

20/00940/OUT

**LAND NORTH OF LONDON ROAD AND WEST OF
RAWRETH INDUSTRIAL ESTATE, RAWRETH LANE,
RAYLEIGH**

**OUTLINE PLANNING APPLICATION (WITH ALL MATTERS
RESERVED) FOR THE ERECTION OF RESIDENTIAL
DEVELOPMENT AND THE PROVISION OF NON-
RESIDENTIAL FLOORSPEACE (FALLING WITHIN USE
CLASSES E AND/OR USE AS A PUBLIC HOUSE OR
DRINKING ESTABLISHMENT) WITH ASSOCIATED OPEN
SPACE**

APPLICANT: COUNTRYSIDE PROPERTIES (UK) LTD
ZONING: SER1
PARISH: RAWRETH PARISH COUNCIL
WARD: DOWNHALL AND RAWRETH

1 RECOMMENDATION

1.1 It is proposed that the Committee RESOLVES

That outline planning permission be approved, subject to the following Heads of Terms to a s106 legal agreement and to the following conditions:

Heads of Terms

- (1) Financial contribution per dwelling towards education provision to be made payable to ECC including relating to early years and childcare, primary and secondary provision to accord with ECC requirements (as set out in the consultation response)
- (2) Affordable Housing to be provided on site at 35 percent of the total number of dwellings constructed on the site. The affordable dwelling mix to be:-

35% -1 bedroom

45% -2 bedroom

15% - 3 bedroom

4%- 4 bedroom

1% - 5 bedroom

and to an 80(rented)/20(shared ownership) split with appropriate delivery triggers and nomination rights.

- (3) Financial contribution of £820,250 to Rochford District Council for the delivery of a new senior 3G pitch at Rayleigh Leisure Centre (or other sports provision in the wider district area should the aforementioned pitch not be deliverable) inclusive of a maintenance payment of £46,770 to RDC. Deletion of the requirement in the original s106 to provide any on-site mini or junior football pitches.
- (4) Allotment provision increased by 0.1ha in addition to previous s106 requirements relating to this (total 0.4ha) to be offered to Parish Council or in the event the Parish do not accept the additional 0.1 ha for allotment use, the additional 0.1ha to be maintained as part of the strategic open green space a management company in perpetuity. Proportionate increase in financial contribution – additional £26,400 (total £106,400).
- (5) Delivery of 0.01ha of land for use as the informal kickabout area (already required in the original s106 dated 5th June 2016 but without a specific minimum area previously defined) to continue to be maintained by a management company in perpetuity (to form part of the proportionately increased youth facilities provision)
- (6) Delivery and maintenance of strategic open space (including community orchard) to apply equally to areas of such to be delivered within the red-lined application site relating to the new outline application as per the requirements relating to such as detailed in the original s106 dated 5th June applying to the original outline consent 15/00362/OUT).
- (7) Provision and on-going maintenance of additional play space to the south of the non-residential development parcel in accordance with the area identified for such on the approved land use parameters plan (to bring total play space area to a minimum of 0.12ha across the wider site subject to 15/00362/OUT). Provision and on-going maintenance of a further informal play space (Local Area of Play) within the 'green lung south' as shown on the approved Land Use Plan ref TOR-SK-024.
- (8) Financial contribution towards RAMS of up to £50,667 to RDC (£125.58 per dwelling relating to all the dwellings delivered under 20/00940/OUT, i.e., up to 410 dwellings), to be paid for all dwellings

within each phase prior to first occupation within the phase (a phase relating to a reserved matters application site).

- (9) Travel Plan and travel information pack for all new households (also to include offer of free cycle training for all residents at the site) including free bus travel for all new households on the site (up to 2 per household) for up to 1 year.
- (10) SUDs maintenance
- (11) Financial contribution of £284,671 (to relate to both the original outline permission 15/00362/OUT and dwellings to be delivered under 20/00940/OUT and to replace the original contribution identified for healthcare in the original s106 dated 5th June 2016) towards primary healthcare provision to be paid to RDC in two tranches for transfer to the NHS for an identified scheme to increase primary care provision for occupants of the site. The first tranche of £164,581.82 payable prior to the 100th occupation at the site. The second contribution of £120,089 payable one calendar year after the date of the first payment. Deletion of requirement to offer land within the wider site for primary healthcare provision and cessation of the requirement to market this site (as contained within the s106 agreement dated 3rd June 2016 and relating to 15/00362/OUT) following confirmation in writing from the NHS that the site is no longer required, and that alternative primary care provision is available for future residents.
- (12) Payment of £174 per dwelling to RDC for wheeled bins.
- (13) London Road highway works – Reserving funds and option period for ECC for the signalling and associated works of Down Hall Road/London Road Junction to be undertaken by ECC or if notice served by ECC on the developer by the developer.

NOTE: It is proposed that the s106 agreement is by way of a Deed of Variation to the original s106 legal agreement dated 3rd June 2016 and relating to outline planning permission 15/00362/OUT (or alternatively as a new s106 agreement if required by signatory parties). The original outline planning consent (15/00362/OUT) under which parts of the wider site would continue to be developed would also then be subject to the same varied s106 agreement (or alternatively a separate Deed of Variation be required to the original agreement). The s106 would retain the requirements relating to the original outline planning consent (15/00362/OUT) unless the Heads of Terms detailed above specifically identify that original requirements would be superseded or altered (unless a new s106 is drafted in relation to the new application in which case the original would be unaltered (save for changes resulting from any Deed of Variation) and the new s106 include only those Heads of Terms as listed above.

Conditions

- (1) No development shall commence within any phase of development within the site (a phase relating to a Reserved Matters application site area) until plans and particulars showing precise details of the layout, scale, appearance, access, and landscaping (herein after called the "Reserved Matters"), within the phase have 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.

- (2) In the case of the Reserved Matters, application for the first reserved matters 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 and to accord with condition 2 on the original outline planning consent at this site ref 15/00362/OUT.

- (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 and to accord with condition 2 on the original outline planning consent at this site ref 15/00362/OUT.

- (4) Prior to the commencement of development hereby approved, a phasing plan covering the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, each reserved matters application shall refer to a phase, phases, or part thereof identified in the phasing plan.

REASON: To ensure the proper phased implementation of the development and associated infrastructure.

- (5) The development hereby approved shall be constructed in strict accordance with the approved plans; Site Location Plan (TOR SK007 Rev B), Land Use Parameter Plan (TOR SK024 Rev C) and Density Parameter Plan (TOR SK020 Rev C).

REASON: In the interests of clarity.

- (6) The residentially developable areas, as shown on the approved Parameters Plan Parameters Plan, shall accommodate no more than 410 dwellings in total.

REASON: To ensure appropriate density is achieved in the interests of visual amenity and the character and appearance of the locality.

- (7) Prior to commencement of development of any non-residential buildings at the site, details shall be submitted to and agreed in writing with the Local Planning Authority to demonstrate that the buildings would meet the BREAAAM very good rating unless it can be demonstrated that this is not viable or practical (in which case details of viability/practicality shall be submitted to and agreed in writing with the Local Planning Authority). Once agreed, the buildings shall be built in accordance with the agreed details to achieve the BREAAAM very good rating and details submitted in writing to the Council to demonstrate that this rating has been achieved within 3 months of completion.

REASON: To comply with Policy H6 of the Core Strategy and Policy SER8 of the Allocations Plan

- (8) A minimum of 13 dwellings at the site (or 3 percent of the total maximum number of dwellings constructed at the site, whichever is the lower) shall be built to full wheelchair accessibility standards (i.e. comply with optional building regulation requirement Part M4(3)). Prior to or concurrent with each Reserved Matters application, details of

how compliance with the above requirement for the area to which the Reserved Matters application relates will be achieved, shall be submitted to and approved in writing by the Local Planning Authority. Dwellings shall be constructed to the agreed details and evidence submitted to the Local Planning Authority that all relevant dwellings completed have met the required standard prior to occupation of the relevant dwelling.

REASON: To ensure the site provides for wheelchair adaptable properties in accordance with the requirement of Policy H6.

- (9) All new dwellings shall achieve the equivalent of Code for Sustainable Homes Code Level 4 as a minimum in respect of energy efficiency. Prior to or concurrent with each Reserved Matters application, details of how compliance with the above requirement for all dwellings within the area to which the Reserved Matters application relates shall be achieved, shall be submitted to and approved in writing by the Local Planning Authority. Dwellings shall be constructed in accordance with the approved details.

REASON: To achieve compliance with Policy ENV9.

- (10) All dwellings at the site shall meet the optional building regulations requirement relating to water efficiency (Part G) of 110 litres/person/day (unless this would not be viable in which case details to demonstrate this shall have been submitted to and agreed in writing by the LPA prior to completion of the relevant dwelling where this standard would not be met) and evidence to confirm that this would be achieved shall have been submitted to and agreed in writing by the LPA prior to completion of the relevant dwelling on site.

REASON: To comply with Policy ENV9 of the Core Strategy.

- (11) Prior to the occupation of any dwelling within each phase (a phase relating to a Reserved Matters application) details shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate how at least 10 per cent of the energy from the development within the phase would be provided from a decentralised and renewable or low carbon source unless this is not feasible or viable 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. The measures, as agreed, shall be implemented prior to the occupation of the dwellings to which the measures relate. The aforementioned requirement shall apply in exactly the same way to all non-residential buildings on the site over 1000 square metres in floor area with the measures agreed implemented prior to first beneficial use of the building to which the measures have been agreed.

REASON: To achieve compliance with Policy ENV8 of the Core Strategy.

- (12) Prior to the occupation of the first dwelling within any phase at the site (a phase relating to a Reserved Matters application) hereby approved (unless an alternative timeframe has been submitted to and agreed in writing by the LPA which demonstrates that dwellings to be constructed before the bund/fence is delivered would not need to benefit from the bund/fencing to achieve a suitable noise environment), the bund and fencing to form the acoustic barrier to part of the eastern site boundary, shall have been completed in accordance with details approved under Reserved Matters consent. The bund and fencing shall be maintained in the approved form at the site in perpetuity.

REASON: To adequately mitigate the impact of off-site noise emanating from the nearby industrial estate on dwellings within the site.

- (13) Details of proposed glazing specifications to dwellings within the site shall have been submitted to and agreed in writing by the LPA and the glazing as agreed shall have been installed prior to first occupation of each dwelling at the site.

REASON: To adequately mitigate the impact of off-site noise emanating from the nearby industrial estate on dwellings within the site.

- (14) Prior to the 150th occupation at the site (together with the site relating to planning consent 15/00362/OUT), unless an alternative timeframe has been previously submitted to and agreed in writing by the LPA, the following highway works as described below along the London Road Corridor shall have been completed entirely at the developer's expense: -

a. Improved road markings and associated works at the London Hill/Station Road priority junction

b. Signal upgrade at Victoria Avenue/London Road junction to include, but not limited to, the provision of MOVA, associated enabling works and signal head upgrade.

REASON: To mitigate impact on the highway network. This requirement under this condition is to supersede the requirement for the same works under condition 8 of 15/00362/OUT as ECC Highways have confirmed that an extended timeframe for the implementation of these works is required to allow time for consideration of impacts of other works on the highway network in this locality.

- (15) Prior to first occupation, each dwelling at the site shall be provided with an operational electric vehicle charging point, in accordance with details which shall have been submitted to and agreed in writing prior to the installation/provision on site.

REASON: In the interests of promoting environmental sustainability and to accord with para. 110 of the NPPF and to mitigate impact of traffic from the development on the AQMA in Rayleigh Town Centre.

- (16) Details including plans showing the location of proposed bat and bird boxes/tiles (a minimum of 20 in total to be provided across the site as a whole) to be provided within each phase (a phase relating to a Reserved Matters application) and a timeframe for installation within the relevant phase shall be submitted to and agreed in writing by the LPA prior to the commencement of development within each phase. The boxes/tiles as agreed shall be installed during construction of the relevant dwelling or in accordance with the timeframe for installation as agreed.

REASON: In the interests of enhancement for bats and nesting birds.

- (17) Prior to commencement of development (including any ground works) in each phase (a phase relating to any Reserved Matters application site) a Construction Method Statement for that phase shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of:-

- the parking and manoeuvring of all vehicles of site operatives and visitors,
- including construction traffic;
- areas within the site to be used for the purposes of loading/unloading/reception and storage of building and other materials;
- storage of plant and materials used in constructing the development; and
- mechanical wheel and underbody washing facilities

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 facilities are available to ensure that the highway is not obstructed and kept clear of debris during the construction period in the interest of highway safety.

- (18) Precise details of the location, extent and equipment, surfacing and boundary treatment to be installed in the southern most play space to be provided within the wider site (subject to outline planning consent

15/00362/OUT) as shown in principle on the Land Use Plan reference TOR-SK-024, shall have been submitted to and agreed in writing by the LPA and the play space provided in accordance with the agreed details prior to the 50th occupation within the site (to which application 20/00940/OUT relates) unless and alternative timetable for completion has been submitted to and agreed in writing by the LPA.

REASON: To accord with Policy SER1 and Policy CLT7; to ensure that all play spaces are delivered within the wider site covered by 15/00362/OUT and to ensure appropriate uplift in provision taking account of the increase in dwellings allowed under 20/00940/OUT. This condition shall be read in conjunction with condition 31 of the original outline consent 15/00362/OUT.

