

15/00736/FUL

**LAND ADJACENT GRANGE VILLA, LONDON ROAD,
RAYLEIGH, ESSEX**

**FORM ACCESS AND LAYOUT SITE TO PROVIDE
RESIDENTIAL DEVELOPMENT OF 21 FLATS AND 26
HOUSES (47 DWELLINGS IN TOTAL).**

**APPLICANT: MR STEVE JOHNSON – SILVER CITY
ESTATES LTD.**

**ZONING: SETTLEMENT EXTENSION RESIDENTIAL
LAND ALLOCATIONS PRE 2021**

**POLICY SER1 NORTH OF LONDON ROAD,
RAYLEIGH.**

PARISH: RAYLEIGH TOWN COUNCIL

WARD: DOWNHALL AND RAWRETH

1 THE SITE

- 1.1 The application site is located on the northern side of the A129 London Road opposite and to the west of the junction made with Little Wheatley Chase. The site is broadly rectangular having a frontage onto London Road of 182m, an average depth of 78m and equating to an area of some 1.35ha. A shallow ditch and hedge line bounds the site to the front and rear. There is a dividing wire fence also hedged across the middle of the site dividing it into two parcels. The frontage onto London Road features two oak trees at the south eastern edge and at the point of the fence dividing the site, which are both the subject of provisional Tree Preservation Order TPO/00001/16. A group of substantial trees in the south west corner of the site lean substantially inwards away from the highway.
- 1.2 To the east of the site exists a new filling station and to the west of the site is the Lower Barn Farm commercial development. The car park extension to Lower Barn Farm premises adjoins the site. To the rear of the site exist the grounds of Rayleigh Sports and Social Club. Opposite the site to the south western frontage of London Road are sporadic plots of land varying in size, some of which are in use for grazing.

2 PLANNING APPLICATION DETAILS

- 2.1 Permission is sought to develop the site for residential purposes by way of forming an access onto London Road almost midway along the site frontage and to lay out the site to provide a development comprising 9 No. one-bedroomed and 12 No. two-bedroomed flats (Type A) together with 7No. three-bedroomed terraced houses (Type B) , 2 No. four-bedroomed terraced houses (Type C) , 2 No. three-bedroomed semi-detached houses (Type B) and 15 No. four-bedroomed detached houses.
- 2.2 The detached four-bedroomed houses would front onto London Road, with vehicle access to the rear from the newly created estate road and private drives. Pedestrian access onto London Road shared by the detached houses would be made across the existing ditch and through the hedge line at three points.
- 2.3 Detached housing would front the southern side of the estate road with the northern side featuring terraced, semi-detached and flatted development backing onto the playing field at the rear of the site.
- 2.4 The layout would provide pitched roofed garaging and parking within individual plots with the provision of four visitor parking spaces on the main carriageway.
- 2.5 The group of flats to plots 14 - 20 would feature a covered sloped roofed cart lodge type parking enclosure to part of the parking area.
- 2.6 The layout would seek to retain the trees and hedged frontage onto London Road and to the rear boundary of the site. A group of sub standard and leaning trees to the south west corner of the site, together with the hedge between the two parcels would be removed.
- 2.7 The new built form on the site would be predominantly of two and a half storey form with accommodation within the roof void to most of the house types and flats proposed. The flatted buildings would have overall ridge heights varying between 11.95 m to 11.15m. The housing would generally have overall ridge heights between 8.5m and 10.1m in height.
- 2.8 The palette of materials for the units would comprise face brick work and vertical boarding to walling with contrasting brick features and matching brick plinth details. The brick would be predominantly red with contrasting yellow. The roofing would be in slate, which the applicant argues is preferable to accommodate solar power equipment. The fenestration would be in white painted framing.
- 2.9 The overall designs feature projecting front bay details and flat roofed rear projections to living rooms at ground floor with roof lanterns. The dormer detailing would be to a flat roofed design.
- 2.10 The application follows pre- application advice.

- 2.11 The site has been inspected by Members on 20 February 2016.
- 2.12 The application was revised in February this year seeking improvements to the siting of houses proposed adjoining the preserved trees.

3 RELEVANT PLANNING HISTORY

- 3.1 Application No. OL/0607/97/ROC
Erect club house, construct six tennis courts with flood lighting, access improvements, layout and construct car park.
Permission granted 1 October 1998.
- 3.2 Application No. 01/00251/FUL
Formation of vehicle access onto London Road from proposed tennis club in variation of conditions 3, 5 and 11 of OL/0607/97/ROC.
Application withdrawn.
- 3.3 Application No.03/00446/OUT
Erect Club House 6 Tennis Courts With Flood Lights, Layout And Construction Of Car Park, New Access Onto London Road (Outline Application).
Application withdrawn.

Application No. 14/00627/OUT
Outline Planning Application (with all Matters Reserved apart from Access) for the erection of Residential Development with associated Open Space, Landscaping, Parking, Servicing, Utilities, Footpath and Cycle Links, Drainage and Infrastructure Works, and Primary School. Provision of Non-Residential Floor Space to Part of Site, Uses including any of the following: Use Class A1 (Retail), A3 (Food and Drink), A4 (Drinking Establishments), C2 (Residential Institutions), D1a (Health or Medical Centre) or D1b(Crèche, Day Nursery or Day Centre).
Permission refused 9 February 2015 for reasons of inadequate assessment of the need for outdoor sports facilities, inadequate flood risk assessment, lack of certainty that highway works to the junction of Rawreth Lane/Hullbridge Road would be delivered and the lack of space for local secondary schools to expand.
Appeal held in abeyance.

