
17/00431/OUT

**FAIRWAYS GARDEN CENTRE, HULLBRIDGE ROAD,
RAYLEIGH, SS6 9QS**

**OUTLINE APPLICATION TO DEMOLISH COMMERCIAL
AND RETAIL UNITS AND CONSTRUCT 4NO. TWO-
BEDROOM, 8NO. THREE-BEDROOM DWELLINGS AND
4NO. FOUR-BEDROOM DWELLINGS (16 DWELLINGS IN
TOTAL) WITH ACCESS ONTO HULLBRIDGE ROAD**

APPLICANT: KENT PROPERTY INVESTMENTS LTD

ZONING: METROPOLITAN GREEN BELT

PARISH: RAYLEIGH TOWN COUNCIL

WARD: DOWNHALL AND RAWRETH

1 PLANNING APPLICATION DETAILS

- 1.1 Outline planning permission is sought for re-development of the Fairways Garden Centre site to provide 16 new dwellings. The submission has landscaping as a reserved matter.
- 1.2 The proposal would demolish the existing commercial buildings and provide five separate housing types varying between two and four bedrooms. All dwellings would be detached. There would be 4 two-bedroom houses, 8 three-bedroom houses and 4 four-bedroom houses. The site will utilise the existing access onto Hullbridge Road.

2 THE SITE

- 2.1 The application relates to a site located within the Metropolitan Green Belt.
- 2.2 The site is located on the western side of Hullbridge Road between Rayleigh and Hullbridge. Hullbridge Road is a single carriageway road subject to a 40mph speed limit. The road terminates at Hambro Hill to the south and Lower Road/Watery Lane to the north.
- 2.3 The site has a frontage onto Hullbridge Road of some 98m. The maximum width of the site is 124m and the site has a maximum depth of 110m. It has a site area of 1.16ha. The topography of the site is flat.

- 2.4 North of the site is Montefiore Avenue where there is a detached bungalow on the other side of the road, opposite the site. To the east of the site is The Rayleigh Club golf course complex.
- 2.5 There are three residential properties that immediately border the site to the south; these are Nos. 1 and 2 Goldsmith Drive which are detached two storey houses and Nursery Lodge which fronts Hullbridge Road and is a detached chalet dwelling.

3 RELEVANT PLANNING HISTORY

- 3.1 The site has a long planning history. Originally a nursery it began operating as a garden centre during the 1970s. More recently the site has been occupied by a number of small businesses. The planning application history post 1989 follows:-

- ROC/195/89 Demolish front wall of building replace in same position and renew existing roof. APPROVED.
- CU/0185/92/ROC Change use of part of centre from open storage to display and sale of caravans. REFUSED.
- F/0295/95/ROC Erect two canopied walkways. APPROVED.
- F/0318/96/ROC Covered walkway/canopy to front and side elevations of building. APPROVED.
- CU/0612/98/ROC Retain use of building as café (ancillary to existing garden centre). REFUSED.
- 99/00564/COU Change of use of a unit to ornamental stone mason. APPROVED.
- 99/00565/COU Extend area of caravan display and storage. REFUSED.
- 99/00764/FUL Siting of three temporary buildings/structures (retrospective). REFUSED.
- 99/00801/FUL Retain use of building as café ancillary to existing garden centre (not opening before 0800 hours each day). APPROVED.
- 99/00802/FUL Retention of pergola and single storey building used as craft shop. APPROVED.
- 00/00131/ADV Display of a non-illuminated signboard (retrospective). APPROVED.
- 00/00556/COU Extend area of caravan display and storage. REFUSED.

- 14/00127/LDC Application for lawful development certificate for existing use of four premises on the site as residential dwellings. REFUSED.
- 14/00606/LDC Application for a certificate of lawfulness for existing uses R.K.Baits Fish and Food, Barneys Pet Shop, Stephanies Grooming Parlour, Equistitch, Timber Land Timber Merchant, Blinds Shop and Fairways Diner. APPROVED.
- 14/00610/LDC Application for a certificate of lawfulness for existing commercial uses of premises for R and T Builders, Brooks Care Nursing Services, Mastic, Storage by Timerland Merchants, The Mower Doctor, external storage areas and 2 no. storage containers. REFUSED.
- 14/00611/LDC Application for a certificate of lawfulness for existing uses. Help To Health Chiropractic, Rhino Gym and Rayleigh Mill Amateur Boxing Club. REFUSED.
- 14/00613/LDC Application for a certificate of lawfulness for existing uses for landscaping, supplies, castle caravans, car breaking and dismantling, pet supplies, pet storage and pet kennels. APPROVED.

4 CONSULTATIONS AND REPRESENTATIONS

Rayleigh Town Council

- 4.1 No objections, but has concerns regarding the parking space allocation per dwelling, pond safety, site traffic during rush hour, no public footpath access on side of development and no pedestrian crossing.

