

20/00043/OUT

**OUTLINE APPLICATION TO DEMOLISH GARAGE AND
WORKSHOPS AND CONSTRUCT DEVELOPMENT OF 12
No. FLATS**

106 LOWER ROAD, HULLBRIDGE, ESSEX, SS56DD

APPLICANT: **CJD ARTILLERY**
ZONING: **NO ALLOCATION**
PARISH: **HULLBRIDGE**
WARD: **HULLBRIDGE**

1 RECOMMENDATION

1.1 It is proposed that the Committee **RESOLVES** that planning permission be **APPROVED**, subject to the completion of a **LEGAL AGREEMENT UNDER SECTION 106 OF THE ACT** for the heads of terms set out below:

- (a) The provision of Affordable Housing (2 in number Shared Ownership units) with a clause attached that in the event of failure to secure a Housing Provider Partnership within 12 months of the properties becoming available for occupation (which would need to be clearly demonstrated) that a financial sum of £156,188.00 would become payable to Rochford District Council for affordable housing provision.

and subject to the **CONDITIONS** as set out below:

Submission of Reserved Matters and Approval

- (1) No development shall commence until plans and particulars showing precise details of the layout, scale, design and external appearance, access and landscaping of the site, (herein after called the "Reserved Matters"), has been submitted to and approved in writing by the Local Planning Authority. All development at the site shall be carried out in accordance with the Reserved Matters details approved.

REASON: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable the Local Planning Authority to secure an orderly and well-designed development in accordance with the character of the locality.

Time Limit

- (2) In the case of the Reserved Matters an application for approval shall be made no later than the expiration of two years beginning with the date of this permission. Application for the approval of the remaining "Reserved Matters" referred to in Condition 1 above shall be made to the Local Planning Authority before the expiration of five years from the date of this planning permission.

REASON: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable the Local Planning Authority to secure an orderly and well-designed development in accordance with the character of the locality. A longer time for the submission of reserved matters and commencement has been stipulated given the scale of development proposed.

Commencement Time Limit

- (3) The development to which this permission relates shall be commenced not later than the expiration of two years from the approval of the first reserved matter and the remainder of the development shall be begun not later than:-
- (i) the expiration of five years from the date of the grant of Outline Planning permission, or
 - (ii) within two years of the approval of the reserved matters for the phase or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

REASON: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable the Local Planning Authority to secure an orderly and well designed development in accordance with the character of the locality. A longer time for the submission of reserved matters and commencement has been stipulated given the scale of development proposed.

Prevention of Discharge of Surface Water onto the Highway

- (4) Prior to the submission of an application for Reserved Matters approval details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in accordance with the approved details prior to the first occupation of the development.

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

and in the interests of the provision of adequate on site drainage in compliance with Rochford District Council's Local Development Framework Development Management Plan Policy DM28.

Submission of Surface Water Drainage Details

- (5) No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall include but not be limited to:
- Limiting discharge rates to 0.9l/s for all storm events up to and including the 1 in 100-year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall shall be demonstrated.
 - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
 - If a hybrid approach is utilised, appropriate distancing from buildings and roads to the point of infiltration should be provided. In addition, ground water levels should be provided to ensure there is a minimum distance of 1 metre from the base of the feature and the highest annual ground water level.
 - Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 year plus 40% climate change critical storm event.
 - Final modelling and calculations for all areas of the drainage system.
 - The appropriate level of treatment for all run off leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan which details exceedance and conveyance routes, Finished Floor Level and ground levels, and location and sizing of any drainage features.
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented as may be approved.

REASONS:

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure the effective operations of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment in

compliance with Rochford District Council's Local Development Framework's Core Strategy Policy ENV 4 Sustainable Drainage Systems.

Pre-Commencement Reason:

- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Submission of Details to Minimise Construction Flooding

- (6) No works shall take place until a scheme to minimise the risk of off site flooding caused by surface water run off and ground water during construction works and to prevent pollution has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the details the subject of written approval.

REASONS: The National Planning Policy Framework paragraphs 163 and 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of top soils during construction may limit the ability of the site to intercept rainfall and may lead to increased run off rates.

Pre-Commencement Reason:

- To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.
- Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Submission of Surface Water Drainage Maintenance Plan

- (7) Prior to occupation 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, shall be submitted to and agreed in writing by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements shall be provided.

REASONS: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Construction Management Plan/ Construction Method Statement

- (8) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

The Statement shall provide for:

- I. the parking of vehicles of site operatives and visitors
- II. loading and unloading of plant and materials
- III. storage of plant and materials used in constructing the development
- IV. wheel and underbody washing facilities
- V. the control of dust, noise, and vibrations

Once agreed, the development within the phase to which the Construction Method Statement (Statement) relates shall commence and be carried out in accordance with the measures as agreed in the relevant Statement.

REASON: To ensure that appropriate loading / unloading facilities are available to ensure that construction activities do not impact on the highway during the construction period in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Restriction of HGV Movements

- (9) Heavy Goods Vehicle (HGV) movements to and or from the site shall not take place in a westerly or eastwardly direction along Lower Road between 0800 and 0915 and 1445 and 1630 Monday to Friday, save in the event of emergency or where roads have been closed to vehicles and so alternative diversion routes may be permitted to be used for the period of the closure or emergency

REASON: To avoid increased HGV movements along Lower Road at peak times during school arrival and finish times in the interests of pedestrian safety.

Removal of further Development Rights

- (10) Following first implementation no extensions, additions, porches or alterations of any kind including the insertion of any window openings or the creation of balconies may be implemented within the development hereby permitted, nor ancillary buildings erected anywhere within the respective curtilage(s) of the properties without the prior permission in writing of the Local Planning Authority.

REASON: In order that the Local Planning Authority retains control over future development at the site, in the interest of visual and residential amenity and limited garden areas to some parts of the development in accordance with policy DM1 of the Council's Local Development Framework's Development Management Plan.

Provision of Off Street Loading and Storage Areas

- (11) From the first day of the commencement of the development and for the duration of all construction works thereafter until the completion of the development the areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials and manoeuvring of all vehicles, including demolition and construction traffic shall be provided clear of Lower Road.

REASON: In the interest of maintaining the safe and free flow of traffic along Lower Road and access to residential properties within the vicinity in compliance with policies DM1 and DM10 of the Council's Local Development Framework Development Management Plan (adopted 16th December 2014).

Sustainability

- (12) Prior to the occupation of any dwelling, details shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how at least 10 per cent of the energy source serving the development would be derived from a decentralised and renewable or low-carbon sources unless it is demonstrated that this attainment is not achievable on site by way of clear evidence, in which case a report demonstrating the case and the amount (decentralised/low carbon/renewable energy) that would be provided shall be submitted to and agreed in writing by the Local Planning Authority.

REASON: In the interests of sustainability in compliance with the policy ENV8 of the Local Development Framework's Core Strategy.

Contamination Mitigation

- (13) Prior to the occupation of the development, remediation of the site as per recommendations set out in the Remediation Method Statement (Document Reference: 20-027/RMS) (October 2020), shall be carried

out and a detailed remediation verification report to that effect submitted to the local planning authority for its written approval.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ENV11 of the Rochford District Council Local Development Framework adopted Core Strategy 2011.

- (14) Prior to the importation of any material brought onto the site for use as sub soil, top soil or backfill, a compliance certificate for that material proposed to be imported to the site shall be submitted to and agreed in writing by the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ENV11 of the Rochford District Council Local Development Framework adopted Core Strategy 2011.

Travel Information Pack

- (15) Prior to first occupation of the proposed development, the developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the developer to each dwelling free of charge.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the council's Local Development Framework's Development Management Plan.

