

18/01125/FUL

68-72 WEST STREET, ROCHFORD

DEMOLISH EXISTING BUILDING AND ERECT PART TWO AND THREE STOREY BUILDING COMPRISING RETAIL/ RESTAURANT UNITS AT GROUND FLOOR, TOGETHER WITH SELF-CONTAINED FLATS ABOVE (29 FLATS) TO INCLUDE A CYCLE STORE AND CAR PARKING AREA TO THE REAR AND VEHICULAR ACCESS ONTO WEST STREET

APPLICANT: MR RAVI SHETRA, SHETRA HOLDINGS

ZONING: TOWN CENTRE

PARISH: ROCHFORD

WARD: ROCHE SOUTH

1 RECOMMENDATION

It is proposed that the Committee **RESOLVES**

That planning permission be approved, subject to a Unilateral Undertaking to secure RAMS mitigation of £127.30 per dwelling totalling £3,691.70 prior to occupation of the building to which the payment would relate, to mitigate cumulative impact from increased recreational activity on international sites of ecological importance along the district's coastline and subject to the conditions set out below:-

Commencement

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

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.

Approved Plans

- (2) The development shall be undertaken in strict accordance with the details of the approved plans referenced:

1340-07 Rev – Site Location Plan, Elevation and Floor Plans comprising plan reference(s) 1340-06 Rev F (Proposed Rear Elevation), 1340-05 Rev K (Proposed Front Elevation), 1340-03 Rev T (Proposed Second Floor & Roof Plan), 1340-04 Rev Y (Proposed Street Scenes), 1340-02 Rev W (proposed Ground & First Floor Plan), 1340-01 Rev J (Existing and Proposed Block Plan and 1340-01 REV M (citing finished floor levels), the Surface Water Drainage Strategy Proposed Layout (Reference 6242-DR01 Rev 2) (which is the most recent plan in this respect), and in accordance with the details of the Flood Risk Assessment and Surface Water Drainage Strategy as revised 28 September 2021.

REASON: To ensure that the development is undertaken in accordance with the approved plans as considered.

Submission of External Finishes

- (3) Prior to the construction of any buildings on the site, details of the specification and finish of all external materials to be incorporated into the development shall be submitted to the Local Planning Authority for its written approval. These details shall include details of all wall elevation treatment and finishes including brickwork, render, external cladding (including its colour, finish, and texture), samples of all roofing materials, and all fenestration including windows and frame casing, doors, fascias, bargeboards and soffits. All rainwater goods shall be of a powder coated metal finish. The development shall be implemented in accordance with the details as may be approved and permanently maintained as such thereafter.

REASON: To ensure a satisfactory appearance in compliance with Rochford District Council's Local Development Framework Development Management Plan policy DM1 and the National Planning Policy Framework (2021) (Chapter 12).

Submission of External Lighting Details

- (4) Prior to first installation, details of an external lighting scheme shall be submitted to the Local Planning Authority for its written approval. Such details shall include details of all external lighting and illumination within the development site, including details of the height and position of all lighting columns, together with details of luminosity. The lighting shall be installed in accordance with the details as may be approved.

REASON: To ensure adequate control over design and to ensure a satisfactory appearance in the interests of visual amenity in compliance with policy DM1 of Rochford District Council's Local Development Framework Development Management Plan (adopted December 2014) and the National Planning Policy Framework (2021) (Chapter 12).

Submission and Implementation of Landscaping Details

- (5) The frontage planting areas as indicated by plan reference 1340-01 Rev J (Existing and Proposed Block Plan) shall be subject of the submission of further details prior to the undertaking of any planting works. The details shall include the species of all planting to be undertaken, their height and numbers. This planting work as needs to be agreed shall be undertaken during the first planting season following first occupation of the development. 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 an agreed location, in the first available planting season following removal.

REASON: To ensure adequate control over design and to ensure a satisfactory appearance in the interests of visual amenity in compliance with policy DM1 of Rochford District Council's Local Development Framework Development Management Plan (adopted December 2014) and the National Planning Policy Framework (2021) (Chapter 12).

Details of Frontage Railings

- (6) Prior to the erection of the frontage railings as indicated by the submitted plans, details of their construction and material finish shall be submitted to the local planning authority for its written approval. These railings shall subsequently be installed in accordance with the agreed details.

REASON: To ensure an appropriate treatment of a prominent frontage in compliance with policy DM1 of Rochford District Council's Local Development Framework Development Management Plan (adopted December 2014) and the National Planning Policy Framework (2021) (Chapter 12).

Provision of Off Street Loading and Storage Areas

- (7) From the first day of the commencement of the development and for the duration of all construction works thereafter until the completion of the development the areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials and manoeuvring of all vehicles, including demolition and construction traffic shall be provided clear of West Street and Union Lane.

REASON: In the interest of highway safety including vehicular access and pedestrians in compliance with policies DM1 of the Council's Local Development Framework Development Management Plan (adopted 16th December 2014).

Provision of Parking and Cycle Spaces

- (8) The 21 car parking spaces as indicated being provided by plan reference 1340-01 Rev J shall be provided and delineated by clear paint or other

appropriate markings prior to the first occupation of the development. These parking spaces shall be retained over the lifetime of the development.

REASON: To ensure an appropriate level of parking provision (as has been justified by the planning application) clear of the highway, in the interest of highway safety in accordance with policy DM1 of the Council's Local Development Framework's Development Management Plan and the adopted parking standards - contained in the Essex County Council "Parking Standards - Design and Good Practice" 2009 (adopted 2010).

Details and provision of covered cycle shelters

- (9) All cycle spaces which must provide opportunity for all bikes to be secured shall be covered by shelters, the details of which shall be submitted to the local planning authority for its written approval. The shelters shall be provided in accordance with the agreed details and shall be retained in perpetuity over the lifetime of the residential use.

REASON: To ensure adequate storage arrangements and security as part of an appropriate design in compliance with policy DM1 of Rochford District Council's Local Development Framework Development Management Plan (adopted December 2014) and the National Planning Policy Framework (2021) (Chapter 12 Achieving Well Designed Places).

Tree Protection

- (10) Prior to the undertaking of any excavation works close to site boundaries (north and west boundaries) a method statement for the proposed hard surfacing and any excavation required adjacent to the boundary/neighbouring trees shall be submitted for the written approval of the local planning authority. The development shall subsequently be implemented in accordance with the approved details.

REASON: REASON: To safeguard protected trees in accordance with policy DM 25 of the Local Development Framework's Development Management Plan.

Sustainability

- (11) Prior to the occupation of any dwelling, details shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how at least 10 per cent of the energy source serving the development would be derived from a decentralised and renewable or low-carbon sources, unless it is demonstrated that this attainment is not achievable on site by way of clear evidence, in which case a report demonstrating the case and the amount (decentralised/low carbon/renewable energy) that would be provided shall be submitted to and agreed in writing by the Local Planning Authority.

REASON: In the interests of sustainability in compliance with the policy ENV8 of the Local Development Framework's Core Strategy.

Submission of Construction Method Statement

- (12) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (i). the parking of vehicles of site operatives and visitors (ii) loading and unloading of plant and materials (iii). storage of plant and materials used in constructing the development (iv). wheel and underbody washing facilities (v) the control of dust, noise, and vibrations

REASON: To ensure that appropriate loading/unloading facilities are available to ensure that the highway is not obstructed during the construction period 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.

Submission of Archaeological Investigation

- (13) No development or preliminary ground works of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation (WSI) which has been submitted by the applicant and approved in writing by the local planning authority. These works shall be implemented in accordance with the agreed details.

REASON: To safeguard the archaeological integrity of the site in accordance with the provisions of The National Planning Policy Framework 2021

Limiting Construction Hours

- (14) No works during any part of the construction phase of the development, including all associated ground works, building operations deliveries and/or collections shall take place between the hours of 6 pm and 7 am (Monday to Friday) and between the hours of 1 pm and 7 am on Saturdays. No construction works, deliveries or collections shall take place on a Sunday or on any bank holidays.

REASON: To safeguard the residential amenity of the vicinity in accordance with policies DM1 of Rochford Council's Development Management Plan (Adopted December 2014).

Travel Information Packs

- (15) Prior to first occupation of the proposed development, the developer shall be responsible for the provision, implementation, and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local

public transport operator. These packs (including tickets) are to be provided by the developer to each dwelling free of charge.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 of the council's Local Development Framework's Development Management Plan and Chapter 9 (Promoting Sustainable Transport) of the National Planning Policy Framework (July 2021).

Electric Car Charging Points

- (16) Notwithstanding the details of the Existing and Proposed Block Plan reference 1340-01 Rev J, prior to the first occupation of the development hereby permitted details shall have been submitted indicating the number and provision of required electric car charging points to serve the development which shall have been approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details such as to be capable of use on first occupation of the development. This facility and as may be upgraded in future shall be retained over the lifetime of the residential use.

REASON: To ensure that the development achieves sustainability in its design in compliance with Rochford District Council's Local Development Framework Development Management Plan policy DM1 and policy CP1 of the Core Strategy and Chapter 9 and 12 of the National Planning Policy Framework (July 2021).

Surface Water Drainage Arrangements

- (17) The surface water drainage arrangements and provisions shall be undertaken fully and in strict accordance with the details set out within the revised surface water drainage strategy received on 28 September 2021 (Reference 6242_Breley_WestSt_Rochford) and the Surface Water Drainage Strategy Proposed Layout: plan reference 6242_DR01 Rev 2. All infrastructure shall be provided prior to the first occupation of the development. Confirmation shall also be provided of the ongoing management of all surface water and SuDS facilities and features prior to the occupation of the development.

REASON: To ensure adequate surface water drainage and SuDS facilities are provided to serve the development in compliance with the Local Development Framework's Core Strategy Policy ENV 4 (Sustainable Drainage Systems) and paragraph 169 of The National Planning Policy Framework (July 2021).

Flood Risk and Finished Floor Levels

- (18) The finished floor level of the development at ground floor level shall be 6.15 as annotated on plan reference 13401-REV M (Existing and Proposed Block Plan).

REASON: To ensure that the development is flood resilient over the lifetime of the use taking into account climate change in compliance with the Local Development Framework's Core Strategy Policy ENV 3 (Flood Risk) 167 of The National Planning Policy Framework (July 2021).

Contamination

- (19) No development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.
- (20) No occupation of any part of the development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

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- (21) No development shall take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to, and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.
- (22) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

REASON for conditions 1, 2, 3 and 4: To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 170 and 178), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 – A6, J1 – J7 and N7. National Planning Policy Framework (NPPF) paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 178).

- (23) No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

REASON: Infiltration through contaminated land has the potential to impact on groundwater quality.

- (24) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning

authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to ground water. The development shall be carried out in accordance with the approved details.

REASON: Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers, and creating preferential pathways. It should be demonstrated that any proposed piling will not result in contamination of groundwater. We have provided further information regarding contaminated land and groundwater protection for the applicant in an appendix at the end of this letter.

1 PLANNING APPLICATION DETAILS

- 1.1 This application originally comprised a scheme of 30 flats which was described on the application form as 'demolition of existing buildings and erection of 30 flats plus retail/restaurant area with parking area to rear'. These originally submitted plans were subject of revision as were corresponding documents which was necessary to address fundamental design and heritage issues identified during the early stages of the planning application process. The revisions which rendered all earlier submitted plans setting out the proposed development irrelevant and superseded also included a revised planning application form which was worded as follows: 'Demolish existing building and erect a part three-part 4 storey comprising retail/restaurant units at ground floor together with self-contained flats above. Layout cycle store and car parking area at the rear and form vehicular access onto Union Lane'.
- 1.2 It is noticeable that the revised application form omits any reference to the number of dwellings proposed despite the fact that corresponding documents reflecting the revisions and documents submitted at a later date which include among other documents a Design and Access Statement, a Viability Assessment (based on 29 units) and an accommodation schedule included on plan reference 1340-02 Rev W show 29 Flats.
- 1.3 The correspondence submitted accompanying the revised application revisions indicated a wish for unit numbers to be removed from the description of the development making reference to the implications of the 2019 Finney Court of Appeal case whilst at the same time acknowledging that unit numbers remain fixed based on the submitted drawings. As a matter of accuracy, the revised description as provided was not wholly accurate in that it did not reflect the reduction in the height of the development as the revised proposals feature no four storey elements.
- 1.4 The revised application form still makes reference to access onto Union Lane which is no longer the case as confirmed by the plan reference 1340-01 Rev J (Existing & Proposed Block Plan) which shows almost continuous built form along Union Lane with pedestrian access only with one vehicular access and egress point only set adjacent to West Street utilising an existing opening which served as an exit point for the car wash business. It is also noted that

the quantum, position, and layout of the proposed retail space as shown by the originally submitted proposed site layout plan (reference 1340-01 Rev A Existing and proposed Block Plan) differ to the details as now revised as shown by plan reference 1340-01 Rev M. The original Block Plan indicated 3 ground floor retail units arranged in a stepped fashion relative to West Street providing 89m² (Unit 1), 96m² (Unit 2) and 49m² (Unit 3) whilst the revised plan only shows 2 units providing approximately 64.6m² (Retail Unit 2) and 51.8m² (Retail Unit 1) which represents a reduction of 118m² in commercial space.

