
17/00488/FUL

LAND REAR OF 12 TO 26 EASTWOOD ROAD

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

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

1 PLANNING APPLICATION DETAILS

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

2 THE SITE

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

3 RELEVANT PLANNING HISTORY

3.1 14/00596/FUL - Demolish existing industrial buildings and construct 42 No. 2-bed flats in two blocks with undercroft parking to one block, parking and amenity space. REFUSED.

1. The proposal, by virtue of the scale of the secondary block in close proximity to No. 14 Finchfield (referred to as block 'B' within the Council's report) would have an overbearing and thus detrimental impact upon the occupiers of No. 14 Finchfield contrary to part (x) to policy DM1 and part (iv) to policy DM3 of the Development Management Plan 2014. In addition, it is considered that the proposed secondary block would generate unacceptable overlooking which could not be sufficiently and reasonably controlled by planning condition and that the proposal would have a detrimental impact on the occupiers of No. 14 in terms of overlooking contrary to parts (x) and (ix) to policy DM1 and part (iv) to policy DM3 of the Development Management Plan 2014.
2. The proposal does not provide a transport or air quality report to consider the implications of the proposal upon the Air Quality Management Area (AQMA) for Rayleigh town centre. Due to the site's location directly accessible through the AQMA it is considered that it is paramount that the proposal provides a transport and air quality report in order to consider whether the proposal would have a detrimental impact upon air quality within this location. Policy ENV5 of the Core Strategy 2011 explains that in areas where poor air quality threatens to undermine public health and quality of life, the Council will seek to reduce the impact of poor air quality on receptors in that area and to address the cause of the poor air quality. Without a transport or air quality report it is not possible to confirm whether the proposed works would be considered acceptable in terms of the implications upon air quality in this area or not. This would be contrary to the aspirations of policy ENV5. This would also be contrary to policy DM29 of the Development Management Plan 2014 which requires major developments to submit an air quality assessment with their planning applications.
3. Essex County Council Economic Growth and Development section has identified deficit predictions and thus implications for the proposal upon early years and childcare, primary and secondary education. Whilst the applicants have agreed in principle to an education contribution they advise that they are not able at this stage to confirm an agreement to the figure as proposed by ECC. It is not possible for the Council to approve an application subject to a legal agreement with a financial contribution towards education provision without clear commitment from the applicants as to the precise amount that they would provide and whether such amount would mitigate the impact identified. A small site such as this has the potential to be unsustainable without clear adherence to policy requirements which look to seek infrastructure to support the provision of

new dwellings as identified within policies CLT1, CLT2 and CLT3 of the Core Strategy 2011.

4. The design of the proposed development, by virtue of its bland, uninspiring and outdated design, would not generate a positive enhancement to the town centre in this prominent location. It is considered that there is an opportunity at this site to construct a more unique and modern build which may positively enhance this part of the town centre. The proposal is considered to be contrary to the good, high quality design sought within policy CP1 of the Core Strategy 2011 and part (ix) to policy DM1 of the Development Management Plan 2014 which seeks to promote visual amenity.

3.2 15/00457/FUL - Demolition of existing buildings and construction of 36 No. two-bed flats with ancillary parking and amenity space. WITHDRAWN.

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

1. The design of the proposed development is considered to be contrary to the good, high quality design sought within policy CP1 of the Core Strategy 2011 and part (ix) to policy DM1 of the Development Management Plan 2014 which seeks to promote visual amenity.
2. It is considered that the proposed secondary block would generate unacceptable overlooking to No. 14 Finchfield which could not be sufficiently and reasonably controlled by planning condition and that the proposal would have a detrimental impact on the occupiers of No. 14 in terms of overlooking contrary to parts (x) and (ix) to policy DM1 and part (iv) to policy DM3 of the Development Management Plan 2014.
3. The site is located within a Critical Drainage Area (ROC6 - Rayleigh East), as identified within the South Essex Surface Water Management Plan Phases II, III and IV (Final April 2012). Policy ENV4 of the Core Strategy requires all residential development over 10 units to incorporate run off control via Sustainable Urban Drainage Systems (SUDS) to ensure run off and infiltration rates do not increase the likelihood of flooding. The topography of the site creates an environment where surface water drainage requirements are significant to the site's drainage potential. The design and access statement indicates that all hard landscaped finishes would either be porous or would drain to a soakaway SUDS system. There has been no Flood Risk Assessment or proportionate risk assessment/drainage strategy submitted with the application to clarify that an acceptable system could be provided at the site. Without certainty there remains the possibility that the proposal may be considered to have a detrimental impact in terms of surface water flooding to this location. The ECC Flood and Water Management team as Lead Local Flood Authority object to the application due to the lack of detail on this matter. ECC raises

concern as to whether SUDs could be retrospectively fitted into the site layout and highlights that the Ministerial Statement of 18 December is a material consideration applying to this scale of development, hence it is for the developer to otherwise demonstrate that SuDS are inappropriate at a particular site.

3.3 16/00798/FUL - Demolish existing buildings and erect two three storey buildings comprising 41 No. two-bedroom flats with ancillary parking and amenity space. REFUSED.

1. The Flood Risk Assessment and Drainage Strategy submitted with this application does not comply with the requirements set out in Essex County Council's Outline Drainage Checklist.