Details of Lighting Scheme

- (16) Prior to first installation, details of an external lighting scheme shall be submitted to the Local Planning Authority for its written approval. Such details shall include details of all external lighting and illumination within the development site, including details of the height and position of all lighting columns, together with details of luminosity. The lighting shall be installed in accordance with the details as approved.

REASON: To ensure adequate control over design and to ensure a satisfactory appearance in the interests of visual amenity in compliance with policy DM1 of Rochford District Council's Local Development Framework Development Management Plan (adopted December 2014).

2 PLANNING APPLICATION DETAILS

- 2.1 The application proposes the demolition of the existing garage and workshop and associated forecourt canopy area to accommodate a residential development comprising of 12 self-contained flats. This outline application is limited in its scope as it seeks approval in principle only for a development providing 12 flats (consistent with the application description as cited by the application form which states at Section 4 'Proposed block of 12 flats outline proposal') reserving all matters including access, layout, scale, appearance and landscaping.
- 2.2 The submitted Design and Access Statement other than justifying the principle of the development is indicative only due to all matters being reserved. The statement, however, indicates that the development is likely to provide five self-contained flats to the ground floor, a further five self-contained flats to the first floor and two flats within the roof space served by dormers. It is indicated that all flats will contain two bedrooms although this application before the Council, given the application description, is limited to the consideration of the total number of flats as opposed to their specific floor space and configuration which are matters which will be considered under scale and layout at Reserved Matters stage. The statement indicates that the concept supporting the development which is likely to come forward at Reserved Matters stage is similar to that development approved at 289 Ferry Road, Hullbridge.
- 2.3 Although the proposed layout is not for consideration at this outline application stage, the indicative site layout plan submitted for illustrative purposes only indicates a footprint similar to the footprint of the existing building; however, extending 6 metres further on its west flank as compared to the rear east flank of number 104 Lower Road. The same plan also indicates an area of infill on the west and east flanks as compared to the existing footprint.
- 2.4 This indicative site layout plan setting out a concept that would be subject of scrutiny at the Reserved Matters stage, indicates the continuing use of the two existing vehicular crossovers; one being to serve frontage parking whilst the other which would continue to provide access to the rear aspect of the site would serve rear parking space providing an indicative total of 24 car parking spaces. This rear aspect would be served by an access way between the west flank of the proposed building and the boundary of the site with number 104 Lower Road which would taper in width from 4.376 metres at its widest at the front aspect of the site to 3.600 metres towards the rear flank of the proposed building. As a concept, a communal amenity area amounting to a space of 360m² is shown by the indicative site layout plan located to the rear and southern aspect of the site with parking within the intervening space separating this communal amenity area from the residential block.

- 2.5 The concept is based on the provision of two parking spaces per flat with a ratio of 0.25 visitor parking spaces per unit which would total 27 car parking spaces, each 5.5 x 2.9 metres dimension. Although to be considered at Reserved Matters stage under 'Layout' and 'Landscaping' it is indicated that suitable bin areas will be positioned to the front of the site which can be screened by planting.
- 2.6 It is emphasised that the submitted drawings relating to the proposed development other than that outlining the extent of the application site in red are indicative only including plan reference 3579-12-1-A Indicative Site Layout Plan and that drawing stated to be for illustration purposes only as set out by the Design and Access Statement.

3 MATERIAL PLANNING CONSIDERATIONS

Site and Context

- 3.1 The site constitutes a rectangular area of land (2,103.00 square metres in surface area) (approximately) located to the south of Lower Road almost opposite its junction with Hillcrest Avenue located to the north of the site. The site occupies an elevated location compared to that land located further west down slope of Coventry Hill which leads onto a mini roundabout at the junction of this highway with Ferry Road adjacent to the Co-operative stores. The site is bound on both sides by the front, flank and rear aspects of numbers 104 and 108 Lower Road which comprise two storey pitched roofed houses which have their front and principal elevations facing Lower Road with frontage parking space. Beyond the southern and rear boundary of the site is the Rayleigh Golf Club golf course. In its wider context the immediate vicinity is characterised by a mix of residential properties of varying forms and scale including bungalows and two storey dwellings.
- 3.2 The application site comprises of a former petrol filling station, together with a former shop and workshop. The shop extends to some 265 sq. metres (2850 ft²) with the workshop and MOT testing station extending to 177sq. metres (1900 ft²). The site frontage with Lower Road is approximately 29.3 metres and the site has a depth of 76.6 metres. The frontage of the site comprises a forecourt area of concrete construction occupied by petrol pumps set under a canopy. To the rear (southern) aspect of the site is a significant enclosed area of hard standing.

Relevant Planning History

- 3.3 There is no relevant planning history relating to this site.

The Principle of Residential Development

- 3.4 The only matter for consideration in this instance given the narrow scope of the application is that of the principled acceptance of a residential use at this site. Members are not required to consider matters of access, layout, scale, appearance and landscaping. Relevant considerations are those relating to

whether there are any prevailing planning policies at national or local level which would automatically preclude development within this site and whether there is any evidence to support a case that the site would not be suitable for the residential development of the quantum described in terms of impacts including those relating to potential contaminative uses and resultant impacts, surface water drainage, flooding risk and air quality impacts.

- 3.5 Other key considerations include those relating to whether the development can be justified given the loss of the garage, ecology impacts taking into account any required mitigation and the provision of affordable housing in alignment with relevant national planning policy and 'Local Plan' policies.
- 3.6 The site is located within a residential street which forms part of the settlement of Hullbridge and within a vicinity which is characterised by residential development which varies in density and design including their scale and appearance. Notwithstanding the matters associated with the prospect of reconvening the business use, which is at this time no longer in operation, given its location which constitutes an infill plot, it is considered that subject to a development of appropriate design including scale, form, layout, appearance, landscaping and access (all of which are to be considered at Reserved Matters stage) there would be no presumption against such development.
- 3.7 The siting of new dwellings, including flats within such locations is acceptable providing that development can be demonstrated to comply with all relevant planning policies, including the provisions and criteria set out by the Council's Local Development Framework's Core Strategy policy CP1 (Design) and the Local Development Plan policies DM1 (Design of New Developments) and DM3 (Infilling and Residential Intensification) together with the Framework's Supplementary Planning Document (SPD) 2 relating to House Design (which guide the principles of appropriate design in relation to its contextual setting) and the Government's Technical Guidance relating to floor space standards. These detailed design matters would be considered at Reserved Matters Stage. The default position therefore is that of a presumption in favour of sustainable development.
- 3.8 Furthermore, the increased emphasis within the National Planning Policy Framework on the efficient use of land to deliver housing brings to bear a greater degree of material weighting which must be given to this consideration. As a matter of policy and principle there is no presumption against the development proposed, which planning policy at national level and as reflected by local policy, proactively encourages providing that any impacts are considered acceptable or can be mitigated if necessary, by condition.

Quantum of Development

- 3.9 Chapter 11 of 'The Framework' indicates that planning policies should promote the efficient use of land in meeting the needs to provide homes and other uses while safeguarding and improving the environment and ensuring

safe and healthy living conditions. Achieving appropriate densities is a key issue when considering residential development. The Council's baseline requirement as far as density is concerned is 30 dwellings per hectare. Policy DM2 requires that residential development must make efficient use of land in a manner that is compatible with the use, intensity, scale and character of the surrounding area, including potential impact on areas of nature conservation importance, and the size of the site. The policy goes on to stipulate that the density across a site should be a minimum of 30 dwellings per hectare unless exceptional circumstances can be satisfactorily demonstrated.