- 1.5 For accuracy and clarity, although officers do not dispute the character of the development, proposing residential development with an element of retail the submitted plans at least do not annotate the prospect that either commercial space (Unit 1 or 2) will be utilised for Restaurant use. Flexibility remains within the description of the development for this to be the case. Given the discrepancies identified and highlighted within this section of the report, officers have provided a description which adequately reflects these revisions made by the applicant and which reflect the fact that the quantum of residential units relate to 29 units. This is considered to be a fundamental procedural point since members as decision makers need to be clear what development members are being asked to consider and determine which the submitted documents clearly indicate to be 29 Flats.
- 1.6 As now finally revised, the proposal is to demolish the existing buildings on site, and construct 29 new residential apartments, along with 2 retail units the latter of which would comprise a combined gross floor space area of 116.4m². The overall height of the development has also been reduced in response to the concerns initially raised with the consequence that any previously proposed four storey-built form has been omitted from the plans. It is also clarified that the reference to 'Flats above' only relate to those units cited above the space annotated by the proposed Block Plan as being Retail space as all other flats are provided at ground floor level in addition to first floor and second floor level. The proposed built form in terms of its frontages will be built close to the street line along the lower section of West Street and along Union Lane from its junction with West Street comprising up to three storey building incorporating stepped roof lines which would be pronounced on viewing from the public realm at the junction of Bradley Way with West Street.
- 1.7 The residential mix proposed consists of 12 X 1-Bed, 16 x 2-Bed and 1 X 3-Bed units totalling 29 Units. The density of the scheme is stated to be 169 dwellings per hectare. 21 car Parking spaces are proposed of which 1 is proposed as serving disabled driver parking. 30 bicycle spaces are also proposed, located to the enclosed rear aspect adjacent to the car parking area as are refuse storage areas to serve both residential and business uses.
- 1.8 The application is supported by a number of documents including plan reference(s) 1340-07 Rev – Site Location Plan, Elevation and Floor Plans comprising plan reference(s) 1340-06 Rev F (Proposed Rear Elevation), 1340-05 Rev K (Proposed Front Elevation), 1340-03 Rev T (Proposed

Second Floor & Roof Plan), 1340-04 Rev Y (Proposed Street Scenes), 1340-02 Rev W (proposed Ground & First Floor Plan), 1340-01 Rev M, (Existing and Proposed Block Plan (Reference Surface Water Drainage Strategy Proposed Layout (Reference 6242-DR01 Rev 2) (which is the most recent plan in this respect), a Viability Assessment, A Flood Risk Assessment, A Sequential Test, a Surface Water Drainage Strategy(as revised further 28th September 2021), plan reference 1340-07 Rev – Site Location Plan, Topographical Plan DWG No 191945e-01, Phase 1 Environmental Report (Contamination), Transport Statement and a CGI (Computer Generated Image) depicting visual impression of the development from Bradley Way.

- 1.9 The application indicates that Rochford has an approximate population of 8,500 which is increasing and the demand for new homes is high. The development is presented as a good opportunity to provide a high-quality residential development in a highly sustainable location providing suitable accommodation for commuters who wish to stay within the town, and starter home for locals wishing to step onto the property ladder.

2 MATERIAL PLANNING CONSIDERATIONS

Site and Context

- 2.1 The site is located within a prominent town centre location at the lower reaches of West Street which converges with Union Lane and Bradley Way where there is a roundabout junction. The site area is approximately 1,778sq.m in surface area considered to constitute an E(g) use (Commercial, Business and Service) (Uses which can be carried out in a residential area without detriment to its amenity) as defined by the revisions the 'The use Classes Order 1987' as were revised on 1st September 2020. The site is predominantly hardstanding, within and around the buildings on site. The site is occupied by large, ridged roof structure located adjacent to what was a former flat roofed, vacant, former car showroom/ and latterly a bar building. This building was subsequently demolished further to the granting of demolition consent under planning reference 19/00298/DEMCOM which was - granted approval 16.10. 2019. The site which is located within the Rochford Conservation Area is broadly rectangular shaped in plan and occupies 0.18ha.
- 2.2 The surrounding area falls generally down towards the south, with the site stepped in areas and cut into the slope at the north end. The northern boundary is formed by a brick retaining wall, it is estimated that the ground on the far side of the wall is of the order of 1m above site level near the middle of the north boundary. Backing onto the east end of the boundary wall is a narrow strip of garden, near the middle an electricity sub-station and a hospital car park. The east boundary is defined, starting from the south end by the flank wall of a café fronting onto West Street, then the boundary wall with Clement Mews courtyard, the wall of these properties and at the north end by the boundary wall to their garden. The ground on the far side of the north end of the east boundary is estimated to be of the order of 1.5m above site level.

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- 2.3 The site is currently used as a Car Garage (servicing and repair) and a car wash which has permission for demolition. The wider contextual uses comprise a range of uses including retail, public houses, a supermarket, restaurants, other commercial uses, and residential uses whilst the site adjoins (to its West aspect) the grounds of Rochford Hospital.
- 2.4 The current structures on site are single storey, albeit elements of portal frames exist and are two storeys in height. Several access points exist to the applications site; three to Union Lane (which forms a priority junction with West Street to the south), two serving The 'One Stop Car Garage, along with the entrance to the Car Wash the latter of which is served by an egress point onto West Street opposite to The Marlborough Head Public House and adjacent to Grade II listed building, Nos. 64-66 West Street The Crusty Pie (list entry number: 1112566) which is a Restaurant. The northern part of Union Lane becomes private land, which leads to Rochford Hospital, in addition to associated hospital parking to the north-east. West Street is predominantly residential with some retail units located from its priority junction with Union Lane to its junction with North Street. It has westbound access to Ashingdon Road, which provides further access towards Ashingdon to the north
- 2.5 In its wider context the site is situated in the heart of Rochford, in between the main square and the Railway Station. The application submission places the location as an ideal position for commuters travelling into both London and Southend.
- 2.6 The site is located within the Rochford Conservation Area and is adjacent to a Grade II Listed Building, operating as a restaurant with flat above. The listed building is a two-storey timber framed and white weather boarded structure with a red plain tiled roof. Overall, the site is classified as having a negative impact on the Rochford Conservation Area according to the Rochford Conservation Area Appraisal and Management Plan (2007).

Relevant Planning History

- 2.7 Application No. 89/00049/OUT - Outline Application to Demolish Existing Showroom and Workshops and Erect 2 and 3 Storey Block of Shops and Offices to the Junction of West Street/Union Lane. Outline Consent Granted.
- 2.8 Application No. 05/00815/FUL - Demolish Existing Buildings and Construct Three and Four Storey Building Comprising 26 No. One Bedroomed, 16 No. Two Bedroomed and 2 No. Three Bedroomed Flats with Basement Car Park and Single Storey Management Centre and Bin Store. Application Refused and Dismissed at Appeal.
- 2.9 Application No. 07/00703/FUL - Demolish Existing Buildings and Construct Part Three Storey, Part Four Storey Building with Basements and Underground Parking for 26 No. One Bedroomed Flats, 4 No. Two Bedroomed Flats, 1 No. Three Bedroomed Flat, 9 No. Two Bedroomed

Maisonettes and One Bed-Sitting Flat (41 Units in Total): Application Refused and Dismissed at Appeal.

- 2.10 Application No. 09/00192/FUL - Demolish Existing Buildings and Construct Part Two and Part Three Storey Building Incorporating Lower Ground Level and Basement and Basement Car Parking to Provide Twenty Three x One Bedroomed Flats, Fifteen x Two Bedroomed Flats, One x Three Bedroomed Flat and One x Bed Sitting Flat (Forty Units in Total). Application Refused and Dismissed at Appeal.
- 2.11 Application No. 10/00823/COU - Change Use of Car Showroom to Use Class A4 Drinking Establishment/Pubs and Bars – Planning permission refused and Appeal Allowed
- 2.12 Application No. 19/00298/DEMCOM - Demolish former showroom building: Granted approval 16.10.2019.

20/00624/FUL: Demolition of Car Wash Building: Planning Permission Granted 11.11.2020.

Design Principles: Appearance and Scale

- 2.13 The National Planning Policy Framework which sets out the government's planning policies for England was revised on 20th July 2021. The revisions increased the focus on design quality, not only for sites individually but for places as a whole. Terminology is also now more firm on protecting and enhancing the environment and promoting a sustainable pattern of development. The Framework at Chapter 2 highlights how the planning system has a key role in delivering sustainable development in line with its 3 overarching objectives (Economic, Social and Environmental) which are interdependent, and which need to be pursued in mutually supportive ways such that opportunities can be taken to secure net gains across each of the different objectives.
- 2.14 The social objective of national policy is to support 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.
- 2.15 The National Planning Policy Framework at Chapter 12 emphasises 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. The Framework at paragraph 130 advises that planning policies and decisions should ensure that developments will, among other things, function well and add to the overall quality of the area, not just for the short

term but over the lifetime of the development. Developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping and be 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 where appropriate).

- 2.16 It also emphasises that development should 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 and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space). New development should support local facilities and transport networks and 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.
- 2.17 The Framework at Chapter 12, paragraph 131, indicates that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. It indicates that planning policies and decisions should ensure that new streets are tree-lined and that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.
- 2.18 The Framework at paragraph 134 indicates 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 such as design guides and codes. Conversely, significant weight should be given to development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 2.19 These principles at the district level are embedded within the council's Local Development Framework's Development Management Plan and Core Strategy including policies DM1 (Design of New Developments), DM25, DM30, and Core Strategy policies CP1 (Design). The National Planning Policy Framework seeks to encourage opportunities within development proposals to promote walking, cycling and public transport use. It advocates development within sustainable locations, and which offers a choice of transport modes.
- 2.20 The National Planning Policy Framework at Chapter 12 (achieving well designed places) places emphasis on the importance of design in achieving

well-designed places recognising that the creation of high-quality 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.

- 2.21 The NPPF as updated July 2021 indicates that planning policies and decisions should ensure that developments 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; are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping; 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); 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; 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 create places that are safe, inclusive and accessible and which promote health and wellbeing, 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.
- 2.22 The framework advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decisionmaker as a valid reason to object to development.
- 2.23 In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 2.24 These objectives are reflected in the Local Development Framework adopted Core Strategy (adopted version: December 2011) and the Development Management Plan (adopted December 2014). The Council demands that a high standard of design and layout be achieved in order that new residential developments create high quality places to live as detailed in Policies CP1 of the Core Strategy and Policy DM 1 of the Development Management Plan. Good design is that which contributes positively to making places better for people and takes the opportunities available for improving the character and quality of an area and the way it functions. Places exhibiting good design should be visually attractive, safe, accessible, functional, inclusive, and have their own identity and maintain and improve local character. They should also be well integrated with neighbouring buildings and the local area more

generally in terms of scale, density, layout, and access and relate well to the surroundings.

- 2.25 Following revisions to the originally submitted plans to address the height, layout and the appearance of the development it is considered that the changes evidenced by the revised plans achieve a far more appropriate visual aesthetic facilitated by a scale which does not compete with adjacent buildings or appear overwhelmingly overbearing within the street view. Plan reference 1340-04 Rev Y (Proposed Street Scenes) depict the visual impression of the development within the wider street scene. The building height is shown to be stepped down nearest to the vehicular access adjacent to the Grade II listed building, Nos. 64-66 West Street (The Crusty Pie). The roof designs incorporate a hipped section to one of the retail units to facilitate the articulation of this corner building (9.98m in height) with its street frontages (West Street and Union Lane) whilst the stepped roof lines along Union Lane (8.99 and 8.29m in height) extending a length of approximately 23 metres) which coupled with the mix of finishing materials including brick creates a rhythm between contrasting elements which yet create a sense of visual and textural harmony between the sections of the new development and its wider setting.
- 2.26 It is noted that some of the buildings at their frontages incorporate exposed rafter ends which is prevalent within traditional Essex buildings which are salient features. The proposed external elevational treatments incorporating 175mm Black weatherboarding, textured Magnolia render and brick which will be agreed subject to planning condition, will achieve a varied yet complimentary material palette which help to define the elevations creating the appearance of separate blocks, whilst the incorporation of false chimneys, cast stone headers above sash style wooden windows will provide visual interest in addition to ensuring that the architecture will be fitting and appropriate to its Conservation Area setting. Rainwater goods would need to be of a high-quality Aluminium or galvanised metal which can be achieved by condition.
- 2.27 The frontages of the retail units are indicated to incorporate pilasters which in architectural terms are shallow rectangular columns that project slightly beyond the wall into which it is built and are reflective of traditional shop frontages located within the Rochford Conservation Area. These frontages as does the development aesthetic as a whole, are considered to enhance the quality of public space at this prominent location which at present is a commercial site which detracts from the quality of the Conservation Area. The development therefore from this perspective would constitute a significant improvement. The rear aspect which is largely enclosed and hidden from the public realm does incorporate a mix of roof designs to accommodate the depth and the width required which has informed the use of sections of gambrel roofs which comprises a symmetrical two-sided roof with two slopes on each side with the upper slope being characteristically shallower in angle as compared to the steeper lower roof slope.

- 2.28 The comments raised by the local planning authority referencing the concerns raised by Essex Place Services Built Heritage and Conservation and Urban Design and as discussed with the applicant as part of improving the application, have been addressed such that this scheme represents a notably appropriate scheme which has been sympathetically designed to be in-keeping in terms of scale and massing in relation to the town centre and the surrounding buildings. Essex County Council Place Services Built Heritage and Conservation and Urban design support the application.
- 2.29 In concluding this section, it is considered that the proposal is compliant with the National Planning Policy Framework, policy CP1 'Design' of the Core Strategy, as the new development to be created would be of good, high quality design consistent with salient designs which would give the development distinctiveness as required by policy CP1. The proposal in terms of character and appearance is also considered compliant with the Frameworks Development management Plan policy DM1 'Design of New Developments'. Consideration has been given to the identity of the surrounding area when designing the proposal. The density is considered a suitable density for the locality in line with policy DM2 which would ensure a positive relationship with existing and nearby buildings in accordance with DM3.

Quantum of Development

- 2.30 Chapter 11 of the framework indicates that planning policies should promote the efficient use of land in meeting the needs to provide homes and other uses while safeguarding and improving the environment and ensuring safe and healthy living conditions. Achieving appropriate densities is a key issue when considering residential development. The Council's baseline requirement as far as density is concerned is 30 dwellings per hectare. Policy DM2 requires that residential development must make efficient use of land in a manner that is compatible with the use, intensity, scale, and character of the surrounding area, including potential impact on areas of nature conservation importance, and the size of the site. The policy goes on to stipulate that the density across a site should be a minimum of 30 dwellings per hectare unless exceptional circumstances can be satisfactorily demonstrated.
- 2.31 The development density of this development is stated to be 169 dwellings per hectare. It must be noted that this development is proposed within a defined and pre-determined and previously developed area (brownfield land) set out over three storeys. The number of dwellings when compared against the standard benchmark is not always an indication of acceptability in this particular regard, as ultimately the question of how the development fits in with its setting and provides adequate infrastructure where needed including adequate access and surface water drainage, is more definitive than the measure of a development based on density alone. Density is the degree to which an area is filled or occupied. In the context of housing and planning policy, it generally refers to the quantity of people or buildings in an area. Two principal measures are often relied upon to measure density, these being: the

number of homes (units) per hectare (u/ha) and the number of habitable rooms per hectare (hr/ha).

- 2.32 The way in which a site area is measured for planning purposes is not always consistent and without a consistent approach, it is hard to make meaningful comparisons. The same location can have very different housing densities if the number of homes is measured according to gross site area (including land used for surrounding shops, services, roads, and public realm) as opposed to the net-built area (which restricts the calculation only to the land on which the residential buildings stand). In this particular instance, it is considered that the development is acceptable and policy compliant.

