is yet to be decided but the site is large enough for some spatial separation to the earth works. Thus the siting of the doctor's surgery in due course would need to be carefully considered in consultation with English Nature etc., but does not directly impact upon the development proposal currently before the Council.

Infrastructure

- 8.55 It is clear from the representations that many local residents consider that the infrastructure in this part of Rayleigh cannot accommodate further residential development. This concern is noted and recognised that many residents consider west Rayleigh has already taken excessive development. However, as set out in consideration of the key issues above this view is not supported by a sustainable planning case.
- 8.56 With regard to the issue of school provision, the applicants have offered to pay in full the sum of money requested the County Council's Learning Services to pay for improvements to local school(s), in order that it/they can accommodate the additional children likely to arise from this development. Given that Learning Services clearly considers that the issue of school provision can be satisfied in this way, it is considered that it would be difficult to substantiate an objection on the basis that local schools could not cope with children arising from this development in this regard. Learning Services have also made clear that their view is expressed irrespective of the approval or otherwise of a current application on adjacent land at Park School, which includes the provision of a primary school.
- 8.57 Moreover, the application seeks to provide land for a doctor's surgery, given that this has been highlighted as a particular need in the area, together with a significant financial contribution to put towards its construction.

- 8.58 In terms of drain and sewer capacity, it is noted that no objections are now raised by the respective statutory undertakers.

**CONCLUSION**

- 8.59 The application proposes the provision of 118 dwellings on a site within the District's defined urban area. Although the site is not specifically allocated for housing purposes in the current Local Plan, it is highlighted in the Council's Urban Capacity Study and is considered a suitable and logical site for housing development. The development would make a significant contribution to meeting the District's housing allocation to 2011.
- 8.60 The application proposes a mixture of dwelling sizes - two, three and four beds, together with a number of flats. In terms of the site density and mix, the proposal complies with guidance of PPG3 (Housing). In terms of design and layout, the scheme complies with policy and is commended. It also complies with planning guidance save for the slight relaxation set out in the report e.g. garden sizes standards.
- 8.61 The scheme includes the provision of 25 affordable flats which, again, complies with Local Plan policy, and is to be welcomed.
- 8.62 The application is accompanied by a travel assessment, which sets out the traffic impact of the development, having regard to the road network and the number of vehicle movements. No objection to the scheme in principle is raised by the highway authority. The highway authority does, however, request payment to cover the provision of bus-shelters and a Puffin/Pegasus crossing at the junction of Downhall Park Way and Rawreth Lane. The applicants have considered this request, and consider the provision of a Pegasus crossing and bus-shelters excessive and not reasonably required having regard to the proposed development. This conclusion is accepted. The highway authority also raises concern with regard to the siting of the doctor's surgery, given that it would need to be accessed through the estate. Whilst it is conceded that the surgery's siting is not ideal, it is not considered that a reason for refusal on this basis could be substantiated.
- 8.63 The impact of the adjoining industrial estate has been fully assessed. It is concluded that the provision of an acoustic fence to the perimeter with the industrial estate, together with appropriate attenuation measures to the three storey flats would overcome concerns in this regard.
- 8.64 Besides the financial contributions to fund highway improvements and towards the provision of a doctor's surgery, the applicants have also offered to meet Essex County Council Learning Services' request for financial assistance to schools provision in full.
- 8.65 Having regard to the above, it is considered that the proposal is reasonable, and merits approval, subject to the completion of a Section 106 Agreement.

## RECOMMENDATION

8.66 It is proposed that this Committee **RESOLVES to APPROVE this application**, subject to the completion of a Section 106 Agreement to cover the following matters and subject to the heads of condition set out below:

- To secure the transfer (in the interim) of the land to which the Doctor's Surgery relates to this Council;
- To secure the payment of £50,000 towards the construction of the surgery;
- To secure the payment of £64,900 towards highway improvements;
- To secure the payment of £76,768 towards education provision
- To secure the provision of the affordable dwellings, and their maintenance as such in perpetuity (likely via a Housing Association);
- To secure the retention of the acoustic fence, and such maintenance as may be required in perpetuity;
- To secure the retention of any mechanical ventilation system as may prove necessary in respect of the flats, and such maintenance as may be required in perpetuity;
- To secure the carrying out of a survey of the efficacy of the noise attenuation mechanisms upon their provision, but prior to the occupation of the dwellings, and to secure the completion of further works of noise attenuation as necessary;
- To restrict the hours/days during which the construction of the development may take place;
- To secure the provision of wheel-washing facilities on-site to serve construction vehicles;
- To prevent burning on site during the construction period;
- To require the LPA's approval of a scheme to suppress dust during the construction period; and,
- To secure the maintenance of public landscaped areas.