- (19) Precise details of the location, extent and equipment, surfacing and boundary treatment to be installed in the informal play space to be provided within the Green Lung South as shown in principle on the Land Use Plan reference TOR-SK-024, shall have been submitted to and agreed in writing by the LPA and the play space provided in accordance with the agreed details prior to the 50th occupation within the site (to which application 20/00940/OUT relates) unless and alternative timetable for completion has been submitted to and agreed in writing by the LPA.

REASON: To accord with Policy SER1 and Policy CLT7; to ensure appropriate uplift in provision taking account of the increase in dwellings allowed under 20/00940/OUT.

- (20) Prior to the provision of strategic open space (natural/semi natural green space and amenity green space as identified on the approved Lane Use Plan Ref TOR-SK-024) or localised open space and landscaping within the developable areas including in the local greens, details of the proposed hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include (where applicable) details and plans (at an appropriate scale) of:-

- Schedule of species, size, density and spacing of all trees, shrubs and hedgerows to be planted to include native species of UK origin, including Field Maple, Dogwood, Hawthorn, Spindle, Crab Apple, Blackthorn, Hazel, Goat Willow and Elder;
- Substantial hedgerow corridors providing links across the site;
- Grassland areas and the use of grassland seed mixes in these;
- A full plan (to scale) that clearly shows the locations of new trees to be planted including planting method statement and after care plan;

- Existing trees to be retained;
- Areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
- A long term maintenance schedule and specifications including timetable for monitoring and maintenance;
- Location and material details of paved or otherwise hard surfaced areas/paths within the public open space;
- Long term design objectives in respect of the public open space area;
- Existing and finished levels shown as contours with cross sections as required;
- Location of lighting including details of lighting to be installed which shall be low pressure sodium lighting at levels kept as low as possible (between 1 and 3 lux where possible), directed to where it is needed, away from hedgerows with lighting columns kept as short as possible (ideally 3 metres or less).
- Means of enclosure and other boundary treatment including materials to be used and location of these shown on a plan;
- Minor artefacts and structures (e.g. benches, bins, signs etc.);
- Surfacing to provide cycling and walking.

The soft landscaping agreed within the residentially developable areas shall be planted/provided in accordance with a phased timetable that shall have been previously submitted to and agreed in writing by the Local Planning Authority which shall include a requirement for all planting prior to completion of the buildings to which such landscaping relates/is adjacent to, and/or prior to the completion of the highway or footpath to which it relates or is adjacent to.

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. The hard landscaping within the residentially developable areas as agreed shall be completed in accordance with a phased arrangement to be submitted and agreed in writing by the Local Planning Authority or prior to final occupation within the phase, whichever is earlier and retained in the approved form.

REASON: To enable the Local Planning Authority to retain adequate control over the landscaping of the site and ensure ecological value in the interests of amenity and in the interests of preservation and enhancement of habitat for foraging bats and birds. To ensure that

compensatory tree/hedge planting is provided to compensate for loss of existing as required by Policy DM25.

- (21) The strategic open space (natural/semi natural green space/amenity green space) within the site as shown on the approved Land Use plan reference TOR-SK-024, shall be provided in accordance with the hard and soft landscaping scheme that shall have previously been submitted to and approved in writing by the Local Planning Authority (in respect of condition No. 20) with all of the planting and other landscaping works implemented prior to occupation of 50 percent of the dwellings within the residential phase of which the open space is a part or prior to occupation of 50 percent of the dwellings within any adjacent residential phase if the open space is within a residential phase, or in accordance with any other timetable for implementation as agreed in writing by the LPA (a phase relating to a reserved matters application).

REASON: To ensure timely delivery of the strategic open space across the site.

- (22) The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any up stands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways, and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.

REASON: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety.

- (23) The potential for a secondary vehicular access which would link to London Road shall be incorporated into the detailed layout of the southernmost residential development parcel as shown on the approved Land Use plan ref. TOR-SK-024.

REASON: To provide a secondary vehicular access to serve a portion of the site in the interests of providing better connectivity linkages across the wider site in the event that other land immediately adjacent to the site and also within the Policy SER1 allocation were developed.

- (24) Heavy Goods Vehicle (HGV) movements to and or from the site shall not take place in an eastwardly direction along Rawreth Lane or London Road, east of any construction site access from Rawreth

Lane or London Road, between 08:00 and 09:15 and 14:45 and 16:30 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 Rawreth Lane and London Road during school arrival and finish times in the interests of pedestrian safety.

- (25) Prior to commencement of development relating to any non-residential buildings within the site, details of proposed noise mitigation relating to these shall be submitted to and agreed in writing by the LPA and any mitigation agreed implemented prior to first beneficial use of the relevant building. Details to include;

- details to demonstrate that the rating level of plant would not exceed the typical background noise level and any noise emissions from grille openings onto amenity spaces or public space would not exceed sound levels greater than 55dB measured at 1.5m distance.
- insulation against the egress of internally generated noise.

REASON: To ensure that noise generated by commercial development is appropriately mitigated in relation to residential development on site in accordance with Para 180 of NPPF and appropriate levels of residential amenity.

- (26) 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 should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 1:1 Greenfield runoff rates 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 should 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.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm

event or that the feature is capable of storing a 1 in 30-year storm event plus climate change and subsequent 1 in 10-year event whilst retaining the capacity to attenuate water for the 1 in 100-year storm event plus climate change.

- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff 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, 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.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

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

- (27) No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

REASON: The National Planning Policy Framework paragraph 163 and paragraph 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 runoff rates. 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.

- (28) 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, 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.

REASON: 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. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

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

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

- (30) Prior to first occupation of the development hereby approved (unless an alternative timetable is agreed in writing by the LPA), the existing footway on the southern side of Rawreth Lane from the junction of Rawreth industrial estate in an easterly direction to the junction of Priory Chase shall be widened with associated infrastructure in accordance with details which shall have been submitted to and agreed by the LPA in consultation with the Highway Authority.

REASON: To encourage sustainable modes of transport and to facilitate improved access for pedestrians from the site to nearby facilities.

INFORMATIVES

- (1) Prior to the commencement of development within each phase (a phase relating to a reserved matters consent area), an up-to-date badger survey of the site should be carried out and if works would impact on any sett the necessary license should be applied for from Natural England prior to commencement of development within the relevant phase which would require such a licence.

- (2) Prior to any ground/earth works within 5 metres of the banks of the Rawreth Brook up to date pre-work checks for evidence of water vole within the Rawreth Brook should be carried out and if evidence found the necessary license should be applied for from Natural England prior to commencement of development within such areas of the site which would require such a licence.

2 PLANNING APPLICATION DETAILS

- 2.1 The application site already benefits from outline planning consent (15/00362/OUT) for residential (and other) development as part of a wider site which extends from Rawreth Lane to London Road. Phase 1 and Phase 2 of the wider site benefit from Reserved Matters approval and development relating to these has commenced. Other Reserved Matters consents relating to the original outline planning permission including for the spine road and areas of strategic landscaping have also been approved.
- 2.2 This application seeks a new outline planning consent relating to part of the original wider site already subject to outline planning consent under 15/00362/OUT. Three separate red-lined areas form the application site relating to the current application; two of the areas are to the east of the approved spine road which bisects the wider site. The other area of the application site is to the west of the spine road and would include the provision of some of the strategic open green space to the west. Two of the application site areas would include sections of the Rawreth Brook. The remainder of the land within the wider site subject to outline planning consent 15/00362/OUT is outlined in blue on the location plan remaining under the control of the same applicant.
- 2.3 The proposal seeks to extend the residentially developable areas compared to those originally approved (under 15/00362/OUT) to allow for an increase in number of dwellings up to an additional 222 dwellings. A total of up to 410 dwellings are proposed in this application (222 of these additional to the number already approved under 15/00362/OUT). In addition, a new area of non-residential development is proposed.
- 2.4 A formal request for a screening opinion pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) was submitted with the planning application. In relation to this the Council has adopted a screening opinion which confirms that it considers that the proposed development would not likely have significant adverse effects and that the proposal development would not therefore require Environmental Impact Assessment.

Relevant Planning History

- 2.5 There is significant planning history relating to the wider site of which this application is a part, not all of which is directly relevant to this particular application. Relevant site history is cited as follows:

- 2.6 20/01048/DOC – Discharge of Condition 34 (Surface Water Drainage) of 15/00362/OUT. AGREED
- 2.7 20/01023/DOC – Discharge of Condition 19 (Noise Mitigation) (parcel F) of 15/00362/OUT. PENDING CONSIDERATION
- 2.8 20/01041/REM – Application for the approval of reserved matters, namely design, appearance, landscaping, layout and scale in respect of a care home development (Phase 7) in relation to outline planning application 15/00362/OUT. PENDING CONSIDERATION
- 2.9 20/00996/REM - Application for Reserved Matters (access, layout, appearance, scale and landscaping) relating to proposed details of spine road bridge crossing. APPROVED
- 2.10 20/00912/REM - Reserved Matters Application, namely access, appearance, landscaping, layout, and scale relating to the strategic landscape area to the western part of the site and outline planning consent reference 15/00362/OUT. APPROVED
- 2.11 20/00875/DOC – Part discharge of condition 19 (noise mitigation) of 15/00362/OUT. DISCHARGED
- 2.12 19/001184/REM – Approval of reserved matters (including full details of the layout, scale, appearance, access and landscaping) in relation to the constriction of 120 dwellings, internal roads, parking and other associated infrastructure. APPROVED.
- 2.13 19/01023/REM – Reserved Matters Application for the construction of a spine road (Southern Link) APPROVED
- 2.14 19/01016/DOC - Part discharge of condition 19 (noise mitigation) (Phase 1) of 15/00362/OUT. DISCHARGED
- 2.15 19/00456/DOC - Discharge of condition 34 (surface water drainage scheme) on approved application reference 15/00362/OUT. drainage details relating to the Spine Road Stage II as defined by works under application reference 19/00315/REM. (Part Discharge Spine Road Phase): PARTLY DISCHARGED
- 2.16 19/00424/DOC - Application to Discharge Conditions 21 (landscaping) to residential development approved on 3 June 2016 under application reference 15/00362/OUT. DISCHARGED
- 2.17 19/00420/DOC - Discharge of Conditions 12 (driveway/garage gradients) and 13 (discharge of surface water) of application reference 15/00362/OUT and conditions 4 (ground surface finishes) and 11 (path lighting and drainage) of application reference 17/00578/REM. DISCHARGED
- 2.18 19/00409/DOC - Discharge of Condition 7 on approved application 15/0362/OUT. PARTLY DISCHARGED

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- 2.19 19/00391/REM - Reserved Matters for utility Infrastructure (gas and electricity) - Partial amendment to details previously approved under Reserved Matters approval 17/01114/REM. APPROVED
- 2.20 18/01136/DOC - Discharge of condition 22 (Tree Protection) of approved planning application reference 15/00362/OUT. DISCHARGED
- 2.21 18/01108/DOC - Discharge of Condition 23 (Great Crested Newts) of Approved Application Reference 15/00362/OUT. DISCHARGED
- 2.22 18/00997/NMA – Non-material amendment to Condition 3 (materials) to update the approved schedule of materials (primarily in respect of brick details). Reference in condition no. 3 to change from " material schedule date stamped 9 June 2017" to "the materials schedule titled Rayleigh Phase 1 Material Schedule and referenced Revision A dated 11/10/2018 by Saunders Architects". APPROVED
- 2.23 18/00995/DOC - Discharge of Conditions 15 (Construction Method Statement) and 38 (Construction Surface Water Management) in Relation to Phase 1 of Approved Application Reference 15/00362/OUT. APPROVED
- 2.24 18/00936/NMA - Application for a Non Material Amendment Following Grant of Planning Permission Reference 17/00578/REM to Amend 19 Plots (plots 3,10,12,21,46,61,64,67 and 181 - Previously 4 bed house type 4.05 becomes 4 bed house type 4.12V2 or 4.12V3, plots 17, 38, 39, 44, 45, 63,175 and 170 - previously a 2 ½ storey 4-bed house type 4.11 becomes new 2 storey 4-bed house type 4.01, plot 22 - previously 3-bed house type 3.07 becomes 4-bed house type 4.12v3, - plot 35 - previously 4-bed house type 4.11 becomes 3-bed house type 3.08v2. APPROVED
- 2.25 18/00077/NMA - Outline Planning Application (with all Matters Reserved) for the erection of Residential Development with associated Open Space, Landscaping, Parking, Servicing, Utilities, Footpath and Cycle Links, Drainage and Infrastructure Works, and Primary School. Provision of Non-residential Floor Space to Part of Site, Uses including any of the following: Use Class A1 (Retail), A3 (Food and Drink), A4 (Drinking Establishments), C2 (Residential Institutions), D1a (Health or Medical Centre) or D1b (Crèche, Day Nursery or Day Centre). PENDING CONSIDERATION
- 2.26 17/01117/DOC - Discharge of Conditions 28, 29, 30 of approved planning application 15/00362/OUT. DISCHARGED
- 2.27 17/00943/DOC - Discharge of conditions no. 13 and 34 of 15/00362/OUT. DISCHARGED
- 2.28 17/00857/DOC - Discharge of Condition 23 (Great Crested Newts) of Approved Application Reference 15/00362/OUT. DISCHARGED

