



Rochford District  
Council

<b>APPLICATION NO.</b>	23/00248/REM
<b>ADDRESS</b>	Cherry Orchard Brickworks, Cherry Orchard Lane, Rochford
<b>APPLICATION DETAILS</b>	Application for approval of details (reserved matters) relating to layout, landscaping, scale, appearance and access (internal) for the development of 32no. over 55s retirement apartments, 22no. over 55s dwellinghouses, 9no. over 55s bungalows, 30no. assisted living apartments, 34no. sheltered apartments, 93 Bed Care Home Units, a GP surgery (105m <sup>2</sup> ), convenience store (200m <sup>2</sup> ) and commercial units (700m <sup>2</sup> ) pursuant to outline planning consent reference 17/00877/OUT.
<b>APPLICANT</b>	Mr Neil Ryan Cherry Orchard Homes and Villages Ltd.
<b>ZONING</b>	Joint Area Action Plan / Business Park
<b>PARISH</b>	Rochford Parish Council
<b>WARD</b>	Roche South

## REPORT SUMMARY

The officer report has considered the material considerations pertaining to the matters for consideration by this reserved matters application, namely layout, landscaping, scale, appearance and internal access.

## RECOMMENDATIONS

It has been necessary to revise the description of the development proposed and undertake re-consultations and notifications. The outstanding consultation period expires on the 24<sup>th</sup> November 2023 the day after the date of this committee.

The applicant has advised of contractual obligations necessitating a decision at this meeting that are time critical and may otherwise threaten the project. Given the absence of significant response to this application so far and that the application is for reserved matters with the broader principles having been established by the granting of outline permission previously, **the RECOMMENDATION is that the Director of Place be delegated to APPROVE** the application on the expiry of the outstanding consultation period and subject to the following conditions;

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this approval.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The developed hereby approved shall be constructed in accordance with the following approved plans:-

001 REV P2 – Location Plan

002 REV 02 – Existing Site Plan

200 REV P12 – Proposed site Plan

202 REV P6 – Proposed Parking Plan

207 REV P1 – Levels Plan

260 REV P4 – Care Home Proposed Basement Plan

261 REV P3 – Care Home Proposed Ground Floor Plan

262 REV P3 – Care Home Proposed First Floor Plan

263 REV P2 – Care Home Proposed Second Floor Plan

264 REV P3 – Care Home Proposed Third Floor Plan

265 REV P3 – Care Home Proposed Roof Plan

266 REV P3 – Care Home Proposed Elevations 1 of 4

267 REV P3 - Care Home Proposed Elevations 2 of 4

268 REV P2 – Care home Proposed Elevations 3 of 4

269 REV P3 – Care Home Proposed Elevations 4 of 4

290 – Care Home Proposed Sub-station

291 REV 02 – Care Home Proposed Bin Store

210 REV P1 – Band Stand Plan and Elevations

233.1 REV P2 – Proposed Elevations Block 1

233.2 REV P3 – Proposed Elevations Block 2

233.3 REV P3 – Proposed Elevation Block 3

233.4 REV P3 – Proposed Elevations Block 4

233.5 REV P3 – Proposed Elevations Block 5

234.1 REV P2 – Proposed Ground Floor Plan Block 1

234.2 REV P2 – Proposed First Floor Plan Block 1

234.3 REV P2 – Proposed Second and Third Floor Plan Block 1

234.4 REV P1 – Proposed Roof Plan Block 1

234.B REV P3 – Proposed Basement Plan

235.1 REV P3 – Proposed Ground Floor Plan Block 2

- 235.2 REV P2 – Proposed First Floor Plan Block 2
- 235.3 REV P2 – Proposed Second and Third Plan Block 2
- 235.4 REV P1 – Proposed Roof Plan Block 2
- 236.1 REV P3 – Proposed Ground Floor Plan Block 3
- 236.2 REV P2 – Proposed First Floor Plan Block 3
- 236.3 REV P2 – Proposed Second and Third Floor Plan Block 3
- 236.4 REV P1 – Proposed roof Plan
- 237.1 REV P4 – Proposed Ground Floor Plan Block 4
- 237.2 REV P2 – Proposed First Floor Plan
- 237.3 REV P2 – Proposed Second and Third Floor Plan Block 4
- 237.4 REV P1 – Proposed Roof Plan Block 4
- 238.1 REV P2 – Proposed Ground Floor Plan Block 5
- 238.2 REV P2 – Proposed First Floor Plan Block 5
- 238.3 REV P2 – Proposed Second and Third Floor Plan Block 5
- 238.4 REV P2 – Proposed Roof Floor Plan Block 5
- 238.5 REV P1 – Proposed Roof Plan Block 5
- 239.1 REV P1 – Proposed Front Link Elevation
- 239.2 REV P1 – Proposed Side Link Elevation
- 239 REV P1 – Proposed Rear Link Elevation
- 270 REV P2 – Housing Proposed Floor Plans and Elevations
- 271 REV P3 – End Housing Proposed Floor Plans and Elevations
- 272 REV P2 – Detached Bungalow Proposed Floor Plans and Elevations
- 273 REV P2 – Terraced Bungalows Proposed Floor Plans and Elevations
- 274 REV P1 – End Housing Proposed Floor Plans and Elevations
- 275.A REV P1 – Housing Proposed Alternative Floor Plans and Elevations
- 275 REV P1 – Housing Proposed Floor Plans and Elevations
- 276 REV P1 – Bin and Cycle Store Bungalows

REASON: In the interests of clarity.

- (3) Prior to the first use of the external materials to be used for the finish of the mixed use blocks and the care home, a detailed materials schedule which clearly depicts the external materials proposed to be used in the development and the exact location of each material, shall be submitted to and agreed in writing by the local planning authority. The materials schedule for the care

home shall detail additional materials to the courtyard facing elevations (depicted in drawing no. 268 REV P2 and 269 REV P3). The development shall be carried out in accordance with the agreed details and maintained in perpetuity.

REASON: To ensure the external appearance of the development is appropriate to the locality, the resultant buildings and promotes high quality design in accordance with Policy DM1 and DM3 of the Development Management Plan and the NPPF.

- (4) Notwithstanding the external materials indicated on drawing no. 233.5 REV P3, the roof access structures shall be finished in a thermos-glass material, details of which shall be submitted to and agreed in writing with the Local Planning Authority, (unless otherwise agreed in writing) and maintained as such in perpetuity.

REASON: To ensure the external appearance of the development is appropriate to the locality, the resultant building and promotes high quality design in accordance with Policy DM1 and DM3 of the Development Management Plan and the NPPF.

- (5) The external materials of the dwellings and bungalows depicted in drawing nos. 270 REV P2; 271 REV P3; 272 REV P3; 273 REV P2; 274 REV P1; 275.A REV P1; 275 REV P1; 276 REV P1, shall be constructed of the materials and finishes as detailed in those drawings and the materials schedule labelled 650 REV P2 and dated October 2023, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure the external appearance of the development is appropriate to the locality, the resultant buildings and promotes high quality design in accordance with Policy DM1 and DM3 of the Development Management Plan and the NPPF.

- (6) Prior to the first use of the external materials to be used in the finish of the substation and bin stores depicted in drawing nos. 290; 291 REV P2; 276 REV P1, details of the external materials to be used on these buildings shall be submitted to and agreed in writing by the local planning authority. The external materials shall include green roofs to each of the buildings. Such materials agreed, shall be those used in the finish of the substation and bin stores hereby permitted and be retained in the agreed form.

REASON: To ensure the external appearance of the development is appropriate to the locality, the resultant buildings and promotes high quality design in accordance with Policy DM1 and DM3 of the Development Management Plan and the NPPF.

- (7) The communal lounges depicted in drawing nos. 234.1 REV P2; 234.2 REV P2; 235.1 REV P3; 235.2 REV P2; 236.1 REV P3; 237.1 REV P4 shall be used for the sole purpose as a communal lounge and shall not be used for another purpose at any time.

REASON: To provide communal spaces for the health and well-being of the future residents for the long term.

- (8) Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Classes A, D and E (as amended), no extension shall be erected to any dwelling hereby approved or outbuilding constructed which would reduce the size of the approved parking spaces (or otherwise impede the ability of vehicles to park on the parking spaces) as shown on the approved layout plan Drawing Number 202 REV P6. The car parking spaces as shown on this aforementioned plan shall be maintained in their approved form in perpetuity.

REASON: To prevent excessive on-street parking in the interests of highway and pedestrian safety in accordance with policy DM30 of the Development Management Plan 2014.

- (9) Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Classes A, D and E (as amended), no extension shall be erected to any dwelling hereby approved or outbuilding constructed within the garden areas to plots 2, 20, 21, 22, 23, 24, 25, 26 and 27 as shown on the approved layout plan Drawing Number 202 REV P6. The garden areas to these plots as shown on this aforementioned plan shall be maintained in their approved form in perpetuity.

REASON: In the interests of ensuring sufficient garden space would remain for each dwelling/bungalow where these plots are already undersized in accordance with Policy DM1 of the Development Management Plan 2014.

- (10) Prior to first occupation of the two-storey dwellings depicted in drawing nos. 270 REV P2, 271 REV P3, 275.A REV P1 and 275 REV P1, obscure glazed high level (1.8m) privacy screening shall be installed to the side boundaries of all balconies. Thereafter the screening shall be maintained in perpetuity.

REASON: In the interests of preserving the residential amenity of the future occupiers of the dwellings in accordance with Policy DM1 of the Development Management Plan 2014.

- (11) Prior to first occupation of the units numbered S12, S13, S14, S15, S16, S17, S29, S30, S31, S32, S33, S34, A13, A14, A15, A16, A17, A18, R4, R5, R6, R7, R8, R9, R27, R28, R29, R30, R31 and R32, the windows marked as 'OBS' on drawing nos. 234.2 REV P2; 234.3 REV P2; 235.2 REV P2; 235.3 REV P2; 236.2 REV P2; 236.3 REV P2; 237.2 REV P2; 237.3 REV P2; 238.2 REV P2; 238.3 REV P2 shall be glazed in obscure glass and shall be of a design not capable of opening below a height of 1.7m from the finished floor level and maintained as such in perpetuity.

REASON: In the interests of preserving the residential amenity of the future occupiers of the apartments opposite in accordance with Policy DM1 of the Development Management Plan 2014.

- (12) Prior to the construction of any phase of the development hereby approved, a noise assessment including details of any mitigation identified as necessary, shall be submitted to the local planning authority and agreed in writing. The development shall be carried out in complete accordance with any recommendations and mitigation detailed within the agreed noise assessment. The agreed mitigation shall be installed prior to first occupation of the development and maintained in perpetuity.

REASON: In the interests of the residential amenity of the future occupiers of the site with regards to the nearby commercial allocated sites and other noise producing infrastructure in accordance with Policy DM1 of the Development Management Plan 2014.

- (13) Notwithstanding the parameters of the Town and Country Planning (Use Classes) Order 1987 (as amended), the commercial units depicted in the drawings hereby approved shall operate as follows:

- Block 1 – convenience food store and GP surgery
- Block 2 - within use classes E(a) and F1(b, c and d)
- Block 3 – within use classes E(a) and F1(b, c and d)
- Block 4 – within use classes E(a), E(b), E(e) and F1(b, c and d)

and shall not at any time be used for any other purpose.

REASON: In the interests of residential amenity, promoting active frontages and due to inadequate refuse storage for the other use classes permitted by the outline consent in accordance with Policy DM1 of the Development Management Plan.

- (14) Prior to the first use of commercial space for use class E(b), a ventilation and extraction report shall be submitted to and agreed in writing by the local planning authority. The use of the commercial space for E(b), shall be carried out in accordance with any mitigation as may be agreed and maintained for the lifetime of that use.

REASON: To prevent the use of the commercial unit within block 4 as E(b) from causing undue smells upon nearby residents.

- (15) Prior to first use of the commercial units depicted in drawing nos. 234.1 REV P2; 235.1 REV P3; 236.1 REV P3; 237.1 REV P4, the hours of operation for each use shall be submitted to and agreed in writing by the local planning authority. Each commercial use shall be carried out in accordance with the operation hours agreed thereafter unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of the residential amenity of the future occupiers of the mixed use blocks in accordance with Policy DM1 of the Development Management Plan 2014.

- (16) Prior to first occupation, plans and particulars showing precise details of the soft landscaping, boundary treatment and utilities which shall form part of the development hereby permitted, shall be submitted to and agreed in writing by the Local Planning Authority. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority shall be in accordance with the landscaping principles established in drawing nos. 200 REV P12 and 2741-LLA-ZZ-GF-DR-L-0001-P03 and shall include details of:

- schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;
- planting methods of the trees to be planted, including the use of structural soil cell systems as necessary;
- existing trees to be retained;
- areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
- means of enclosure and other boundary treatments;
- minor artifacts and structures (including street furniture);
- existing and proposed functional services above and below ground level (eg. drainage, power and communication cables, pipelines, together with positions of lines, supports, manholes etc);

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

REASON: To enable the Local Planning Authority to retain adequate control over the landscaping of the site, in the interests of visual amenity.

- (17) Prior to first occupation of the development hereby permitted, a landscape management plan which details the maintenance and management of the soft landscaping agreed by condition 16, (including the management of green roofs, hedgerows with restricted heights and amenity spaces) and the hard landscaping agreed by condition 20, shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the landscape management plan agreed in perpetuity.

