

**REFERRED ITEM 2**

**TITLE :** 09/00235/FUL  
**CONSTRUCT TWO STOREY PITCHED ROOFED BUILDING  
COMPRISING TWO X TWO BEDROOMED SELF CONTAINED  
FLATS (BLOCK C) AT FRONT OF SITE  
80 WEST STREET ROCHFORD**

**APPLICANT :** G H T PROPERTIES

**ZONING :** RESIDENTIAL

**PARISH:** ROCHFORD

**WARD:** ROCHFORD

In accordance with the agreed procedure this item is reported to this meeting for consideration.

This application was included in Weekly List No. 991 requiring notification of referrals to the Head of Planning and Transportation by 1.00 pm on Tuesday, 21 July 2009 with any applications being referred to this meeting of the Committee. The item was referred by Cllr K J Gordon.

The item which was referred is appended as it appeared in the Weekly List together with a plan.

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- 2.1 **Rochford Parish Council:** Very strong objections to the application for the following reasons (note: some of these objections relate to the other two applications):
  - 2.2 Whilst Members were aware that permission had been given to repair the building because of water leakage, Members were extremely unhappy that a considerable amount of work to convert the existing building was carried out prior to the submission of the application.
  - 2.3 There is no application for a change of use of the existing building (block B) from commercial to residential use.
  - 2.4 There is no Conservation Area Consent application.
  - 2.5 There is no mention of the Tree Preservation Order which exists on the tree at the front of the site.
  - 2.6 Overdevelopment of this site.
  - 2.7 Out of character with the Conservation Area and Street Scene.

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- 2.8 Introduction of residential use in commercial area.
- 2.9 Block C extends beyond the front of the building line.

NOTES

- 2.10 This application is to a site on the northern side of West Street 40m west of the junction with Bradley Way. The site has a frontage contained by a brick wall and gates to West Street of 24.8m in width and is broadly rectangular in shape over a depth of 42.2m but widens at the rear to some 35m. On the site is a two storey pitched roofed building that has been vacant for a number of years but which was originally built as a terrace of four houses but last used as a day care centre and offices. A former garage block at the rear of the site has since been demolished by previous site owners.
- 2.11 The site is adjoined to the west by a listed former house now used as offices and the former doctors surgery now used as the Rochford Parish Council rooms. To the east of the site is the Milestone public house and restaurant and a currently cleared site but which benefits from planning permission for a retail store at ground floor with six flats above. At the rear of the site exists the Rochford Primary School playing field.
- 2.12 The site is allocated as existing residential development in the Council's adopted Local Plan (2006) and within the Rochford Conservation Area. The Building on the site is of modern construction and is not Listed of special Architectural or Historic importance. A number of trees exist on the site benefiting from the general protection given to the site by Conservation Area status but the large Lime tree to the front of the site is also the subject of a separate Tree Preservation Order No. 21/08.
- 2.13 The proposal is one of three separately submitted applications for the whole site, the other two applications follow this one on the Weekly List.
- 2.14 The application the subject of this report is to construct a two storey pitched roofed building comprising 2 No. two bedroomed self contained flats to the front of the site and under application reference 09/00235/FUL and which is identified as block "C".
- 2.15 The second application seeks consent for the conversion of the existing building into four three bedroomed houses and which is identified as block "B". This application is the subject of a separate report under application reference 09/00223/FUL.
- 2.16 The third application is to construct a two storey pitched roofed building comprising 2 No. one bedroomed self contained flats at the rear of the site and which is the subject of a separate report under application reference 09/00236/FUL and which is identified as block 'A'.

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2.17 The three applications share a common layout utilising the existing access into the site with a proposed electronic sliding entrance gate, separate pedestrian gate and adjoining refuse bin enclosure. The existing hard surfaces are largely retained to provide circulation and manoeuvring space within the site and the provision of 8 No. car parking spaces to serve the eight dwellings proposed overall within the whole site.

2.18 There is no demolition of buildings arising from these proposals and therefore no application for Conservation Area Consent is required to accompany the applications.

The proposal

2.19 The application the subject of this report seeks consent for a two storey building to an overall ridge height of 8.9m and height to eaves of 5.5m and to provide 2 No. two bedroomed flats. The proposed building would have an "L" shaped plan presenting a gable ended wing and crosswing to the street alongside the existing building No. 82 West Street to complete the built frontage. The building has been revised in height to address the requirements of the Environment Agency. On this part of the site no increase in land level is proposed.

2.20 The building would be finished in natural welsh slate to the roof and shows yellow brickwork in Flemish bond to the walls. The application particulars refer to the use of weatherboarding.

2.21 The building would be accessed by a pedestrian access formed through the existing front boundary wall and by a shared path with the proposed conversion of the existing building on the site for housing and which is the subject of a separate report.

Relevant Planning History

Application No. ROC/1135/72  
Erect 4 No. two storey houses for staff  
Permission granted 6th March 1973.

Application No. ROC/1135/72 A  
Erect block of four pre-cast garages  
Permission granted 29th November 1974

Application No. CC/447/90  
Change of use from residential to day centre and offices.  
No objection raised by Rochford District Council 15th November 1990. (This was an application determined by Essex County Council)

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Application No. 07/01010/FUL

Demolish existing building and construct two storey building comprising retail store at ground floor with 3 No. first floor two bedroomed flats with access parking area.

Permission refused 5th June 2008.

Application No. 08/00683/CON

Demolish garages on part of site.

Permission granted 30th September 2008

Material Considerations

- 2.22 A number of policies contained within the Council's adopted Local Plan (2006) have now been saved by a direction dated 5th June 2009, from the Secretary of State for Communities and Local Government, until such time as they are replaced by policies which will come forward in the Council's emerging Local Development Framework. These saved policies still carry development plan status and are material considerations. Policies not saved by the direction are no longer material considerations.
- 2.23 The site is located within an area annotated as existing residential development. The use of the site for residential purposes as proposed is therefore the most appropriate use in planning terms notwithstanding the presence of other commercial uses on adjoining sites.
- 2.24 The redevelopment of this town centre site would recycle urban land and would generally accord with the Policy CS1 to the saved Local Plan and national policy set out at paragraph 41 to Planning Policy Statement 3 (Housing) 2006.
- 2.25 The site is within the Rochford Town centre which is served by a mainline rail station opposite the site and a regular bus service. The town centre shops and services are a convenient walk from the site. The location is highly accessible in accord with part (i) to Policy HP6.
- 2.26 The site is bounded to the front by a 1.66m high red brick wall into which would be formed a pedestrian access to the ground floor flat proposed in this building.
- 2.27 The western boundary is formed by the Listed Building at No. 82 West Street. A 2m high panel fence exists for part of the site boundary lowering to approximately 1.8m in height for the remainder of the boundary with the Rochford Parish Council rooms and adjoining block "B" the subject of a separate report.

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- 2.28 The eastern boundary is formed by the walls to the "Milestone" and former building walls left in position following previous demolition of the adjoining site. The remainder of the boundary comprises a white painted 2.5m high close boarded fence erected as part of the temporary enclosure to the adjoining site.
- 2.29 The application details do not specify any further boundary treatment other than the provision of close boarded fencing. Given the location of the site within the Rochford Conservation Area officers consider it important that details of the appearance of the automatic entry gate, and any gate provided to front wall entrance to block "C" as well as any future boundary treatment to the eastern boundary should be the subject of a condition to any approval that might be given. This would satisfy the requirements of part (ii) to Policy HP6.
- 2.30 The layout of the site would achieve one car parking space for each dwelling proposed. There is no objection raised from the County Highway Authority at this level of provision. The provision of a maximum of one car parking space per dwelling is in accordance with the standard for main urban areas with good access to public transport as set out at Policy T8 to the saved policies of the adopted Local Plan (2006) and as contained within the Council's supplementary planning guidance on car parking standards (2007). Officers consider the parking provision shown to be acceptable and satisfying part (iii) to Policy HP6 and part (iv) to Policy HP11.
- 2.31 The proposed flats would generate traffic movements and general disturbance that would be indistinguishable above the backdrop of town centre noise. The domestic movements would not adversely affect the commercial offices and the Rochford Parish Council rooms to the west or the Playing field at the rear of the site. There is a residence at the "Milestone" Public House and Restaurant and approved flats above a shop on vacant land to the east. Given the town centre location it is not considered that the proposed flats would give rise to traffic conditions adversely impacting upon these adjoining uses or the amenity of existing or future residents adjoining the site. The proposal would not therefore conflict with part (i) to Policy HP11.
- 2.32 Policy HP3 to the council's adopted Local Plan previously advocated a density within a range of 30-50 dwellings per hectare but has not been saved by the ministerial direction. National policy set out at paragraphs 47-50 to Planning Policy Statement 3 (Housing) 2006 states that developments at less than 30 dwellings per hectare would need justification but that in Conservation Areas and other areas of special character new development opportunities can be taken without adverse impacts upon the areas character and appearance. In short there is no upper limit to the density possibilities. Existing density should not stifle change by producing replication of older style or form.