Housing Mix

- 2.33 Policy H5 of the Core Strategy requires new developments to have a mix of dwelling types but does not specify a mix. It advises that developers consult with the Council's Housing Strategy team which has been undertaken in this case. The residential mix proposed consists of 12 x 1-Bed 16 x 2-Bed and 1 x 3-Bed units totalling 29 Units. It is noticeable that some 2 Bed Flats are relatively large compared to others (the floor space of all units are indicated within the table under the 'Technical Standards' section of this report) in that their gross internal floor space is significantly in excess at least of the required minimum gross floor space standards which suggests that with some internal configuration that it would be technically possible (subject to variance of the plans by way of a Section 73 application to do so) would be capable of providing a greater quantum than the 29 Flats which all submitted documents (other than the application form) make clear this application relates to.
- 2.34 Although it is considered that there are fundamental issues associated with the consideration of greater numbers of units which would need to be cross referenced to the Viability Assessment which is based on 29 Flats of the mix indicated (and which would need to be revisited if a development were to be pursued that was at variance with the mix indicated) the mix indicated is considered to be acceptable. Although not known to the Council's Housing Section at the time that the scheme does not propose the provision of affordable housing (which has however been clarified), there was support for the housing mix indicated. It is known from the evidence base held by the council that there is a high demand for 1 and 2 bed units within the district which this development would satisfy. From purely a housing mix perspective, the Council's objectives as set by policy H5 are considered met as the scheme does provide a mix of dwelling types.

Affordable Housing

- 2.35 Policy H4 of the Council's Local Development Framework's Core Strategy indicates that at least 35% of dwellings on all developments of 15 or more units, or on sites greater than 0.5 hectares, shall be affordable. These affordable dwellings shall be tenure blind. The policy objective is for 80 per cent of affordable housing to be social housing and 20 per cent intermediate

housing. Policy at national and local level advises that where a development does not intend to provide a policy compliant proportion of affordable housing evidence would need to be submitted in the form of a viability assessment to support the applicant's case. The application initially gave no indication that no affordable housing was intended to be provided in connection with the development. A Viability Assessment was subsequently submitted setting out the case that the development could not provide any affordable housing.

- 2.36 The submitted Viability Assessment was submitted and independently scrutinised by the Council's appointed specialist District Valuation Service (DVS). Officers advised the DVS that the Council, in line with the set threshold, required a 35% proportion of affordable housing. It was also pointed out that the £120,000 indicated by the applicant as being required in lieu of a Section 106 contribution was not required as there was no basis for this requirement, nor the figure indicated within the applicant's viability assessment. The historical use of the site and potential contaminative uses and potential costs to remediate the site were also pointed out by the case officer the DVS as was the fact that the Council was not a Community Infrastructure Levy (CIL) registered/charging authority which was relevant to the consideration of development viability. The only cost incurred by other policy considerations were advised to be a mitigation payment of (what is now currently £127.20) associated with the requirements of RAMS mitigation which is covered in a separate section of this report).
- 2.37 In assessing such a Viability Assessment, a number of conclusions can be drawn. A scheme may be able to provide a proportion of affordable housing of a specific type with actual numbers and types of affordable housing being expressed (which may be equal to the 35% requirement or a lowered proportion), or alternatively it cannot provide affordable housing. The purpose of the assessment is to establish by way of analysis whether the applicant's case is independently proven and tested. On occasions an independent assessment may conclude that a financial sum in lieu of 'Affordable Housing' is provided which the council has no mechanism to secure but which may be used in exceptional circumstances.
- 2.38 The independent review of the applicant's viability assessment was prepared in accordance with the recommended practice set out in the framework; the National Planning Policy Guidance on Viability (July 2018, updated May 2019, September 2019) and the Royal Institution of Chartered Surveyors (RICS) Professional Statement, Financial Viability in Planning (FVIP: Conduct and Reporting) (effective from 1 September 2019) and the RICS (FVIP) Guidance Note (1st Edition) (GN 94/2012), where applicable.
- 2.39 The DVS in its assessment comments that some of the proposed 1 bed units are very small and are more akin to the size of studio apartments. The MHCLG nationally described minimum space standard for a 1 bed, 1 person flat is 39sqm GIA. Equally, some of the 2 bed flats are large compared to these standards (minimum 2 bed, 3 person is 61sqm whilst 2 bed 4 person is 70sqm). It is noted that unit 23 has been adopted as a 2-bed flat in the

viability assessment appraisal, whereas documents on the planning portal suggest this is a 3 bed unit. Therefore, the independent assessment has assumed it is a 3 bed flat for the purposes of the assessment. It is highlighted that the increased sizes of these 2 bed units increase the construction costs of the property and therefore impact the overall viability of the scheme. The agent has used an appraisal toolkit called HCA DAT to undertake the appraisal whereas the DVS have used Argus Developer to undertake the review, which is an industry recognised software package for development appraisals and allows a greater flexibility of inputs.

- 2.40 The total GDV adopted by the agent for the 29 residential units is £6,169,500. Broken down, this equates to 1 bed being priced between £180,000 and £205,000 and 2 bed flats ranging from £210,000 to £255,000. No comparable evidence has been provided to support the agent's conclusions. Based upon comparable evidence the DVS indicates that the 1 bed flats are priced reasonably (£180,000 to £205,000). The proposed units are valued lower than the available 1 bed evidence which is larger in size and the larger units are in line with the limited 1 bed evidence. The view is expressed that the 2 bed flats (£210,000 to £255,000, 63sqm-98sqm), given their larger size, are priced too low compared to the evidence above where evidence ranges from £230,000 to £270,000 for 58sqm to 61sqm units. The view is expressed that the minimum value for the proposed 2 beds should be £240,000, with the other values ranging up to £275,000. There is limited evidence of 3 bed flats, and a value of £275,000 for the 3-bed unit has been derived. The summary of the independent assessment is as follows:

Non-Technical Summary of Viability Assessment Inputs

Policy Compliant Inputs	Agent	DVS Viability Review	Agreed (Y/N)
Assessment Date	July 2020	December 2020	N/A
Scheme, Site Area	29 Private units, 116sqm GF commercial accommodation 1,778sqm site area	29 Private units, 116sqm GF commercial accommodation 1,778sqm site area	Y
Development Period	4 months preconstruction 18 months construction 12 months sale	4 months preconstruction 18 months construction 12 months sale	Y

Gross Development Value	£6,574,233	£7,120,215	N
Market Housing Total and range in values	£6,169,500 1 beds- £180,000-£205,000 2-3 beds- £210,000-£255,000	£6,609,500 1 beds- £180,000-£205,000 2-3 beds- £240,000-£275,000	N
Ground Rent income	£0	£175pa- 1 bed £250pa- 2 bed £300pa- 3 bed =£115,000	N
Commercial Revenue	£404,733	£395,715	N
Planning Policy / S.106 Total	£120,000	£125.58 per unit= £3,642 total (Note this is now £127.20 per unit)	N
Residential Construction Cost inc. Prelims, External Works & Contingency Total and £/sqm	£4,006,934 £1,908per sqm	£3,933,720 £1,873 per sqm	N
Commercial Construction Costs inc. Prelims, External Works and Contingency	£310,164	£191,923	N
Professional Fees	10%- £381,613	10%- £392,918	Y*
Finance Interest and Sum	7% debit- £328,917	6.5% debit- £359,097	N
Residential Sales / Marketing Fees	3%- £185,085	2.5%- £165,238	N

Legal Fees	£1,000 per unit	£750 per unit	N
Land Acquiring Costs	£1,760	SDLT and 1.5% agent and legal fees- £41,693	N
Profit Target %	20% on GDV overall- =£1,314,847	17.5% on GDVPrivate residential, 17.5% on GDVcommercial =£1,251,973	N
Scheme Residual Lane Value	-£100,567	£756,700	N
EUV	£1,500,000	£700,000	N
EUV Premium to BLV	-	£105,000	N
Benchmark Land Value	£1,500,000	£805,000	N
Purchase Price (if relevant)	Not disclosed	£975,000	N/A
Viability Conclusion	Cannot viably provide Affordable Housing	Cannot viably provide Affordable Housing	

Y* denotes that while the input is agreed, the overall amount differs due to changes made elsewhere in the appraisal.

- 2.41 In assessing the evidence and independent assessment there is a significant difference of opinion on the existing use value of the property between the applicant's assessment of £1,500,000 and the DVS' value of £700,000 which is reflected in the Benchmark Land Value Considerations where there is a stated difference of £695,000. In conclusion the DVS's assessment provides greater financial burdens than what does the applicant's assessment on the basis of which in any event the advice received is that the development cannot provide any affordable housing.

Loss of Community Facilities and The Economy

- 2.42 Core Strategy Policy CLT6 – (Community Facilities) indicates that a comprehensive range of community facilities, including meeting halls, places of worship and social clubs exist throughout the district. These are well used and provide an important role for communities. The Council will seek to

safeguard the use of community facilities, and to ensure they continue to provide a useful function to the communities they serve.

- 2.43 Although recognised to be a service to the community the current business is a commercial entity rather than a community facility as its meaning is conceived within the Council's Local Development Framework's Core Strategy. However, no Core Strategy or Development Plan policies resist the redevelopment of former commercial sites which have become redundant in areas other than in town centres. In particular cases, the policy objective is to ensure that the vitality of town centres and the evening economy are not undermined by the loss of businesses.
- 2.44 The National Planning Policy Framework (NPPF) (as updated July 2021) at Chapter 7 (Ensuring the Vitality of Town Centres), requires local planning authorities to allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office, and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary.
- 2.45 Rochford District Core Strategy 2011: The Core Strategy's approach to centres and retail development is set out in policies RTC1 and RTC2. Respectively, these seek to strengthen and improve the retail offer of the district's main centres and direct new retail development and other main town centre uses towards these locations through a sequential, town centres first approach. The Core Strategy also commits to the development of an Area Action Plan to deliver, among other things, a predominance of retail uses, including intensification of existing retail uses, which cater for a variety of needs, and a range of evening leisure uses.
- 2.46 The Rochford Town Centre Area Action Plan (AAP) covers this site and identifies it both as a 'key arrival point' and part of the Secondary Shopping Area. Two AAP objectives are particularly relevant to the site; 1) Provide a diverse range of uses, activities and facilities for local people; 5) promote the redevelopment of unused, underused, infill or unattractive sites. AAP Policy 1 supports the creation of 750 sq m of new retail space within the AAP boundaries. The proposal supports this aim. AAP Policy 3, relating to the Secondary Shopping Frontage, supports development of new A and D- class uses which could contribute to the overall offer of the town centre. It is considered that the proposed inclusion of two A1/A3 units at ground level would support this.
- 2.47 AAP Policy 6 – the site falls within Character Area A (Central Area), in which development will support and strengthen the retail function and character of the area, and in which secondary shopping frontages should be in a mix of retail and other appropriate town centre use. The proposal, which incorporates A1/A3 units facing West Street, would accord with this.

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- 2.48 The Council's Economic Growth Strategy 2017, part of the evidence base for the future Local Plan, commits the Economic Regeneration Team to support business growth and retention through being responsive to planning consultations to support business growth and investment, whilst resisting residential conversions of business spaces. It is noted that this planning application would lead to the creation of two new retail units, but also the loss of two established local businesses, namely the garage and car wash.
- 2.49 The 2018 South Essex Retail Study, which will inform the new Local Plan, identifies future retail and leisure space demand across Rochford District as the population grows. Up to 2034, it identifies there could be a requirement for up to 4,937 sq m comparison goods and 2,711 sq m convenience goods space. The analysis also identified a potential requirement for up to 3,000 sqm gross of floorspace for new food and beverage outlets across Rochford District. This proposal has the potential to fulfil some of this demand.
- 2.50 The proposals come at a time when high streets nationwide are under significant pressure, with 2018 representing a 5-year low in new shop openings, according to a May 2019 Local Data Company report. This analysis observed the GB vacancy rate rose by +0.3% in 2018 to 11.5% - the highest level since 2015. Much of this is attributed to £1 in every 5 now being spent online, although many leisure categories have also experienced significant decline. Traditional retail categories were amongst those experiencing the most significant declines (e.g., fashion and electrical retail), whereas the biggest growth categories were barbers, beauty/nail salons, cafes, restaurants and bars.
- 2.51 Rochford is a smaller retail centre which has experienced loss of key facilities in recent years, such as banks and its supermarket. There is much dialogue at present from Central Government about the place for residential in town centres, emphasising the need for them to become more community-focused in order to protect existing retail and services. The addition of 29 new residential units into the town centre has the potential to support local shops and services, whilst the smartening up of a very visible gateway site could enhance the attractiveness of Rochford Town Centre for visitors and shoppers.
- 2.52 The councils' Economic Development Section support the application but express concerns at the loss of longstanding local businesses. Whilst occupants of the new retail units could attract footfall and visitors to Rochford, this is also the case at present with visitors to the garage. It also indicates that given the immediate vicinity contains 2 pubs (which feature live musical performances) and a restaurant and is important to Rochford's evening economy, it is also important to ensure any proposed residential development has the necessary soundproofing to mitigate risk of complaints against established local businesses.
- 2.53 The conclusion reached by officers is that the current site detracts from the visual amenity of the street scene and Conservation Area which since

demolition of the car showroom in the absence of complete re development will blight the vicinity and deter potential for further investment in the town by companies looking to relocate where land rent values may be comparatively lower than other competing districts. The development when considering the balance of harm against the benefits is considered to be overwhelmingly beneficial to the town and the district as a whole.

Parking Provision, Cycle Space & Access

- 2.54 The Council's parking policy is set out in policy DM30 which cross references to the parking standards contained within 'Parking Standards: Design and Good Practice Supplementary Planning Document (Adopted December 2010). This is applied to all new developments.
- 2.55 The Supplementary Planning Document (SPD) considers parking for residential development can be provided in a variety of ways which provide safety and security. This can be through parking on shared surfaces, on street parking, parking squares, parking courts, in curtilage, in garages, tandem parking and on setbacks. The type of parking to be provided must be appropriate to the scale and location of the proposed development.
- 2.56 The adopted Parking Standard indicates that a property comprising one bedroom should have one off street car parking space, whilst dwellings or apartments providing two or more bedrooms should have two car parking spaces. The preferred parking bay size is 5.5m in depth and 2.9m in width increasing to 6m by 2.9m for parallel parking. A residential development would also require 0.25 visitor/unallocated vehicle spaces per unit. 21 car parking spaces are shown to be provided. On the basis of 1 car parking bay requirement for 1 bed flats and 2 parking bays for 2-bedroom flats or flats greater than 2 bedrooms there would be a need for 46 car parking spaces in addition to 29 x 0.25 spaces (7.25) 8 additional spaces to account for visitor space. On the basis of the standards the total car parking space requirement would be 54 spaces. This is not achieved with a shortfall of 33 spaces. However, it is indicated that a lower provision is justifiable within sustainable town centre locations although the lower thresholds in terms of acceptability are nowhere expressed in % or number terms. What this provision does recognise no doubt is that reliance on private motor cars is not as prevalent within urban areas and town centres which has good access to public transport which promotes a greater choice in terms of modes of transport.
- 2.57 The Design and Access Statement which refers to the submitted Transport Statement opines that the site is in a good location to reach the nearby town of Southend-on-Sea, and with the A127 approximately 2 miles away providing access further afield towards the London Orbital, M25. It is the applicant's case that the site being town centre location, and opposite Rochford train station, according to government recommendations this development would not require carparking.