Anglian Water

- 4.2 Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.
- 4.3 The foul drainage from this development is in the catchment of Rayleigh Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network it should serve notice under Section 106 of the Water Industry Act 1991. We will then advise as to the most suitable point of connection.
- 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. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to water course and then connection to a sewer.

4.5 The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable. We request that the agreed strategy is reflected in the planning approval.

4.6 Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is minded to grant planning approval.

1. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent environmental and amenity problems arising from flooding.

Lead Local Flood Authority

4.7 Having reviewed the associated documents which have accompanied the planning application, we do not object to the granting of planning permission subject to the following conditions:

1. No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:-
 - Ground and infiltration testing. If infiltration is found unviable discharge rates should be limited to the 1 in 1 green field rate for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. This is subject to confirmation from the relevant authority to discharge up to this maximum rate into the off site surface water drainage network.
 - 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. Storage should also be included for urban creep, and have a suitable half drain time.
 - Final modelling and calculations for all areas of the drainage system.
 - The appropriate level of treatment for all run off leaving the site, in line with the CIRIA SuDS Manual C753.
 - Detailed engineering drawings of each component of the drainage scheme.

- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

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 rain fall 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 off site flooding caused by surface water run off and ground water 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 103 and paragraph 109 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 de-watering takes place to allow for construction to take place below ground water 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 rain fall and may lead to increased run off rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and ground water 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. No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the local planning authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

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 before commencement of works 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 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.

ECC Highways

- 4.8 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to the following conditions:-
 1. The proposal will utilise the existing vehicular access onto Hullbridge Road.
 2. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. 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; and
 - iv. wheel and underbody washing facilities.
 3. Prior to the occupation of any of the proposed dwellings, the proposed shared drive to all plots shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back edge of highway boundary and provided with an appropriate dropped kerb crossing of the verge.
 4. The provision of two on site vehicular parking spaces per dwelling. Each parking space shall be 2.9m x 5.5m in accordance with current parking standards.
 5. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.
 6. No unbound material shall be used in the surface treatment of the vehicular access for the first 6 metres.

7. There shall be no discharge of surface water from the development onto the highway.
8. Prior to first occupation of the proposed dwellings the developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. One pack per dwelling.

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.

RDC Economic Development

- 4.9 Detrimental impact upon the community and the economic prosperity of Rayleigh.
- 4.10 Economic impact - This will result in the loss of potential employment for local people and in a semi-rural area. Change of use from commercial to residential reduces potential commercial floor space that could be available on the open market for inward investment of new businesses to the District.
- 4.11 Viability of the land as commercial and retail units - With investment and good management, the land could be a viable business(es), providing local employment. The Lubbards Farm estate is within the vicinity and businesses there attract lots of foot fall.
- 4.12 Location - From a commercial perspective on the outskirts of a thriving town, a business situated there is well located with good road links/access to the A127/A130 and space for deliveries and customer parking.

RDC Engineers

- 4.13 No public foul or surface water sewers available.

RDC Housing

- 4.14 We have no objection to this site as long as an affordable housing element of 5 units is provided in line with our planning policy.

RDC Woodlands

- 4.15 An arboricultural impact assessment including tree protection plan has been prepared in accordance with BS 5837:2012.
- 4.16 The removal of G1 identified is acceptable and will not result in a significant loss to tree based amenity for the area. All remaining trees can be adequately protected during construction assuming the method statement provided with the AIA is implemented as part of the development. Recommend the following condition:-
1. All trees shown to be retained on the plan supplied by Andrew Day Consulting dated 29 March 2017 be protected as specified. Tree protection is to be in accordance with the method statement as supplied and set at the locations as identified on the plan.
- 4.17 An extended phase 1 habitat survey has been provided by Eecos; the survey is in accordance with standing advice provided by Natural England and in accordance with JNCC phase 1 habitat surveys. The survey concludes that, with the exception of birds, none of the habitat present is suitable for protected species. Mitigation is provided for best practice regarding birds such as timing of development works, tree works, etc. Further mitigation is provided regarding the use of lighting, bat boxes, etc. The mitigation provided should form part of the planning conditions as part of any consent issued.

Neighbours - Representations have been received from the following addresses:-

- 4.18 Hullbridge Road - Nursery Lodge
- I feel that 2 no. units (House Types B and C) are far too close to my existing boundaries. I will be overlooked by these units resulting in a loss of privacy to my property.
 - There is a note on the Tree Protection Plan "G2 faced back to boundary to provide clearance to new buildings"; to me this reinstates that the units are too close to my boundary if they want to cut back my trees to make way for their new units.
 - My main water supply (along with several other neighbours along Goldsmith Drive) is fed to our properties via this land that is being proposed for development. What will be done to reinstate the main water supplies? Will they be redirected? And at whose expense?
- 4.19 Montefiore Avenue - Mandalay
- This development will certainly improve the area, not just from a visual aspect, as current occupancy is an appalling eyesore. As a neighbour in an adjacent road (Montefiore Avenue) we certainly can see no reason to

object to this development and indeed would strongly recommend its acceptance.