- 2.29 17/00578/REM - Reserved Matters Application for 192 Residential Units with Associated Access, Parking, Servicing, Landscaping and Utilities. (Phase 1). APPROVED
- 2.30 17/00588/REM - Reserved Matters Application for Strategic Landscaping Proposals for Phase 1. APPROVED
- 2.31 16/01236/DOC - Submission of details of phasing (condition 4) and Density (Condition 25) to outline permission granted for residential development on 3 June 2016 under application reference 15/00362/OUT. DISCHARGED
- 2.32 15/00362/OUT - Outline Planning Application (with all Matters Reserved) for the erection of Residential Development with associated Open Space, Landscaping, Parking, Servicing, Utilities, Footpath and Cycle Links, Drainage and Infrastructure Works, and Primary School. Provision of Non-Residential Floorspace to Part of Site, Uses including any of the following: Use Class A1 (Retail), A3 (Food and Drink), A4 (Drinking Establishments), C2 (Residential Institutions), D1a (Health or Medical Centre) or D1b (Crèche, Day Nursery or Day Centre). APPROVED

3 MATERIAL PLANNING CONSIDERATIONS

Principle of Development

- 3.1 Section 38(6) of the 2004 Act requires that planning applications must be determined in accordance with the relevant policies of the adopted development plan unless material considerations indicate otherwise. The relevant parts of the adopted development plan for the determination of this application are the Allocations Plan, the Core Strategy, and the Development Management Plan.
- 3.2 Policy SER1 of the Allocations Plan relates specifically to the site allocation of which the application site is a part and allows for residential redevelopment of this site. However, the proposal seeks an uplift in the number of dwellings compared to the 550 dwellings referenced for this site in Policy SER1.
- 3.3 Policy SER1 allows for an uplift in dwellings within the site allocation if additional dwellings would be required to maintain a five-year housing land supply and to compensate for a shortfall of dwellings that had been projected to be delivered within the location identified in the Core Strategy.
- 3.4 Housing has not yet been delivered on Rawreth Industrial Estate adjacent to the application site as allowed for in the site allocation under Policy BFR4. However, the Council can currently demonstrate a 5-year housing supply based on an annual housing target of 360 dwellings (with an additional 5% buffer to provide choice and competition). Both circumstances referenced in Policy SER1 do not therefore currently apply, nevertheless, it is considered that the proposed uplift in dwellings proposed would be acceptable.

- 3.5 National planning policy at paragraph 11 of the National Planning Policy Framework (NPPF) requires that local planning authorities apply the presumption in favour of sustainable development when determining applications and this is defined as approving development proposals that accord with an up-to-date development plan without delay. The proposal would generally accord with policy SER1 and the adopted development plan. Allowing for an uplift in dwellings where appropriate density, necessary infrastructure, and specific policy requirements (including appropriate amenity space and parking) would still be achieved would make the best and most efficient use of this allocated site which would accord with the clear requirement that this be achieved in the NPPF.

Quantum of Residential Development

- 3.6 This application seeks to increase the number of dwellings by up to 222 compared to the 500 originally approved at the wider site of which this application site is a part under planning consent ref 15/00362/OUT. The total number of dwellings that would result across the wider application site if this application were approved would therefore be a maximum of 722. Reserved Matters consent has already been approved for a total of 312 dwellings in Phases 1 and 2 of the wider site, which would leave a maximum of 410 dwellings to be provided on the application site that relates to this current proposal.
- 3.7 The application site forms only part of the policy SER1 allocation. The original outline consent (15/00362/OUT), of which the current application site is a part, allowed for up to 500 dwellings and this was the first application brought forward within the SER1 allocation. Subsequently other planning applications for sites within the SER1 allocation have been approved including 'Land adjacent Grange Villa' on London Road ref 15/00736/FUL which approved 47 dwellings. A resolution to grant subject to s106 legal agreement at the site known as Timber Grove on London Road ref 16/00899/FUL also allows for a further 83 dwellings (it is noted that not all of the site for 'Timber Grove' lies within the SER1 allocation). The Council has therefore already accepted a greater number of dwellings within the SER1 allocation than the 550 referred to in Policy SER1.
- 3.8 The Council has also accepted uplifted dwelling numbers at other site allocations (for example within allocation SER3 in Hockley) on the basis that this would make best and most efficient use of land.
- 3.9 Providing that the proposed number of dwelling could be accommodated at an appropriate density, all of the necessary infrastructure requirements still be delivered, appropriate parking, amenity space and landscaping all still be delivered and the scheme achieve a high standard of design which would create an attractive high quality place to live, and impacts arising from the increased population of the site be appropriately mitigated, then in principle, the delivery of more dwellings on this allocated site would make best use of

land, and could be accepted regardless of the current need for such additional housing based on maintaining a 5 year housing land supply.

- 3.10 Key infrastructure requirements for the SER1 site allocation including strategic green space, play space, allotments, a primary school site, site for healthcare provision and sustainable urban drainage would all continue to be provided, proportionately increased where applicable to account for the proposed uplift in dwelling numbers. At the density proposed the development parcels could still meet policy requirements relating to parking and amenity space provision and could achieve the required high standard of design to create good quality places for people to live. The impacts arising from the proposed development for instance on the highway, in relation to education and healthcare provision would still be appropriately mitigated including proportionately increased financial contributions where applicable which would be secured by s106 legal agreement. Further detail in respect of all of the aforementioned considerations is provided later in this report.
- 3.11 Notwithstanding the fact that the Council can currently demonstrate a 5-year supply of housing, there are significant advantages to achieving greater capacity on existing allocated sites insofar as it helps to safeguard the Council's housing supply beyond 5 years and in so doing makes it more probable that the Council can resist inappropriate development elsewhere whilst it progresses with its new Local Plan which is programmed for adoption in 2023. Furthermore, a clear requirement of the NPPF is a presumption in favour of sustainable development and the requirement to make efficient use of land and the proposal would meet these aims.
- 3.12 In conclusion, the proposal to deliver up to 410 dwellings within the application site (222 more than the original outline planning consent allows) would not be objectionable.

Infrastructure Provision

- 3.13 Policy H2 and Policy SER1 prescribe the infrastructure requirements which must be delivered in order to ensure that the new residential development is comprehensively planned; these are as follows.
- New Primary School;
 - Local highway capacity and infrastructure improvements;
 - Public transport infrastructure improvements and service enhancements, including a link between Rawreth Lane and London Road;
 - Link and enhancements to local pedestrian/cycling and bridleway network;
 - Link to green grid greenway No. 13;

- Public park land to provide a buffer between the built environment and the A1245;
- Youth and community facilities;
- Play space; and
- Sustainable drainage system.

3.14 The original planning permission 15/00362/OUT delivered all the above infrastructure requirements to the satisfaction of the Council and many are subject to conditions or s106 legal agreement requirements. Some infrastructure requirements would however be affected by the proposed increase in dwelling numbers at the site; this is discussed in this report in the relevant sections. It is however concluded that all of the necessary requirements could still be achieved, proportionately increased where applicable.

Density

- 3.15 The proposed increase in dwelling number would result in an increased average density across the wider site compared to that which would have resulted from the original outline consent. A maximum average density across the wider site of 37.6 dwellings per hectare (dph) would now result (calculated by taking the maximum number of dwellings 722 on the proposed residentially developable area of 19.2 ha). Density is considered in respect of the different phases of development within the wider site below.
- 3.16 An average density of approximately 39 dph would now result on that part of the site subject to the current application (i.e., excluding Phases 1 and 2 which are currently being built under the original outline and subsequently approved reserved matters consents). This calculation takes the total maximum number of dwellings proposed (410) and divides this by the total area of land on which they would be built (10.51ha), i.e., the residential development parcels relating to the current application as shown shaded in the buff/orange colour on the submitted land use parameters plan.
- 3.17 By way of comparison, Phase 2, immediately north of that part of the site to which the current application relates (and being built out by Bloor Homes) was approved at an average density of approximately 34dph. Phase 1 of the wider site immediately adjacent to Rawreth Lane and being built out by Countryside was approved at an average density of approximately 37dph.
- 3.18 The above-mentioned density calculations exclude parts of the site on which no residential development is proposed including the strategic green spaces, the proposed non-residential land, and the spine road. Omitting land where no residential dwellings would be built ensures that the density calculations more accurately reflect the resulting character of the built-up residential areas proposed. If the density were calculated based on the whole application site

area (edged red on the submitted location plan) then the average density would reduce significantly but for the reasons stated above this would not be representative of the true density as it would include large areas of land on which dwellings are not proposed to be built.

- 3.19 The proposed average density that would result in those areas of the site subject to the current application would not be significantly greater than other areas of the wider site. Phase 1 is under construction with some dwellings now occupied. The dwellings are a mix of two and two-and-a-half storey detached, semi-detached and terraced housing with some but limited flatted accommodation in three-storey blocks. In the determination of the current application a site visit was undertaken which included a walk around the Phase 1 site and it is considered that the dwellings constructed thus far in this part of the site appear in keeping with the character of the locality of which the site is a part.
- 3.20 Policy DM2 of the Councils Development Management Plan requires that sites achieve a minimum density of 30 dwellings per hectare. The application proposal would exceed this minimum and therefore would accord with this policy requirement; anything less than 30pdh would not be policy compliant and would not be considered to make best and most efficient use of land.
- 3.21 Policy DM2 goes on to identify that the 'precise density for any individual site will be determined by its immediate context, on-site constraints, the type of development proposed and the need to provide an appropriate mix of dwellings to meet the community's needs.' It would be within a later reserved matters application that the mix of proposed dwelling types would be considered but it would be expected that this would likely include a mix of terraced, semi-detached, and detached two and two-and-a-half storey houses, again with some flatted blocks.
- 3.22 The residential dwellings in the streets surrounding the application site set the context for the proposed development. Dwellings in the locality, for example those fronting and on roads off Rawreth Lane to the east of the site include a mix of two-storey houses, bungalows, and purpose-built flatted blocks. It is considered that the proposal for up to 410 dwellings would not result in a development which would appear out of character to the detriment of visual amenity in the context of either existing nearby housing or other housing to be delivered within the wider site.
- 3.23 It would be for the Council to consider detailed plans including relating to layout and scale at a reserved matters stage. The recommendation planning condition would cap the number of dwellings that could be delivered within the residential development parcels relating to the current application at 410 but the 'up to' reference would allow for some flexibility to ensure that the detailed plans at reserved matters stage meet all necessary requirements including car parking, amenity space and landscaping and achieve good design and a high-quality place to live. It may therefore be the case that the resulting average density could be slightly less but would not be greater than 39 dph.

- 3.24 There would still be some variation in density across the site which would ensure that in design terms the whole site did not appear homogenous and lacking in character and visual diversity. The submitted density plan identifies that within the proposed residential development parcels density would vary from between 25 to 42 dph with the higher density development parcels towards the southern boundary of the site. Variation of other factors such as architectural detailing, house type, external facing materials and layout would also add to the creation of place and provide opportunity for variation in the appearance of areas across the site.

Public Open Space

Amenity Green Space

- 3.25 The site allocation policy SER1 includes a requirement that appropriate amenity greenspace and landscaping be integrated into the site. This is also a component of achieving good design which is a key requirement of both national and local planning policy. The creation of high-quality places is fundamental to what the planning process should achieve, and good design is a key aspect of sustainable development, indivisible from good planning. The development of this strategic site should create a high-quality place that functions well and is visually attractive including appropriate landscaping.
- 3.26 The original outline consent (15/00362/OUT) required the provision of three local greens, a lobby green, a green lung, and a green link within the residentially developable areas. Two of the local greens, the lobby green and the green lung are within Phases 1 and 2 and will be delivered in accordance with the approved reserved matters consents for these phases.
- 3.27 One of the originally proposed local greens would fall within the current application site; this would still be provided, now referred to as the 'green lung south' and would include a play space and be a minimum of 0.2ha, slightly larger than the original 0.15ha local green.
- 3.28 The originally proposed green link would still be provided and extended in length within the extended residential parcel of which it would be a part.
- 3.29 In terms of public amenity green space within the proposed residential development parcels, the proposal would still secure good provision, the precise details of which in terms of layout and landscaping would be considered in a later reserved matters application.

Strategic Open Space

- 3.30 The current proposal would not affect the provision of the strategic open space to the western part of the wider site which will extend from London Road to the south to Rawreth Lane to the north and covers an area of more than 10 hectares. Most of this open space would fall outside of the application site relating to the current new outline proposal and it would therefore largely be delivered as originally approved under the original outline consent

(15/00362/OUT) and in accordance with details approved under subsequent reserved matters approvals. A small area of the strategic public open space to the west would fall within two of the red-lined application site parcels subject to the new application and therefore a s106 requirement relating to the delivery of this part of the open space is recommended.

- 3.31 Policy SER1 also requires that a minimum area of 4 hectares of semi-natural/natural green space be delivered and that this be proportionally increased if more than 500 dwellings were to be delivered in the site allocation. The proportional increase, taking account of the additional dwellings proposed from 500 to up to 722 within the wider application site to which this application relates would require an increase of 44.4 percent equating to a total of 5.7ha of semi-natural/natural green space.
- 3.32 In terms of this other strategic open green space provision outside of the residentially developable areas but excluding the parkland towards the west boundary, the current proposal would see a reduction in overall area of provision compared to the original outline planning permission. However, the 5.7ha requirement would still be delivered. Policy SER1 specifically identifies that most of this open green space provision would be expected to be delivered in areas at risk of flooding so the fact that this would be the case is not objectionable.