- 2.58 It is the applicant's case that although the number of car parking spaces provided are fewer than ECC Parking Standards, it is noted that 'reductions of the vehicle standard may be considered if there is development within an urban area (including town centre locations) that has good links to sustainable transport.'. Given the site's close proximity to local facilities and public transport, it is considered that a lower parking provision is suitable for the proposed development. No parking provision is to be made on site for customers to the retail uses. It is considered that the trips to the retail uses will be linked to other retail trips within the Town Centre and as such it is likely that retail users of the Site would use the Rochford District Council Back Lane Car Park, which has a total of 171 car parking spaces. A minimum of 30 cycle parking spaces will be provided for the residential units. This complies with ECC parking standards, which stipulates: '1 secure covered space per dwelling.
- 2.59 The Transport Assessment (Waterman Infrastructure & Environment Limited) sets out that 21 spaces, including 1 disabled space, will be provided for residents, with no parking for the retail use, which will rely on public transport and existing town centre car parking, including the Council-owned Back Lane Car Park. The Waterman report sets out a justification for residential parking below the minimum requirements of 1 per 1 bed and 2 per 2 bed dwellings, based on local car ownership rates which indicate a requirement for 0.7 spaces per unit.
- 2.60 The National Planning Policy Framework (July 2021) at Paragraphs 107 and 108 provide the guidance, as follows: "If setting local parking standards for residential and non-residential development, policies should take into account: a) the accessibility of the development; b) the type, mix and use of development; c) the availability of and opportunities for public transport; d) local car ownership levels; and e) the need to ensure an adequate provision of spaces for charging plug-in and other ultralow emission vehicles. Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework). In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists". It noted at paragraph 111 that: Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 2.61 In terms of access for emergency vehicles It is the applicant's case that the proposed site layout accords with the Department for Transport document 'Manual for Streets' (MfS) (in addition to Part L Building Regulations requirements) which states: 'There should be a vehicle access for a pump appliance within 45m of every dwelling entrance for single family houses, flats and maisonettes.'

- 2.62 It is the view of officers that despite the fact that it is noted that the car parking bay dimensions are designed to the lower standard of 2.5 m width by 5 m in length as opposed to the preferred standard of 2.9 x 5.5 (which if applied would result in the loss of 4 car parking spaces which would provide a total of 17 car parking spaces) that given the evidence submitted and the thrust of planning policy which promotes reducing reliance on the motor car – the development is considered acceptable. It is considered however that the scheme should provide electric charging points for electric vehicles to future proof the development in this respect. A planning condition is proposed to address this requirement.

Landscaping

- 2.63 Landscaping is defined as the improvement or protection of the amenities of the site and the surrounding area which could include planting trees or hedges as a screen. The development offers limited scope for landscaping although it is noted that a narrow frontage strip along Union Lane in front of some sections of the frontage are shown by the proposed block plan. The incorporation of iron railings to frame this area is also noted which will provide a salient design feature. Further detail relating to this matter is recommended to be covered by a planning condition.

Separation Distances

- 2.64 The Framework Supplementary Planning Guidance (SPD2) House Design requires that 1m separation is provided between the side boundaries of the hereditament and the outside wall to habitable rooms of dwelling houses. Whilst mostly applicable to infill plots within existing residential areas, SPD2 also makes clear that this should also be applied to development of new estates. The aim is to achieve a total separation of 2m between the sides of the buildings. The only measure of importance in this respect is any required separation between the rear aspect of the development and the development at Clements Mews which is over 18 metres in distance from the nearest part of any habitable flat which given the enclosed nature of the site and the orientation of development at Clements Mews will not have any impact upon visual amenity nor residential amenity. The site to the west is set adjacent to an access road serving Rochford Hospital with no consequential amenity issues arising

Environmental Sustainability

- 2.65 The Ministerial Statement of the 25th of March 2015 announced changes to the government's policy relating to technical housing standards. The changes seek 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. From the date the Deregulation Bill 2015 was given royal ascent, the government's policy is that planning permissions should not be granted requiring, or subject to conditions requiring, compliance with any technical housing standards other

than for those areas where authorities have existing policies on access, internal space, or water efficiency

- 2.66 Policy ENV9 to the Councils Core Strategy requires all new dwellings to achieve Code Level 4 of the Code for Sustainable Homes as a minimum. The Ministerial Statement (2015) relating to technical standards has not changed policy in respect of energy performance and this requirement still therefore applies in respect of energy. The Code for Sustainable Homes standard has now been phased out as has the requirement for Part L of the Building Regulations
- 2.67 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 therefore require compliance with the new national technical standards, as advised by the Ministerial Statement (March 2015). Until such a time as existing Policy DM4 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a national technical housing standard relating to internal space standards. Consequently, all new dwellings are required to comply with the new national space standard as set out in the DCLG Technical housing standards – nationally described space standard March 2015. Consequently, all new dwellings are required to comply with the new national space standard as set out in the DCLG Technical housing standards – nationally described space standards March 2015.

Technical Housing Standards

- 2.68 New dwellings must comply with the Technical Housing Standards introduced in March 2015, as cited by the Department for Communities and Local Government Technical Housing Standards – Nationally Described Space Standards which set out minimum space requirements for the gross internal area as well as required floor areas and dimensions for key parts of the home, notably bedrooms, storage, and floor to ceiling height. A dwelling with two or more bed spaces should have at least one double room.
- 2.69 In order to provide two bed spaces, a double or twin room should have a floor area of at least 11.5 square metres. One double or twin room should have a width of at least 2.75 metres and every other double room should have a width of at least 2.55 metres. Any area with headroom of less than 1.5 metres is not counted within the gross internal area. A built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements but should not reduce the effective width of the room below the minimum widths indicated. The minimum floor to ceiling height should be 2.3 metres for at least 75% of the gross internal area. An assessment of the proposal against the national criteria is shown by the table below. The standards also set out minimum required storage space based on the gross floor space of a residential unit.

National Technical Housing Standard Assessment

Flat No & No of Beds	Gross Internal Floor Area (m ²)	Storage (m ²) and N.S.S Requirements RM: Requirement Met	Single bed size (m ²) and width (m)	Double bed size (m ²) and width (m)	Ceiling Height (m)
1 (1 Bed)	39.2m ²	1.0m ² Required RM	RM Met for all Units	RM Met for all Units	RM Met for all Units
2 (1 Bed)	48.9m ²	1.0m ² Required RM			
3 (1 Bed)	46.6m ²	1.0m ² Required RM			
4 (1 Bed)	42.8m ²	1.0m ² Required RM			
5 (2 Bed)	75.4m ²	2.0m ² Required RM			
6 (2 Bed)	69.8m ²	2.0m ² Required RM			
7 (2 Bed)	72.8m ²	2.0m ² Required RM			
8 (2 Bed)	62.5m ²	2.0m ² Required RM			

9 (2 Bed)	65.0m ²	2.0m ² Required RM			
10(1Bed)	39.2m ²	1.0m ² Required RM			
11(1Bed)	48.9m ²	1.0m ² Required RM			
12(2Bed)	77.5m ²	2.0m ² Required RM			
13(2Bed)	77.5m ²	2.0m ² Required RM			
14(2Bed)	71.6m ²	2.0m ² Required RM			
15(1Bed)	58.5m ²	1.5m ² Required RM			
16(2Bed)	98.0m ²	2.0m ² Required RM			
17(2Bed)	75.9m ²	2.0m ² Required RM			
18(2Bed)	83.9m ²	2.0m ² Required RM			

19(1Bed)	42.7m2	1.0m2 Required RM			
20(1Bed)	44.6m2	1.0m2 Required RM			
21(2Bed)	74.6m2	2.0m2 Required RM			
22(1Bed)	43.6m2	1.0m2 Required RM			
23(3Bed)	78.4m2	2.0m2 Required RM			
24(1Bed)	44.7m2	1.0m2 Required RM			
25(2Bed)	63.5m2	2.0m2 Required RM			
26(1Bed)	48.9m2	1.0m2 Required RM			
27(1Bed)	54.8m2	1.5 Required			
28(2Bed)	67.7m2	2.0m2 Required RM			
29(2Bed)	67.7m2	2.0m2 Required(RM)			

- 2.70 The floor plans all of which have been measured for compliance in this respect indicate that some 1 Bed units are on the limit of minimum requirement of gross floor space, whilst other units are large units much greater than the minimum thresholds. This point is also noted by the independent appraisal of the applicant's Viability Assessment undertaken by the District Valuation Service which has informed its assessment of scheme viability, although the council's policies as does the National Planning Policy Framework (July 2021) encourages the provision of a housing mix.

Amenity Space / Garden Sizes

- 2.71 The Council's Supplementary Planning Document SPD2 (2007 Housing Design sets out the minimum garden areas which new housing developments must adhere to, which are in line with the garden size requirements contained within the previous Essex Design Guide current at that time.
- 2.72 The SPD also requires 3-bedroomed terraced properties to provide a minimum depth of 2 ½ x the width of the house (except where the provision exceeds 100m²) and a minimum garden area of 50m². For 1 and 2 bedroomed dwellings a minimum 50m² garden is required provided that the second bedroom is not of a size that would allow sub-division into two rooms. And for flats there is a requirement for a minimum balcony area of 5m², with the ground floor dwelling having a minimum patio garden of 50m²; or the provision of a useable communal residents' garden on the basis of a minimum area of 25 m² per flat. These two methods for flats may also be combined. With the exception of some patio space to the north aspect of the site at ground floor no private amenity space is provided. It is acknowledged that the provision of balcony space at the site frontage would significantly impact upon the aesthetic quality and appropriateness of the development given its Conservation Area setting whilst balconies to the rear may be perceived as giving rise to overlooking into Clements Mews. Planning policy subject to justification does enable schemes to progress providing that the site is located close to a public area of open space.
- 2.73 The application submission indicates that there is currently no landscaping, trees, or vegetation on site due to its current use. As per the proposed site plan, small elements of landscaping are proposed. Permeable hard landscaping will help to define areas such as pedestrian pathways and parking locations. A high standard of paving materials will be used. Soft landscaping has been incorporated to soften the street scene also be utilised to break these areas of hard landscaping, assisting in the definition of areas, and aimed to soften the overall appearance of the proposal.
- 2.74 The proposed landscaping scheme will allow for ease of access for disabled users to all areas of the site and will meet the standards set out in Part M of the current Building Regulations. Soft landscaping is to incorporate plant species naturally found within the area to enhance the natural habitat of the site encouraging an increase in natural biodiversity. Sainsbury's Local is adjacent to the site also, providing an ideal convenience store on the

doorstep. The site being situated in the town centre provides potential residents with a great location for local amenities. Shops, convenience stores, pubs and restaurants are all close by. In addition to the amenity area to the rear, the reservoir opposite the application site has a large public area of open space, including a lake to walk around.

- 2.75 On the basis of its location and the case progressed by the application, it is considered that this proposal is acceptable as ultimately a lowered level of amenity in terms of private amenity space at least is an accepted circumstance within a town centre. The reservoir areas of open space set to the south of the Freight House is accessed readily from the site facilitated by a pedestrian crossing point at Bradley way.

Water Efficiency

- 2.76 Until such time as existing policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to water efficiency. Consequently, all new dwellings are required to comply with the national water efficiency standard as set out in part G of the Building Regulations (2010) as amended.

Lifetime Homes

- 2.77 Policy H6 of the Council's Local Development Framework's Core Strategy states that all new housing developments will be required to comply with the Lifetime Homes Standard. In addition, at least 3% of new dwellings on developments of 30 dwellings or more will be required to be built to full wheelchair accessibility standards. In the case of developments comprising between 10 and 30 dwellings, at least one dwelling will be expected to be built to full wheelchair accessibility standards.
- 2.78 Given the lower threshold based upon the scale of the development in this instance 1 dwelling will be expected to be built to full wheelchair accessibility standards. The only concession to this requirement is where such a provision would render the development unviable. A planning condition is proposed to the planning consent to address this attainment.

Refuse Storage/Collection

- 2.79 The Council operates a 3-bin system per dwelling consisting of a 240l bin for recycle (1100mm high, 740mm deep and 580mm wide), 140l for green and kitchen waste (1100mm high, 555mm deep and 505mm wide) and 180l for residual waste (1100mm high, 755mm deep and 505mm wide). Previously the provision of between 3,600l and 4,800l of bin capacity has been recommended by Rochford District Council's Street Scene officer in relation to similar apartment developments of similar scale and configuration.
- 2.80 The supporting information provides a detailed breakdown on the refuse provision breaking down the waste and storage capacity to non-recyclable waste (60% of total waste), 20% dry recyclables, 10% kitchen waste 10%

residual waste. Bins are to be provided in the following manner: 3 x 1100 litre bins for non-recyclable waste, 1 x 1100 litre for dry recyclables, 1 x 660 litre for kitchen waste and 1 x 660 litre for residual waste. The proposals make provision for commercial waste on the basis of 1 240 litre bin for non-recyclable waste, 1 x 240 litre bin for dry recyclable and 1 x 240 litre bin for residual waste.

- 2.81 Although the updated statement has not accounted for the fact that there is no access to the site off Union Lane as it refers to 'Service and refuse vehicles will access the Site via the Union Lane access in reverse gear and then exit back out onto Union Lane in forward gear' it is clear from the revised plans that this area is to the left of the access way to the car park just behind the section which fronts West Street. Unless brought onto the kerb side a long-wheeled vehicle would need to reverse into the site which is close to the street. It is considered that the access at 5.50m wide is adequate to accommodate this movement.
- 2.82 The Council's Appendix 1 to the Development Management Plan explains that a minimum of 5m width should be provided for a refuse vehicle. Access roads to be used would need to be engineered to take the weight of a 26-tonne refuse vehicle. Providing that the access road is constructed to a standard capable of accommodating a 26 tonne refuse lorry it is not considered that this arrangement if not brought onto the kerb side would be acceptable.