- 3.10 The stated number of units to be provided is 12 units. Although appreciating that the 12 units have been stated to be intended to be 2-bed units providing a varying floor space range of 2-bedroom flats which are accounted for by the development viability assessment – the layout at this outline stage is not fixed floor spaces and although these may be the same or similar when presented at Reserved Matters stage this outline proposes 12 flats only. It is emphasised that the acceptance of an outline application with all matters reserved infers no pre-acceptance of any matter or parameter other than the gross number of flats as a principle and infers no acceptance of those matters which would need to be the subject of separate Reserved Matters approval.
- 3.11 In assessing density and its appropriateness, it is not considered that acceptance in this case is restricted by the character of the built form in the vicinity of the site. Density is the degree to which an area is filled or occupied. In the context of housing and planning policy, it generally refers to the quantity of people or buildings in an area. Two principal measures are often relied upon to measure density, these being: the number of homes (units) per hectare (u/ha) and the number of habitable rooms per hectare (hr/ha).
- 3.12 The way in which a site area is measured for planning purposes is not always consistent and without a consistent approach it is hard to make meaningful comparisons. The same location can have very different housing densities if the number of homes is measured according to gross site area (including land used for surrounding shops, services, roads and public realm) as opposed to the net-built area (which restricts the calculation only to the land on which the residential buildings stand). In concluding on this matter, it is clear that a development comprising of flats will achieve and deliver a greater number of units than what would otherwise be delivered by standard dwelling houses within traditional plots. However, notwithstanding the tests which apply at Reserved Matters stage, there is no principled planning policy presumption against this quantum of development which, given the increased emphasis on the efficient use of land for housing within the National Planning Policy Framework, there is a strong presumption for.

Housing Mix

- 3.13 Policy H5 of the Council's Core Strategy requires new developments to have a mix of dwelling types but does not specify a mix. It advises that developers consult with the Council's Housing Strategy team to identify the appropriate

mix. Although this would need to be reiterated and confirmed at Reserved Matters stage as to be illustrated by the layout plans which would also need to demonstrate compliance with the Technical Floor Space Standards Technical Housing Standards – nationally described space standard (March 2015 Department for Communities and Local Government) – it is implied by the acceptance of the affordable housing provision proposed that in order to deliver this affordable housing provision from a viability perspective that the unit types will be limited to two-bedroomed units. The concept model on which development viability has been based upon if this was to be significantly different at Reserved Matters stage, would affect the deliverability of the affordable housing element of the development which provided an arrangement which meets the Council's 'Affordable Housing' objectives.

Affordable Housing

- 3.14 Policy H4 of the Council's Local Development Framework's Core Strategy indicates that at least 35% of dwellings on all developments of 15 or more units, or on sites greater than 0.5 hectares, shall be affordable. These affordable dwellings shall be tenure blind. The policy objective is for 80 per cent of affordable housing to be social housing and 20 per cent intermediate housing. The development proposal in terms of total unit numbers is under this threshold, however current government guidance indicates that where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more a scheme would be required to provide 10% affordable housing based on the thresholds set by the NPPF (and its interpretation of the definition of Affordable Housing which is broadly defined by Annex 2 of the Glossary to the NPPF) and Planning Practice Guidance based on developments of 10 units or more.
- 3.15 This requirement was raised with the applicant who expressed an initial preference for providing a financial contribution as opposed to the provision of on site provision, the latter of which is the Council's policy requirement unless a viability assessment supports the case that a justified financial contribution could be an alternative. Officers indicated that the financial contribution as proposed by the applicant was not a viable option (as a first measure) as the Council should only be accepting financial contributions in lieu of on site provision where there are truly exceptional circumstances at play (such as poor viability or no willing providers). These circumstances need to be evidenced and scrutinised which is an approach advocated by Paragraph 62 of the framework. Officers indicated that a financial contribution would have to be evidenced by a viability assessment as the only viable option in addition to confirmation from registered social landlords (RSL's) that they would not be willing to consider on site provision.
- 3.16 The primary issue preventing the Council from accepting financial contributions is that there is no centralised infrastructure provider for affordable housing (unlike for education and health). Accepting financial contributions therefore creates a burden on the Council to find a way of delivering the affordable units which the Council is not resourced to do. This

therefore creates inefficiencies as the Council would have to pass the money to a housing association to deliver the units, often many years later.

- 3.17 Subsequently the applicant submitted a Development Viability Appraisal which sought to prove the case that the development could not provide any affordable units and therefore in the case where this be proven and tested independently, neither would there be a basis for entering into any legal obligation to provide 'Affordable Housing' or a financial sum in lieu of 'Affordable Housing' (even if the latter were acceptable to the Council as a default position).
- 3.18 The submitted Viability Assessment was independently scrutinised by the Council's appointed specialist District Valuation Service (DVS). Officers advised the DVS that the Council, in line with the set threshold, required the provision of one affordable unit whilst the applicant's Viability Assessment was based on the non-viability of providing one dwelling on the basis of the 10% requirements on the lower threshold cited by the framework and not the 35% set out by policy H4 which relates to 15 dwellings or greater. Officers briefed the DVS in terms of the fact that the Council was not a Community Infrastructure Levy (CIL) registered/charging authority which was relevant to the consideration of development viability as was the potential 'Abnormal Costs' associated with the remediation of the site due to its potential contamination status.
- 3.19 The independent review of the applicant's viability assessment was prepared in accordance with the recommended practice set out in the framework; the National Planning Policy Guidance on Viability (July 2018, updated May 2019, September 2019) and the Royal Institution of Chartered Surveyors (RICS) Professional Statement, Financial Viability in Planning (FVIP: Conduct and Reporting) (effective from 1 September 2019) and the RICS (FVIP) Guidance Note (1st Edition) (GN 94/2012), where applicable.
- 3.20 This independent assessment of the applicant's submission did not agree with the conclusions of the Viability Assessment and concluded that there was sufficient scope and profit within the development taking into account all variables including the 'Abnormal Costs' associated with contamination remediation and based on a Residual Land Value of £416,088.00 to provide a payment of £156,188.00 to Rochford District Council as a payment in lieu of on site Affordable Housing.
- 3.21 The DVS indicates that the inclusion of Units 1 and 2 as Shared Ownership units results in a residual land value of £266,822 which is marginally below the Benchmark Land Value, but within what is considered a margin where a developer would proceed on this basis. Were one of these units included as Affordable Rent, the residual land value would fall and would not be considered viable.
- 3.22 On clarifying this matter further with the DVS it has confirmed that the site can viably provide a maximum of two Shared Ownership units as Affordable

Housing recognising that a policy compliant level would be one unit. However, in the absence of justification otherwise, the maintained position is the requirement for the on site provision in the form stated as this is what the independent assessment has informed would be a reasonable provision based on all considerations. The applicant has not contested this position on the basis of which, it is recommended be secured by means of the Section 106 Agreement.