The submitted FRA does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted FRA and SuDS Strategy fail to:-

- Use the most up to date guidance on climate change allowances following the EA update on climate change allowances in February 2016; we expect a climate change uplift of 40% (based on the upper end, 90% percentile estimates) to be applied on rain fall intensities. This provides a more conservative drainage scheme.
- Provide further details on the hydraulic conveyance of surface water within the drainage scheme. The Preliminary SuDS/Surface Water Drainage Strategy drawing no. 162280-001 shows a series of lined permeable paving structure with overflow connections to catch-pits and underground sewer network. It also shows the off line geo-cellular attenuation system in the south-east corner of the site. The layout suggests the run off collected along the south western permeable block flows directly to the out fall manhole along the east without getting into the offline storage? This therefore raises concern that with the current layout, not all of the run off within the development will be attenuated before being discharged at a controlled rate.
- Further information should be submitted showing clearly how the water is conveyed through the SuDS features (and the attenuation storage), including the support of survey data and invert levels of the drainage features.
- Provide further information on the treatment of run off from all parts of the development. The layout suggests the permeable blocks will be serving the car parking areas alone and not the main access road into the development. Clarity should be provided as to how the treatment is provided for the access road.

4 CONSULTATIONS AND REPRESENTATIONS

Rayleigh Town Council

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

ECC Archaeology

- 4.2 The proposed development lies within an area of potential archaeological interest. The site lies immediately to the south of the medieval town (EHER 13575), within an area that may contain information on activities that happened on the periphery of the town.

In view of this the following recommendation is made in line with the National Planning Policy Framework. Recommendation: Full condition

'No development or preliminary ground works of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority'.

The work will comprise archaeological evaluation by trial trenching, which may be followed by open area excavation if significant features are found. A professional archaeological contracting team should undertake any archaeological work. An archaeological brief outlining the methods of investigation can be issued from this office (on request) and there would be a cost implication for the developer.

ECC Historic Environment

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

ECC Education

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

ECC Local Lead Flood Authority

4.5 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a do not object to the granting of planning permission based on 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:-

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

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

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 rainfall events and may lead to increased flood risk and pollution hazard from the site.

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

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

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.

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

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.

RDC Engineers

- 4.6 Access to the site is not via a publicly adopted highway.

Public foul sewer is within Eastwood Road.

Public surface water sewer is available in the private road, but may have limited spare capacity.

RDC Environmental Services

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

RDC Housing

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

RDC Environmental Protection

4.9 Environmental Health accepts the findings of the air quality assessment accompanying the application and reports that if Members are minded to approve the application the following condition should be attached to any consent granted:-

1. Details of a sound insulation scheme for the development shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed works shall be fully implemented prior to the commencement of any use hereby permitted and shall be maintained in the approved form while the premises are in use for the permitted purpose.

Informative: In order to prepare the scheme referred to in the above condition, the applicant will need to make an assessment of a) the existing background noise levels at the site, taking into account the permitted hours of operation; b) the noise levels likely to be generated from activities at the premises (including the use of any amplifying equipment, music, singing, dancing or other activity); c) any proposed method of ventilation/extraction. The acoustic report accompanying the recent planning permission granted for 12-26 Eastwood Road, Rayleigh should be of significant use in this regard.

RDC Arboriculture

- 4.10 Beyond the north-west boundary, situated within Castle Road car park, is a group of ash trees rooted against the existing palisade fencing. The trees are not particularly attractive and at present require minor routine management by RDC. If the new proposal is permitted there would be a further demand to manage these trees on a cyclical basis due to the proximity, vigorous growth from this particular species and the nuisance that is caused from tree debris, branch boundary encroachment and occasional deadwood.
- 4.11 I would recommend, if development is permitted, that the applicants have these trees removed at their own cost, which is to be arranged and managed by RDC Woodlands Section. Suitable replacement landscaping features are to be detailed on the landscaping plan situated along the north western boundary of the site to offer amenity and screening whilst not causing a significant nuisance to the new occupants. Occasional trees or shrub features would suffice to break the hard landscape of the proposal.

NEIGHBOURS

- 4.12 Representations have been received from the following six addresses:-
- 14 Finchfield
- Privacy and overlooking due to balconies. Trees on site are unlikely to remain due to size and overgrowing issues. Bike storage area - plans ambiguous; may encourage youths to loiter/create noise/anti-social

behaviour. Screening perimeter of site with 14 Finchfield. Object on the grounds of the extra traffic and air pollution this will bring. Also the local businesses would be disregarded.

9 Daws Heath Road

- Unhappy with over-development in Rayleigh, which is already over populated and services are stretched, i.e. doctors, schools. Dissatisfied with the level of pollution in Rayleigh, especially on the main walkway to the town centre, station, school and doctors for myself and family.

9 Broad Oak Way

- I walk my children to school down Eastwood Road each day and I am extremely concerned about the levels of pollution that we encounter each and every day. My children are young and I am really troubled that extra development is being considered when they are breathing in over limit fumes at such a young age, which will affect them for life. In general, as we all know, there is far too much traffic in the town centre and this will only exacerbate it. I urge you to reconsider as I really do not want to start driving my children to school and add to the problem.