Renewable or Low-Carbon Energy

- 2.83 Policy ENV8 of the Local Development Framework's Core Strategy requires developments of 5 or more dwellings to secure at least 10 per cent of their energy from decentralised and renewable or low-carbon sources unless this is not feasible or viable.
- 2.84 A planning condition is recommended to require compliance with the above policy unless it is demonstrated that this would not be viable or unless provision of such would be at the expense of provision of a higher specification energy efficient building fabric (to meet code level 4 with regard to energy efficiency) in which case a report demonstrating the case shall be submitted to and agreed in writing by the Local Planning Authority.

Transport, Access, and Sustainability

- 2.85 Paragraph 113 of the framework states that: 'All developments that will generate significant amounts of movement should be required to provide a Travel Plan, and that applications should be supported by a Transport Statement or Transport Assessment so that the likely impacts of the proposal can be assessed'.
- 2.86 Transport Assessments (TAs) primarily focus on evaluating the potential transport impacts of a development proposal. Transport Statements (TSs) are required for developments that have comparatively limited transport

implications. They should both set out the transport issues in terms of the difference in existing and future conditions as a result of the development. The guidance indicates how a Transport Assessment should demonstrate how the development is accessible to key services, maximises sustainable transport opportunities and minimises single occupancy vehicle trips.

- 2.87 A Transport Assessment may propose mitigation measures which are necessary to avoid unacceptable or “severe” impacts. Travel Plans can play an effective role in taking forward those mitigation measures which relate to the ongoing occupation and operation of the development. Transport Assessments and Transport Statements can be used to establish whether the residual cumulative impacts of a proposed development on the road network would be severe, which may be a reason for refusal of a planning application.
- 2.88 For developers, Travel Plans can help reduce development costs, make a site more accessible and improve the efficiency of the planning process. They can also help deliver improved relations with neighbours by easing traffic in the local area, delivering environmental improvements, improved corporate image (for businesses specifically, including developers), healthier, happier staff leading to less time loss due to illness and greater staff retention, financial savings through more effective use of business travel and reduced commuting costs, reduced demand for car parking, with associated savings in land allocated, time savings through more effective business travel/commuter travel and can also help reduce the need for costly highways improvements schemes.
- 2.89 The Local Development Framework’s Core Strategy policy T5 – (Travel Plans) indicates that Travel Plans will be required for developments involving both destinations and trip origins. New schools, visitor attractions, leisure uses, and larger employment developments will be required to devise and implement a travel plan, which aims to reduce private occupancy car use. Existing schools and employers will be encouraged to implement travel plans. It advises that a Travel Plan will be required for any residential development comprising 50 or more units and should be tailored to meet the specific requirements of the development. Given the sale of this development a Travel Plan is not required.
- 2.90 Aside from the Travel Plan itself, Rochford District Council has no published policy or guidance which sets out the thresholds and triggers for particular types of development proposals requiring specific Transport Assessments or Transport Statements which are the established methods of establishing whether the residual cumulative impacts of a proposed development on the road network would be severe. Each particular development proposal depending on its scale and location (when considered in conjunction with other factors including other residential developments and prevailing highway conditions) would need to be considered on their individual merits.
- 2.91 A Transport Statement is submitted in support of the application. The purpose of the Transport Statement is to identify the transport issues and benefits

associated with a proposed development. The Transport Statement will often where appropriate be used by the Highway Authority and Local Planning Authority as the decision maker to determine whether the impact of the development on transport is acceptable.

- 2.92 A Transport Assessment is submitted in support of the application which indicates that the site is well served by bus routes including bus routes 6/3, 8/15 and 7/8 the latter of which provides two buses an hour providing feasible routes to destinations such as Leigh on Sea, Southend and Hockley. Rochford Railway Station is located 220m southwest of the site from where 6 trains an hour depart during the peak AM hour 3 of which terminate at Liverpool Street Station (west bound) via Stratford and three trains terminate at Southend Victoria Station (eastbound). Typical journey times from the station are as follows indicated to be London Liverpool Street (50 minutes); Stratford (41 minutes); Shenfield (27 minutes); Rayleigh (8 minutes); Billericay (19 minutes); and Southend Victoria (10 minutes). The statement indicates that Rochford Station has 12 sheltered cycle storage spaces located in the Station Car Park. It also has a car park with 205 parking spaces (two of which are designated 'accessible').
- 2.93 The Transport Statement also considers the location of the site in terms of reasonable walking distances to facilities quoting the Institution for Highways and Transportation (IHT) document entitled 'Providing for Journeys on Foot' The document refers to 2km as the maximum distance that the population would consider walking. The statement includes a plan showing walking distances associated with the site which include four education institutions, a hospital, and Rochford Shopping Area. Rochford Shopping Area includes restaurants, two pharmacies, convenience stores and public houses, all of which are located within reasonable walking distance. A cycling isochrone is indicated by the statement setting out a 5km distance as the furthest reasonable cycling distance, which indicates that Hockley, Prittlewell and Southend-on-Sea are accessible within this distance.
- 2.94 The statement uses the 2011 Census Data to provide an indication of the mode that people use to travel to work in Super Output Area 'E02004566 : Rochford 004', in which the site resides, which indicates that the most popular mode of travel to work is by "Driving a car or van" at 65.5%, with walking & cycling at 10.7%. A smaller proportion (16.8%) travel by public transport modes. 2.20. A total of 27.5% therefore, utilise sustainable transport modes. To understand the local car ownership the data from the Census 2011 has been obtained, specifically in relation to flats for the 'E02004566 : Rochford 004' area. This data shows that the 'E02004566: Rochford 004' area has around 23% of households who do not own a car, with 77% of households owning 1 or more cars. 2.23. Based on the figures provided above, the average car ownership per dwelling is 1.13.
- 2.95 The peak hour trip generations for employees of all the above elements have been calculated below for the peak hours. Retail Element 5.11. Given that the

Site is located at the edge of the Town Centre, it is likely that the trips associated with the retail use will be limited to existing retail trips.

- 2.96 The Transport Assessment indicates that for the retail element, the Site generates 1 two-way vehicular trips during the AM Peak Hour, 4 two-way vehicular trips during the PM Peak Hour and 55 vehicular two-way trips over the course of a day. These trips are, however, likely to already be on the highway network. The relevant TRICS report is provided in Appendix C. Residential Element. For the residential element of the Site, reference has been made to the TRICS database to derive the anticipated vehicular trip rates that are associated with the site's characteristics.
- 2.97 The Transport Assessment indicates that for the residential element, the Site generates 9 two-way vehicular trips during the AM Peak Hour, 11 two-way vehicular trips during the PM Peak Hour and 101 two-way vehicular trips over the course of a surveyed day. It can be seen from the table above that the development would generate a total of 14 two-way vehicular trips in the AM Peak Hour and 34 two-way vehicular trips in the PM Peak Hour. The anticipated level of car use accords well with the proposed quantum of residents' parking (22 car parking spaces), as there are 13 two-way trips during the AM Peak Hour and 18 two-way trips during the PM Peak Hour associated with the site's residential use.
- 2.98 In assessing the impacts, although It is noted that within the Area Action Plan at page 29 has a table indicating a need for junction improvements at West Street/Bradley Way (which the development will sit upon) as well as public realm enhancements in the Market Square, which the council is very conscious of the need to progress to improve the sense of place and restore business/consumer confidence and facilitate regeneration, it is not considered that this development by reason of its impacts would trigger the requirement for such works to be undertaken as would need to be bound by the terms of a Section 106 agreement. The requirements as would need to be set out within any legal obligation would need to be relevant and proportionate to the development concerned. It is noted that Essex Highways has not commented or provided any case setting out wider infrastructure improvement requirements in connection with this application.
- 2.99 Furthermore, the Action Plan is aspirational in that it is not explicit in terms of the mechanisms by which it anticipates these improvements being met in whether it relies on new developments to deliver these improvements or whether it has a clear plan in place to secure funding to facilitate such improvements. Rochford Council does not have an adopted planning obligations strategy or adopted Community Infrastructure Levy (CIL) which clarifies or sets benchmarks associated with infrastructure improvements in connection with given developments. Therefore, it is somewhat difficult to see how these improvements can be achieved off the back of a particular development proposal as opposed to a combined funded capital scheme allocated to improve traffic circulation and related Town Centre improvements.

Ecology

- 2.100 The National Planning Policy Framework at paragraph 180 indicates the importance of avoiding impacts on protected species and their habitat where impact is considered to occur appropriate mitigation to offset the identified harm. The council's Local Development Framework Development Management Plan at Policy DM27 requires consideration of the impact of development on the natural landscape including protected habitat and species. National planning policy also requires the planning system to contribute to and enhance the natural environment by minimising impacts on biodiversity, providing net gains in biodiversity where possible. In addition to the UK Biodiversity Action Plan, proposals for development should have regard to Local Biodiversity Action Plans, including those produced at District and County level.
- 2.101 Taking into consideration the site characteristics as described under section 3 of this report, the existing building to be demolished has no potential to host Bat species whilst the site being laid to hardstanding framed by a wall boundary to two aspects has no biodiversity value. The development due to site constraints has limited potential to provide biodiversity enhancements and therefore for the reasons cited the development will have a neutral impact in this respect.

Ecology and RAMS Mitigation

- 2.102 The site is within the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) zone of influence for the Crouch and Roach Estuaries Special Protection Area and Ramsar site. The proposed development falls within the scope of the RAMS as relevant development. Given that the proposal is for additional housing, and its proximity to the SPA there is a reasonable likelihood that it would be accessed for recreational purposes by future occupants of this development. This additional activity would have the potential, either alone or in combination with other development in the area, to have a likely significant effect on the European site.
- 2.103 The Conservation of Habitat and Species Regulations 2017 (the Regulations) require that the competent authority must ensure that there are no effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of the SPA. The likely significant effects arising from the proposal need to be considered in combination with other development in the area and adopting the precautionary principle.
- 2.104 The Essex Local Planning Authorities within the Zones of Influence have developed a mitigation strategy to deliver the measures to address direct and in-combination, effects of recreational disturbance on the SPA. Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) sets out a strategic approach to mitigation by several councils across the wider area. It details

mitigation measures that would be funded by financial contributions at a specified tariff per dwelling. Since these include a range of habitat-based measures such as education, communication, and monitoring, and have been endorsed by Natural England (NE), the authority's position is that such measures would adequately overcome any adverse effects of the proposal on the SPA. A tariff to fund the mitigation, which is payable for all additional new dwellings is currently set at £127.30 per dwelling. The applicant has indicated the preference that RAMS mitigation to offset the impacts of 29 new dwellings be made subject of a Unilateral Undertaking. This arrangement is covered by the officer recommendation at the head of this report.

Archaeology

- 2.105 The National Planning Policy Framework at Chapter at Chapter 16 (Conserving and Enhancing the Historic Environment) focusses on the potential impacts of development on heritage assets and mentions paragraph 192 (b) potential impacts upon archaeological interests. Essex County Council Specialist Archaeological advice has been sought. There is no objection to the proposed development subject to three conditions which form part of the officer recommendation.

Contamination

- 2.106 The National Planning Policy Framework at paragraph 184 (Ground Conditions and Pollution) indicates that where a site is affected by contamination or land stability issues, responsibility for securing a safe environment rests with the developer and/or the landowner. Paragraph 185 indicates that planning policies and decisions should ensure that new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. Any potential adverse impacts arising from a development should be mitigated. Given the historic use of the site ground contamination is a particularly relevant matter for consideration.
- 2.107 The legislative framework for the regulation of contaminated land is embodied in Part IIA of the Environmental Protection Act 1990, implemented in the Contaminated Land (England) Regulations 2000. This legislation allows for the identification and remediation of land where contamination is causing unacceptable risks to human health or the wider environment. The approach adopted by UK contaminated land policy is that of "suitability for use" which implies that the land should be suitable for its current use and made suitable for any proposed future use.
- 2.108 A Phase 1 Environmental Report has been submitted in support of the application. The purpose of this report is to assess the risks to sensitive receptors both on and offsite due to soil and groundwater contamination as a consequence of the proposed development. In this preliminary contamination assessment, the site has been modelled using the Source-Pathway-Receptor approach to produce a site-specific conceptual model. The 'Source' is the

substances or potential contaminants which may cause harm; the 'Pathway' is the linkage or route between a source and receptor; whilst the 'Receptor' are humans, plant life, groundwater and any entity which can be impacted and harmed by a contaminant. Geological records indicate that the site is underlain by an aquifer in the superficial stratum and therefore there is a potential for contaminants to be transported both to and from site in the groundwater.

- 2.109 The assessment identifies potentially contaminating commercial activities which have been identified in the vicinity. The general topography falls to the southeast. This is assumed to be the general direction of the hydraulic gradient, therefore sources to the northwest and within the near vicinity are considered to have the most potential to impact the site. These include hospitals, garages, and an electricity substation as well as a now inactive petrol filling station. No credible pathways for ground gas have been identified.
- 2.110 The Phase 1 Contamination Assessment has identified potential contamination of the site from its use as a garage. There was a mild hydrocarbon odour, and some evidence of oil staining as might be expected in such premises. Due to the lack of any major development historically it is considered unlikely that there is a significant depth of fill material beneath the site, in addition the north end of the site appeared to be cut into the general slope of the ground and therefore there is not considered to be an on-site source of ground gas.
- 2.111 The level of information provided by the Landmark report and historic Ordnance Survey maps, together with the other information within the report is considered suitable to provide the data for a satisfactory risk assessment for the site. While there will always be uncertainties due to known or unknown gaps in information it is considered that sufficient information is available to reduce those uncertainties to within acceptable limits for the nature of the site under review. An asbestos survey of existing structures and infrastructure (as defined under Section 5(a) of the Control of Asbestos Regulations 2012) was beyond the brief of the report. The risk assessment has been undertaken on the basis that should asbestos be identified within buildings or infrastructure; these materials will be removed appropriately by licensed contractors and asbestos materials disposed of in accordance with legal requirements prior to demolition or other works in order to avoid contaminating soils at the site.
- 2.112 The report indicates that in order to determine if the current or former usage of the property is a potential cause of contamination it is recommended that some site investigation should be undertaken based upon the requirements of BS 10175 which is the code of practice for the investigation of potentially contaminated sites. This may need to be phased with a preliminary investigation to determine if any further, or more detailed investigation is required. It is proposed that soil samples be taken from representative locations around the site and tested for a typical range of determinants, comprising asbestos, heavy metals, pH, speciated aromatic and aliphatic

hydrocarbons, speciated PAHs and PCBs. The report indicates that if significant organic containing material is identified within the made ground, then monitoring of potential ground gases, over a suitable period of time, will be required in order to determine the requirement for gas mitigation measures.

