

20/00913/OUT

**CHERRY ORCHARD BRICKWORKS, CHERRY ORCHARD LANE, ROCHFORD**

**OUTLINE APPLICATION WITH ALL MATTERS RESERVED BUT FOR ACCESS FOR A PROPOSED RETIREMENT VILLAGE AND RELATED MIXED USE DEVELOPMENT CONSISTING OF THE FOLLOWING: 63 RETIREMENT APARTMENTS OF 1, 2 OR 3-BEDROOMS (C2) 30 ASSISTED LIVING APARTMENTS OF 1 OR 2-BEDROOMS (C2) 30 SHELTERED APARTMENTS OF 1 OR 2-BEDROOMS (C2) 6 DWELLINGS (C3) 93-BED CARE HOME (C2) CONVENIENCE STORE 276SQM (E/F2) MEDICAL FACILITIES 3920SQM (E) PHARMACY 78SQM (E) HYDROTHERAPY POOL 330SQM (E) COFFEE SHOP 69SQM (E) GYMNASIUM 165SQM (E) OFFICE SPACE 928SQM (E) COMMUNITY SPACE 2475SQM (F2)**

**APPLICANT: CHERRY ORCHARD HOMES & VILLAGES LIMITED – MR NEIL RYAN**

**ZONING: LONDON SOUTHEND AIRPORT & ENVIRONS JOINT AREA ACTION PLAN (JAAP)**

**PARISH: ROCHFORD PARISH COUNCIL**

**WARD: ROCHE SOUTH**

**1 RECOMMENDATION**

**1.1 It is proposed that the Committee RESOLVES**

That planning permission be refused for the following reasons:

- 1) The type of development proposed is not in accordance with the adopted development plan which allocates the site for employment use as part of a business park. Whilst it is accepted that demand for employment uses in the area may have reduced in the short term due to the Covid-19 pandemic and an increase in homeworking with associated drop in office space demand, there is insufficient evidence that there will be no such demand during the lifespan of the London

and Southend Airport & Environs Joint Area Action Plan (2014) which would warrant a departure from the development plan. The proposal would undermine the long-term economic objective of sustainable development which seeks to ensure that sufficient land is available to support economic growth. As such, this proposal is considered to be contrary to policy E3 of the London and Southend Airport & Environs Joint Area Action Plan (2014), policy NEL3 of the Allocations Plan (2014) and policy ED4 of the Core Strategy (2011).

- 2) The largely residential C2 and C3 uses within the proposed development would be isolated from the existing residential areas of Rochford and would sit directly adjacent to a commercial/industrial zone. The primary site access would be shared with commercial vehicles and the proposal would not constitute sustainable development with no connections to existing public transport links, poor pedestrian connections to Rochford and incompatible adjoining uses. The proposed development would represent poor spatial planning by virtue of the proposed uses within the site relative to the site location. In this regard, the proposal is contrary to the objectives for achieving sustainable development as set out in the Core Strategy (2011) as a whole and paragraph 8 of the National Planning Policy Framework (2019).
- 3) The affordable housing proposed would not best meet the identified affordable housing need of the District by virtue of the quantum of development falling under C2 Use Class, where C3 Use Class better reflects need. Accordingly, the proposal does not accord with policy H4 of the Core Strategy in that the proposed mix to include a significant proportion of sheltered affordable housing would not fulfil the affordable housing need in the Rochford District most effectively.
- 4) The proposed residential aspect of the development would not comply with the requirement for a sequential approach to flood risk as set out in the National Planning Policy Framework. Whilst a sequential test has been provided, this does not include some of the sites in the Council's most recent call for sites list, and the planning practice guidance clearly advises that applicants should contact the Council with regard to defining a search area and list of sites that should reasonably be considered in a sequential test analysis. It is not therefore possible to ascertain that the sequential test is passed. The proposal in this regard is therefore refused on flood risk grounds as it is contrary to policy ENV3 of the Core Strategy (2011) and the relevant parts of Section 14 of the NPPF.

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## 2 PLANNING APPLICATION DETAILS

- 2.1 The current application is an amended resubmission of the outline planning application previously refused (17/00877/OUT – detailed in paragraph 3.4). The key changes are set out below.
- 2.2 This proposal seeks planning approval for a mixed-use development on the application site. The proposed uses would primarily relate to the provision of a 'retirement village'. This would include the following, with use classes in brackets:
- 63No. Retirement Apartments of 1,2 or 3-bedrooms (C2)
  - 6No. Open market Dwelling Houses (C3)
  - 30No. Assisted Living Apartments of 1 or 2-bedrooms (C2)
  - 30No. Sheltered Apartments of 1 or 2-bedrooms (C2)
  - 93-Bed Care Home (C2)
  - 342 Parking Spaces
  - 8241m<sup>2</sup> of commercial/community space to include:
    - a Convenience Store 276sqm (E/F2)
    - Medical facilities 3920sqm (E)
    - Pharmacy 78sqm (E)
    - Hydrotherapy pool 330sqm (E)
    - Coffee shop 69sqm (E)
    - Gymnasium 165sqm (E)
    - Office space 928sqm (E)
    - Community space 2475sqm (F2).
- 2.3 The commercial and community services outlined above would primarily serve the wider proposed retirement community on this site.
- 2.4 The broad premise of the proposal is similar to that previously refused (17/00877/OUT). There are, however, some differences included with the current application, including:
- Retirement accommodation no longer specified as 'over-55's';
  - Replacement of some retirement houses with apartments;

- Reduction in sheltered apartments from 35No. to 30No;
  - Increase in commercial/community space; and
  - Increased parking provision.
- 2.5 Access is the only 'Reserved Matter' for consideration at the outline stage. Appearance, landscaping, layout and scale would all therefore be matters reserved for consideration in a Reserved Matters application that would follow, if outline planning permission were granted.
- 2.6 The 'reserved matters' are defined in planning practice guidance which applies nationally as set out below:
- 'Access' – the accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
  - 'Appearance' – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
  - 'Landscaping' – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earth works; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features
  - 'Layout' – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
  - 'Scale' – the height, width and length of each building proposed within the development in relation to its surroundings.
- 2.7 Indicative floor and elevation plans have been provided for the proposal, including a small indicative site layout plan. These are taken as indicative only, as layout, scale and appearance are reserved matters and not for determination and formal assessment as part of this outline planning application. These plans have been provided to demonstrate how the quantum and type of development proposed could feasibly be accommodated on the site. As they are indicative only, they may differ from any such plans submitted at a future reserved matters stage.

### 3 MATERIAL PLANNING CONSIDERATIONS

#### Site Description and Context

- 3.1 The site is a 4.19ha area of land located immediately to the east of Cherry Orchard Lane and wraps around a row of terraced dwellings which front this road. The site extends northwards to the southern bank of Noblesgreen Brook, a tributary of the River Roach. The eastern boundary adjoins an area of land under no formal use at present, beyond which is the site of the recently relocated Westcliff Rugby Club. The southern boundary of the site immediately adjoins land that is subject to outline planning permission (15/00781/OUT) for a business park and in respect of which development has commenced. Work on this business park has commenced and the site is partly occupied.
- 3.2 The site was previously a former brickworks with various planning consents relating to this use granted by Essex County Council as the Waste and Minerals Planning Authority. The use of the site as a brickworks ceased many years ago and the site is vacant, fenced off and has largely been cleared.
- 3.3 The site benefits from extant planning permission for commercial use (business park) in accordance with the site allocation as set out in the London and Southend Airport & Environs Joint Area Action Plan (JAAP), reference 17/00850/OUT. This is detailed below in paragraph 3.5.

#### Relevant Planning History

- 3.4 17/00877/OUT - Outline application with some matters reserved for proposed retirement village consisting of the following: 32No. Over 55's apartments, 22No. Over 55's dwelling houses and 9No. Over 55's bungalows, 30No. Assisted living apartments, 34No. sheltered apartments, 93-bed care home, 903sqm of A1 space, 397sqm of A3 space, 1974sqm of B1 space, 890sqm of D1 space, 197 parking spaces. Access to the site the only Reserved Matter for consideration at the outline stage. REFUSED for the following reasons:
1. The proposed development would not accord with the adopted development plan which allocates the site for employment use as part of a business park. There are no material planning considerations which warrant a departure from the statutory development plan. The proposal would undermine the economic objective of sustainable development which seeks to ensure that sufficient land is available to support economic growth. The proposal would fall contrary to policy E3 of the JAAP, policy NEL3 of the Allocations Plan and policy ED4 of the Core Strategy.
  2. The proposal is not considered to represent sustainable development and would fall contrary to the NPPF by virtue of proposing a significant residential element which would not be a use that would sit comfortably against and be in the interests of good spatial planning immediately alongside a large employment site. This is particularly the case as the

main vehicular access would be expected to be via the adjoining business park and given the proposed C2 Use Class development and restriction to persons over 55, (less likely to take advantage of neighbouring employment opportunity) and given the significant distance from existing residential settlements, facilities and amenities.

3. The proposal, by virtue of the type of residential accommodation proposed, namely age restricted and a significant proportion involving an element of care, would not respond most closely to the identified need in the district and would not cater for a mixed demographic group, contrary to policy H5 of the Core Strategy.
  4. Affordable housing is required in respect of any dwellings proposed that fall within the C3 Use Class, as set out in policy H4 of the Core Strategy. The proposed age limitation to over 55's only in relation to the affordable housing and the proposed mix to include a significant proportion of sheltered affordable housing would not fulfil the affordable housing need in the Rochford District most effectively. The proposal, for the above-mentioned reasons, would not accord with policy H4 of the Core Strategy.
  5. The proposed residential development would not accord with the requirement in the NPPF that a sequential approach to flood risk is followed. The applicant has not demonstrated that there are no other sites within the district at lower flood risk where the type of development proposed could be delivered. The proposal in this regard is therefore objectionable on flood risk grounds contrary to policy ENV3 of the Core Strategy (2011) and relevant parts of Section 14 of the NPPF.
- 3.5 17/00850/OUT - Outline Application With Some Matters Reserved for Proposed Business Park consisting of B1, A3, D1 and D2 uses, Access Road, Parking and Landscaping. Access (to the site) only for Consideration at the Outline Stage. APPROVED.
- 3.6 17/00710/FUL - Construction of day nursery at ground floor with offices (B1) over, parking and associated landscaping. APPROVED. This development has been completed and is currently occupied.

### **Key Considerations**

- 3.7 The primary matters for consideration in the determination of this outline planning application are:
- the principle of the development proposed, accounting for sustainability;
  - proposed access arrangements and their acceptability;
  - flood risk and drainage;
  - sustainable transport and parking; and

- ecological and environmental considerations.