Play Space

- 3.33 Policy SER1 contains a requirement that a minimum area of 0.07 hectares for play space be provided within this site allocation. The original outline planning consent (15/00362/OUT) secured an area of 0.07 hectares within the amenity green space located centrally within the northern portion of the wider site which would continue to be delivered under the original consent and subsequent reserved matters as this area falls outside of the application site to which the current application relates.
- 3.34 It was noted in the determination of the original outline application that policy SER1 requires that play spaces be appropriately distributed across the site to enable the local community to access them easily, and a planning condition (no 31 of 15/00362/OUT) requiring an additional play space was imposed.
- 3.35 Given the increased number of dwellings now proposed a proportionate increase in play space provision must also be delivered. A 44.4 percent increase would equate to an additional 0.03ha resulting in a total play space requirement 0.1 ha.
- 3.36 Another play space is identified to be provided within the application site to which this current application relates; this is shown on the proposed land use parameter plan to the south of the proposed non-residential development parcel. A further informal Local Area of Play (LPA) is also identified to be provided in the proposed strategic green space termed the 'green lung south' within one of the proposed extended residential development parcels. This

greater play space provision proposed would cater for the increased number of dwellings and secure at least the minimum uplifted requirement for play space of 0.1ha. These requirements would be subject to condition/s106 agreement to secure delivery and on-going maintenance. The play spaces would be spread appropriately across the site enabling easy access for future residents.

Allotments

- 3.37 Allotments would continue to be provided and are identified to be provided on the proposed land use parameters plan, in an area of the wider site that falls outside the red-lined application site relating to this new outline application. A proportional increase should also be applied to this open space provision because of the proposed additional dwellings to be delivered in the SER1 allocation. To account for the uplift in dwellings proposed, a total minimum area of 0.4ha would be required to be delivered, an additional 0.1ha over the original requirement for 0.3ha as set out in Policy SER1. The requirement for an additional 0.1ha of allotment space has been calculated by taking the proposed 44.4% increase in dwellings (at the application site subject to original outline permission 15/00362/OUT; an increase from 500 to 722, a total increase of 222 dwellings) and applying this percentage increase to the original requirement for 0.3ha. This requirement for a greater area of allotment land would be secured through the s106 agreement, with the additional land offered to the Parish Council for allotment use. The submitted parameters plan also shows provision of a community orchard adjacent to the allotment land that would form part of the strategic landscaping.

Outdoor youth facilities

- 3.38 Outdoor youth facilities would continue to be provided and are also identified to be provided in an area of the wider site that falls outside the red-lined application site relating to this new outline application. A proportional increase should also be applied to this provision as a result of the proposed additional dwellings to be delivered in the SER1 allocation; this would result in a total minimum requirement of 0.04ha, an increase of 0.01ha over the original 0.03ha requirement. The applicant proposes that the original requirement for youth facilities on land of 0.03ha remain as a requirement of the s106 and the additional 0.01ha for youth facilities be delivered by way of the proposed informal kickabout area; this approach to delivery of the requirement for youth facilities within the SER1 allocation is accepted.

Sports Pitch Provision

- 3.39 1.16 hectares of land was identified to deliver on-site junior football pitches in the original outline planning consent (15/00362/OUT); this land was adjacent to part of the southern boundary. The current proposal seeks a larger residential development parcel in this area of the site which would result in the loss of this on-site sports pitch provision. Instead, the applicant proposes a

financial contribution to deliver off-site sports provision consisting of a 3G sports pitch at Rayleigh Leisure Centre.

- 3.40 Opportunities for sport can make an important contribution to health and wellbeing of communities and the NPPF identifies that one of the core aspects of sustainable development includes a social dimension relating to the delivery of healthy communities which requires that developments be served by accessible services and open spaces that reflect current and future needs and support communities' health. Section 8 of the NPPF deals specifically with the topic of healthy communities stating the importance of access to high quality open spaces and opportunities for sport and recreation that make an important contribution to the health and wellbeing of communities.
- 3.41 The proposal would generate additional demand on existing sports provision arising from the occupants of the proposed up to 410 new dwellings, but it is considered that whilst the current application would not deliver the original on-site junior football pitches, the alternative proposal to provide a financial contribution to Rochford District Council for investment in a new senior 3G pitch at Rayleigh Leisure Centre would be acceptable and best meet current need.
- 3.42 The NPPF requires that provision of outdoor sports facilities to be based on robust and up-to-date assessment of need. Since the determination of the original outline planning application, the Councils assessment of need has been updated in the published Playing Pitch Assessment Report dated August 2018 and the Playing Pitch Strategy and Action Plan dated November 2018 and these should therefore be taken into consideration.
- 3.43 The Playing Pitch Strategy and Action Plan (2018) identifies that there is current spare capacity in relation to youth football pitch provision. Whilst it is recognised that there may be future shortfalls this could be addressed by making better use of spare capacity on adult pitches. The greatest current need is identified as investment in new 3G pitches.
- 3.44 Sport England have confirmed in response to consultation on this application that they do not object in principle to the proposed financial contribution to deliver off-site sports provision by way of a 3G pitch as opposed to on-site provision of junior/mini football pitches.
- 3.45 The original outline application would have delivered on-site sports pitch provision and it is therefore considered that in the absence of this, the financial contribution towards off-site 3G pitch provision should cover the cost of delivering this new facility, rather than only provide a proportional contribution towards this. This would ensure that residents of the development site would benefit from increased sports provision delivered timely in the locality, and that additional pressure on existing facilities resulting from the increased population would not result.

- 3.46 The cost of delivering a new senior 3G pitch (excluding external works consisting of car parks, roads, paths and service connections which would not factor as the 3G pitch would be delivered at an existing Council sports centre) as set out in the Sport England Facility Cost Guidance is £820,250. The developer has agreed to pay this to Rochford Council for the delivery of a new 3G pitch at Rayleigh Leisure Centre.

Housing Mix

- 3.47 Policy H5 of the Core Strategy requires that new housing developments contain a mix of dwelling types to ensure that they cater for and help create mixed communities. As the application is in outline, the precise mix of dwelling types is not yet known and is a matter that would be considered at the reserved matters stage. The Council's Strategic Housing Market Assessment (May 2017) identifies the need for the provision of smaller homes in the district including 1 and 2 bed properties. Providing smaller properties to reflect this need would be consistent with the proposal to develop the site at a higher density.

Provision of New Primary School/ Education

- 3.48 Land for a new primary school was provided in the original outline planning permission and would be unaffected by this new outline planning application proposal as this land is not within the application site related to the new application. The requirements in the original s106 legal agreement relating to 15/00263/OUT and the land for the new primary school would remain in place. The proposed uplift in number of dwellings would however necessitate an increased financial contribution to ECC for education provision which is set out in the recommended Heads of Terms of the s106 legal agreement.

Noise Impacts

- 3.49 A noise assessment accompanies the application. This report considers the results of noise surveys carried out to establish baseline noise conditions at the site. A combination of automated and attended noise surveys were carried out at five locations along the northern, and eastern site boundaries. The data gathered was modelled to understand the impacts of noise across the application site. Two models were constructed, one relating to traffic noise, the other relating to noise generated from the industrial estate to the east of the site.
- 3.50 Noise modelling shows that the north and north-eastern parts of the wider site (subject to the original outline planning permission) experience the greatest traffic noise. All parts of the site subject to the new outline application would have low or negligible risk associated with traffic noise. Noise impacts identified by the modelling across the site would further be lowered because of the positioning of buildings adjacent to each other in the developed site which obstructs noise transfer. All dwellings would be fitted with double glazing as part of a standard Building Regulations requirement. No specific

mitigation is considered necessary to protect proposed dwellings either internally or their external amenity areas from existing general transport related noise.

- 3.51 Modelling shows that the areas of the site that would be affected most by industrial estate noise would be towards the eastern boundary. The new outline application proposes to extend one of the residential development parcels slightly closer to the eastern boundary compared to the original outline consent. In accordance with the requirement under paragraph 180 of the NPPF, mitigation is proposed to reduce potential noise impacts. Mitigation is proposed by way of a 2-metre-high acoustic bund with a 2.5-metre-high fence barrier on top which would extend along part of the eastern boundary of the wider site towards the southern extent and adjacent to Rawreth Industrial Estate. This bund/barrier would reduce the impact from industrial estate noise on almost all the residential development parcel closest to the eastern boundary. A planning condition requiring that the bund and fence be implemented in accordance with details agreed at reserved matters stage is recommended.
- 3.52 The Councils environmental protection team accept that the proposed mitigation would appropriately address existing noise generated from the industrial estate but questioned in their consultation response whether changes of use could take place within the industrial estate or whether existing uses could intensify in nature such that greater noise would be generated which would not be fully mitigated by the proposed bund/barrier.
- 3.53 In response to these concerns the applicant submitted a technical note in which detailed consideration is given to the possibility of changes of use within the industrial estate. As noise associated with the existing scaffolding company was identified as a main source of noise, specific consideration was given to whether a new scaffolding company could operate from the industrial estate including one located further north within the estate and north of the proposed northern extent of the bund/barrier. In summary, the technical note concludes that planning permission would be required for any new scaffolding company to operate within the industrial estate. Whether any additional bund/barrier would be required to mitigate future noise from any newly proposed use within the industrial estate would be a consideration in the determination of the planning application required for such use and appropriate conditions could be imposed.
- 3.54 It is considered unlikely that the nature of existing uses would intensify to the extent that the proposed bund/barrier would not appropriately mitigate noise generated. In conclusion, it is considered that the proposed mitigation consisting of the bund/barrier, the separation between the industrial estate and the proposed residential development and the double glazing that would be installed to all dwellings would be sufficient to ensure that the new residential development would not experience unacceptable noise and disturbance from the adjacent industrial estate. With these mitigation

measures in place, the existing businesses within the industrial estate should also be able to continue to operate effectively.

- 3.55 In principle, the proposed commercial development would not conflict with the proposed residential development; conditions are recommended to require consideration of specific noise mitigation requirements at a later date once details of a specific scheme for development of the non-residential parcel is available taking account of the proposed siting of commercial buildings in relation to the residential dwellings.
- 3.56 Off-site noise impacts resulting from increased traffic would be negligible and construction noise and vibration would be controlled by the recommended condition requiring a Construction Environmental Management Plan (CEMP).

Flood Risk

- 3.57 The submitted site-specific flood risk assessment assesses the flood risk to and from the proposed development from a range of sources including fluvial, tidal, surface, ground and sewer flooding. The effects of climate change have been considered in the surface water drainage design, hydraulic modelling and flood risk assessment.

Flood Risk to the Proposed Development (on-site)

- 3.58 Most of the site is within Environment Agency flood zone 1 at the lowest risk of flooding (fluvial and tidal sources) but parts of the site along the Rawreth Brook are within flood zones 2 and 3 at greater risk. The Rawreth Brook presents a potential source of fluvial flood risk to the site.
- 3.59 To improve representation of the fluvial flood risk at the site and allow the floodplain to be represented in more detail, the applicant has undertaken updated hydraulic modelling further to the Environment Agency modelling in 2015 (EA 2015) and the modelling in 2015 carried out by AECOM (AECOM 2015) in relation to the original outline application. The updated modelling results show differences in floodplain extent compared to the EA (2015) and AECOM (2015) extents with differences accounted for by different models and changes to inputs of peak water flows to the model, the most up to date flows from the EA having been used in the recent modelling. The updated floodplain modelling does still show some out of bank flooding occurring adjacent to the Rawreth Brook for all flood events modelled. Some of the development parcels are proposed to be extended closer to the Rawreth Brook and the shape of development parcels would also change compared to those approved by the original outline planning consent. The proposed development parcels have been overlaid on the modelled fluvial flood extents and all development would be located outside areas of fluvial flood risk for both the 1% (1 in 100 year) rainfall event including a 65% allowance for climate change and the 0.1% rainfall event. Only proposed areas of open space would be within the areas of the site at greater risk of fluvial flooding.

- 3.60 The tidal extent of the River Crouch would not reach the site and the proposed development would not therefore be at risk of tidal flooding. The submitted flood risk assessment has considered the effect of tide-locking on the discharge of fluvial water within the Rawreth Brook with the modelling finding that this would have a negligible impact.
- 3.61 The proposed development would create hardstanding areas and the soil on site has limited infiltration potential. Additionally, the residential estate to the east of the site is identified as a critical drainage area and flows from this area are towards the site. A site-wide surface water drainage strategy is however to be provided at the site which would involve permeable paving, swales and attenuation ponds, the latter of which would store surface water before discharge to the Rawreth Brook at a controlled rate; this would mitigate risk associated with intense rainfall events that could otherwise result in risk of surface water flooding. With the site-wide surface water drainage strategy in place, the proposed development would be subject to low risk from surface water flooding.
- 3.62 The risk of ground water flooding to the proposed development is identified as low. There is a foul water sewer at the site which flows to the Rayleigh treatment works which is confirmed to have capacity for the anticipated flows. Surface water would be dealt with by a sustainable urban drainage network discharging to the Rawreth Brook and the associated attenuation ponds would be maintained by Anglian Water or a management company and under normal circumstances would not have a water level exceeding surrounding ground level. In flood events water would be expected to rise partially up the bund. The site would be at low risk of flooding resulting from sewers, foul or surface water.
- 3.63 The Environment Agency (EA) is the statutory consultee that provides the LPA with specialist advice in respect of flood risk. The EA must be satisfied that the proposed development would be acceptable with regard to flood risk given the proximity of the proposed development to areas of the site which fall within flood zones 2 and 3 which are at greater flood risk than flood zone 1. The EA's initial consultation response advised that they were unable to assess the flood risk associated with this site because although a hydrology report had been supplied with the application, the model files had not been submitted; without these the EA were unable to confirm that the proposed development would be safe. Subsequently, the applicant has provided the modelling data to the EA. Following consideration of the data, the EA required further clarification and testing which the applicant carried out as requested. The EA have now confirmed in a further consultation response to the LPA that they are now satisfied with the modelling carried out to assess flood risk at the site and do not raise any objection to the proposal on flood risk grounds.