Application No. 15/00362/OUT
Outline Planning Application (with all Matters Reserved) for the erection of Residential Development with associated Open Space, Landscaping, Parking, Servicing, Utilities, Footpath and Cycle Links, Drainage and Infrastructure Works, and Primary School. Provision of Non-Residential Floor Space to Part of Site, Uses including any of the following: Use Class A1(Retail), A3 (Food and Drink), A4 (Drinking Establishments), C2 (Residential Institutions), D1a (Health or Medical Centre) or D1b (Crèche, Day Nursery or Day Centre).
Permission Granted 3 June 2016.

4 CONSULTATIONS AND REPRESENTATIONS

Highways England

- 4.1 No objection.

Essex County Council Highways

- 4.2 Advise that that the application should be amended such that visitor parking bays are not allocated within the carriageway.
- 4.3 Advise that from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to the following mitigation and conditions:-
- 4.4 All housing developments in Essex that would result in the creation of a new street (more than 5 dwellings off a single access) will be subject to The Advance Payments Code. The developer will be served with an appropriate notice within 6 weeks of Building Regulation Approval and prior to commencement must provide guaranteed deposits, which will ensure the new street is constructed in accordance with acceptable specification to ensure future maintenance as public highway.

Heads of conditions (Highway matters):-

- 1) Road junction to be constructed with appropriate kerb radii, road markings and visibility splays prior to occupation.
- 2) Provision of an area within the site for unloading and storage of materials and plant/equipment clear of the highway.
- 3) Submission of means to prevent the discharge of surface water from the development onto the highway.
- 4) Submission of details for a construction vehicle wheel cleaning facility.
- 5) Submission of details for layout, levels, gradients, surfacing and surface water drainage of estate road and footpaths.
- 6) Agreement to any tree planting to be provided in the highway.
- 7) No unbound material to be used in the surface treatment of the vehicular access within 6m of the highway.
- 8) All parking spaces to conform to EPOA standard (September 2009).
- 9) Submission of construction method statement to provide for operatives' vehicle parking, loading and unloading of materials, storage of plant and machinery and wheel and underbody cleaning.
- 10) Developer to be responsible for residential travel and information pack.

- 11) Developer to be responsible for the provision and implementation of improvements to the bus stops in the vicinity of the site.
- 12) Provision of a 2m wide footway along the entire site frontage on London Road, to include where appropriate dropped crossings.
- 13) Developer to provide a pedestrian crossing on London Road to include dropped kerb crossings and provision of a 2m wide footway on the southern side of London Road to link to the existing footway on Little Wheatley Chase.
- 14) Developer to make a contribution of £50,000 towards highway improvement measures along the London Road Corridor.

Historic England

- 4.5 No consultation required.

Natural England

- 4.6 No objection to raise (refer Council to standing advice).

Essex County Council Economic Growth and Development (Education Infrastructure planning)

- 4.7 Advise that a development of this size can be expected to generate the need for up to 2.88 Early Years and Childcare (EY&C) places, 9.6 primary school places and 6.4 secondary school places.
- 4.8 The proposed development is located in the Downhall and Rawreth Ward. According to Essex County Council's childcare sufficiency data, there is insufficient evidence that EY&C places generated from this development would require there to be additional provision. An EY&C contribution will not therefore be requested at this time.
- 4.9 The proposed development is located within the Rochford primary group 1 (Rayleigh) forecast planning group. The outline planning permission granted for the greater site granted a major development of 550 dwellings within the forecast area. This will fill any surplus places that may have been and any development coming forward such as this will be adding to that need. A contribution for additional primary school places from this development is therefore requested. Based on a need for 9.6 additional places, the sum sought would be £116, 851 (index linked to April 2015 costs).
- 4.10 The proposed development is located within the Rochford secondary group 1 (Rayleigh) forecast planning group. The forecast planning group has an overall capacity of 2,870 places. The Rochford secondary group 1 forecast planning group is forecast to have a deficit of 54 places by the school year 2019- 20. Prior to implementation of the revised Community Infrastructure Levy Regulations on 6 April 2015 the County Council would have sought a

developer contribution for additional secondary school places. However, the implementation of the revised regulations now restrict the pooling of contributions for a specific item of infrastructure such as the expansion of a school, to contributions from five separate planning obligations. Under these circumstances the County Council has decided not to request a contribution for the provision of additional secondary school places. This is because the scale of the development is relatively small and the impact on pupil places is limited.

- 4.11 Advise further that having reviewed the proximity of the site to the nearest primary and secondary schools, the County Council will not be seeking a school transport contribution. However, the developer should ensure that safe direct walking and cycling routes to local schools are available.
- 4.12 The contribution from the Grange Villa development would be used for the new primary school on the London Road site or the expansion of St Nicholas CE VC Primary School, whichever is most appropriate at the time.
- 4.13 **London Southend Airport**
- 4.14 No safeguarding objections.

Essex County Council Flood and Water Management

- 4.15 Thank you for the additional information provided on 14 January 2016, which provides this Council with an additional opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.
- 4.16 As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been the statutory consultee on surface water since 15 April 2015.
- 4.17 In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:-
 - Non-statutory technical standards for sustainable drainage systems
 - Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
 - The CIRIA SuDS Manual (C753)
 - BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority Position

- 4.18 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission.
- 4.19 The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the FRA Report No. 14-171-03C dated January 2016 and the above mentioned documents submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition 1

No works shall take place until a detailed surface water drainage scheme for the site, based on the approved FRA, 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 shall subsequently be implemented prior to occupation. 2

Condition 2

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

Condition 3

No works shall take place until a Maintenance Plan detailing the maintenance arrangements, including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed in writing by the Local Planning Authority.

