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**17/00488/FUL**

**LAND REAR OF 12 TO 26 EASTWOOD ROAD**

**DEMOLISH EXISTING BUILDINGS AND CONSTRUCT  
DEVELOPMENT OF 41 NO. 2-BEDROOM FLATS WITH  
ASSOCIATED PARKING AND AMENITY SPACE**

APPLICANT: **HISTONWOOD LIMITED**  
ZONING: **RAYLEIGH TOWN CENTRE**  
PARISH: **RAYLEIGH TOWN COUNCIL**  
WARD: **WHEATLEY**

## **1 RECOMMENDATION**

### **1.1 It is proposed that the Committee **RESOLVES****

That planning permission be approved, subject to a Section 106 Legal Agreement and subject to the following conditions:-

Section 106 Head of Terms

- The provision of three on-site affordable housing units

Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out other than in strict accordance with the approved plans date stamped 17 May 2017 listed below:-  
  
551.200.02, 551.201.02, 551.202.02, 551.203.01, 551.204.0,  
551.205.01, 551.206.01, 551.207.00, 551.208.00
- 3 Prior to first use in the construction of the buildings hereby approved details of all external facing (including windows and doors) and roofing materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Such materials as

may be agreed in writing by the Local Planning Authority shall be those used in the development hereby permitted.

- 4 Prior to first use of any of the buildings hereby approved plans and particulars showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority, which shall show the retention of existing trees, shrubs and hedgerows on the site and include details of:-
- schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;
  - existing trees to be retained;
  - areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
  - paved or otherwise hard surfaced areas;
  - existing and finished levels shown as contours with cross-sections if appropriate;
  - means of enclosure and other boundary treatments; and
  - car parking layouts and other vehicular access and circulation areas.

The landscaping as agreed shall be implemented in its entirety during the first planting season (October to March inclusive) following commencement of the development, or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective within five years of planting shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

- 5 Part G (water efficiency) of the Building Regulations (2010) shall be met for the dwellings on the site and be permanently retained thereafter.
- 6 Part L of the Building Regulations 2010 in respect of energy performance shall be met for the dwellings.

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- 7 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.
- 8 Prior to the commencement of the development, excluding ground clearance works, details of how the development will secure at least 10 per cent of their energy from decentralised and renewable or low-carbon sources unless this is demonstrated to be not feasible or not viable shall be submitted to and approved in writing by the Local Planning Authority. The details as agreed shall be implemented prior to first beneficial use of the development (to which the agreed provision relates) hereby approved.
- 9 No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:-
- Limiting discharge rates to the 1 in 1 green field rate or at least 50% betterment of the existing brown field rate for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
  - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
  - Final modelling and calculations for all areas of the drainage system.
  - The appropriate level of treatment for all run off leaving the site, in line with the CIRIA SuDS Manual C753.
  - Detailed engineering drawings of each component of the drainage scheme.
  - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
  - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

- Permission in principle should be demonstrated by the Water Authority for a connection to the surface water sewer.
- 10 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. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon request by the Local Planning Authority..
- 11 No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. If the development is phased the requirement for a Construction Method Statement shall apply equally to each phase. The Statement shall provide for:-
- i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. wheel and underbody washing facilities
- 12 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the block plan date stamped 17 May 2017, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
- 13 No beneficial use of the development shall occur until the details of the number, location and design of cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. The approved facility shall be secure, convenient and covered and provided prior to occupation and retained at all times.
- 14 Prior to occupation of the proposed development, the developer shall be responsible for the provision and implementation 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. One Residential Travel Information Pack shall be provided for each unit.

## **2 PLANNING APPLICATION DETAILS**

- 2.1 The proposal is for the demolition of the existing buildings on the site and the construction of 41 no. two-bedroom flats with ancillary parking and amenity space.
- 2.2 The development would be comprised within two blocks. Block A would provide 33 flats in a broadly Z shape with the accommodation spread mostly over the ground, first and second floors, but with some limited third floor elements. The smaller Block B would provide 8 flats in an L shape over ground, first and second floors.
- 2.3 There would be a single vehicular access into the site using the present access off Eastwood Road. Block A would be sited towards the northern boundary of the site with the communal parking and amenity areas located within the southern parts of the site providing a buffer with the residential properties to the south.

## **3 MATERIAL PLANNING CONSIDERATIONS**

### **Site**

- 3.1 The site is approximately 0.36 ha, of irregular shape, and is virtually entirely hard surfaced. The site is occupied by 7 detached industrial type units. The site borders the Council car park off Castle Road, a two-storey flatted block (Britton Court), a detached bungalow (14 Finchfield) and commercial premises.