Flood Risk from the Proposed Development (off-site)

- 3.64 National planning policy requires that development should not increase flood risk elsewhere. The submitted flood risk assessment has considered whether

the proposed development would increase flood risk off-site associated with a range of possible flood sources including fluvial, tidal, surface water, ground water and sewers.

- 3.65 Development within the floodplain can result in loss of storage or obstruction to fluvial flood flows which can lead to increased flood risk elsewhere. The only development proposed by the current application in the floodplain would be open space and surrounding earthworks associated with the creation of three attenuation ponds. The bunding of the ponds would result in a small loss of floodplain storage as a result of changes in ground levels. The updated hydraulic modelling of the floodplain including consideration of the proposed changes in land levels that would result from these works including the bridge crossing of the Rawreth Brook (approved under 20/00996/REM) and how these would affect the flood extents and depths across the site. Results show some changes in river levels, the greatest upstream of the proposed bridge, although the increases would be contained within the application site and would not increase fluvial flood risk to the land to the east. The impact on fluvial flood risk to land downstream was found to be negligible.
- 3.66 Development generally reduces permeability of sites and increases the volume and rate of water running off the site to nearby watercourses potentially increasing flood risk downstream. Appropriate drainage arrangements are therefore required for new development to ensure that development would not increase flood risk off-site. An outline surface water drainage strategy has been provided and conditions recommended to require a detailed scheme to be provided on site. The discharge rate of surface water to the Rawreth Brook would be controlled with surface water held on site in attenuation ponds before discharge. With the surface water drainage system in place there would be no increased risk of flooding off-site as a result of surface water from the proposed site.
- 3.67 No increased risk of off-site flooding would result from ground water or sewer failures at the site given that no additional water would be directed to ground and foul sewers have capacity. Residual flood risk relating to blockages of the Rawreth Brook have been considered in the flood risk assessment and are identified as low, given that the Rawreth Brook is maintained by the EA and modelling suggests that blockages of existing culverts would overtop and not increase flood risk upstream. Risk of flooding associated with the failure of the proposed foul water pumping station on site would be mitigated by the proposed bunding to the downstream sides and the emergency storage capacity for 4 hours.
- 3.68 The proposed development would not lead to increased flood risk off-site from any of the sources of potential flooding considered.

Highway Impacts/Access

Access

- 3.69 Access is a matter reserved for consideration in a later reserved matters application and consequently details of vehicular accesses from the three application site areas onto the main spine road are not for consideration. The main spine road and vehicular accesses onto London Road and Rawreth Lane would be delivered under the original outline planning consent (15/00362/OUT) and relevant reserved matters consents; the northern-most section of the spine road has been constructed.

Impact on Local Highway Network and Infrastructure Improvements

- 3.70 Traffic surveys were undertaken in 2013 to establish baseline traffic data and to inform the transport assessment (TA) which supported the original outline planning application. Traffic growth of over 2%, in accordance with forecasts at the time, was then applied to the baseline survey data collected in 2013.
- 3.71 New traffic surveys were carried out in 2019 to inform the new TA relating to the current application. A comparison of the 2013 background traffic surveyed data to the 2019 background traffic surveyed data shows reductions in the AM peak on London Road and the PM peak on Rawreth Lane and an increase of 1.6% in the PM peak on London Road and 0.3% in the AM peak on Rawreth Lane. Although there are increases in traffic volumes in two of the scenarios the increases are below 2%. The data show that actual traffic growth has been less than was forecast and modelled in the original TA.
- 3.72 National planning policy contained in the NPPF at section 9 requires that any significant impacts from development on the transport network (in terms of capacity and congestion) or on highway safety be cost effectively mitigated to an acceptable degree and that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
- 3.73 The new TA concludes that the proposed additional 222 dwellings would have no greater impact in terms of vehicle movements on the local network than was anticipated to result from the development proposed and assessed in the original TA and which was considered acceptable subject to mitigation in the decision to grant the original outline planning permission; this is in part due to the traffic growth applied in the original TA not having occurred at the level forecast and modelled. The Highways Authority have considered the submitted TA and accept its findings; they raise no objection to the current uplift application. The proposed development would not result in severe harm to the network which is the test the NPPF requires be applied.
- 3.74 The original TA also considered anticipated additional traffic arising not only from the development proposed under the original outline planning application but also considered other future scenarios including the anticipated vehicle movements arising from the proposed development (15/00362/OUT) plus other consented (or resolved to consented) developments within the SER1 site allocation and nearby cumulative development (development at the site allocation in Hullbridge 500 dwellings and Rawreth Industrial Estate 222

dwelling) and in addition a 10 percent sensitivity test was applied. There is not considered to be any new additional, consented or allocated development in the locality which would need to be taken into account.

- 3.75 The impact of traffic growth from the proposed additional non-residential element of the new scheme has also been considered in the TA accompanying the new application. It is noted that vehicle movements associated with this would likely be from within the application site or existing vehicles on the local network and would not give rise to a material impact on traffic volumes on the local network.
- 3.76 Providing that the mitigation identified as required of the original outline application would still be delivered the proposed additional 222 dwellings would not result in increased traffic which would cause severe harm to the local highway network.
- 3.77 The greatest impact of additional traffic from the original application was identified as being to the Chelmsford Road/London Road roundabout junction. This was one of four off-site junctions, modelled to assess the impact of the increased traffic on them in the original TA, the others being the Chelmsford Road/Rawreth Lane signalised junction, the Rawreth Lane/Hullbridge Road mini-roundabout junction and the Rawreth Lane/Industrial Estate junction.
- 3.78 The results in the original TA showed that the greatest anticipated impact on the local highway network was to the Chelmsford Road/London Road roundabout junction. The greatest maximum change in queuing at this junction was found to be on the western arm of the roundabout and analysis of the operation of London Road showed that queuing did block back to this junction at times (PM peak). Mitigation measures to alleviate queuing on London Road were identified as required to improve the impact on the Chelmsford Road/London Road roundabout. An analysis of the London Road corridor was undertaken to inform the original TA and identify mitigation measures. The analysis identified a high volume of traffic along London Road that is prevented from moving freely due to attempted right turning traffic and a priority junction operating over capacity which prevent the signalised junction on London Road operating at capacity causing queuing all along London Road. Mitigation required of the original planning consent 15/00362/OUT to improve the functioning and traffic flows along London Road and to the Chelmsford Road/London Road junction was required of the original consent and would continue to be delivered alongside the other highway related mitigation of the original consent as follows;
- Signalising and associated works of Down Hall Road/London Road junction.
 - Improved road markings and associated works at the London Hill/Station Road priority junction.

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- Signal upgrade at Victoria Avenue/London Road junction to include but not be limited to provision of MOVA, associated enabling works and signal head upgrade.
 - Provision of a bus service and financial contribution to this service.
 - Financial contribution to new roundabout junction at Rawreth Lane/Hullbridge Road.
 - Improvements to existing footpath to St. Nicholas Primary.
- 3.79 Planning condition no. 8 of the original outline consent (15/00362/OUT) required the following works to be undertaken prior to the 50th occupation at the site.
- a. Signalising and associated works of Down Hall Road/London Road Junction,
 - b. Improved road markings and associated works at the London Hill/Station Road priority junction,
 - c. Signal upgrade at Victoria Avenue/London Road junction to include, but not limited to, the provision of MOVA, associated enabling works and signal head upgrade.
- 3.80 The applicant has submitted schemes relating to all three of the requirement of condition no. 8 to ECC Highways Authority for technical approval but an extension to allow these works to be completed prior to the 150th occupation at the site unless otherwise agreed in writing by the LPA is recommended to enable the developer to undertake the works in accordance with the timetable set by ECC. An amended version of the original condition 8 is therefore recommended.
- 3.81 It is also recommended that the first requirement (a) of condition 8 as detailed above, which requires signalising and associated works to the Down Hall Road/London Road Junction, be incorporated as an additional requirement of the s106 legal agreement as ECC Highways Authority have identified that they want to consider the impacts of other highway works before assessing the works to be required at this junction.
- 3.82 To promote sustainable transport the original outline consent was required to provide a bus service through the site. It is anticipated that this will be a diversion of an existing service which would link to Rayleigh Station. In addition, a site wide Travel Plan and travel information pack for all new households including free bus travel for all new households on the site for up to 1 year were requirements of the original consent. These measures were considered to fulfil the requirement of the original outline planning application that the development take appropriate opportunities to promote sustainable transport modes.

- 3.83 The s106 requirements relating to travel planning and residents travel information packs would now include free cycle training for all residents of the site and the free bus pass requirement for up to 1 year would be extended to apply to all of the dwellings proposed within the new outline application site.
- 3.84 The only new requirement of the current application identified by the Highways Authority is for the scheme to deliver improvement of a section of the footway along Rawreth Lane, east of the application site. This footway connects the proposed development site to the surrounding residential area to the east along Rawreth Lane including the commercial development in this area which would be likely to be used by occupants of the site. The current footway along part of the carriageway is narrowed and improvement to this would facilitate use by pedestrians from the proposed development and encourage access to nearby facilities on foot rather than by alternative less sustainable modes of transport. The condition recommended by the Highways Authority is listed under the recommended conditions section of this report.

Air Quality

- 3.85 The proposal would generate vehicle movements some of which may enter the designated Air Quality Management Area (AQMA) in Rayleigh town centre. The submitted TA concludes that the predicted traffic growth considered in respect of the original outline application 15/00362/OUT has not been realised and national growth figures to be applied in the current transport assessment are now lower than at the time the original outline application was considered. Consequently, although the current application would result in a greater number of dwellings than the original 15/00362/OUT consent approved, the TA concludes that vehicles arising from the proposed development would be no greater than was accepted in the TA submitted in relation to this earlier application. ECC Highways have confirmed that they accept the submitted TA and the Council's environmental protection team's consultation response therefore confirms that the submitted air quality report is also therefore accepted.
- 3.86 The developer has agreed to the provision of an electric vehicle charging point to each dwelling within the application site which would be of benefit in promoting the use of less polluting vehicles at the site which would be of benefit in terms of a reduction of emissions from increased vehicles within the AQMA. A planning condition to require this provision is recommended. This provision reflects governmental policy to improve air quality in general through the ban from sale of fossil fuel-only road vehicles from 2030.

Link and enhancements to local pedestrian/cycling and bridleway network

- 3.87 Whilst a link to green grid greenway no. 13 is listed as a requirement of development in allocation SER1 this was not expected to be delivered as part of the original outline planning consent. Essex County Council lead on the green grid strategy which seeks to connect new communities with existing

neighbourhoods and were contacted to understand progress on the development of the green grid green ways and in particular No. 13 but no response was forthcoming in relation to the determination of the original outline application. The network of footpaths and cycle paths that would be created within the wider site under the original outline consent would be unaffected by the current proposal and it is considered that these would be sufficient in terms of linking the new community to the existing network and no further provision is therefore sought in respect of the green grid greenway.

Healthcare

- 3.88 In the original outline consent (15/00362/OUT), an area of land within the site was approved for use for the provision of a healthcare facility. The s106 legal agreement relating to this consent required that this land be marketed for a period of 2 years to try and secure a primary healthcare use, with the requirement that a financial contribution be paid if the marketing exercise did not secure an on-site use; marketing of this land has now commenced.
- 3.89 In their response to consultation on the current application NHS England have identified that the proposed uplift in number of dwellings would result in an increased population and consequent increased pressure on primary healthcare facilities which would have to be appropriately mitigated; a greater financial contribution is therefore sought.
- 3.90 NHS England's have also identified that their strategy for increasing primary healthcare provision to serve occupants of this site would involve a proposal to increase provision at an existing GP surgery in Hullbridge. The consultation response therefore includes a request that the increased financial contribution be paid instead of any land being provided for a health care facility on-site.
- 3.91 The Heads of Terms of the proposed s106 legal agreement therefore includes a requirement that the increased financial contribution towards off-site mitigation be paid following the receipt of written confirmation from NHS England that the financial contribution would be spent on improving facilities which would benefit future residents of the application site. Marketing of the land at the site for primary healthcare provision would cease on receipt of written confirmation from the NHS that this is no longer required because primary health care needs of residents on the site would be alternatively met. With this s106 requirement the impact of the development on primary care provision would be appropriately mitigated.