6 The Courts

- These flats are going to cause even more congestion, and judging by the number of units, this is a clear case of cramming as many units as you can get into a given space for maximum profit. I am totally against this development.

21 Jubilee Road

- Rayleigh Town is a gridlocked town for the most part and to provide 41 more homes so close to the town could generate the possibility of 80 more vehicles close to the town. I personally do not consider it sensible to do this without another exit to a main road. To come out from the area to Eastwood Road will cause even more problems and congestion than is already there during the day.

56 Oakley Avenue

- Strongly disagree with this; this has to have been put forward by people who don't live in the local area, as they'd know about the traffic jams there have been since they put the other 200+ houses where the old energy building was. Aren't 750 new houses including the ones I just mentioned not enough? This over-development is unacceptable. If you can't do anything about the infrastructure then this should be built somewhere else where the infrastructure isn't being stretched beyond breaking point.

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), the Development Management Plan (2014) and the Rayleigh Centre Area Action Plan (2015).

Principle of Residential Use

- 5.3 Whilst the site is designated as being within the town centre of Rayleigh on the Allocations Plan Policies Map it is not specifically designated in any other way, i.e., neither residential nor employment.
- 5.4 Policy ED1 of the Core Strategy advises that the Council will support the protection and enhancement of the role of small and medium sized businesses. There are various existing businesses located on this small business estate which would be lost to the proposed development.
- 5.5 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 B1 light industrial, B2 general industrial and D2 assembly and leisure uses.
- 5.6 Policy RTC4 of the Core Strategy seeks to ensure that Rayleigh town centre's role as the District's principal town centre is retained through the production and implementation of an Area Action Plan which delivers among other things a predominance of retail uses, a range of evening leisure uses and promotes provision of community facilities. The existing businesses on this site are considered to currently provide such facilities.
- 5.7 The Rayleigh Centre Area Action Plan (RCAAP) seeks new opportunities for retail development or other town centre uses together, supported by, or contributing to appropriate town centre environmental improvements, which will help to strengthen the town's role as Rochford District's principal town centre. The loss of existing businesses without replacement with any further commercial uses would not help to achieve this wider policy vision for the town centre.
- 5.8 However, it should be noted that part of the vitality and viability of a town centre includes people living within such a centre supporting town centre uses. This proposal would enable residents to live and contribute towards sustainable town centre living. Whilst the policies within the RCAAP have aspirations to promote retail, restaurant/café, leisure, cultural and community

uses the application site is not allocated for employment use. Nor was it allocated as primary or secondary frontage. The RCAAP does not allocate the site for any specific uses. It should also be noted that a site known as King George's Court, on Eastwood Road close to the application site, grappled with the same issue in the late 1990s (reference F/0631/97/ROC). This application went to appeal and the Inspector allowed the appeal and granted permission for the flatted scheme accepting the loss of the retail units that existed on the site. Costs were also awarded to the applicant in relation to the retail loss argument of the appeal.

- 5.9 Given that the site is not allocated specifically for employment use and the other matters highlighted above, it is considered that there is not strong policy support for retention of employment uses at this site and that the Council would not be justified in refusing planning permission for the loss of employment uses here. Furthermore, it should be noted that the loss of employment uses here did not represent a reason for refusal in either of the previous applications.
- 5.10 Residential use of the site is considered acceptable in principle; this was the view taken in respect of the other recent applications at the site. Whilst the Council has a 5 year supply of sites for housing, the development of this site would be regarded as a windfall site, providing additional housing within the District on a brown field, previously developed site.
- 5.11 Whilst the principle of residential use of the site is accepted there are other policy considerations that must be considered in respect of this proposed new use.

Design and Layout

- 5.12 Residential re-development must relate well to the existing street pattern, character of the locality and surrounding context as well as be an appropriate density. Policy H1 does encourage an appropriate level of intensification within town centre areas, where higher density schemes (75+ dwellings per hectare may be appropriate. At 0.36 ha and with 41 dwellings proposed this would equate to a density of 112 dwellings per hectare. This density is considered acceptable within a town centre location and for a flatted development. This density was also considered acceptable in previous applications.
- 5.13 Policy CP1 of the Core Strategy advises that the Council will promote good, high quality design that has regard to local flavour. The design of the 2014 scheme, which used elements taken from the King George's scheme built in the 1990s, was refused as it was considered to be out of date, bland and uninspiring and would not generate a positive enhancement to the town centre in this prominent location. It was considered that at this site there was an opportunity to construct a more unique and contemporary build, which would positively enhance this part of the town centre.