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- 2.33 The site has an area of 0.119ha. The combined development of the site as proposed between the three applications would achieve eight units at a density of 67 units per hectare which officers consider is an acceptable density given the town centre location and characteristics of the area. The proposal would therefore meet the requirements of part (iv) to Policy HP6. The layout would achieve a private amenity space for the proposed flats of 60 square metres. This area is divided between a narrow strip of land varying between 2m and 3.5m in width over a distance of some 10.5m between the building proposed and the neighbouring building No. 82 West Street and another square shaped area of some 37 square metres contained by the projecting wing of the building proposed. As such these areas are not open to public gaze. Whilst the narrow area might be considered less useable its width would permit some private sitting out. Taking the two areas together and given the town centre location and availability of informal public open space opposite at the Rochford reservoir site, officers consider that sufficient amenity space is available within the proposed layout for the two flats proposed. The proposal is therefore considered acceptable against part (v) to Policy HP6.
- 2.34 The building proposed would have a domestic scale and form that would generally form part of the greater composition of the area as required by parts (i) and (ii) to Policy BC1. It is particularly important in Conservation Area terms that the successful development of the site would seek to complete the site frontage. In this way the proposal would fulfil the duty to enhance the Conservation Area. The building would be sited in excess of 1m from the site boundaries as required. The building proposed would not be sited in such a way as to appear incompatible with the more general mix of residential and commercial uses. The scale, height and bulk of the building proposed would not conflict with part (iii) to Policy HP11. The external materials are considered acceptable but because of the encouragement of theft from existing historic buildings, the use of second hand bricks is no longer encouraged. It is therefore necessary to condition the further consideration of the external brickwork and the use of Flemish bonding and weatherboarding as a condition to any approval that might be given.
- 2.35 The building proposed would provide landing and bathroom windows facing No. 82 West Street which has no side windows looking into the development. No adverse overlooking would therefore arise for occupiers of this adjoining building. Similarly bedroom windows to the gable end east wing would face the approved minor living room windows to the flank of the building approved on land to the east of the site 14.9m between the building proposed and approved. However given the town centre location outside areas of family housing it is considered that the consequent degree of overlooking that would arise would not be, in this case a reasonable ground to refuse the application.

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- 2.36 The layout would result in a secondary ground floor living room window between 5m-6m from the front windows serving living rooms to the houses the subject of a separate application and report. Furthermore the single window to bedroom 2 and second window to bedroom 1 would similarly located less than 10m from the living room and bedroom windows to the houses proposed as part of a separate application. This distance is significantly short of the 35m distance advocated in the Essex Design guide. It is necessary therefore for these windows where they are secondary windows are to be obscure glazed by condition to any approval that might be given, except that to bedroom 2.
- 2.37 The Arboricultural impact assessment accompanying the application finds that all the existing trees on the site should be removed in favour of replanting. The large Lime tree to the front of the site and the subject of TPO/21/08 is described to be afflicted with decay fungus and which results in the brittle fracture of the tree. Replanting of a new tree is favoured but away from the area of the existing tree which could still contain infectious spores that would harm new planting.
- 2.38 A Holly tree located on the boundary with No. 82 West Street is considered desirable to fell because of the affect its presence has upon the neighbouring Listed Building.
- 2.39 The group of Laurel and Elder located on the eastern boundary together with Laburnums on the western part of the site and a Horse chestnut in the rear part of the site are all considered poor or low value specimens and that the appearance of the site would benefit from the proposed replanting which could be carried out to suit the presence of exiting buildings and those proposed.
- 2.40 The greater site would see the existing Laburnum tree at the rear of the site adjoining the Rochford Parish Rooms retained and six trees provided, five at the rear garden areas to the proposed houses and one to the front of the site in replacement of the lost Lime by an Ilex Aquifolium. The proposed trees would be provided within lawns and set in beds top dressed with bark chippings.
- 2.41 Laurel and Red Robin hedging would be provided to parts of the boundaries of the amenity areas to the flatted application sites and to the western boundary with the adjoining Rochford Parish Rooms.
- 2.42 The driveways and pathways are to be finished in black asphalt but the two side car parking spaces and the three car parking spaces to the rear and adjoining the trees planted in the rear gardens to the proposed houses would be finished in permeable paving.

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- 2.43 These details have not attracted objection from the Council's arboricultural officer or specialist adviser on Historic Buildings and Conservation Areas and it is therefore considered that the proposed landscaping details would be acceptable and would not conflict with part (vii) to Policy HP6.

Flood Risk

- 2.44 Part of the site frontage falls within Flood Zone 2 with a one in a thousand year flood event with a 0.1% probability. Local Plan Policy NR11 was not saved by ministerial direction but the submitted Flood Risk assessment has been the subject of consultation with the Environment Agency.
- 2.45 The site is located within a town centre and sustainable location recycling urban land. There are no alternative sites available and the application is part of the redevelopment of a greater site otherwise run down in the Rochford Conservation Area. The Environment Agency now accept these circumstances as passing the necessary sequential test under the requirements of Planning Policy Statement 25 and subject to a number of conditions and the revisions made that the ground floor of the building would not be susceptible to flooding and now withdraw previous objections.

Other matters

- 2.46 The proposal together with those other applications for the greater site, are not considered to have any negligible effect upon the development of the former filling station adjoining to the east. The approved layout to this adjoining site would provide an access to the rear of the building proposed and adjoining the shared boundary with the site of the current applications. The applicant is understood to have favoured the gated approach to the access to this scheme to off set the likelihood of traffic conflict between the adjoining access to these adjoining schemes.
- 2.47 Concern has been raised at the commencement of work on the site. Officers have made the applicant aware that any development would be undertaken at risk if the Local Planning Authority were to refuse permission. It was initially envisaged that the scheme for the conversion of the existing building would have been received much sooner and in advance of the other applications for the site. However all three schemes are now proceeding together. The works undertaken are not illegal. Enforcement action would not be considered expedient by the courts or an inspector in any appeal unless the decision on the merits of the application were clear. The applicant is understood to have been under some pressure by the previous owners to acquire the site and found further that the building had been vandalised and damaged as well as suffering poor design of the roof areas that in turn was allowing water penetration. In order to make the building weatherproof the applicant is understood to have proceeded with much of the conversion works.



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- 2.48 The proprietor of the adjoining "Milestone" public house and restaurant raises the expectation of a guarantee that future residents of the scheme could not raise objections so as to undermine future licence applications. This matter was discussed in the debate on the development of the neighbouring site for a shop with flats above. However it is neither possible to condition such a guarantee or add an informative as it would be difficult to enforce or make clear any formal advice. Consequently the decision to the adjoining site makes no reference to this issue raised as it would be inappropriate to a planning decision and would be a matter best considered under licensing practice and procedure.
- 2.49 **Essex County Council Environment, Sustainability and Highways:** No objection to raise subject to condition requiring pedestrian visibility splay to both sides of the vehicular accesses and pedestrian gate.
- 2.50 **Essex County Council Historic Buildings and Conservation Advice:** The submission follows meetings and negotiations and the design is now acceptable. Recommend that permission is granted with conditions requiring the agreement of the external materials before works commence and that large scale detailed design of the window types (scale 1:20) to also be approved before works begin.
- 2.51 This section does not advocate the use of second hand bricks and they shall not be used in this development.
- 2.52 **Essex County Council Specialist Archaeological Advice:** Identify the site as lying immediately south and west of the medieval core of Rochford. This area and particularly West Street represent a planned late 15th Century expansion of the town. The importance of the medieval settlement of Rochford means that it was potentially larger than present evidence suggests and therefore it is possible that deposits associated with the medieval development will be found in the development area. The development also lies within the Roach Valley and directly upon River Thames terraces known to present great potential for pre- historic archaeology.
- 2.53 Recommend condition requiring trial trenching and possible excavation.
- 2.54 **Environment Agency:** First round response to consultation
- 2.55 The site is shown to fall within Flood Zone 2 defined as a medium probability flood risk.

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- 2.56 Originally objected on the basis that the application particulars fail to demonstrate that the Local Planning Authority has carried out a sequential test to steer new development to areas of the lowest probability of flooding. Have reviewed the Flood Risk Assessment accompanying the application and on this basis the FRA and drainage strategy have not provided sufficient information to demonstrate that the proposed development will not increase the risk of surface water flooding on the site or elsewhere as required in PPS 25 paragraph 5.
- 2.57 Advise that dry refuge within dwellings is required in the extreme flood event, above the 1 in 1000 year flood level. The ground floor apartments will not have a higher refuge so their finished floor levels should be 300mm above the 1 in 1000 year flood level at a level of 5.99AOD. The ground level to Block C is shown to be 5.7AOD.
- Second round response to consultation
- 2.58 Have now received further information from the applicant and the Local Planning Authority and given Green Belt policy restrictions on the area and the need to develop sites in the Conservation Area that remove objection on sequential test grounds.
- 2.59 Advise that revised finished floor levels to blocks A and C at 6.00 AOD would be 300mm above the 1 in 1000 year flood event but recommend this be a condition.
- 2.60 The surface water issue will only be acceptable if the measures as detailed in the FRA by Jnp Group referenced S81590 and the drainage strategy referenced 40482 are implemented and recommend condition to this effect.
- 2.61 Recommend further condition requiring details to be agreed for the adoption and maintenance of the surface water system.
- 2.62 **London Southend Airport:** No safeguarding objections.
- 2.63 **Woodlands Section:** No ecological concerns.
- 2.64 **Woodlands Section:** Agree with the findings of the arboricultural impact assessment. A method statement should be provided for tree planting to avoid further fungi colonisation of newly planted trees.
- 2.65 The proposed species for the hedge to the front of the site is incorrect for a Conservation Area. It is recommended that species such as Hornbeam, Box or Yew should be used.