Condition 4

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

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless, these are all very important considerations for managing flood risk for this development,

and determining the safety and acceptability of the proposal. Prior to deciding this application, you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Whether insurance can be gained or not;
- Sustainability of the development.

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

Essex County Council Specialist Archaeological advice

- 4.20 The proposed development lies within an area of potential archaeological interest. Archaeological investigations immediately to the north of the playing field revealed a Roman farmstead. Further evidence relating to Roman settlement or other archaeological remains may extend into this site.
- 4.21 In view of this the following recommendation is made in line with the National Planning Policy Framework.
- Recommendation: Full condition
- 4.22 ‘No development or preliminary ground works of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority’.
- 4.23 The work will comprise archaeological evaluation by trial trenching, which may be followed by open area excavation if significant features are found. A professional archaeological contracting team should undertake any archaeological work. An archaeological brief outlining the methods of investigation can be issued from this office (on request) and there would be a cost implication for the developer.

Anglian Water

- 4.24 Advise that records show there are no assets owned by Anglian Water or those subject to an adoption agreement within the site boundary.
- 4.25 The foul drainage from this development is in the catchment of Rayleigh West Water Recycling Centre that will have available capacity for these flows.
- 4.26 The sewerage system at present has available capacity for these flows.
- 4.27 The proposed surface water management does not relate to Anglian Water operated assets.

Rochford District Council Arboricultural and Woodland officer

- 4.28 The applicant has supplied an initial constraints appraisal of the site. Further detail is required to determine the impact upon the tree stock.
- 4.29 The applicant needs to supply a tree protection plan and arboricultural method statement in accordance with BS 5837, I would recommend this be supplied as part of the application detail and not as a condition, the reason for this is at present it is not clear which trees are to be retained and what the impact may be upon the retained tree stock.
- 4.30 The tree protection plan should detail the following:-
 - 1 trees clearly referenced and categorised
 - 2 trees identified for retention and/or to be removed – those to be removed normally shown in black
 - root protection areas clearly plotted around each tree to be retained
 - identify areas for access facilitation pruning and/or other tree works required
 - identify areas for site storage and contractors' parking
 - identify areas for temporary tree protection (ground and barriers)
 - The method statement should detail the following:-
 - Method for installation of temporary tree protection (ground or barrier)
 - Tree works
 - Works within RPA's (excavation, hard surfacing, root pruning, soft/hard landscaping)
 - Installation of services

Further Comments

- 4.31 The tree impact assessment correctly identifies and categorises all trees in accordance with BS 5837.
- 4.32 There are 2 oak trees (T2 and T26, reference taken from the impact assessment) to the front/south of the site that are worthy of a tree preservation order, which has been served today. I would recommend that the design be slightly modified around tree T26 to accommodate this tree, at present the canopy is against the building line of 1 of the properties which also obscures a principal window to the front of the property; this is likely to generate future applications to reduce the tree to allow improved light entering this property.
- 4.33 Once this has been achieved I would recommend as a condition of consent that the development be carried out in strict accordance with the tree impact assessment dated 15/12/15, method statement and tree protection plan dated 16/12/15 ref 001 (revised to accommodate the above).

Rochford District Council Principal Environmental Health Officer

- 4.34 Advise that if Members are minded to approve the application the following conditions should be attached to the grant of consent:-
- 1) Model Contaminated Land conditions.
 - 2) In line with policy DM 29, AN Air Quality assessment is required to determine the effect of the development upon local air quality and what mitigation measures are required

Neighbour Representations

Six Letters have been received from the following addresses:-

Lubbards Close: 4,
Talbot Avenue: two unnumbered
Victoria Avenue: three unnumbered

and which in the main make the following comments and objections:-

- Object to this planning application due to over development of the surrounding area in West Rayleigh.
- Despite massive public objection approval has already been given for 500+ houses between London Road and Rawreth Lane with an application for a further 90+ dwellings and care home in the adjacent area also currently being considered.
- The roads of West Rayleigh, in particular London Road and Rawreth Lane, are gridlocked for many hours a day and this application will only add to

the problem given access will be directly onto London Road.

- Local schools (Sweyne and Fitzwimarc Secondary and Glebe Primary) are all full as are local doctors and train services from Rayleigh are well beyond capacity.
- This area cannot take any further development.
- Lack of infrastructure.
- West Rayleigh already suffers from serious road congestion particularly along London Road. Nose to tail queues are experienced for many hours a day all the way from the Carpenters Arms roundabout right up to the High Street and beyond.
- This development will only add to the problem, especially as access to and from the site is directly onto London Road.
- West Rayleigh also suffers from a lack of school places for primary and secondary age children, availability of doctors and dentists and appointments. Again this will only be made worse by further development in addition to the 500 houses between London Road and Rawreth Lane which have already been given the go ahead and a further 90+ dwellings and a care home adjacent to the BP garage which are also being considered.
- West Rayleigh cannot take any further development.
- Loss of trees and vegetation
- Poor layout/over-development
- Traffic generation/access
- Areas of nature
- Good design
- Insufficient drainage
- Parking
- Poor layout/over-development
- Protection of wildlife
- Too close to boundary
- Traffic generation/access

- This application will lead to an excess of development regarding the SER1 site following the agreement to sanction the building by Countryside Developments on the majority of the site. An application for 91 further properties currently in process is making this an unsustainable urban sprawl.
- Serious road safety issues pertain to this site. 12 years ago RDC refused permission for a small sports concern, Rayleigh Lawn Tennis Club, to site their facilities 100 metres from this site due to traffic hazards.
- The original assessments of safety are obsolete due to the changes to the building on RTSSC which would have meant greater flexibility.
- The access will be onto the London Road due to failure to secure any other exit. It will be adjacent to a 24-hour busy service station and opposite one of the busiest short cuts in West Rayleigh, Little Wheatley Chase that leads to major housing developments. It also is nearby to an infant and junior school where there are already serious road safety issues.
- The lack of on-site parking is something that should be a major concern because the residents will have no access to further parking elsewhere.
- A fully independent traffic assessment should be a minimum requirement before granting this permission.
- Drainage. This site is known to flood and ECC does not recommend underground SUD systems. RDC should await the full report of flood issues being prepared before granting any further development that could lead to flooding of adjacent properties and/or downstream areas.