### **Relevant Planning History**

- 3.2 14/00596/FUL - Demolish Existing Industrial Buildings and Construct 42 No. 2-Bed Flats in Two Blocks with Undercroft Parking to One Block, Parking and Amenity Space. REFUSED.
  1. The proposal, by virtue of the scale of the secondary block in close proximity to no.14 Finchfield (referred to as block 'B' within the Council's report) would have an overbearing and thus detrimental impact upon the occupiers of no.14 Finchfield contrary to part (x) to policy DM1 and part (iv) to policy DM3 of the Development Management Plan 2014. In addition, it is considered that the proposed secondary block would generate unacceptable overlooking which could not be sufficiently and reasonably controlled by planning condition and that the proposal would have a detrimental impact on the occupiers of no.14 in terms of overlooking contrary to parts (x) and (ix) to policy DM1 and part (iv) to policy DM3 of the Development Management Plan 2014.

2. The proposal does not provide a transport or air quality report to consider implications of the proposal upon the Air Quality Management Area (AQMA) for Rayleigh town centre. Due to the site's location directly accessible through the AQMA it is considered that it is paramount that the proposal provides a transport and air quality report in order to consider whether the proposal would have a detrimental impact upon air quality within this location. Policy ENV5 of the Core Strategy 2011 explains that 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. Without a transport or air quality report it is not possible to confirm whether the proposed works would be considered acceptable in terms of implications upon air quality in this area or not. This would be contrary to the aspirations of policy ENV5. This would also be contrary to policy DM29 of the Development Management Plan 2014 which requires major developments to submit an air quality assessment with their planning application.
  3. Essex County Council Economic Growth and Development section has identified deficit predictions and thus implications for the proposal upon early years and childcare, primary and secondary education. Whilst the applicant has agreed in principle to an education contribution they advise that they are not able at this stage to confirm an agreement to the figure as proposed by ECC. It is not possible for the Council to approve an application subject to a legal agreement with a financial contribution towards education provision without clear commitment from the applicant as to the precise amount that they would provide and whether such amount would mitigate the impact identified. A small site such as this has the potential to be unsustainable without clear adherence to policy requirements which look to seek infrastructure to support the provision of new dwellings, as identified within policies CLT1, CLT2 and CLT3 of the Core Strategy 2011.
  4. The design of the proposed development, by virtue of its bland, uninspiring and outdated design would not generate a positive enhancement to the town centre in this prominent location. It is considered that there is an opportunity at this site to construct a more unique and modern build which may positively enhance this part of the town centre. The proposal is considered to be contrary to the good, high quality design sought within policy CP1 of the Core Strategy 2011 and part (ix) to policy DM1 of the Development Management Plan 2014 which seeks to promote visual amenity.
- 3.3 15/00457/FUL - Demolition of Existing Buildings and Construction of 36 No. Two-Bed Flats With Ancillary Parking and Amenity Space. WITHDRAWN.

Although this application was withdrawn before determination officers highlighted concerns relating to the following:-

1. The design of the proposed development is considered to be contrary to the good, high quality design sought within policy CP1 of the Core Strategy 2011 and part (ix) to policy DM1 of the Development Management Plan 2014 which seeks to promote visual amenity.
  2. It is considered that the proposed secondary block would generate unacceptable overlooking to no.14 Finchfield which could not be sufficiently and reasonably controlled by planning condition and that the proposal would have a detrimental impact on the occupiers of no.14 in terms of overlooking contrary to parts (x) and (ix) to policy DM1 and part (iv) to policy DM3 of the Development Management Plan 2014.
  3. The site is located within a Critical Drainage Area (ROC6 - Rayleigh East), as identified within the South Essex Surface Water Management Plan Phases II, III and IV (Final April 2012). Policy ENV4 of the Core Strategy requires all residential development over 10 units to incorporate run off control via Sustainable Urban Drainage Systems (SUDS) to ensure run off and infiltration rates do not increase the likelihood of flooding. The topography of the site creates an environment where surface water drainage requirements are significant to the site's drainage potential. The design and access statement indicates that all hard landscaped finishes would either be porous or would drain to a soakaway SUDS system. There has been no Flood Risk Assessment or proportionate risk assessment/drainage strategy submitted with the application to clarify that an acceptable system could be provided at the site. Without certainty there remains the possibility that the proposal may be considered to have a detrimental impact in terms of surface water flooding to this location. The ECC Flood and Water Management team as Lead Local Flood Authority objects to the application due to the lack of detail on this matter. ECC raises concern as to whether SUDs could be retrospectively fitted into the site layout and highlights that the Ministerial Statement of 18 December is a material consideration applying to this scale of development, hence it is for the developer to otherwise demonstrate that SuDS are inappropriate at a particular site.
- 3.4 16/00798/FUL - Demolish Existing Buildings and Erect Two Three Storey Buildings Comprising 41 No. Two-Bedroom Flats With Ancillary Parking And Amenity Space. REFUSED
1. The Flood Risk Assessment and Drainage Strategy submitted with this application does not comply with the requirements set out in Essex County Council's Outline Drainage Checklist.
- The submitted FRA does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular the submitted FRA and SuDS Strategy fails to:-

Use the most up to date guidance on climate change allowances; following the EA update on climate change allowances in February 2016, we expect a climate change uplift of 40% (based on the upper end, 90% percentile estimates) to be applied on rain fall intensities. This provides a more conservative drainage scheme.