- 3.23 On seeking comment from the Council's Housing Options Allocations and Enabling Officer, it was advised that the applicant could argue that by offering shared ownership they are affordable housing units. However, there are set guidelines regarding what can be defined as "Affordable" Shared ownership and these have to be sold to a registered provider and meet the relevant criteria that the provider requires. It has been advised that there are private shared ownership schemes which are available and are slightly different to "Affordable" schemes. The implication of such is that the developer could not sell the properties themselves as they would have to transact through a Registered Provider and through a local land agent for the south east which is Bedford Housing Association (BPHA) who are the agents for the shared ownership properties for South East England appointed by central Government. It is also advised that any person purchasing would have to meet the criteria of a buyer of affordable shared ownership which include, for example, that they should not have owned any property previously and have a joint income below a set level which at present is understood to be £50,000.
- 3.24 Individual Housing Associations can sell their own shared ownership properties but can also go to the land agent for buyers as well as they hold a waiting list of people interested in shared ownership. The advice is that although the Council would prefer rented units, shared ownership units would be acceptable providing they meet the Government (MHLG) definition/client criteria.
- 3.25 A House of Commons briefing paper (Number 07747) published on 23 December 2019 indicated that Annex 2 of the framework defines 'Affordable Housing' but emphasises at the same time that there is no all-encompassing statutory definition of 'Affordable Housing' in England. Indeed, there is a good deal of ambiguity in the way the term 'affordable' is used in relation to housing. Aside from covering housing provided with public subsidy, it is used in a general way to describe housing of any tenure that is judged to be affordable to a particular household or group by analysis of housing costs, income levels and other factors.
- 3.26 The Annex 2 Glossary to the most up to date version of the framework does, however, provide a definition of 'Affordable Housing' which is the definition which must inform planning decisions and Section 106 obligations. The definition covers a range of different arrangements and parameters including housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers).

- 3.27 The shared ownership model is cited at criteria (d) of the Glossary to Annex 2 - defined as housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision or refunded to government or the relevant authority specified in the funding agreement.

Shared ownership is a product that lets buyers purchase a share of a property (25% to 75%) and pay rent on the remaining share. It is intended as an intermediate tenancy for households which would not otherwise be able to afford home ownership. The supply of new shared ownership homes has increased in recent years, with shared ownership making up an increasing proportion of new homes for affordable home ownership. Shared ownership buyers can progressively buy more of their property until they 'staircase' to owning 100% of the equity. Providing that the affordable units required in this instance will be made available for occupation and ownership in alignment with the principles supporting such model and as described above, officers are satisfied that the 'Affordable Housing' objective of national planning policy which over rides the councils own policies (notwithstanding the definition of 'Affordable') would be met.

Loss of Community Facilities

- 3.28 Core Strategy Policy CLT6 – (Community Facilities) indicates that a comprehensive range of community facilities, including meeting halls, places of worship and social clubs exist throughout the District. These are well used and provide an important role for communities. The Council will seek to safeguard the use of community facilities, and to ensure they continue to provide a useful function to the communities they serve.
- 3.29 The points raised within some of the received third party representations regarding the loss of community facilities and alternative uses are noted. Although recognised to be a service to the community when the business was operational it was, however, a commercial entity rather than a community facility as its meaning is conceived within the Council's Local Development Framework's Core Strategy. However, no Core Strategy or Development Plan policies resist the redevelopment of former commercial sites which have become redundant in areas other than in town centres. In particular cases, the policy objective is to ensure that the vitality of town centres and the evening economy are not undermined by the loss of businesses. In this particular instance there is no defined policy which would require the viability of an alternative use or the prospect of continuing with a use the same as the last known use to be tested.

- 3.30 It is the applicant's case that the site falls within the definition of a 'brown field site' or previously developed land. It is indicated that the use of the site has recently become redundant as the garage is now closed. The reasons behind this are cited as being two fold - due to the lack of continued viability of the business, which was running at a loss the past few years, partially due to competition in the local area and secondly the circumstances of the owner who decided to take retirement. It is the applicant's case that the commercial use of the site is not providing any benefit to the local community, whilst the redevelopment of the site would not result in the loss of any employment.
- 3.31 The supporting Planning Statement indicates that there are several other petrol filling stations and services in the immediate area. Several of these service stations are large global companies such as BP and Shell and several are linked to major supermarkets. This competition has led to a decrease in demand at this site which had experienced reduced turnover making the continued use as a petrol filling station unnecessary and unviable. It is asserted that the loss of this community facility, which has already taken place since the closure, would not have a material impact upon local residents as there are plenty of alternatives available.
- 3.32 Furthermore, the supporting statement indicates that although the loss of a facility is a planning consideration in this case it is considered there is justification both in terms of viability and the use being incompatible with the residential location in terms of noise and disturbance. The lack of demand is also a key factor.

Transport, Access and Sustainability.

- 3.33 Paragraph 111 of the framework states that: 'All developments that will generate significant amounts of movement should be required to provide a Travel Plan, and that applications should be supported by a Transport Statement or Transport Assessment so that the likely impacts of the proposal can be assessed'.
- 3.34 Transport Assessments (TAs) primarily focus on evaluating the potential transport impacts of a development proposal. Transport Statements (TSs) are required for developments that have comparatively limited transport implications. They should both set out the transport issues in terms of the difference in existing and future conditions as a result of the development. The guidance indicates how a Transport Assessment should demonstrate how the development is accessible to key services, maximises sustainable transport opportunities and minimises single occupancy vehicle trips.
- 3.35 A Transport Assessment may propose mitigation measures which are necessary to avoid unacceptable or "severe" impacts. Travel Plans can play an effective role in taking forward those mitigation measures which relate to the ongoing occupation and operation of the development. Transport Assessments and Transport Statements can be used to establish whether the

residual cumulative impacts of a proposed development on the road network would be severe, which may be a reason for refusal of a planning application.

- 3.36 For developers, Travel Plans can help reduce development costs, make a site more accessible and improve the efficiency of the planning process. They can also help deliver improved relations with neighbours by easing traffic in the local area, delivering environmental improvements, improved corporate image (for businesses specifically, including developers), healthier, happier staff leading to less time loss due to illness and greater staff retention, financial savings through more effective use of business travel and reduced commuting costs, reduced demand for car parking, with associated savings in land allocated, time savings through more effective business travel/commuter travel and can also help reduce the need for costly highways improvements schemes.
- 3.37 The Local Development Framework's Core Strategy policy T5 – (Travel Plans) indicates that Travel Plans will be required for developments involving both destinations and trip origins. New schools, visitor attractions, leisure uses and larger employment developments will be required to devise and implement a travel plan, which aims to reduce private occupancy car use. Existing schools and employers will be encouraged to implement travel plans. It advises that a Travel Plan will be required for any residential development comprising 50 or more units and should be tailored to meet the specific requirements of the development. No Transport Assessment has been submitted with this application which is not a prerequisite requirement.
- 3.38 Aside from the Travel Plan itself, Rochford District Council has no published policy or guidance which sets out the thresholds and triggers for particular types of development proposals requiring specific Transport Assessments or Transport Statements which are the established methods of establishing whether the residual cumulative impacts of a proposed development on the road network would be severe. Each particular development proposal depending on its scale and location (when considered in conjunction with other factors including other residential developments and prevailing highway conditions) would need to be considered on their individual merits.
- 3.39 The proposed development site was formerly a commercial entity for which there is no known data in terms of vehicular movements associated with the use which would have affected Lower Road. On the basis of data presented by the Transport Assessment (Canon Consulting Engineering October 2014) submitted in connection with the outline application for 500 dwellings and associated infrastructure (Application No. 14/00813/OUT: Land between Windermere Avenue and Lower Road, Malyons Lane, Hullbridge) (approved 18 January 2017) the congestion on that part of Lower Road in the vicinity of the site and east of the mini roundabout at the junction of Lower Road with Ferry Road was noted to be caused by the stopping of the bus at the bus stop (Number 20 Service).