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- 2.66 The replacement tree for the lime the subject of the Tree Preservation Order is acceptable but it should be the female variety with red berries that will offer more interest than the male variety.
- 2.67 A specification and aftercare/management program should be provided to ensure continued health/longevity at the site.
- 2.68 **Buildings/Technical support (Engineers):** No objections. Advise that a public foul sewer exists adjacent the front boundary of the site.
- 2.69 Two letters have been received in response the public notification and which make the following comments and objections:
- Surprised that have only just received copy of this planning application as the conversion is already well underway. Believed that permission should be granted before work commences.
  - Adjoining pub and restaurant has been in business since 1992.
  - Enjoy a late night licence and indoor and outdoor music licence. The live music is essential to our business.
  - Concerned that when new residential buildings are built in such close proximity to licensed premises, the granting of licences will be called into question effectively killing our business.
  - Given that have ran the business responsibly for 17 years and have contributed to the business culture of Rochford, I am looking for guarantees that our business and licences will be allowed to continue unchanged.
  - Have successfully had these guarantees made by the Committee in connection with the development of the old BP site and would like these repeated and reinforced.
  - Should the development go-ahead would like to see a guarantee that any prospective buyer is made aware of the proximity of a late night venue on their doorstep

APPROVE

- 1 SC4B Time Limits Full - Standard
- 2 Notwithstanding the submitted landscaping details the replacement tree Ilex Aquifolium shall be of the female variety.
- 3 Notwithstanding the submitted Landscaping details the hedging to be provided shall be of Yew, Hornbeam or Box species.
- 4 All hard and soft landscaping works as submitted in the application and as amended by the requirements of condition 2 and 3 above shall be carried out prior to the first occupation of the development to which they relate.

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- 5 All hard and soft landscaping works as submitted in the application and as amended by the requirements of condition 2 and 3 above shall be carried out prior to the first occupation of the development to which they relate.
- 6 Prior to the first occupation of the development hereby permitted the applicant shall submit details of the design and external appearance of the means of enclosure to include the boundary treatment, garden fencing, provision of gates and the provision of sliding gates to the front access and to the Local Planning Authority. The development shall be implemented in accordance with such details as may be agreed by the Local Planning Authority.
- 7 The areas shown for car parking and circulation and manoeuvring within the site shall be provided prior the first occupation of the dwellings to which they relate.
- 8 The rainwater goods to the development hereby permitted shall be of metal design and black finished. Details of the design and appearance of the rainwater goods shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development.
- 9 Prior to the first occupation of the development hereby permitted the applicant shall submit details of the design and external appearance of the communal refuse store to the Local Planning Authority. The development shall be implemented in accordance with such details as may be agreed by the Local Planning Authority.
- 10 Before occupation of the development the measures as detailed in the Flood Risk Assessment by Jnp group Consulting Engineers dated March 2008 and referenced S81590 together with the surface water drainage scheme, including the use of permeable paving and an attenuation tank, shall be implemented in accordance with the Drainage Strategy (referenced 40482 and dated March 2009). The surface water outfalls draining from the site into the Anglian Water Sewer shall be restricted to a maximum combined total of 8.2 litres per second.
- 11 Prior to occupation of the development details of the adoption and maintenance of the surface water system shall be submitted to, and approved in writing by, the Local Planning Authority.
- 12 The development hereby permitted shall be constructed with a minimum finished floor level of 6.00m AOD.
- 13 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.
- 14 Prior to the commencement of the development the applicant shall submit detailed designs for the proposed windows and doors at a scale of not less than 1:20 to the Local Planning Authority. The development shall be implemented in accordance with such details as may be agreed by the Local Planning Authority.

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- 15 Notwithstanding the submitted details the development hereby approved shall be finished in N17 CUPA natural Spanish slate to the external roof finish. Prior to the commencement of the development details shall be submitted to the Local Planning Authority for the proposed external brickwork. The development shall be implemented in accordance with such details.
- 16 The brickwork to the walls of the development hereby approved shall be finished in Flemish Bond.
- 17 The windows marked OBS on the plans hereby approved shall be obscure glazed and shall thereafter be retained as such.

**REASON FOR DECISION**

The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area, to the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers in neighbouring streets.

**Relevant Development Plan Policies and Proposals**

CS1, HP6, HP11, BC1, TP8, of the Rochford District Council Adopted Replacement Local Plan

As saved by Direction of the Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004.

Supplementary Planning Document 2 (Housing Design)  
Supplementary Planning Document 5 (Vehicle Parking Standards)



Shaun Scrutton

Head of Planning and Transportation

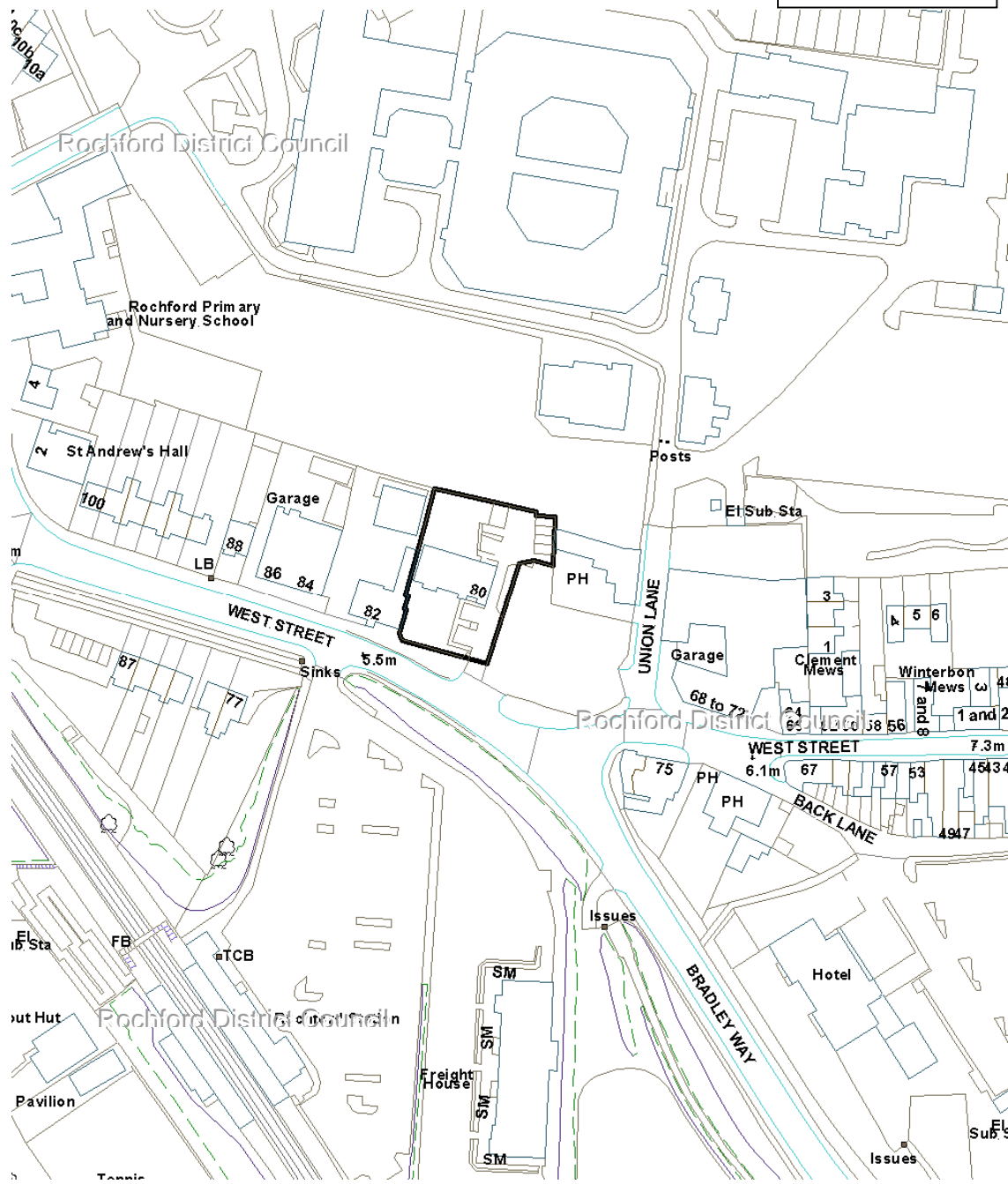
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For further information please contact Mike Stranks on (01702) 546366.

The local Ward Member(s) for the above application are Cllr Mrs G A Lucas-Gill  
Cllr K J Gordon Cllr J P Cottis

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09/00235/FUL



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**REFERRED ITEM 3**

**TITLE :** 09/00223/FUL  
**CONVERT EXISTING BUILDING INTO FOUR X THREE  
BEDROOMED TERRACED HOUSES INCLUDING  
ALTERATIONS TO FORM SLOPED ROOFED FRONT AND  
REAR DORMERS (BLOCK B)  
SITE OF 80 WEST STREET ROCHFORD**

**APPLICANT :** G.H.T PROPERTIES

**ZONING :** RESIDENTIAL

**PARISH:** ROCHFORD

**WARD:** ROCHFORD

In accordance with the agreed procedure this item is reported to this meeting for consideration.

This application was included in Weekly List no 991 requiring notification of referrals to the Head of Planning Services by 1.00pm on Tuesday 21 July 2009, with any applications being referred to this Meeting of the Committee. The item was referred by Cllr K J Gordon.