5 MATERIAL PLANNING CONSIDERATIONS

5.1 The proposed development has to be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.

5.2 The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).

Principle of Residential Development

5.3 The application site is designated as Metropolitan Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. According to paragraph 79 of the NPPF, 'openness' broadly means an absence of buildings or development, regardless of how obtrusive or screened they may be.

5.4 Paragraph 89 (NPPF) goes on to say that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. However, that general policy is immediately qualified by exclusions, one of which is: 'limited infilling or the partial or complete re-development of previously developed sites (brown field land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

5.5 Previously Developed Land (PDL) is defined in the NPPF as land that is or was occupied by a permanent structure and its curtilage and any fixed surface infrastructure. Whilst the definition makes clear that that it should not be assumed the whole curtilage should be developed, the existing site has built form and hardstanding throughout the site and it is duly considered that the entire site meets the criteria to be considered previously developed land.

5.6 Some exclusions apply within the definition of PDL including land that is or has been occupied by agricultural buildings; whilst the site was historically in horticultural use this use has long since ceased and the site is now in mixed use.

5.7 Policy GB1 of the Core Strategy pre-dates the national policy position set out at paragraph 89 to the NPPF. Policy GB1 sets out that the Council will protect the Green Belt by releasing the minimum required. However, the site does not

comprise a planned release, but instead constitutes a windfall site in addition to those sites allocated for planned release under policies H1 and H2 of the Core Strategy. The proposal would constitute the re-use of PDL, favoured in policy H1.

- 5.8 Following the implementation of the NPPF the Council adopted the Development Management Plan for the Rochford District. Policy DM10 relates to the development of previously developed land within the Green Belt.
- 5.9 Proposals for the development of residential, retail and other uses not promoted by policy GB2 of the Core Strategy on previously developed land may be appropriate if it can be demonstrated that a proposal would constitute sustainable development. In particular, proposed residential development of previously developed land in the Green Belt will be permitted provided that the proposal:-
- is well related to a defined residential development;
 - is well related to local services and facilities;
 - has good connections to the strategic road network;
 - would promote sustainable transport modes;
 - would not have a negative impact on areas of international, European and local nature conservation importance, or the historic environment; or
 - is located within the South Essex Coastal Towns landscape character area.
- 5.10 The site is located between Rayleigh and Hullbridge and, although not part of the defined residential settlement, is nonetheless on the main linking road with good access to both settlements and close to bus stops on Hullbridge Road that link the settlements.
- 5.11 In respect of the site being well related to local services and facilities, the preamble to policy DM10, as a guide, considers that residential proposals would be considered well related to local services and facilities provided they are within 800m walking distance of at least one of the following: allocated town centre; doctors' surgery; school (primary or secondary); or convenience retail store. Of these stated facilities the nearest one to the site would be the Budgens store on the corner of Ferry Road/Lower Road; this store is approximately 1,000m walking distance from the site and thus beyond the 'well related' figure. The site is however only slightly further (some 1120 metres) from other amenities, including a corner shop and take away located at the junction of Hambro Hill and Hullbridge Road. The site is opposite a golf course.
- 5.12 The site is considered to have good connections to the strategic road network; located on Hullbridge Road the site has good access to Rayleigh and in the wider context to the A130, which leads northbound towards Chelmsford and southbound towards Southend.

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- 5.13 In terms of promoting sustainable transport modes, occupants of the site would have good access to local bus services operating along Hullbridge Road with bus stops only a short distance from the site. On the opposite side of the road to the site there is also a combined footway and cycleway that runs along Hullbridge Road; this would enable occupants to access local amenities on foot or by cycle.
- 5.14 The Essex Landscape Character Assessment 2003 places the site within the Crouch and Roach Farmland character area, as is the settlement of Hullbridge to the north. The South Essex Coastal Landscape Area lies a short distance south of the site. The sixth bullet point of policy DM10 requires sites, for the residential development of previously developed land, to be within the South Essex Coastal Landscape Area (SECLA). Whilst not falling within the South Essex Coastal Towns Landscape Character Area, it is considered that, given the PDL status of the site, the scale of development proposed and the surrounding context, the proposed development would not have an unduly harmful impact on landscape character.
- 5.15 The proposal would not have a negative impact on areas of international, European and local nature conservation importance, or the historic environment.
- 5.16 Officers consider that whilst the site would not fully satisfy all elements of policy DM10, the use of the site for residential purposes would be an acceptable use of the site.
- 5.17 Policy DM10 also states that the development of PDL should not undermine the five purposes of including the land within the Green Belt; these are as follows;
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.18 It is considered that the proposed development would not undermine the purposes of the Green Belt. Although the site is designated Green Belt it is largely hard surfaced and with the active business use does not appear in character to be part of the open countryside. Given the previously developed nature of the site the proposed development would not be considered to amount to encroachment into the countryside. The site is located between the settlements of Hullbridge and Rayleigh, however, the limited size of the site is such that the proposed development would not undermine the role the Green

Belt plays in separating these two settlements. A significant amount of open countryside surrounding the site would remain, separating the two settlements.