Provide further details on the hydraulic conveyance of surface water within the drainage scheme. The Preliminary SuDS/Surface Water Drainage Strategy drawing no. 162280-001 shows a series of lined permeable paving structures with overflow connections to catch-pits and underground sewer network. It also shows the offline geo-cellular attenuation system in the south-east corner of the site. The layout suggests the run off collected along the south western permeable block flows directly to the outfall manhole along the east without getting into the offline storage? This therefore raises concern that with the current layout, not all of the run off within the development will be attenuated before being discharged at a controlled rate.

Further information should be submitted showing clearly how the water is conveyed through the SuDS features (and the attenuation storage), including the support of survey data and invert levels of the drainage features.

Provide further information on the treatment of run off from all parts of the development. The layout suggests the permeable blocks will be serving the car parking areas alone and not the main access road into the development. Clarity should be provided as to how the treatment is provided for the access road.

### **Loss of Businesses**

- 3.5 Whilst the site is designated as being within the town centre of Rayleigh on the Allocations Plan Policies Map 2014 it is not specifically designated in any other way, i.e., neither residential nor employment.
- 3.6 Policy ED1 of the Core Strategy advises that the Council will support the protection and enhancement of the role of small and medium sized businesses. There are various existing businesses located on this small business estate which would be lost to the proposed development.
- 3.7 The loss of existing business here is a material consideration and whilst no specific policy seeks to retain this area for employment use such loss must be considered.
- 3.8 Policy RTC4 of the Core Strategy seeks to ensure that Rayleigh town centre's role as the District's principal town centre is retained through the production and implementation of an Area Action Plan which delivers among other things a predominance of retail uses, a range of evening leisure uses and promotes



provision of community facilities. The existing businesses on this site are considered to currently provide such facilities.

- 3.9 The Rayleigh Area Action Plan (RAAP) seeks new opportunities for retail development or other town centre uses together, supported by or contributing to appropriate town centre environmental improvements, which will help to strengthen the town's role as Rochford District's principal town centre. The loss of existing businesses, two of which are retail and without replacement with any further commercial uses, would not help to achieve this wider policy vision for the town centre.
- 3.10 However, it should be noted that part of the vitality and viability of a town centre includes people living within such a centre supporting town centre uses. This proposal would enable residents to live and contribute towards sustainable town centre living. Whilst the policies within the RAAP have aspirations to promote retail, A2-5, leisure, cultural and community uses the application site is not allocated for employment use. Nor was it allocated as primary or secondary frontage. The RAAP proposal does not allocate the site for any specific uses. It should also be noted that a site known as King George's Court, on Eastwood Road close to the application site, grappled with the same issue in the late 1990s (reference F/0631/97/ROC). This application went to appeal and the Inspector allowed the appeal and granted permission for the flattened scheme accepting the loss of the retail units that existed on the site although these units were redundant, whereas at the application site the units are generally occupied at present. Costs were also awarded to the applicant in relation to the retail loss argument of the appeal.
- 3.11 Given that the site is not allocated specifically for employment use and the other matters highlighted above, it is considered that there is not strong policy support for retention of employment uses at this site and that the Council would not be justified in refusing planning permission for the loss of employment uses here. Furthermore, it should be noted that the loss of employment uses here did not represent a reason for refusal in the previous applications.

### **Design and Layout**

- 3.12 Policy H1 of the Core Strategy resists the intensification of smaller sites within residential areas. However, it goes on to state that limited infilling will be considered acceptable and will contribute towards housing supply, providing it relates well to the existing street pattern, density and character of the locality. Policy H1 does encourage an appropriate level of intensification within town centre areas where higher density schemes (75+ dwellings per hectare may be appropriate. At 0.36ha and with 41 dwellings proposed this would equate to a density of 112 dwellings per hectare. This density is considered acceptable within a town centre location and for a flattened development.
- 3.13 Policy H5 of the Core Strategy requires new developments to have a mix of dwelling types. The proposal, consisting of two-bedroom flats only, would be

contrary to such policy. However, in a flatted scheme it would only be the inclusion of one-bedroom units that could assist in generating a mix within this form of scheme. Two-bedroom flats would attract couples, small families and even individuals who may wish to rent out the spare bedroom. The proposal is thus considered to still enable a mix of potential occupiers and it is not considered that the inclusion of only two-bedroom units would represent a justified reason for refusal here.