### **Principle of Development – Development Plan**

- 3.8 The current proposal is assessed afresh against relevant planning policy and with regard to any other material planning considerations, having regard to the reasons for refusal of the previous application on the site and to whether these reasons have been addressed or material considerations have changed. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 3.9 The adopted development plan is comprised of the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014). The London Southend Airport and Environs Joint Area Action Plan (JAAP) (2014) also forms part of the development plan and is directly relevant to the application site and proposal.
- 3.10 Policy NEL3 of the Allocations Plan identifies the area north of London Southend Airport as being a key driver for the sub-regional economy, supporting Core Strategy policy ED4 which seeks the delivery of an eco-enterprise centre in the area.
- 3.11 Policy E3 of the JAAP allocates land incorporating the application site and surrounding areas to the south and east, for new employment use as part of a proposed new business park, split into three areas known as Areas 1, 2 and 3. Areas 2 and 3 have outline planning consent for commercial use in accordance with the JAAP, granted under planning application reference 15/00781/OUT. Development has commenced within Areas 2 and 3. This application relates to land within Area 1.
- 3.12 Policy E3 requires the provision of 20,000m<sup>2</sup> of B1, with education (Class F1), development. A nursery use with office space above was granted planning permission (17/00710/FUL) within Area 1. The Town and Country Planning (Use Classes) Order 1987 was updated on 1 September 2020. Business use previously fell into B1 criteria, including offices, research and development and industrial processes which could be carried out in a residential area without detriment to its amenity. Under the updated Use Classes Order, these uses would fall within Class E(g).
- 3.13 The current application relates to a 4.18-hectare part of Area 1 of the JAAP, forming the western two thirds of the area. There are 2.12 hectares to the east of the application site which remain undeveloped and under a separate ownership. As outlined above, the application site has extant planning permission for commercial use (granted November 2018); the approved use accords with the JAAP.

- 3.14 The current scheme proposed is a largely residential development, with a specific focus on retirement homes and care. To support this residential use, the proposed scheme includes provision for up to 8,241m<sup>2</sup> of commercial space. This commercial space would fall under the broad definition afforded by the new Use Class E – Commercial, Business and Service, and would include a convenience store, 928m<sup>2</sup> office space and medical facilities among others. JAAP policy E3 states that supporting non B1/B2 (commercial, industrial) uses may be acceptable where it can be demonstrated that these uses are necessary to support the operation and/or the requirements of employees working in the business park. The proposal would not be in accordance with the JAAP, in that the residential use proposed would not accord with the site allocation for employment uses and would not ‘support the operation and/or the requirements of employees working in the business park’.
- 3.15 The key consideration here, therefore, is an assessment of the material considerations relevant to the site and the proposal, and a judgment of the planning balance and of whether any material considerations in favour of the proposal are sufficient to outweigh the lack of accordance with the development plan.
- 3.16 The purpose of the planning system is to contribute to the achievement of sustainable development. There are three objectives set out in the National Planning Policy Framework (NPPF) (2019) (paragraph 8) which relate to sustainable development - economic, social and environmental. The planning system can help support the economic objective by helping to build a strong, responsive and competitive economy by ensuring that sufficient land is available in the right places to support growth. Paragraph 80 of the NPPF identifies that significant weight should be placed on the need to support economic growth. The allocation of the application site for employment growth responds to this objective.
- 3.17 The airport business park is part of the Joint Area Action Plan that looks ahead to 2031 and accounts for increased passenger movements at London Southend Airport that are anticipated in the coming years. This allocation is an important opportunity to provide more employment opportunities locally including higher skilled jobs and is both Rochford and Southend’s joint strategy for providing these employment opportunities in the longer term. Although the proposal would deliver some employment opportunities associated with the commercial element of the scheme and the care home, the nature and quantum would not be that envisaged in the site allocation. 20,000m<sup>2</sup> GIA of employment floor space has been earmarked in the Joint Area Action Plan for Area 1. The application site amounts to 60% of the Area 1 allocation, and it is therefore considered that the proportional minimum GIA employment floor space for the site is 12,000m<sup>2</sup>. The application proposes a total commercial floor space of up to 8241m<sup>2</sup>, which would fall short of the minimum requirement for the area.



- 3.18 With regard to the social objective, the proposal for retirement dwellings, a care home and related infrastructure, would provide a social benefit to the area through the provision of housing and some related services. This will be further assessed later in the report.
- 3.19 The environmental objective will also be assessed later in this report, with an assessment of any ecological impacts of the proposal and potential for biodiversity management, and a consideration of other environmental matters.

### **Commercial Demand**

- 3.20 A key material consideration, which forms the applicant's principal argument in favour of the proposal (as set out in the submitted planning statement and design and access statement), is local demand for office space and employment land more generally, and older persons' housing supply/future demand. Recent changes to the employment and economic growth landscape – in part due to the Covid-19 pandemic, are a material consideration. Current identified demand for care home provision and sheltered housing is also considered.
- 3.21 The applicant has provided two assessments of local need for office space, from local property agents. They outline recent examples of market conditions and demand for office space within the area, noting that there is a current lack of demand for office space. The rise in home working (accelerated by the Covid-19 pandemic) is cited as a factor in the current demand landscape. The continued loss of office buildings to residential development, accelerated by the changes to permitted development legislation, has also been outlined. Poor connectivity of the site to the nearest station at Rochford and a lack of on-site facilities are also argued by the applicant to be factors in reducing demand for office space on the application site.
- 3.22 The JAAP was adopted in 2014 and sets out a strategy for development of the site looking forward to 2031. It reflects the need for sustainable, long term growth in the area. The JAAP seeks to take advantage of an expected growth to London Southend Airport and a subsequent demand for commercial development in the immediate area. The pandemic has had a significant short-term impact on demand for office space and it is broadly accepted that airport and airline industry growth has been paused. There is, however, no evidence provided that office demand will not increase by 2031. The JAAP is up-to-date and still within the first half of its lifespan at 7 years old, with an approximate 10 years until 2031. It is considered that the current slump in office space demand and the working pattern changes accelerated by Covid-19 are material considerations which carry weight in favour of an alternate use of the site but reflect broadly short-term economic and social changes with little evidence of a long-term or permanent shift in demand for commercial development in the Rochford area.
- 3.23 The applicant notes that policy DM32 of the Development Management Plan (2014) states that alternative uses will be considered on employment land

provided that certain conditions are met. One condition (i) relates to the number of jobs likely to be created. There is no doubt that the provision of care within the proposed retirement village and the proposed supporting services (including medical) would generate employment. However, no evidence has been provided demonstrating that this would exceed the approximately 600 jobs expected to be generated from this proportionate part of Area 1 as a minimum outlined in the JAAP, nor is this considered likely to be achievable from the proposed uses.

- 3.24 The NPPF makes clear that planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose, but this is not considered to be the case here, as has been outlined above.

### **JAAP Existing Provision of Employment Development**

- 3.25 Another material consideration is the current level of commercial/industrial provision in Areas 2 and 3 of the JAAP allocation.
- 3.26 The applicant states in the accompanying Design and Access Statement and Planning Statement documents that the planning application for commercial development to Areas 2 and 3 of the allocation provided more floor space than that identified for these areas in policy E3 of the JAAP. It is the case that the outline planning application relating to Areas 2 and 3 (15/00781/OUT) proposed a total of 86,900 sqm of floor space which is 7,900 greater than 79,000 square metres referenced in policy E3. Policy E3 clearly states, however, that “applications for development will be supported which at least deliver, or proportionately contribute in land take towards achieving” the required floor space provision.
- 3.27 Some commercial floor space would be provided with the proposed development, primarily serving the main use as a retirement village. These uses would not form part of a ‘business park’ but would fall under the broadly commercial new Use Class E. The intention of the JAAP allocation was for high quality B1 use (now E(g)) with accompanying education provision. As the education element (the nursery) has been approved and delivered on the site, it remains for development to the remainder of Area 1 to provide office and industrial development appropriate for a business park. The Class E uses proposed would provide services to the primary use of the site – that of residential. The applicant’s statements note that some of the uses such as the gym could be used by users of the business park in Areas 2 and 3. Some level of supporting infrastructure and services such as a gym, for example, could further the attractiveness of the business park as an office/commercial location. They are not considered, however, to be uses which meet the underlying objective of the JAAP for the site as a business park.
- 3.28 It is also noted that, with the flexibility provided by Use Class E, commercial space associated with the retirement village could be repurposed to support the business park. Whilst there could be a degree of automatic flexibility with

the future uses as permitted within Class E, the repurposing of the supporting uses serving the retirement village would inevitably result in a loss of service provision to the residents and therefore a reduction in sustainability of the site. This argument is therefore not considered to tip the balance of the planning judgment in favour of the principle of the proposal.

- 3.29 It is acknowledged that the additional provision of floor space in Areas 2 and 3 mean that an additional 6,098m<sup>2</sup> of employment provision in Area 1 would meet the minimum floor space allocation set out in Policy E3. This carries weight in favour of the proposal. The part of Area 1 to the east of the application site is currently underdeveloped and is allocated for employment land. This is currently not subject to any planning approval for employment development or otherwise, and the availability of this area of land for any future employment development carries limited weight – particularly if an alternate use of most of Area 1 were to be approved.
- 3.30 The aim of the JAAP is for a high-quality development for employment land, however, and the above considerations do not tilt the balance in favour of the proposal sufficiently to outweigh the conflict with the development plan and medium-term growth strategy within the JAAP.

### **Housing Need**

- 3.31 Whilst it is clear that the loss of employment land allocation would not be favourable, the residential nature of the proposal is also a material consideration in the assessment of the principle of the development.
- 3.32 The NPPF requires that decisions should apply a presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay. In this case, however, the Council has an up-to-date development plan, but the proposal would not accord with it. Paragraph 11(d) of the NPPF would not apply to the consideration of this application as this relates only to proposals where there are no relevant development plan policies or where policies which are most important for the determination are out-of-date.
- 3.33 The Council's housing policies cannot be considered out of date due to a shortfall in the Council's housing land supply position or in respect of the Council's performance in respect of the Housing Delivery Test, which the authority meets. The Council's most recent Housing Land Supply Position Statement identified 5.5 years' housing supply when taking into account a 20 per cent buffer as was required by the housing delivery test results at that time. Following publication of the 2020 Housing Delivery Test results in which the Council scored 95%, the Council no longer needs to apply a 20 per cent buffer to its 5-year housing land supply calculations. In light of the above, the Council considers it can now demonstrate around a 6.3 year housing land supply based on an annual housing target of 360 dwellings (with an additional 5% buffer to provide choice and competition). Consequently, the Council

considers that Paragraph 11(d) of the NPPF is not relevant to the determination of this application. As there is an identified 5-year housing supply in Rochford District, the proposed residential development does not carry the NPPF 'tilted balance' in favour of the proposal.