- 5.19 Lastly, policy DM10 requires that any development that is permitted should be of a scale, design and siting such that the openness of the Green Belt and character of the countryside is not harmed.
- 5.20 Openness is generally held to be the absence of built form. There is a need to compare the respective impacts on openness of the existing and proposed development at the site. This comparison is not simply a floor area comparison, but consideration of floor area alongside other factors including scale and massing and degree of permanence.
- 5.21 There are 6 existing buildings on the site which range in scale and design. The large building sited towards the southern boundary has two parallel dual pitched roofs to a ridge height of some 4.5 metres and is 2.2 metres to eaves; this building has a warehouse type scale and appearance. One of the buildings is a glass house now put to use as a car breakers, which has a ridge height of some 4.2 metres and 2 metre high eaves. Centrally within the site are two buildings which contain a number of small business units; these buildings are composed of an assemblage of forms with varying ridge and eaves heights; all, however, are single storey, the maximum height some 4.39 metres. The building sited on the northern boundary is approximately 3 metres in height whilst the smallest building sited in the south-east corner is some 3.5 metres to ridge. The buildings are largely contained within the southern/central/eastern portion of the site. The remainder of the site is however almost entirely hard surfaced and used for parking and some external storage. There are a number of mobile homes/caravans on the site put to residential use; none of these, however, are authorised.
- 5.22 The applicant has provided details of the total volume of the existing buildings on site and the total volume of the dwellings proposed. The existing volume of the commercial units equates to some 7,740m³. The dwellings would have volumes of between 289m³ and 443m³ (as stated on the plans) to give a total proposed volume of some 5,603m³. In terms of volume of the built form on the site there would therefore be a net reduction of approximately 2,237m³; this would be an improvement in terms of Green Belt openness.
- 5.23 First floor accommodation has also been contained within the roof space of the proposed dwellings to restrict the building height. The ridge height of the dwellings ranges from some 6 metres to some 6.4 metres with eaves height at around 2.6 metres. The proposed dwellings at 1.5 storeys are all greater in ridge height than the existing buildings which are all single storey, with a maximum ridge height of 4.5 metres. The proposal would therefore result in a lower total volume of development at the site but an increased height of development. The increase in height would, however, be relatively modest and as the eaves height of the proposed dwellings has been kept low it is

considered that the dwellings would not appear excessive in height to the detriment of Green Belt openness.

- 5.24 An increased degree of soft landscaping, in comparison to the existing site, would also help contribute positively to the setting.
- 5.25 Overall it is considered that the proposed development would be of a scale, design and siting such that the openness of the Green Belt and character of the countryside would not be harmed.

Existing Employment Uses

- 5.26 Policy ED1 of the Core Strategy advises that the Council will support the protection and enhancement of the role of small and medium sized businesses. There are various small businesses located within the units on the site, some of which have recently been determined as lawfully occupying the site. The proposed residential re-development of the site would result in the existing businesses needing to relocate elsewhere.
- 5.27 The loss of existing business here is a material consideration and whilst no specific policy seeks to retain this area for employment use such loss must be considered. The existing uses are stated by the applicant as being a mix of A1 (retail), A4 (café), B1 and B2 (light and general industrial), B8 (storage), D1 (chiropractor), D2 (boxing club and gym) and a variety of other sui generis uses, including the garden centre use and a car breakers.
- 5.28 Consideration should be given to paragraph 70 of the NPPF which requires decisions to take account of potential loss of services. In this case, although the proposal would result in the loss of businesses from the site, as the site is not located within an existing settlement this loss would not be considered to reduce any community's ability to meet its day to day needs such as to warrant refusal of the application.
- 5.29 Given that the site is not allocated specifically for employment use, it is considered that there is not strong policy support for the retention of employment uses at the site.

Quantum of Development

- 5.30 Policy DM2 of the Development Management Plan requires that residential development must make efficient use of land in a manner that is compatible with the use, intensity, scale and character of the surrounding area. The policy goes on to stipulate that the density across a site should be a minimum of 30 dwellings per hectare, unless exceptional circumstances can be satisfactorily demonstrated. 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.