- 3.14 Policy CP1 of the Core Strategy advises that the Council will promote good, high quality design that has regard to local flavour. The design of the 2014 scheme, which used elements taken from the King George's scheme built in the 1990s was refused as it was considered to be out of date, bland and uninspiring and would not generate a positive enhancement to the town centre in this prominent location. It was considered that at this site there was an opportunity to construct a more unique and contemporary build, which may positively enhance this part of the town centre.
- 3.15 The proposed scheme has been designed to be in keeping in terms of scale and massing in relation to the town centre location and the surrounding buildings whilst providing a more contemporary appearance. The proposal would consist of a Z shaped larger apartment block (Block A) and a separate L shaped smaller block (Block B). The proposed blocks are predominantly three storey with the height reduced at the southern end in respect of nearby residential properties. Within the blocks there would be four storey elements located in prominent focal positions in-line with viewpoints across the site.
- 3.16 The site topography slopes down from west to east and this constraint has influenced the design approach. The buildings have been broken down into various built elements to sensitively deal with the site gradient. The design also takes similar characteristics and materials from other properties in Eastwood Road in order to blend in with local character whilst retaining a contemporary appearance. External materials have been indicated on the plans and include external brick work - 'Ibstock' Lambourne Orange Multi, 'Marley Eternit' cedar lap weatherboarding in grey-green and pearl, ivory render and anthracite roof tiles.
- 3.17 SPD2 requires flats to be provided with access to suitable amenity space. For flats, when built, the standard shall be a minimum balcony area of 5m<sup>2</sup>, with the ground floor dwelling having a minimum patio garden of 50m<sup>2</sup>; or the provision of a useable communal residents' garden of 25m<sup>2</sup> per flat; however, these two methods for flats may also be combined.
- 3.18 The ground floor flats of Block A would all be provided with doors leading onto a small paved patio area and would also have access to communal areas along the northern boundary of the site and to amenity areas adjacent to the parking area in front of the northern wing of the block. This would result in each ground floor flat having access to at least some of their own terraced space although not the 50m<sup>2</sup> minimum patio area sought by SPD2. However, additional amenity value would be provided by the communal landscaping to

the north of the block. Together with the amenity areas adjacent to the parking area this is considered to result in a suitable level of amenity provision. Furthermore, the site is within a short walk of the King George's Playing Field.

- 3.19 The upper floor flats of Block A would all be provided with balconies with most flats having access to two balconies. Flat numbers 12 and 23 would be provided with a single balcony providing the minimum 5m<sup>2</sup> required with all other flats exceeding this figure. Seven of the flats on the second floor would be provided with some accommodation on the third floor with access to additional roof terraces up to 40m<sup>2</sup> in extent.
- 3.20 Block B would be provided with a communal amenity area to the rear of the block approximately 80m<sup>2</sup> in extent easily accessible for the ground floor flats. Flat numbers 37 and 38 on the first floor would have access to balconies of a minimum 5m<sup>2</sup> area. Flat 39 would have an internal staircase leading to a second bedroom on the second floor with both bedrooms having access to a balcony. The second floor flats, numbers 40 and 41, would have second floor balconies and access to internal and external amenity areas at third floor level.
- 3.21 The view of the site from the public car park is currently of low level commercial buildings. It is not considered that a greater degree of height and scale at the site would have a detrimental impact on visual amenity when viewed from the car park. The residential scheme would actually provide a degree of security for the car park in terms of overlooking.

### **Technical Housing Standards**

- 3.22 The Ministerial Statement of 25 March 2015 announced changes to the Government's policy relating to technical housing standards. The changes seek to rationalise the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building Regulations on water and access, and a new national space standard. Rochford District Council has existing policies relating to access (Policy H6 of the Core Strategy), internal space (Policy DM4 of the Development Management Plan) and water efficiency (Policy ENV9 of the Core Strategy) and can therefore require compliance with the new national technical standards, as advised by the Ministerial Statement (March 2015).
- 3.23 The Department for Communities and Local Government Technical Housing Standards – Nationally Described Space Standards (March 2015) supersedes the Policy DM4 – Habitable Floor Space For New Developments contained within the Council's Development Management Plan (2014). The dwelling types are consequently required to meet gross floor space and minimum storage requirements for the reasonable needs of future occupiers.
- 3.24 The proposed development comprises apartments comprised of 33 two-bedroom/three person units and 9 two-bedroom/four person units. The standard sets out that those apartments should have minimum gross internal

floor areas of 61m<sup>2</sup> and 70m<sup>2</sup> respectably and to include at least 2m<sup>2</sup> of built in storage space. The apartments have been designed to meet this standard. Proposed ceiling heights also achieve the minimum height of 2.3m.

- 3.25 The following is a table of the individual apartments, their gross internal floor spaces and compliance.