- 3.34 This proposal seeks to cater to a more specific demographic, in providing a retirement village to include sheltered housing, retirement homes and a care home. The need for this type of housing is therefore another consideration. Rochford District Council's Strategic Housing team has considered the proposal and concludes that the proposed development is not of the type required at present. They note that there is a large amount of sheltered accommodation across the District and 5 such units in Rochford alone already. There is a development of supported living for older people being developed by Essex County Council at Rocheway. It can be taken from this that there is limited demand for such accommodation at present. This must be considered, however, and balanced against the general long-term trend in the UK and specifically in South Essex.
- 3.35 The National Government published Planning Practice Guidance (PPG) related to Housing for Older and Disabled People in June 2019. This PPG acknowledges the important need to plan for the housing needs of older people as the proportion of older people in the population increases and details the benefits of offering a choice of accommodation for older people. It is also important to plan for the housing needs of disabled people. There are a diverse range of needs that exist. Suitable housing can range from accessible general needs housing to specialist housing with high levels of care. The PPG acknowledges that an ageing population will see the numbers of disabled people continuing to increase and identifies that it is important that we plan early to meet their needs throughout their lifetime. The PPG sets out requirements relating to planning for housing for older and disabled people at the plan-making stage and at the decision-making stage. The PPG identifies factors that decision-makers should consider when assessing planning applications for specialist housing for older people, specifically location and viability. The location of housing is identified as a key consideration for older people with factors to consider including the proximity of sites to good public transport, local amenities, health services and town centres. The PPG promotes the development of inclusive environments that can be accessed and used by everyone. The PPG states that where there is an identified unmet need for specialist housing, local authorities should take a positive approach to schemes that propose to address this need.
- 3.36 The South Essex Strategic Housing Market Assessment Addendum 2017 projects a rise (up until 2037) in the number of older people within the region. It concludes that there would be 'sizeable growth' in the number of older people (65+). This would reflect commonly acknowledged patterns towards an ageing population.
- 3.37 Whilst the current level of demand for specialist housing for older people has been identified as low, demand in the region is likely to increase steadily over

the next two decades. The provision, therefore, of a substantial level of housing and care provision for elderly residents carries material weight in favour of the proposal. An age-restriction condition on occupancy could ensure that the residential uses meet the identified need of housing for older persons.

- 3.38 The projected future need for the proposed development must be weighed against the suitability of the proposed location, to establish the overall sustainability of the scheme.

#### **Principle of Development – Sustainability**

- 3.39 Notwithstanding the above conclusion that the proposal would not accord with the development plan, the suitability and sustainability of the site for the type of development proposed is considered.
- 3.40 The previous application for a retirement village on this site was refused, in part, as it was considered that this use would not sit comfortably against and be in the interests of good spatial planning immediately alongside a large employment site.
- 3.41 The applicant notes that the layout of the retirement village could be such as to ensure that the ancillary services – the commercial element including medical, gym and retail – form a buffer between the core residential section of the development and the employment uses in Areas 2 and 3 to the south. This would provide some form of buffer and reduce the possible harm to residential amenity resulting from the adjacent land uses. The location of the retirement village and associated development adjacent to B2 uses would not, however, be preferable, when compared with a site bounded by existing residential or town centre uses and services. Access to the site would be shared from the Cherry Orchard Way roundabout with the business park and this would contribute an unsuitable juxtaposition of uses within the JAAP area.
- 3.42 The site is not currently serviced by public transport and is not within convenient walking distance to Rochford centre and the services and facilities within the town, including supermarkets and the train station. Future public transport may serve the site, however any service is not operational and would rely on the uses being in place prior to their commencement. The applicant states that a commitment to provide a minibus shuttle service to residents would be ensured. This would provide a degree of connectivity with the town for residents, albeit with the loss of some level of independence. Cycle club facilities and an ‘Electric Car Club’ have also been cited as options by the applicant. Any S106 legal agreement should ensure a contribution to the provision of a public bus service to the wider JAAP area, including the application site. This is considered to be the more sustainable option in the long term, although the provision of minibus services could provide a temporary solution in the interim.

- 3.43 Nevertheless, the proposed retirement village would be physically cut off from Rochford town and the wider range of services available within the town. The proposal would not make good use of existing services and public transport links available nearby and would result in a somewhat self-contained residential facility isolated from the wider residential parts of Rochford. For the reasons above, it is considered that the proposal would not constitute sustainable development. The proposal would fail to meet the ‘social’ test within the NPPF sustainability objectives (as outlined above) by virtue of the isolated nature of the development, the lack of existing public transport infrastructure and the proximity to an incompatible adjoining land use which would share access to the main road. The provision of medical, care, private transport options and other essential facilities internally within the retirement village would not offset the lack of overall sustainability for the type of use proposed.
- 3.44 When considered on their own merit, it is considered that the provision of supporting services including a gym, medical centre and convenience store, would not significantly harm the vitality and viability of Rochford town centre in terms of retail provision. Policy RTC2 of the Core Strategy sets out that small scale retail development would be encouraged in out of centre residential areas where this would not undermine the role of the District’s town centres. The proposed amount of retail and related development would be minor and is acceptable in principle.
- 3.45 In summary, the development plan, inclusive of the JAAP, makes clear that this site is specifically allocated for commercial use as part of a strategy to provide employment opportunities in the District in the longer term as part of a wider business park which is envisaged to develop alongside expansion of London Southend Airport. Whilst the impacts of the Covid-19 pandemic and anecdotal lack of demand for office space is acknowledged, the allocation is still relatively young and runs up to 2031. There is no clear evidence, supported by any change to the aims of Rochford District Council, that there is no reasonable prospect of the site being developed for the allocated commercial use within the medium to long term.
- 3.46 The anticipated future need for more housing for older persons is accepted and is a material consideration which outweighs the current lack of demand for such development in the area – subject to appropriate conditions on occupancy relating to age. Nevertheless, taking this long-term approach to the need for such housing must be weighed against an identified long-term objective for economic growth as set out in the JAAP. When balanced against the unsustainable nature of the proposal on the site, and the conflict with the adopted development plan, the principle of the development is considered unacceptable and contrary to provisions and aims of the NPPF, JAAP policy E3, policy NEL3 of the Allocations Plan and policy ED4 of the Core Strategy.

**Quantum, Type and Proportion of Residential Use**

- 3.47 The broad nature of the proposal is similar to that refused previously, as detailed in this report. The quantum, type and proportion of the residential uses does differ, however:
- 63No. retirement apartments of varying sizes are proposed, from 32No. over 55's apartments previously proposed (C2).
  - 22No. over 55's houses and 9No. over 55's bungalows were proposed in 2017 (C2). The current application seeks 6 market dwellings (C3).
  - 30No. assisted living apartments are proposed as per the previous application (C2).
  - 30No. sheltered apartments are proposed, a reduction from 35No. (C2).
  - A 93No. unit care home is proposed as per the previous application (C2).
- 3.48 Evidently, the proposed type and quantum of the uses proposed are very similar to the previously refused proposal. It was previously considered regarding 17/00877/OUT that a mixture of C3 dwellings with policy compliant affordable provision in conjunction with some C2 (care) provision would more closely reflect the housing need in the area.
- 3.49 The identified housing need has not changed significantly in the time since. The application does, however, propose 6No. C3 dwellings within the scheme. It also differs from the previous in that apartments are proposed as 'retirement' dwellings/units and not specifically for over 55's – although age-restrictions could be secured via planning condition. The supporting statements note that the occupation of the development would be partly self-policing, marketed at older persons, with a mandatory buy-in to a minimum level of care.
- 3.50 The NPPF requires that planning policies address the needs of groups with specific housing requirements. Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies, including but not limited to those who require affordable housing, families with children, older people and people with disabilities. The Council does not have specific planning policies relating to proposals for development within the C2 Use Class; however, policy H5 of the Core Strategy requires that new developments contain a mix of dwelling types to ensure they cater for all people within the community, whatever their housing needs.
- 3.51 The applicant argues that the 123 units aimed at older persons would go some way to meeting the predicted future need for residential development for older persons, and therefore has regard to local need. 6 market dwellings would also be provided. These would make a modest contribution to C3

housing in the District. Contrary to the above, the Council's Strategic Housing Department has reiterated its concerns that the proposal would result in an over development of this type of accommodation within the District, taking account of existing stock and extant planning consents granted.

- 3.52 A need, as projected in the SHMA and outlined earlier in this report, has been identified for C2 accommodation and particularly housing for older persons. A degree of C2 accommodation would be acceptable in principle (notwithstanding the reasons for the unsuitability of this site as outlined). Some mix of dwelling types would be achieved through the 6 proposed C3 dwellings. The proposal would therefore cater for a mix of housing as per policy H5, albeit with a significantly lesser amount of C3 housing compared with C2.
- 3.53 Leaving aside the objection in principle to this development proposal, the low number of C3 dwellings proposed would not in itself be considered a reason for refusal – accounting for the benefits of the proposed retirement housing in meeting projected demand. The applicant's position that the take up of retirement homes would free up existing housing for the general market is noted and does carry some weight. It is, however, not possible to quantify this, as a significant proportion of future residents on the proposed site may relocate from outside of South Essex. Nevertheless, it is considered that the provision of housing suitable for older people would outweigh the lack of a greater housing mix.

### **Affordable Housing**

- 3.54 Core Strategy policy H4 relates to affordable housing provision and requires 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.
- 3.55 Policy H4 of the Core Strategy does not refer specifically to affordable housing being required in relation to dwellings proposed within the C3 Use Class but rather is more generally termed to apply to proposals for dwellings.
- 3.56 A recent High Court decision (Rectory Homes v SSHCLG & SODC dated 31.07.2020) dealt with the interpretation of affordable housing policy and the question of when affordable housing should correctly be sought from residential development schemes, in particular of housing that would fall within the C2 Use Class.
- 3.57 In the High Court decision, it is concluded that the affordable housing policy in this instance does '...not use the word "dwelling" as a term restricted to the C3 Use Class...and makes no reference, expressly or by implication, to the Use Classes Order at all.' The decision also identifies that '...it has become well established that the terms "dwelling" or "dwelling house" in planning legislation refer to a unit of residential accommodation which provides the facilities needed for day-to-day private domestic existence (Gravesham p. 146; Moore v Secretary of State for the Environment, Transport and the



Regions (1998) 77 P & CR 114, 119; R (Innovia Cellophane Limited) v Infrastructure Planning Commission [2012] PTSR 1132 at [27]-[28]).’