Land for Non-Residential Uses

- 3.92 The original outline consent included a non-residential use in far north-eastern corner adjacent to Rawreth Lane. The uses allowed included those within Use Classes A1 (retail), A3 (food and drink), A4 (drinking establishments), C2 (residential institutions), D1A (health or medical centre) or D1B (crèche, day nursery or day centre). It was accepted in the determination of the original outline application that some of these uses had the potential to serve day-to-

day needs of residents at the site and in the wider vicinity and that the other proposed uses would provide facilities within walking distance of a significant number of residential properties and help to create a mixed, sustainable development which national planning policy more widely seeks to create. Consideration was given to the appropriateness of the proposed uses with regard to residential amenity in relation to existing nearby residential properties.

- 3.93 The amount of additional land proposed for non-residential use in the current application is not significant as a proportion of the wider site as a whole at some 0.3ha and there is no objection to this inclusion given that the allocation can still meet all necessary infrastructure requirements. The land is proposed for use within Use Class E (Commercial, business and service) and or as a public house/drinking establishment.
- 3.94 Recent changes to the Use Classes Order (September 2020) created Use Class E (Commercial, business and service) which covers a wide range of uses including retail (the old Use Class A1), office (the old Use Class B1) professional/financial services (the old Use Class A2) but also including cafés and restaurants (the old Use Class A3) as well non-residential institutions and indoor sport the old Use Class D2(e) and Class D1(a-b). If approved for use within Use Class E, the land could be developed (subject to reserved matters consent) for any of these uses. Any of the proposed uses that now fall within Use Class E are considered uses which would not ordinarily give rise to harm to residential amenity.
- 3.95 The area of land proposed for non-residential use is in the south-western area of the site abutting a section of the spine road and one of the proposed residential development parcels; this is shown on the submitted land use parameters plan. The area would also adjoin an area of open space on which allotments, a play space and a youth facility would be provided within the wider site. The area would not extend up to the wider site boundary to the east; a buffer strip is provided in this area to the boundary of the wider site with the Rawreth Industrial Estate. The nearest residential properties to this area outside the site are to the south-east and there would be sufficient separation to guard against any harm resulting by way of noise or any other harm from the proposed non-residential uses. Given that the area would abut one of the proposed residential development parcels any impact would be to these dwellings to be built on-site. However, in principle all the proposed uses within Use Class E are considered to be those that would not be inappropriate with regard to impact on residential amenity. A proposed public house/drinking establishment would also not be considered inappropriate. Conditions relating to the protection of amenity of residential properties close to the site are recommended and this matter is discussed in more detail in relation to the section of this report on noise impacts.
- 3.96 It is anticipated that the proposed non-residential development parcel could accommodate a building of some 500 square metres in gross internal area subject to detailed design including parking requirements. Appropriate

landscaping would also be expected to be delivered. Any retail store here would therefore be relatively small scale and would not conflict with adopted planning policy requiring larger retail to be preferentially located in main town centres.

- 3.97 Appropriate parking to serve the non-residential uses, landscaping, siting and scale in relation to dwellings on the adjacent residential development parcel would all be matters for consideration in a later reserved matters application.
- 3.98 There is a policy requirement for all non-residential buildings to meet the BREAAAM very good rating and a planning condition is recommended to require that this be achieved.

Affordable Housing

- 3.99 The proposal would comply with Policy H4 of the Core Strategy, providing 35 per cent affordable housing. Up to 78 additional affordable dwellings would be delivered (depending on how many of the 410 overall dwellings are approved at reserved matters stage when layout is for consideration). This requirement would form part of the s106 legal agreement, which would also include clauses to require appropriate delivery triggers, appropriate housing mix (no. of beds), nomination rights and that the affordable housing be 80 per cent (affordable rent)/20 per cent (intermediate/shared ownership), in accordance with the Council's strategic housing team's requirements. The strategic housing team have specified the mix of 1, 2, 3 and 4 bed dwellings that they would expect to be delivered to best address current affordable housing need and this has been carried forward in the Heads of Terms detailed at the start of this report.

Wheelchair Adaptable Properties

- 3.100 Policy H6 of the Core Strategy would require that 3 percent of all dwellings on this site be built to full wheelchair accessible standards and this would equate to 13 dwellings if the maximum 410 were delivered. The Ministerial Statement of 2015 introduced a new optional building regulation requirement Part M4(3) which requires a dwelling to be fully wheelchair accessible and this can be required of 3 percent of the dwellings proposed given the existence of the Council's Policy H6. A planning condition to require that this be achieved is recommended.

Ecology

On-site considerations

- 3.101 The submitted ecological report details previous survey work undertaken in relation to the original outline planning consent (15/00362/OUT) and survey work that has been undertaken after this. In addition, an update following ecological survey of the site in December 2019 is included; this includes a phase 1 habitat survey and specific search at the site for evidence of badgers

and water vole. The habitats on site have not changed significantly from those originally assessed and include wet and dry ditches, a stream, ponds, native hedgerows, and sporadic trees. Those parts of the site where residential and commercial development is proposed are now however areas of disturbed land resulting from the commencement of construction works on site. Some of the habitat outside of the proposed developable areas has the potential to support protected species.

- 3.102 As a result of the proposed changes to increase the extent of residential and non-residential development parcels and increase density within parcels no greater impact on bats would result. The highest quality foraging habitat for bats would remain along the Rawreth Brook and margins of the wider site. The same requirements relating to mitigation and enhancements as were required of the original planning consent would again be required; a condition relating to the provision of bat boxes/tiles is recommended.
- 3.103 The most recent search for evidence of badgers at this site in December 2019 recorded the presence of an active main sett outside the south-western boundary of the wider site. This was taken account of in the determination of the original outline consent with an appropriate buffer zone provided around this sett which would remain undeveloped as open space. The development parcel proposed closest to this sett would maintain the same separation to the eastern boundary and this sett. An outlier sett was noted during the most recent survey although this is located to the far south-east corner of the wider site and sufficient distance from the proposed development parcels. An informative is recommended to acknowledge the applicant's intention as set out in the submitted ecological report that up-to-date survey for badgers would be required prior to commencement in each phase to ensure no active setts would be affected or to require licence from Natural England if badgers setts would be affected.
- 3.104 The 2019 search for water vole confirmed the presence of this species along the western stretch of the Rawreth Brook. This section of the Rawreth Brook is within the red-lined application site relating to the current application. Whilst the proposed development parcels would be a sufficient distance away to avoid direct impact resulting from development here, the submitted ecological report recommends mitigation measures associated with the installation of the bridge over the Rawreth Brook on the spine road involving pre-work checks for water-voles and the subsequent application for a license from Natural England if necessary. Although the bridge would be on land outside the red-lined application site associated with this application the application site related to the current application would directly about the spine road, and earth works associated with the bridge and constructed of the proposed attenuation ponds within the application site may be within 5 metres of the bank of the brook. An informative is recommended to acknowledge the applicant's intention as set out in the submitted ecological report that up-to-date checks for water voles would be carried out prior to commencement of any ground works within 5 metres of the banks and to require licence from Natural England if water volles are found and would be affected.

- 3.105 A site-wide translocation exercise for great crested newts has already been undertaken, required in connection with the original outline planning consent. This exercise involved other small reptiles on site and further mitigation relating to these species is not necessary. A condition to require any vegetation clearance outside of the bird nesting season is also recommended.

Off-site considerations

- 3.106 The NPPF, policy ENV1 and policy DM27 require that effects on biodiversity are considered in the determination of planning applications. The NPPF requires that distinctions should be made between the hierarchy of international, national, and locally designated sites, so that protection is commensurate with status and that appropriate weight is attached to their importance and the contribution that they make to wider ecological networks.
- 3.107 In addition, The Conservation of Habitat and Species Regulations 2017 (Habitat Regulations) requires the Local Planning Authority as a 'competent authority' in the exercising of its planning function to undertake a formal assessment of the implications of development proposals before granting consent for any development which is likely to have a significant effect on a European site (either alone or in combination with other development).
- 3.108 The formal assessment is known as a 'Habitat Regulations Assessment (HRA)' which has several distinct phases. The first is a formal 'screening' for any likely significant effects. Where these effects cannot be excluded, assessment in more detail through an 'appropriate assessment' is required to ascertain that an adverse effect on the integrity of the site can be ruled out. Where such adverse effects on the site cannot be ruled out, appropriate mitigation must be secured.
- 3.109 A Local Planning Authority may only agree to grant planning permission after having ascertained that the development will not adversely affect the integrity of the European site; this can include consideration of proposed mitigation secured. The Local Planning Authority is required by law to have regard to guidance provided by Natural England. The closest European designated sites are found along the Districts coast, which consist of the Crouch and Roach Estuaries (Mid-Essex Coast Phase 3 (SPA) (Ramsar) (SSSI) and the Essex Estuaries (SAC). Local planning authorities have a duty to consult Natural England before granting planning permission on any development that is in or likely to affect a SSSI, according to criteria for consultation as set out by Natural England. Standing advice from Natural England is a material consideration and in this, Natural England has highlighted that it considers that residential development in this location could generate significant impact on one or more European designated sites along the coast resulting from increased recreational activity. It is the Council's responsibility to undertake an 'appropriate assessment', as required by the Habitat Regulations.
- 3.110 The proposal has been considered in respect of the Habitat Regulations, taking account of standing advice from Natural England and the Essex Coast

Recreational disturbance Avoidance and Mitigation Strategy (RAMS) developed by Essex County Council which seeks to address impacts (including cumulative impacts) arising from increased recreational activity.

- 3.111 The advice provided as interim advice by Natural England in August 2018 has been followed and the conclusion of the HRA is that, subject to securing appropriate mitigation, the proposed development would not likely result in significant adverse effects on the integrity of the European site along the Essex coastline. The applicant has been advised of the need for appropriate mitigation in the form of a financial contribution at £123.58 per dwelling (in this case a total of up to £50,667 relating to the proposed up to 410 dwellings) to contribute towards longer term monitoring and mitigation along the coastline, to mitigate adverse impact from the proposed development on the European designated sites by way of increased recreational disturbance. The proposed development would also have access to suitable alternative green space as the western parkland would continue to be delivered under the original outline consent. The applicant has agreed to pay the financial contribution and it is included as one of the required Heads of Terms of a s106 legal agreement.

Design

- 3.112 Policy CP1 requires new housing developments to achieve high quality design and layout. Good design is that which contributes positively to making places better for people and takes the opportunities available for improving the character and quality of an area and the way it functions. Places exhibiting good design should be visually attractive, safe, accessible, functional, inclusive, and have their own identity and maintain and improve local character. They should also be well integrated with neighbouring buildings and the local area more generally in terms of scale, density, layout, and access and relate well to the surroundings.
- 3.113 This application seeks to extend residential development parcels which already benefit from outline planning consent under 15/00362/OUT. Detailed design and layout are not for consideration at this stage. The submitted land use parameters plan does however show how the proposed extended residential development parcels would relate to other areas within the site including open space and the spine road. In terms of how the proposed development parcels would integrate within the surrounding context there would be no significant change.
- 3.114 Scale is also reserved for consideration in a later reserved matters application that would follow if outline consent were approved, however the applicant has provided scale parameters. Dwellings proposed up to 3 storeys would have an upper height parameter of 12.5 metres whilst those up to 2.5 storeys would have a maximum height of 11 metres. These are the same height parameters as were accepted in relation to the original outline planning permission.

Archaeology

- 3.115 Geophysical survey of the wider site was undertaken in relation to the original outline planning application (15/00362/FUL), and this revealed linear anomalies consistent with field boundaries and a complex of ditches. A planning condition (no. 7) was imposed on the outline planning permission to require further targeted archaeological investigation of 'Area D' an area towards the south of the wider site. Excavation uncovered a Roman farmstead with features and finds including pits, ditch enclosures, pottery, coins, jewellery which indicate occupation in the vicinity. An Iron Age enclosure used for burial was also found. This latter find was close to the western extent of 'Area D' which is an area that falls within the application site to which this current new application relates. As a result of this, a further detailed geophysical survey of a 1ha area, which was approved as open green space in the outline planning permission (15/00362/OUT) but where built development is now proposed, was carried out to ascertain whether there were any further burials, enclosure ditches or contemporary settlement in this area of the site. The geophysical survey was carried out in December 2019 and revealed no clearly identifiable features of possible archaeological origin. There is no need for any further archaeological investigation at the site in addition to the comprehensive investigations carried out in relation to the original outline planning permission and subsequent to this as detailed above.

4 CONSULTATIONS AND REPRESENTATIONS

Essex County Council – Lead Local Flood Authority

- 4.1 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following conditions:
1. No works except demolition shall takes 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:
 - Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
 - Limiting discharge rates to 1:1 Greenfield runoff rates 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 should 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.

- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 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 runoff 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, 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.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

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

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

REASON: The National Planning Policy Framework paragraph 163 and paragraph 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 topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. 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.

3. 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, 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.