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- 5.14 The proposed scheme has been designed to be in keeping in terms of scale and massing in relation to the town centre location and the surrounding buildings whilst providing a more contemporary appearance. The proposed blocks are predominantly three storey with the height reduced at the southern end in respect of nearby residential properties. Within the blocks there would be four storey elements located in prominent focal positions in line with view points across the site.
- 5.15 A 360 degree design approach has been adopted to ensure that all elevations of the buildings present an attractive façade to the public realm. All elevations are therefore fenestrated, save for the eastern elevation to block B, which would directly face the side elevation of a neighbouring building. Windows and doors are positioned with a degree of symmetry and large expanses of blank flank wall have been avoided. Window size and shape vary to add interest to the appearance of the buildings.
- 5.16 The site topography slopes down from west to east and this constraint has influenced the design approach. The buildings have been broken down into various elements to sensitively deal with the site gradient. Although the flatted blocks are significant in scale, particularly block A, each elevation contains set backs and protrusions and variation in heights such that even the longest elevation appears broken up visually.
- 5.17 Roofing comprises a mix of more traditional pitches alongside more modern flat roofed sections, which generally provide for roof terraces; in addition, a series of slanted roofs is used and the combination is considered to work effectively. Variation in external finishing materials proposed acts as a visual break to otherwise extensive elevations. In some areas 3 storey glazed entrance ways and large double height glazed sections also add interest. External materials have been indicated and include external brick work, composite weather boarding in a green and pearl colour, ivory render and anthracite roof tiles. The overall design approach draws on materials and the scale of buildings in the vicinity, but adopts a unique design style which suits this town centre location where innovation in design is to be welcomed, providing variety and visual interest in the town centre.
- 5.18 The view of the site from the public car park is currently of low level commercial buildings. It is not considered that a greater degree of height and scale at the site would have a detrimental impact on visual amenity when viewed from the car park. The residential scheme would actually provide a degree of security for the car park in terms of overlooking. New soft landscaping along the western and north-western boundaries will soften the appearance of the site when viewed from the adjoining public car park. A pedestrian access is also proposed from the south-western corner of the site into the adjoining Castle Road car park. This proposal seeks to integrate the proposed development into its surroundings and is a welcome addition to the scheme. This pedestrian access will enable occupants to access the western

end of the high street via an alternative route and will enable easy use of the Council car park by visitors to the site.

- 5.19 In terms of layout the proposal works effectively with a somewhat awkwardly shaped site. The position of the flatted blocks has sought to maximise separation with surrounding residential development. Block B closest to No. 14 Finchfield has been reduced in scale adjacent to the southern boundary and the elevation does not extend across the rear garden boundary of this neighbouring property.
- 5.20 The layout achieves well laid out communal amenity spaces and opportunity for soft landscaping. The entrance to the site off Eastwood Road would incorporate tree planting which would extend either side of the shared surface which accesses parking within the site.
- 5.21 The modern design of the buildings, attention to detail on all elevations and scope for soft landscaping within the site will ensure that the proposed development contributes positively to the surrounding environment in accordance with policy DM1. The proposal has taken opportunities to increase connectivity for pedestrians with the proposed pedestrian access to the south-west corner and forms a positive relationship with existing buildings. The scale and form of the development proposed is considered appropriate in this town centre location. Overall, the proposal is considered to represent high quality design in accordance with policy DM1.
- 5.22 The site is not within the Rayleigh Conservation Area and also does not directly border it; the closest part of the site to this designated area is the access onto Eastwood Road which lies a short distance from the south-western boundary of King George's Playing Field which is included in the Conservation Area. The proposal would remove a group of buildings which do not contribute positively to the setting of the Conservation Area and it is considered that the proposed re-development would be an improvement and would not impact adversely on the character and appearance of the Rayleigh Conservation Area.

Landscaping

- 5.23 Whilst some details of soft and hard landscaping and boundary treatment have been provided, precise details including surfacing materials and species of tree to be planted, could be controlled by planning condition. The density of the proposals, combined with the back land/service yard environment, will heavily rely on a suitably detailed landscape plan to improve the setting of the proposed flats. Therefore, a particularly good quality scheme would be required to soften what is quite a hard landscaped scheme due to the density proposed. The site layout plan indicates proposed tree planting around boundaries and within the site, which should soften the site for the visual benefit of occupants and the wider public. Parking on site is broken up by tree

and shrub planting to ensure that large unattractive swathes of hard surface will not result.

Amenity Space

- 5.24 SPD2 requires flats to be provided with access to suitable amenity space. For flats, when built, the standard is a minimum balcony area of 5m², with the ground floor dwelling having a minimum patio garden of 50m²; or the provision of a useable communal garden of 25m² per flat; however, these two methods for flats may also be combined.
- 5.25 The ground floor flats of Block A would all be provided with doors leading onto a small paved patio area and would also have access to communal areas along the boundary of the site and to amenity areas adjacent to the parking area in front of the northern wing of the block. This would result in each ground floor flat having access to at least some of their own terraced space, although not the 50m² minimum patio area sought by SPD2. However, additional amenity value would be provided by the communal landscaping to the north of the block. Together with the amenity areas adjacent to the parking area, this is considered to result in a suitable level of amenity provision. Furthermore, the site is within a short walk of the King George's Playing Field.
- 5.26 The upper floor flats of Block A would all be provided with balconies with most flats having access to two balconies. Flat numbers 12 and 23 would be provided with a single balcony providing the minimum 5m² required, with all other flats exceeding this figure. Seven of the flats on the second floor would be provided with some accommodation on the third floor with access to additional roof terraces up to 40m² in extent.
- 5.27 Block B would be provided with a communal amenity area to the rear of the block approximately 80m² in extent easily accessible for the ground floor flats. Flat numbers 37 and 38 on the first floor would have access to balconies of a minimum 5m² area. Flat 39 would have an internal staircase leading to a second bedroom on the second floor with both bedrooms having access to a balcony. The second floor flats, numbers 40 and 41, would have second floor balconies and access to internal and external amenity areas at third floor level.