- 3.58 The decision goes on to conclude that ‘...a Class C2 development may include accommodation in the form of dwellings, for example flats and bungalows, each of which has facilities appropriate for private, or independent, domestic existence. But their use would only fall within the C2 Use Class if “care” is provided for an occupant in each dwelling who is in need of such care.’
- 3.59 Policy H4 could be similarly interpreted. It is therefore concluded that all of the proposed residential development could have the potential to be properly regarded as creating ‘dwellings’ to which an affordable housing requirement would apply. Although it is acknowledged that the proposed care home would be very unlikely to include dwellings in the sense defined in Gravesham (referred to above). The proposed bungalows and assisted living apartments identified by the appellant in their appeal statement as likely falling within the C2 Use Class, could still form dwellings, in the sense of a private home with the facilities needed for “independent living” but where care is provided to someone in need of care.
- 3.60 The Council’s Strategic Housing Unit has confirmed that assisted and care home units would not be subject to affordable housing quota rules and only the sheltered units would be, accounting for the level of care provided. Nevertheless, greater weight is applied to the High Court judgment set out above, and all of the ‘dwellings’ with the exception of the care home, are considered in the required affordable housing calculation. These dwellings would also be subject to the 35% quota. In total therefore, there would be a requirement of 35% of the 129 retirement apartments, assisted living apartments, sheltered apartments and dwellings to be affordable – equating to approximately 45 units.
- 3.61 Not including the care home, over one third of the dwellings proposed would be required to be affordable housing which, if undertaken, would provide a mix of dwelling tenures on the site, but would dilute the weight to be afforded to the proposal in terms of delivering housing for older people. Nevertheless, the majority of the site could be allocated for older persons (with age-restrictions on non-affordable dwellings secured via condition) and would provide approximately 84 such dwellings, in addition to the care home. This would still carry some weight in meeting the projected demand for older persons housing.
- 3.62 RDC Strategic Housing has identified that there is a need for affordable housing which is not sheltered – Class C3 rather than Class C2 (sheltered or requiring a level of care). As the quantum of affordable housing would be largely C2 housing (given the proposal description), this would not best meet the affordable housing need in Rochford. The proposed provision would therefore not accord with policy H4. The affordable housing provision should

therefore be Use Class C3 dwellings to provide the flexibility necessary to meet the identified affordable housing need.

- 3.63 If the application were to be recommended favourably a Section 106 Agreement would be sought to deliver the 35% affordable provision such that the proposal would otherwise accord with the requirements of policy H4 of the Core Strategy.

### **Access**

- 3.64 Access is not a matter reserved and is for consideration at the outline stage. No objection has been received from the Highways Authority in relation to the access provision. The proposed access would effectively link with existing infrastructure which links the business park to Cherry Orchard Way via roundabouts. The main access point would be the northern junction of the roundabout between Area 1 and Areas 2 and 3 of the wider JAAP zone.
- 3.65 The Highways Authority sought a condition on the previously approved commercial scheme requiring use of the existing access onto Cherry Orchard Way to be restricted and to ensure that the main access to the site was that from the southern boundary.
- 3.66 The proposal includes an access point to the southern boundary which would utilise the new roundabout access off Cherry Orchard Way, required by the Highway Authority in relation to the earlier commercial scheme. This mirrors the access proposals for the previously refused scheme – which were considered acceptable.
- 3.67 In relation to internal access footpaths and roads, the indicative plans demonstrate that suitable space could be provided for safe and accessible access routes. Further details would be secured at the reserved matters stage.
- 3.68 Subject to conditions including a requirement for the completion of the access prior to occupation etc., which would be required if the application were recommended for approval, the principle of the access as proposed is considered acceptable.

### **Flood Risk and Drainage**

- 3.69 Rochford District Council Core Strategy contains policy ENV3 which relates to flood risk; this states that the Council will direct development away from areas at risk of flooding by applying the sequential test and, where necessary, the exceptions test.
- 3.70 The majority of the proposed development would be accommodated within Flood Zone 1; however, a band extending across the central part of the site, east-west, falls within Flood Zone 2.

- 3.71 Paragraph 163 of the NPPF requires that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. A site-specific flood risk assessment is required for all development in Flood Zones 2 and 3 and in Flood Zone 1 where the proposal relates to a site of 1 hectare or more. Development should only be allowed in areas at risk of flooding where (subject to the sequential and exception tests, as applicable) it can be demonstrated that:
- a) Within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
  - b) The development is appropriately flood resistant and resilient;
  - c) It incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
  - d) Any residual risk can be safely managed; and
  - e) Safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 3.72 The site falls within Flood Zones 1 and 2, as shown on the Environment Agency Flood Risk maps, with a small portion of the north-western corner of the site within Flood Zone 3. These flood zones refer to the probability of river and sea flooding, with flood zone 1 at the lowest risk of flooding from these sources. A smaller section of the site along the northern site boundary immediately adjacent to the Noblesgreen Brook may also just fall within Flood Zone 3. The majority of the site is within Flood Zone 1, with a band of Flood Zone 2 across the central part of the site. It is not considered likely, given the quantum and types of development proposed, that all of the development could be accommodated in Flood Zone 1. Most of the more vulnerable uses (residential) could be directed towards Flood Zone 1, however, with commercial uses and open space to Flood Zone 2. Nevertheless, the following is considered.
- 3.73 Planning Practice Guidance requires consideration of the vulnerability of proposed development to flooding and advises in what circumstances certain development should not be permitted. The proposed commercial development of A1, A3, D1 and B1 uses are classified as 'less vulnerable'. The proposed residential development falling within Use Classes C2 and C3 is classified as a 'more vulnerable' use, all according to the Planning Practice Guidance.
- 3.74 The development proposed would be considered appropriate in Flood Zones 1 and 2 according to the flood risk compatibility table in the relevant Planning Practice Guidance. However, the NPPF would require that in the first instance the sequential test be passed; this test seeks to steer development preferentially to the lowest risk flood zones.

- 3.75 The Environment Agency has inspected the application and has no objection and advised although most of the site is in flood zone 1 with a smaller part in flood zone 2, the application would need to pass the sequential test. It is for the Local Planning Authority to determine if the sequential test would be passed.
- 3.76 The previous application on this site (17/00877/OUT) was refused in part as it did not accord with the requirement in the NPPF that a sequential approach to flood risk is followed. Whilst a sequential test was passed in relation to a business park use, the residential uses proposed are of greater vulnerability. Therefore, this test should be applied to proposals to guide development first to Flood Zone 1, then Zone 2. For this application, a sequential test has been undertaken and submitted with the application.
- 3.77 The sequential test report examined potential alternate sites for the proposal within a defined 'study area' within the Rochford District Council district area. This was made up of the list of 204 sites contained within the SHELAA 2017. It concludes that 204 sites were identified and none are considered reasonable alternatives that adequately meet the 4 conditions for the proposal (defined by the applicant), namely:
1. The site size is within -15% and +30% of that proposed;
  2. The site is within Flood Zone 1;
  3. Not at risk from surface water; and
  4. Development has not begun since publication of SHELAA (2017) – (Strategic Housing and Employment Land Availability Assessment).
- 3.78 Since then, however, the call for sites list has been updated and there are a significant number of additional sites that the Council considers should have been considered in order to achieve a comprehensive assessment. It is not therefore possible to conclude that the sequential test has been passed at this stage.
- 3.79 Within application sites, the NPPF also requires that the most vulnerable development should be located in areas of lowest flood risk unless there are overriding reasons to prefer a different location. Whilst it is likely that some of the development would be within Flood Zone 2 – and possible that some of this would include residential development, detailed design via siting most of the more vulnerable development outside Zone 2 is considered feasible given the scale of the site and availability of Zone 1 land to the south and north. In addition, flood-proof design such as no habitable rooms at ground floor level could be ensured to reduce actual harm via risk to life. These concerns could be addressed at reserved matters stage.
- 3.80 Proposed development must not increase flood risk elsewhere. Local planning policy (ENV4) and national policy seeks the use of sustainable urban drainage

systems (SUDs). There is existing hardstanding from the historic brickworks use which amounts to approximately 15,000m<sup>2</sup> on the site.

- 3.81 No objection has been received from either Anglian Water or the Lead Local Flood Authority subject to a number of planning conditions being required. Anglian Water states that its preference for on-site drainage would be Sustainable Urban Drainage systems (SUDs), with connection to the existing sewer network a last resort.
- 3.82 It is not considered that there are indications that suitable drainage infrastructure would be impractical on the site. The indicative layouts show open green areas, and the site density and layout could be designed to accommodate these features as necessary. With any future reserved matters proposal, the proposed layout would require an accompanying full drainage plan to be submitted and approved as part of the application.
- 3.83 In summary, the proposal is not considered to meet the sequential test for flood risk. In this regard, the proposal does not accord with the relevant sections of the NPPF and Rochford Core Strategy policy ENV3. If the sequential test were passed for this site, the principle of the development in relation to flood risk would be considered acceptable, with detailed design and layout to account for mitigating any risk considered at the reserved matters stage.
- 3.84 It is considered possible that the site could feasibly accommodate suitable drainage infrastructure as part of any future detailed design stage. It is considered that there is no evidence which indicates that policy ENV4 in relation to drainage could not be accorded with at the reserved matters stage.

### **Sustainable Transport**

- 3.85 National and local planning policy seeks to improve connectivity to public transport and other sustainable modes of transport and provide practical alternatives to cars.
- 3.86 With regard to public transport, the site is not currently served by a bus route. However, policy T4 of the JAAP requires that a comprehensive network of quality bus services be provided serving the transport needs of the Southend/Rochford and wider Essex catchment area, particularly linking to the new airport railway station and other transport interchanges.
- 3.87 A financial contribution would be sought via s106 legal agreement towards the provision of a bus service serving the site and adjacent business park if the application were to be recommended for approval.
- 3.88 Policy T5 of the JAAP requires that all development contributes towards the construction of new, as well as improvements to existing, walking and segregated cycling infrastructure and facilities in the JAAP area and the integration of these facilities into the wider network.

- 3.89 The London Southend Airport and Environs Joint Area Action Plan – Walking and Cycling ‘Greenway Network’ – Linking the Community document was completed in December 2015. This is a joint study on behalf of Southend Borough Council, Essex County Council and Rochford District Council and outlines the actions required to create a Greenway Network of cycling and walking routes to the north and east of the proposed new business park that forms part of the JAAP. The report includes an annotated plan for the Greenway which in relation to the application site shows the extended Greenway running through the site north-south and east-west and linking to Hall Road to the north and Cherry Orchard Jubilee Country Park to the west.
- 3.90 A financial contribution would be sought via s106 legal agreement towards improvements to existing footways and cycleways within the proximity of the site if the application were to be recommended for approval.