Plot Number(s)	Type	Area m <sup>2</sup>	Area Compliant	Storage Compliant
1-7, 12, 34-36	2bed/3person	61	Yes	Yes
11,22, 33, 39	2bed/3person	62	Yes	Yes
40	2bed/3person	63	Yes	Yes
13-16, 18, 25, 29	2bed/3person	64	Yes	Yes
10, 37	2bed/3person	66	Yes	Yes
41	2bed/3person	67	Yes	Yes
8-10, 17, 20-21, 31	2bed/3person	69	Yes	Yes
38	2bed/4person	70	Yes	Yes
23	2bed/4person	74	Yes	Yes
19,30	2bed/4person	78	Yes	Yes
26	2bed/4person	82	Yes	Yes
32	2bed/4person	85	Yes	Yes
24	2bed/4person	92	Yes	Yes
28	2bed/4person	99	Yes	Yes

- 3.26 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 would be recommended to require compliance with this Building Regulation requirement if permission were to be recommended.

- 3.27 Policy ENV9 requires all new dwellings to achieve Code Level 4 of the Code for Sustainable Homes as a minimum. The Ministerial Statement relating to technical standards has not changed policy in respect of energy performance

and this requirement still therefore applies; a condition could be imposed to require that the dwellings achieve this as a minimum if permission were to be recommended.

- 3.28 Until such time as existing Policy H6 is revised, this policy must be applied in light of the Ministerial Statement (2015), which introduced a new technical housing standard relating to access. Consequently 3 per cent of all new housing developments of 30 dwellings or more are required to achieve the optional building regulation requirement relating to wheelchair access (Part M). In the case of developments comprising 10 to 30 dwellings at least 1 dwelling is expected to be built to the optional building regulation requirement relating to wheelchair access. In both cases this requirement applies unless such a proportion can be shown to threaten the viability of a particular development; in which case a lower proportion may be considered. For the proposed scheme, 2 dwellings should be built to full wheelchair accessibility standards. This could be required by planning condition if permission were to be recommended.
- 3.29 In light of the Ministerial Statement, which advises that planning permissions should not be granted subject to any technical housing standards other than those relating to internal space, water efficiency and access, the requirement in Policy ENV9 that a specific Code for Sustainable Homes level be achieved and the requirement in Policy HP6 that the Lifetime Homes standard be met are now no longer sought.
- 3.30 Policy ENV8 of the Core Strategy requires developments of five or more dwellings to secure at least 10% of their energy from decentralised and renewable or low carbon sources, unless this is not feasible or viable. The application has not been accompanied by information that relates to this requirement; however, such adherence to the policy could be secured by the implementation of a planning condition.

### **Parking**

- 3.31 The Parking Standards: Design and Good Practice Supplementary Planning Document adopted 2010 requires dwellings with two bedrooms or more to have a minimum of two parking spaces. In addition, the document requires a minimum of 0.25 visitor parking spaces per dwelling (unallocated). As the proposal is for 41 flats this would require 82 spaces to serve the dwelling, together with a further 11 visitor parking spaces.
- 3.32 The proposal would provide 42 vehicle parking spaces with one space per dwelling and one visitor space across the development. The 1:1 ratio has been considered appropriate for the site within the previous application and at the pre-application stage. In order to improve the landscaping scheme and given the site's sustainable location the minimum parking space standard being 2.5m x 5.0m would be appropriate for this development.

- 3.33 Whilst the proposed parking would be less than half of the requirement the Parking Standards document advises that a lower provision of parking spaces may be appropriate in urban areas where there is good access to alternative forms of transport. The proposal site is considered to be in a sustainable location within Rayleigh town centre with good access to public transport. It is also adjacent to the Castle Road public car park and close to the Websters Way car park.
- 3.34 With no objection from ECC Highways on the quantity proposed and the sustainable location of the site it is not considered that the Council would be justified in refusing the application due to insufficient parking provision. The proposal would still enable one resident space per flat.
- 3.35 The proposal also indicates three cycle storage areas located in positions accessible to the apartment entrances. No details have been provided relating to these areas; however, details relating to the design and capacity of these cycle facilities could be secured by condition.
- 3.36 The access road would meet the requirements for site access for refuse collection vehicles and fire tenders.

### **Amenity**

- 3.37 The residential premises located close to the scheme include No.14 Finchfield, a bungalow to the rear (south east) of Block B and Britton Court also located to the south east of the site.
- 3.38 As with the previous applications, the occupiers of 14 Finchfield have raised an objection to the proposal in relation to the impact on their enjoyment of their property. Following the previous applications the design of the development has been altered such that main windows and balconies areas that are close to this property have been orientated to provide direct views away from this dwelling.

The flatted development of Britton Court wraps around the application site and both Block A and Block B could have a potential impact upon Britton Court. Whilst Britton Court is not as great in scale and height as the proposed blocks, it is not considered that the blocks would have an overbearing impact upon the occupiers of the existing building. The proposed blocks would be located in close proximity to commercial premises. It is not considered that the proposal would be detrimental to the occupiers of any adjacent commercial building.