- 5.31 The proposal is for a development of 16 dwellings on a site area of 1.16ha representing a development of approximately 14 dwellings per hectare. A minimum 30 dwellings per hectare is usually required to ensure that best use of Green Belt land is achieved. Although the proposed density figure is low for a new housing development, it is considered that the quantum proposed would be suitable for this location, particularly given the need to ensure that on previously developed land the proposed re-development would not be of a scale greater than the existing buildings to be replaced to limit adverse impact on openness.

Design and Layout

- 5.32 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.
- 5.33 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. The development would provide five different housing types with 4 two-bedroom houses, 8 three-bedroom houses and 4 four-bedroom houses providing a suitable mix of dwellings in accordance with policy H5. A summary of the dwelling types follows.
- 5.34 House Type A (plot 11). This would be a four-bedroom, gable ended property with three of the bedrooms contained within the roof space. It would broadly adopt an L shaped footprint with a maximum width of 14.3m and depth varying from 13.3m down to 5.2m. The ridge height of the main roof would be 6.4m above ground level. There would be a chimney stack attached to the left side. The front elevation would feature a 0.5m deep and 5.1m wide gable projection with a gable end feature window. There would be a single storey projection extending 3.4m outwards to the right side and this would have a ridge height of 5m. The rear elevation would feature a 5.1m deep and 6.5m wide projection with a gable end feature window.
- 5.35 House Type B (plots 3, 4, 8 and 9). This would be a three-bedroom property with the bedrooms contained within the roof space. It would have a maximum depth of 11.2m and elevational width of 12.2m. There would be a 6m ridge height and a chimney stack attached to the right side. The front elevation would feature a 0.5m deep and 5.1m wide gable projection with a gable end feature window. The rear elevation would feature a 3m deep and 6.5m wide projection with a gable end feature window.
- 5.36 House Type C (plots 1, 2 and 6). This would be a four-bedroom property with two bedrooms on the ground floor and two within the roof space. It would have a T shaped footprint with a maximum width of 13.7m and a depth

varying from 9.3m to 7.6m. The front elevation would feature a 0.5m deep and 5.1m wide gable projection with a gable end feature window. The front facing roof pitch would also contain three velux windows. The rear elevation would feature a 1m deep and 6.8m wide projection with a gable end feature window.

- 5.37 House Type D (plots 7, 10, 13 and 14). This would be a two-bedroom property with bedrooms within the roof space. It would adopt a more rectangular footprint, albeit with a cutaway section to the front corner where there would be a canopied roof porch. It would have a depth of 12.4m and a width of 7.5m. The ridge height would be 6m. There would be a window within the front and rear gables, but not one of the larger feature windows common to the other dwelling types.
- 5.38 House Type E (plots 5, 12, 15 and 16). This would be a three-bedroom property, again with the bedrooms within the roof space. It would adopt a broadly L shaped footprint with a maximum elevational width of 10.2m and a depth varying from 13.3m to 7.6m. The ridge height would be 6.3m and there would be a chimney stack attached to the left-hand side of the dwelling. The front elevation would feature a 0.5m deep and 5.1m wide gable projection with a gable end feature window. The rear elevation would feature a 5m deep and 6.5m wide projection with a gable end feature window.
- 5.39 All dwellings would have a gabled porch canopy to the front door entrance and share similar design characteristics including gabled projections, chimney stacks (except type D), and external materials. This would provide a degree of homogeneity whilst still allowing a mix of styles, hence an element of variety, within the development.
- 5.40 The design and scale of the dwellings and the attention to detail would ensure that the proposed development contributes positively to the surroundings, in accordance with policy DM1. There would also be a degree of openness throughout the site which, with soft landscaping, would contribute positively to this Green Belt location.
- 5.41 Each dwelling would be provided with a minimum one metre side space to the side boundaries, as required by the Council's supplementary planning guidance.
- 5.42 The Essex Design Guide states that as a minimum every effort should be made to avoid overlooking of rear facing living room windows to ensure privacy is retained at existing dwellings. In cases where the rear faces of dwellings are approximately parallel, and there is an intervening fence or other visual barrier which is above eye level from the potential vantage point, a minimum of 25m between the backs of houses may be acceptable. Where the backs of houses are more than 30° to one another this separation may be reduced to 15m from the nearest corner. The proposed dwellings to plots 2 and 3 are angled at more than 30° from Nursery Lodge and have minimum separations of approximately 18m. Plots 5 and 6 are at a lesser angle to Nos. 1 and 2 Goldsmith Avenue, but would have minimum corner to corner

distances of 28m and 35m respectively. The proposed dwellings would thus exceed the minimum standards of the Guide.