- 2.113 The report indicates that during the works a watching brief should be maintained by an experienced person. Should any visual or olfactory evidence of contamination be noted during the works GO Contaminated Solution Ltd and the local authority Environmental Health Officer (EHO) should be contacted. GO Contaminated Solution Ltd shall assess if further intrusive investigation and remediation is required. Proposals will be issued to the EHO for comment prior to undertaking the additional investigation or implementing the remediation strategy. The form of investigation proposed in 11.1.1 will indicate if there is any contamination present and if it is necessary will enable remedial works to be formulated. If any potentially contaminated spoil is to be removed from site, the Waste Acceptance Criteria (WAC) testing should be agreed with the facility to which the spoil is being transported. It is recommended that consideration is given to this testing as part of the phase 2 investigation. Guidance can be obtained from Environment Agency document Waste Sampling and Testing for Disposal to Landfill.
- 2.114 The report advises that external works in regard to water supply reference should be made to the UK Water Industry Research (UKWIR) publication "Guidance for the Selection of Water Supply Pipes to be used in Brownfield Sites" (Ref 10/WM/03/21; the 'UKWIR Guidance'). This document provides guidance to ensure that water quality is safeguarded by identifying suitable pipe materials and components to be used below ground in potentially contaminated sites. An upgraded water supply pipe may be required by the water supply company. It is recommended that this report is provided to the water supplier with a request for the testing, if any, that they require.
- 2.115 Based upon the information currently available, there would appear to be a moderate risk of potentially significant contamination on site. The following should be considered at this stage. It is considered that provided the recommendations of this report are implemented there is no increased risk to human health from redevelopment of the site for the proposed residential use.
- 2.116 The site walkover identified an oil tank and bund in the northwest corner of the site with what appears to be a significant amount of oily liquid standing within the bund. The report recommended that some preliminary intrusive environmental site investigation is undertaken to determine if contamination is present on the property. It also indicates that a full Scope of Works document might require to be prepared and agreed with the local authority, prior to undertaking any intrusive investigation.
- 2.117 Should any visual or olfactory evidence of contamination be noted during the works this should be investigated by a suitably qualified person and their recommendations implemented. If any potentially contaminated spoil is to be

removed from site, the Waste Acceptance Criteria (WAC) testing should be agreed with the facility to which the spoil is being transported. If significant organic containing material is identified within the made ground, then monitoring of potential ground gases, over a suitable period of time, may be required in order to determine the requirement for gas mitigation measures. Information to be contained in site Health & Safety Plan

- 2.118 The Council's Core Strategy policy ENV11 advises that the presence of contaminated land is not in itself a reason to resist development but requires that sites be subject to thorough investigation and that necessary remediation. The Environment Agency as the statutory body and competent authority has been consulted on this application and has provided specific advice in this regard. It has clearly indicated that without planning conditions (requiring further assessment informing suitable mitigation measures where necessary) it would object to the development. The conditions as recommended in essence would entail that no development including any groundworks can take place without a more detailed assessment of the risk to all receptors that may be affected and any necessary remediation strategy. As such the authority would have to cover this matter by way of a prior to commencement condition which now since the regulations have changed would require the agreement of the applicant. This matter has specifically been raised by the case officer with the agent in writing seeking agreement to the imposition of prior to commencement conditions without which the recommendation would be that the application be refused as the development would not be acceptable. This reflects the advice of the Environment Agency.

Air Quality

- 2.119 The National Planning Policy Framework at paragraph 186 indicates that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancements.
- 2.120 It is recognised that air pollution can have wide-ranging impacts upon human health and the natural environment. It is the responsibility of the Local Authority to monitor local air quality and, where air of poor quality is found, to designate an Air Quality Management Area (AQMA) and develop an action plan to improve it.
- 2.121 Residential developments depending on their scale when increasing car movements within a given vicinity can impact upon air quality, specifically with regard to the emissions of nitrogen dioxide (NO₂) and particulate matter (PM₁₀). Parts of Rayleigh and Rawreth Industrial Estate are designated as Air Quality Management Areas (AQMA's). Pollution levels are particularly characteristic and prevalent at busy road junctions.

- 2.122 The Council's Core Strategy policy ENV5 states that new residential development will be restricted in Air Quality Management Areas (AQMA), in order to reduce public exposure to poor air quality. In areas where poor air quality threatens to undermine public health and quality of life, the Council will seek to reduce the impact of poor air quality on receptors in that area and to address the cause of the poor air quality.
- 2.123 The Local Development Framework's Development Management Plan at policy DM 29 indicates that air quality assessments will be required to accompany all planning applications for major development to assess the cumulative impact on local air quality. The guidance produced by Environmental Protection UK in 'Development Control: Planning for Air Quality (2010 Update)' or the most up to date guidance, should be referred to in the development of air quality assessments. Planning obligations should be sought to either mitigate the impact of development on local air quality or support the future monitoring of potentially significant road junctions, as appropriate. The approach taken should be proportional with the scale of the development and should be determined in consultation with the Council's Environmental Health team.
- 2.124 The Council's Core Strategy policy ENV5 states that new residential development will be restricted in Air Quality Management Areas (AQMA) in order to reduce public exposure to poor air quality. In cases where poor air quality threatens to undermine public health and the quality of life the council will seek to reduce the impacts of poor air quality on receptors in that area and to address the cause of the poor air quality. Proposed development will be required to include measures to ensure that it does not have an adverse impact on air quality.
- 2.125 However, this site does not fall within an AQMA. Although it is understood that traffic flows within the vicinity of the site particularly at peak travel times and peak flows are relatively high, Rochford is not subject to statutory designation as an Air Quality Management Area (AQMA). On the basis of this fact, it can be concluded that air quality in terms of pollutants which are of risk to human health are within acceptable limits whilst there is no evidence to support the notion or consideration that vehicle movements in connection with this development alone or coinciding with current traffic would tip the balance in terms of a demonstrated detrimental impact. As such the development is considered acceptable in this respect.

Flood Risk

- 2.126 The National Planning Policy Framework indicates at paragraph 167 that local planning authorities when assessing development proposals should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment. There is a policy requirement for development proposals to demonstrate that it is appropriately flood resistant and resilient, that it incorporates sustainable drainage systems unless there is clear evidence that this would be inappropriate, that any

residual risk can be managed whilst providing safe access and escape routes where appropriate as part of an agreed emergency plan.

- 2.127 Any proposal that will increase the flood risk will be required to be accompanied by a flood risk assessment to consider the level of risk posed and the intended mitigation and management measures. The local planning authority will also seek to ensure that development does not adversely affect the water catchments of existing water courses.
- 2.128 One potential cause of flooding is surface water flooding, which occurs when the local drainage system is unable to cope with the amount of rainfall. Surface water run-off from new development can lead to an increased risk of flooding; however, Sustainable Drainage Systems (SUDs) offer an alternative approach to drainage within developed areas. The Core Strategy at policy ENV4 requires developments of 10 units or more to incorporate SUDS. However, there may still be occasions where smaller developments have the potential to give rise to concerns in respect of surface water flooding, particularly in areas that have been identified as being susceptible to such flooding, including through Surface Water Management Plans. Other instances where there may be a perceived risk of surface water flooding include where historical instances of such flooding have been documented.
- 2.129 The Environment Agency (EA) Flood Map for Planning, indicates that the proposed development is located within Flood Zone 1 and 2. Areas identified to be at 'High' risk have a greater than 3.3% annual risk of flooding from this source. Areas identified to be at 'Medium' risk have between 3.3% and 1% annual risk of flooding from this source. Areas identified to be at 'Low' risk have between 1% and 0.1% annual risk of flooding from this source. Due to previous land use, contamination on-site needs to be investigated so to allow infiltration. Infiltration tests are also required to understand infiltration rates on site.
- 2.130 The applicant has commissioned a Flood Risk Assessment (FRA) which has been the subject of consultation with Essex County Council as the Lead Local Flood Authority (SuDS). It issued initially a number of holding objections which however on the submission of further technical detail submitted further to consultation with the Lead Local Flood Authority has subsequently been confirmed as being acceptable by SuDS. Conditions are recommended as per officer recommendation coinciding with the advice received from the statutory consultee in this regard which is covered under Section 4 of this report.
- 2.131 The accompanying FRA has demonstrated that the proposed development site may remain unaffected in the 1:100 year +CC (35%) fluvial event however the site could experience flood depths of up to 0.59m in the 1:100 year +CC (65%) event. Furthermore, the site could experience flood depths of 600mm to 900mm in places in the 1:100 year pluvial event based on the EA RoFSW dataset. The South Essex Strategic Flood Risk Assessment (SFRA, 2018) states that for new dwellings, Finished Floor Levels (FFLs) should be set a minimum of 300mm above the 1:100 year plus climate change flood level, and

that sleeping accommodation should be restricted to the first floor or above to offer the required place of safe refuge.

- 2.132 Ground floor dwellings (and therefore sleeping accommodation) is proposed within the proposed development. As such, it is recommended that the FFLs of the dwellings are set no lower than 5.67mAOD, which will be 300mm above the 1:100 year +CC (35%) flood level, and 10mm above the 1:100 year +CC (70%) flood level. While ground floor sleeping accommodation is proposed, raising the FFLs 300mm above the 1:100 year +CC (35%) flood level could provide safe refuge at the ground floor in this event. 5.2 The South Essex SFRA (2018) states that for new non-residential development it may not be necessary to raise the FFLs. As such, it may not be considered a policy requirement to raise the FFLs of the retail units to those of the dwellings but could provide a more flood resilient development should this be possible.

Surface Water Drainage and SuDS

- 2.133 The National Planning Policy Framework at paragraph 169 indicates that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The advice of the National Planning Policy Framework is that the arrangements should take advice of the Lead Local Flood Authority, have appropriate proposed minimum operational standards, and have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development and where possible provide multifunctional benefits.
- 2.134 The Local Planning Authority or Essex County Council (the SuDS Approval Body or SAB from April 2014) is the authority responsible for the determination of planning applications for SuDS. This means that all new development which has surface water drainage implications will potentially require SAB approval and need to conform to National and Local Standards. Essex County Council strongly promotes the management of rainfall at the surface and therefore the use of above ground SuDS features (e.g., swales, filter strips, basins, ponds, and wetlands etc.) will be required rather than pipes, soakaways and underground storage structures, as these bring more benefits to the community in their amenity and biodiversity value as well as being easier and more economical to maintain and need not be more expensive to install. Also, SuDS proposals which provide for limiting surface water run off rates from the site to existing green field rates will be expected.
- 2.135 SuDS can help to reduce flooding by controlling surface water run off as close to the source as possible before the water enters the water course. Such systems can also protect water resources and improve wildlife interests of developments. There are a number of sustainable drainage options available, such as green roofs, rainwater use, and permeable surfaces, although the suitability of each technique would depend on a number of factors including site size and geology.

- 2.136 A Surface Water Drainage Strategy was submitted in July 2021 which set out the approach in this regard. The strategy indicates that in order to mitigate flood risk posed by the proposed development, adequate control measures are required to be considered. These measures will manage surface water runoff at source such that the flood risk on/off site is not increased over the lifetime of the development.
- 2.137 The Strategy identifies that given that the site is currently brownfield, it is considered to be wholly impermeable as existing. It is identified that the development will result in no increase in impermeable area. The South Essex SFRA (2018) states the following technical standards: “For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event must be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event.” (S3) “Where reasonably practicable, for developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but should never exceed the runoff volume from the development site prior to redevelopment for that event.”
- 2.138 The report identifies that attenuation storage is needed to temporarily store water during periods when the runoff rates from the development site exceed the allowable discharge rates from the site. Rainfall depths for the 1 in 100 years return period plus 40% of climate change were produced using Micro drainage Software to estimate the largest volume and critical storm, for typical storm durations.
- 2.139 The report recommends the carpark is constructed using permeable pavement in order to provide runoff interception, treatment and conveyance. Type C (no infiltration) permeable pavement with perforated pipe to collect and convey runoff to a geocellular tank. A 64m² tank with a depth of 0.8m (with 800mm cover) is required to provide the 50m³ of attenuation storage necessary during a 1 in 100 year +40% rainfall event. The report indicates that final design is to be confirmed at detailed design stage. The discharge from the attenuation tank will be limited to 1.0 l/s during the 1 in 100 year event + 40% climate change (1%AEP+CC) via a 50mm diameter hydrobrake to the existing surface water sewer on the southern site boundary. This arrangement it is stated is in keeping with Design and Construction Guidance for foul and surface water sewers which states flow controls must have a minimum diameter aperture of 50mm.
- 2.140 The Environment Agency has stated that the climate change will increase the peak rainfall intensity allowance in small and urban catchments. The risk of flooding from surface water is likely to increase on site over the lifetime of the

development. Surface water management systems should be designed to accommodate runoff from the 1:100 year +CC (40%) storm event on site.

- 2.141 In the event of drainage system failure under extreme rainfall events or blockage, overland flow may occur within the site. In the event of the development's drainage system failure, the surface water flow will be dictated by topography on site. It is advised that the finished floor level of the entrance to the proposed buildings should be a minimum of 150mm above the external ground levels, as per the existing building. In the event of drainage system failure, extreme rainfall events or blockage, flooding would occur within the site. In the event it should be ensured water runoff should not impact on the building
- 2.142 The strategy indicates that adequate treatment must be delivered to the water runoff to remove pollutants through SuDS devices, which are able to provide pollution mitigation. Pollution Hazards and the SuDS Mitigation have been indexed in the CIRIA 753 'The SUDS Manual'. It is indicated that the water treatment provided by the permeable pavement should be enough to remove the pollutants arising on the driveway. Passive skimmers (or similar oil intercepting product) should be used for the area of covered car park to treat incidental runoff from cars drippings
- 2.143 The strategy indicates that all onsite SuDS and drainage systems will be privately maintained. A long-term maintenance regime should be agreed with the site owners before adoption. In addition to a long-term maintenance regime, the strategy recommends that all drainage elements implemented on site should be inspected following the first rainfall event post-construction and monthly for the first quarter following construction. The property owner will be responsible for the management and maintenance of SuDS devices.
- 2.144 The strategy indicates that as it is yet to be understood if infiltration is feasible on-site, the surface water is proposed to be discharged into a surface water sewer. According to the Anglian Water wastewater plan within appendix IV (540810- 1), there is a surface water sewer within the site boundary. The strategy recommends that the car park is constructed using permeable pavement in order to provide runoff interception, treatment and conveyance. A Type C (no infiltration) permeable pavement with perforated pipe will collect and convey runoff to a geocellular tank. A 64m² tank with a depth of 0.8m (with 800mm cover) is required to provide the 50m³ of attenuation storage necessary during a 1 in 100 year +40% rainfall event.
- 2.145 The strategy indicates that the final design is to be confirmed at detailed design stage. The discharge from the attenuation tank will be limited to 1.0 l/s during the 1 in 100 year event + 40% climate change (1%AEP+CC) via a 50mm diameter hydro brake to the existing surface water sewer on the southern site boundary. This is in keeping with Design and Construction Guidance for foul and surface water sewers which states flow controls must have a minimum diameter aperture of 50mm. The provision of Permeable

Paving and Proprietary Treatment Systems are suitable to offer acceptable contamination treatment to runoff prior to being discharged to the ground.