5 MATERIAL PLANNING CONSIDERATIONS

Principle of the Development

- 5.1 The site is part of a general area identified as the north of London Road extension to the residential envelope of Rayleigh at Policy H2 to the Council's adopted Core Strategy (2011) and carried through to form the site on which Policy SER1 to the Council's adopted allocations document (2014) is based. The allocation site, of which the current application is part, is to deliver no more than 550 dwellings unless an additional number of dwellings are required to maintain a five year land supply. It is a requirement of policy that that the development proposed be mitigated and, given the relatively small scale and stand alone nature of this application, the most suitable approach would be to require financial contributions to enhance existing provision within the existing locality.
- 5.2 The following new infrastructure and services are required to accompany residential development, as set out in Appendix H1 to the adopted Core Strategy and namely:-

- New primary school (1.1ha)
 - Local highway capacity and infrastructure improvements
 - Public transport infrastructure improvements and service enhancements, including link between Rawreth Lane and London Road
 - Link to Green Grid Greenway No. 13 (connecting Little Wheatleys to South Benfleet)
 - Public park land to provide buffer between the built environment and the A1245 including allotments (0.3ha) and minimum of 4ha semi-natural green space such as woodland in addition to this buffer)
 - Youth and community facilities (can take the form of indoor and outdoor facilities but a minimum of 0.03ha for outdoor youth facilities should be provided)
 - Play space (minimum of 0.07ha including one LEAP to 0.04ha)
 - Sustainable drainage systems
- 5.3 The development to the site as proposed would generally be in accordance with the development plan as the land forms part of the adopted allocation designating the site to be part of a wider area for residential development. At issue, however, is the extent to which the current application can satisfy the necessary infrastructure provision required and how this should be apportioned.
- 5.4 At the meeting of the Council's Development Committee of 30 September 2015 the Council resolved to approve an outline application submitted by Countryside Properties UK Ltd to a larger part of the same allocated area for a mixed development set out in the site history above under application reference 15/00362/OUT. That application does not specify the precise number of dwellings to be provided but the supporting documentation identifies that a quantum of 500 dwellings would be expected to be provided on that application site and condition 6 of the outline permission requires that the developable areas to that application provide no more than 500 dwellings in total. A clause to the legal agreement requires the provision of a minimum of 35% of those dwellings to be provided to be affordable.
- 5.5 The 47 units proposed in this current application would bring up the extent of development almost equal to the total balance of the allocation outstanding.
- 5.6 The application approved for 500 dwellings to Countryside Properties (UK) Ltd would deliver the infrastructure required by Policy H2 (Appendix H1) to the Council's adopted Core Strategy (2011) and Policy SER1 to the Council's Local Development Framework adopted Allocations Document (2014) as follows:-

- New primary school (Provision of 1.1ha of land, Contribution for early years, Primary and Secondary school provision estimated at £5.1m)
- Local highway capacity and infrastructure improvements (Improvements to junction of London Road with Downhall Road estimated at £423,000, Improvements to London Road corridor estimated at £350,000, Contribution to Rawreth Lane/Hullbridge Road £250,000, contribution to flood alleviation scheme £200,000, Extended bus service £540,000).
- Public transport infrastructure improvements and service enhancements, including link between Rawreth Lane and London Road
- Link to Green Grid Greenway No. 13 (connecting Little Wheatleys to South Benfleet) Given slow progress on provision of this link by Essex County Council and lack of a defined project within the time frame of these applications, the network of footpaths and cycle paths contained within the site have been considered sufficient for the known extent of the project in as far as the site can deliver at this point in time a link to the wider network.
- Public park land to provide buffer between the built environment and the A1245 (provision of 11ha of public open space well in excess of the 4ha required, allotments £80,000)
- Youth and community facilities (provision of 0.19ha of land/financial contribution £164,581.82 for health care, contribution of up to £140,000 for youth facilities, £130,237 commuted sum for sports pitches).
- Play space (0.07ha required by condition to the grant of permission)
- Sustainable drainage systems

Access/Permeability to Allocation and Infrastructure

- 5.7 The application site for the current scheme for 47 dwellings is somewhat isolated from the main part of the allocation site, given the retained position of the land for Rayleigh Sports and Social Club. The site is relatively small in the context of the overall allocation and whereby provision for comparable infrastructure such as public open space would be of limited value. The applicants state that the Countryside scheme has made provision significantly in excess of the requirement for that application as well as the allocation under policy SER 1 as a whole. Furthermore, the applicants state that the Council's open space strategy dated 2010 is out of date but if a deficit in provision was evident it should have been better accounted for in the allocation which has since been found to be sound. The applicants therefore consider there to be a surplus in public open space provision already and as a result of the Countryside development.
- 5.8 District officers consider that the development nevertheless has to meet the requirements of Policy SER1. Given the site detachment from the wider

allocation, there is a need therefore for the development of this site to have a better pedestrian permeability to the wider allocated area other than just by way of the A129 London Road. This feature is necessary to improve the accessibility of future occupiers of the development now proposed being able to directly benefit from the infrastructure to be provided on the larger portion of this site allocation such as the school and open space provision.