- 5.43 All dwellings would be provided with ample private amenity space varying between 200m² and 490m² per dwelling. These areas would be well in excess of the 100m² minimum requirements for houses.
- 5.44 The Council's guidance for refuse storage and collection provision within residential layouts is set out in appendix 1 to the Development Management Plan. That guidance generally advocates the provision of storage within rear or side garden areas and collection points off the highway to avoid obstruction and cluttered street scenes. Each dwelling would have areas where bins could be stored clear of the highway and within private areas.
- 5.45 Policy CLT5 to the adopted Core Strategy requires new public open space to accompany additional residential development with policy CLT7 requiring play spaces. The development would provide an open space with a pond feature in the centre of the development with the housing positioned in a circular pattern around it. This would provide a suitable open space, in accordance with the policy requirements. It is considered that the scale of development is such that on-site play space would not be sought.

Technical Housing Standards

- 5.46 The Ministerial Statement of 25 March 2015 announced changes to the Government's policy relating to technical housing standards. The changes rationalised the many differing existing standards into a simpler, streamlined system and introduced new additional optional Building Regulations on water and access, and a new national space standard. Government policy is now that planning permissions should not be granted requiring, or subject to conditions requiring, compliance with any technical housing standards other than for those areas where authorities have existing policies on access, internal space, or water efficiency. Rochford District Council has existing policies relating to all of the above, namely access (policy H6 of the Core Strategy), internal space (policy DM4 of the Development Management Plan) and water efficiency (policy ENV9 of the Core Strategy) and can therefore require compliance with the new national technical standards.
- 5.47 Until such time as existing policy DM4 is revised, this policy must be applied in light of the Ministerial Statement (2015), which introduced a new technical housing standard relating to internal space standards. Consequently, all new dwellings are required to comply with the new national space standard, as set out in the DCLG Technical Housing Standards - Nationally Described Space Standard March 2015.
- 5.48 The following is a table of the individual dwellings, their gross internal floor spaces and compliancy.

Plot Numbers	Type	Area m ² Required	Area m ² Provided	Area Compliant	Storage Compliant
1, 2, 6	C (4-bed)	102	156	Yes	No
3, 4, 8, 9	B (3-bed)	93	143	Yes	No
5, 12, 15, 16	E (3-bed)	93	160	Yes	Yes
7, 10, 13, 14	D (2-bed)	79	126	Yes	No
11	A (4-bed)	115	176	Yes	Yes

- 5.49 Dwellings types B, C, and D are not shown to meet the required built in storage requirements; however, the layout would allow sufficient space for such storage. A planning condition to require this would be recommended if planning consent were to be granted. As no section drawings have been submitted, a condition would also be recommended to require that a minimum 2.3m floor to ceiling height is achieved for at least 75% of the gross internal area of each dwelling.
- 5.50 Until such time as existing policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement (2015), which introduced a new technical housing standard relating to water efficiency. Consequently, all new dwellings are required to comply with the national water efficiency standard, as set out in part G of the Building Regulations (2010) as amended. A condition would be recommended to require compliance with this Building Regulation requirement, should the application be granted consent.

Affordable Housing

- 5.51 The adopted Core Strategy (2011) sets out the Council's current requirements with regard to affordable housing. Policy H4: Affordable Housing seeks a minimum of 35% affordable housing on all developments of 15 or more units. The current policy also aims for 80 per cent of affordable housing to be rented, with 20 per cent intermediate housing (shared-ownership). The supporting text of the policy also states that it is important that a mix of house types is provided on larger sites in order to deliver mixed communities, as opposed to developments which cater entirely for one demographic group.
- 5.52 Paragraph 173 of the National Planning Policy Framework states '...to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking into account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable'.

- 5.53 The proposal does not propose any affordable housing. The applicant has provided a viability assessment for the scheme which concludes that the scheme could not viably provide any affordable housing.
- 5.54 The recommended approach in undertaking viability assessments is to assess viability based on a residual valuation basis. This means assessing the development value of the proposed scheme and deducting from this the costs of the development, including profit, to leave a residual sum representing the site value. If the Residual Land Value is in excess of the Benchmark Land Value the scheme is considered able to viably provide planning contributions (including affordable housing), up to an amount equal to the difference between the two figures. If it falls below the Benchmark Land Value it could be considered unviable.
- 5.55 The applicant's report concludes that the proposed development produces a Residual Land Value of £2,520,159 against a Benchmark Land Value of £2,609,901 and therefore the scheme is not viable at -£89,742.
- 5.56 As is usual practice, the Council commissioned an independent assessment of the applicant's viability appraisal. The independent assessor (DVS) provided a report to the Council which concluded that the proposed scheme achieves a Residual Land Value higher than the Benchmark Land Value and is therefore able to make a contribution towards affordable housing. The figures put forward by DVS are that the proposed scheme achieves a Residual Land Value of £2,663,429 set against a Benchmark Land Value of £2,000,00 and thus a surplus of £663,429 is achieved, indicating that the provision of some affordable housing would be viable.
- 5.57 Given that no affordable housing provision is being proposed, the development would not comply with policy H4 of the Core Strategy. There is a pressing need for affordable housing in the District and the lack of any affordable housing proposed therefore represents a reason for refusal of the application.