- 2.146 Runoff from the roof should be treated from silt and other fines by bespoke water treatment devices. Passive skimmers are proposed to treat incidental runoff from the covered car park. All of the proposed onsite SuDS and surface water drainage systems should be privately maintained. A long-term maintenance regime should be implemented by the residents as outlined in this report. In addition to a long-term maintenance regime, it is recommended that all drainage elements implemented on site should be inspected following the first rainfall event postconstruction and monthly for the first quarter following construction.
- 2.147 Additional information was submitted 28th September 2021 in the form of an updated surface water drainage strategy to address technical matters raised by the Lead Local Flood Authority. This updated strategy included exceedance flow arrow(s) and the half drain time requested by the LLFA. The strategy indicated that in terms of the Lead Local Flood Authority's point regarding half drain time; the policy states the following: 'Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event' The submission states that as per the calculations, the tank has a depth of 800mm with an invert level of 4.424mAOD. During the 1 in 30 plus 40% for climate change critical storm event, the tank level drains to 4.824mAOD at minute 933 (933mins <24hrs) meaning that the tank is half empty at this point (4.424mAOD + 400mm = 4.824mAOD) and within the 24 hours necessary. As such, the calculations do demonstrate a half drain time of less than 24 hours in the 1:30 year +CC event.
- 2.148 The Lead Local Flood Authority has now confirmed its acceptance of the drainage strategy.

Flooding and Sequential Testing

- 2.149 The National Planning Policy Framework at paragraph 161 indicates that all plans should, apply the sequential risk-based approach to the location of development taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid where possible flood risk to people and property. On the basis of the site being in Zone 1 and 2 (2 being a greater degree of risk) the council in assessing the proposal is duty bound to apply the Sequential Test which places the onus on the applicant to demonstrate that from a sequential stand point, that development at this site would be acceptable. The sequential test approach points to other sites within the district (or sometimes a more defined area of consideration) capable of providing housing with far less flood risk and consequences attached which reflects the planning policy and Planning Practice Guidance position that development should be directed away from Flood Zones 2 and 3).

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- 2.150 The Sequential Test is a separate matter to Flood Risk as a stand-alone issue although it is appreciated that there is a relationship between these considerations.
- 2.151 The Sequential Test considered by the applicant supporting the application's case identified one comparable town centre site, which was discounted as it is subject to a pending application (it also provides only 15 flats). The Exception Test is then addressed by the Flood Risk Assessment (FRA). The FRA confirms that, provided the finished floor levels are no lower than 5.67m AOD, this will be above the 1:100 year (plus climate change) flood level and therefore acceptable. Breley Design (The Agent) has confirmed that the lowest Finished Floor Level will be no lower than 5.7m and no amendments to the submitted drawings are required.
- 2.152 Ambiental have reviewed the Rochford District Council Strategic Housing and Employment Land Availability Assessment (SHELAA) from 2017 to identify alternative sites. The SHELAA initially reviewed sites capable of delivering 5 or more dwellings, or economic development on sites of 0.25 hectares or more. However, the Council did not discriminate on the basis of site size and therefore all sites were considered.
- 2.153 The Sequential Test undertaken for this site outlines appropriate 'alternative sites' based on relevant size, that being approximately +/-50% of the proposed development site. The proposed development is for an 0.1847 hectare plot of land in Flood Zone 2. Therefore, the size criteria was between 0.092ha and 0.277ha.
- 2.154 In total, within the whole SHLAA Schedule of Sites, 223 sites were listed across the whole LPA area. As such, this Sequential Test reviews the 223 sites detailed in the SHLAA to ascertain if any were reasonably alternative available sites to support the client's proposed development. As part of the Sequential Test, Ambiental set out criteria for determining suitability and availability, against which all the shortlisted sites were reviewed to determine if these, could at the time of writing, be deemed "available and suitable".
- 2.155 Sites were analysed for "suitability" and "availability" against conditions in numerical order, therefore sites would need to meet condition 1 to then be reviewed for condition 2 and so on. Failure at any condition deemed the site to fail that test. If no data was available to assess a site under a particular condition, it automatically passed that particular condition. If a site was deemed to pass all three conditions, it was then shortlisted for further review within this report. Suitable and available sites were deemed to need to meet the following conditions; 1. Site located within Flood Zones 1 and 2; 2. The site area is within +/-50% of the proposed development site size of 0.1847Ha. 3. The site is suitable for development 4. The site is immediately available for development.
- 2.156 When assessing if the site was suitable for development, sites which were not located within Greenbelt or Greenfield were considered to be suitable. The

constraints set out by these conditions reflect the relatively small nature of the proposed development at the site, with a view to redeveloping an existing brownfield site. Of the 233 sites reviewed, only 7 sites were found to pass the criteria. As the SHELAA was published in 2017, a visual check on the 7 sites was carried out using Google satellite and Google street view in order to assess whether any development had taken place on the site since the SHELAA was produced. Two of the sites were discounted as they were not considered to be available immediately.

- 2.157 Following the shortlisting of the sites, further information from the Council was provided, which stated that the Council are 'willing to accept a refined search area for sites within town centres given there is a clear regeneration imperative in these areas.' Therefore, the shortlisted sites were compared with the town boundary. This reduced the number of shortlisted sites from 5 down to 1. It was indicated that the one remaining site, is subject to a live planning application, and therefore is not considered to be available. It was on the basis that the proposed development site was considered to pass the Sequential Test. It is noted that the councils Strategic Policy accepts the case made in this regard such that the council does not object to the application in this regard.

Exceptions Test

- 2.158 Using the principles of the National Planning Policy Framework, the proposed development is 'More Vulnerable'. The site is located within Flood Zone 2 (as defined by the Environment Agency Flood Risk maps) and is considered to be at 'very high' risk of flooding from surface water. Therefore, as the National Planning Policy Framework advises the local planning authority would need to apply the 'Exceptions Test'. As such, the development is required to demonstrate it can be made safe for its lifetime without increasing flood risk elsewhere which the submitted 'Flood Risk Assessment demonstrates. The first part of the Exception Test requires that a proposed development will provide wider sustainability benefits to the community that outweigh flood risk.
- 2.159 Taking this matter into consideration, given the emphasis within the National Planning Policy Framework at Chapter 2 on promoting and supporting sustainable development (Chapter 12), delivering a sufficient supply of homes (Chapter 5), ensuring the vitality of town centres (Chapter 7), making effective use of land (Chapter 11), Achieving well designed places (Chapter 12), and conserving and enhancing the historic environment (Chapter 16) – it is considered that there are a number of public benefits which outweigh the flooding risks which the application has demonstrated can be managed and which will be the subject of condition. It is the officers view that economic sustainability is inseparable from social and environmental sustainability and considerations. Developments which promote and deliver benefits to the community on sustainable principles such as appropriate housing within sustainable locations promoting choice of travel options and reducing reliance on motor cars thereby reducing fossil fuel consumption can have profound and lasting wider societal impacts and benefits.

2.160 Promoting Rochford as a 'place to live' and as a destination is key to the corporate objectives of the council in promoting vibrant town centres which offer a variety and choice of services. The site has been recognised as having a negative impact upon the Conservation Area setting within a prominent location which detracts from the overall visual amenity of the street scene and wider area and creates a perception which could be harmful to the image that the council endeavours to promote which is that of vibrant town centres. It is for these reasons it is considered that the public benefits of the development (if placed on a scale that were to be balanced) (the planning balance) far outweigh the risks associated with the development.

Residential Amenity Impacts

2.161 Amenity is defined and understood as the prevailing set of environmental conditions that one would reasonably expect to enjoy on a daily basis. The representations received from a household at Clements Mews and the proprietor of the Milestone (Miley) Public House (the latter of which does not object are noted. The issues raised revolve around the height of the proposed plans which have been reduced such that the proposed development will not have an adverse effect on any adjacent property by way of overlooking, overshadowing, or overbearing physical presence.

2.162 The concerns regarding flooding risk have been fully addressed by the application whilst parking provision and the considerations around this issue are fully discussed within the officer's report. The matter raised regarding perceptions of noise associated with the commercial use are noted, however there is no basis for these concerns, and this is based on conjecture. It is appreciated that controls will need to be in place during the construction phase to ensure that start and finish times on site and deliveries and collections are controlled in addition to the parking and unloading associated with the development phase. In conclusion subject to conditions and adherence to such, it is not considered that the development would give rise to a set of circumstances so altered that when compared to the existing circumstance the impacts of the development would have a significant detrimental impact in this respect given the contextual setting of the development site.

Officer Note

2.163 (Note: The Finney case was a Court of Appeal ruling (reversing the ruling of Sir Wyn Williams) which ruled on 5th November in the case of *Finney V Welsh Ministers* (2019) EWCA Civ 1868) that it is unlawful to use Section 73 of The Town and Country Planning Act 1990 to amend or contradict the description of the development permitted by a planning permission).

2.164 The case relates to a consented development of two wind turbines with a maximum height of 100m which the section 73 application sought to increase to 125m. The case revolves around the legal scope of a Section 73 application following the grant of planning permission to fundamentally alter

the original planning proposals and confirms the position that a local planning authority cannot use section 73 to change the description of development and that a condition altering the nature of what was permitted would have been unlawful. Commentary around this matter indicates that it may in certain circumstances be advisable to seek planning permission in less specific terms.

- 2.165 A description of development which permits for example, up to x number of dwellings could still be changed via Section 73 following Finney, so long as the permitted number is not exceeded. Further flexibility could be achieved by applying for a generic description of development, e.g. 'residential development' with quantum to be controlled through planning condition (capable of future variation). On the contrary, a development description that is specific to numbers and types will be more difficult to depart from because any number of dwellings which is higher or lower than that permitted would on the face of things be outside the scope of the development permitted.

3 CONSULTATIONS AND REPRESENTATIONS

Rochford Parish Council

- 3.1 Objection: Concern expressed regarding the lack of parking and the impacts of the development on an already overcrowded road network. Concern expressed regarding the overbearing height of the development which it is expressed is not in keeping with the street scene. Concern as there is not provision of lifts within the development it will not conform to the Lifetime Homes Policy.

Rochford District Council Housing Options and Enabling Officer

- 3.2 Indicates that the council would support this application in principle subject to the development providing 11 Affordable housing units on this site, indicate that the council's housing section currently have 193 applicants on the Housing register who have expressed an interest in property in Rochford

Essex County Council Development and Flood Risk: Waste & Environment

- 3.3 Originally issued a holding objection on the grounds of insufficient information to enable a proper assessment to be made.
- 3.4 Issued a holding objection on 22 July 2021 on receipt and consideration of the Flood Risk Assessment which provided no drainage strategy which was therefore insufficient to enable SuDS to assess the development.
- 3.5 Issued further response on 27 July on further consideration of the Surface Water Drainage Strategy maintaining its Holding Objection. The matters raised included the following:

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- Provide verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753
 - Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
 - Provide final modelling and calculations for all areas of the drainage system. Currently, only attenuation tank has been modelled. Pipe network should also be modelled with critical 2yr, 30r and 100 plus 40percent climate change allowance. The network should not predict surcharge in 2yr events and should not predict flooding in 30 year events. During 100 year plus 40pc cc event if any marginal 2 flooding is predicted then it should be directed away from the building using appropriate site grading.
 - Additional level of treatment should be provided after the tank. This is help protect downstream waters against heavy pollutants loads in case of blockages and failures of the permeable pavement. Final treatment may be provided by devices such as downstream defender or similar to the outflows from the attenuation tank
 - Provide detailed engineering drawings of each component of the drainage scheme.
 - Provide engineering site layout of the proposed drainage network at the site. This should include the following details: manholes cover levels, invert levels, pipes dimensions, slopes, tank cover and invert levels both at inlet and outlets, outflow manholes and pipes levels, and top water level in the attenuation tank during the critical storm event of 100year plus 40percent CC allowance.
 - Provide a drainage plan which details exceedance and conveyance routes, FFL, and ground levels. • Provide an updated written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- 3.6 Issued further holding objection on 1 October indicating that : currently the storage proposed does not half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event, therefore demonstrate that the storage provided will be able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change • The exceedance flow drawing shows that FFL level of 5.95mAOD is lower than the levels at car park such as 6.15mAOD, 6.00mAOD. The lower finished floor level of the building will cause overland flow into the buildings. Therefore suitable finished floor levels should be provided for the buildings.

- 3.7 Further consultation response received 4th October 2021 removing holding objection. On the basis of the details submitted no conditions are recommended although standard advice was attached.

Essex County Council Specialist Archaeological Advice

- 3.8 Indicates that the Historic Environment Record shows that the proposed development area lies within a potentially sensitive area of archaeological deposits within the historic core of post-medieval Rochford, and immediately adjacent to the medieval core (EHER 13579). Trial trenches on two sites immediately to the west revealed post medieval features (EHER 47694, 48096). Rochford was granted a market in 1257 and the street pattern of the medieval town took the form of ribbon development along East Street, West Street and North Street and along Weir Pond Road. This was extended in the post-medieval period. Recommends a condition relating to 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'.

Essex County Council Highways

- 3.9 Objection on the basis of the originally submitted plans which indicated an access onto Union Lane. The objection was made on the following basis: From a highway and transportation perspective the impact of the proposal is not acceptable to the Highway Authority for the following reason (s): As far as can be determined from the submitted plans the applicant does not appear to provide sufficient land to deliver the required vehicular visibility splays of 2.4m x 43m in both direction/junction. The lack of such visibility would result in an unacceptable degree of hazard to all road users to the detriment of highway safety. This proposal would therefore be contrary to the aims and objectives of the Local Transport Plan 2006-2011, Appendix G - Highway and Transportation Development Control Policies as refreshed 19 October 2007
NOTES The developer should be encouraged to undertake independent speed surveys to calculate visibility splays commensurate with the recorded vehicle speeds. The provision of a footway along the eastern side of Union Lane may address the visibility splay requirements as well as providing a facility for pedestrians.
- 3.10 No objection has been made to the revised plans which show an access and egress onto West Street which is a one-way street which entails that visibility is only required on emergence in an uphill direction from the access.