### **Trees and Ecology**

- 3.39 There are virtually no trees on site although there are a number of trees established on adjacent land. The Council's Arboriculturalist advises that beyond the north west boundary, situated within Castle Road car park, is a group of ash trees rooted against the existing palisade fencing. He explains that the trees are not particularly attractive and at present require only routine

maintenance. It is recommended that if the development were to be permitted the applicant have these trees removed at their own cost.

- 3.40 A bat survey has been submitted confirming the lack of reasonable likelihood of bats being present on the site. The Natural England Standing Advice suggests that on previously developed land (brown field sites) there is the potential for breeding bird, reptile, invertebrate and protected plants to be present. The site is virtually entirely hard surfaced and it is not considered likely that such species would be present on this particular site.

### **Surface Water**

- 3.41 The site is sloped and therefore the topography of the site creates an environment where surface water drainage requirements are significant to the site's drainage potential. It is also located within a Critical Drainage Area (ROC6-Rayleigh East), as identified within the South Essex Surface Water Management Plan Phase II, III and IV (2012). Policy ENV4 requires all residential development over 10 units to incorporate run off control via Sustainable Urban Drainage Systems (SuDS).
- 3.42 The applicant has submitted a site specific Flood Risk Assessment and SuDS Strategy. The site is already entirely hard paved or covered by built development so it is not considered that there would be an increase in run off emanating from the proposed development. The report calculates that the existing development would generate a surface water run off of 48.7litres/sec when subject to a rain fall event with a 50mm per hour rain fall intensity. The Strategy states that post development the discharge rate would be reduced by 50% to 24.35litres/sec.
- 3.43 The SuDS Strategy would incorporate a variety of measures. The parking areas would be constructed of lined permeable paving with 200mm deep granular drainage reservoir below. Surface water run off would be contained with an underground geo-cellular storage system within the car park adjacent to the smaller apartment block. This storage basin would be 1.2m deep and covering an area of 4m x 15m. Above the basin would be a minimum 600mm deep cover. Run off out of the site would be restricted using a suitable flow control device.

### **Air Quality and Noise**

- 3.44 Policy ENV5 of the Core Strategy, which relates to air quality, requires consideration. This policy states that new residential development will be restricted in Air Quality Management Areas (AQMA). The site is accessed via the AQMA for Rayleigh Town Centre which includes the section of Eastwood Road from the High Street to Daws Heath Road. The AQMA is required because the annual average level of nitrogen dioxide is above that permitted and the Council must take steps to reduce this where members of the public are present in order to protect their health.

- 3.45 Whilst the application site is outside the AQMA, and therefore residential development would not in principle be refused under policy ENV5, due to its proximity to the AQMA and accessibility directly from the AQMA, it would have direct implications on the AQMA.
- 3.46 An air quality assessment has been submitted with the application. The assessment models the potential impact of nitrogen oxides (NOx) and particulate matter (PM10). In addition to this the assessment also assessed the potential impact on local air quality from demolition and construction activities at the site.
- 3.47 The assessment considered the impact on NOx and particulate matter levels to be minimal. In terms of the impact from construction activities the assessment considered that these can be reduced to negligible through appropriate mitigation measures which are listed in Table 16 of the report. With these mitigation measures enforced the likelihood of nuisance dust episodes occurring at those receptors adjacent to the development site are considered low. Such mitigation could be controlled by planning condition.
- 3.48 Although the site consists of commercial premises it is not suggested within any of the accompanying statements that the land is contaminated and no comments to this effect have been provided by the Council's Environmental Services Team. It is also noted that the area is almost entirely hard surfaced.
- 3.49 Policy DM5 of the Development Management Plan requires that applicants should take into consideration the environmental zone where a development is being proposed and the corresponding lighting thresholds. The site is considered to fall within Environmental Zone 3. Lighting proposals in this zone are only permitted if the applicant can demonstrate that the scheme proposed is the minimum needed. This could be controlled by condition.

### **Affordable Housing**

- 3.50 Policy H4 of the Core Strategy seeks at least 35% of dwellings on all developments of 15 or more units, or on sites greater than 0.5ha, to be affordable. However, such quantity can be relaxed where the developer is able to demonstrate that 35% provision would be economically unviable, rendering the site undeliverable. As the proposed development is for 41 units this would equate to the need to provide 15 affordable dwellings.
- 3.51 The proposal, as submitted, does not provide for any affordable housing. The applicant has provided a viability assessment for the scheme prepared by S106 Management.
- 3.52 The recommended approach in undertaking viability assessments is to assess viability based on a residual valuation basis. This means assessing the development value of the proposed scheme and deducting from this the costs of the development, including profit, to leave a residual sum representing the site value. If the Residual Land Value is in excess of the Benchmark Land



Value the scheme is considered able to viably provide planning contributions, up to an amount equal to the difference between the two figures. If it falls below the Benchmark Land Value it could be considered unviable.