- 5.9 The applicant is agreeable to the principle of a pedestrian link being provided to connect the north eastern corner of the site behind the existing filling station to join the access road serving Rayleigh Sports and Social Club. This footpath link would be to a width of 1.8m for a length (route to be finalised) of some 60 – 70m. Initial estimates would put the cost at around £1000 per metre inclusive of lighting. This would require more detailed consideration to establish the correct route and appropriate fencing. This would achieve pedestrian access to the school and public open space segregated from traffic along the A129 London Road and would give access to the open space, school and community facilities provided on the allocation as a whole.
- 5.10 The District Council is land holder for the access road and social club site and discussions would need be held with the Rayleigh Sports and Social Club who have a lease on the site with a short term to run (three years). This footpath link would need to be achieved by way of an agreement to form part of the grant of permission.

Education Contributions

- 5.11 The County Education Authority has requested a financial contribution for 9.6 additional primary school places equating to £116,851 (index linked to April 2015 costs. District officers, however, note that an assumption has been made that the outline permission given for 500 dwellings on this allocation has been wrongly assumed to be for 550 dwellings potentially skewing the assessment and increasing the capacity available. District officers have sought clarification on this point from the County Education Authority and will update members at the meeting as to whether the contribution is to be revised.

Youth, Community Facilities and Play Space

- 5.12 In view of the lack of play space provision in the layout proposed together with the relatively close proximity of the site to Little Wheatley's play space, the applicant is agreeable to provide a one off financial contribution of £45,000 towards the maintenance of this area. This contribution would mitigate the impact of the development proposed upon this existing play space at Little Wheatley's.
- 5.13 The footpath link discussed above would also give access to the informal open space areas and community facilities to be provided in the Countryside scheme.

- 5.14 These features factored into the application decision as part of an agreement would address the play space and community facilities need required by policy SER1 to the Council's adopted allocations document.

Sustainable Drainage Considerations

- 5.15 The site is located within Flood Zone 1 identified by the Environment Agency to be the area least at risk from flooding and to which development should be directed. The site is undeveloped and makes uncontrolled surface water flows into the drainage network.
- 5.16 The development proposed has been designed to incorporate sustainable drainage measures such as underground storage and flow controls such as a hydrobreak. The drainage outfall would be to the south western corner of the site, linking to the existing drainage network. The drainage design would limit peak flows to 1.9 litres per second equivalent to the 1 in 1 year green field run of rate requirement for all storms up to a 1 in 100 year event inclusive of climate change. The water course into which the outfall will discharge is located within the highway verge and the responsibility of Essex County Council.
- 5.17 Foul effluent will discharge to the Anglian Water Sewer located within the site adjacent the eastern boundary. The applicant is in negotiations with Anglian Water to establish a point of connection close to the site in order to overcome historical sewer flooding concerns.
- 5.18 The Flood Risk Assessment originally accompanying the application was revised in January 2016. The County Council's sustainable drainage team have reviewed the Flood Risk Assessment as it now stands and have no objection to raise against the drainage details and strategy for the site subject to a number of conditions included in the officer recommendation.
- 5.19 The site is within an area the least at risk from flooding and as such passes sequential testing and would be in a sustainable location close to services and the existing urban settlement. It would not be necessary to require additional flood proofing or emergency evacuation measures. Similarly, as the site is within an area identified as least susceptible to flooding, the future occupiers should be able to gain house insurance.

Highway Considerations

- 5.20 The access statement accompanying the application ascertains that the development would give rise to 7 No. arrivals, 19 departures and 27 No. two way movements for the am peak hour period 0800- 0900 hours.
- 5.21 The access statement accompanying the application ascertains that the development would give rise to 17 No. arrivals, 9 departures and 27 No. two way movements for the pm peak hour period 1700 hours – 1800 hours

- 5.22 The greater two way vehicle movements would represent 3% of the total vehicle flows measured for the corresponding peak period. This proportion is not statistically significant and demonstrates the development of 47 dwellings proposed can be accommodated on the highway network. Similarly, the findings do not demonstrate the development would have a meaningful impact on the capacity of the proposed access. The County Highway Authority has considered the submitted material and do not disagree its findings or conclusions.
- 5.23 The layout would provide car parking spaces the Council's preferred bay size of 2.9m width and 5.5m depth. Each one-bedroomed flat would be provided with one car parking space. Each two-bedroomed flat and each house would be provided with two car parking spaces or space and a garage as required by the Council's standard for dwellings of two bedrooms or more with good access to public transport. Across the site a total of 12 No. visitor spaces would be provided as required by the standards.
- 5.24 An unusual feature of the proposed layout is the reliance on the provision of four of the visitor spaces to be provided on the estate road and two further visitor spaces on private drive access ways.
- 5.25 County officers advise that visitor / unallocated spaces can be located on or near frontage subject to appropriate design. However, as the road is not intended to be offered for adoption, the County Council has no objection to raise in respect of this design aspect and the location of some of the visitor spaces on the street.
- 5.26 The design of the road junction would feature a 5.5m wide carriageway with a 2m wide footway to each side.
- 5.27 The design of the junction visibility splay (2.4m x 120m) respects the ambient speed of typical traffic measured at an average 44mph in the preparation of the access statement.
- 5.28 Subject to the conditions recommended by the County Highway Authority district officers consider there are no material objections to the proposal in highway terms.