REASON: To enable the Local Planning Authority to retain adequate control over the landscaping of the site, in the interests of visual amenity.

- (18) The hedgerows located along the rear and side boundaries of the dwellings hereby permitted (plots 1 to 22 depicted on drawing no. 200 REV P12) and the southern and eastern boundaries of the care home hereby permitted (depicted on drawing no. 200 REV P12) shall be maintained at a height no greater than 1 metre in perpetuity.

REASON: To enable the local planning authority to retain adequate control over the passive surveillance and overlooking of public footpaths, in the interests of pedestrian safety.

- (19) Prior to first occupation of the development hereby permitted, a lighting strategy, including all lighting within public and private spaces and taking into consideration any requirements of condition 34, shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in complete accordance with the lighting strategy agreed and maintained in perpetuity.

REASON: To ensure sufficient lighting is installed on site, in the interests of safety and security.

- (20) Prior to the laying of any hard-surfaces, the finish of all hard-surfaced areas including the demarcation of parking spaces for each use and the edge detailing which separates different hard-surface materials, shall be submitted to and agreed in writing by the local planning authority. The hard-surfaced areas shall be constructed in accordance with the details agreed prior to first occupation of the site and maintained in perpetuity.

REASON: In the interests of visual amenity and highway safety, in accordance with Policy DM1 of the Development Management Plan 2014 and the NPPF.

- (21) Prior to first use of the footpaths within the site, signage to indicate the footpath and cycle paths through the site shall be submitted to and agreed in writing by the local planning authority. The agreed signage shall be installed prior to first use of the footpaths/cycle paths and maintained in perpetuity.

REASON: In the interests of highway safety and promoting safe cycle routes through the site.

- (22) Prior to first occupation of the development hereby permitted, a waste collection and presentation strategy shall be submitted to and agreed in writing by the local planning authority. The waste collection and presentation of the development shall be carried out in accordance with the agreed strategy in perpetuity.

REASON: To allow for the local planning authority to retain adequate control over the appearance of the street scene and to reduce street scene clutter and to ensure efficient and effective collection of waste from the development in accordance with policy DM1 and Appendix 1 of the Development Management Plan 2014.

- (23) The waste storage facilities for the mixed use blocks (depicted in drawing nos. 234.1 REV P2; 235.1 REV P3; 236.1 REV P3; 277.1 REV P4 and 238.1 REV P2), the care home (depicted in drawing nos. 260 REV P4 and 291 REV



P2) and the bungalows (depicted in drawing nos. 276 REV P1) shall be provided prior to first occupation and maintained in perpetuity.

REASON: To ensure the residential and commercial uses are provided with sufficient waste and refuse storage, in accordance with Policy DM1 of the Development Management Plan 2014.

- (24) Prior to first use of each commercial unit (including the GP surgery and convenience store), a management plan for the loading/unloading bays shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the management plan agreed.

REASON: In the interest of highway safety and ensuring that commercial vehicles would not obstruct the carriageway.

- (25) Prior to their installation, details of 8 cycle parking spaces to serve the approved assisted living and sheltered apartments shall be submitted to and agreed in writing by the local planning authority. The cycle spaces shall be provided in accordance with the agreed details prior to first occupation of the assisted living or sheltered apartments.

REASON: To ensure the development would accord with EPOA Parking Standards and to promote sustainable transport.

- (26) Prior to their installation, details of cycle parking spaces to serve the commercial units shall be submitted to and agreed in writing by the local planning authority in accordance with the Parking Standards SPD. The cycle spaces shall be provided in accordance with the agreed details prior to first use of the commercial units.

REASON: To ensure the development would accord with EPOA Parking Standards and to promote sustainable transport.

- (27) Prior to their installation, details of cycle parking spaces to serve the care home shall be submitted to and agreed in writing by the local planning authority in accordance with the Parking Standards SPD. The cycle spaces shall be provided in accordance with the agreed details prior to first occupation of the care home.

REASON: To ensure the development would accord with EPOA Parking Standards and to promote sustainable transport.

- (28) The cycle parking and mobility scooter facilities as shown on drawing nos. 276 REV P1; 270 REV P2; 271 REV P3; 275.A REV P2; 275 REV P1; 234.1 REV P2; 235.1 REV P3; 236.1 REV P3; 277.1 REV P4; 238.1 REV P2 (including provision for one further cycle within the cycle store serving the bungalows) shall be provided prior to first occupation of the development and maintained thereafter.

REASON: To ensure the development would accord with EPOA Parking Standards and to promote sustainable transport.

- (29) Prior to installation of the parking spaces serving the care home, a plan showing the siting of 3 powered two wheeler spaces to serve the care home shall be submitted to and agreed in writing with the Local Planning Authority. Once agreed these shall be implemented on site and retained in perpetuity.

REASON: To ensure sufficient parking spaces for powered two wheelers are provided at the site, in accordance with the requirements of the Parking Standards SPD.

- (30) Prior to development, the areas within the site identified for the purpose of loading/unloading/reception and storage of materials and manoeuvring associated with the proposal shall be provided clear of the highway and retained at all times during the construction process for that sole purpose.

REASON: To ensure that appropriate loading / unloading facilities are available in the interest of highway safety.

- (31) The proposed development shall not be occupied until such time as the vehicle parking area indicated on drawing nos. 202 REV P6 and 234.B REV P3, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning areas shall be maintained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.

- (32) Prior to commencement of the development hereby permitted, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

- (33) Prior to first occupation of the development hereby permitted, a wildlife sensitive lighting design scheme shall be submitted to and approved in writing by the local planning authority. The strategy shall have regard for those details required by condition 19 and shall:

- a) identify those areas/features on site that are particularly sensitive bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

- (34) Prior to construction of the development hereby permitted, a third party instrument flight procedure assessment shall be submitted to and agreed in writing by the local planning authority. The development shall be constructed in complete accordance with those details agreed and maintained in the agreed form thereafter.

REASON: In the interests of safeguarding Southend Airport.

- (35) The guest rooms depicted in drawing nos. 235.1 REV P3 and 236.1 REV P3 shall be used for this sole purpose and shall not at any time be used as a permanent residential unit.

REASON: To ensure the development accords with the parameters of the outline consent.

**REASONS FOR RECOMMENDATION**

The proposed development has been found compliant with national and local policy and would be in accordance with the outline consent granted at appeal.

**SUPPORT ING INFORMATION**

**1.0 PLANNING APPLICATION DETAILS**

<b>DRAWING NOS.</b>	
	For determination: 001 REV P2 – Location Plan 002 REV 02 – Existing Site Plan 200 REV P12 – Proposed site Plan 202 REV P6 – Proposed Parking Plan 207 REV P1 – Levels Plan 260 REV P4 – Care Home Proposed Basement Plan 261 REV P3 – Care Home Proposed Ground Floor Plan 262 REV P3 – Care Home Proposed First Floor Plan 263 REV P2 – Care Home Proposed Second Floor Plan 264 REV P3 – Care Home Proposed Third Floor Plan 265 REV P3 – Care Home Proposed Roof Plan 266 REV P3 – Care Home Proposed Elevations 1 of 4 267 REV P3 - Care Home Proposed Elevations 2 of 4 268 REV P2 – Care home Proposed Elevations 3 of 4 269 REV P3 – Care Home Proposed Elevations 4 of 4 290 – Care Home Proposed Sub-station 291 REV 02 – Care Home Proposed Bin Store 210 REV P1 – Band Stand Plan and Elevations 233.1 REV P2 – Proposed Elevations Block 1 233.2 REV P3 – Proposed Elevations Block 2 233.3 REV P3 – Proposed Elevation Block 3 233.4 REV P3 – Proposed Elevations Block 4 233.5 REV P3 – Proposed Elevations Block 5 234.1 REV P2 – Proposed Ground Floor Plan Block 1 234.2 REV P2 – Proposed First Floor Plan Block 1 234.3 REV P2 – Proposed Second and Third Floor Plan Block 1 234.4 REV P1 – Proposed Roof Plan Block 1 234.B REV P3 – Proposed Basement Plan 235.1 REV P3 – Proposed Ground Floor Plan Block 2 235.2 REV P2 – Proposed First Floor Plan Block 2 235.3 REV P2 – Proposed Second and Third Plan Block 2 235.4 REV P1 – Proposed Roof Plan Block 2

	<p>236.1 REV P3 – Proposed Ground Floor Plan Block 3                  236.2 REV P2 – Proposed First Floor Plan Block 3                  236.3 REV P2 – Proposed Second and Third Floor Plan Block 3                  236.4 REV P1 – Proposed roof Plan                  237.1 REV P4 – Proposed Ground Floor Plan Block 4                  237.2 REV P2 – Proposed First Floor Plan                  237.3 REV P2 – Proposed Second and Third Floor Plan Block 4                  237.4 REV P1 – Proposed Roof Plan Block 4                  238.1 REV P2 – Proposed Ground Floor Plan Block 5                  238.2 REV P2 – Proposed First Floor Plan Block 5                  238.3 REV P2 – Proposed Second and Third Floor Plan Block 5                  238.4 REV P2 – Proposed Roof Floor Plan Block 5                  238.5 REV P1 – Proposed Roof Plan Block 5                  239.1 REV P1 – Proposed Front Link Elevation                  239.2 REV P1 – Proposed Side Link Elevation                  239 REV P1 – Proposed Rear Link Elevation                  270 REV P2 – Housing Proposed Floor Plans and Elevations                  271 REV P3 – End Housing Proposed Floor Plans and Elevations                  272 REV P2 – Detached Bungalow Proposed Floor Plans and Elevations                  273 REV P2 – Terraced Bungalows Proposed Floor Plans and Elevations                  274 REV P1 – End Housing Proposed Floor Plans and Elevations                  275.A REV P1 – Housing Proposed Alternative Floor Plans and Elevations                  275 REV P1 – Housing Proposed Floor Plans and Elevations                  276 rev p1 – Bin and Cycle Store Bungalows</p> <p>For information:                  2741-LLA-ZZ-GF-DR-L-0001-P03 – Landscape Masterplan                  184 REV P1 – Existing Street Scene                  186.1 REV P1 – Proposed Assisted Living Sheltered Retirement Street Scene                  208 REV P1 – Amenity Plan                  209 REV P3 – Phases Plan                  Proposed Care Home and Bungalows Street Scene                  Proposed Housing and Existing Buildings Street Scene                  Proposed Housing Street Scene                  Proposed Site Plan Relationship Plan                  Houses/Apartments</p>
<p><b>SUBMITTED DOCUMENTS</b></p>	<p>Design and Access Statement (May 2023)                  Design and Access Statement (October 2023)                  Materials Schedule                  Materials Schedule REV P2</p>

	Accommodation Schedule REV P3 Accommodation Schedule REV P4 Drainage Plan (May 2023) Foul Drainage Details (September 2023) Surface Water Drainage Details (September 2023) Badger Survey (not for consideration) Runwood Homes Supporting Letter (for information only)
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1.1 This application seeks approval of reserved matters relating to scale, landscaping, layout, appearance and access (internally) in respect of a mixed use scheme for residential and commercial development which is subject to outline planning consent reference 17/00877/OUT. The residential element is described as a 'retirement village' for persons aged over 55 years. The retirement village would provide the following:

- 22no. 2 bed dwellings
- 9no. 2 bed bungalows
- 93 bed care home
- 30no. assisted living apartments (16no. 1 bed and 14no. 2 bed)
- 34no. sheltered apartments (11no. 1 bed and 23no.2 bed)
- 32no. apartments (11no. 1 bed and 21no. 2 bed) Commercial floor space (up to 903sqm of A1 (now E(a)), 397sqm of A3 (now E(b)), 1974sqm of B1 (now E(g)) and 890sqm of D1(now E(e), E(f) and F1)

1.2 This application is proposing the dwellings, bungalows, care home, apartments and some of the commercial floor space. The apartments and phase 1 of the commercial floor space would be provided in four storey mixed use buildings. Phase 2 of the commercial floor space will be provided within the south-east corner of the application site, the application for which will come forward at a later date. The mixed use apartment buildings would comprise of the following:

- Block 1 – commercial ground floor (200m<sup>2</sup> for convenience store and 105m<sup>2</sup> for GP surgery), 17no. sheltered apartments
- Block 2 – commercial ground floor (250m<sup>2</sup>), 17no. sheltered apartments
- Block 3 – commercial ground floor (300m<sup>2</sup>), 18no. assisted living apartments
- Block 4 – commercial ground floor (150m<sup>2</sup>) 12no. assisted living apartments and 9no. retirement apartments
- Block 5 – 23no. retirement apartments

The intended usage of the commercial space in blocks 2, 3 and 4 has not been detailed but the description refers to Class E which covers a whole manner of different uses that fall within 'commercial, business and service'.

1.3 The application also proposes an access road through the site, parking spaces, landscaping and a lake to the Northern boundary.

1.4 The outline planning consent was refused by the Council in 2019 and was later allowed at appeal. One of the reasons for the refusal was due to the lack of the

proposal's compliance with its allocation in the Joint Area Action Plan as a business park. The inspector determined within the appeal decision that amongst other reasons, as the site would maintain some form of employment/business use (albeit in different use classes to that originally envisioned), that the proposal would not be contrary to its allocation.