### **Parking Provision**

- 3.91 The Council applies a maximum parking standard for trip destinations and a minimum parking standard for residential dwellings. These are set out in the Parking Standards Design and Good Practice Supplementary Planning Document published in 2010. The Council would require any development to include adequate parking provision. The parking standard for C3 dwellings is a minimum and would require 1 space per 1-bed dwelling and 2 spaces per 2-bed plus dwelling. Visitor parking would be required at 0.25 spaces per dwelling.
- 3.92 The proposed residential units are of varying sizes in terms of bedroom provision, and whilst an accommodation schedule has been provided, at this outline stage it is not possible to calculate the specific parking requirements for these. The parking requirement for a care home would be 1 space per full time equivalent staff plus 1 space per 3-beds for visitors. Again, without knowing staff numbers a parking requirement cannot be accurately calculated.
- 3.93 The Council's parking standards relate to the Use Classes before they were updated in 2020. For example, food stores require 1 space per 14m<sup>2</sup>, parking for the medical centre would require 1 space per full time equivalent staff and 3 spaces per consulting room. The office use would require 1 space per 30m<sup>2</sup>. It is considered that the applicant should consult this document and ensure that sufficient parking would be provided, if the proposal were to proceed to the reserved matters stage. Parking provision, including disabled parking provision and cycle parking, would be considered in detail along with site layout but this is not for detailed consideration at this outline stage. The indicative site plans provided demonstrate that sufficient parking could likely be achieved on the site, given its size.

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**Archaeology**

- 3.94 Planning policy at the national and local level (policy ENV1 and policy E1) requires consideration of the impacts of proposed development on heritage assets which include underground heritage assets.
- 3.95 The Historic Environment Record (EHER) shows that the proposed development site is located on the site of the former brickworks. It is also to the west and north of the Cherry Orchard Lane Brickfield, which revealed evidence of multi-period settlement and activity from the Iron Age through to the post medieval period. There will be the remains of the brickworks' foundations. It is also possible that further archaeological remains could still survive in this area, which would be destroyed by this development.
- 3.96 Given the above potential for deposits of local significance, a planning condition would be advised requiring a programme of archaeological investigation to be secured in accordance with a written scheme of investigation, if the application were recommended for approval.

**Ecological Impact**

- 3.97 The NPPF, policy ENV1 and policy DM27 require that effects on biodiversity are considered in the determination of planning applications. The NPPF requires that distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with status and that appropriate weight is attached to their importance and the contribution that they make to wider ecological networks.
- 3.98 In addition, in accordance with The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations), all competent authorities must undertake a formal assessment known as 'appropriate assessment' of the implications of any new plans or projects that may be capable of affecting the designated interest features of European Sites before deciding whether to undertake, permit or authorise such a plan or project; these regulations apply to planning applications determined by Local Authorities.
- 3.99 The site is approximately 1.8 miles as the crow flies from the European designated sites along the Essex coast which consists of the Crouch & Roach Estuaries (Mid Essex Coast Phase 3 (SPA) (Ramsar) (SSSI) and the Essex Estuaries (SAC). The site is also a similar distance from Hockley Woods (SSSI).
- 3.100 Local planning authorities have a duty to consult Natural England before granting planning permission on any development that is in or likely to affect a SSSI. The site is within an Impact Zone of a European designated site where the scale of development is such that Natural England should be consulted. In response to the consultation, Natural England has concluded that, with mitigation, the project will not have an adverse effect on the integrity of the European sites included within the Essex Coast RAMS.

- 3.101 The site is generally scrub and is clear of any established vegetation or planting with the exception of some boundary areas. It is considered that there is limited biodiversity value other than that which has been identified. Nevertheless, the above is considered, as are the comments from Natural England. As the site is within the 'Zone of Influence' (Zoi) of one or more of the European designated sites scoped into the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS), consideration must be given to species protection. Natural England has no objection to the outline proposal, noting that some biodiversity net gain and mitigation could be introduced to the site.
- 3.102 Comments from the Council's Ecologist were received on previous proposals on the site (as outlined in the planning history above). The Wildlife and Countryside Act (WCA) (1981) protects all wild birds within the UK, including their active nests, eggs and dependent young. Species listed under Schedule 1 of the WCA are also afforded protection from disturbance during the breeding season.
- 3.103 The presence of protected species such as badgers and nesting birds was identified on this site. Conditions requiring suitable mitigations to be undertaken prior to development, as per the submitted ecological reports and surveys, would be appropriate in relation to badgers and nesting birds. Bat surveys were undertaken in June 2019 with limited evidence of bat activity on the site. The proposed works are not considered likely to harm the local bat population or bird population subject to any further site clearance being undertaken outside of nesting/roosting seasons.
- 3.104 The applicant has submitted a Preliminary Ecological Appraisal report (September 2020). Suggested site enhancements include hedgehog houses for hedgehogs which were identified on the site, bat and bird boxes within the future design and SUDs which would provide some habitat creation for Water Voles. Mitigation measures could be secured via condition.
- 3.105 Mitigation relating to the protection of badgers, identifying specific badger sett locations on the site could be secured via condition, as could appropriate site layouts at reserved matters stage, to limit impact on any badger setts on the site. In relation to nesting birds, further surveys would be required to establish current levels and species of birds on the site – following partial clearance of the site. If species remain, any further clearance could be required to be undertaken outside of the nesting season.
- 3.106 No unacceptable adverse impacts on any other protected species were identified as likely with a submitted survey for Water Vole and Otters carried out in mid-2019. No evidence of Otters on site was reported, with some evidence of Water Voles near to the site, although not in significant number.
- 3.107 A report on a reptile survey undertaken between May and August 2019 was submitted. No reptiles were recorded, with the site considered to be of negligible importance for such species. Hedgerow planting along the northern



boundary would provide better ecological connectivity and could support such species if this application were approved.

- 3.108 It is considered that given the brownfield, partially cleared nature of the site, and low identified biodiversity value of the site, impacts from development would not cause unacceptable harm to protected species subject to mitigations which could be secured via planning condition (surveys and further measures) and the reserved matters application.
- 3.109 Natural England's consultation response refers to the need for suitable alternative green space to be delivered on site as well as the development secure financial contribution towards off site mitigation work on a per dwelling basis. If the application were recommended favourably a requirement to pay the off-site financial contribution per dwelling would be a requirement of a s106. It is acknowledged that the proposal would not deliver suitable alternative green space; however, the site is across the road from Cherry Orchard Jubilee Country Park which would offer a very close alternative green space and no objection is therefore raised to the lack of on-site provision by way of mitigation to impacts on the coastal sites of ecological importance.

### **Trees**

- 3.110 Policy DM25 requires that development proposals be designed to seek to conserve and enhance existing trees and woodlands. Development which would adversely affect, directly or indirectly, existing trees and/or woodlands will only be permitted if it can be proven that the reasons for the development outweigh the need to retain the feature and that mitigating measures can be provided for, which would reinstate the nature conservation value of the features.
- 3.111 An Arboricultural Impact Assessment has been submitted with the application, with details of tree surveys carried out in 2019. The site has largely been cleared, although there are some mature trees immediately adjacent.
- 3.112 Limited arboricultural value has been identified on the site. Subject to the adequate protection measures which would be required for any at-risk trees adjacent to the site, planting of new trees within the development would provide a net benefit in terms of trees on the site and natural/visual amenity. A tree planting plan would be required as part of the proposed site layout which is a reserved matter.

### **Environmental Impact**

- 3.113 The NPPF (paragraph 178) requires Local Planning Authorities (LPAs) to ensure that a site is suitable for the proposed use taking account of, amongst other things, ground conditions arising from former activities and uses. Policy ENV11 is, however, clear that land contamination is not in itself a reason to refuse planning permission. Planning conditions would be recommended to ensure that any contaminated land at the site was appropriately reported and

remediated prior to construction, if the application were to be recommended favourably.

- 3.114 The site no longer falls within the consultation zone of the Major Hazard Site at Cherry Orchard Brickworks as the historic consent for the storage of LPG gas at the brickworks has been revoked.
- 3.115 The impacts of increased traffic emissions arising from the development would not be such that mitigation would be required. An Air Quality assessment has been provided which concludes that the scheme would not cause any exceedances of the air quality objectives, nor would it introduce receptors into an area where the air quality objectives are exceeded. No site-specific mitigation with regard to air quality is considered necessary with this in mind, accounting for the continued national push towards electric cars and low-carbon heating systems.

### **Environmental Sustainability**

- 3.116 The NPPF explains that planning plays a key role in helping to secure reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development. Policies ENV8 and ENV10 of the Core Strategy address environmental sustainability issues at the local level.
- 3.117 Policy ENV8 seeks to secure at least 10 per cent of the energy requirements from developments from decentralised and renewable or low carbon sources; if the application were to be recommended favourably such requirements could be secured by planning condition.
- 3.118 Policy ENV7 of the JAAP requires all new buildings to meet the BREEAM standard of 'excellent' unless unviable or unfeasible. This policy requirement supersedes that of policy ENV10 of the Core Strategy which requires the 'very good' standard. A planning condition could be imposed to secure this in respect of all non-residential buildings if approval were recommended.
- 3.119 Policy ENV7 also requires that rainwater harvesting and water recycling systems are used alongside other environmentally sustainable measures such as green roofs and walls; a condition could also be imposed to require the use of these systems where appropriate and subject to viability, if approval were to be recommended.

### **Public Open Space**

- 3.120 Policy E3 of the JAAP stipulates that all development areas will be required to contribute towards new public open space to the north and east of the business park. This policy requirement was met by the re-provision of the rugby pitches, to the north and east of the business park allocation, secured by the development under 15/00781/OUT and there is not considered to be a need to require further contribution in relation to this application.

**Indicative Plans (Design and Layout)**

- 3.121 Indicative plans have been provided with this application, showing potential design and layout for the proposed uses and buildings. The proposed residential and commercial provisions would require a relatively high density of development which would likely be acceptable on this site subject to visual and residential amenity considerations etc.
- 3.122 The creation of high quality and well-designed spaces is a key theme through both national and local planning policy and has been emphasised recently in national government publications with an emphasis on buildings being 'beautiful'. Scale, appearance and layout are all matters which are reserved, however, and are not considered in detail at this outline stage.

**4 CONSULTATIONS AND REPRESENTATIONS****Anglian Water**

- 4.1 No assets owned by Anglian Water within the site.
- 4.2 The foul drainage from this development is in the catchment of Rochford Water Recycling Centre that will have available capacity for these flows.
- 4.3 Recommend inclusion of informatives for the developer regarding connection to the sewage network.
- 4.4 The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. LLFA advice should be sought.