Dwelling Mix

- 5.28 Policy H5 of the Core Strategy requires new developments to have a mix of dwelling types. The proposal, consisting of two-bedroom flats only, would be contrary to such policy. However, in a flatted scheme it would only be the inclusion of one-bedroom units that could assist in generating a mix within this form of scheme. Two-bedroom flats would attract couples, small families and even individuals who may wish to rent out the spare bedroom. The proposal is thus considered to still enable a mix of potential occupiers and it is not considered that the inclusion of only two-bedroom units would represent a

justified reason for refusal here. All previous schemes have proposed only 2-bed units at the site and no objection has previously been raised in respect of this.

Technical Housing Standards

- 5.29 The Ministerial Statement of 25 March 2015 announced changes to the Government's policy relating to technical housing standards and introduced a new national space standard. The Department for Communities and Local Government Technical Housing Standards – Nationally Described Space Standards (March 2015) supersedes policy DM4 – Habitable Floor Space for New Developments contained within the Council's Development Management Plan (2014). As Rochford District Council has an existing policy relating to internal space (policy DM4) compliance with the new national space standard can be sought.
- 5.30 Each proposed flat is therefore required to meet at least the minimum gross internal floor space and minimum storage requirements to cater for the reasonable needs of future occupiers and ensure new dwellings in the District are fit for purpose.
- 5.31 The proposed development consists of 33 two-bedroom/three person units and 8 two-bedroom/four person units. The standard sets out that those apartments should have minimum gross internal floor areas of 61m² and 70m² respectably and to include at least 2m² of built in storage space. The apartments have been designed to meet this standard. Proposed ceiling heights also achieve the minimum height of 2.3m.
- 5.32 The following is a table of the individual apartments, their gross internal floor spaces and compliancy.

Plot Number(s)	Type	Area m ²	Area Compliant	Storage Compliant
1-7, 12, 34-36	2-bed/3 person	61	Yes	Yes
11,22, 33, 39	2-bed/3 person	62	Yes	Yes
40	2-bed/3 person	63	Yes	Yes
13-16, 18, 25, 29	2-bed/3 person	64	Yes	Yes
10, 37	2-bed/3 person	66	Yes	Yes
41	2-bed/3 person	67	Yes	Yes

Plot Number(s)	Type	Area m ²	Area Compliant	Storage Compliant
8-10, 17, 20-21, 31	2-bed/3 person	69	Yes	Yes
38	2-bed/4 person	70	Yes	Yes
23	2-bed/4 person	74	Yes	Yes
19,30	2-bed/4 person	78	Yes	Yes
26	2-bed/4 person	82	Yes	Yes
32	2-bed/4 person	85	Yes	Yes
24	2-bed/4 person	92	Yes	Yes
28	2-bed/4 person	99	Yes	Yes

Sustainability

- 5.33 The Ministerial Statement (referred to above) also introduced changes to rationalise other existing standards and introduced new additional optional Building Regulations on water and access.
- 5.34 Rochford has existing policies relating to access and water efficiency (policy H6 of the Core Strategy) and (policy ENV9 of the Core Strategy) respectively and can therefore require compliance with the new optional Building Regulations.
- 5.35 All of the proposed dwellings would therefore be required to comply with the national water efficiency standard, as set out in part G of the Building Regulations (2010) as amended. A condition would be recommended to require compliance with this Building Regulation requirement if the application were to be recommended for approval.
- 5.36 Until such time as existing Policy H6 is revised, this policy must be applied in light of the Ministerial Statement which introduced a new technical housing standard relating to access. Consequently 3 per cent of all new housing developments of 30 dwellings or more are required to achieve the optional building regulation requirement relating to wheelchair access (Part M), unless such a proportion can be shown to threaten the viability of a particular development, in which case a lower proportion may be considered. For the proposed scheme, 2 dwellings should be built to full wheelchair accessibility standards and a condition to require this would be recommended if the application were to be recommended for approval.

- 5.37 In light of the Ministerial Statement, which advises that planning permissions should not be granted subject to any technical housing standards other than those relating to internal space, water efficiency and access, the requirement in policy ENV9 that a specific Code for Sustainable Homes level be achieved and the requirement in policy HP6 that the Lifetime Homes standard be met are now no longer sought.
- 5.38 Policy ENV8 of the Core Strategy requires developments of five or more dwellings to secure at least 10% of their energy from decentralised and renewable or low carbon sources, unless this is not feasible or viable. The application has not been accompanied by information that relates to this requirement; however, it is considered that compliance with this policy requirement could be achieved and a planning condition would be recommended to secure this if the application were to be recommended for approval.