- 1.5 Access was the only reserved matter for consideration at the outline stage. This considered the accesses onto the site from Cherry Orchard Lane and the Airport Business Park. These accesses were approved as part of the appeal subject to a number of requirements that were set out within the Unilateral Undertaking.
- 1.6 During the course of the application process, the applicant and planning agent have worked collaboratively with planning officers following initial concerns that were raised with the scheme. The concerns raised were as follows:
- Urban design matters relating to the layout and appearance of the scheme;
  - Compliance of the proposal with the conditions and unilateral undertaking of the outline consent;
  - Amendments to amenity spaces, refuse storage and parking
- 1.7 The amendments to the scheme were re-consulted on following revisions being received. The description of development has also been amended during the course of the application to allow for landscaping to be a matter for consideration.
- 1.8 To note, although a phasing plan has been submitted, it is required by the outline consent for the phasing plan to be agreed by a discharge of condition application. As this is not the process whereby this should be considered, the phasing plan will not be considered or agreed as part of this reserved matters application.

## **2.0 MATERIAL PLANNING CONSIDERATIONS**

### **Site and Context**

- 2.1 The parcel of land to which this application relates is located on the eastern side of Cherry Orchard Lane and to the north of Airport Business Park Southend (ABPS). The parcel forms part of the allocation of Area 1 with the remaining part of Area 1 being owned by Southend City Council but is yet to have an application submitted for its development. The site wraps around a row of terraced dwellings which front Cherry Orchard Lane (no.'s 1 – 8) and extends northwards to the southern bank of Noblesgreen Brook, a tributary of the River Roach. Beyond the site to the North is Ashingdon Football Club.
- 2.2 The site was previously a former brickworks with various planning consents relating to this use granted by Essex County Council as the Waste and Minerals Planning Authority. Use of the site as a brickworks ceased many years ago and the site is currently put to no use.
- 2.3 Following submission of the outline consent, a section of the application site adjoining to the south of the terraced dwellings was granted planning consent for a nursery

(ref: 17/00710/FUL). This has since been built out and therefore no longer forms part of the red line boundary.

**Relevant Planning History**

- 2.4 Application No. 00/00087/OUT – Outline application for residential development – Refused
- 2.5 Application No. 17/00850/OUT – Outline application with some matters reserved for proposed business park consisting of b1, a3, d1 and d2 uses, access road, parking and landscaping. Access (to the site) only for consideration at the outline stage – Permitted
- 2.6 Application No. 17/00877/OUT - outline application with some matters reserved for a proposed retirement village consisting of 32 no. Over 55's apartments, 22 no. Over 55's dwelling houses and 9 no. Over 55's bungalows, 30 no. Assisted living apartments, 35 no. Sheltered apartments and a 93-bed care home, 903 sqm of a1 space, 397 sqm of a3 space, 1974 sqm of b1 space, 890 sqm of d1 space and 197 parking spaces. Access to the site is the only reserved matter for consideration at the outline stage – Refused, allowed at appeal 5<sup>th</sup> November 2021
- 2.7 Application No. 20/00913/OUT – Outline application with all matters reserved but for access for a proposed retirement village and related mixed use development – Refused 18<sup>th</sup> June 2021

**Principle of Development**

- 2.8 Section 38(6) of the 2004 Act requires that planning applications must be determined in accordance with the relevant policies of the adopted development plan unless material considerations indicate otherwise.
- 2.9 The relevant parts of the adopted development plan for the determination of this application are the Allocations Plan, the Core Strategy, and the Development Management Plan. Southend City Council and Rochford District Council's Joint Area Action Plan (JAAP) allocated the site as employment area 1, Policy E3 and E4 of the JAAP thereby being relevant.
- 2.10 The National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications and relevant policies in the updated NPPF should be considered in the determination of this application.
- 2.11 The NPPF identifies that the purpose of the planning system is to contribute towards the achievement of sustainable development which has three interconnected objectives, an economic objective, a social objective and an environmental objective. Of particular relevance to the determination of this application for approval of reserved matters relating to the detailed design of residential development is the social objective which seeks to support the creation of strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that



reflect current and future needs and support communities' health, social and cultural well-being. Paragraph 11 of the NPPF requires that local planning authorities apply the presumption in favour of sustainable development when determining applications and this is defined as approving development proposals that accord with an up-to-date development plan without delay.

**Conformity with the Outline Planning Consent**

- 2.12 The outline planning consent (17/00877/OUT) lists three approved plans; the location plan, road access points and a masterplan.
- 2.13 The road access points plan shows access into the site from Cherry Orchard Lane (to the north and south of the terraced dwellings) and from APBS. The proposed layout remains in accordance with these details.
- 2.14 The outline planning consent was granted subject to a number of conditions and a legal agreement. There are some conditions and schedules of the legal agreement which require consideration within the reserved matters (RM) application. These are as follows:
- Condition 10 – requirement for rainwater harvesting and water recycling systems as well as green roofs/walls. The details need to be agreed by a discharge of condition application but consideration should be had in any RM application.
  - Condition 12 – requirement to secure at least 10% of energy from renewable sources. The details need to be agreed by a discharge of condition but the appearance of the scheme agreed by the RM application would need to have considered how this would be complied with.
  - Condition 15 – requirement to deliver a surface water drainage scheme. The details would need to be agreed by a discharge of condition application but to ensure that the layout would work with the area required for a surface water drainage scheme, the RM application must be mindful of the scheme.
  - Condition 22 – requires an adopted vehicular highway be provided up to the eastern boundary. This is for consideration and agreement by a RM application.
  - Condition 25 – requires all non-residential floorspace approved as B1 to be retained as such, irrespective of its incorporation within Class E. This is not for consideration by a RM application but should be noted in the consideration of this report.
  - Condition 26 – requires that the floor space for the convenience food store and doctors surgery be delivered prior to occupation of any residential unit/dwelling at the site. Condition 26 requires a phasing plan to be agreed with the Local Planning Authority. This is not for the RM application to determine but should be agreed by a discharge of condition application.
  - UU schedule 1 – 45 affordable dwellings delivered with an 80:20 split. The scheme shall be submitted to the Council under the approval process outlined in the UU.
  - UU schedule 3 – at least 50% of parking spaces in each phase shall be EV chargepoint spaces.

- UU schedule 3 – delivery of a car club scheme. The details of which are to be agreed with the Council.
- UU schedule 3 – provision of access to the country park.
- UU schedule 3 – shuttle bus service to be provided. The details of which are to be agreed with the Council.

2.15 The officer report shall discuss compliance with these requirements as far as they can be reasonably examined and assessed as part of the RM application.

#### **Reserved Matters for Consideration**

- 2.16 The ‘reserved matters’ which are for consideration in the determination of this application are defined in the National Planning Practice Guidance (NPPG) and set out below:
- ‘Access’ – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
  - ‘Appearance’ – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
  - ‘Landscaping’ – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features.
  - ‘Layout’ – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
  - ‘Scale’ – the height, width and length of each building proposed within the development in relation to its surroundings.

#### **Policy Background – Design and Character**

- 2.17 The NPPF sets out at paragraph 126 that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and others interested throughout the process.
- 2.18 Paragraph 129 of the NPPF outlines that where local design guides and codes have not been prepared the national documents should be used to guide decisions on applications. In this instance, the Essex Design Guide, National Design Guide and National Model Design Code would be material considerations.

- 2.19 Paragraph 130 of the NPPF advocates for planning decisions to ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
  - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
  - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 2.20 Paragraph 131 of the NPPF discusses the importance of trees to the character and quality of urban environments and outlines that all new streets should be tree-lined.
- 2.21 Paragraph 132 of the NPPF outlines that applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourable than those that cannot.
- 2.22 Importantly, paragraph 134 of the NPPF states that development that is not well-designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents.
- 2.23 In terms of local design policy, Policy DM1 of the Council's Development Management Plan sets out that the design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity, without discouraging originality, innovation or initiative. The design and layout of proposed development must demonstrate that they provide a positive relationship with existing and nearby buildings, are a scale and form appropriate to the locality and promote visual amenity. Policy DM1 stipulates that proposals should have regard to the detailed advice and guidance on the design and layout of new development as set out in Supplementary Planning Document 2 – Housing Design, as well as to guidance in the Essex Design Guide.
- 2.24 Policy DM1 also requires major development to show that they consider and reflect the identity of the surrounding area.

- 2.25 Policy DM3 of the Council’s Development Management Plan requires that proposals for residential development must demonstrate that the number and type of dwellings being proposed are appropriate to the locality having regard to existing character.
- 2.26 Policy CP1 of the Core Strategy discusses that the Council will promote good, high quality design that has regard to local flavour through the use of the adopted Supplementary Planning Documents. Developers of large residential schemes will be required to produce and adhere to design briefs, which reflect the local characteristics and distinctiveness of the development area.

**Layout**

- 2.27 Consideration of the layout requires an assessment as to the acceptability of the way in which buildings, routes and open spaces within the development would be provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- 2.28 The proposed layout locates the dwellings along the northern boundary of the site, the group of mixed use retirement/sheltered/assisted apartments to the eastern edge, the care home to the south-west and the bungalows to the western edge. The site layout has created set building lines to the rows of dwellings (existing and proposed) and the mixed use residential/commercial buildings and a small cul-de-sac has been created to serve the bungalows. Due to the size of the site and to provide the proportions of landscaping that have been proposed, it was not possible for the bungalows and care home to be orientated to continue the building lines established by the mixed use buildings and the dwellings. Nevertheless, it is considered that the layout has successfully created micro-characters to each building series which is tied together by the public open space. Concerns have been raised regarding the size of the care home as its footprint is slightly disproportionate to the site area and proportion of other buildings on site. However, this concern was only relating to a street-level perspective (i.e. how a pedestrian would experience this building) and the building has been treated in its appearance to overcome these concerns. This will be explored in further detail in the ‘appearance’ section of this report.
- 2.29 The road layout of the site is such that most buildings would front multiple public open spaces, whether this be a road, car park or area of landscaping. The response of the buildings in this manner lends itself to providing active frontages and passive surveillance of the public open spaces. Where buildings would have multiple frontages (as is the case for all the dwellings, mixed use buildings and the care home), all elevations have been provided with active frontages. Where there would be ground floor apartments that would have direct access onto the area of public open space, defensible space between the public (roads, footpaths etc.) and the private (the persons front door) have been provided to aid the safety and security of these apartments.
- 2.30 Healthy car-free streets have been created between blocks 1 and 2 and blocks 4 and 5 of the mixed use buildings. The streets would be for pedestrians and cyclists only and would provide opportunities for use by the community and ‘over-spill’ of the commercial uses during warmer months. As stated above, the blocks fronting these

spaces would be provided with active frontages to aid the passive surveillance of these spaces. These streets would be compliant with the recommendations of the Building for a Healthy Life guidance<sup>1</sup> which discusses that the use of such streets leads to improved physical and mental health.

- 2.31 In early iterations of the proposal, there were a number of cul-de-sacs which had been created. The road layout has subsequently been amended to create 'loops' in the roads as research discussed within the Essex Design Guide indicates that cul-de-sacs are not successful for persons with dementia<sup>2</sup>. The road layout has also been amended to provide pedestrian footpaths along all roads (previously these were shared surfaces) as the Essex Design Guide also discusses that dedicated pedestrian footpaths are also most effective for persons with dementia and reduced mobility.
- 2.32 During the application process, amendments were made to the layout to provide the commercial spaces across the ground-floors of the apartment blocks instead of entirely located within one building. The building had been located adjacent to phase 2 and as this would develop out the additional commercial uses on the site, the rationale behind this choice was understood. However, it was highlighted that as the occupants of the site may have reduced mobility, it would be of benefit to the scheme to provide these commercial units across the ground floors of the apartment buildings. The scheme has subsequently been amended to provide these mixed use apartment blocks with commercial space which is fed through the site instead of being concentrated to the south-east corner of the site.
- 2.33 A good level of footpaths and cycle paths have been provided within the application site which would provide opportunity for permeability and movement within the site. The footpaths and cycle paths have clear rationale and connection with the wider movement outside of the site also.
- 2.34 The car parking that has been provided has been concealed from the principal public spaces where possible. Underground parking has been provided to remove any compromise on the provision of landscaping proposed. Planting has been introduced to break up the parking spaces where it is possible to do so. It is unfortunate that there are some instances where parking spaces would provide unnecessary accesses from the carriageway or would terminate areas of landscaping, particularly the healthy streets and the four parking spaces adjacent to the care home. However, due to the volume of parking required with a density as proposed, these parking spaces could not be removed or re-positioned.
- 2.35 All proposed dwellings would be able to store refuse bins in their enclosed gardens and use side access to present bins for collection. The bungalows and mixed use apartment blocks would be provided with communal bin stores, as would the care home. The Design and Access Statement suggests that a waste collection strategy could be conditioned. As the presentation of the waste for collection is important to reducing clutter of the street scene, it is considered that a collection strategy condition should be imposed.