**ECC (Lead Local Flood Authority)**

- 4.5 No objection subject to conditions:
1. No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
    - 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.
    - Limiting discharge rates to 1:1 Greenfield run off rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all run off leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

**REASON:**

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
  - To ensure the effective operation of SuDS features over the lifetime of the development.
  - To provide mitigation of any environmental harm which may be caused to the local water environment.
  - Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.
2. No works shall take place until a scheme to minimise the risk of off site flooding caused by surface water run off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

**REASON:** The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of top soils during construction may limit the ability of the site to intercept rainfall and may lead to increased run off rates. To

mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

3. Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed in writing by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

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

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

### **Archaeology (ECC)**

- 4.6 The Historic Environment Record (EHER) shows that the proposed development site is located on the site of the former brickworks. It is also to the west and north of the Cherry Orchard Lane Brickfield, which revealed evidence of multi-period settlement and activity from the Iron Age through to the post medieval period. There will be the remains of the brickworks' foundations. It is also possible that further archaeological remains could still survive in this area, which would be destroyed by this development.
- 4.7 A condition is recommended requiring a programme of archaeological investigation to be secured in accordance with a written scheme of investigation.

### **Environment Agency**

- 4.8 No objection. The site sits in flood zone 1 with a smaller part in flood zone 2. The application would need to pass the sequential test.

**Natural England**

- 4.9 It has been identified that this development site falls within the 'Zone of Influence' (Zol) of one or more of the European designated sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).
- 4.10 Satisfied that, provided the mitigation secured is in line with the guidance given in NA detailed strategic-level advice (i.e. that outlined within appendix 1 of this letter), an 'adverse effect on the integrity' (AEOI) of the European sites included within the Essex Coast RAMS from increased recreational disturbance can be ruled out. In summary, this mitigation should include:
- Open space/green infrastructure provision of sufficient quality
  - A financial contribution in line with the Essex Coast RAMS, secured by appropriate planning condition or s106 legal agreement.
- 4.11 Standing advice provided to the applicant, available online.

**RDC (Strategic Housing) – First Response**

- 4.12 Does not meet housing need of the District. Currently 13 affordable units specifically for older persons with the district and 4 within Rochford area.
- 4.13 Currently 90 applicants on waiting list for such accommodation – only 17 applicants requiring Rochford specifically.
- 4.14 Planning consent granted for 60 assisted living units for Essex County Council at Rocheway, an existing unit at St Lukes. Number proposed on site would be well over predicted demand, as set out in the SHMA.
- 4.15 Assisted and care home units would not be subject to affordable housing quota rules and only the sheltered units would be.

**RDC (Strategic Housing) – Second Response**

- 4.16 Development not of the type required at present. There is a large amount of sheltered accommodation across the District and 5 such units in Rochford alone already. There is a development of supported living for older people being developed by Essex County Council at Rocheway. No demand for such accommodation at present.
- 4.17 Refer to previous response.

**RDC (Environmental Services)**

- 4.18 Need to ensure adequate provision for commercial waste disposal. The RDC scheme is not applicable for these premises but still need to ensure adequate

provision is made for waste disposal from the nursing home and retail units etc.

### **Rochford Parish Council**

- 4.19 Objection. Designated employment land – contrary to policy. The following reasons for objection were cited:
- 4.20 Land was initially understood to be for Green Belt. No provision for this facility within the JAAP and Local Plan on this site. No mention of affordable housing. Possible precedent for more residential development on this site. Isolated from the rest of the community of Rochford. Surrounding footways unsuitable for mobility scooters. No public transport connections. Proximity of residential buildings to commercial would have a detrimental effect on the enjoyment of the residential properties.

### **RDC Planning Policy/Economic and Regeneration Teams**

- 4.21 This consultation response is provided to inform the determination of application reference 20/00913/OUT. It should be recognised that this response only addresses the Team's professional view on the economic considerations relevant to the determination of this application. This response offers no detailed view on other material considerations relevant to the determination of this application, including in relation to housing need, flood risk or environmental considerations. The absence of a view on these considerations does not, however, imply their acceptability.

### **Context and Economic Background**

- 4.22 The Core Strategy and London Southend Airport Joint Area Action Plan (JAAP) create a strong economic vision for the environs of the Airport, underpinned by plans to create significant quantum of new employment space and local employment opportunities in Rochford District, which has historically experienced both high rates of out-commuting and a shortage of employment space of all types, particularly within the size brackets suitable for businesses in the "start-up" and "grow-on phases".
- 4.23 The Council's *Economic Growth Strategy 2017*, part of the evidence base for the New Local Plan, identifies both the Airport Business Park and growth of London Southend Airport as key local strengths, along with the District's entrepreneurial small business culture and strong business base of technical and manufacturing businesses. However, it also notes barriers to growth, such as a persistent issue with availability of suitable 'grow-on space' for small businesses (i.e., units of 150-500 sq. m), along with varying quality of available employment land. The strategy commits the Council to unlocking economic growth in the District through 4 key priorities, namely:
- Encouraging inward investment
  - Growing and retaining businesses
  - Supporting new businesses

- Developing skills and employability
- 4.24 To help achieve the first two priorities, the strategy commits the Economic Development Team to be responsive to planning applications which support business growth and investment. The strategy also emphasises supporting actions to deliver high quality employment space at the Airport Business Park. The delivery of the various London Southend Airport Joint Area Action Plan (JAAP) sites, therefore, is of strategic importance to the Council.

### **Observations on the Proposal**

- 4.25 It remains the opinion of the Team that, as with the previous application, the proposal remains contrary to policy E3 of the JAAP, along with the relevant economic policies of the Core Strategy and Allocations Plan. The Team has examined the evidence supplied in statements and appendices and has the following main observations:
- The proposals are not a policy-compliant employment scheme.
  - The proposals would result in significantly less economic benefit to Rochford District, both in terms of quantity and quality of employment, relative to a policy compliant scheme.
  - The proposals for a significant amount of out-of-town Class E space are not compliant with policy intended to protect town centres such as Rochford.
  - The Council's evidence suggests there is a continuing demand for employment space into the future
  - A previous application proposed alternative employment proposals that would be a more appropriate match for this site.
- 4.26 The site falls within an employment allocation, as the main part of JAAP site 1. The JAAP allocates the site for up to 20,000 sq. m B1 (office or education) use. The statement also points to the policy-compliant office and nursery scheme already completed on part of the applicant's site. The Design and Access Statement submitted alongside this application appears to imply that the quantum of development being delivered on the adjacent Airport Business Park site now means that less B1 employment space needs to be provided on the applicant's site. Nowhere does the JAAP indicate that the quantum of allocated space on a given site is a maximum limit that cannot be exceeded. It does not automatically follow that reaching a nominal 'quota' of commercial space permits other uses to be developed on pockets of individual sites, particularly when the sites affected by policy E3 Saxon Business Park are in different ownerships. It is also factually incorrect to imply that the employment space on the adjacent Airport Business Park is in some way "banked" such that it can be relied upon to fulfil a majority of the envisaged employment space from the JAAP, given that development has yet to commence on much of the site and the owner may reasonably return with planning applications if a precedent were to be set that alternative uses are suitable in this broad location.



- 4.27 The JAAP is intended to support economic growth requirements up to 2031 and beyond. It is therefore reasonable to conclude that, as time progresses, the original site allocations may need to be varied to reflect the changing nature of the national and local economies, enabling a proactive response that will deliver the types of workspace that businesses need. This is reflected on the adjacent JAAP sites 2 and 3 (Airport Business Park Southend), where the developer has sought to vary its proposals for parts of the site, as seen in 20/00454/REM, (which proposed 12 smaller B2/B8 industrial units) and 19/00566/REM, which has sought to refine the details of the 'Launchpad' Innovation Centre. Such measures reflect the acute shortage of high-quality space for 'start-up' and 'grow-on' businesses in the South Essex Small & Medium-sized Enterprise (SME) market.
- 4.28 It therefore seems reasonable that the applicant should take a view of current and future market requirements and develop an employment scheme for the site accordingly. This reflects the changing nature of work patterns and the local, national and international economy, along with the significant macroeconomic effects of the COVID-19 pandemic. It allows for careful consideration of evidence on what businesses need now and will need in the long-term, and is reflected in the actions of the developer of the neighbouring sites. Given the JAAP is an adopted statutory document with an intention to support a long-term employment strategy, it is not considered appropriate to change the fundamental site allocation from employment to residential without clear, objective and compelling evidence. The site is part of a long-term economic vision for the wider area, and any such decisions regarding a review of allocations should be taken through the statutory plan-making process.
- 4.29 The Economic Regeneration team considers that the most important aspect of the applicant's site, along with all other sites within the JAAP, is that they are preserved for employment uses. The JAAP envisages the Saxon Business Park area, of which this site is part, *providing quality jobs for local people, with employment opportunities in higher paid jobs, and support for economic activities that have the capacity to generate employment growth*. The importance of the long-term economic vision in the broad location is compelling in light of the District's historic job density being significantly below average, with 2019 ONS figures listing 0.59 jobs available in the District for every working age resident. This is significantly below the East of England average of 0.86 and Great Britain average of 0.87. This points to a fundamental issue of a lack of local job opportunities, which have for a long time forced increasing numbers of residents to commute elsewhere, something which has in turn put the road and rail networks under considerable pressure and contributed to a significant amount of congestion in the local area. It is also important to note that average salaries in Rochford District are considerably below the East of England average, something the JAAP seeks to address as part of a long-term economic strategy looking to 2031 and beyond.

Unit type	Area (sq m)	Employment density (sq m per FTE)	Employment estimate (FTEs)
Convenience store (retail)	276	15-20	14-18
Gym	165	65	2.5
Hydrotherapy pool	330	65	5
Coffee shop	69	15-20	3.5-4.5
Offices	928	12	77

Fig. 1: Proposed Job Creating Uses

- 4.30 This site is covered by JAAP policy E3 (Saxon Business Park), and is part of Site 1, accounting for c.60% of this area. Site 1 is allocated for 20,000 sq m of B1 employment and education space, with the potential to accommodate 1,000 new jobs (a conservative estimate, based on 1 FTE (full-time employee) per every 11.4 sq. m, allowing for a 25% vacancy rate at any time and rounding down from a figure of 1,052 jobs. These figures are used in the JAAP, quoting the Homes & Communities Agency's *Employment Densities Guide – 2nd Edition – 2010*.
- 4.31 The 3rd edition of this guide (2015) provides a very similar metric, citing 1 FTE for every 12 sq m of lettable floor space. It is recognised the entirety of JAAP Saxon Business Park Site 1 is not in the applicant's ownership, and that which is in the applicant's ownership forms c.60% of Site 1. Taking into account the assumptions outlined above (60% of 1,052), a B1 development on this site could be expected to provide **631 FTE jobs** for the local economy. Alternatively, the first iteration of previous application 17/00850/OUT, which proposed a mixed-use B1, B2, B8 and ancillary use scheme, estimated c.600 FTEs.
- 4.32 As is evident, these proposed uses do not account for a significant quantum of jobs, and for the remainder of the scheme to provide a comparable number, the medical and care facilities would need to employ in excess of **524 FTEs**, assuming a best-case scenario that the maximum estimate of 107 FTEs would be generated by the uses listed above. Given the vast majority of the site is proposed to be given over to residential accommodation, this figure seems implausible. In addition, given a very sizeable 3,920 sq. m (the vast majority of the commercial space) is allocated for a medical centre, there is at present no evidence that an end-user has committed to occupying the site, whether from the NHS or a private operator. Without such evidence, it is difficult to expect many high-quality employment opportunities will be generated by this proposal.
- 4.33 The Team does not accept that this shortfall can be considered offset by the perceived over-delivery of jobs from the adjacent Airport Business Park site,

given much of that site remains undeveloped and not subject to reserved matters consents.