- 3.53 The report concludes that the proposed development produces a Residual Land Value of £508,391 against an adopted Benchmark Land Value of £1,552,000 and therefore the scheme is not viable at -£1,043,609. The Council has commissioned DVS to provide an independent assessment of the appraisal received from the applicant. DVS has provided a report and, based on the assumptions detailed in the report, the proposed scheme achieves a residual land value higher than the benchmark and is therefore able to make a contribution towards affordable housing. The figures put forward by DVS are that the proposed scheme achieves a residual land value of £1,733,159, set against a Benchmark Land Value of £1,125,00 and thus a surplus of £608,159 is achieved indicating that the provision of affordable housing would be viable.
- 3.54 Given that no affordable housing was intended to be provided the development would not have conformed to policy H4 of the Core Strategy.
- 3.55 Discussions with the applicant have subsequently resulted in further confirmation provided by the applicant including a breakdown of the build costs associated with development, as prepared by a registered surveyor, to provide a more accurate site specific cost breakdown than the BCIS data used by DVS. Although the figures provided indicate the provision of affordable housing would not be viable the applicant has nevertheless made an offer, without prejudice, to provide 3 affordable housing units within the scheme.
- 3.56 DVS has reviewed the submitted build costs and reassessed the development costs concluding that the applicant's offer of 3 affordable housing units would be the maximum reasonable on-site provision. Given this professional advice, officers consider that the provision of 3 units would be acceptable and that this provision be secured by a S106 agreement were planning permission to be granted.

### **Education**

- 3.57 Policy CLT1 of the Core Strategy explains that the Council will require developers to enter into legal agreements in order to secure planning obligations to address specific issues relating to developments. Policies CLT2 and CLT3 of the Core Strategy expand on the general CLT1 requirement focusing on primary education, early years and childcare facilities and secondary education, explaining that developer contributions may be required.
- 3.58 Essex County Council have reviewed the situation in relation to early years and childcare, primary and secondary provision within the proximity of the site and decided not to request an educational contribution for the proposed development.

**Open Space and Play Space**

- 3.59 Policies CLT5 and CLT7 require open space and play space to be provided within new residential developments. Some open space is proposed although this would be private space. With King George's playing field located so close to the site it is not considered that the lack of open and play space for public use directly on the application site would be objectionable here.

**4 CONSULTATIONS AND REPRESENTATIONS****Rayleigh Town Council**

- 4.1 No objection but concerned that there is no affordable housing.

**ECC Archaeology**

The proposed development lies within an area of potential archaeological interest. The site lies immediately to the south of the medieval town (EHER 13575), within an area that may contain information on activities that happened on the periphery of the town. In view of this the following recommendation is made in line with the National Planning Policy Framework.

Recommendation: Full condition

'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'.

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.

**ECC Historic Environment**

- 4.2 The land to the rear of 12-26 Eastwood Road lies to the south of Rayleigh Conservation Area which is also where the nearest listed buildings reside. The existing site does not contribute or detract from the setting of the conservation area due to the distance and the lower relative heights of the existing buildings compared with the intermediate buildings. Although the proposals will be taller than the existing buildings and become visible from limited parts of the conservation area, they are not considered to be incongruous to the setting of the conservation area, nor to undermine any important views. The proposals are considered acceptable.

**ECC Education**

- 4.3 ECC has reviewed the local education provision and will not be seeking education contributions.

**ECC Local Lead Flood Authority**

- 4.4 Does not object to the granting of planning permission based on the following:-

**Condition 1**

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:-

Limiting discharge rates to the 1 in 1 green field rate or at least 50% betterment of the existing brown field rate for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all run off leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- Permission in principle should be demonstrated by the Water Authority for a connection to the surface water sewer.

**Condition 2**

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.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

#### Condition 3

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

#### **RDC Engineers**

- 4.5 Access to the site is not via a publicly adopted highway. There is a public foul sewer within Eastwood Road. There is a public surface water sewer available in the private road, but this may have limited spare capacity.

#### **RDC Environmental Services**

- 4.6 There is a charge per household of £168 for bin capacity for lifetime costs of bins. We ask that the developer pays for this before we can provide the bins.

#### **RDC Housing**

- 4.7 We would support this development as long as we receive 35% for affordable housing element from this site.

#### **Neighbours**

- 4.8 Representations have been received from the following six addresses:-

Finchfield 14, Daws Heath Road 9, Broad Oak Way 9, The Courts 6, Jubilee Road 21 which in the main make the following points:

- Privacy and overlooking due to balconies.
- Trees on site unlikely to remain due to size and over growing issues.
- Bike storage area - plans ambiguous, may encourage youths to loiter/create noise/anti-social behaviour.
- Local businesses would be disregarded.
- Over-development in Rayleigh, which is already over populated and services are stretched, i.e. doctors, schools.
- Level of pollution in Rayleigh.
- Flats are going to cause even more congestion, and judging by the number of units, this is a clear case of cramming as many units as you can get into a given space for maximum profit.