Parking and Access

- 5.58 The Parking Standards: Design and Good Practice Supplementary Planning Document adopted 2010 requires dwellings with two bedrooms or more to have a minimum of two parking spaces. In addition, the document requires a minimum of 0.25 visitor parking spaces per dwelling (unallocated). As the proposal is for 16 dwellings, this would require 32 spaces to serve the dwellings, together with a further 4 visitor parking spaces.
- 5.59 Each dwelling would be provided with a minimum of two parking spaces. In addition, two sets of two parking spaces for visitors would be provided adjacent to the central amenity area. The proposal would therefore meet the required on-site parking requirement.

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- 5.60 The proposal would use the existing site access onto Hullbridge Road. This road is a single carriageway road subject to a 40mph speed limit.
- 5.61 Adjacent to the existing access is a ghost island T junction for right turning traffic into the golf club. There is a shared use pedestrian/cycle path on the eastern side of Hullbridge Road, but no direct footpath access onto the site. There are bus stops on each side of Hullbridge Road by the entrance to Goldsmith Avenue approximately 130m south of the site entrance.
- 5.62 A transport statement has been submitted with the application. In terms of traffic generation, the submitted statement identifies that the proposed re-development of the site for residential purposes, when compared to the existing commercial uses, would result in a 70% drop in vehicle movements to and from the site.
- 5.63 The proposed internal road layout would accord with highway standards and be wide enough to accommodate two-way traffic. A swept path analysis has been undertaken for refuse and emergency vehicles entering the site indicating that all vehicles can enter and exit the site in a forward gear.
- 5.64 The local highways authority has no objection to the development, subject to recommended conditions.

Renewable or Low Carbon Energy

- 5.65 Policy ENV8 requires developments of 5 or more dwellings to secure at least 10 per cent of their energy from decentralised and renewable or low carbon sources unless this is not feasible or viable. A planning condition would be recommended to require compliance with the above policy unless it is demonstrated that this would not be viable or unless provision of such would be at the expense of provision of a higher specification energy efficient building fabric in which case a report demonstrating the case shall be submitted to and agreed in writing by the Local Planning Authority.

Lighting

- 5.66 Policy DM5 of the Development Management Plan requires that applicants should take into consideration the environmental zone where a development is being proposed and the corresponding lighting thresholds. The site is considered to fall within Environmental Zone 2 as it is within the Green Belt. Lighting proposals in this zone are only permitted if the applicant can demonstrate that the scheme proposed is the minimum needed for security and/or working purposes and that it minimises the potential for obtrusive light from glare or light intrusion to an acceptable level. Artificial lighting in the open countryside can have a demonstrable effect on 'dark skies', one of the special qualities of the rural landscape. An acceptable lighting scheme could be controlled by condition.

Contamination

- 5.67 Although the site consists of commercial premises it is not suggested within any of the accompanying statements that the land is contaminated. Planning conditions to require de-contamination where necessary could be imposed if the application were to be approved.

Flood Risk

- 5.68 The site falls within Flood Zone 1, as indicated on the Environment Agency Flood Risk Map. Residential development is a use of land that is considered an acceptable form of development in Flood Zone 1 and there would therefore be no objection to the proposed development on the grounds of flood risk.

Surface Water

- 5.69 Policy ENV4 requires all residential developments over 10 units to incorporate run off control via Sustainable Urban Drainage Systems (SuDS). It is considered that due to the existing brown field nature of the site and the extent of built form and hard surfacing, the development for residential purposes would increase the proportion of soft surfacing given over to gardens and landscaping. This will reduce the extent of impermeable area on the site.
- 5.70 The development would provide for a surface water attenuation basin within the central amenity space. The stated capacity of this would be 405m³. There would be an outfall to the existing adopted surface water sewer on Hullbridge Road. A flow control chamber would restrict the outflow to 3.4 litres/second. Due to the underlying clay geology the potential for ground infiltration is limited, thus requiring a connection to the sewer network.
- 5.71 Foul water would also outflow to the existing foul water sewer on Hullbridge Road.
- 5.72 Essex County Council Lead Flood Authority has no objection to the proposal and has recommended conditions to ensure a detailed surface water drainage scheme for the site and management plan is provided prior to development.

Trees and Ecology

- 5.73 Policy DM25 requires that development seeks to conserve and enhance existing trees and woodlands.
- 5.74 An impact assessment, including tree protection plan, has been prepared in accordance with BS 5837:2012. The majority of trees are located towards the edges of the site. To implement the development some low quality trees with a limited useful life expectancy would need to be removed.
- 5.75 The Council's arboricultural officer considers that removal of the trees, as identified, is acceptable and will not result in a significant loss to tree based

amenity for the area. All remaining trees can be adequately protected during construction, subject to the method statement provided being implemented as part of the development; this would be made subject to a planning condition.