- 4.34 The Council, through its Economic Growth Strategy, is committed to providing high-quality local employment through the provision of skilled roles, recognising that average salaries in Rochford are presently lower than both the East of England and Great Britain averages (with average weekly earnings in Rochford being £534.10, compared with £574.90 in the East of England and £586.70 in Great Britain, respectively). Whilst it is acknowledged that a number of skilled roles may accompany a care village and healthcare facilities, the majority of the roles outlined, in sectors such as care, retail and grounds maintenance, are unlikely to significantly increase the number of skilled local job roles and opportunities for skilled residents to seek fulfilling and better-paid careers locally, and large numbers will continue to need to commute elsewhere. The JAAP site is an opportunity to create a significant number of opportunities in skilled sectors in which Rochford District has a strength, such as advanced manufacturing, aviation and professional, scientific and technical roles – industries which are likely to offer a great number of higher-paying roles than those proposed in the care village and retail scheme.
- 4.35 On balance, the team considers that the proposal would result in significantly fewer jobs being delivered on site relative to a policy-compliant scheme, whilst the average salary of such jobs is likely to be lower than that which would be achieved on a policy-compliant scheme.

#### **Appropriateness of Class E uses in location**

- 4.36 As outlined in policies DM32 and RTC2, the impact of proposals in terms of additional Class E floor space (accepting that office space now falls within Class E) upon the vitality and vibrancy of town centres is a key consideration, and the proposals do not adequately demonstrate that there will not be an adverse impact upon nearby Rochford town centre, which presently has an above average vacancy rate and a number of prominent vacant retail units, including a c.14,000 sq ft former supermarket. In accordance with Core Strategy policy RTC2, a sequential approach should be applied, with such proposals directed instead towards the District's town centres. Many of the proposed Class E uses would clearly be better situated in Rochford town centre, and the presence of several care homes and sheltered accommodation complexes near the town centre suggests that accommodating senior citizens within an easy walk of facilities is a highly sustainable way of ensuring everyday needs are met.

#### **Demand for Employment Space**

- 4.37 Regarding demand for business space, a key strand of the team's response to the previous care village application on this site referenced the 2017 South Essex Economic Development Needs Assessment (EDNA). Whilst this is now a few years old, the date it provides regarding the commercial property market

is very relevant, as it indicates there has been a historic undersupply of both new office and industrial space across South Essex, with much of what is on the market either becoming occupied or redeveloped for other uses. The tables below depict availability from 2010-2015, and indications are that little additional space has been developed in the years since, severely limiting supply of stock. This is further underlined by low vacancy rates in available office stock.

Figure 16: South Essex Available Office Floorspace (sqm) 2010 - 2015

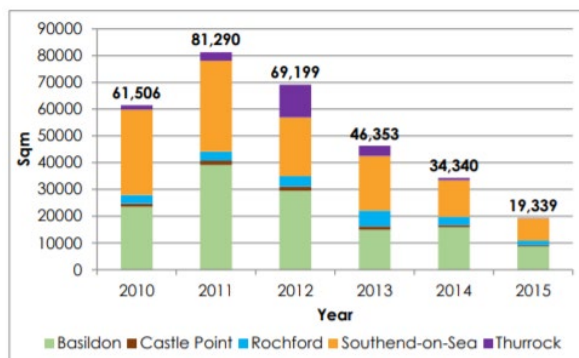
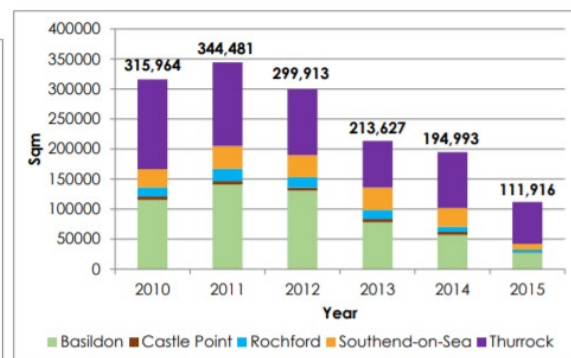


Figure 20: South Essex Available Industrial Floor space (2010 – 2015)



Source: CoStar Suite, 2016

- 4.38 The applicant has stated that there is little demand for B1 office space in the JAAP, supported by 2No. letters from commercial property agents, one from Ayers & Cruiks and one from Glenny, to support their assertion that there is not a demand for the 20,000 sq. m of office space allocated to the wider JAAP site 1. It should be noted that both these letters were from the first half of 2019 and only appear to provide an “at this time” view, and as such their assessments are not considered to reflect an up-to-date assessment of current conditions nor one that takes appropriate account of future demand before the end of the plan period in 2031. Furthermore, whilst the Team has no doubt that these agents have a good knowledge of the local property market, it is not clear how these letters were commissioned (e.g. whether these letters were received before or after the applicant had concluded they wanted to develop residential units on the site) nor whether they were informed by the same type of robust technical modelling that the Council’s evidence is, or whether they are simply professional, anecdotal opinions.
- 4.39 In response to the more general principle of whether demand for traditional B-class employment uses exist on the site, it must be recognised that the JAAP site is a long-term vision to provide a business park environment to 2031 and beyond, and that this will take time to deliver. Since the 2019 letters, the adjacent Airport Business Park has progressed in terms of its road, utilities and footpath infrastructure, as well as landscaping and public realm, whilst proposals for various aspects of the site are progressing (the completion of the Ipeco unit and permission secured for 12 speculative units, the Launchpad Innovation Centre and a drive-thru Costa Coffee facility). It is expected that continued infrastructure and amenity development will incrementally make the area a more popular business destination for occupiers, and the Team would assert that it is premature to make judgments such as this for a strategic

employment site. This is supported by evidence from the 2020 South Essex Grow-on Space Study, which suggests that the continued development of the Airport Business Park as a major regeneration project could stimulate further demand for office space in the District as it becomes an established business location.

- 4.40 In terms of the local office market, the loss of a significant amount of office stock in the area, principally around Victoria Avenue in Southend, should not be viewed merely due to no demand, but as a consequence of the introduction of office-to-residential permitted development rights in 2013. This option allowed landlords to achieve a greater return on investment through residential conversion and disincentivised refurbishing in offices to bring them up to a modern standard. The loss of this enormous quantum of office stock has provided fewer options for the growing businesses of the future and makes the retention of the JAAP site for long-term strategic employment growth more important. Rochford has recently seen conversion of properties at 32 and 34 West Street to office suites, with the latter acting as a serviced office facility and home to a range of occupiers. More widely, the area around the Market Square and Locks Hill is home to a wide range of professional services, technology and start-up businesses, and is developing as a popular base for smaller enterprises seeking the amenities of the town centre and nearby station.
- 4.41 In relation to the office space delivered at the recent nursery site adjacent to the application site, it should be noted that the first floor offices in the recently-completed nursery/office development on the site were occupied very shortly after the building was completed, with a mortgage broking company taking the space. This occupier was previously located in the Westcliff area, and is a prime example of the type of growing local SME which seeks offices of the right standard. Therefore, whilst it might be accepted that there is not presently significant demand for the type of large floorplate corporate offices found on many business parks, it does not refute evidence that start-up and grow-on space in this location could flourish, particularly when the full range of infrastructure and ancillary services on the neighbouring business park site are in place.
- 4.42 Importantly, it is not clear from the application whether it is the applicant's view that there is also no demand in the area for other B-class uses, such as industry or distribution. Even if it was to be accepted that the demand for office space is insufficient to justify retaining the land for this use, an alternative employment use for the site should be looked at preferentially. This approach is upheld by policy DM32, which states new employment land should be predominantly B1/B2 uses, and the retention of such uses should be a key consideration before considering alternative uses.
- 4.43 It can therefore reasonably be expected that proposals for alternative B-class employment space should be prioritised ahead of any alternative uses for what is intended to be a long-term, strategic employment site. This need to respond flexibly to market conditions has been reflected in the adjoining site,

where the developer recently received permission for 12 smaller industrial units. That these are to be developed speculatively (i.e., without a specific occupier securing a pre-let in advance of construction) indicates the likely strength of demand for units of this size and standard.

- 4.44 The Team's previous response to the application cited a number of studies, including the EDNA, which pointed to very little new employment space in the pipeline across South Essex, particularly for small and medium-sized enterprises. Since the publication of these sources, there is additional evidence to underline the need to retain allocated employment land within Rochford District:
- 4.45 The 2016 Essex Grow-On Space Feasibility Study, carried out by SQW and BBP Regeneration, was commissioned by Essex County Council to investigate whether there was a market failure in delivering 'grow-on' business space – i.e. small workshop and office units of c.150-300 sq m which small businesses seeking to expand from incubator units might select as they increase output and headcount. This study also forms part of the evidence base for the Emerging Local Plan. This study found that supply of grow-on industrial space was very tight across the whole county, and that much of what was available was older and of poor quality. Rochford District in particular was highlighted as having a particular shortage of small scale but good quality industrial stock. This study forms part of the evidence base for Rochford District's New Local Plan.
- 4.46 A recent (2020) update to this study for South Essex (the South Essex Grow-On Space Feasibility Study 2020), was carried out by consultants SQW. This forms part of the evidence base for the emerging South Essex Joint Strategic Plan, provides further supporting evidence relating to grow-on space (i.e. units of 150-500 sq. m), and indicates that across South Essex insufficient supply has been coming forward in recent years for a variety of reasons. These include the widespread loss of employment space to residential uses, both through planning applications and permitted development, along with the significant encroachment of other uses onto employment sites (e.g. retail and leisure). The report found similar conclusions to the 2016 study, indicating that for industrial workshops in Rochford District, there is a 'moderate' level of demand, but that quantity of supply is 'low', and quality of the current supply is 'very low'. For offices, there is a similar picture, with moderate demand but a low quantity of supply and very low quality. The findings paint a picture of local businesses being trapped in sub-optimal accommodation, and the resultant negative impacts on business and economic growth across South Essex. The primary recommendations emerging from the report are for planning policy and development management to protect current and new employment allocations from being developed for alternative uses, and this is an important consideration in respect of this application.
- 4.47 When considering existing and future/allocated employment sites in the current Local Plan, the stock across the existing estates in Rochford varies considerably in terms of size and quality, with much of the industrial stock at

the smaller end being old and in need of refurbishment/maintenance. Nevertheless, this is in short supply – something which can be evidenced by a quick online commercial property search of Rightmove, which is usually fairly comprehensive and picks up most commercial property listings. This demonstrates that for existing office properties available to let within the growth space size bracket, there were (as of 25 February 2021) only 2 offices currently available to let within the district, with the quality being sub-optimal. Similarly, for industrial/workshop properties available to let in the district, there are also currently only two listed as available to buy or let within this size bracket. Offices and workshops are almost as scarce at a smaller level, potentially posing issues for start-up businesses, many of which are forced to remain at residential addresses or leave the District.