London Southend Airport

- 3.11 No objection given the position and height of the development. Advises that the use of any crane or piling rig to construct the development would need to be the subject of discussion and agreement with the Airport Authority.

Rochford District Council Arboricultural and Conservation Officer

- 3.12 No objection but recommends a condition requiring the submission of a method statement for the proposed hard surfacing and any excavation required adjacent to the boundary/neighbouring trees is to be provided and approved by Rochford District Council before development works commence.

Essex Police

- 3.13 Initial response received indicated that the application made no reference to physical security within this application. Indicated that it required detail relating to matters such as lighting, boundary treatments and physical security measures. No further comment received although the agent indicates that discussions have taken place with Essex Police.

Historic England

- 3.14 Indicates that it wishes to offer no comment suggesting that the local planning authority seeks the views of specialist historic building advisors.

Environment Agency

- 3.15 No objection on the provision of strict adherence to the suggested planning conditions. It identifies that the previous uses at site of the proposed development as a garage presents a high risk of contamination which could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a secondary aquifer A. It indicates that the site is located on a superficial geology comprising River Terrace Deposits, 1 (designated a secondary A aquifer). The basement geology is London Clay (a non-aquifer).
- 3.16 Indicates that the site is located on a superficial geology comprising River Terrace Deposits, 1 (designated a secondary A aquifer). The basement geology is London Clay (a non-aquifer). Previous activities at site suggest the potential for contamination. We therefore agree with the conclusions of the report that further investigation should be conducted. When conducting the investigation please consider specific contaminants associated with the former land uses and consider locations of underground storage tank and any related infrastructure when focusing the study. The application's Phase 1 Environmental Report provided by GO Contaminated Land Solutions (dated March 2019) demonstrates that it will be possible to manage the risk posed to controlled waters by this development. Further detailed information will be required before built development is undertaken. This should include testing of any groundwater, which should include, but are not limited to speciated hydrocarbons, PAHs, BTEX, MTBE and SVOCs/VOCs in line with CWG). A link is provided below to the DOE industry profiles for selecting contaminants to test for: <https://www.clare.co.uk/useful-government-legislation-and-guidance-by-country/76-key-documents/198-doe-industry-profiles>.

3.17 Indicates that without the recommended conditions it would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

3.18 Recommends the following conditions which are necessary to make the development acceptable:

Condition 1

3.19 (1) Prior to each phase of development approved by this planning permission no development / No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority: 1) A preliminary risk assessment which has identified: • all previous uses • potential contaminants associated with those uses • a conceptual model of the site indicating sources, pathways and receptors • potentially unacceptable risks arising from contamination at the site.

3.20 (2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3.21 (3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3.22 (4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Condition 2

3.23 No occupation of any part of the permitted development / of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance, and

arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Condition 3

- 3.24 No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to, and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Condition 4

- 3.25 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason for Conditions 1,2,3 and 4: To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 170 and 178), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 – A6, J1 – J7 and N7. National Planning Policy Framework (NPPF) paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 178).

Condition 5

- 3.26 No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local

Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: Infiltration through contaminated land has the potential to impact on groundwater quality.

Condition 6

- 3.27 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers, and creating preferential pathways. Thus, it should be demonstrated that any proposed piling will not result in contamination of groundwater. We have provided further information regarding contaminated land and groundwater protection for the applicant in an appendix at the end of this letter.

- 3.28 Advisory: Surface water drainage: The application suggests infiltration drainage is being considered at site. We have recommended surface drainage condition is included and once the results of the intrusive investigation are received, we will be in a better position to comment on this aspect of the development. The National Planning Policy Framework paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution. We have included information regarding Sustainable Drainage Systems (SuDs) for the applicant in an appendix at the end of this letter.

Essex County Council Place Services Urban Design

- 3.29 No objection: The original consultation response based on the originally submitted plans before they were revised highlighted principled support for a development which was considered in keeping, context led and which would provide good quality development to a principal location within Rochford town centre.
- 3.30 Cupola – It is considered this is not in keeping within the surrounding vernacular within Rochford. This feature can be considered to draw the quality away from the focal corner of the development and is recommended to be omitted and replaced with a chimney feature. Roof Material – Based on the proposals submitted it is considered there is opportunity to vary the roofing

materials where the red tile is over dominant. Varying the roofing material will provide a strong emphasis on the varying styles and finishes portrayed on this development. Brick Headers – We question the use of brick header to the eastern unit. We would suggest that either a cast stone or render detail is considered to maintain quality through the built form and detailing. Vehicle Gates – Will this feature be automated where these will be used by both vehicles and pedestrians (returning to their apartments from parking their cars).

- 3.31 Rainwater Goods – We would recommend that rain water goods (pipes and guttering) are shown on the proposed elevations to show a true representation of the finish and detailing. Materials – We will be recommending that all external materials are conditioned. This would include both building materials and hard landscaping. Parking numbers – we will be advised on parking numbers by Highways due to the town centre location. Landscaping – It is recommended that both hard and soft landscape proposals are conditioned. Boundary proposals – We would recommend that a boundary proposal plan is submitted as part of the application as the current approach is not clear. Bin Strategy – Information on collection processes should be provided. We also question whether commercial and household waste storage will be separated?
- 3.32 Required Information The following would be expected to be submitted as part of the full planning application: • Indicative Material Palette • Building visuals from key views – down Union Lane to demonstrate relationship with existing built form. • Bin strategy • Landscape Proposals • Boundary Plan • Cross Section through Union Lane to assess impact on existing dwellings • Vehicle tracking study.
- 3.33 A further response was received on the submission of the revised application which confirmed what had been discussed during the application process and that the proposals now reflected those discussions.

Anglian Water

- 3.34 No objection: Section 1 - Assets Affected There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

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- 3.35 WASTEWATER SERVICES Section 2 - Wastewater Treatment The foul drainage from this development is in the catchment of Rochford Water Recycling Centre that will have available capacity for these flows.
- 3.36 Section 3 - Used Water Network The sewerage system at present has available capacity for these flows via a gravity fed connection regime. If the developer wishes to connect to our sewerage network, they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.
- 3.37 INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
- 3.38 INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
- 3.39 INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
- 3.40 INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
- 3.41 INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.
- 3.42 Section 4 - Surface Water Disposal The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. A Surface Water strategy has not been submitted in support of this application, We would therefore recommend that the applicant needs to consult with Anglian Water and the

Lead Local Flood Authority (LLFA) to advise of the proposed strategy. We request a condition requiring a drainage strategy covering the issue(s) to be agreed.

- 3.43 Surface Water Disposal (Section 4) Recommend a condition to the following effect 'No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority. REASON To prevent environmental and amenity problems arising from flooding'.

Essex County Council Place Services Historic Buildings and Conservation Advice

- 3.44 Objection to the plans as originally submitted. This is a gateway site to the conservation area and one of Rochford's significant historic streets which contains a high number of heritage assets. The proposal should respond, in a bespoke manner, to these sensitivities. This has not been realised in the proposal which introduces a new prominent building of inappropriate scale and height considering the adjacent building stock and that in the wider streetscape and conservation area. I consider the application fails to preserve or enhance the character and appearance of the conservation area and as such causes considerably less than substantial harm to a designated heritage asset and therefore paragraph 196 of the NPPF is relevant. The proposal will also likely cause harm to a number of heritage assets within the conservation area. I support the principle of an appropriate redevelopment of this site which has the potential to enhance the conservation area. Should this application be refused, I encourage the applicant to engage in pre-application discussions.
- 3.45 Advised that the corner block needed to be improved on the basis that it sat awkwardly with the building on Union Lane, the downpipe details need further thought and improvement whilst it is considered that its general form isn't of high enough quality for this gateway to the conservation area. The rake of dormers onto west street are also considered to be of a concern.
- 3.46 Further response received on consideration of the revised plans indicating the following: The application site is located within the Rochford Conservation Area and within the immediate environs of a number of listed buildings of which the setting should be a consideration. The proposed building has been reduced in scale to be predominantly three storeys in height. However, the rear elevation of the building features a wide and bulky roof form which presents an uncomfortable arrangement. It is preferred that this is reduced to a more typical gabled projection instead of a wide half hipped roof. Were this application to be approved I recommend conditions are attached pertaining to all external materials (requiring samples of) and details for all external fixtures, including windows and doors. Detail of the brick bond (English or Flemish) should also be submitted prior to the commencement of works. All rainwater goods are to be powder coated metal.

Third Party / Neighbour Representations

A total of 4 representations have been received (2 from 1 Clement Mews: one objecting and one not objecting) and 1 from 64-66 West Street objecting and 1 from the proprietor of The Milestone Public House who does not object.

The matters raised are as follows:

- 3.47 Although there is 100% support for Rochford improving and would love to see that building looking much better rather than its current derelict state, I am concerned of the height of the proposed plans which will have an adverse effect on our business, will block out the natural light and sunlight light as well as due to the size of the plans the amount of work causing noise and nuisance to our customers and will also mean loss of trade for us and surrounding business due to this.
- 3.48 While we have no objection per se to the proposed development, we would seek the following assurances: Given the fact that we are currently the only residential property in Union Lane, we would like to seek assurances that all building works are carried out with the upmost care and attention to noise and nuisance caused, and that any disturbance is kept to a minimum. We would also seek assurances that any potential buyer, or person renting the flats proposed is made aware of the presence of The Milestone Bar, and the fact that we rely heavily on outside trade during the spring and summer months, and that we have an outdoor music license. Our business has been present for many years, without complaints from neighbours, so any incoming residents must be made very aware of this. There should be clauses in any agreements made that we were very much here first. We would also seek assurance that the plans for the retail outlets remain as they are and do not change to one large outlet, which would open the door to another large bar, with the chance of more irresponsible licensees, creating noise and nuisance in the area, similar to that we have experienced in the past.
- 3.49 I object to the planning application due to the noise and disturbance this area has to suffer. The present restaurant Skewers is already very noisy and pollutes the air with their cooking fumes. Additionally, the exhaust coming from the restaurant when the flats are built will be trapped in our mews. I object to the introduction of Restaurants that will emit loud music at night. The current buildings that need to be demolished have asbestos roofs the local community need to know what precautions are in place.
- 3.50 Object. To insufficient parking space and flood risk. The 'Miley' next door was flooded a few years ago. Over development too big for area. Noise and Development

Rochford District Council Economic Development:

- 3.51 Supports the application on the basis that it meets the objective of Rochford District Core Strategy 2011: The Core Strategy's approach to centres and

retail development is set out in policies RTC1 and RTC2, The Rochford Town Centre Area Action Plan (AAP), The Council's Economic Growth Strategy 2017 and the 2018 South Essex Retail Study.

Rochford District Council Strategic Policy

- 3.52 No objection. The application site is a recognised regeneration opportunity in Rochford town centre, which is itself a priority area for regeneration as set out in the Rochford town centre area action plan. The site is also identified on the Council's brownfield register. It is recognised that Rochford is an area with a limited supply of brownfield land and reasonably large housing needs. In this context the need to make best use of brownfield sites in sustainable locations is strong.
- 3.53 I note that the site falls within Flood Zone 2 where proposals for new housing must pass the sequential test. I have assessed the applicant's submission of a sequential test which considers alternative sites in the pre-agreed search area, being the identified boundary of Rochford town centre. Whilst the concept of reasonably available alternatives is not prescriptively defined, I would consider the methodology used by the applicant to be reasonable and thus the conclusion that there are no reasonably available alternative sites in Rochford town centre where the development could be located at a lower risk of flooding is similarly reasonable. I am therefore satisfied that the underlying requirements relating to the sequential test have been met in this case.
- 3.54 This response offers no view, however, on whether the exceptions test can be considered met, given that requires assessment of any flood mitigation and avoidance measures that would be delivered by the scheme in order to assess whether the development would be safe for its lifetime. I trust that the lead local flood authority can advise on these matters.

4 EQUALITY AND DIVERSITY IMPLICATIONS

- 4.1 An Equality Impact Assessment has been completed and found there to be no impacts (either positive or negative) on protected groups as defined under the 'Equality Act' 2010

5 CONCLUSION

- 5.1 It is considered that, subject to the safeguards required by planning condition, this development is acceptable. The application has demonstrated that a policy compliant level of affordable housing cannot be delivered which is a position confirmed by the council's appointed consultant. Despite being within Flood Zone 2 in flood risk terms the principle of development is considered appropriate as the sequential test is met as is also the Exceptions Test. The submitted Flood Risk Assessment subject to the finished floor levels agreed being achieved has demonstrated that the flooding risk is acceptable whilst the revised details of the surface water drainage strategy and the revised surface water drainage plan reference 6242-DR01 Rev 2 satisfies the Lead

Local Flood Authority which has removed its holding objection. The development will make a positive contribution to the visual amenity of the vicinity and to the character of the Rochford Conservation Area. The development therefore constitutes sustainable development which now on address of all outstanding issues should be approved.

Marcus Hotten



Assistant Director, Place and Environment

Relevant Development Plan Policies and Proposals

Relevant Development Plan Policies and Proposals

National Planning Policy Framework (July 2021)

Rochford District Council Local Development Framework Core Strategy (Adopted December 2011) Policies: H1, H4, H5, H6, CP1, ENV 3, ENV 4, ENV 5, ENV9, CLT1, T8, Policy CP2 (Conservation Areas) and Policy RTC5 – (Rochford Town Centre), RTC1 and RTC2, The Rochford Town Centre Area Action Plan (AAP), The Council's Economic Growth Strategy 2017 and the 2018 South Essex Retail Study .

Rochford District Council Local Development Framework Development Management Plan (Adopted December 2014) Policies DM1, DM2, DM23, DM27, DM29,DM30

Rochford District Council Local Development Framework Supplementary Planning Document 2 Housing Design (January 2007) Supplementary Planning Document 2 – Housing Design

Planning Practice Guidance: Flooding and Sequential Testing

Essex Design Guide.

National Design Guide: Planning Practice guidance for beautiful, enduring, and successful places (Ministry of Housing Communities and Local Government)

Essex County Council, Local Transport Plan (2011-2025)

Background Papers:-

None.

For further information please contact Arwel Evans on:-

Phone: 01702 318037

Email: arwel.evans@rochford.gov.uk

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