1 SC4 Time Limits

2 SC9A Removal of Buildings

3 SC14 Materials to be Used

4 SC22A PD Restricted - Windows

5 SC23 PD Restricted - Obscure Glazing

6 SC50A Means of Enclosure Full

7 SC59 Landscape Design

8 The proposed bellmouth junctions with the county road, inclusive of cleared land necessary to provide the sight splays, must be formed and constructed prior to the commencement of any other development.



- 9 The carriageways of the proposed estate roads shall be laid out and constructed up to and including at least road base level, prior to the commencement of the erection of any residential development intended to take access therefrom. Furthermore, the carriageways and footways shall be constructed up to and including base course surfacing in order to ensure that prior to occupation each dwelling has a properly consolidated and surfaced carriageway and footway between the dwellings and an existing highway which shall thereafter be maintained in good repair until the final surface is laid. Until such time as the final surfacing is completed, footway base course shall be provided and maintained in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths commensurate with the frontage of each dwelling shall be fully completed with final surfacing within twelve months from the occupation of the dwelling.
- 10 Details of the proposed finished surfaces of the independent footpaths, shall be submitted to and approved in writing by the Local Planning Authority, and thereafter constructed in accordance with such approved details. All statutory undertakers equipment and services shall be laid prior to the commencement of any works within the access way and thereafter the footpaths shall be constructed up to and including base course surfacing. The final finished surfaces of the footpaths, as approved by the Local Planning Authority shall be laid within three months or within any such extended period that may be agreed by the Local Planning Authority.
- 11 A 1.5 metre x 1.5 metre pedestrian visibility sight splay, relative to the back of the footway/overhang margin, shall be provided on both sides of all vehicular accesses prior to their operational use. There shall be no obstruction above a height of 600mm (from the finished surface of the access) within the area of the pedestrian visibility sight splays and which shall be retained thereafter in this form.
- 12 The first six metres of any private accessway as measured from the proposed highway boundary, shall be treated with a bound surface dressing as approved in writing by the Local Planning Authority and thereafter retained in that form.
- 13 SC73 Accessways - Surface Finish
- 14 SC74 Driveways - Surface Finish
- 15 SC76 Parking & Turning Space
- 18 SC81 Garage & Hardstandings
- 19 SC83 Site Levels
- 20 SC84 Slab Levels Specified
- 21 SC90 Surface Water Drainage
- 22 SC91 Foul Water Drainage
- 23 The internal road system shall in all respects comply with the guidance set out in the Essex Design Guide for Residential and Mixed Use Areas (1997);
- 24 SC89 Oil Interceptor

- 25 Prior to the commencement of the development hereby approved, measures to provide satisfactory noise attenuation to necessary dwellings shall be submitted to and be approved in writing by the local planning authority. Construction of the development shall thereafter be carried out in accordance with the agreed details, and such measures as are considered necessary shall be retained throughout the life of the development.
- 26 Prior to the commencement of the development hereby approved, precise details of the acoustic fence to be provided along the boundary with the Imperial Park industrial estate shall be submitted to and approved in writing by the Local Planning Authority. None of the dwellings hereby approved shall be occupied prior to the provision of the fence in strict accordance with the approved details. Such a fence as is agreed (including its replacement as necessary) shall thereafter be retained throughout the life of the development.
- 27 Prior to the commencement of the development and the demolition of any of the existing buildings on the site, further survey work shall be carried out to establish the numbers and distribution of protected species on the site. The survey work shall include a bat survey to establish the presence, or otherwise, of bats in the existing buildings on the site. The survey shall also include a mitigation strategy providing full details of the measures to remove the species from the site, and translocate them to a suitable alternative location. The survey and accompanying mitigation strategy shall be submitted to the local planning authority for its approval in writing, prior to the commencement of the development and the demolition of any of the existing buildings on the site; and the removal of species from the site shall be carried out in strict accordance with the approved details.
- 28 Prior to the commencement of the development hereby approved, details of the provision to be made for visitor cycling parking shall be submitted to and approved in writing by the local planning authority. Such provision as is approved in writing shall be provided prior to the occupation of any of the dwellings hereby approved, and shall thereafter be permanently retained and maintained free of any impediment to its use for the parking of bicycles.