Parking

- 5.39 The Parking Standards: Design and Good Practice Supplementary Planning Document adopted in 2010 requires dwellings with two bedrooms or more to have a minimum of two parking spaces. In addition, the document requires a minimum of 0.25 visitor parking spaces per dwelling (unallocated). As the proposal is for 41 flats this would require 82 spaces to serve the dwellings, together with a further 11 visitor parking spaces; a total of 93 spaces.
- 5.40 The proposal would provide 42 vehicle parking spaces with one space per dwelling and one visitor space across the development. This general level of on site parking provision has been considered appropriate for the site within all previous applications. In order to improve the landscaping scheme and given the site's sustainable location the minimum parking space standard being 2.5m x 5.0m would be appropriate for this development.
- 5.41 3 disabled bays should be provided and these could be achieved within the layout and required by planning condition if the application were to be recommended for approval.
- 5.42 The Parking Standards document advises that a lower provision of parking spaces may be appropriate in urban areas where there is good access to alternative forms of transport. The site is considered to be in a sustainable location within Rayleigh town centre with good access to public transport. It is also adjacent to the Castle Road public car park and close to Websters Way car park.
- 5.43 ECC Highways raised no objection to the level of on site parking proposed in respect of the earlier applications and much the same level of on site parking is now proposed. The Council did not refuse any of the earlier applications for reasons relating to car parking provision and there is considered to be no policy or other justification for taking a different view in respect of this now.

The proposed pedestrian link to the public car park adjoining the site would enable very ready use of this for visitors to the site. The proposal would provide for one resident space per flat, which is considered acceptable in this town centre location.

- 5.44 The proposal would also provide three cycle storage areas located in positions accessible to the apartment entrances. No details have been provided relating to these areas; however, details relating to the design and capacity of these cycle facilities could be secured by condition. Whilst the parking standard states that 1 cycle parking space per dwelling and 1 additional space per 8 dwellings is needed for visitors this would equate to 47 spaces. It is considered that the three cycle areas proposed could provide for a reasonable level of on site storage provision to effectively serve the development.
- 5.45 The access road would meet the requirements for site access for refuse collection vehicles and fire tenders.
- 5.46 In addition, it is noted that the loss of one on site parking space closest to the southern boundary adjoining No. 14 Finchfield could enable a robust landscaped buffer to be provided immediately adjacent to this boundary, possibly including appropriate tree planting to provide a degree of screening. It is officers' view that this change would be beneficial to the proposal and would recommend a planning condition to require this change if the application were to be approved. The loss of the single visitor space proposed would not be harmful, given that even with this most visitor parking would be required to be within nearby public car parks.

Refuse and Recycling

- 5.47 The Council's guidance for refuse storage and collection provision within residential layouts is set out in appendix 1 to the Development Management Plan 2014. The development would be provided with three communal bin storage areas which would be accessible to refuse collection vehicles.
- 5.48 The Council's waste team has previously advised in respect of the 42-bed scheme that the refuse and recycling requirements would be as follows: 12 x 1100 litre bins and 3 x 140 litre bins. There would be space within the proposed layout to accommodate this necessary level of storage.
- 5.49 There are no elevation plans provided for the bin enclosures, but details of these enclosures would be required by the imposition of a planning condition.

Amenity

- 5.50 The residential dwellings located close to the scheme include No. 14 Finchfield, a bungalow to the rear (south east) of Block B and Britton Court also located to the south east of the site.

- 5.51 As with the previous applications, the occupiers of No. 14 Finchfield have raised an objection to the proposal in relation to the impact on the enjoyment of their property. The design of the development has been altered from earlier proposals such that main windows and balcony areas that are close to this property have been orientated to provide direct views away from this dwelling. The flatted block closest to No. 14 would now not extend across the rear garden boundary of this neighbouring dwelling as was the case in previous refused schemes. In addition, a greater degree of soft landscaping within the site is advised and could be secured by condition, as set out in paragraph 5.46, to increase privacy for the occupants of No. 14.
- 5.52 The flatted development of Britton Court wraps around the application site and both Block A and Block B could have a potential impact upon Britton Court. Whilst Britton Court is not as great in scale and height as the proposed blocks, it is not considered that the blocks would have an overbearing impact upon the occupiers of the existing building. No objection has previously been raised in respect of the relationship between proposed and existing residential development within Britton Court. There is considered to be no justifiable reason to change the view on this now.
- 5.53 The proposed blocks would be located in close proximity to commercial premises. It is not considered that the proposal would be detrimental to the occupiers of any adjacent commercial building.

Trees and Ecology

- 5.54 There are virtually no trees on site although there are a number of trees established on adjacent land. The Council's Arboricultural Officer advises that beyond the north-west boundary, situated within Castle Road car park, is a group of ash trees rooted against the existing palisade fencing. He explains that the trees are not particularly attractive and at present require only routine maintenance. It is recommended that if the development were to be permitted the applicants should have these trees removed at their own cost.
- 5.55 A bat survey has been submitted which confirms that bats are not reasonably likely to be present on the site. The Natural England Standing Advice suggests that on previously developed land (brown field sites) there is the potential for breeding birds, reptiles, invertebrates and protected plants to be present. However, the site is virtually entirely hard surfaced and it is not considered likely that such species would be present on this particular site.

Surface Water and Flood Risk

- 5.56 The site is within Flood Zone 1, which is land at the lower risk of flooding and where residential development is appropriate. The proposal would comply with policy ENV3 relating to flood risk.