Affordable Housing

- 5.29 Policy H4 to the Council's adopted Core Strategy requires that at least 35% of the units proposed be tenure blind affordable housing. Of the 47 dwellings proposed in this application, 16.45 units equating to 17 units will need to be affordable. This is usually provided by way of most (80% equating to fourteen units) of the provision being made available to a social provider for rent and the remaining 20% equating to three units for shared ownership.
- 5.30 In this case, the applicant proposes eight of the nine proposed one-bedroomed and six of the proposed two-bedroomed flats to be available for social rent. In addition, three of the proposed nine three-bed houses would be

made available for shared ownership. This provision would equate to the typical 80% affordable rent and 20% shared ownership usually acceptable to social providers and in accord with current practice.

- 5.31 The affordable housing provision would be required to be part of a legal agreement forming part of the grant of permission.

5.32 Air Quality

- 5.33 Paragraph 3.30 to Policy SER 1 and Policy DM 29 require major developments to be accompanied by a Transport Assessment to include an assessment of air quality. The submitted Access statement does not include the assessment of air quality. The Council's Principal Environmental Health Officer identified this need and suggests a planning condition to allow this submission and any resultant mitigation to be considered.

- 5.34 The application was submitted on 16 October 2015 and prior to the adoption of the Council's Development Management Plan including Policy DM 29 in December 2014. Policy ENV 5 to the Council's adopted Core Strategy (2011) requires new residential development to be restricted in Air Quality Management areas.

- 5.35 The site and allocation generally does not fall within Rayleigh Town Centre Air Quality Management Area. In the consideration of the Countryside application for the greater part of the allocation, the development was not considered to be in close enough proximity to Rayleigh Town Centre AQMA such as to have warranted the requirement of any mitigation in relation to this. The proposed highway improvements required by that scheme and also required by this much smaller development, together with improvements at the Rawreth Lane/Hullbridge Road roundabout are intended to reduce queuing and improve the operation of the highway network to the overall benefit of air quality. The development would not conflict with Policy ENV 5 and the application was received prior to adoption of Policy DM 29. In these circumstances it would be unreasonable to now require, at this late stage the applicant to submit an Air Quality Assessment.

Detailed Layout Considerations

- 5.36 The houses proposed would have private rear garden areas ranging between 104 square metres and 175 square metres in size. The exception would be the three bedroomed semi-detached house to plot 22 at a garden area of 97.85 square metres. Although slightly under the 100 square metres required, the space is broadly rectangular and backing onto the open aspect of the sports and social club playing field such that the space is usable and would have the outlook across the playing field beyond. The three bedroomed mid-terraced house to plot 31 would also have a rear garden area of 98 square metres but as terraced dwellings can have garden areas as small as 50 square metres this would not conflict with the Council's guidance.

- 5.37 Each of the three flatted buildings would contain 7 No. flats and requiring an amenity area of 175 square metres. The layout would provide these buildings with amenity areas of 196, 187 and 186 square metres respectively and way in excess of the Council's minimum requirements.
- 5.38 Each building would be provided with a side space of 1m or more between the outer face of the flank of the building and the plot boundary. In many cases this distance is substantial as the gap between built forms is taken up by parking areas between buildings. As a result, the appearance of the development would be relatively spacious and would enjoy a good setting to this urban fringe location.
- 5.39 The layout the northern side of the site would back onto the playing field for Rayleigh Sports and Social club. There would be no overlooking at the rear with properties backing onto this part of the site.
- 5.40 Within the development between the southern frontage of the estate road and development fronting London Road only the four bedroomed houses to plots 38 and 45 would be directly opposed and with a distance between dwellings back to back of 12.8m and significantly less than the 25m distance set out in the Essex Design guide that is considered to maintain reasonable conditions of privacy between future occupiers. However, in this case both recessed first floor walls to both dwellings feature bathroom or en- suite / dressing rooms. The window to the rear projecting bedroom to the house to plot 45 fronting London Road would face onto an upper floor projecting wall with no window to the bedroom to the opposing house to plot 38 and a utility room and ground floor W.C. With the rear garden to the side of No. 38, there would in this case, be no overlooking of habitable rooms as a result.

Design and Form of Dwellings - Relationship Between Buildings and Surroundings

- 5.41 The layout would equate to a density of 25 dwellings per hectare.
- 5.42 The overall design and scale of the individual buildings would reflect good proportions and detailing. Whilst the dormer features to the two and a half storey dwellings would be flat roofed, the dormers are modest in size and the development would have its own setting on the edge of the town. It would not be necessary to insist on the revision to the dormer design as the site would be somewhat removed from the established character areas and would take on an appropriate character of its own.
- 5.43 The proposed layout would provide for four bedroomed houses in good sized plots fronting London Road but served by vehicular access from behind. Pedestrian access would be possible at three points through the site frontage across the retained ditch and tree line. The approach to the layout would give the development a relatively spacious setting onto London Road with a traditional estate road serving the development in depth. The resulting layout

would achieve a good relationship between the buildings proposed in accord with Policy DM 1.

Detailed Space Standards

- 5.44 Policy DM4 requires a minimum habitable floor space to be achieved for new dwellings but this policy has effectively been superseded by the national minimum space standard. Until such a 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.
- 5.45 Most of the designs submitted are to a gross floor space exceeding the minimum required by the national standard. Only five of the flats proposed are on the minimum gross floor space figure required but still do not fall below the national standard. Similarly only one of the flats proposed would provide the minimum storage space whilst all remaining dwelling types provide in excess of the national requirements for storage space for each dwelling type. The proposed designs therefore more than satisfy the national space standard requirements.
- 5.46 Policy ENV4 requires all new dwellings to achieve Code Level 4 as a minimum but this again has been superseded by changes to national housing standards introduced from October 2015.
- 5.47 Policy H6 requiring that the Lifetime Homes standard be achieved has also been superseded by the recent national changes under the deregulation code and replaced by part M of the Building regulations. Compliance with this can no longer be sought.
- 5.48 Until such a 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 is recommended to ensure compliance with this Building Regulation requirement.
- 5.49 **Ecological Considerations**
- 5.50 The application is accompanied by a Preliminary Ecological appraisal and Great Crested Newt Strategy. The site was identified to have suitable terrestrial habitat for Great Crested Newts. The site is also in proximity of a known breeding pond (2004) adjoining the cricket pitch, although recent survey work (2014) revealed a marked decline in numbers of Great Crested Newts present at the pond suggesting a decline in the water quality and suggesting that Great Crested Newts may disappear entirely from this pond. Any development work within 500m of this pond would, however, require a licence from Natural England.