- 3.40 The assessment noted at the morning peak times (7.30 to 9.30) that there was a heavy flow of cars travelling west out of Hullbridge with 43% of all movements generated by vehicles travelling along Ferry Road whilst 57% of movements were generated by vehicles travelling east via Coventry Hill which would pass the application site. The assessment indicated that the arrival pattern of cars and congestion was intermittent and not a steady stream. The opposite would apply at peak PM times between 5 and 6 pm. The assessment indicated that within the Hullbridge ward 46% of the working population travelled to work by car to destinations including Rochford and Rayleigh whilst 13.6% travelled by bus. 17% worked in London, 50% of which travelled by train.
- 3.41 There is no evidence to support that access into and egress out of the site historically has caused any significant highway safety issues or contributed to congestion on Lower Road or at its junction with Ferry Road. The data provided by the assessment identified no issue with the use of the garage and filling station in terms of generating congestion or accidents. There is no reason therefore to consider that the development proposed, given its scale compared to the pre-existing circumstance or when considered as a stand-alone development, will result in significant or severe impacts to the local highway network. On the basis of this conclusion as a matter of principle the development is considered acceptable in terms of highway impact.
- 3.42 The indicative layout would provide only 24 of the 27 car parking spaces required. However, although indicative, the amenity area would be some 60 sq. metres larger than necessary. The amenity area could therefore be reduced to provide the three further car parking spaces. There would be no material objection to the proposal in terms of car parking provision on the site at this outline stage.

Renewable or Low-Carbon Energy

- 3.43 Policy ENV8 of the Local Development Framework's Core Strategy requires developments of five or more dwellings to secure at least 10 per cent of their energy from decentralised and renewable or low-carbon sources unless this is not feasible or viable. A planning condition is recommended to require compliance with the above policy unless it is demonstrated that this would not be viable or unless provision of such would be at the expense of provision of a higher specification energy efficient building fabric (to meet code level 4 with regard to energy efficiency) in which case a report demonstrating the case shall be submitted to and agreed in writing by the Local Planning Authority.

Ecology

- 3.44 The Local Development Framework's Development Management Plan policy DM27 requires consideration of the impact of development on the natural landscape including protected habitat and species. National planning policy also requires the planning system to contribute to and enhance the natural

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

- 3.45 In addition to the UK Biodiversity Action Plan, proposals for development should have regard to Local Biodiversity Action Plans, including those produced at District and County level. Furthermore, the framework at paragraph 174-177 indicates the importance of avoiding impacts on protected species and their habitat. Where impact is considered to occur, requires appropriate mitigation to offset the identified harm.
- 3.46 The proposed development involves the demolition of an existing building which requires the Local Planning Authority to take into account any potential impacts of demolition of a building on any bat species which may be utilising the building as a hibernation or summer roost (which could include a maternity roost).
- 3.47 This overview initially is based on the consideration of the standard declaration Bat Template which the applicant used to provide information regarding the type of building being demolished, its date of construction, constructional details including any avenues or access to any voids or crevices. The template indicated little prospect of bat species being present within the existing building. On the basis of the officer's site visit it is considered that the prospect of this building being used by any bat species given its construction is highly improbable.
- 3.48 It is considered that the development has the scope through a landscaping scheme which would be assessed for acceptability at Reserved Matters stage under 'Landscaping' to provide biodiversity enhancement opportunities for wildlife that the development could provide. It is considered that there is scope to provide new native planting in the form of trees and hedgerows as part of the development to come forward at Reserved Matters stage. Enhancement measures as part of a development would contribute to Government aims under Paragraph 170(d) of the framework 2019, which requires all development to demonstrate measurable biodiversity net gain.

Ecology and RAMS Mitigation

- 3.49 The site is within the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) zone of influence for the Crouch and Roach Estuaries Special Protection Area and Ramsar site and the proposed development falls within the scope of the RAMS as relevant development. Given that the proposal is for additional housing, and its proximity to the SPA there is a reasonable likelihood that it would be accessed for recreational purposes by future occupants of this development. This additional activity would have the potential, either alone or in combination with other development in the area, to have a likely significant effect on the European site.

- 3.50 The Conservation of Habitat and Species Regulations 2017 (the Regulations) require that the competent authority must ensure that there are no effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of the SPA. The likely significant effects arising from the proposal need to be considered in combination with other development in the area and adopting the precautionary principle.
- 3.51 The Essex Local Planning Authorities within the Zones of Influence have developed a mitigation strategy to deliver the measures to address direct and in combination effects of recreational disturbance on SPA. The Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) sets out a strategic approach to mitigation by several Councils across the wider area. It details mitigation measures that would be funded by financial contributions at a specified tariff per dwelling. Since these include a range of habitat-based measures such as education, communication and monitoring, and have been endorsed by Natural England (NE), the authority's position is that such measures would adequately overcome any adverse effects of the proposal on the SPA. A tariff to fund the mitigation, which is payable for all additional new dwellings, is currently set at £125.58 per dwelling. This mitigation payment has been made such that the development would provide adequate mitigation in accordance with policy.

Surface Water Drainage, Flood Risk and SuDS

- 3.52 The framework indicates at paragraph 163 that when determining any planning application, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment. There is a policy requirement for development proposals to demonstrate that it is appropriately flood resistant and resilient, that it incorporates sustainable drainage systems unless there is clear evidence that this would be inappropriate, that any residual risk can be managed whilst providing safe access and escape routes where appropriate as part of an agreed emergency plan.
- 3.53 Any proposal that will increase the flood risk will be required to be accompanied by a flood risk assessment to consider the level of risk posed and the intended mitigation and management measures. The Local Planning Authority will also seek to ensure that development does not adversely affect the water catchments of existing water courses.
- 3.54 One potential cause of flooding is surface water flooding, which occurs when the local drainage system is unable to cope with the amount of rainfall. Surface water run off from new development can lead to an increased risk of flooding; however, Sustainable Drainage Systems (SUDs) offer an alternative approach to drainage within developed areas. The Core Strategy at policy ENV4 requires developments of 10 units or more to incorporate SUDS. However, there may still be occasions where smaller developments have the potential to give rise to concerns in respect of surface water flooding,

particularly in areas that have been identified as being susceptible to such flooding, including through Surface Water Management Plans. Other instances where there may be a perceived risk of surface water flooding include where historical instances of such flooding have been documented.

- 3.55 The Local Planning Authority or Essex County Council (the SUDS Approval Body or SAB from April 2014) is the authority responsible for the determination of planning applications for SUDS. This means that all new development which has surface water drainage implications will potentially require SAB approval and need to conform to National and Local Standards. Essex County Council strongly promotes the management of rainfall at the surface and therefore the use of above ground SUDS features (e.g. swales, filter strips, basins, ponds and wetlands etc.) will be required rather than pipes, soakaways and underground storage structures, as these bring more benefits to the community in their amenity and biodiversity value as well as being easier and more economical to maintain and need not be more expensive to install. Also, SUDS proposals which provide for limiting surface water run off rates from the site to existing green field rates will be expected.
- 3.56 SuDS can help to reduce flooding by controlling surface water run off as close to the source as possible before the water enters the water course. Such systems can also protect water resources and improve wildlife interests of developments. There are a number of sustainable drainage options available, such as green roofs, rainwater use, and permeable surfaces, although the suitability of each technique would depend on a number of factors including site size and geology.
- 3.57 There is no reason to consider that the site is at risk of fluvial flooding from water courses given its elevated position. This outline application does not provide details of SuDS to be incorporated into the development. There is no reason to consider that the development given the current extent of hardstanding on site cannot make a positive contribution in terms of mitigating surface water run off and achieving SuDS standards. This detail will inevitably be worked up coinciding with the design layout and landscaping of the development which is not for consideration at this stage. It is, however, considered appropriate in alignment with the policy position to stipulate that the development achieves SuDS. It is considered that the condition adequately secures the safeguards required by the development in this respect.