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- 5.57 Policy ENV4 requires developments of 10 dwellings or more to incorporate run off control via Sustainable Urban Drainage (SuDS) to ensure run off and infiltration rates do not increase the likelihood of flooding.
- 5.58 The site is sloped and therefore the topography of the site creates an environment where surface water drainage requirements are significant to the site's drainage potential. The site is also located within a Critical Drainage Area (ROC6-Rayleigh East), as identified within the South Essex Surface Water Management Plan Phase II, III and IV (2012).
- 5.59 The applicant has submitted a site specific Flood Risk Assessment and SuDS Strategy. The site is already entirely hard surfaced or covered by built development so it is not considered that there would be an increase in run off emanating from the proposed development. The report calculates that the existing development would generate a surface water run off rate of 48.7litres/sec when subject to a rain fall event with a 50mm per hour rain fall intensity. The Strategy states that, post development, the discharge rate would be reduced by 50% to 24.35litres/sec.
- 5.60 The SuDS Strategy would incorporate a variety of measures. The parking areas would be constructed of lined permeable paving with 200mm deep granular drainage reservoir below. Surface water run off would be contained with an underground geo-cellular storage system within the car park adjacent to the smaller apartment block. This storage basin would be 1.2m deep and covering an area of 4m x 15m. Above the basin would be a minimum 600mm deep cover. Run off out of the site would be restricted using a suitable flow control device.
- 5.61 The Lead Local Flood Authority at Essex County Council has considered the submitted information and raises no objection, subject to conditions being imposed to require precise details of the surface water drainage scheme to be agreed and implemented prior to any occupation and to require on going maintenance to be agreed and carried out. The site would be required to achieve, as a minimum, a 50 per cent lower surface water run off rate than currently runs off the site, achieved in part by holding back a greater proportion of surface water in underground storage at the site. As a result of this the proposed re-development will achieve betterment in respect of surface water run off rates to the benefit of the locality. The proposed re-development would not increase the risk of flooding elsewhere and would comply with policy ENV4.

Air Quality and Noise

- 5.62 Policy ENV5 of the Core Strategy states that new residential development will be restricted in Air Quality Management Areas (AQMA). The site is accessed via part of Rayleigh, which lies within the AQMA for Rayleigh town centre; this area includes the section of Eastwood Road from the High Street to Daws Heath Road. The AQMA is required because the annual average level of

nitrogen dioxide is above that permitted and the Council must take steps to reduce this where members of the public are present in order to protect their health.

- 5.63 Whilst the application site is outside the AQMA, and therefore residential development would not in principle be refused under policy ENV5, due to its proximity to the AQMA and accessibility directly from the AQMA, it would have direct implications on the AQMA.
- 5.64 An air quality assessment has been submitted with the application. The assessment models the potential impact of nitrogen oxides (NOx) and particulate matter (PM10). In addition to this the assessment also assessed the potential impact on local air quality from demolition and construction activities at the site.
- 5.65 The assessment considered the impact on NOx and particulate matter levels to be minimal. In terms of the impact from construction activities the assessment considered that these can be reduced to negligible through appropriate mitigation measures which are listed in Table 16 of the report. With mitigation the likelihood of nuisance dust episodes occurring at those receptors adjacent to the development site are considered low. Such mitigation could be controlled by planning condition.

Contamination

- 5.66 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.

Lighting

- 5.67 Policy DM5 of the Development Management Plan requires that applicants should take into consideration the environmental zone where a development is being proposed and the corresponding lighting thresholds. The site is considered to fall within Environmental Zone 3. Lighting proposals in this zone are only permitted if the applicant can demonstrate that the scheme proposed is the minimum needed. This could be controlled by condition.

Affordable Housing

- 5.68 Policy H4 of the Core Strategy seeks at least 35% of dwellings on all developments of 15 or more units to be affordable. However, such quantity can be relaxed where the developer is able to demonstrate that 35% provision would be economically unviable, rendering the site undeliverable. As the proposed development is for 41 units this would equate to a need to provide 15 affordable dwellings. The policy aims for 80 per cent affordable to be rented and 20 per cent to be intermediate (shared-ownership).

- 5.69 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 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.’
- 5.70 The proposal does not provide for any affordable housing. The applicant has provided a viability assessment for the scheme.
- 5.71 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 all associated costs of the development, including profit, to leave a residual sum representing the Residual Land Value. If the Residual Land Value is in excess of the Benchmark Land Value (the value of the undeveloped site) the scheme is considered able to viably provide planning contributions, up to an amount equal to the difference between the two figures. If the Residual Land Value falls below the Benchmark Land Value it could be considered unviable.
- 5.72 The applicants’ report concludes that the proposed development produces a Residual Land Value of £508,391 against a Benchmark Land Value of £1,552,000 and therefore the scheme is not viable at -£1,043,609.
- 5.73 As is usual practice, the Council commissioned an independent assessment of the applicants’ 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 £1,733,159, set against a Benchmark Land Value of £1,125,00 and thus a surplus of £608,159 is achieved indicating that the provision of some affordable housing would be viable.
- 5.74 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.

Education

- 5.75 Policy CLT1 of the Core Strategy explains that the Council will require developers to enter into legal agreements in order to secure planning obligations to address specific issues relating to developments. Policies CLT2 and CLT3 of the Core Strategy expand on the general CLT1 requirement focusing on primary education, early years and childcare facilities and

secondary education, explaining that developer contributions may be required.