- 5.76 Policy DM27 requires consideration of the impact of development on the natural landscape, including protected habitat and species. National planning policy also requires the planning system to contribute to and enhance the natural environment by minimising impacts on biodiversity, providing net gains in biodiversity where possible.
- 5.77 The applicant has submitted an ecological appraisal of the site conducted by Essex Ecology Services Ltd. The survey is in accordance with standing advice provided by Natural England and in accordance with JNCC phase 1 habitat surveys. The survey concludes that, with the exception of birds, none of the habitat present is suitable for protected species. It is, however, not considered likely that any species of particular conservation significance breed on the site. Mitigation is provided within the appraisal for best practice regarding birds such as timing of development works, tree works, etc. Further mitigation is provided regarding the use of lighting, bat boxes, bird nest boxes, etc. Mitigation could form part of the planning conditions.
- 5.78 Although landscaping would be determined at the reserved matters stage, the indicative site plan includes ponds which would allow for the enhancement of habitat for amphibians at the site.

Existing Residential Amenity

- 5.79 The occupier of Nursery Lodge considers that the proposed dwellings to plots 2 and 3 are too close to the existing boundary and would result in overlooking. The level of separation exceeds the minimum requirements sought by the Essex Design Guide for dwellings with rear facing rooms at an angle to existing houses. Furthermore, the upper floor windows would be limited to one window at plot 2 and two windows at plot 3. In addition, there is existing tree planting within the Nursery Lodge site providing intervening screening. Given these factors and the angled relationship, it is not considered that there would be significant overlooking of Nursery Lodge.
- 5.80 The dwellings proposed for plots 5 and 6 would have minimum corner to corner distances of 28m and 35m respectively to Nos. 1 and 2 Goldsmith Avenue. As such, any impact on existing residential amenity would be minimal.
- 5.81 There would be no amenity impact upon other dwellings.

6 CONCLUSION

- 6.1 The proposal, whilst not meeting all of the requirements that policy DM10 sets out for residential development on previously developed land in the Green Belt, is considered acceptable when balancing aspects of sustainability as set out in Policy DM10. Whilst the site will contribute, as a windfall site, towards

housing delivery, a very important part of housing delivery is the delivery of affordable dwellings where viable. The applicant's viability appraisal has been independently assessed and the conclusion reached that the scheme could provide a contribution to affordable housing. Given this conclusion, it would not be appropriate to approve the application with no affordable housing as the application would not accord with policy H4 of the Core Strategy.

- 6.2 Paragraph 14 of the National Planning Policy Framework (NPPF) identifies a presumption in favour of sustainable development; however, paragraph 6 of the NPPF is also clear that the NPPF must be read as a whole when considering whether a proposal represents sustainable development. The NPPF is clear that where sustainable development would accord with the adopted Development Plan it should be approved without delay. However, in this case the proposal would not provide affordable housing, which is one facet of sustainable development as referred to in paragraph 50 of the NPPF. The proposal would not accord with the Development Plan by virtue of the fact that the proposal would not accord with policy H4.
- 6.3 The application must be determined in accordance with the adopted Development Plan of which the Core Strategy is a part, unless material considerations indicate otherwise. There are no material considerations in this case which would overcome the need for the site to provide affordable housing, in accordance with policy H4.

7 RECOMMENDATION

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

That planning permission be refused, for the following reasons:-

1. The proposed development of 16 units does not provide any affordable housing. The applicant's submitted viability appraisal has been studied and it is considered that the scheme could viably provide for some affordable housing provision such that the proposal, without any affordable housing, would be contrary to policy H4 of the Rochford District Council Local Development Framework Core Strategy 2011, which requires at least 35% of dwellings on all developments of 15 or more units to be provided as affordable housing, subject to viability. The proposal, without affordable housing, would not represent sustainable development in its full sense, as set out in the NPPF, and would fall contrary to the aforementioned policy within the adopted Development Plan.



Matthew Thomas
Assistant Director, Planning & Regeneration Services

Relevant Development Plan Policies and Proposals

Policies H1, H4, H5, H6, CP1, GB1, GB2, ENV3, ENV4, ENV8, ENV9, ENV11, CLT1, CLT2, CLT3, CLT5, CLT6, CLT7, T1, T2, T3, T4, T6, T8 and ED1 of the Core Strategy 2012

Policies DM1, DM2, DM3, DM4, DM5, DM10, DM25, DM26, DM27, DM28, DM29, DM30 and DM31 of the Development Management Plan 2014

Supplementary Planning Document 2 - Housing Design

Essex Design Guide 2005

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

National Planning Policy Framework

Allocations Plan

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