REASON: 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. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

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

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Anglian Water

- 4.2 There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Recommended informative re assets.
- 4.3 The foul drainage from this development is in the catchment of Rayleigh-West Water Recycling Centre that will have available capacity for waste water and used water flows.
- 4.4 The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Essex County Council: Highways Authority

- 4.5 Essex County Council (ECC) as Highway Authority comprehensively assessed the relevant submitted material supporting the aforementioned planning application for 722 residential units (an uplift from the previously approved 500 units ref: 15/00362/OUT) on land North of London Road, Rayleigh.
- 4.6 The original Highways works was reconsidered considering updated Government National traffic forecasting. This was used to update the Supplementary Transport Assessment dated August 2014, when the 2013-2020 Traffic Growth was derived from TEMPro Version 6.2 which forecast growth at 1.0849 in the AM peak and 1.0871 in the PM peak. Conclusions on the operation of network and the developments secured level of mitigation were agreed based on the above growth figures and the associated trip distribution.
- 4.7 The latest growth forecasts are contained in TEMPro 7.2b which demonstrates that the predicted traffic growth which was used in TA for the consent has not been realised by a factor of -5.6% in the AM peak and -6.2% in the PM peak.
- 4.8 This demonstrates that all the off-site junctions have a lower flow due to the updated growth factor to facilitate the additional 222 units proposed. As such, the conclusions which were considered acceptable for the Original Outline Consent are robust given the lower level of growth in the area.
- 4.9 The application is still subject to all the requirements and timescales associated with planning permission of application ref: 15/00362/OUT and associated legal agreements. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.
- 4.10 All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.
- 4.11 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority for the following reasons:
1. Prior to development the areas within the site identified for the purpose of loading/unloading/reception and storage of materials and manoeuvring

associated with the proposal shall be provided clear of the highway and retained at all times for that sole purpose.

2. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
3. There shall be no discharge of surface water onto the Highway.
4. The development shall accord, including any ground works or demolition, with the approved CEMP. 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. Routeing of vehicles
5. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.
6. The parking shall be provided in accordance with the EPOA Parking Standards.
7. Prior to occupation of the proposed residential development, the Developer shall provide and implement a residential Travel Plan including payment of a Travel Plan Monitoring fee to ECC. The plan is to be monitored annually, with all measures reviewed to ensure targets are met. The Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for every household for sustainable transport, to include one 12-month season ticket for bus travel from the development site, approved by Essex County Council.
8. Prior to occupation of the proposed development, the existing footway on the southern side of Rawreth Lane from the junction of Rawreth industrial estate in an easterly direction to the junction of Priory Chase shall be widened with associated infrastructure. Details to be agreed with the Planning Authority in consultation with the Highway Authority.

Essex Police

- 4.12 The published documents have been studied and, unfortunately, do not provide sufficient detail to allow an informed decision pursuant to the NPPF, sec 12, paragraph 127, (f) to create places that are safe and where crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion and resilience or the Rochford District Council Development Management Document Policy DM1, 2.13 - Schemes should

have a safe, inclusive layout with legible and well planned routes, blocks and spaces, integrated residential, commercial and community activity, safe public spaces and pedestrian routes without traffic conflict, secure private areas. Security principles set out in the national guidance Secured By Design should be taken into account in the formulation of development proposals. There has been no pre-application consultation between the applicant and Essex Police regarding this development which does not reflect the aspirations of the NPPF as above. Essex Police provide impartial advice service to any applicant who request this service; we are able to support the applicant to achieve appropriate consideration of the Secure By Design requirements and is invite them to contact Essex Police.

Natural England

First Response

- 4.13 The site falls within the 'Zone of Influence' (Zol) of one or more of the European designated sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Rochford District Council, working together to mitigate the recreational impacts that may occur on the interest features of the coastal European designated sites in Essex as a result of new residential development within reach of them.
- 4.14 In the context of your duty as competent authority under the provisions of the Habitats Regulations, it is therefore anticipated that, without mitigation, new residential development in this location is 'likely to have a significant effect' on one or more European designated sites, through increased recreational pressure, either when considered 'alone' or 'in combination' with other plans and projects.
- 4.15 Where you consider whether this proposal falls within scope of the Essex Coast RAMS you must undertake a Habitats Regulations Assessment (HRA) (Stage 2: Appropriate Assessment) to secure any necessary recreational disturbance mitigation and record this decision within your planning documentation. Having reviewed the planning documents for this application, it appears that you have not yet undertaken an HRA (Stage 2: Appropriate Assessment) to consider this issue. We therefore advise that you do so now using our suggested template and that you should not grant permission until such time as the HRA has been carried out and the conclusions confirmed in line with the our guidance.
- 4.16 Natural England has produced standing advice to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice.

Second Response

- 4.17 No Objection – subject to appropriate mitigation being secured.
- 4.18 We understand that you have screened this proposed development and consider that it falls within scope of the Essex Coast RAMS, and that you have undertaken a Habitats Regulations Assessment (HRA) (Stage 2: Appropriate Assessment) in order to secure any necessary recreational disturbance mitigation and note that you have recorded this decision within your planning documentation.
- 4.19 We consider that without appropriate mitigation the application would have an adverse effect on the integrity of European designated sites within scope of the Essex Coast RAMS.
- 4.20 We note the inclusion of open natural/semi-natural green infrastructure that includes features as recommended within our strategic-level advice (our ref: 244199, dated 16th August 2018 and summarised at Annex 1). Whilst we welcome this provision, it is for the local planning authority as competent authority to decide if the provisions within the proposed development are sufficient avoidance mitigation measures.
- 4.21 We advise that an appropriate planning condition or obligation is attached to any planning permission to secure the on-site mitigation measures, including links to footpaths in the surrounding area. The financial contribution should be secured through an appropriate and legally binding agreement, in order to ensure no adverse effect on integrity.

NHS England

- 4.22 It is noted that this is an amendment to the original application, Ref. 15/00362/OUT, for which the NHS has already provided a response. I advise that, further to a review of the current strategic plans and emerging models of care the following comments are with regard to the healthcare provision on behalf of the CCG and the H & CP.
- 4.23 The amendment to the proposed number of dwellings is likely to have an impact on the health and care services operating within the vicinity of the application site. The GP practices within this vicinity do not have capacity for the additional growth resulting from this development.
- 4.24 The proposed development will be likely to have an impact on the NHS funding programme for the delivery of healthcare provision within this area and specifically within the health catchment of the development. The CCG would therefore expect these impacts to be fully assessed and mitigated.
- 4.25 The current S106 agreement for this site proposes an area of land for the development of healthcare infrastructure. Subsequent to the writing of the S106 Agreement, the H & CP have further defined the Estates Strategy for the area in liaison with the local GP providers and can advise that the land

available will not provide the solution to capacity deficit in primary care. The strategy is to further extend and upgrade the Riverside Medical Centre to provide capacity across the PCN to delivery care for the proposed growth in population generated by this development.

- 4.26 The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 1,805 residents and subsequently increase demand upon existing constrained services.
- 4.27 The development would have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.
- 4.28 The intention of NHS England is to promote Primary Healthcare Hubs with co-ordinated mixed professionals. This is encapsulated in the strategy document: The NHS Long Term Plan.
- 4.29 The development would give rise to a need for improvements to capacity, in line with emerging H & CP Estates Strategy, by way of extension, refurbishment and reconfiguration at the Riverside Medical Centre; a proportion of the cost of which would need to be met by the developer.
- 4.30 The Capital Cost Calculation of additional primary healthcare services arising from the development proposal has been calculated to be £284,671.
- 4.31 A developer contribution will be required to mitigate the impacts of this proposal. The CCG calculates the level of contribution required, in this instance to be £284,671. As development has commenced on this site payment should be made as soon as practically possible to enable capacity to be established before the development is occupied.
- 4.32 The CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation and that a discussion is undertaken to review the current S106 agreement as soon as possible to reflect the current strategy.

Education (ECC)

- 4.33 The applicant has submitted draft Heads of Terms, as an appendix to their Planning Statement, which proposes extending the extant s106 agreement (pertaining to ROC/15/00362/OUT) to mitigate the impact of an uplift in unit numbers. This approach is broadly acceptable from an early-years and childcare and an education perspective, provided the following points are included: -

- The definition of Site is amended so that the development from which contributions are payable includes the additional residential area, and any dwellings therein, as well as those within the original site 'red line' area.
- With a higher number of dwellings, the Education Site will no longer be significantly in excess of the area strictly necessary to serve the development. Therefore, the deduction of £10,000 from the Education Contribution, which was agreed to account for this, must be removed.
- The closure of the Education Site Option Period was negotiated on the basis of ensuring the Education Site was released, if not required, prior to the development being completed. Such closure was earlier than Essex County Council would have wished but it was accepted in recognition of the difficulties the applicant would face if they later had to develop the land as a separate project. The Education Site Option Period should now be extended by 222 homes, providing the same period after the option period closes for the development to be completed.

Archaeology (ECC)

- 4.34 Archaeological investigations have already been carried out on this site, together with supplementary geophysical survey as indicated in the Archaeological Desk Based Assessment attached to the application. Therefore, no further archaeological recommendations are required on this application.

ECC (Energy and Low Carbon/Environment and Climate Action Teams)

- 4.35 The UK is bound by the Climate Change Act 2008 to achieve net zero Green House Gas (GHG) emissions by 2050. This shift to net zero target from the previous target of 80% reductions on a 1990 baseline has brought into sharp focus the need to radically tackle GHGs across all sectors including the built environment. Essex County Council (ECC) has a commitment to formulate a Climate Action Plan to reduce carbon emissions across the county of Essex. In addition, ECC has inaugurated an independent, cross-party Essex Climate Change Commission with the purpose of:

- Identifying ways in which ECC can mitigate the effects of climate change, improve air quality, reduce waste across Essex and increase the amount of green infrastructure and biodiversity in the County, explore transport modal shift, research energy generation and fully engage with communities around behavioural change.
- Reducing the carbon footprint of both ECC and Essex as a whole – the Commission is expected to recommend an ambitious, but realistic target year, to have achieved net zero greenhouse gas emissions.

- 4.36 The National Planning Policy Framework (NPPF) recognises the key role of the planning system in supporting the transition to a low carbon future in a changing climate, mitigating and adapting to the impacts of climate change; including minimising the impact of new developments through reducing GHG emissions. We would like to highlight the opportunity to improve the sustainability of the development by reducing the carbon footprint of the development to align with ECC and the national target of net zero and the environmental objective of moving to a low carbon economy. We would recommend the consideration of renewable energy generation onsite. The integration of renewable energy systems into developments will increase the sustainability of homes, reduce pressure on fossil-fuels, and cut running costs. The Essex Design Guide states: “Sustainable energy systems and supplies should be designed into the layout of developments and homes.” Projects would generally be expected to include sustainable energy and waste recycling infrastructure sufficient to meet a very significant proportion of the needs of the development. Furthermore, “Consideration should be given to how smart infrastructure can be integrated into the communal areas, including waste disposal points, shared batteries for renewable energy sources etc.” These should be incorporated at the design stage and accommodate the related infrastructure not only inside and on individual buildings, but within the wider community layout. The inclusion of renewable energy generation will also provide an opportunity to also align with the new Future Homes Standards to come into force in 2020 and 2025 with a ‘fabric plus technology’ approach. In addition, the development should aim high in seeking to reduce embodied as well as operational carbon over the lifetime of the development.
- 4.37 There should also be provisions for electric vehicles and electric vehicle chargepoints on the development. The NPPF paragraph 110 states that “applications for development should... be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.” The Essex Design Guide also states: 3.203 For housing developments with garages and/or dedicated off-street parking, each new dwelling should be fitted with a standard (3-7kW) chargepoint. 3.204 For housing developments with no off-street parking, 10% of the unallocated parking bays should have an active (i.e. wired and ready to use) chargepoint. A further 10% should have the necessary underlying infrastructure (i.e. cabling and ducting) to enable quick, simple installation at a later date when there is sufficient demand.

Environment Agency

First Response

- 4.38 We have reviewed the application as submitted at present we are unable to assess the flood risk associated with this site. A hydrology report has been supplied with the application, but the model files have not been submitted, without these we are unable to comment in regard to flood risk and access if

the proposed development will be safe. We will request the modelling documents from the applicant.

Second Response

- 4.39 We have reviewed the flood risk modelling related to this application following the receipt of an updated model provided by the applicant. This has addressed some of the concerns we raised in our previous objection dated 6 November 2020. However, a number of issues remain, and we require further clarification and testing before we can sign off the modelling and it can be used to assess flood risk.

Third Response

- 4.40 We have received further information regarding the modelling of the flood risk at this site and have reviewed this. The new information addresses all the previous concerns we had raised with regard to the flood risk at the site, included in our previous response to this application and dated 6 November 2020 and 10 February 2021.

Sport England

- 4.41 While the principle of removing the previously proposed on-site mini football pitches and mitigating this with a financial contribution towards the delivery of a 3G artificial grass pitch is supported in principle, an objection is made to the planning application due to the lack of detail available about the amount of the financial contribution, the 3G artificial grass pitch project that the contribution would be used towards and timescales for the contribution payment and the use of the payment. This position would be reviewed if further detail could be provided to address the queries raised in this response.

Refuse and Recycling (RDC)

- 4.42 Please refer to page 90 of the attached and advise a charge of £174 per household for wheeled bins. Flats will require communal bins and there should be suitable storage allowing collection from the kerbside.