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- 5.51 The survey established the possibility of two Oak trees and one Lombardy Poplar tree to have moderate potential for roosting bats.
- 5.52 The northern portion of the site was considered to have suitable reptile habitat providing shelter for species such as Common Lizard.
- 5.53 No field signs of Badgers were found.
- 5.54 The site was found unsuitable for other protected species such as Water Voles, Otter and Dormice.
- 5.55 The area of grassland was found to be of no special botanical value but contains a good variety of herbs and grasses which provide valuable habitat for a range of wildlife including nectaring and overwintering invertebrates.
- 5.56 As a result of the above findings it is necessary that further survey work be undertaken to establish the population levels of the affected Great Crested Newts and Bats. Whilst in the case of the Bats, the roosting trees are shown to be retained, for the Great Crested Newts the development would result in the permanent loss of terrestrial habitat that would provide shelter, overwintering and foraging habitat. There would further be the great risk of direct mortality from construction activity. Whilst these consequences might otherwise result in permission otherwise being declined, the site is unusual in that it is known that the population is in decline and because the site is isolated by managed playing fields, London Road and nearby residential development, the mitigation in this case favours the trapping and translocation of the small population into a designated receptor area occupied by existing populations. Such work will require a licence from Natural England a pre – requirement of which is that planning permission for redevelopment is granted. The licence administered by Natural England would address the methodology for the capture and relocation of the species, whereas the Local Planning Authority would need to be more satisfied with regard to the adequacy of the receptor site.
- 5.57 It is therefore necessary that prior to the commencement of development further survey work and submission of mitigation is submitted for consideration with regard to Bats.
- 5.58 The Council will need to ensure that the recommendations contained in the accompanying ecological appraisal and mitigation strategy are carried out and that a suitable receptor site is prepared for the Great Crested Newt population that will need to be relocated.
- 5.59 Both these requirements need to be the subject of conditions to the grant of permission.

Other Issues Raised in Consultations

- 5.60 In response to a neighbour notification this raised an issue with regard to the overall ownership of the site. Information has been sought from HM Land

Registry that confirms the applicant to own part of the site and the other parcel to be owned by a third party. This additional party, together with Essex County Council, have been correctly identified by the applicant and were notified as required under the planning application process.

6 CONCLUSION

- 6.1 The development is part of a wider land allocation that has released the land formerly from the Green Belt. Residential development is the most appropriate use of the site in planning terms.
- 6.2 The development proposed would be of an attractive design in its own setting and to a density suitable to the fringe location on the edge of the built up settlement of Rayleigh.

7 RECOMMENDATION

- 7.1 It is proposed that the Committee **RESOLVES**

That planning permission be approved, subject to the applicants and owners entering into a legal agreement under Section 106 of the Act to the following heads of terms:-

- a) Footpath link, sub base, surfacing lighting and fencing between north east corner to the development and access road to Rayleigh Sports and Social Club
- b) Contribution of £45,000 for maintenance of Little Wheatley's Play space.
- c) Affordable Housing comprising 17 dwellings at 80% social rented and 20% shared ownership
- d) Education contribution for 9.6 Primary school places at £116,857.
- e) Developer to be responsible for residential travel and information pack for each dwelling on occupation.
- f) Developer to be responsible for provision and implementation of improvements to the two Bus stops in the vicinity of the site.
- g) Provision of a 2m wide footway (widening existing) along the entire site frontage on London Road, to include where appropriate dropped crossings.
- h) Developer to provide a pedestrian crossing on London Road to include dropped kerb crossings and provision of a 2m wide footway on the southern side of London Road to link to the existing footway on Little Wheatley Chase.

- i) Developer to make a contribution of £50,000 towards highway improvement measures along the London Road Corridor.

and to the following heads of conditions:-

- (1) SC4B – Time limit three years
- (2) Development to be implemented in accordance with schedule of approved plans
- (3) Submission of external materials
- (4) Submission of landscaping details
- (5) Road junction to be constructed with appropriate kerb radii, road markings and visibility splays prior to occupation.
- (6) Submission of construction management plan to include provision of an area within site for unloading and storage of materials and plant / equipment clear of the highway and means to clean construction vehicles before entering the highway.
- (7) Submission of means to prevent the discharge of surface water from the development onto the highway.
- (8) Submission of details for layout, levels, gradients, surfacing and surface water drainage of Estate Road and footpaths.
- (9) No unbound material to be used in the surface treatment of the vehicular access within 6m of the highway.
- (10) Submission of detailed surface water drainage scheme for the site, based on the approved FRA, sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development.
- (11) Submission of scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works.
- (12) Submission of Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies.
- (13) The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

- (14) Development to be implemented in accordance with the tree impact assessment dated 15/12/15 and method statement and tree protection plan dated 16/12/15 Ref: 001
- (15) Prior to the commencement of development further survey work to establish the population of Bats affected by the development with appropriate mitigation to protect and retain the affected bat roost trees during construction. Development to be implemented in accordance with such details as may be agreed.
- (16) Prior to the commencement of the development the applicant shall undertake mitigation work with regard to Great Crested Newts as outlined in the Preliminary Ecological Appraisal and Great Crested Newt Mitigation strategy dated October 2015 by Messrs. Essex Ecology Services Limited to translocate the species to a suitable receptor site in accord with methodology to be submitted to and agreed in writing by the Local Planning Authority. The development to be implemented in accordance with such details as may be agreed.
- (17) Contaminated land conditions
- (18) Archaeological Full Condition - No development or preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority'.
- (19) Part G (water efficiency) of the Building Regulations (2010) shall be met for the dwellings hereby approved and be permanently retained thereafter.