- Rayleigh Town is a gridlocked town; this could generate the possibility of 80 more vehicles close to the town.

## 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 proposal is not considered to cause undue demonstrable harm to any development plan interests, other material considerations or to the character and appearance of the area to justify refusing the application.
- 6.2 The proposal would deliver 41 housing units, including affordable units, that would contribute to the District's housing stock to the benefit of residents.



Matthew Thomas

Assistant Director, Planning and Regeneration Services

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### Relevant Development Plan Policies and Proposals

Policies H1, H4, H5, H6, CP1, ENV4, ENV5, ENV8, ENV9, ENV11, CLT1, CLT2, CLT3, CLT5, CLT6, CLT7, T1, T2, T3, T4, T6, T8, ED1 and RTC4 of the Core Strategy 2012

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

Rayleigh Area Action Plan 2015

Supplementary Planning Document 2 - Housing Design

Essex Design Guide 2018

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

National Planning Policy Framework 2018

**Background Papers**

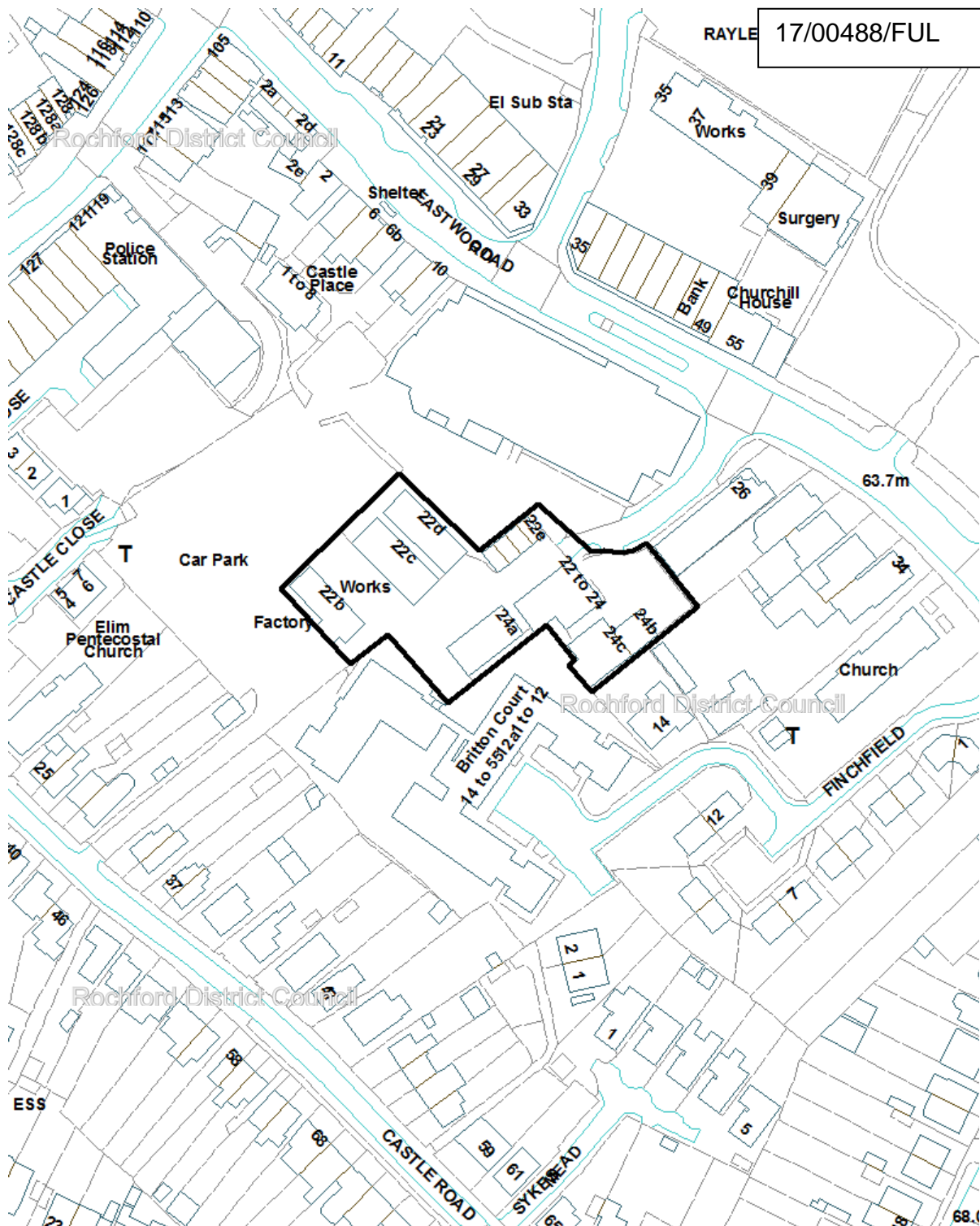
None.

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