The item which was referred is appended as it appeared in the Weekly List together with a plan.

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- 3.1 **Rochford Parish Council:** Very strong objections to the application for the following reasons (note: some of these objections relate to the other two applications):
  - 3.2 Whilst Members were aware that permission had been given to repair the building because of water leakage, members were extremely unhappy that a considerable amount of work to convert the existing building was carried out prior to the submission of the application.
  - 3.3 There is no application for a change of use of the existing building (block B) from commercial to residential use.
  - 3.4 There is no Conservation Area Consent application.
  - 3.5 There is no mention of the Tree Preservation Order which exists on the tree at the front of the site.
  - 3.6 Overdevelopment of this site.

**REFERRED ITEM 3**

- 3.7 Out of character with the Conservation Area and Street Scene.
- 3.8 Introduction of residential use in commercial area.
- 3.9 Block C extends beyond the front of the building line.

NOTES

- 3.10 As explained in the previous item this proposal is one of three separately submitted applications for the overall site.
- 3.11 Block "A" the application the subject of this report is identified as block "B" and seeks consent for the conversion of the existing building into four three bedroomed houses.
- 3.12 The site description and context is set out in the previous item.

The proposal

- 3.13 This particular application seeks permission for block "B" on part of the greater site for the conversion of the existing building into a terrace of four three bedroomed houses. The application site at the rear would be divided to form four separate garden areas to each of the houses proposed. The works required to the building involve internal alterations, repairs and changes to the window details but also the formation of a sloped roofed front and rear dormer to incorporate the existing window and dormer pattern into a more traditional solution to the first floor external appearance. The external construction of the dormers and replacement of the windows, some internal alterations and the repair of the front porches have already been largely implemented.

Relevant Planning History

See details in previous item.

Material Considerations

- 3.14 A number of policies contained within the Council's adopted Local Plan (2006) have now been saved by a direction dated 5th June 2009, from the Secretary of State for Communities and Local Government, until such time as they are replaced by policies which will come forward in the Council's emerging Local Development Framework. These saved policies still carry development plan status and are material considerations. Policies not saved by the direction are no longer material considerations.



**- 23 July 2009**

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**REFERRED ITEM 3**

- 3.15 The site is located within an area annotated as existing residential development. The use of the site for residential purposes as proposed is therefore the most appropriate use in planning terms notwithstanding the presence of other commercial uses on adjoining sites.
- 3.16 The redevelopment of this town centre site would recycle urban land and would generally accord with the Policy CS1 to the saved Local Plan and national policy set out at paragraph 41 to Planning Policy Statement 3 (Housing) 2006.
- 3.17 The site is within the Rochford Town centre which is served by a mainline rail station opposite the site and a regular bus service. The town centre shops and services are a convenient walk from the site. The location is highly accessible in accord with part (i) to Policy HP6.
- 3.18 The site is bounded to the front by a 1.66m high brick wall into which would be formed a pedestrian access to the flats proposed to the front of the site identified as block "C".
- 3.19 The western boundary is formed by the Listed Building at No. 82 West Street. A 2m high panel fence exists for part of the site boundary lowering to approximately 1.8m in height for the remainder of the boundary with the Rochford Parish Council rooms.
- 3.20 The rear boundary is formed by a 2 m high brick wall lowering to approximately 1.66m in height and what appears formerly part of the Rochford Hospital boundary walling.
- 3.21 The eastern boundary is formed by the walls to the "Milestone" and former building walls left in position following previous demolition of the adjoining site. The remainder of the boundary comprises a white painted 2.5m high close boarded fence erected as part of the temporary enclosure to the adjoining site.
- 3.22 The application details do not specify any further boundary treatment. Given the location of the site within the Rochford Conservation Area officers consider it important that details of the appearance of the automatic entry gate, any gate provided to block "C" as well as any future boundary treatment to the eastern boundary should be the subject of a condition to any approval that might be given. This would satisfy the requirements of part (ii) to Policy HP6.

**REFERRED ITEM 3**

- 3.23 The layout of the site would achieve one car parking space for each dwelling proposed. There is no objection raised from the County Highway Authority at this level of provision. The provision of a maximum of one car parking space per dwelling is in accordance with the standard for main urban areas with good access to public transport as set out at Policy T8 to the saved policies of the adopted Local Plan (2006) and as contained within the Council's supplementary planning guidance on car parking standards (2007). Officers consider the parking provision shown to be acceptable and satisfying part (iii) to Policy HP6.
- 3.24 Policy HP3 to the Council's adopted Local Plan previously advocated a density within a range of 30-50 dwellings per hectare but has not been saved by the ministerial direction. National policy set out at paragraphs 47-50 to Planning Policy Statement 3 (Housing) 2006 states that developments at less than 30 dwellings per hectare would need justification but that in Conservation Areas and other areas of special character new development opportunities can be taken without adverse impacts upon the areas character and appearance. In short there is no upper limit to the density possibilities. Existing density should not stifle change by producing replication of older style or form.
- 3.25 The site has an area of 0.119ha. The combined development of the site as proposed between the three applications would achieve eight units at a density of 67 units per hectare which officers consider is an acceptable density given the town centre location and characteristics of the area. The proposal would therefore meet the requirements of part (iv) to Policy HP6.
- 3.26 Two of the proposed houses would have 45 square metres garden areas and just below the 50 square metres that is required in the Council's detailed supplementary guidance for three bedroomed terraced dwellings. These areas are however broadly rectangular in shape and useable despite their limited shortfall. The gardens to the other two units are 83 and 101 square metres respectively. Given the town centre location and availability of informal public open space opposite at the Rochford reservoir site, officers consider that the shortfall for the two houses is acceptable and would not in this case amount to sufficient reason to withhold consent. The proposal is therefore considered acceptable against part (v) to Policy HP6.

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- 3.27 The design of the dormer follows advice from District Officers and the County Council's Specialist Adviser on Historic Buildings and Conservation Areas. One of the failings of the existing building was the number of inappropriate dormers. The appearance of the building is considered greatly improved by the alterations forming part of this application to provide a large dormer detail to both front and rear elevations taking the previous smaller dormers into a better context. The result is that the building now looks less out of place than previously and can therefore be considered an improvement enhancing the Conservation Area are required by statute and Policies CS7 and BC1 both of which are saved by the ministerial direction.
- 3.28 This particular application involves works and the new use to the existing building and as such the matter of scale and form and the need for the proposal to form part of the greater composition of the area as required by parts (i) and (ii) to Policy BC1 do not fall to be considered. The details of the conversion and the works on site however follow generally accepted principles and the use of white painted timber windows. The conversion works would not conflict with Policy BC1 or parts (vi) (ix) and (x) to Policy HP6.
- 3.29 The proposal retains the existing window pattern to the existing building. The front windows would look onto West Street and the proposed building at Block "C". The rear windows would look towards the rear boundary of the site and the primary school field beyond. It is not considered that the application for the conversion of the existing building would give rise to unreasonable loss of privacy in conflict with part (viii) to Policy HP6.
- 3.30 The Arboricultural impact assessment accompanying the application finds that all the existing trees on the site should be removed in favour of replanting. The large Lime tree to the front of the site and the subject of TPO/21/08 is described to be afflicted with decay fungus and which results in the brittle fracture of the tree. Replanting of a new tree is favoured but wary from the area of the existing tree which could still contain infectious spores that would harm new planting.
- 3.31 A Holly tree located on the boundary with No. 82 West Street is considered desirable to fell because of the affect its presence has upon the neighbouring Listed Building.
- 3.32 The group of Laurel and Elder located on the eastern boundary together with Laburnums on the western part of the site and a Horse Chestnut in the rear part of the site are all considered poor or low value specimens and that the appearance of the site would benefit from the proposed replanting which could be carried out to suit the presence of exiting buildings and those proposed.

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- 3.33 The greater site would see the existing Laburnum tree at the rear of the site adjoining the Rochford Parish Rooms retained and six trees provided, five at the rear garden areas to the proposed houses and one to the front of the site in replacement of the lost lime by an Ilex Aqifolium. The proposed trees would be provided within lawns and set in beds top dressed with bark chippings.
- 3.34 Laurel and Red Robin hedging would be provided to parts of the boundaries of the amenity areas to the flatted application sites and to the western boundary with the adjoining Rochford Parish Rooms.
- 3.35 The driveways and pathways are to be finished in black asphalt but the two side car parking spaces and the three car parking spaces to the rear and adjoining the trees planted in the rear gardens to the proposed houses would be finished in permeable paving.
- 3.36 These details have not attracted objection from the Council's arboricultural officer or specialist adviser on historic buildings and Conservation Areas and it is therefore considered that the proposed landscaping details would be acceptable and would not conflict with part (vii) to Policy HP6.

**Flood Risk**

- 3.37 Part of the site frontage falls within Flood Zone 2 with a one in a thousand year flood event with a 0.1% probability (defined as medium probability flood risk). Local Plan Policy NR11 was not saved by ministerial direction but the submitted Flood Risk assessment has been the subject of consultation with the Environment Agency.
- 3.38 The site is located within a town centre and sustainable location recycling urban land and putting a vacant building to a new use. The Environment Agency is now satisfied that the site passes the sequential test required by the Local Planning Authority as to the non-availability of other and preferable alternative sites with less probability of flooding.
- 3.39 The Environment Agency advise that in the case of this application to convert the existing building, dry refuge will be possible as the proposed houses will have a first floor.