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<sup>1</sup> [https://www.udg.org.uk/sites/default/files/publications/files/14JULY20%20BFL%202020%20Brochure\\_3.pdf](https://www.udg.org.uk/sites/default/files/publications/files/14JULY20%20BFL%202020%20Brochure_3.pdf)

<sup>2</sup> <https://www.essexdesignguide.co.uk/design-details/layout-details/permeability-and-legibility-of-the-layout/>

- 2.36 All long views within phase 1 would be terminated by buildings or landscaping to ensure vistas would be visually pleasing. The design of phase 2 would be fundamental to the views from the access from Cherry Orchard Lane and would need to be considered by the submission of any RM application in relation to this.
- 2.37 SPD2 requires that dwellings have a 1m separation to the boundary. The dwelling units to the northern boundary provide this separation where necessary. The majority are terraced and so this would not be applicable to these units. Out of the 9 bungalows, 2 provide a 1m separation and 4 use the parking bays as the visual separation rather than providing a 1m distance. There are 3 bungalows that do not provide a full 2m separation between them (plots 24, 25 and 26). Plots 24/25 have a separation that measures 1.45m at the front increasing to 2.5m to the rear and plots 25/26 have a total separation of 1.5m. As this is the only location within the development where the 1m separation is not adhered to, within a small cul-de-sac, this is not considered objectionable.
- 2.38 The proposed layout would be compliant with the conditions and unilateral undertaking of the outline consent as it has provided a highway connection to the eastern parcel in compliance with the requirements of condition 26. In addition the layout has allocated spaces for the car club, shuttle bus and provided EV charging points, in accordance with the requirements of the unilateral undertaking.

Residential Amenity

- 2.39 The proposed layout would achieve dwellings and residential units which would have a good relationship to one another with respect to securing an appropriate degree of privacy. The terraced dwellings would be provided with screening to the side elevations of the balconies to prevent overlooking from the adjoining neighbour. There are some instances where the balconies of the residential flats may give rise to overlooking to one another. To ensure privacy is given to the occupiers and users of these balconies, it is recommended that a condition be imposed which requires high level privacy screening be installed.
- 2.40 The mixed use buildings would be opposite at some points to the proposed dwellings. At the closest point, there would be a separation of some 14.8m between the front elevation of block 4 and the proposed dwellings. Given that the buildings would be separated by the public realm where the footpaths and road would provide pedestrians with greater opportunities to overlook the front fenestration, this relationship would not be considered inappropriate. In addition, the dwellings have a hallway and utility at ground floor and a bedroom and bathroom at first floor to the front elevation. Therefore, it is not the case that the balconies from blocks 4 and 5 would overlook main habitable rooms of the dwellings whereby protracted periods of time are spent.
- 2.41 There are also bungalows proposed approximately 12.7m to the north of the care home. At this point the care home would be three storeys with fenestration serving bedrooms on the northern elevation fronting the bungalows. The bungalows would be parallel to the northern boundary of the care home with its side elevation approximately 2.34m from the boundary. The Essex Design Guide recommends that

where one building would front another which is at a 90 degree angle, this building may encroach the boundary by up to 1m. In this instance the bungalows adjacent to the boundary shared with the care home would be at a 90 degree angle and no closer than 1m. In addition, the proposed landscaping plan demonstrates that some trees would be planted adjacent to the boundary to provide screening to the flank elevation of the bungalow immediately adjacent to the care home and rear gardens of the other bungalows. The exact size and species of these trees can be controlled by condition to ensure they would be substantial and sufficiently provide screening as intended by the landscaping plan. This would help to mitigate the impact of the three storey building adjacent to a bungalow. Further, it is noted that as this is a relationship between a proposed care home and proposed bungalows, any future occupiers of the bungalows would be aware of this relationship upon purchase. The Essex Design Guide and local policy seek to provide greater protection to existing residents for this reason.

- 2.42 For the most part, there would be limited overlooking between the proposed residential units. Any side windows proposed to any of the dwellings or bungalows would, for the most part, face onto a side elevation of an adjacent dwelling/bungalow without any fenestration. In most cases, the side windows would face onto areas of public open space. However, due to the orientation of the mixed-use buildings, the rearward side elevations would project closer to one another. This separation would be approximately 7.7m at the closest point. Some overlooking of this fenestration can be expected as it fronts areas of public space, however, the upper storey windows would not experience the same levels of overlooking. As such, the rearward side facing windows have been either orientated at an angle or obscure glazed to prevent overlooking of the upper storey windows.
- 2.43 The western elevation of the proposed care home would look directly towards the eastern rear elevation of Cherry Orchard Nursery. The first floor of this building has limited fenestration and is occupied by the nursery. There is also a significant separation of some 32.6m between the proposed care home and the nursery building. Therefore, considering the separation and likely infrequent use of the windows, it is not considered that overlooking would occur from these windows onto the care home. The ground floor windows are served by the approved office use which would be more frequently used, however, there is an existing boundary treatment that intervenes. It is considered that the existing nursery/office building would not cause an unreasonable degree of overlooking upon the proposed care home.
- 2.44 Within the mixed use units there is a potential for the commercial units to have an impact of noise upon the residential apartments above. There is also the potential for there to be an impact of noise from Cherry Orchard Way (B1013) on the end dwellings to the north of the existing terraced dwellings. In addition, there is the potential for there to be an impact of noise from the use of the football club to the north of the application site. Most prominently, is the potential impact from the residual allocation of area 1 owned by Southend City Council to the east of the site and the plots within ABPS which adjoin to the southern boundary of the site upon the future residents. These sites have not come forward with applications at present, however, they are all allocated for commercial uses and therefore it is anticipated that applications for their development will come forward in due course. The Council's

Environmental Health Officer has been consulted on the application and has recommended that a condition be imposed which requires a noise assessment be submitted along with any mitigation as the noise assessment finds necessary. Additionally, it is recommended that a condition be imposed requiring the operation hours of the businesses to be agreed prior to first use.

- 2.45 In relation to the impact upon existing residential occupiers, the layout has ensured that the proposed development, which would be sited adjacent to the existing terraced dwellings on Cherry Orchard Lane, would share an acceptable relationship. The proposed bungalows have been located to the rear of the terraced dwellings to prevent overlooking or overshadowing from the otherwise higher density development proposed. In addition, a minimum separation of 25m would be maintained between the proposed bungalows and the terraced dwellings which is in accordance with the recommendations of the Essex Design Guide to promote privacy. There are three proposed two storey dwellings approximately 12m to the north of the terraced dwellings. The dwellings would be separated by a vehicle access and road into the site which would intervene between the dwellings. Nevertheless, as the proposed dwellings would be two storey and of a similar footprint and scale to the existing terraced dwellings, it is considered that this relationship would be appropriate and sympathetic to the existing occupiers. Further, the ground floor windows of plot 1 would not be considered to give rise to overlooking of the existing residential property No. 1 Cherry Orchard Lane as the separation of the dwellings by the public space (footpath, carriageway) would mitigate this impact. Overall, it is considered that the dwellings, apartments and care home within the scheme as a whole would be sited such that they would not give rise to unreasonable overshadowing, overlooking or result in a relationship where one dwelling or building would appear overbearing on another.

Provision of Commercial Floor Space

- 2.46 The outline consent was conditioned requiring the floorspace to be delivered as approved (i.e. up to 903sqm of A1 (now E(a)), 397sqm of A3 (now E(b)), 1974sqm of B1 (now E(g)) and 890sqm of D1 (now E(e-f) and F1). The Use Classes Order was amended in 2020 which now puts the use classes approved into different categories within the Use Classes Order. A table explaining this further is identified below:

<b>Use Class Changes relevant to this application</b>	
<b>Previous Use Class</b>	<b>Current Use Class</b>
<b>A1</b> - Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices, pet shops, sandwich bars, showrooms, domestic hire shops, dry cleaners, funeral directors and internet cafes	<b>E(a)</b> - Display or retail sale of goods, other than hot food
<b>A3</b> - For the sale of food and drink for consumption on the premises - restaurants, snack bars and cafes	<b>E(b)</b> - Sale of food and drink for consumption (mostly) on the premises



<p><b>B1</b> - Uses which can be carried out in a residential area without detriment to its amenity. This class was formed of three parts:</p> <p>B1(a) Offices - Other than a use within Class A2 (see above)</p> <p>B1(b) Research and development of products or processes</p> <p>B1(c) Industrial processes</p>	<p><b>E(g)</b> - Uses which can be carried out in a residential area without detriment to its amenity:</p> <p>E(g)(i) Offices to carry out any operational or administrative functions,</p> <p>E(g)(ii) Research and development of products or processes</p> <p>E(g)(iii) Industrial processes</p>
<p><b>D1</b> - Clinics, health centres, crèches, day nurseries, day centres, schools, art galleries (other than for sale or hire), museums, libraries, halls, places of worship, church halls, law court. Non-residential education and training centres</p>	<p><b>E(e)</b> - Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)</p> <p><b>E(f)</b> - Creche, day nursery or day centre (not including a residential use)</p> <p><b>F1</b> - Learning and non-residential institutions – Use (not including residential use) defined in 7 parts:</p> <p>F1(a) Provision of education</p> <p>F1(b) Display of works of art (otherwise than for sale or hire)</p> <p>F1(c) Museums</p> <p>F1(d) Public libraries or public reading rooms</p> <p>F1(e) Public halls or exhibition halls</p> <p>F1(f) Public worship or religious instruction (or in connection with such use)</p> <p>F1(g) Law courts</p>

2.47 The proposed layout seeks to deliver 200sqm for a convenience store (A1 now E(a)), 105sqm for a GP surgery (D1 now E(e)) and 700sqm for commercial use (either A1 now E(a), A3 now E(b), B1 E(g) or D1 now E(e)(f) and F1). The additional commercial floor space would be delivered by phase 2 of the development located to the south-eastern corner outside of the current reserved matters application site boundary.

2.48 As the end user of the additional commercial units that would be delivered in phase 1 and subject to this application are unknown, the exact uses have not been specified. However, it is considered that it would be of benefit to the scheme to be provided with commercial uses in this location that would provide active uses in the community. It is more likely that utilising these units for E(a), E(b), E(e), E(f) or F1 uses would create a better sense of community, providing active frontages and being of a location that would be convenient and accessible to the majority of residents. As such, it is considered reasonable that these commercial units are conditioned to be provided as either use class E(a), E(b), E(e), E(f) or F1 (subject to the comments within the refuse

section of the report which narrows down the F1 uses further). This would leave phase 2 to deliver on any additional uses within these classes and the provision of E(g) which would not be provided by phase 1.

- 2.49 In addition, block 1 would deliver a GP surgery which would measure some 150sqm. The submitted Design and Access Statement outlines that the GP surgery would allow for two on site consultants with two consultant rooms. The Design and Access Statement discusses that it is expected that each consultant room would be active from between 8am and 6.30pm, offering appointments on an average of 10-15 minutes. This would equate to approximately 42 to 63 appointments per consultant per day. The application site would have the capabilities of accommodating approximately 343 people (depending on how many people would occupy each apartment and dwelling/bungalow unit). It is considered that the number of appointments that would be delivered by two consultant rooms each day would be sufficient for the number of residents that would occupy the application site. The agent has advised that there has been possible NHS interest previously in using this as a satellite branch working to support various local surgeries but little further progression was made on this as without an approval in place it is difficult for the NHS to commit. There is also a possibility that this could be a private practice.
- 2.50 It is considered that the proposed commercial, convenience store and GP surgery floor space would comply with the requirements of the outline consent. It would be a judgement for the consideration of the phase 2 scheme (at the time this comes forward) as this would deliver the majority of commercial floorspace, as to whether sufficient employment use would be delivered by the application site, in line with the justification of the inspector in allowing the appeal.

Amenity Space

- 2.51 Policy DM1 of the Development Management Plan references Supplementary Planning Document 2 (SPD2) which contains private amenity space standards. SPD2 sets out that houses shall have a minimum garden area of 100m<sup>2</sup> but lists some exceptions including dwellings adjacent to a substantial area of well landscaped and properly maintained open space and two bedroom dwellings where a minimum private garden area of 50m<sup>2</sup> will be required provided that the second bedroom is not of a size that would allow sub-division into two rooms. The table below depicts the amenity space required for each use and the provision that the site would provide for:

Unit	Amenity space requirement (m2)	Amenity space provision (m2)
Block 1		
S1	5	9.8
S2	5	9.8
S3	5	7.8
S4	5	9.8
S5	5	9.8
S6	5	7.8
S7	5	7.8
S8	5	9.8
S9	5	9.8

S10	5	7.8
S11	5	7.8
S12	5	13.8
S13	5	13.8
S14	5	13.8
S15	5	13.8
S16	5	13.8
S17	5	13.8
Block 2		
S18	5	9.8
S19	5	16.5
S20	5	9.8
S21	5	9.8
S22	5	9.8
S23	5	7.8
S24	5	7.8
S25	5	9.8
S26	5	9.8
S27	5	7.8
S28	5	7.8
S29	5	13.8
S30	5	13.8
S31	5	13.8
S32	5	13.8
S33	5	13.8
S34	5	13.8
Block 3		
A1	5	16.5
A2	5	16.5
A3	5	13.5
A4	5	13.5
A5	5	9.8
A6	5	9.8
A7	5	7.8
A8	5	7.8
A9	5	9.8
A10	5	9.8
A11	5	7.8
A12	5	7.8
A13	5	13.8
A14	5	12.8
A15	5	13.8
A16	5	13.8
A17	5	13.8
A18	5	13.8
Block 4		
R1	25	Communal space of 163m <sup>2</sup> (this would equate to 54.3 per apartment)
R2	25	
R3	25	
R4	5	13.8
R5	5	13.8