Environmental Health (RDC)

Noise

- 4.43 Findings in respect of industrial noise are only partially accepted. Whilst the areas proposed for residential development are largely brought within acceptable noise environments (LOAEL) on the basis of current activities and arrangement of the industrial estate, these have not been extrapolated. The industrial estate is general in nature and there are occasions where activity changes without the local authority being able to exert planning control. This has not been assessed. *It is therefore recommended that a revised report is brought forward exploring an extension of the proposed acoustic barrier*

(along with effects upon existing residential properties) up to the 'shoulder' of the industrial estate road.

- 4.44 The remainder of the assessment is accepted, and each following Reserved Matters application should include acoustic reports specifically relating to the layout, orientation and acoustic treatment/protection of both residential and non-residential developments, with particular attention to upper storeys which would be afforded less protection by any bund/barrier. A construction management plan will be required to detail management of noise, dust and light during the construction phase.

Air Quality

- 4.45 My observations are given on the basis that the accompanying Transport Assessment is acceptable to Essex County Council. If it is not, then I would require re-consultation on revised documents.
- 4.46 Although 2018 local air quality data is used, rather than the 2019 data available within Rochford DC's ASR 2020 (<https://essexair.org.uk/AQInEssex/LA/Rochford.aspx>), it is not considered that this would affect the conclusions. It is particularly noted that the predicted traffic growth within 15/00362/OUT has not been realised.
- 4.47 The air quality report is therefore accepted. However, Members may wish to request the developer to include electric vehicle charging points within the future developments, especially in light of the date at which properties will be completed.
- 4.48 Such a requirement reflects governmental policy to improve air quality in general through the ban from sale of fossil fuel-only road vehicles from 2030 and assist with the sustainable aspirations of the developers. Domestic EV charging infrastructure is relatively low-cost at the point of build and would move the development from negligible (adverse) air quality impact towards neutral.

Strategic Housing (RDC)

- 4.49 The mix sought on the new uplift application would be as follows;
- 35% -1 bedroom
 - 45% -2 bedroom
 - 15% - 3 bedroom
 - 4%- 4 bedroom
 - 1% - 5 bedroom

The demand for housing and bedroom needs changes over time hence why the change in demand. Also, delivery from other developments are coming through as well this year.

Neighbours

- 4.50 Responses have been received from the following addresses which make the following points (summarised) - some of these responses referenced a different application number but the content of the response clearly relates to this application:
- 4.51 Anonymous, Downhall Park Way (2), Exmouth Drive (14), Goose Cottages (Chelmsford Road) (4), Laburnum Way (44), Leonard Drive (23), Love Lane (115), Mortimer Road (32), Rawreth Lane (200), Rectory Garth (5), Tillingham Way (17), Truro Crescent (35),
- 4.52 Too many pubs in Rayleigh already and too close to Carpenters Arms pub. Interesting that a pub is being considered, especially so close to a residential area. Will increase anti-social behaviour.
- 4.53 The area cannot cope with the amount of traffic already using London Road and Rawreth Lane. The Rayleigh area cannot be expected to sustain current levels of vehicle movements let alone the potential additional 1000-1500 which will be the normal if this building plan goes ahead. There are pollution issues documented 'now' taking into account the number of vehicles utilising Rayleigh town and the surrounding road network. The infrastructure is simply not in place to accommodate 500 homes here and the proposed 500 in Hullbridge. Roads leading to the Carpenters Arms roundabout and running towards the A127 cannot expect to handle this extra intake of traffic. Emergency services will be unable to proceed to any incident via this route without experiencing delay. This development is in an area already over subscribed for houses, transport etc and is unviable. Wickford building is almost encroaching on Rayleigh and it will not be long before these two towns amalgamate.
- 4.54 The information was spun in such a way that it would mean that more smaller houses / and/or affordable housing could then be built on the footprint releasing more landscaping areas. I object to this change based on the challenge that greater consideration should have been planned with the building of phase 1. It appears that the spread of larger houses across all building phases would have allowed the original house volume and application to be implemented. It would appear that in phase 1 mostly larger properties have been built to create a desirable kerb side appeal to attract initial purchasers. This now means that government density targets are hard to achieve on the subsequent phases and the developer now wants to build at a higher density and can only achieve this if smaller properties are allowed. Long term planning and building strategy would have prevented this.

-
- 4.55 Will cause additional traffic which is already an issue in the area. Impact on London Road, Rawreth Lane and junction of Rawreth Lane with the Rawreth Industrial Estate. Construction traffic will cause disruption. Plans show no improvement to the current roads. Increased pollution from traffic. Infrastructure cannot take any more cars, building more roads and taking up more green space is not the answer. The estimate of additional journeys is clearly understated - each house will have at least one and likely two working adults, with their associated journeys. Cumulative impact of this development with nearby development such as at Hullbridge will increase impact.
- 4.56 Fewer and fewer places to walk, cycle and enjoy the fresh air. The small area of open space proposed does not compensate for the loss of the open space that would result from the development.
- 4.57 Already insufficient drainage, prone to flooding. Drainage will need to be reviewed.
- 4.58 We have had enough of being ignored, the huge site currently under construction got the go ahead to the detrimental effect on our roads. London Road Rayleigh is an absolute nightmare during rush-hour and it will only get worse. There will also be strain on the schools and medical centres just when will this over saturated area be left alone.
- 4.59 Impact on pedestrians, dog walkers and horse riders and cyclists who frequently use the public footpath that runs alongside the eastern boundary of the site. Increased road safety hazard for these users.
- 4.60 Refuse collections and access for emergency vehicles will need to be reviewed.
- 4.61 Overdevelopment. Number of residential properties proposed not stated so the impact on local amenities cannot be assessed. No provision for schools or doctors which are already over-subscribed in the Rayleigh area. A proper medical centre with proper facilities for patient parking and additional school places should be provided.
- 4.62 Overdevelopment of Green Belt land destroying wildlife and the countryside. Affordable housing will likely disappear by develop bumping up costs. Views of local people, who don't want this, should be represented.
- 4.63 Specific concern relating to impact on residential amenity of No. 200 Rawreth Lane, a bungalow situated directly opposite the proposed development site. Concerns relate to loss of sunlight to front south facing elevation and to solar panels on roof. Loss of currently enjoyed open, unobstructed outlook. The proposed public house would impact severely on our privacy and cause noise and disturbance resulting from people using the public house and traffic movements associated with this. Increased smells from the public house and vehicle fumes.

Rt Hon Mark Francois MP (summarised)

- 4.64 The site was earmarked for 500 houses not over 700 and the increased number will place further pressure on already stretched local infrastructure, including roads, schools and NHS facilities. I objected to the original application essentially on the grounds that the developer had made inadequate provision via S106 contributions to appropriately compensate the local community for the additional infrastructure pressures that would result. Unfortunately, the situation has not really improved since then. The proposed new traditional roundabout at the eastern end of Rawreth Lane is already running behind schedule. In 2019 there was chaos on the local roads as a result of the way in which roadworks relating to this site and Hullbridge were organised, taking place simultaneously. The issue of whether a new primary school will be built at this site or provision expanded elsewhere has still not yet been resolved. This application will not benefit our local community.

5 EQUALITY AND DIVERSITY IMPLICATIONS

- 5.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need:
- To eliminate unlawful discrimination, harassment and victimisation
 - To advance equality of opportunity between people who share a protected characteristic and those who do not
 - To foster good relations between those who share a protected characteristic and those who do not
- 5.2 The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, pregnancy/maternity.
- 5.3 The Equality Impact Assessment (EIA) indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

6 CONCLUSION

- 6.1 This application seeks an uplift in dwellings which would result in up to 222 additional dwellings being delivered compared to the 2015 outline planning consent which also relates to this application site. The application site could accommodate these additional dwellings at an appropriate density and deliver the necessary infrastructure requirements identified as required for this site allocation in Policy SER1. Delivering additional housing on this allocated site would make best and most efficient use of land and accord with the national planning policy requirement to support sustainable development.
- 6.2 The provision of a financial contribution to enable the delivery of a 3G sports pitch in the locality would meet an identified need and deliver a key benefit to future occupants of the site and the wider community. The site allocation

would continue to deliver a very significant extent of public open green space in accordance with the requirement for such as set out in the Councils policy allocation. Additional children's play space would be delivered on-site, proportionately increased to respond to the proposed uplift in dwellings. The application would further support housing delivery in the district and would deliver additional affordable housing.

- 6.3 Mitigation of impacts arising from the redevelopment of the site relating to matters including highway impacts, flood risk, education and primary healthcare would continue to be secured through planning conditions and via the s106 legal agreement. The proposal would also deliver appropriate additional mitigation including by way of a financial contribution towards off site ecological impacts.



Marcus Hotten

Assistant Director, Place and Environment

Relevant Development Plan Policies and Proposals

Allocations Plan (2014) Policy SER1

Development Management Plan (2014) Policies DM1, DM2, DM4, DM5, DM25, DM26, DM27, DM28, DM29, DM30 and DM31.

Core Strategy (2011) Policies H1, H2, H3, H4, H5, H6, CP1, ENV1, ENV3, ENV4, ENV5, ENV8, ENV9, ENV10, ENV11, CLT1, CLT2, CLT3, CLT4, CLT5, CLT6, CLT7, CLT8, T1, T2, T3, T5, T6, T8, RTC2 and RTC3.

National Planning Policy Framework (NPPF)

Planning Practice Guidance

Standing Advice (Natural England)

Playing Pitch Assessment Report dated August 2018

Playing Pitch Strategy and Action Plan dated November 2018

Background Papers

Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
Habitat Regulation Assessment (HRA) Record – Appropriate Assessment dated 5th
March 2021

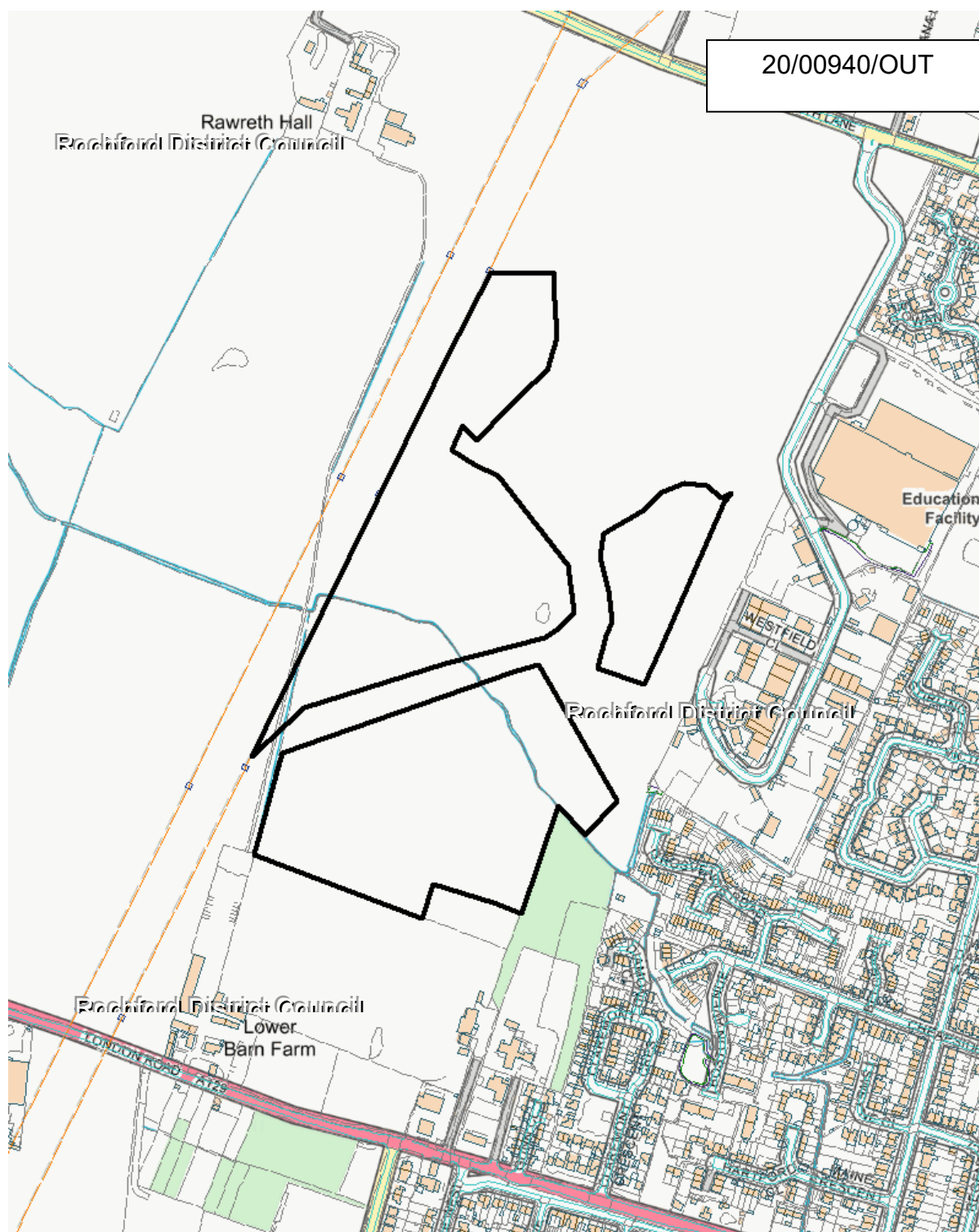
Screening Opinion

For further information please contact Katie Rodgers on:-

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If you would like this report in large print, Braille or another language please contact 01702 318111.



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