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### REFERRED ITEM 3

Other matters

- 3.40 The proposal together with those other applications for the greater site, are not considered to have any negligible effect upon the development of the former filling station adjoining to the east. The approved layout to this adjoining site would provide an access to the rear of the building proposed and adjoining the shared boundary with the site of the current applications. The applicant is understood to have favoured the gated approach to the access to this scheme to off set the likelihood of traffic conflict between the adjoining access to these adjoining schemes.
- 3.41 Concern has been raised at the commencement of work on the site. Officers have made the applicant aware that any development would be undertaken at risk if the Local Planning Authority were to refuse permission. It was initially envisaged that the scheme for the conversion of the existing building would have been received much sooner and in advance of the other applications for the site. However all three schemes are now proceeding together. The works undertaken are not illegal. Enforcement action would not be considered expedient by the courts or an inspector in any appeal unless the decision on the merits of the application were clear. The applicant is understood to have been under some pressure by the previous owners to acquire the site and found further that the building had been vandalised and damaged as well as suffering poor design of the roof areas that in turn was allowing water penetration. In order to make the building weatherproof the applicant is understood to have proceeded with much of the conversion works.
- 3.42 The proprietor of the adjoining "Milestone" public House and restaurant raises the expectation of a guarantee that future residents of the scheme could not raise objections so as to undermine future licence applications. This matter was discussed in the debate on the development of the neighbouring site for a shop with flats above. However it is neither possible to condition such a guarantee or add an informative as it would be difficult to enforce or make clear any formal advice. Consequently the decision to the adjoining site makes no reference to this issue raised as it would be inappropriate to a planning decision and would be a matter best considered under licensing practice and procedure.
- 3.43 **Essex County Council Environment, Sustainability and Highways:** No objection to raise.
- 3.44 **Essex County Council Historic Buildings and Conservation Advice:** The alterations proposed to this modern building in the Conservation Area would improve the appearance considerably and are as discussed at meetings with the agent.

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### REFERRED ITEM 3

- 3.45 The catslide roofs at the front and rear of the building will effectively look like a second storey and will eliminate the unsightly rows of flat roofed dormers giving the building a more integrated appearance.
- 3.46 Much of the work has already been carried out. However the windows that have actually been installed are far more appropriate than those shown in the application drawings. Understand that the depth of the rendered panel under the eaves will also be deepened and which would be a further improvement.
- 3.47 Therefore recommend that permission is granted.
- 3.48 **Environment Agency:** First round response to consultation
- 3.49 The site is shown to fall within Flood Zone 2 defined as a medium probability flood risk.
- 3.50 Originally objected on the basis that the application particulars fail to demonstrate that the Local Planning Authority has carried out a sequential test to steer new development to areas of the lowest probability of flooding. Have reviewed the Flood Risk Assessment accompanying the application and on this basis the FRA and drainage strategy have not provided sufficient information to demonstrate that the proposed development will not increase the risk of surface water flooding on the site or elsewhere as required in PPS 25 paragraph 5.
- 3.51 Have reviewed the Flood Risk Assessment accompanying the application and object on the basis the FRA and drainage strategy have not provided sufficient information to demonstrate that the proposed development will not increase the risk of surface water flooding on the site or elsewhere as required in PPS 25 paragraph 5.
- 3.52 Advise that dry refuge within dwellings is required in the extreme flood event, above the 1 in 1000 year flood level. The ground floor apartments will not have a higher refuge so their finished floor levels should be 300mm above the 1 in 1000 year flood level at a level of 5.99AOD. The ground level to Block A is shown to be 5.6AOD.
- Second round response to consultation
- 3.53 Have now received further information from the applicant and the Local Planning Authority and given Green Belt policy restrictions on the area and the need to develop sites in the Conservation Area that remove objection on sequential test grounds.
- 3.54 Advise that revised finished floor levels to blocks A and C at 6.00 AOD would be 300mm above the 1 in 1000 year flood event but recommend this be a condition.

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### REFERRED ITEM 3

- 3.55 The surface water issue will only be acceptable if the measures as detailed in the FRA by Jnp Group referenced S81590 and the drainage strategy referenced 40482 are implemented and recommend condition to this effect.
- 3.56 Recommend further condition requiring details to be agreed for the adoption and maintenance of the surface water system.
- 3.57 **London Southend Airport:** No safeguarding objections.
- 3.58 **Woodlands Section:** No ecological concerns.
- 3.59 **Woodlands Section:** Agree with the findings of the arboricultural impact assessment. A method statement should be provided for tree planting to avoid further fungi colonisation of newly planted trees.
- 3.60 The proposed species for the hedge to the front of the site is incorrect for a Conservation Area. It is recommended that species such as Hornbeam, Box or Yew should be used.
- 3.61 The replacement tree for the Lime the subject of the Tree Preservation Order is acceptable but it should be the female variety with red berries that will offer more interest than the male variety.
- 3.62 A specification and aftercare/management program should be provided to ensure continued health/longevity at the site.
- 3.63 Three letters have been received in response the public notification and which make the following comments and objections;
- Surprised that have only just received copy of this planning application as the conversion is already well underway. Believed that permission should be granted before work commences.
  - Adjoining pub and restaurant has been in business since 1992.
  - Enjoy a late night licence and indoor and outdoor music licence. The live music is essential to our business.
  - Concerned that when new residential buildings are built in such close proximity to licensed premises, the granting of licences will be called into question effectively killing our business.
  - Given that have ran the business responsibly for 17 years and have contributed to the business culture of Rochford, I am looking for guarantees that our business and licences will be allowed to continue unchanged.
  - Have successfully had these guarantees made by the committee in connection with the development of the old BP site and would like these repeated and reinforced.

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- Should the development go-ahead would like to see a guarantee that any prospective buyer is made aware of the proximity of a late night venue on their doorstep.

### APPROVE

- 1 SC4B Time Limits Full - Standard
- 2 Notwithstanding the submitted landscaping details the replacement tree Ilex Aquifolium shall be of the female variety.
- 3 Notwithstanding the submitted landscaping details the hedging to be provided shall be of Yew, Hornbeam or Box species.
- 4 All hard and soft landscaping works as submitted in the application and as amended by the requirements of conditions 2 and 3 above shall be carried out prior to the first occupation of the development to which they relate.
- 5 A landscape management plan ,including long term management objectives, management responsibilities and maintenance schedules for all landscape areas other than small privately owned domestic gardens shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The landscape management plan as may be agreed by the Local Planning Authority shall be carried out as approved.
- 6 Prior to the first occupation of the development hereby permitted the applicant shall submit details of the design and external appearance of the means of enclosure to include the boundary treatment, garden fencing, provision of gates and the provision of sliding gates to the front access and to the Local Planning Authority. The development shall be implemented in accordance with such details as may be agreed by the Local Planning Authority.
- 7 The areas shown for car parking and circulation and manoeuvring within the site shall be provided prior the first occupation of the dwellings to which they relate.
- 8 The rainwater goods to the development hereby permitted shall be of metal design and black finished.
- 9 Prior to the first occupation of the development hereby permitted the applicant shall submit details of the design and external appearance of the communal refuse store to the Local Planning Authority. The development shall be implemented in accordance with such details as may be agreed by the Local Planning Authority.
- 10 Before occupation of the development the measures as detailed in the Flood Risk Assessment by Jnp group Consulting Engineers dated March 2008 and referenced S81590 together with the surface water drainage scheme, including the use of permeable paving and an attenuation tank, shall be implemented in accordance with the Drainage Strategy (referenced 40482 and dated March 2009). The surface water outfalls draining from the site into the Anglian Water Sewer shall be restricted to a maximum combined total of 8.2 litres per second.



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- 11 Prior to occupation of the development details of the adoption and maintenance of the surface water system shall be submitted to, and approved in writing by, the Local Planning Authority.

**REASON FOR DECISION**

The proposal is considered not to cause significant demonstrable harm to any development plan interests nor harm to any other material planning consideration.

**Relevant Development Plan Policies and Proposals**

CS1, HP6, BC1, TP8, of the Rochford District Council Adopted Replacement Local Plan

As saved by Direction of the Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004.