R6	5	13.8
R7	5	13.8
R8	5	13.8
R9	5	13.8
A19	5	16.5
A20	5	9.8
A21	5	7.8
A22	5	7.8
A23	5	9.8
A24	5	9.8
A25	5	7.8
A26	5	7.8
A27	5	9.8
A28	5	9.8
A29	5	7.8
A30	5	7.8
Block 5		
R10	25	Communal space of 151m <sup>2</sup> (this would equate to 30.2m <sup>2</sup> per apartment)
R11	25	
R12	25	
R13	25	
R14	25	
R15	5	9.8
R16	5	9.8
R17	5	7.8
R18	5	7.8
R19	5	9.8
R20	5	9.8
R21	5	7.8
R22	5	7.8
R23	5	9.8
R24	5	9.8
R25	5	7.8
R26	5	7.8
R27	5	13.8
R28	5	13.8
R29	5	13.8
R30	5	13.8
Dwellings		
1	50	50.81
2	50	<b>49</b>
3	50	55
4	50	60
5	50	58
6	50	57
7	50	58
8	50	56
9	50	55
10	50	95
11	50	57
12	50	56

13	50	55
14	50	56
15	50	71
16	50	79
17	50	76
18	50	73
19	50	68
20	50	<b>44</b>
21	50	<b>46</b>
22	50	<b>47</b>
Bungalows		
23	50	<b>22.24</b>
24	50	<b>24.7</b>
25	50	<b>29.3</b>
26	50	<b>25.67</b>
27	50	<b>40.89</b>
28	50	86.24
29	50	87
30	50	107
31	50	119.6

- 2.52 As highlighted by the table above, there would be a total of four dwellings (out of a total of 22) and five bungalows (out of a total of 9) that would be under the amenity space provision required by SPD2 (highlighted bold). As an overall total, of the 127 residential units proposed (not including the care home) 9 would be under our requirement.
- 2.53 The proposed dwellings would accommodate 2-beds therefore requiring a private amenity space of 50m<sup>2</sup>. The proposed dwellings would be provided with private amenity areas between some 44m<sup>2</sup> and 96.5m<sup>2</sup> via the use of gardens and terraced balconies. The plots that would be under the provision are plot nos. 2, 20, 21 and 22. However, given the provision of landscaped open space within very short walking distance of these properties, it is considered that these plots would meet the exceptions outlined by SPD2.
- 2.54 The proposed bungalows would be 2-beds and therefore would require a private amenity space of 50m<sup>2</sup>. The proposed bungalows to plot nos. 28 to 31 on the west side of the street (to the rear of the existing dwellings) would be provided with private amenity spaces between some 86m<sup>2</sup> and some 119m<sup>2</sup> which would far exceed the requirements of SPD2. On the east side of the street (adjacent to the landscape open space) the bungalows with plots nos. 23 to 27 would be provided with private amenity spaces between 22m<sup>2</sup> and 40m<sup>2</sup>. These bungalows would all be under the private amenity space provision required by SPD2, however, it is considered that given the good provision of landscaped open space they are adjacent to, that these plots would meet the exceptions outlined by SPD2. Those gardens that are under sized would be subject to a condition preventing the erection of outbuildings under the 'permitted development' rights to ensure that the garden areas are not reduced any further by built form.

- 2.55 In relation to apartments, SPD2 advises that each flat should have a minimum balcony area of 5m<sup>2</sup> with ground floor flats having a minimum patio garden of 50m<sup>2</sup> or that a communal garden should be provided on the basis of a minimum area of 25m<sup>2</sup> per flat. These two methods for flats may also be combined.
- 2.56 The flats would all be within the mixed use buildings (blocks 1 to 5) on the eastern edge of the application site. All of the first, second and third floor flats within each building would be provided with a balcony measuring a minimum of 5m<sup>2</sup>. The ground floor flats within blocks 4 (3no.) and 5 (5no.) would benefit from communal amenity spaces. The ground floor flats of block 4 would have access to the communal garden that is atop the single storey link (between block 3 and 4) and would be accessed via the first floor. This communal space would measure 163m<sup>2</sup> which would be far in excess of the communal space required for the ground floor flats of block 4 (75m<sup>2</sup>). The ground floor flats of block 5 would have access to a communal garden on the roof of block 5. This would be accessed via the stairwell and/or lifts which would extend up to the roof. The communal space would measure approximately 151m<sup>2</sup> which would be in excess of the communal space required for the ground floor flats of block 5 (125m<sup>2</sup>). Whilst the relationship of these flats to this communal open space is not particularly functional bearing in mind the target age group, those purchasing these units will be aware of this relationship. Each ground floor apartment also has a ground floor external doorway so there may be capacity for chairs to be placed outside of these on warm days which would also help to provide an active frontage to these spaces.
- 2.57 SPD2 does not set out a provision of communal private amenity space that should be provided for care homes. The proposed layout depicts that the care home would be provided with a communal garden area of some 1570m<sup>2</sup> which would equate to approximately 16.8m<sup>2</sup> per bed. This provision would be considered appropriate for the size of the care home proposed, particularly given the substantial area of public open space to the north of the care home.
- 2.58 Taking into account the above, it is considered that the development would conform with the requirements of SPD2 and the development would be provided with appropriate and acceptable levels of private amenity space.

#### Dwelling Mix

- 2.59 Policy H5 of the Council's Core Strategy requires that larger residential developments contain a mix of dwelling types. A mix of 1 and 2 beds are proposed. It is considered that 1 and 2 beds are generally delivered less in the district and so whilst there is not a broad mixture of unit sizes, the development would address the needs of the district. The inspector in the appeal decision for the outline consent also considered that the housing mix would cater for a range of different people within the community and was thus acceptable.

#### Refuse and Waste Storage

- 2.60 Policy DM1 of the Development Management Plan requires major development to have consideration for the Council's waste and management recycling scheme which is provided at appendix 1 of the Development Management Plan. Appendix 1 sets out

the provisions of storage that should be provided. The table below sets out the waste storage requirements for each residential and commercial unit and the provision of this within the proposed layout. As the development is unlikely to deliver educational facilities, a place of worship or lawcourt (as permitted by Class F1), the refuse provisions for these uses have not been considered.

Unit	Refuse storage requirement	Refuse storage provision
<b>Residential</b>		
Block 1 (17 flats)	3050 litres (1220 litres recycling 1830 litres waste)	2 x euro bins = 2200 litres waste storage  6 x recycling bins = 1440 litres  <b>COMPLIES</b>
Block 2 (17 flats)	3100 litres (1240 of recycling and 1860 of waste)	2 x euro bins = 2200 litres  6 x recycling bins = 1440 litres  <b>COMPLIES</b>
Block 3 (18 flats)	3400 litres (1360litres for recycling and 2040 litres for waste)	2 x euro bins = 2200 litres  6 x recycling bins = 1440 litres  <b>COMPLIES</b>
Block 4 (21 flats)	3950 litres (1580 litres recycling and 2370 litres waste)	2 x euro bins = 2200 litres for waste 1 x purpose lid bin = 180 litre waste Total = 2380 litres  8 x recycling bins = 1920 litres  <b>COMPLIES</b>
Block 5 (21 flats)	3650 litres (1460 litres recycling and 2190 litres waste)	2 x euro bins = 2200 litres for waste  7 x recycling bins = 1680 litres  <b>COMPLIES</b>

Care home	9300 litres (3720 litres recycling and 5580 litres of waste)	5 x euro bin + 2 180 litres = 5860 litres for waste  3 x euro bins + 2 recycling bins = 3870 litres for recycling  <b>COMPLIES</b>
<b>Commercial 5</b>		
Block 1 – convenience storey	526 litres (210 litres recycling and 315 litres waste)	2 purple lid bins = 360 litres  1 recycling = 240 litres  <b>COMPLIES</b>
Block 1 – GP surgery	1000 litres (400 litres of recycling and 600 litres of waste storage)	1 x euro bin = 1100 litres  2 x recycling bins = 440 litres  <b>COMPLIES</b>
Block 2 (250sqm)	E(a) = 1250 litres (500 litres of recycling and 750 litres for waste storage)  E(b) = 2500litres (1000 litres for recycling and 1500 litres for waste)  E€ = 2380 litres (952 litres of recycling and 1428 litres of waste)  E(f) = 2500 litres (1000 litres for recycling and 1500 litres for waste)  F1(b)(c)(d)€ = same as retail	2 x euro bins = 2200 litres  2 x recycling bins = 440 litres  <b>COMPLIES with waste, DOES NOT COMPLY with recycling (slight capacity to increase storage)</b>
Block 3 (300sqm)	E(a)= 1516 litres (606 litres for recycling and 910 litres for waste)  E(b) = 3031 litres (1213 litres for recycling and 1819 litres for waste)  E(e) = 2857 litres (1142 litres of recycling and 1445 litres of waste)	2 x euro bins = 2200 litres  3 x recycling bins = 680 litres  <b>COMPLIES with waste, DOES NOT COMPLY with recycling (slight capacity to increase storage)</b>



	E(f) = 2500 litres (1000 litres for recycling and 1500 litres for waste)  F1(b)(c)(d)€ = same as retail	
Block 4 (150sqm)	E(a) = 758 litres (304 litres for recycling and 454 litres for waste)  E(b) = 1516 litres (607 litres for recycling and 910 litres for waste)  E€ = 1428 litres (571 litres of recycling and 857 litres of waste)  E(f) = 2500 litres (1000 litres for recycling and 1500 litres for waste)  F1(b)(c)(d)€ = same as retail	2 x euro bins = 2200 litres (1100 for recycling and 1100 for waste)  <b>COMPLIES with recycling, COMPLIES with waste (except for E(f)) (slight capacity to increase storage)</b>

- 2.61 As the table indicates, the bin store provided for the commercial units within blocks 2, 3 and 4 would not provide sufficient storage for some of the use classes. To ensure the units would be provided with sufficient refuse and waste storage a condition restricting uses to some of these blocks is proposed by condition.
- 2.62 With the inclusion of the above condition, the proposed development would therefore provide adequate waste and refuse storage in accordance with the requirements of appendix 1 of the Development Management Plan. As no waste presentation and collection strategy has been submitted with the application, it is recommended that a condition be imposed requiring a strategy is submitted and agreed. It is considered that there is sufficient space to the front of each dwelling and adjacent to the nearest carriageway for the presentation and collection of waste/refuse.
- 2.63 If a refuse vehicle were not able to reverse into the area where the bungalows are located, it would result in the need for a bin collection point to the north of plot no.'s 23 and 31. This would result in plots 27 and 28 having to pull their bins a distance of 29.5m. Whilst this exceeds the 25m distance within Appendix 1 of SPD2 this is not considered objectionable for these 2 plots and it remains a likelihood that a refuse vehicle would reverse into this area as the road measures 6m in width. Therefore, subject to the imposition of a condition, the proposal would comply with Policy DM1 of the Development Management Plan.

**Scale**

- 2.64 Consideration of scale requires an assessment of the acceptability of the proposed development in terms of the height, width and length of each building proposed in relation to its surroundings.
- 2.65 The proposed heights of the buildings would vary across the site. The care home would encompass a mixture of two, three and four storey elements. The two-storey element would project from the west elevation and would mark the entrance of the building. This would have a height of some 6.9m. The main bulk of the building would be three storey with a height of some 11m. The four storey element would be concentrated towards the south-east corner of the care home which would reach a maximum height of some 14.5m. The proposed mixed use buildings would be predominantly four storeys measuring a height of some 13.7m. Between blocks 2 and 3 and 3 and 4, single storey links are proposed with a maximum height of some 4.4m. The proposed bungalows would be single storey with a maximum height of some 6m. The proposed dwellings would be two storeys with a maximum height of some 7.8m.
- 2.66 The submitted land levels plan indicates that the proposed land levels would remain largely similar to the existing topography which marginally inclines towards the southern boundary. The scale of the buildings would compliment the land level changes with a stepping up in height from the two storey dwellings along the northern boundary to the three to four storey buildings along the southern boundary. The street scene of the existing and proposed dwellings (drg no. 284 REV P3) highlights this well as it portrays the steady incline in the ridge height of buildings starting from the proposed dwellings, moving to the existing terraced dwellings, then to the Cherry Orchard nursery and then to the proposed care home. Furthermore, the height of the proposed development would be seen within the context of the ABPS development which includes buildings of similar heights to that proposed.