- 4.48 It is also worth highlighting that Rochford District's existing industrial estates (e.g. Purdey's, Brook Road and Eldon Way) have experienced considerable encroachment in recent years from a growing number of leisure uses, such as gyms, dance studios and children's soft play centres, along with retail. This has restricted the availability of premises for B1/B2/B8 occupiers and intensified competition in such areas.
- 4.49 The Team has anecdotal evidence of a number of successful local SME manufacturing businesses who have not been able to find suitable accommodation to expand, and we know of one recently who recently opted to leave the district as a result. Loss of additional employment sites will further exacerbate what is already a serious situation that is serving to stifle local business growth.

### **Concluding Remarks**

- 4.50 As set out in the above comments, the Team holds a number of concerns over this application, particularly as it risks sterilising an area of land that has been allocated for employment uses as part of the Council's long-term economic vision for the Airport environs. This area is unique across the District for its economic strengths whilst there are a number of other areas of the District in which a retirement village could function equally well.
- 4.51 The Team is also concerned that the assertions of the applicant in relation to the ongoing need for employment uses and job creation are not supported by the Council's own evidence. It remains unclear to the Team whether the assertions relating to the ongoing need for employment uses are based solely on the economic picture now or whether they, more appropriately, take a look across the plan period of the JAAP to 2031 and beyond.

### **Public Representations**

- 4.52 1 Letter of objection to the proposal was received, citing the following reasons:
- This land is designated as employment land in the JAAP report;

- No Bus services; and
  - No contribution to road improvements/bus services.
- 4.53 2 responses supporting the proposal were received from addresses in Leigh-on-Sea, welcoming the provision of more retirement villages.
- 4.54 1 letter was received from Cherry Pips Nursery, which appears to be related to the development proposal; the letter has an attached list of 43 signatures in favour of reopening the underpass under Cherry Orchard Way.:
- Very excited to hear of the possibility that an existing but unused underpass would be reopened to allow children and staff from the nursey to safely access the Country Park with no need to cross any dangerous roads.

## **5 EQUALITY AND DIVERSITY IMPLICATIONS**

- 5.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need:-
- To eliminate unlawful discrimination, harassment and victimisation
  - To advance equality of opportunity between people who share a protected characteristic and those who do not
  - To foster good relations between those who share a protected characteristic and those who do not.
- 5.2 The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, pregnancy/maternity.
- 5.3 If the application were to be recommended favourably for housing at the site planning conditions would be sought to require compliance with the Council's planning policies relating to wheelchair users to protect persons to whom the protected characteristic of disability may apply. The proposal would not therefore impact disproportionately on persons to which this protected characteristic applies. The proposal seeks to provide some housing within the C2 Use Class which includes an element of care and may therefore cater for persons receiving care to which the protected characteristic of disability applies.
- 5.4 The proposed development would not have a direct adverse impact on any persons to which the other protected characteristics apply.

## **6 CONCLUSION**

- 6.1 In summary, this outline proposal for retirement village and associated uses has been considered against the designated land use allocation of the site, national and local planning policy and guidance and other relevant material



considerations. It is concluded that the type of development proposed is not in accordance with the adopted development plan which allocates the site for employment use as part of a business park.

- 6.2 In assessing the principle of the proposal, it has been accepted that demand for employment uses in the area may have reduced in the short term due to the Covid-19 pandemic and pre-existing factors. However, it is concluded that there is insufficient evidence that there will be no such demand during the lifespan of the JAAP (which covers the period until 2031) which would warrant a departure from the development plan. The proposal would undermine the long-term economic objective of sustainable development which seeks to ensure that sufficient land is available to support economic growth. As such, this proposal is considered to be contrary to policy E3 of the JAAP, policy NEL3 of the Allocations Plan and policy ED4 of the Core Strategy.
- 6.3 In assessing the sustainability of the site, the largely residential C2 and C3 uses within the proposed development would be isolated from the existing residential areas of Rochford and would sit directly adjacent to a commercial/industrial zone. The primary site access would be shared with commercial vehicles and the proposal would not constitute sustainable development with no connections to existing public transport links, poor pedestrian connections to Rochford and incompatible adjoining uses. The proposed development would represent poor spatial planning by virtue of the proposed uses within the site relative to the site location. In this regard, the proposal is contrary to the objectives for achieving sustainable development as set out in paragraph 8 of the National Planning Policy Framework.
- 6.4 In addition, the provision of mainly C2 Use Class housing for the affordable housing element of the proposal would not best meet the affordable housing needs of the District by introducing a level of care and lack of flexibility in tenancy. In this regard, the proposal would not accord with Core Strategy policy H4, and a greater quantum of C3 dwellings would be required for the affordable housing to best meet the identified need.
- 6.5 Regarding flood risk, the sequential test provided is not up-to-date and does not account for recent sites added to the Council's call for sites list. The sequential test is therefore not considered to be passed. If a revised sequential test were to be passed, the flood risk to proposed vulnerable uses on the site from being partially within a Flood Zone 2, could be addressed in detail at the reserved matters stage with careful layout and design. In this regard, the proposal is considered to be contrary to policy ENV3 of the Core Strategy (2011) and the relevant parts of Section 14 of the NPPF.
- 6.6 Whilst the proposed access arrangements are considered to be acceptable in highway terms, and no insurmountable ecological or other environmental impacts were identified, the weight applied towards the principle of development for this outline application is the key factor in determining the overall planning balance.

- 6.7 For the reasons outlined above, the Development Committee is recommended to refuse this planning application.



Marcus Hotten

Assistant Director, Place and Environment

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### **Relevant Development Plan Policies and Proposals**

Policies RTC2, ED4, ED1, T7, T6, T5, T8, T3, CLT1, H6, H5, H4, ENV1, ENV5, ENV3, ENV4, H1, ENV8, ENV9, ENV10 and ENV11 of the Rochford District Core Strategy (2011).

National Planning Policy Framework 2019 (NPPF)

Policies DM25, DM26, DM27, DM28, DM29, DM30, DM31 and DM32 of the Development Management Document (2014).

Policy NEL3 of the Allocations Plan (2014)

London Southend Airport & Environs Joint Area Action Plan (JAAP) (December 2014)

National Planning Practice Guidance

Natural England – Standing Advice

Planning Practice Guidance (PPG) – Housing for Older and Disabled People (June 2019)

### **Background Papers**

None.

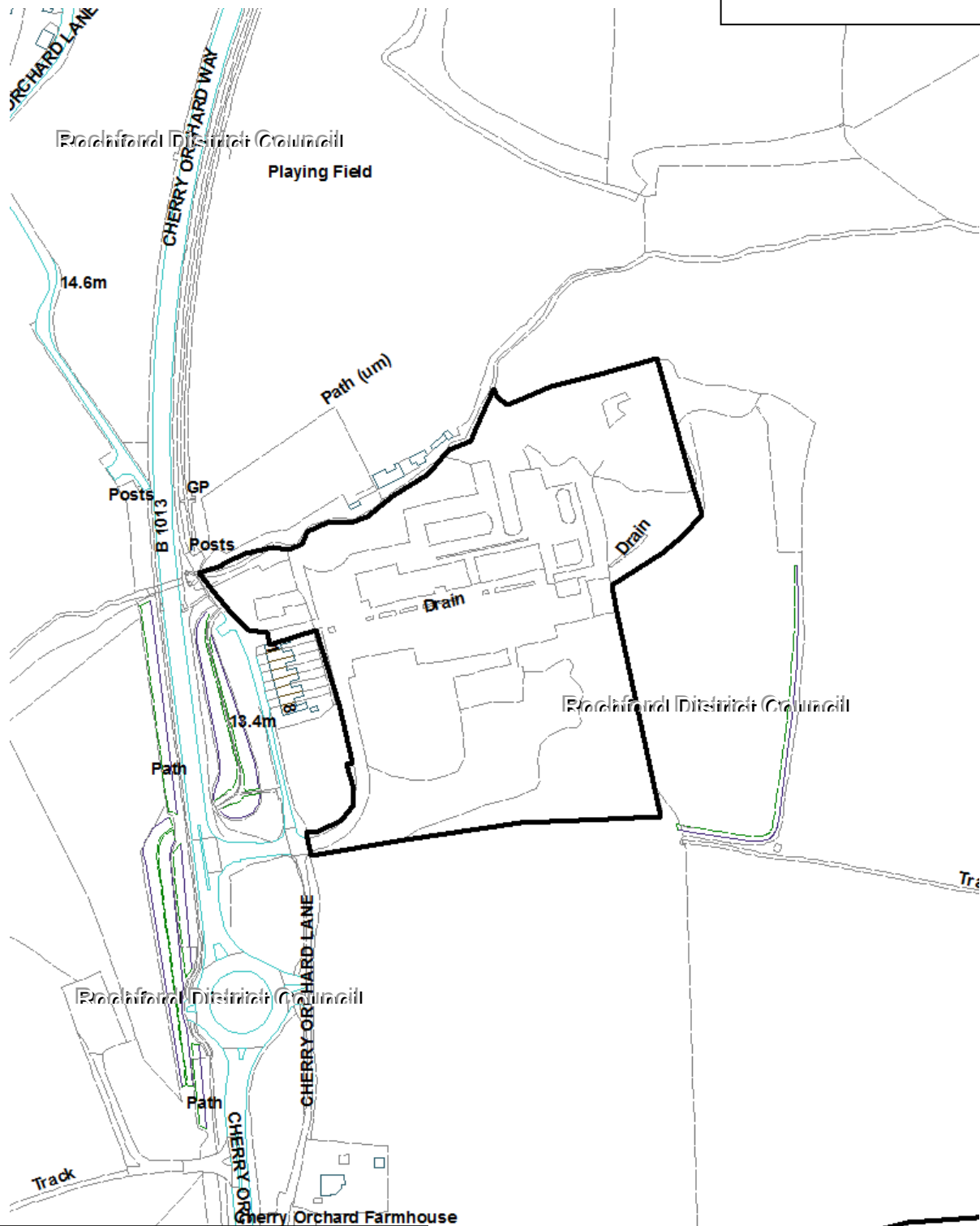
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20/00913/OUT



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6.43



NTS