Supplementary Planning Document 2 (Housing Design)  
Supplementary Planning Document 5 (Vehicle Parking Standards)



Shaun Scrutton

Head of Planning and Transportation

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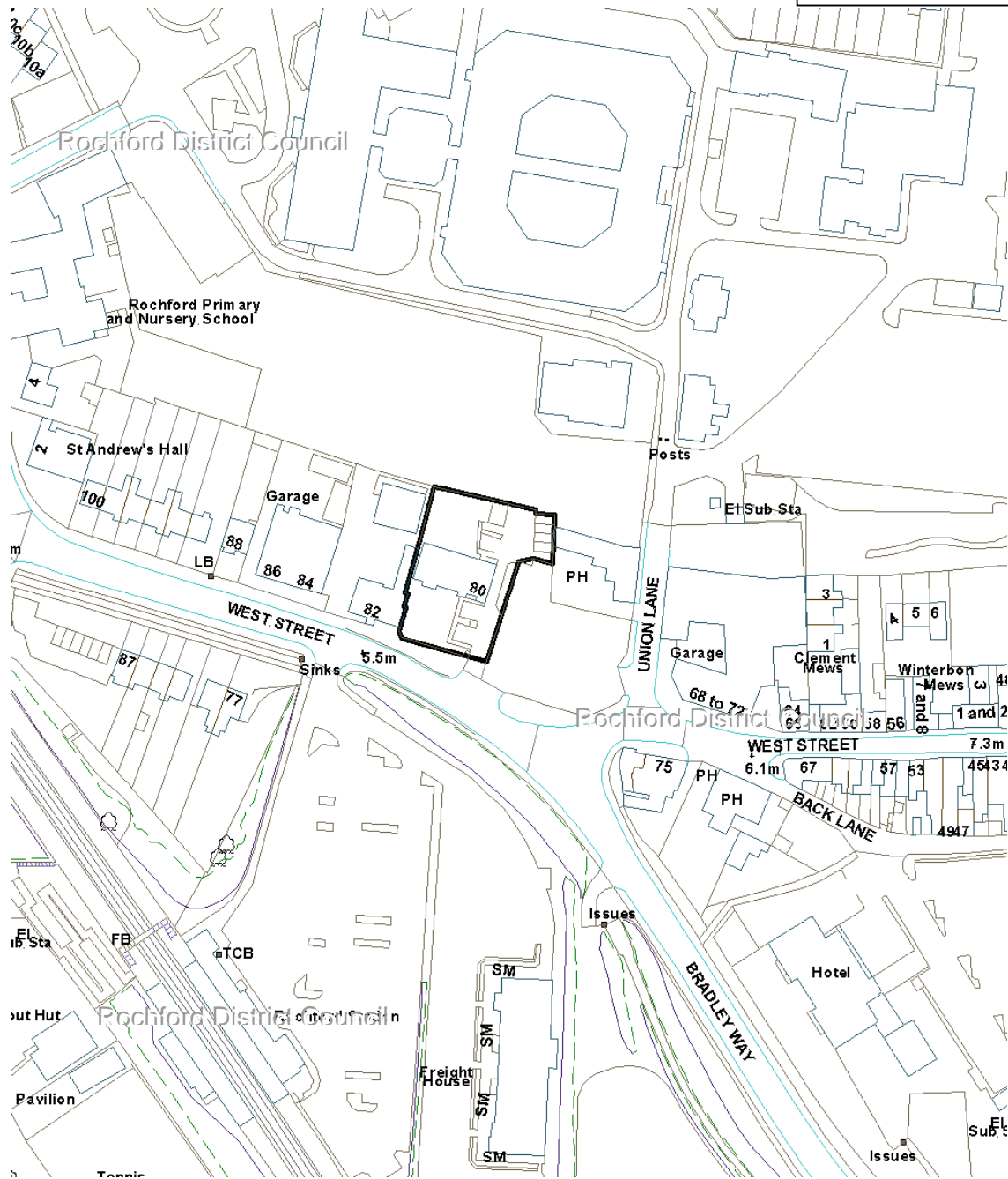
For further information please contact Mike Stranks on (01702) 546366.

The local Ward Member(s) for the above application are Cllr Mrs G A Lucas-Gill  
Cllr K J Gordon Cllr J P Cottis

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09/00223/FUL



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Rochford District Council, licence No.LA079138



**REFERRED ITEM 4**

TITLE :           **09/00236/FUL**  
**CONSTRUCT TWO STOREY PITCHED ROOFED BUILDING**  
**COMPRISING TWO X ONE BEDROOMED SELF CONTAINED**  
**FLATS AT REAR OF SITE (BLOCK A)**  
**80 WEST STREET ROCHFORD**

APPLICANT :   **G H T PROPERTIES**

ZONING :       **RESIDENTIAL**

PARISH:       **ROCHFORD**

WARD:          **ROCHFORD**

In accordance with the agreed procedure this item is reported to this meeting for consideration.

This application was included in Weekly List no 991 requiring notification of referrals to the Head of Planning Services by 1.00pm on Tuesday 21 July 2009, with any applications being referred to this Meeting of the Committee. The item was referred by Cllr K J Gordon.

The item which was referred is appended as it appeared in the Weekly List together with a plan.

- 
- 4.1 **Rochford Parish Council:** Very strong objections to the application for the following reasons (note: some of these objections relate to the other two applications):
  - 4.2 Whilst members were aware that permission had been given to repair the building because of water leakage, members were extremely unhappy that a considerable amount of work to convert the existing building was carried out prior to the submission of the application.
  - 4.3 There is no application for a change of use of the existing building (block B) from commercial to residential use.
  - 4.4 There is no Conservation Area Consent application.
  - 4.5 There is no mention of the Tree Preservation Order which exists on the tree at the front of the site.
  - 4.6 Overdevelopment of this site.
  - 4.7 Out of character with the Conservation Area and Street Scene.

**REFERRED ITEM 4**

- 4.8 Introduction of residential use in commercial area.

Block C extends beyond the front of the building line.

- 4.9

NOTES

- 4.10 As explained in the first of these three applications this proposal is one of three separately submitted applications for the site.
- 4.11 It is to construct a two storey pitched roofed building comprising 2 No. one bedroomed self contained flats at the rear of the site and which is identified as block "A".
- 4.12 The site description and context is set out above in the first of these three applications.
- The proposal
- 4.13 This particular application seeks permission for a two storey pitched roofed building to be located in the wider return at the back of the site where previously existed a block of pre-cast garages since demolished.
- 4.14 The proposed building would have an overall ridge height of 8.9m with an eaves height of 5.4m. In order to meet the requirements of the Environment Agency , the land area on which the building would be sited would be raised a further 0.58m to give an overall height to the building proposed of 9.48m from existing ground level. This compares with the height of 11.35m to the approved building on the adjoining vacant site of the former filling station. The design would feature gabled roof ends with a roof covering of natural Spanish slate. The walls would be finished in second hand brick with soldier courses with angled ends of bricks to form the lintels above the timber white painted windows. The brickwork would be yellow in colour. The building would feature a false chimney stack.
- 4.15 The building would contain 2 No. one bedroomed flats which would be accessed from an open porch detail to the western side facing the proposed car parking and turning area.

Relevant Planning History

See details in item 09/00235/FUL

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**REFERRED ITEM 4**

## Material Considerations

- 4.16 A number of policies contained within the Council's adopted Local Plan (2006) have now been saved by a direction dated 5th June 2009 from the Secretary of State for Communities and Local Government. These saved policies still carry development plan status and are material considerations until such time as they are replaced by policies which will come forward in the Council's emerging Local Development Framework. Policies not saved by the direction are no longer material considerations.
- 4.17 The site is located within an area annotated as existing residential development. The use of the site for residential purposes as proposed is therefore the most appropriate use in planning terms notwithstanding the presence of other commercial uses on adjoining sites.
- 4.18 The redevelopment of this town centre site would recycle urban land and would thus generally accord with the Policy CS1 to the saved Local Plan and national policy set out at paragraph 41 to Planning Policy Statement 3 (Housing) 2006.
- 4.19 The site is within the Rochford Town centre which is served by a mainline rail station opposite the site and a regular bus service. The town centre shops and services are a convenient walk from the site. The location is highly accessible in accord with part (i) to Policy HP6.
- 4.20 This particular application is largely unaffected by the boundary treatment to the site frontage and western boundaries. The rear boundary is formed by a 2 m high brick wall lowering to approximately 1.66m in height and what appears formerly part of the Rochford Hospital boundary walling. Beyond this exists higher palisade fencing inside the school playing field.
- 4.21 The eastern boundary is formed by the walls to the "Milestone" building and former building walls left in position following previous demolition of the adjoining site. The remainder of the boundary comprises a white painted 2.5m high close boarded fence erected as part of the temporary enclosure to the adjoining vacant site.
- 4.22 The application details do not specify any further boundary treatment other than the provision of close boarded fencing. Given the location of the site within the Rochford Conservation Area, officers consider it important that details of this fencing together with the appearance of the automatic entry gate, any gate provided to block "C" as well as any future boundary treatment to the eastern boundary should be the subject of a condition to any approval that might be given. This would satisfy the requirements of part (ii) to Policy HP6.

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- 4.23 The layout of the site would achieve one car parking space for each dwelling proposed. There is no objection raised from the County Highway Authority at this level of provision. The provision of a maximum of one car parking space per dwelling is in accordance with the standard for main urban areas with good access to public transport as set out at Policy T8 to the saved policies of the adopted Local Plan (2006) and as contained within the Council's supplementary planning guidance on car parking standards (2007). Officers consider the parking provision shown to be acceptable and satisfying part (iii) to Policy HP6 and part (iv) to Policy HP11.
- 4.24 The proposed flats would generate traffic movements and general disturbance that would be indistinguishable above the backdrop of town centre noise. The domestic movements would not adversely affect the commercial offices and the Rochford Parish Council rooms to the west or the Playing field at the rear of the site. There is a residence at the "Milestone" Public House and Restaurant and approved flats above a shop on vacant land to the east. Given the town centre location it is not considered that the proposed flats would give rise to traffic conditions adversely impacting upon these adjoining uses or the amenity of existing or future residents adjoining the site. The proposal would not therefore conflict with part (i) to Policy HP11.
- 4.25 Policy HP3 to the Council's adopted Local Plan previously advocated a density within a range of 30-50 dwellings per hectare. This policy has not been saved by the ministerial direction. National policy set out at paragraphs 47-50 to Planning Policy Statement 3 (Housing) 2006 states that developments at less than 30 dwellings per hectare would need justification but that in Conservation Areas and other areas of special character new development opportunities can be taken without adverse impacts upon the areas character and appearance. In short there is no upper limit to the density possibilities provided the character of the area is maintained or improved. Existing density should not stifle change by producing replication of older style or form.
- 4.26 The site has an area of 0.119ha. The combined development of the site as proposed between the three applications would achieve eight units at a density of 67 units per hectare which officers consider is an acceptable density given the town centre location and characteristics of the area. The proposal would therefore meet the requirements of part (iv) to Policy HP6.
- 4.27 The layout would achieve a private amenity space for the proposed flats of 47 square metres. This is just below the 50 square metres normally required by the Council's adopted guidance. However the space is to a useable shape. Given the town centre location and availability of informal public open space opposite at the Rochford reservoir site, officers consider that the shortfall for the two flats is acceptable and would not in this case amount to sufficient reason to withhold consent. The proposal is therefore considered acceptable against part (v) to Policy HP6.