#### Technical Housing Standards

- 2.67 The Ministerial Statement of the 25th March 2015 announced changes to the government's policy relating to technical housing standards. The changes sought to rationalise the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building Regulations on water and access, and a new national space standard.
- 2.68 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, as advised by the Ministerial Statement.
- 2.69 Until such a time as existing Policy DM4 is revised, this policy must be applied in light of the Ministerial Statement. All new dwellings are therefore required to comply with the new national space standard as set out in the DCLG Technical housing standards - nationally described space standard March 2015.
- 2.70 The table below sets out an assessment of the proposed dwellings against the minimum requirements:

Unit	Size B = bed P = person SS = single storey TS = two storey	Gross Internal Area requirement	Gross Internal Area provision	Storage requirement	Storage provision
Block 1					
S1	2b 3p	61	76	2	3
S2	2b 3p	61	75	2	3
S3	1b 2p	50	57	1.5	3.3
S4	1b 2p	50	75	1.5	3.1
S5	2b 3p	61	75	2	2.6
S6	1b 2p	50	57	1.5	3.4
S7	1b 2p	50	58	1.5	3.4
S8	1b 2p	50	75	1.5	3.1
S9	2b 3p	61	75	2	2.6
S10	1b 2p	50	57	1.5	3.4
S11	1b 2p	50	58	1.5	3.4
S12	2b 3p	61	81	2	2
S13	2b 3p	61	82	2	2
S14	2b 3p	61	81	2	2
S15	2b 3p	61	81	2	2
S16	2b 3p	61	81	2	2
S17	2b 3p	61	81	2	2
Block 2					
S18	2b 3p	61	76	2	3
S19	1b 2p	50	63	1.5	4.3
S20	1b 2p	50	57	1.5	3.5
S21	2b 3p	61	75	2	3.2
S22	2b 3p	61	75	2	3.2
S23	1b 2p	50	57	1.5	3.4
S24	1b 2p	50	58	1.5	3.4
S25	2b 3p	61	75	2	3.2
S26	2b 3p	61	75	2	3.2
S27	1b 2p	50	57	1.5	3.4
S28	1b 2p	50	58	1.5	3.4
S29	2b 3p	61	81	2	2
S30	2b 3p	61	82	2	2
S31	2b 3p	61	81	2	2
S32	2b 3p	61	81	2	2
S33	2b 3p	61	81	2	2
S34	2b 3p	61	81	2	2
Block 3					
A1	1b 2p	50	63	1.5	4.3
A2	1b 2p	50	63	1.5	4.3
A3	1b 2p	50	58	1.5	3.4
A4	1b 2p	50	58	1.5	3.4
A5	2b 3p	61	75	2	3.1
A6	2b 3p	61	75	2	3.1

A7	2b 3p	61	75	2	3.4
A8	2b 3p	61	75	2	3.4
A9	2b 3p	61	75	2	3.1
A10	2b 3p	61	75	2	3.1
A11	2b 3p	61	75	2	3.4
A12	2b 3p	61	75	2	3.4
A13	2b 3p	61	81	2	2
A14	2b 3p	61	81	2	2
A15	2b 3p	61	81	2	2
A16	2b 3p	61	81	2	2
A17	2b 3p	61	81	2	2
A18	2b 3p	61	81	2	2
Block 4					
R1	2b 3p	61	63	2	2
R2	1b 2p	50	58	1.5	1.5
R3	1b 2p	50	61	1.5	1.5
R4	2b 3p	61	81	2	2
R5	2b 3p	61	81	2	2
R6	2b 3p	61	81	2	2
R7	2b 3p	61	81	2	2
R8	2b 3p	61	81	2	2
R9	2b 3p	61	81	2	2
A19	1b 2p	50	63	1.5	4.4
A20	2b 3p	61	63	2	3.1
A21	2b 3p	61	57	2	3.4
A22	1b 2p	50	57	1.5	3.4
A23	2b 3p	61	75	2	3.1
A24	2b 3p	61	75	2	3.1
A25	2b 3p	61	75	2	3.5
A26	2b 3p	61	75	2	3.5
A27	2b 3p	61	75	2	3.1
A28	2b 3p	61	75	2	3.1
A29	2b 3p	61	75	2	3.5
A30	2b 3p	61	75	2	3.5
Block 5					
R10	1b 2p	50	63	1.5	2
R11	1b 2p	50	63	1.5	2
R12	1b 2p	50	59	1.5	1.5
R13	1b 2p	50	59	1.5	1.5
R14	1b 2p	50	59	1.5	1.5
R15	2b 3p	61	75	2	3.1
R16	2b 3p	61	75	2	3.1
R17	1b 2p	50	58	1.5	3.4
R18	1b 2p	50	58	1.5	3.4
R19	2b 3p	61	63	2	2.5
R20	2b 3p	61	63	2	2.5
R21	1b 2p	50	58	1.5	3.5
R22	1b 2p	50	63	1.5	3.5
R23	2b 3p	61	63	2	2.5
R24	2b 3p	61	63	2	2.5
R25	1b 2p	50	58	1.5	3.5

R26	1b 2p	50	58	1.5	3.5
R27	2b 3p	61	81	2	2
R28	2b 3p	61	81	2	2
R29	2b 3p	61	81	2	2
R30	2b 3p	61	81	2	2
R31	2b 3p	61	81	2	2
R32	2b 3p	61	81	2	2
Dwellings and bungalows					
1	TS 2b 4p	79	115	2	2 or 2.4
2	TS 2b 4p	79	97	2	2.3
3	TS 2b 4p	79	97	2	2.3
4	TS 2b 4p	79	97	2	4.5
5	TS 2b 4p	79	97	2	2 or 2.2
6	TS 2b 4p	79	97	2	2 or 2.2
7	TS 2b 4p	79	97	2	2 or 2.2
8	TS 2b 4p	79	97	2	2 or 2.2
9	TS 2b 4p	79	115	2	4.5
10	TS 2b 4p	79	115	2	4.5
11	TS 2b 4p	79	97	2	2 or 2.2
12	TS 2b 4p	79	97	2	2 or 2.2
13	TS 2b 4p	79	97	2	2 or 2.2
14	TS 2b 4p	79	97	2	2 or 2.2
15	TS 2b 4p	79	97	2	2 or 2.2
16	TS 2b 4p	79	97	2	2 or 2.2
17	TS 2b 4p	79	97	2	2 or 2.2
18	TS 2b 4p	79	97	2	2 or 2.2
19	TS 2b 4p	79	97	2	2 or 2.2
20	TS 2b 4p	79	97	2	2 or 2.2
21	TS 2b 4p	79	97	2	2 or 2.2
22	TS 2b 4p	79	115	2	4.5
23	SS 2b 3p	61	70	2	6
24	SS 2b 3p	61	70	2	6
25	SS 2b 3p	61	70	2	6
26	SS 2b 3p	61	70	2	6
27	SS 2b 3p	61	70	2	6
28	SS 2b 3p	61	70	2	6
29	SS 2b 3p	61	70	2	6
30	SS 2b 3p	61	70	2	6
31	SS 2b 3p	61	70	2	6

- 2.71 All the proposed dwellings, bungalows and apartments would meet at least the minimum space standard gross internal floor area requirement. They would also meet and in many places exceed the storage requirements.

**Access (internal)**

- 2.72 Consideration of access requires an assessment of the accessibility to and within the site that is proposed, for vehicles, cycles, and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

Vehicular and Pedestrian Access

- 2.73 The application site has had three vehicular accesses approved by the outline consent. The proposed development seeks to provide vehicular accesses internally to each of the proposed dwellings and bungalows. The proposed care home would be provided with an access into the car park area. The parking spaces that would be located on the eastern edge of the development would be provided with individual accesses or a small access road that would serve a group of spaces. An access point off the main road through the site would also be provided to serve four disabled bays. In addition, vehicular accesses to the underground parking would be provided between blocks 2 and 3 and blocks 3 and 4.
- 2.74 The main street proposed would connect all three vehicular accesses; starting from the south of Cherry Orchard Nursery before joining with the access from APBS. The road would then stretch northwards, forking off to provide an access to the eastern parcel. The northern link road appears of a softer appearance whereas the main road towards the southern end of the site would be more established as a consequent of it likely being the only part of the internal roads that would be adopted.
- 2.75 The main street proposed through the eastern parcel would feature footways to either side of the carriageway, save for where there would be parking spaces accessed from the link road (namely the area to the eastern edge of the site). In addition to the footpaths to the carriageway, a pedestrian/cycle footpath link would be provided to the north of Cherry Orchard Lane that would connect to the wider bridleway/cycle path that extends along Cherry Orchard Lane and beyond. This pedestrian/cycle footpath link extends into the site along the northern boundary and envelopes the pond. The link then stretches to the northern boundary where pedestrians would cross the street and use the dedicated footways adjoined to the carriageway. The proposed layout would ensure that accessibility to and within the site for pedestrians would be permeable and legible. Healthy streets between blocks have been provided to allow for filtered permeability through the site.
- 2.76 Two small private drives are proposed and these would be shared surfaces with no separate pedestrian footway. These drives would however only serve the 9 bungalows in one instance and three dwellings in another instance.
- 2.77 While the pedestrian permeability is good through the site, the cycle access has been marginally less prioritised. The Design and Access Statement sets out the cycling route through the site, however, this involves cyclists taking the loop road along the eastern edge of the site. This carriageway and footway are not considered ideal for cyclists as they would be fairly narrow at this point. However, the pedestrian link along the northern boundary and the footway that runs north to south through the site and connects with APBS, would be wide enough to facilitate a pedestrian and cycle way. As such, it is recommended that a condition be imposed requiring signage be installed to these footpaths where they would be wide enough to provide access to pedestrians and cyclists. This would therefore terminate the cycle way at the eastern boundary rather than continue it through a loop, but still enable the North – South route through the site to continue enabling access to blocks 1 – 5 for those wishing to visit either the commercial or residential units by crossing the road.

- 2.78 Tracking diagrams of the internal roads have been provided which demonstrate that the road layout would be able to accommodate emergency vehicles and HGV vehicles. ECC highways have confirmed that the tracking demonstrates that the road layout would be sufficient for carrying traffic of all vehicle sizes.
- 2.79 Additionally, emergency service vehicle parking has been provided in the bay to the front of the GP. An area within the central landscape square has also been identified as being capable of accommodating an air ambulance should any of the residents need access to this service. ECC Highways have recommended various conditions be imposed. Where reasonable and not repeating conditions already imposed on the outline permission, these have been included.
- 2.80 Overall, it is considered that the layout would provide good connectivity across and within the site for the future occupants but also for those wishing to enter the site from nearby areas.

Car Parking

- 2.81 As set out in Policy DM30, the Council applies the parking standards contained within 'Parking Standards Design and Good Practice Supplementary Planning Document (Adopted December 2010)' to all new developments. This document applies minimum parking standards for residential development (although this may be relaxed in residential areas near town centres and train stations). For residential dwellings, the standard seeks a minimum of 1 car parking space per 1 bedroom dwelling and 2 spaces per dwelling with two or more bedrooms. For retirement developments (e.g. assisted living), the standard accepts 1 car parking space per dwelling. The parking standard sets a preferred bay size of 2.9 metres by 5.5 metres.
- 2.82 The table below sets out the parking requirements and the provision that the application site would deliver.

Unit type	Car parking requirement	Car parking provision	Space dimensions
34no. sheltered apartments (minimum figures)	1 space per unit (34 total)	18 spaces	2.9m x 5.5m
30no. assisted living (minimum figures)	1 space per unit (30 total)	16 spaces	2.9m x 5.5m
30no retirement (minimum figures)	14no. 1 beds = 14 spaces 16no. 2 beds = 32 spaces Total = 46 spaces	32 spaces	2.9m x 5.5m
22no. dwellings (minimum figures)	2 spaces per dwelling	2 spaces per dwelling	2.9 x 5.5m
9no. bungalows (minimum figures)	2 spaces per bungalow	2 spaces per bungalow	2.9 x 5.5m

Care home (maximum figures)	1 space per full time equivalent staff + 1 visitor space per 3 beds =  12 staff spaces and 31 visitor spaces = 43 spaces	43 spaces	2.9m x 5.5m  Parallel spaces = 6m x 2.9m
Visitor parking (minimum figures)	0.25 space per dwelling + 3 disabled bays or 6% of total capacity = 32 spaces + 3 disabled bays	34 visitor bays and 6 disabled bays	2.9m x 5.5m  Parallel bays = 2.9m x 6m
GP surgery (maximum figures)	1 space per full time equivalent staff + 3 per consulting room =  2 spaces for 2 staff members and 6 spaces for 2 consulting rooms  = 8 spaces total	51 total (8 for GP, 15 + 3 disabled for convenience store (block 1) + 33 for commercial (blocks 2, 3 and 4)	2.9m x 5.5m
Convenience store (maximum figures)	1 space per 14 sqm plus 3 disabled bays = 15 spaces plus 3 disabled bays		2.9. x 5.5m
Commercial use (end user unknown but either E(a) or F1(b)(c)(d)(e) or E(e) for block 4 so the greater amount will be taken) (maximum figures)	E(a) 1 space per 20sqm + 3 disabled bays = 35 spaces + 3 disabled bays  F1(b)(c)(d)(e) 1 space per 25sqm + 3 disabled bays = 28 spaces + 3 disabled bays  E(e) for block 4 – 1 space per full time equivalent staff + 3 per consulting room = 3 staff spaces + 9 consulting rooms (based on the floor		2.9m x 5.5m



	<p>space provision in block 1)</p> <p>E(b) for block 4 – 1 space per 5sqm + 3 disabled bays = 30 spaces + 3 disabled bays</p>		
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- 2.83 While the proposed dwellings, bungalows and care home would be provided with parking spaces that would accord with the EPOA Parking Standards, the table above sets out that all apartments would not be in accordance with the Parking Standards. The Design and Access Statement outlines that 1 space per retirement apartment has been provided as well as 0.52 spaces per unit for the assisted and sheltered units. This provision was accepted by application ref: 17/00102/FUL Site of College, Rocheway, Rochford for an independent living residential home whereby the officer considered that a ratio of 0.52 spaces per unit was appropriate due to the specific nature of the proposals. As each application is considered on its own merits, the application of the 0.52 ratio does not automatically apply to the application site. The Rocheway site, in particular, is in walking distance of Rochford town centre where a reduction in parking spaces can be considered acceptable for sustainable locations such as this. However, the rational of these uses typically having a lower requirement for a car use is understood.
- 2.84 All parking spaces would have between 5.9m to 6m distance between the rear of the space and any obstruction (such as another parked car) to ensure for sufficient mobility entering and exiting parking spaces.
- 2.85 Furthermore, as per the requirement of the outline consent, the development would deliver a car club scheme and a shuttle bus that would provide regular services into Rochford Town Centre. Four spaces have been allocated to the car club and a bay to the front of block 1 has also been allocated for use by the shuttle bus.
- 2.86 The appeal decision for the outline consent notes that the provision of the car club scheme would provide alternatives to car ownership and thus promote sustainable travel options. The inspector also conditioned a travel plan and required the developer to undertake footway improvements, provide a contribution towards bus service improvements and provide the shuttle bus service for residents. The inspector notes in their appeal that as a package, these measures would suppress the need to regularly travel by private car. As such, in these exceptional circumstances formed through the development type including end user, the appeal inspector's conclusions and conditions and the implementation of the shuttle bus, it is considered that the reduction in parking spaces for the residential uses would be considered acceptable as the scheme has been considered to promote sustainable transport.
- 2.87 While there would be a shortfall in the commercial parking spaces for E(a) by approximately 12 parking spaces this is a maximum rather than a minimum parking requirement figure and therefore this provides a degree of flexibility in consideration

around parking space quantum. It is also considered that a large portion of the customers using these services would be from within the site and would not require car parking to use the commercial units. The parking standards are taking account of people who would need to travel to utilise the commercial uses. As the highest proportion of the users of the commercial units are likely to be the occupants of the site, it is considered that the quantum of parking proposed is acceptable in this instance. The table also indicates that use classes F1(b)(c)(d)(e) would be appropriate within all the commercial units and E(b) and E(e) within block 4 with regards to parking.