Air Quality

- 3.58 Air pollution can have wide-ranging impacts upon human health and the natural environment. It is the responsibility of the Local Authority to monitor local air quality and, where air of poor quality is found, to designate an Air Quality Management Area (AQMA) and develop an action plan to improve it.
- 3.59 Residential developments depending on their scale when increasing car movements within a given vicinity can impact upon air quality, specifically with

regard to the emissions of nitrogen dioxide (NO₂) and particulate matter (PM₁₀). Parts of Rayleigh and Rawreth Industrial Estate are designated as Air Quality Management Areas (AQMA's). Pollution levels are particularly characteristic and prevalent at busy road junctions.

- 3.60 The Council's Core Strategy policy ENV5 states that new residential development will be restricted in Air Quality Management Areas (AQMA), in order to reduce public exposure to poor air quality. In areas where poor air quality threatens to undermine public health and quality of life, the Council will seek to reduce the impact of poor air quality on receptors in that area and to address the cause of the poor air quality.
- 3.61 The Local Development Framework's Development Management Plan at policy DM 29 indicates that air quality assessments will be required to accompany all planning applications for major development to assess the cumulative impact on local air quality. The guidance produced by Environmental Protection UK in 'Development Control: Planning for Air Quality (2010 Update) 21, or the most up to date guidance, should be referred to in the development of air quality assessments. Planning obligations should be sought to either mitigate the impact of development on local air quality or support the future monitoring of potentially significant road junctions, as appropriate. The approach taken should be proportional with the scale of the development and should be determined in consultation with the Council's Environmental Health team.
- 3.62 The application is not supported by an Air Quality Assessment. However, the scale of the development and distance from AQMA's would not point towards having any significant impact in this regard such as to justify and support the finding of direct harm associated with the development that would be sufficient to constitute a reason to refuse the application.

Potential Contamination

- 3.63 The Council's Core Strategy policy ENV11 advises that the presence of contaminated land is not in itself a reason to resist development but requires that sites be subject to thorough investigation and that necessary remediation is carried out.
- 3.64 No contamination assessment was originally submitted in support of the application until requested by the planning case officer. Given the historic use of the site as a petrol filling station and garage the application was required to demonstrate that the contamination source, risks and mitigation be understood, identified and addressed. Ultimately the Local Planning Authority as decision maker has to make an informed decision supported by expert advice whether the contamination risks associated with the site are acceptable given specific remediation and mitigation as would need to be set out within any contamination reports.

- 3.65 A Phase 1 Contamination Risk Assessment was undertaken in April 2020 which was based on a desktop study, the purpose of which was to assess the preliminary risks. As this was superficial and provided insufficient detail a further evaluation was requested which culminated in a more detailed assessment which was reported and presented within two documents entitled 'Phase 2 Contamination Risk Assessment' and 'Remediation Method Statement' (Document Reference: 20-027/RMS) (October 2020).
- 3.66 The purpose of the Phase 1 Contamination Risk Assessment was to provide a preliminary risk assessment identifying any potential contamination arising from the site's former and current use, and any risks which may arise from such contamination. The assessment revealed that 6 underground fuel tanks are present across the site which comprise 4 x 2000 gallon single skin steel fuel tanks storing petrol, 1 x 1000 gallon diesel single skin steel tank (all installed in 1967) and 1 x 500 gallon paraffin single skin steel tank. Some tanks were renewed in 2019 resulting in tanks 1 and 2 now providing 9000 litres storage capacity, (petrol) with tank No. 3 providing 8750 litres storage capacity (diesel), Tank No. 4 now providing 9000 litres of storage capacity (diesel), Tank 5 1000 gallons now de-commissioned and water filled whilst Tank 6 formerly storing paraffin is out of use,
- 3.67 The assessment noted that there are two above ground fuel tanks storing used motor oils. Although they are bunded with concrete block, it appears the bunding has been damaged and is no longer suitable for purpose. There was evidence of the three-stage oil interceptor on site, at the site of the workshop. There was also a series of vent pipes coming out of the ground by the wooden fence against the western site boundary.
- 3.68 The assessment identified potential receptors/targets at the site and in the area in which the site is located include future users and the public; construction/maintenance workers; groundwater resources and underground services in and around the site.
- 3.69 The obvious contaminant sources identified are those relating to fuel including petrol, diesel, paraffin and oils contained within storage tanks and hydrocarbon contaminants in the underlying soils. The assessment identified that It is also possible that localised spills occurred during the filling of the underground fuel tanks; however, the concrete hardstanding would act to sever any potential pathway from any potential organic contamination migrating into the underlying natural geology and unproductive strata in the northern part of the site.
- 3.70 Additional potential contamination arising from the site's use as a garage identified include heavy metals, asbestos and organic compounds as well as paints, thinners, fuel additives and waste materials such as metal, tyres, asbestos and plastics. The assessment indicates that it is unlikely, however, that any such potential contamination will have migrated to the underlying soils in the northern area of the site due to the hardstanding.

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- 3.71 The assessment identifies that potential mobile contamination may be present in the underlying soils, resulting from any potentially contaminative processes on site. The extent of ground contamination is unknown, and the absence of a groundwater level underlying the site, the risk to water resources is unknown and therefore assumed to be moderate.
- 3.72 The assessment identifies potential risk to plants which would form part of a redevelopment of the site in the form of soft landscaping. Despite the fact that the site is currently covered by type 1, hardstanding and buildings, potential ground contamination from metals and mobile contaminants may be present on site.
- 3.73 The assessment identifies potential risk for hydrocarbon contamination to be present in the underlying soils given the site's current and historical use as a garage. There is potential for damage to underground service pipes if any hydrocarbon contamination is present in underlying soils, and therefore it is considered that the risks to proposed buildings and services are moderate.
- 3.74 A phase 2 Contamination Remediation Method Statement dated October 2020 was submitted further to the Phase 1 Desktop Study. Localised contaminated soils were noted on site. Organic contamination in the form of BTEX and certain PAH compounds were identified in soils, mainly within near surface soils to a depth of up to 1.5m. However, the majority of the site is to be covered with buildings and hardstanding thus severing any source receptor pathway. Therefore, any risks to human health through contaminant uptake was considered to be low in these areas.
- 3.75 The assessment indicated that in the areas of the site to be set to soft landscaping for communal works, a simple cover system of approximately 400mm soils would be required to sever the linkage of pollutants in the soil below, based on the worst-case contamination recorded on site. It indicated that there is currently no suitable growth media on site. Current development proposals include for areas of soft landscaping. The importation of clean suitable top soil was therefore considered necessary.
- 3.76 The underground fuel tanks and associated infrastructure present at the site are required to be removed prior to redevelopment of the site. Following this the risks to human health based on the site being redeveloped to a residential end use without plant uptake were considered to be low.
- 3.77 Given the 3 likely sources of contamination - these being leaks from underground fuel storage tanks; asbestos within the building fabric and contamination resulting from vehicle maintenance activities nearby - the results of the analysis of the selected soil samples recovered during the site investigation indicated that the concentrations of metals and metalloids considered to be potentially toxic to humans were below the respective guideline values in all samples tested.