**REFERRED ITEM 4**

- 4.28 The amenity space would be provided to the rear of the building adjoining the school playing field beyond and the "Milestone" public house and restaurant to the east. A communal refuse collection point would be provided adjoining the entrance gates to the development as a whole. These communal areas are proposed in a logical manner and would not give rise to loss of amenity to adjoining users. The proposal would not conflict with part (ii) to Policy HP11.
- 4.29 The building proposed would have a domestic scale and form that would generally form part of the greater composition of the area as required by parts (i) and (ii) to Policy BC1. The building would be sited 1m from the site boundaries as required. In this way the proposal would fulfil the duty to enhance the Conservation Area. The building proposed would not be sited in such a way as to appear incompatible with the more general mix of residential and commercial uses. The scale, height and bulk of the building proposed would not conflict with part (iii) to Policy HP11. The external materials are considered acceptable but because of the encouragement of theft from existing historic buildings the use of second hand bricks is no longer encouraged. It is therefore necessary to condition the further consideration of the external brickwork as a condition to any approval that might be given.
- 4.30 The building proposed would provide no windows to the side elevations to overlook the proposed housing to block "B" or the "Milestone". The rear facing windows would overlook the school playing field and hospital grounds beyond. The forward facing windows would look across the approved residents parking area to the approved shop and flats on the neighbouring vacant site the east. This adjoining approved development would provide a balcony/upper deck amenity area and windows some 19.5m from the front windows to the proposed building the subject of this application. Whilst this situation is less than the 35m distance usually required, the town centre location and mix of uses including overlooking possible to those future residents of the approved flats from customers to the neighbouring public house and restaurant would achieve a degree of privacy loss between the proposed building and those existing. In these circumstances, it is not considered that to refuse permission for the building now proposed would be reasonable.
- 4.31 The Arboricultural impact assessment accompanying the application finds that all the existing trees on the site should be removed in favour of replanting. This particular application is located on part of the site largely unaffected by existing trees however the landscaping details and assessment of the existing trees for the greater site have been submitted as part of the consideration of this application.

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#### REFERRED ITEM 4

- 4.32 The large Lime tree to the front of the site and the subject of TPO/21/08 is described to be afflicted with decay fungus and which results in the brittle fracture of the tree. Replanting of a new tree is favoured but away from the area of the existing tree which could still contain infectious spores that would harm new planting.
- 4.33 A Holly tree located on the boundary with No. 82 West Street is considered desirable to fell because of the affect its presence has upon the neighbouring Listed Building.
- 4.34 The group of Laurel and Elder located on the eastern boundary together with Laburnums on the western part of the site and a Horse chestnut in the rear part of the site are all considered poor or low value specimens and that the appearance of the site would benefit from the proposed replanting which could be carried out to suit the presence of exiting buildings and those proposed.
- 4.35 The greater site would see the existing Laburnum tree at the rear of the site adjoining the Rochford Parish Rooms retained and six trees provided, five at the rear garden areas to the proposed houses and one to the front of the site in replacement of the lost lime by a Ilex Aquifolium. The proposed trees would be provided within lawns and set in beds top dressed with bark chippings.
- 4.36 Laurel and Red Robin hedging would be provided to parts of the boundaries of the amenity areas to the flatted application sites and to the western boundary with the adjoining Rochford Parish Rooms.
- 4.37 The driveways and pathways are to be finished in black asphalt but the two side car parking spaces and the three car parking spaces to the rear and adjoining the trees planted in the rear gardens to the proposed houses would be finished in permeable paving.
- 4.38 These details have not attracted objection from the Council's arboricultural officer or the county council's specialist adviser on historic buildings and Conservation Areas and it is therefore considered that the proposed landscaping details would be acceptable and would not conflict with part (vii) to Policy HP6.



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**REFERRED ITEM 4**

## Flood Risk

- 4.39 The site is located within a town centre and sustainable location recycling urban land. There are no alternative sites available and the application is part of the redevelopment of a greater site otherwise run down in the Rochford Conservation Area. The Environment Agency now accept these circumstances as passing the necessary sequential test under the requirements of Planning Policy Statement 25 and subject to the increase in land level such that the ground floor of the building would not be susceptible to flooding now withdraw previous objections subject to a number of conditions.

## Other matters

- 4.40 The proposal together with those other applications for the greater site, are not considered to have any negligible effect upon the development of the former filling station adjoining to the east. The approved layout to this adjoining site would provide an access to the rear of the building proposed and alongside the shared boundary with the greater site of the current applications. The applicant is understood to have favoured the gated approach to the access to this scheme to avoid possible traffic conflict between the adjoining access to these adjoining schemes.
- 4.41 Concern has been raised at the commencement of work on the site. Officers have made the applicant aware that any development would be undertaken at risk if the Local Planning Authority were to refuse permission. It was initially envisaged that the scheme for the conversion of the existing building would have been received much sooner and in advance of the other applications for the site. However all three schemes are now proceeding together. The works undertaken are not illegal. Enforcement action would not be considered expedient by the courts or an inspector in any appeal unless the Council's decision on the merits of the application were clear and against the proposal. The applicant is understood to have been under some pressure by the previous owners to acquire the site and found further that the building had been vandalised and damaged as well as suffering poor design of the roof areas to the existing building that in turn was allowing water penetration. In order to make the building weatherproof the applicant is understood to have proceeded with much of the conversion works. No works have commenced on the flatted building the subject of this particular application.

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## REFERRED ITEM 4

- 4.42 The proprietor of the adjoining "Milestone" public house and restaurant raises the expectation of a guarantee that future residents of the scheme could not raise objections so as to undermine future licence applications. This matter was discussed in the debate on the development of the neighbouring site for a shop with flats above. However it is neither possible to condition such a guarantee or add an informative as it would be difficult to enforce or make clear any formal advice. Consequently the decision to the adjoining site makes no reference to this issue raised as it would be inappropriate to a planning decision and would be a matter best considered under licensing practice and procedure.
- 4.43 **Essex County Council Environment, Sustainability and Highways:** No objection to raise subject to the following heads of conditions:
- 1) Provision of a pedestrian vehicle way 3.7m in width
  - 2) Provision of a turning area measuring 8 square metres to be provided at the rear of the site
  - 3) The driveway shall be constructed and completed in bound materials
- 4.44 **Essex County Council Historic Buildings and Conservation Advice:** The submission follows meetings and negotiations and the design is now acceptable. Recommend that permission is granted with conditions requiring the agreement of the external materials before works commence and that large scale detailed design of the window types (scale 1:20) to also be approved before works begin.
- 4.45 This section does not advocate the use of second hand bricks and they shall not be used in this development.
- 4.46 **Essex County Council Specialist Archaeological Advice:** Identify the site as lying immediately south and west of the medieval core of Rochford. This area and particularly West Street represent a planned late 15th Century expansion of the town. The importance of the medieval settlement of Rochford means that it was potentially larger than present evidence suggests and therefore it is possible that deposits associated with the medieval development will be found in the development area. The development also lies within the Roach Valley and directly upon River Thames terraces known to present great potential for pre-historic archaeology.
- 4.47 Recommend condition requiring trial trenching and possible excavation.
- 4.48 **Environment Agency:** First round response to consultation
- 4.49 The site is shown to fall within Flood Zone 2 defined as a medium probability flood risk.

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- 4.50 Originally objected on the basis that the application particulars fail to demonstrate that the Local Planning Authority has carried out a sequential test to steer new development to areas of the lowest probability of flooding. Have reviewed the Flood Risk Assessment accompanying the application and on this basis the FRA and drainage strategy have not provided sufficient information to demonstrate that the proposed development will not increase the risk of surface water flooding on the site or elsewhere as required in PPS25 paragraph 5.
- 4.51 Have reviewed the Flood Risk Assessment accompanying the application and object on the basis the FRA and drainage strategy have not provided sufficient information to demonstrate that the proposed development will not increase the risk of surface water flooding on the site or elsewhere as required in PPS 25 paragraph 5.
- 4.52 Advise that dry refuge within dwellings is required in the extreme flood event, above the 1 in 1000 year flood level. The ground floor apartments will not have a higher refuge so their finished floor levels should be 300mm above the 1 in 1000 year flood level at a level of 5.99AOD. The ground level to Block A is shown to be 5.6AOD.