- 2.88 Two unloading bays have been proposed adjacent to the blocks which would occupy the proposed commercial units. As it is not known who the end user would be or the operating hours of the end user, it cannot be determined whether two loading bays would be sufficient. As such, a condition should be imposed requiring a management plan for the loading/unloading of commercial vehicles to be submitted and agreed.

Cycle and PTW Parking

- 2.89 The EPOA Parking Standards require that cycle and powered two wheeler parking is provided. For assisted living and sheltered accommodation, 1 cycle space per 8 units for visitors is required. The retirement apartments, bungalows and dwellings would all be required to provide 1 secure space per dwelling.
- 2.90 It is noted that the retirement dwellings and retirement apartments would be provided with cycle storage that would comply with the requirements of the parking standards. The retirement bungalows would be provided with secure cycle parking for 10 cycles, however this would not quite accommodate the 11 cycle spaces needed. A condition could ensure that provision for 11 is accommodated within this building (which is feasible). The dwellings need to be provided with secure cycle storage to accommodate both resident and visitor storage. This has been provided to the rear of every car port. No cycle parking has been provided for the assisted living and sheltered accommodation and mobility scooter parking has been provided instead. It is recommended that a condition be imposed requiring that 8 visitor cycle spaces are provided for visitors to the assisted living and sheltered accommodation. With regards to the care home, there is a requirement for 1 cycle space per 5 staff. The exact staffing numbers of the care home is not known at this stage but the development will be required to provide a cycle store by condition. There is capacity for this to be provided in the surrounds of the care home however, the precise location will require careful consideration to ensure the location is not to the detriment of open space and landscaping.
- 2.91 It is also noted that 14 cycle spaces (maximum) would be required for the commercial uses. This would be calculated on the basis of an A3 use which requires the most spaces. While no cycle parking spaces have been shown at present, it is recommended that a condition be imposed requiring the delivery of cycle spaces to the commercial units to ensure compliance with the parking standards.
- 2.92 In terms of powered two-wheeler parking (PTW), across the mixed use units there would be a requirement to provide 4 PTW spaces. The proposed parking plan depicts

that 8 PTW spaces would be provided within the basement of the mixed-use buildings. The care home would have a requirement for 3 PTW spaces which should be provided but have not currently been allocated for. As the parking spaces that have been provided for the care home are a maximum there is the potential for these spaces to be provided in place of one or 2 parking bays or in another location (that doesn't compromise on the landscaping design) controlled by planning condition.

- 2.93 The EPOA Parking Standards also requires that 1 space per 2 dwellings for mobility scooters are provided for assisted living and sheltered accommodation. The development would be required to provide 33 mobility scooter spaces for the assisted living and sheltered accommodation. Within the blocks that would accommodate the assisted living and sheltered accommodation, the mobility scooter spaces would comply with the parking standards.
- 2.94 With the suggested conditions, the proposal would be considered to satisfy the requirements of the EPOA Parking Standards.

### **Appearance**

- 2.95 Consideration of appearance requires an assessment of the aspects of the proposed buildings which determine the visual impression they would make including relating to the proposed external built form of dwellings, their architecture and external facing materials.
- 2.96 Following initial concerns regarding the overall site identity, the scheme has been amended in order to create a distinguishable identity and character across the site. The approach taken has been to adopt a modern appearance while incorporating brickwork, where possible, to provide reference to the previous use of the site as a brickworks. Micro-characters have also been created due to the different built forms that would be present on site. The micro-characters are broken up into the mixed-use buildings, the care home and the bungalows/dwellings which each take on their own appearance but feed into the wider character and identity. This approach was favoured as opposed to adopting a 'local character' as the site is largely seen within the context of APBS, the rugby club to the east and Cherry Orchard Nursery to the west which all encompass a wide range of modern materials and built forms. It is agreed that the modern aesthetic would help to integrate the site within the surrounding area without detracting from the traditional appearance of the existing terraced dwellings along Cherry Orchard Lane. The approach of defining an identity is supported by the National Model Design Code and National Design Guide.
- 2.97 The proposed mixed use blocks (blocks 1 to 5) have adopted the approach of flat roofed four storey buildings encompassing commercial ground floors and residential upper floors. The front and rear elevations are narrower than the side elevations where articulated elements are featured to break up otherwise deep elevations. This has been achieved by setting two rows of fenestration on both side elevations inwards; the recesses have then been defined further through the introduction of cladding. The front and rear elevations are broken up through the introduction of cladding features. Stone courses and large cornices have also been introduced on all elevations to add further interest. The fenestration treatments and placements are pleasing, symmetrical and show rationale through the hierarchy of their scale (i.e.

larger window treatments to the ground floor). The protruding balconies also provide good levels of visual and architectural interest. Connecting links have been provided between blocks 2 and 3 and blocks 3 and 4 which encompass more significant glazing. This has helped to create a stronger frontage at street level and provide a clear commercial identity to the ground floor units. A material schedule has been provided which indicates that the majority of the elevations of these buildings would be finished with brickwork ranging between buff, grey and multi-red colourways. The cladding would also vary in colour between each building. This would help individuals distinguish each building, block 1 would be known as the beige clad building for example. While a material schedule has been provided it is not clear exactly where each material would be used and therefore it is recommended that a condition be imposed requiring further details of where each material would be used.

- 2.98 Following amendments made to the scheme, the introduction of an amenity space to the roof of block 5 was created. This resulted in the requirements for roof access and subsequently two structures have been proposed atop the roof of block 5. There is concern that as proposed, the structures could take on the appearance of two sheds and would not compliment the otherwise high-quality design of block 5 (and the other mixed-use blocks). It is considered that if these structures were finished in thermos-glass, these features would better amalgamate into the character, appearance and identity of block 5. A condition should be imposed requiring thermos-glass is used on the finish of these structures instead of the proposed cladding.
- 2.99 Following initial concerns raised regarding the size and disproportionate scale of the care home, amendments have been made to the treatment of its elevations. Articulation and height variation have been employed throughout the treatment of the care home so that it reads from a street level as a series of 'blocks' as opposed to a series of large and monotonous elevations. The proposed elevations vary between two and four storeys in height which structure the 'blocks'. These 'blocks' are then treated individually ranging in their appearance from the use of brickwork, to render, to cladding and substantial glazed features. The fenestration treatments also vary with some featuring double pane windows and some triple pane windows. It is considered that the approach taken has successfully addressed the concerns raised and the building would respond better to the street level in which it would be seen. It is not entirely clear what the materials for all aspects of the building would be and therefore a condition should be imposed requiring full material details to be provided. In addition, it is considered that further interest could be provided to some of the internal elevations so that those residents with courtyard facing windows would be provided with visual interest from their windows. A condition should also be imposed requiring additional materials be proposed to the courtyard facing elevations.
- 2.100 Three dwelling types are proposed by the scheme; these are the end houses (depicted in drawing no. 271 REV P3 and 274 REV P1), the middle-terraced houses (depicted in drawing no. 270 REV P2 and 275 REV P1) and the alternative end housing (depicted in drawing no. 275.A REV P1). The middle-terraced houses are the predominant house type that would be utilised through the site. These dwellings would encompass a steep pitched roof with dual facing elevations and a side terraced balcony that would attach to the adjoining neighbour's terraced balcony. Its fenestration treatments would be off-centred but symmetrical between the ground and first floors, adding to the modern character of these dwellings. The end dwellings

would take on a similar appearance to the terraced dwellings with the exception of a protruding dual pitched roof side element that would face the area of public realm that it would be adjacent to. The alternative end housing plan would only apply to plot 3 and would be of identical appearance to the middle-terraced housing with the exception of two windows that would be inserted into the southern side elevation to look onto the area of public realm it would be adjacent to. The materials submitted in relation to the dwellings would be sufficient and would compliment the modern appearance and treatment of the architectural style. The placement of the materials would have rationale behind them (i.e. defining first floors or protruding elements) and would therefore be considered acceptable. A condition should be imposed requiring the proposed dwellings to be carried out in accordance with the submitted material details.

- 2.101 The proposed detached and semi-detached bungalows would adopt a similar character and appearance to the dwellings. They would encompass steep pitched roofs with off-centred fenestration to the front and rear elevations. The materials used within the bungalows would be identical to those proposed for use by the dwellings. The placement of the materials also displays rational and logic, resulting in a well-designed house type. Again, a condition should be imposed requiring the proposed bungalows to be carried out in accordance with the submitted material details.
- 2.102 The proposed substation which would be located to the south-west of the care home, would have a dual function proposing signage for the care home on its street scene elevations. External bin stores are also proposed to the care home and the bungalows. The bin stores and substation would have flat roofs with doors to provide access. The external materials have not been specified and it is recommended that a condition be imposed requiring these. In addition, it is recommended that to add interest to these buildings, they should be finished with green roofs. A condition should be imposed to this effect.
- 2.103 Overall it is considered that the development has achieved a well-designed identity that is successfully referenced and treated through the individual buildings and micro-characters. The appearance of the proposed development would be considered acceptable subject to the conditions mentioned above.

### **Landscaping**

- 2.104 Consideration of landscaping requires assessment of the proposed treatment of land (other than buildings) within the site for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated including relating to proposed boundary treatments (fences, walls or other means), planting of trees, hedges, shrubs etc and the laying out or provision of gardens.
- 2.105 Policy CLT5 of the Core Strategy requires that new public open space will be required to accompany additional residential development having regard to local, current and projected future need.
- 2.106 A landscaping plan has been submitted with the application which details a central landscaped square with a band stand, seating opportunities and planting. The landscape square is visually connected to the pedestrian walk along the northern

boundary through a rectangular parcel of landscaping between the two-storey dwellings. The pedestrian walkway runs parallel to the pond along the northern boundary and includes a number of seating opportunities, trees, grass areas and a decking area for people to enjoy the pond. The pedestrian/cycle path also results in the landscape area having multiple functions and increased amenity value. These areas of public open space would measure an area of 0.46ha. It is considered that this would be sufficient for the scale of residential development proposed and would comply with the requirements of Policy CLT5.

- 2.107 The NPPF also recognises the important contribution that trees make to the character and quality of urban environments requiring that planning decisions ensure that new streets are tree-lined (unless in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate) and that opportunities are taken to incorporate trees elsewhere in developments such as parks. The proposed site layout would achieve some tree planting to all streets, albeit this would be relatively limited along the main roads and mostly concentrated to the areas of landscaping. In total, the landscaping plan proposed some 163 trees to be planted in total within the application site. The tree species proposed by the landscaping plan are pyrus calleryana for the primary street trees, acer campestre for the secondary street trees, liquidambar styraciflua for the specimen trees, alnus glutinosa for the trees to the waterfront and Carpinus betulus for the public open space trees. The species for the tertiary street trees and screening trees have not been specified and therefore a condition should be imposed requiring these details. The Council's Arboricultural Officer has agreed the species proposed and requires a condition to be imposed requiring the planting details to be agreed. It is considered that opportunities have been taken, where viably possible, to include tree planting and the development would accord with the requirements of the NPPF in this regard.
- 2.108 The landscaping plan and site plan depict that where a boundary treatment would adjoin to an area of public open space, this boundary would be treated by a hedgerow. While the soft approach is supported and would improve the overall quality of the scheme, it is considered that there are instances where these hedges should be kept to a reduced height. The particular areas where the reduced hedge height would be important would be along the boundaries of the two-storey dwellings which adjoin to the public footpath and on the boundaries of the care home with the carriageway. This is to ensure that the frontages of the buildings would continue to provide activity and passive surveillance to the public spaces they have been intended to overlook. No internal boundaries between buildings/residential units have been proposed at present and therefore a condition should be imposed requiring these details to be agreed as part of the overall landscaping condition at the site.
- 2.109 Whilst differentiation is shown on the submitted landscaping plan between surfacing materials in terms of shading, the key only differentiates this as macadam road, block paved road etc. It does not go so far as to specify the exact make, colour or size of the material. The plan also does not detail the edge detailing or the separation between materials. It also does not detail how the parking spaces would be demarcated from one another, both in terms of the size of the parking spaces but also the use of the space e.g. GP surgery etc. Therefore a condition should be imposed requiring these details to be submitted.