- 3.78 Concentrations of the organic compounds total PAH and total TPH, were generally low across the site and would therefore not be considered to pose a notable risk of significant harm to human health. A slightly elevated concentration of Dibenzo(a,h)anthracene was, however, encountered in a single near surface soil sample from location TP4 (0.3m).
- 3.79 Elevated BTEX concentrations were encountered at location BH2 (1.5m) at levels considered to pose a notable risk of significant harm to human health. Asbestos contamination was not encountered within any of the soil samples analysed. The assessment indicates that essentially contaminant levels in the form of organic compounds in excess of the relevant guideline or screening values for a residential end use are present on site. As a consequence of the findings a Remediation Method Statement has been produced setting out the remedial works necessary to remediate the proposed development site.
- 3.80 Soil gas: On the basis of the measurements in the table above, the GSV is taken to be 0.028 l/h, which is the worst case for methane and carbon dioxide. A GSV of 0.028 l/h lies within the GSV values for CS1 (<0.07 l/h) which has a very low hazard potential. BS 8485:2015 enables the minimum level gas protection (score) for the site or zones to be determined based on the determined CS and the type of proposed building. Given the proposed end use of the site, a Type A building has been used for calculating the appropriate gas protection score. Given that the site has an implied CS1, the minimum gas protection score required for a Type A building is 0, which means that no gas protection measures would be required as part of the proposed development based on current gas concentrations.
- 3.81 Ground Water Quality: The results of the ground water tests show that no significant contamination was detected in the ground water underlying the site.
- 3.82 The assessment sets out options for remedial works methodology. It cites that contamination in the form of hydrocarbon compounds of low solubility and mobility has been encountered, which will require remediation. The recommendation made is that remedial works for the contaminated soil material to be removed should comprise of excavation and disposal of some of the material off site to a suitably licensed waste disposal facility. The recommendation indicates that any arisings which could not be re-used on site and required off site disposal would be disposed of in accordance with the protocol set out below and the waste regulations and duty of care regulations.
- 3.83 The assessment identifies that there is currently no suitable growth media on site. The importation of clean suitable top soil would therefore be necessary. It is indicated that all imported material will be from a known source, with haulage certification provided to confirm collection and delivery addresses. The advice within the reports states that the material should be tested both at source and on site to confirm it is suitable for placement in proposed landscaping. In situ soils testing following the placement of any imported soils/growth media will be undertaken to profile the depth of imported soils

and retrieve final validation test samples to be reported in the verification report. Cover soil thicknesses will be verified by hand pitting and samples will be retrieved for validation testing from the imported top soil in situ. All clean imported material would be subject to analytical testing to determine its suitability for use on site. The soils would be tested for a range of metals and metalloids and speciated TPH and PAH.

- 3.84 The results would be compared to the SGVs as appropriate and where applicable GAC values derived using CLEA UK for TPH fractions and specific PAH compounds will be used as limit values. In addition to the 'CLEA Suite' any imported soil material will be tested for boron, sulphate, zinc, copper, phenols and pH.
- 3.85 Top soil analysis comprising tests to determine the levels of nitrogen, phosphorus, potassium and magnesium will be undertaken on the material to show its suitability as growth media. The material would be inspected to ensure it had no aggressive weeds, invasive species including the rhizomes and seeds of such species.
- 3.86 The assessment indicates that the construction works detailed would be undertaken under the supervision of a suitably qualified environmental engineer who would be the nominated person overseeing the remediation. The results of the validation sampling would be included in the Remediation Verification Report which would be presented to Rochford District Council to detail the remediation works undertaken.
- 3.87 Generic Remedial Measures Enabling Works: Where concrete capping, underground structures and buildings are still in place across the site, such would need to be removed. Enabling works will therefore be required as part of the remediation of soil contamination to ensure that the subsequent development of the site can proceed with continuity and minimise risks to programme delivery.
- 3.88 Soils/Material Handling Protocols: The remediation and redevelopment of the site will involve the excavation and removal of contaminated materials for disposal off site at an appropriately licensed facility. In order to ensure compliance with the requirements of the Landfill Regulations 2002 [and variously amended] a programme of waste segregation and classification would need to be implemented at source, to ensure that the contaminated soils are managed and disposed of appropriately. The need for any further pre-treatment of soils to be disposed of off site would be dependent on the selected final disposal point.
- 3.89 Protection of Services: Petroleum hydrocarbon contamination (TPH) has been recorded at concentrations above respective UK Water Industry Research (UKWIR) guidance thresholds adopted by local water companies. It is therefore likely that potable water will need to be supplied in barrier pipes or some other material that offers equivalent protection/chemical resistance if service runs pass through contaminated areas.

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- 3.90 Underground Fuel Tank and Contaminated Material Removal: The underground fuel storage tanks present on site will require removal. The tanks are to be decommissioned and removed during the site enabling/demolition works by a suitably licensed contractor. The potential for contamination around the vicinity of the tanks is noted and the resultant void(s) soil quality will be validated.
- 3.91 A detailed photographic record depicting all stages of the UST decommissioning will be provided in the final remediation verification report for the site. The tank decommissioning proposed is described below. Initial works will involve the removal of the contents of the tanks after de-sludging and backfilling with an inert atmosphere or foam by a specialist contractor and the subsequent issuing of certification. The removal of any tanks will be undertaken by specialist contractors and the tanks removed from site to a suitably licensed waste/recycling facility. These works will be supervised by a suitably experienced environmental consultant.
- 3.92 Copies of the waste transfer notes of the tanks and contents and professional details of the contractors undertaking the works will be included in the final Remediation Verification Report which will be produced on completion of the remediation works.
- 3.93 Following the removal of the tanks, validation testing will be undertaken on soils retrieved from the sides of the resultant voids created by the removal of the tanks. Samples will also be retrieved and tested from beneath the base of the tank-voids. The soil samples retrieved will be subjected to a head space analysis by a Photo Ionisation Detector (PID) to screen for VOCs and samples subsequently sent for chemical testing at a suitably accredited laboratory. The suite of analysis will reflect the historic uses of the site and include volatile organic compounds, speciated polyaromatic compounds and total hydrocarbons, and benzene, toluene, ethyl benzene and xylene (BTEX). Testing to determine the presence of volatile organic compounds (VOC) in the soils surrounding the tank voids will also be undertaken on site using a portable PID.
- 3.94 Contaminated soils will be removed from site to a suitably licensed waste management facility as required by current waste management legislation. Details of the receiving facility will be included in the final validation report.
- 3.95 Service Runs: Whilst the majority of the source of any contamination is to be removed from site, in sundry locations across the site locally some contaminant concentrations in made ground may exceed the GAC for water supply pipe protection. It is recommended that contamination resistant drinking water supply pipes are adopted across the development.
- 3.96 In the event that any stained material or material showing olfactory evidence of contamination, in either the soil arisings or service trench sides/base, is discovered during the excavation of the service runs such material would be chased out to its origin. Regardless of whether any contamination is noted in

these trenches the backfill material would be an engineering grade aggregate material likely to be single size gravel material.

- 3.97 Asbestos: In the event that ACM is encountered during the site enabling works the extent of such will be delineated under the supervision of a suitably competent consultant/engineer and the material will be removed from site in accordance with the hazardous waste regulations. Should any such material be encountered it is considered likely that a single dedicated skip provided by a suitably licensed asbestos handling company would prove sufficient. If asbestos-containing material is found on site, then all the documentation regarding its remediation including duty of care and waste transfer notes would be forwarded to the appropriate authorities.
- 3.98 Watching Brief and Discovery Strategy: The Remediation Strategy indicates that in light of the results of the chemical testing undertaken to date on site and the site's history it is considered that should sources of contamination, in the form of discreet hotspots, be encountered during the site clearance or ground works, these should be dealt with accordingly by informing all parties involved with the site and drafting new contamination proposals if necessary.
- 3.99 The Council's statutory consultee on the consideration of the submitted information including the remediation measures is satisfied that the risk is acceptable and manageable by way of the remediation and mitigation as set out within the submitted documents. A planning condition is recommended which aligns with the consultee advice.