- 5.76 Essex County Council has reviewed the situation in relation to early years and childcare, primary and secondary provision within the proximity of the site and decided not to request an educational contribution for the proposed development.

Open Space and Play Space

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

6 CONCLUSION

- 6.1 The proposal has been well designed and achieves many of the Council's policy objectives. The site is within a sustainable town centre location and the 41 flats proposed would contribute to housing need. However, a very important part of housing delivery is the delivery of affordable dwellings where viable. The applicants' 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 and 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 reason:-

1. The proposed development of 41 units does not provide any affordable housing. The applicants' 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 and Regeneration Services

Relevant Development Plan Policies and Proposals

Policies H1, H4, H5, H6, CP1, ENV1, ENV3, ENV4, ENV5, ENV8, ENV9, ENV11, CLT1, CLT2, CLT3, CLT5, CLT6, CLT7, T1, T2, T3, T4, T6, T8, ED1 and RTC4 of the Core Strategy 2012.

Policies DM1, DM2, DM3, DM4, DM5, DM9, DM25, DM27, DM28, DM29, DM30 and DM31 of the Development Management Plan 2014.

Allocations Plan.

Rayleigh Centre Area Action Plan 2015.

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

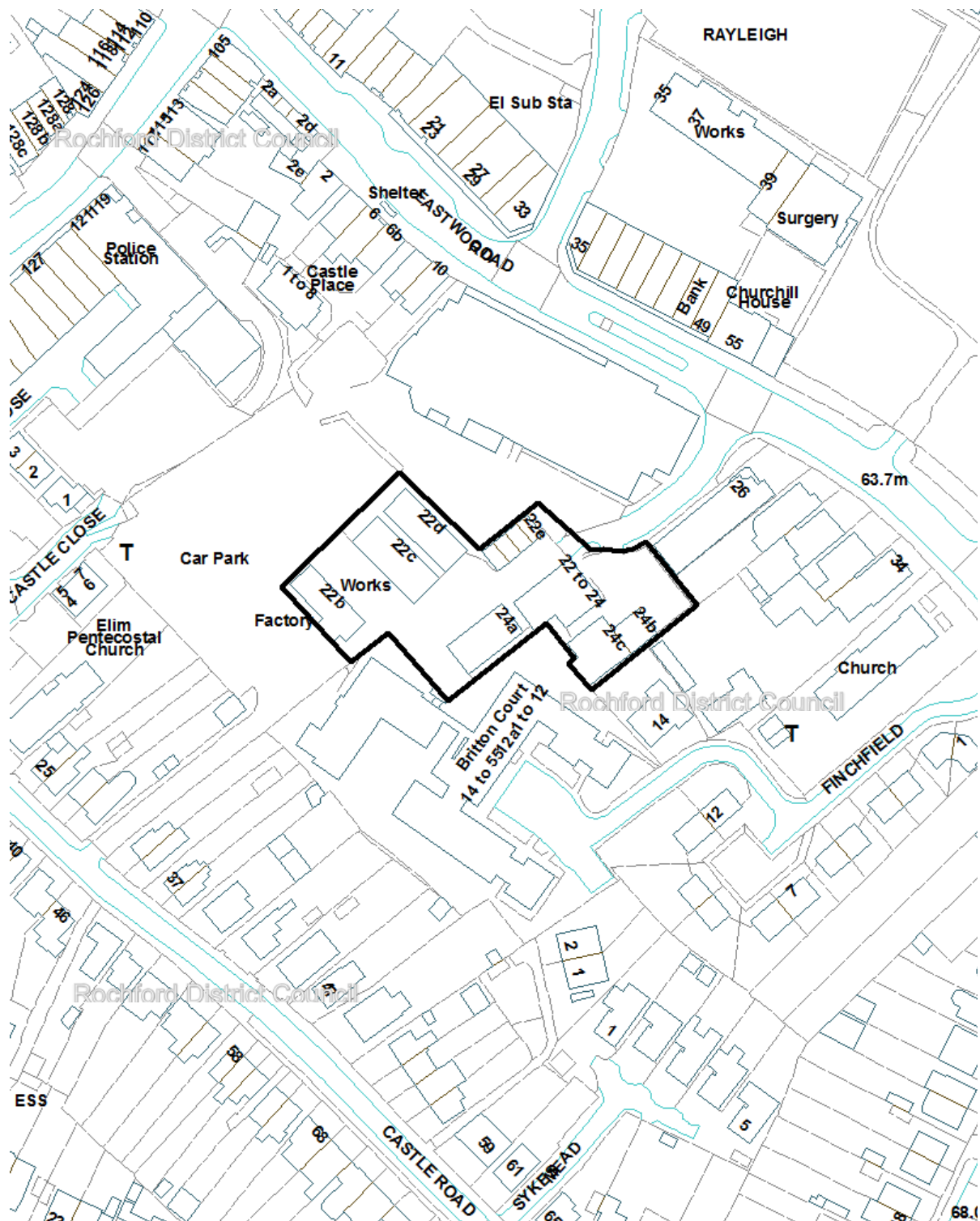
For further information please contact Robert Davis on:-

Phone: 01702 318039

Email: Robert.davis@rochford.gov.uk

If you would like this report in large print, Braille or another
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