**Relevant Development Plan Policies and Proposals:**

H2, H8, H11, H13, H14, H15, H16 of the Rochford District Local Plan First Review

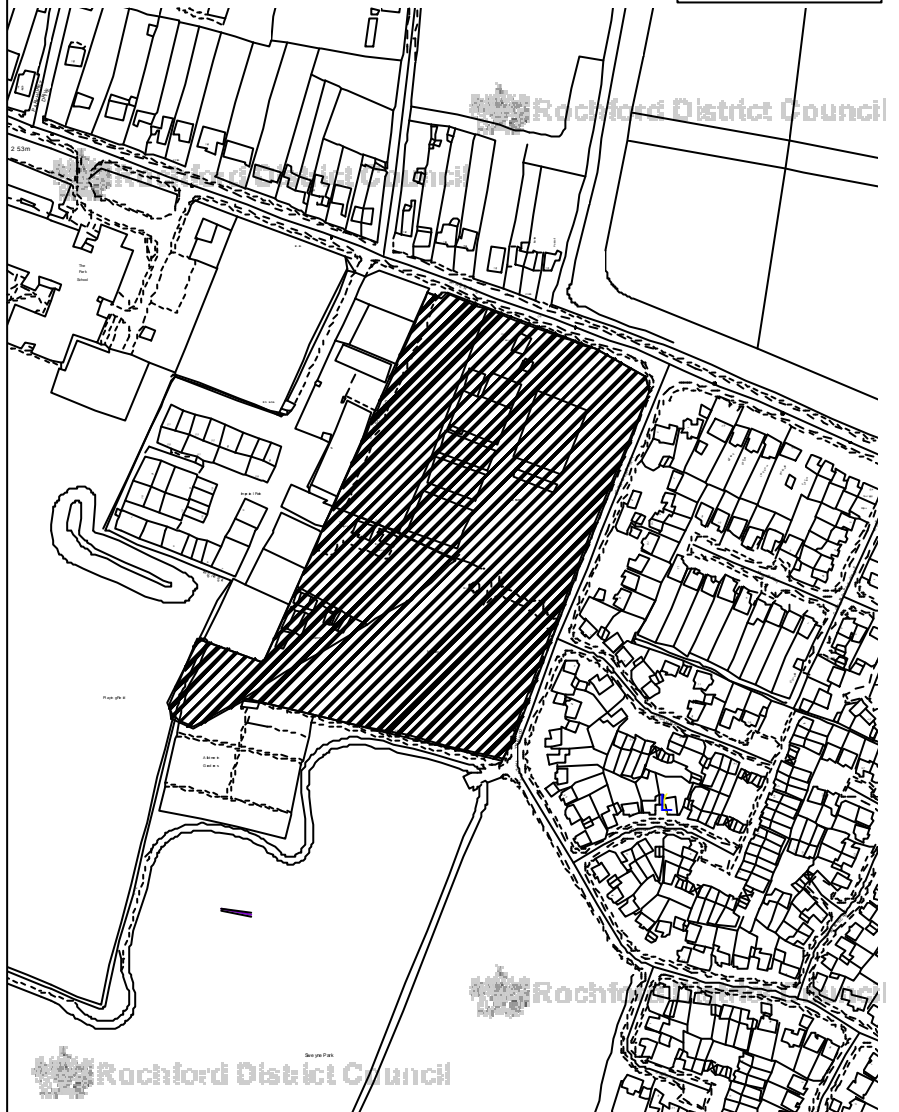


Shaun Scrutton  
Head of Planning Services

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For further information please contact Peter Whitehead on (01702) 546366.

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