4 CONSULTATIONS AND REPRESENTATIONS

Hullbridge Parish Council

- 4.1 No objection to the principle of the development. Comment raised regarding the loss of a business which is stated to be considered detrimental to residents, but in principle no objection to the outline application.

Rochford District Council Housing Options Allocations and Enabling Officer

- 4.2 No objection. Advise that the policy position is that Affordable Housing contributions need to be on site contributions as opposed to financial contributions in lieu of affordable housing. Advise of the evidenced need for 2-bedroom properties for persons in the over 50's age range who still have children living at home and acceptance of the proposed provision of 2 in number shared ownership properties as Affordable Housing which are to be secured by means of a Section 106 agreement.

Essex County Council Contaminated Land Specialist

- 4.3 Initially advised of acceptance of the initial Phase 1 desk top assessment and of the need for a Phase 2 ground investigation contamination assessment with gas monitoring and intrusive sampling for the appropriate potential

contaminants. Advised also of the requirement for a Phase 3 remediation strategy.

- 4.4 Further response received on 20 November 2020 highlighting acceptance of Phase 2 and Phase 3 Investigations. Recommends a planning condition to the following effect: 'Prior to the occupation of the development, remediation of the site as per recommendations set out in the remediation method statement shall be carried out and a detailed remediation verification report to that effect submitted to the local planning authority for written approval'.

Essex Police

- 4.5 Sets out the requirements of paragraph 91 of the National Planning Policy Framework which states that new developments should be designed to achieve healthy, inclusive and safe places that are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. It comments that there is no reference to physical security in this application and invites the applicant to contact them to discuss crime prevention through environmental design.

Anglian Water:

- 4.6 No objection. Assets Affected: Records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.
- 4.7 Waste Water Treatment: confirms that the foul drainage from this development which is in the catchment of Rayleigh West Water Recycling Centre has the available capacity for these flows.
- 4.8 Used Water Network: Confirms that the sewerage system at present has available capacity for these flows via a gravity connection to the public foul sewer. Advises that if the developer wishes to connect to the sewerage network it should serve notice under Section 106 of the Water Industry Act 1991. Anglian Water will subsequently advise on the most suitable point of connection.

Third Party/Neighbour Representations

- 4.9 Thirty eight third party representations have been received objecting to the proposed development from the following addresses:

Alfreda Avenue: 22.

Broadlands Road: 20.

Burnham Road: 8, (2 letters) 162.

Central Avenue:4.

Crouch Avenue: 69.

Danbury Road :12.

Downhall Park Way:65.

The Drive: 52.

Ferry Road: 164.

Folly Lane:73.

Grasmere Avenue: 31.

Hatfield Road: 59.

High Elm Road: 17.

Hillcrest Avenue:8.

Hilltop Avenue: 9.

Hockley Park, Lower Road: 37, 38,

Kendal Close: 6.

Keswick Avenue: 68.

Louis Close: 3.

Lower Road: 68, 100,102, 104 (2 letters) 108 (2 letters),112 ,137.

Malyons Lane :12.

Mapledene Avenue: 51.

Mapleleaf Close: 5.

Padgetts Way: 4.

The Priors: 3.

West Avenue: 10.

Representations were also received from 1 household disclosing an incomplete address, this being stated as 'Poole's Lane'.

4.10 The concerns and objections are summarised as follows:

- Concern that the development will constitute over development due to the number of dwellings concerned.

- Concern regarding the cumulative effect of housing developments within the area on the local road network causing resultant congestion on local routes.
- Point raised that a previous application was refused on the basis of the use of what is stated to be third floor rooms incorporating dormer features to accommodate loft space.
- View expressed that the Local Planning Authority would not be justified in granting this development which it is considered would be out of character with other dwellings in the area.
- Concern raised with regard to the capacity of infrastructure within the area to accommodate further residential development and the effect of this on residents, traffic generation, local infrastructure including the road network and services including health care services and schools.
- Objection to the fact that this development would entail the loss of a community facility. Many elderly residents depend on the garage which is within walking distance in terms of the collection of cars following their repair.
- Concern expressed that a building comprising a 3-storey building will overlook neighbouring properties and will not be in keeping with the rest of the street which is made up of bungalows and detached and semi-detached houses.
- Concern that the development would constitute an invasion of privacy currently offered to private amenity spaces overlooking 4 residential properties in the vicinity.
- Concern expressed that the area is over developed and is losing village feel which made it so special.
- Concern expressed regarding a building which it is understood to be higher than the existing building.
- Concern expressed regarding perceptions of health risks associated with the development and extra emissions from vehicles.
- Concern expressed that a development of the sort proposed is not wanted on this street as it will not blend in with surrounding area.
- Concern expressed regarding parking provision to serve the development including sufficient parking spaces for visitors.
- A view is expressed that a newer petrol station would be a better addition to the village than the development proposed.

- Concern expressed regarding direct overlooking of adjoining gardens from the building of the height anticipated given the anticipation of rear facing windows.
- Concern on the basis of the indicative plans that the development would overshadow the patio area of Number 104 Lower Road restricting the sunlight to the rear of the property.
- Concern regarding the impacts of the development during the construction phase upon local infrastructure in terms of increasing traffic as well as works traffic from lorries delivering materials etc.
- Concern that 3 storey flats at the top of the hill would be an eyesore and totally out of character with the surrounding properties.
- Concerns regarding the health risks associated with the historic use of the site as a petrol filling station and resultant potential contamination by fuel from leaking fuel storage tanks and ground disturbance.
- Comments made that the development will completely decrease the value on surrounding houses.
- A view is expressed that all planned development in Hullbridge should be halted until infrastructure issues are addressed.
- Concern raised that the site position would entail that traffic flowing east/west will be impeded by the inevitable site traffic lights with the probable effect of hugely increased traffic flows using Burnham Road and Crouch Avenue attempting to bypass the jams by "dog legging" around to Ferry Road.
- Concern regarding the impact of the construction phase on the local highway from site debris.

5 EQUALITY AND DIVERSITY IMPLICATIONS

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

6 CONCLUSION

- 6.1 The proposed development site forms part of a former garage and petrol filling station which is now redundant. In assessing the principle of the proposed development as described which relates to the provision of a development comprising 12 flats, (the details of which will be considered under Access, Scale, Layout, External Appearance and Access at Reserved Matters stage) officers consider there to be no material planning considerations which would presume against the principle of development at this site. The recommendation if carried forward into a decision would secure the principle

of development which this outline application has demonstrated to be acceptable in terms of contamination risks, mitigation and remediation, together with the provision of policy compliant affordable housing.

- 6.2 No impacts - whether direct or cumulative impacts - have been identified that would be so demonstrably significant or severe to preclude the granting of a principled consent for residential development at this site. This principled consent as officers recommend does not infer acceptance of any matters which shall be considered under the required Reserved Matters application. The planning conditions as recommended are considered compliant with the six key tests of planning circular and necessary to establish certain safeguards and requirements at this outline stage. It is concluded that the principle of development is acceptable, subject to the recommendations as covered under point (a) relating to Section 106 Heads of Terms and the recommended conditions.



Marcus Hotten

Assistant Director, Place and Environment

Relevant Development Plan Policies and Proposals

National Planning Policy Framework (February 2019)

Rochford District Council Local Development Framework Core Strategy (Adopted December 2011) Policies: H1, H4, H5, H6, CP1, ENV9, CLT1, T8

Rochford District Council Local Development Framework Development Management Plan (Adopted December 2014) Policies DM1, DM2, DM28, DM29,

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

Supplementary Planning Document 2 – Housing Design

Background Papers

District Valuation Office Independent Assessment (Viability Assessment)

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