Second round response to consultation

- 4.53 Have now received further information from the applicant and the Local Planning Authority and given Green Belt policy restrictions on the area and the need to develop sites in the Conservation Area that remove objection on sequential test grounds.
- 4.54 Advise that revised finished floor levels to blocks A and C at 6.00 AOD would be 300mm above the 1 in 1000 year flood event but recommend this be a condition.
- 4.55 The surface water issue will only be acceptable if the measures as detailed in the FRA by Jnp Group referenced S81590 and the drainage strategy referenced 40482 are implemented and recommend condition to this effect.
- 4.56 Recommend further condition requiring details to be agreed for the adoption and maintenance of the surface water system.
- 4.57 **London Southend Airport:** No safeguarding objections.
- 4.58 **Woodlands Section:** No ecological concerns.
- 4.59 **Woodlands Section:** Agree with the findings of the arboricultural impact assessment. A method statement should be provided for tree planting to avoid further fungi colonisation of newly planted trees.

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- 4.60 The proposed species for the hedge to the front of the site is incorrect for a Conservation Area. It is recommended that species such as Hornbeam, Box or Yew should be used.
- 4.61 The replacement tree for the lime the subject of the Tree Preservation Order is acceptable but it should be the female variety with red berries that will offer more interest than the male variety.
- 4.62 A specification and aftercare/management program should be provided to ensure continued health/longevity at the site.
- 4.63 **Buildings/Technical support (Engineers):** No objections. Advise a public foul sewer runs through the rear of the site where block "A" is proposed.
- 4.64 Two letters have been received in response the public notification and which make the following comments and objections:
- Surprised that have only just received copy of this planning application as the conversion is already well underway. Believed that permission should be granted before work commences.
  - Adjoining pub and restaurant has been in business since 1992.
  - Enjoy a late night licence and indoor and outdoor music licence. The live music is essential to our business.
  - Concerned that when new residential buildings are built in such close proximity to licensed premises, the granting of licences will be called into question effectively killing our business.
  - Given that have ran the business responsibly for 17 years and have contributed to the business culture of Rochford, I am looking for guarantees that our business and licences will be allowed to continue unchanged.
  - Have successfully had these guarantees made by the committee in connection with the development of the old BP site and would like these repeated and reinforced.
  - Should the development go-ahead would like to see a guarantee that any prospective buyer is made aware of the proximity of a late night venue on their doorstep

#### APPROVE

- 1 SC4B Time Limits Full - Standard
- 2 Notwithstanding the submitted landscaping details the replacement tree Ilex Aquifolium shall be of the female variety.
- 3 Notwithstanding the submitted Landscaping details the hedging to be provided shall be of Yew, Hornbeam or Box species.

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- 4 All hard and soft landscaping works as submitted in the application and as amended by the requirements of condition 2 and 3 above shall be carried out prior to the first occupation of the development to which they relate.
- 5 A landscape management plan, including long term management objectives, management responsibilities and maintenance schedules for all landscape areas other than small privately owned domestic gardens shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The landscape management plan as may be agreed by the Local Planning Authority shall be carried out as approved.
- 6 Prior to the first occupation of the development hereby permitted the applicant shall submit details of the design and external appearance of the means of enclosure to include the boundary treatment, garden fencing, provision of gates and the provision of sliding gates to the front access and to the Local Planning Authority. The development shall be implemented in accordance with such details as may be agreed by the Local Planning Authority.
- 7 The areas shown for car parking and circulation and manoeuvring within the site shall be provided prior the first occupation of the dwellings to which they relate.
- 8 The rainwater goods to the development hereby permitted shall be of metal design and black finished. Details of the design and appearance of the rainwater goods shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development.
- 9 Prior to the first occupation of the development hereby permitted the applicant shall submit details of the design and external appearance of the communal refuse store to the Local Planning Authority. The development shall be implemented in accordance with such details as may be agreed by the Local Planning Authority.
- 10 Before occupation of the development the measures as detailed in the Flood Risk Assessment by Jnp group Consulting Engineers dated March 2008 and referenced S81590 together with the surface water drainage scheme, including the use of permeable paving and an attenuation tank, shall be implemented in accordance with the Drainage Strategy (referenced 40482 and dated March 2009). The surface water outfalls draining from the site into the Anglian Water Sewer shall be restricted to a maximum combined total of 8.2 litres per second.
- 11 Prior to occupation of the development details of the adoption and maintenance of the surface water system shall be submitted to, and approved in writing by, the Local Planning Authority.
- 12 The development hereby permitted shall be constructed with a minimum finished floor level of 6.00m AOD.
- 13 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.

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- 14 Prior to the commencement of the development the applicant shall submit detailed designs for the proposed windows and doors at a scale of not less than 1:20 to the Local Planning Authority. The development shall be implemented in accordance with such details as may be agreed by the Local Planning Authority.
- 15 Notwithstanding the submitted details the development hereby approved shall be finished in N17 CUPA natural Spanish slate to the external roof finish. Prior to the commencement of the development details shall be submitted to the Local Planning Authority for the proposed external brickwork. The development shall be implemented in accordance with such details.
- 16 The brickwork to the walls of the development hereby approved shall be finished in Flemish bond.

**REASON FOR DECISION**

The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area, to the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers in neighbouring streets.

**Relevant Development Plan Policies and Proposals**

CS1, HP6, BC1, TP8, of the Rochford District Council Adopted Replacement Local Plan

As saved by Direction of the Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004.

Supplementary Planning Document 2 (Housing Design)  
Supplementary Planning Document 5 (Vehicle Parking Standards)



Shaun Scrutton

Head of Planning and Transportation

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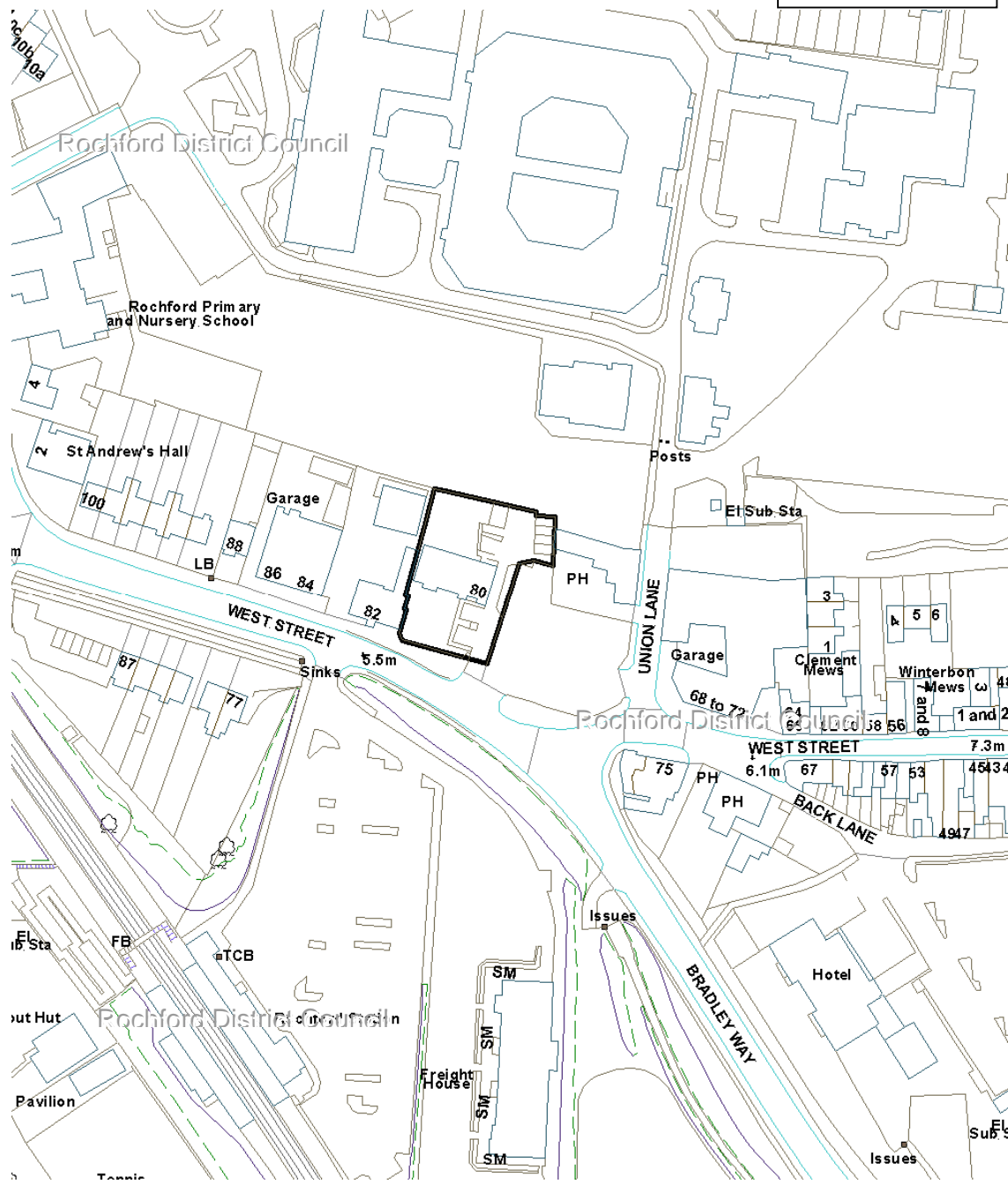
For further information please contact Mike Stranks on (01702) 546366.

The local Ward Member(s) for the above application are Cllr Mrs G A Lucas-Gill Cllr K J Gordon Cllr J P Cottis

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