**Other Matters**

- 2.110 The planning outline consent considered the impact of ecology and the inspector granted the permission subject to a series of ecological conditions. Place Services, as the Council's Ecological Consultants, have recommended a condition be imposed requiring a Construction Environment Management Plan be prepared to cover the full finalised mitigation measures for ecology. This has been included within the suggested list of conditions.
- 2.111 The application site is within close proximity to Southend Airport. The proposed buildings would be slightly greater in height than those approved at APBS and would be unequivocally greater in height than the existing terraced dwellings to the west of the application site. Southend Airport have been consulted on the application and have recommended that a third party instrument flight procedure assessment be submitted. Southend Airport have confirmed that this can be secured by condition and as such, appears within the recommended list of conditions.
- 2.112 ECC Archaeology have provided a response seeking a condition be imposed with regards to archaeology. However, such a condition was imposed on the outline application and it would not be reasonable or justified to impose this as part of the current application when such a condition exists on the outline.
- 2.113 Matters relating to rainwater harvesting, BREEAM and renewable energy were controlled by conditions on the outline application and it would not be reasonable to re-impose these here.
- 2.114 Lastly, it is noted that the outline consent granted at appeal was conditioned requiring a sustainable urban drainage system to be agreed by a discharge of condition application. While these details are not required to be considered by this reserved matters application, Essex County Council as the Lead Local Flood Authority have provided comfort in that the proposed layout would be able to accommodate the sustainable drainage system details that have been provided.

**3.0 CONSULTATIONS AND REPRESENTATIONS**

**Anglian Water (01/06/23)**

- 3.1 No drainage connection details and therefore we have no further comments to make.

**Environment Agency (first response - 27/06/23)**

- 3.2 No objections. The comments we provided in relation to the outline application for this proposal, contained in our letter AE/2018/127585, dated 9 August 2028, remain valid.

**(second response – 03/11/23)**

- 3.3 No comments.

**Essex County Council Highways Authority (30/10/23)**

3.4 No objection subject to following conditions:

1. Prior to development the areas within the site identified for the purpose of loading/unloading/reception and storage of materials and manoeuvring associated with the proposal shall be provided clear of the highway and retained at all times for that sole purpose.

Reason: To ensure that appropriate loading / unloading facilities are available in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

2. No unbound material shall be used in the surface treatment of the vehicular access / egress within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be always retained.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

4. Prior to commencement of development, including any ground works or demolition, a Construction management Plan shall be submitted to the LPA. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- vehicle routing,
- the parking of vehicles of site operatives and visitors,
- loading and unloading of plant and materials,
- storage of plant and materials used in constructing the development,
- wheel and underbody washing facilities.
- Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

5. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle



parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

6. The cycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times.

Reason: To ensure appropriate powered two wheeler and bicycle parking is provided In accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

**Essex County Council Lead Local Flood Authority (31/10/23)**

- 3.5 No objections, however conditions 15-18 in the outline consent remain valid.

**Essex Police (first response - 13/06/23)**

- 3.6 Raised the following points:
  - a) Lighting - this plays a pivotal role in deterring criminal activity but also promotes a feeling of safety within that space. When applied and designed correctly, lighting can reduce the potential for crime. Essex Police recommend that detailed lighting plans are incorporated within the design, to comply with BS5489-1:2020. We request the opportunity to study the development's lighting plan once it has been prepared.
  - b) Electric vehicle charging points (EVCP) - What mitigation is planned to secure these EVCP's from unauthorised use? Will they be IT enabled? If so it is recommended that the EVCP are certificated to British Standard's Institute Kitemark for the Internet of Things (IoT) Devices. Essex Police would welcome the opportunity to discuss this with the applicant.
- 3.7 Security forms a key part of a sustainable and vibrant development and Essex Police considers that it is important that this site is designed incorporating the maximum achievable benefit of crime prevention through environmental design for which Secured by Design (SBD) is the preferred enabler, in this case Secured by Design – Homes. As part of process, the Essex Police would insist on utilising applicable security standards across all components of the proposal wherever appropriate. We would welcome the opportunity to discuss with the applicant the security design aspects of the application to ensure provision of a safe and secure environment for potential residents.

**(second response – 03/11/23)**

- 3.8 Same as first response but also including the following:
  - c) Landscape plan, management and maintenance

Public realm spaces are designed where safety and security are subliminal to the user of that space. The DOCO would welcome the opportunity to liaise regarding the green architecture and appropriate landscaping plan, especially with regards to the use and management of the proposed public realm spaces.

d) Physical security

Whilst there are no apparent concerns with the layout of this site, there is no reference to physical security in this application. We would request further information relating to the intended security for the dwellings and how the applicant proposes to secure the development to keep future users safe whilst also preventing crime and anti-social behaviour.

**Health and Safety Executive (first response - 01/06/23)**

- 3.9 Use the HSE Planning Advice Web App to consult HSE on developments including any which meet the following criteria, and which lie within the consultation distance (CD) of a major hazard site or major hazard pipeline.
- \* residential accommodation;
  - \* more than 250m<sup>2</sup> of retail floor space;
  - \* more than 500m<sup>2</sup> of office floor space;
  - \* more than 750m<sup>2</sup> of floor space to be used for an industrial process;
  - \* transport links;
  - \* or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.

**(second response – 17/10/23)**

- 3.10 The proposed development does not lie within the consultation zone of any of the major hazard sites or major accident hazard pipelines. Based on the information provided, we have no comments to make.

**(third response – 02/11/23)**

- 3.11 Same as first response.

**(fourth response – generated via HSE planning Advice web app – 02/11/23)**

- 3.12 The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site.

**Natural England (first response - 15/06/23)**

- 3.13 No comments to make on this application.

**(second response – 30/10/23)**

- 3.14 No comments to make on this application.

**Place Services Archaeology (25/07/23)**

- 3.15 The Historic Environment Record (EHER) shows that the proposed development site is located on the site of the former brickworks. It is also to the west and north of the Cherry Orchard Lane Brickfield, which revealed evidence of multi-period settlement and activity from the Iron Age through to the post medieval period. There will be the remains of the brickworks foundations. It is also possible that further archaeological remains could still survive in this area, which would be destroyed by this development.
- 3.16 I have seen and approved a WSI originally supplied in October 2018. This will need to be updated and resubmitted for approval, as part of the condition below.
- 3.17 Recommendation: Full condition  
'No development or preliminary groundwork's 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 archaeological work will comprise full recording of the brickworks an assessment to determine if archaeological features survive beneath the brickworks or elsewhere on the site. This may be followed by excavation if archaeological features are found. All fieldwork should be conducted by a professional recognised contractor in accordance with a brief issued by this office.

**Place Services Ecology (first response - 04/08/23)**

- 3.18 No objection subject to conditions:
1. PRIOR TO COMMENCEMENT: INVERTEBRATE SURVEY  
"Prior to commencement and concurrent with reserved matters, an Invertebrate Survey shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to invertebrates during the construction phase, as well as finalised enhancement measures. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter."  
Reason: To conserve and enhance Priority species and allow the LPA to demonstrate its biodiversity duty under the s40 of the NERC Act 2006 (Priority habitats & species).
2. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY  
"Prior to commencement, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.  
a) Risk assessment of potentially damaging construction activities.  
b) Identification of "biodiversity protection zones".

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority”

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

### **3. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME**

“Prior to occupation, a wildlife sensitive lighting design scheme shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

#### **(second response – 31/10/23)**

- 3.19 I would be happy that there is no requirement for the invertebrate survey for phases 2 & 3. In addition, the requirement for the invertebrate survey from Phase 1 could be avoided if the southern road access is not implemented until after the survey has been completed. If considered necessary, a further ecological addendum could be provided to provide further clarification on likely impacts on invertebrates and why this survey was not completed at outline stage.
- 3.20 Regardless of the invertebrate survey, a CEMP should still be secured prior to commencement of all development phases.

**(third response – 31/10/23)**

- 3.21 If the site no longer contains any suitable features for notable invertebrates / assemblages, then I agree that no further invertebrate survey is required for any of the proposed phases 1-4. The full finalised mitigation measures for ecology can therefore be outlined within the proposed CEMP to be secured as a pre-commencement condition.

**(fourth response – 03/11/23)**

- 3.22 Still recommends conditions 2 and 3 within first response. No longer suggests condition 1.

**Place Services Historic Buildings and Conservation advice (first response - 14/06/23)**

- 3.23 The proposals have the potential to affect the setting of the Grade II listed building, Cherry Orchard, to the south (list entry number: 1322397) and the Grade II\* Church of St Andrew (list entry number: 1112585). Upon review of the submitted documents, I do not consider the proposals to result in any additional harm to the significance of the identified heritage assets. The proposed development shall not result in a significant impact due to distance, topography and interposing development to the experience and our understanding of the heritage assets and their significance. Therefore, I raise no objection.

**(second response – 19/10/23)**

- 3.24 As previously stated, due to distance and interposing development such as the business park to the south, the application site is considered to be of limited contribution to the setting of the heritage assets. Therefore, I do not consider the proposals to result in additional harm to the heritage assets.

**Place Services Urban Design (04/07/23)**

- 3.25 The main principles of the approach are welcomed. We would encourage the applicant to make improvements regarding specific aspects of the layout, such as the layout of the north-eastern apartment blocks and building lines, as well as breaking up instances of long rows of parking, whilst also ensuring that key built design principles such as active frontages to all public facing routes are thoroughly considered as house types and materiality strategies are developed in future iterations of the scheme.

**Rochford District Council Environmental Health Officer (30/10/23)**

- 3.26 I could not state what mitigation is required until an acoustic assessment is done. I would expect any report to propose required mitigation, although you have already touched on possibilities such as glazing specification and a barrier.

- 3.27 If you are able to, please condition for an acoustic assessment to be submitted and agreed in writing with the LPA and any agreed mitigation measures to then be installed as agreed and thereafter maintained in perpetuity.
- 3.28 If the internal layout is still to be agreed under Reserved Matters, this would also factor in the mitigation options.
- 3.29 Finally, each parcel to the east and south of this site which subsequently comes forward would need an acoustic assessment so that any appropriate mitigation (to protect the occupiers of this development) could follow.

**Rochford District Council Housing Officer (first response - 01/06/23)**

- 3.30 We do not have a high demand for the particular types of accommodation (sheltered and independent living) at present, however, we have no objection to the development.

**(second response – 19/10/23)**

- 3.31 In regards to the type of properties being planned for this development we do not currently have a high demand for these types of properties with less than 50 applicants on the Housing register at this time awaiting sheltered accommodation.

**Rochford District Council Arboricultural Officer (first response – 05/06/23)**

- 3.32 There are no formal landscaping details. We are not provided with species, planning densities, numbers, method statements etc.
- 3.33 There is no tree protection plan of the existing / retained tree stock, this may not be necessary if no trees have been identified for retention as part of the outline app, however if they have then we would need this detail in accordance with BS 5837

**(second response – 30/10/23)**

- 3.34 We would need to condition the planting details/specification and how the hard surface would be protected from tree root trespass.
- 3.35 I would suggest acer campestre elsrijk is substituted for elegant. In my experience of Elrijk has a very wide crown habit and tends to put out a lot of epicormic and basal growth, the Elegant is a more compact tree and less likely to require future management in tight locations.
- 3.36 I would suggest Salix fragilis be substituted for Alnus glutinosa – both wetland trees but the Alder is more robust and will retain a single stem, fragilis tends to have a low crown break, spreading habit and tendency to break out in heavy winds. Alder is a more appealing tree on maturity offering colour and interest with shades of red and interesting catkins and seed cones.

**Rochford District Council (third response – 02/11/23)**

3.37 No objection.

**Southend Airport (first response – 22/09/23)**

3.38 No safeguarding objections.

**(second response – 19/10/23)**

3.39 No objection subject to planning permission being granted subject to the following condition:

- A third party instrument flight procedure assessment will be required

**4.0 EQUALITY AND DIVERSITY IMPLICATIONS**

4.1 The Equality Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

**5.0 CONSULTATION DIRECTION**

5.1 The Town and Country Planning (Consultation) (England) Direction 2021 requires that the Council consult the Secretary of State on certain planning applications where the local planning authority does not propose to refuse the application.

5.2 The proposal has been reviewed against the criteria for referral to the Secretary of State and it is confirmed that the Council would not be required to consult the Secretary of State prior to issuing a grant of planning permission in respect of this application.



Phil Drane

Director of Place

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**REPORT AUTHOR:**

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**RELEVANT DEVELOPMENT PLAN POLICIES AND PROPOSALS**

National Planning Policy Framework 2023

Core Strategy Adopted Version (December 2011) Policy CP1, H4, H5, H6, ENV9, CLT5, ENV3, ENV4, ENV8, ENV10, CLT5, T1, T3, T5, T6, T8, ED1, ED2, ED4, RTC2

Development Management Plan (December 2014) Policy DM1, DM2, DM3, DM4, DM5, DM25, DM27, DM28, DM30, DM32

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

Supplementary Planning Document 2 (January 2007) – Housing Design

The Essex Design Guide (2018)

Joint Area Action Plan (2014) Policy E3, E4

**BACKGROUND PAPERS**

None.

**SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
Development committee 17/00877/OUT	17 <sup>th</sup> October 2019

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



23/00248/REM