Shaun Scrutton

Managing Director

Relevant Development Plan Policies and Proposals

Rochford District Council Local Development Framework Allocations Plan (Adopted 25 February 2014)

SER 1.

Rochford District Council Local Development Framework Core Strategy (Adopted December 2011)

H1, H2, H4, H5, H6, CP 1, ENV 3, ENV 4, ENV 5, ENV 7, ENV 8, ENV 9, CLT 1, CLT 2, CLT 4, CLT 5, CLT 6, CLT 7, CLT 8, CLT 9, T1, T2, T6, T7, T8.

Rochford District Council Local Development Framework Development Management Plan (Adopted 16 December 2014)

DM1, DM2, DM4, DM27, DM28, DM 29, DM30, DM 31.

Department of Communities and Local Government. Technical housing standards – nationally described space standard. Adopted March 2015.

The Essex Design Guide (2005)

Rochford District Council Local Development Framework Supplementary Planning Document 2 Housing Design (January 2007)

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

Standard C3

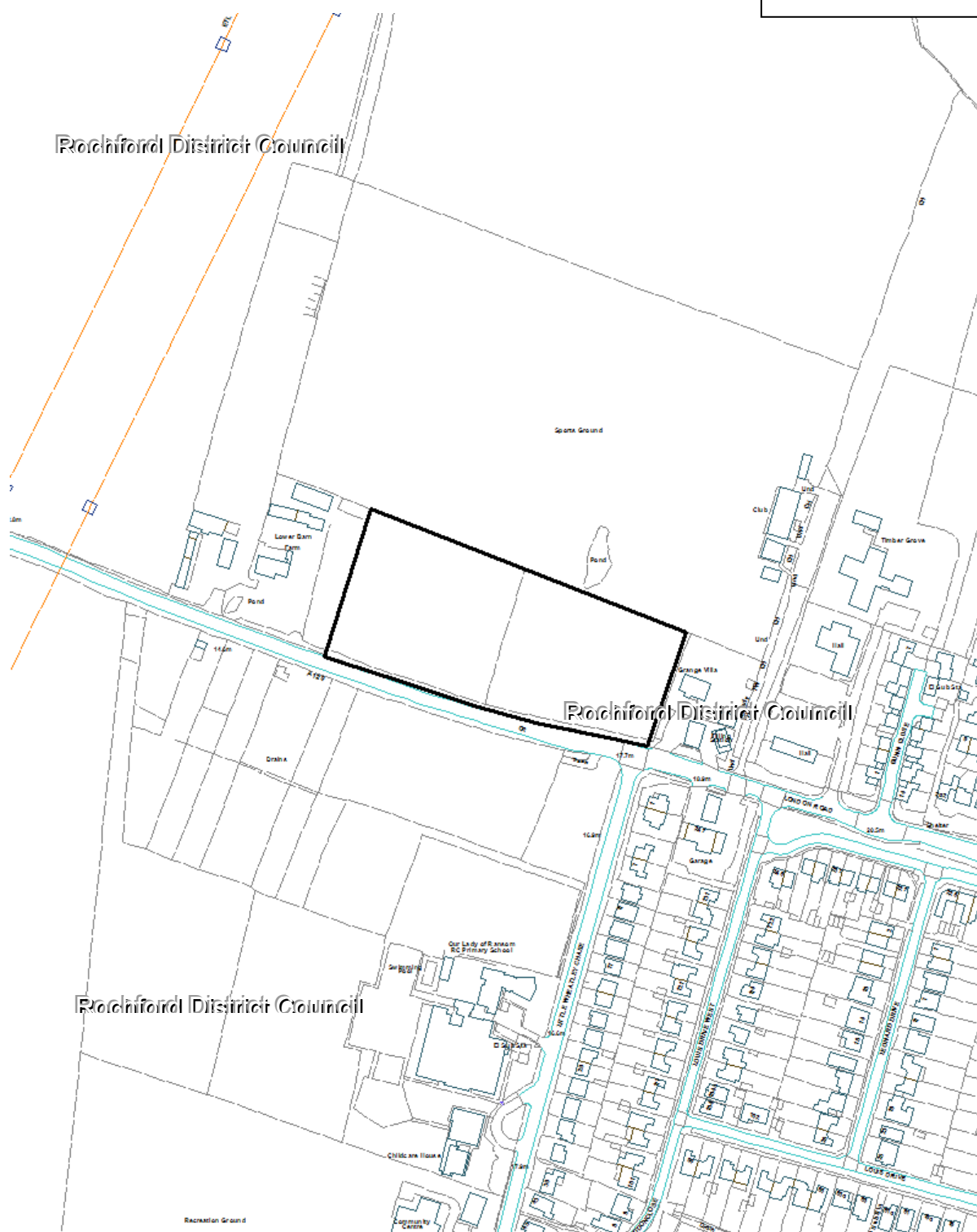
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