

17/00102/FUL

**FORMER ADULT COMMUNITY LEARNING COLLEGE,
ROCHEWAY, ROCHFORD, SS4 1DQ**

**DEMOLITION OF FORMER VACANT ADULT COMMUNITY LEARNING
CENTRE AND REDEVELOPMENT OF THE SITE TO ACCOMMODATE
A 60 UNIT INDEPENDENT LIVING RESIDENTIAL HOME (USE CLASS
C2) WITH ASSOCIATED INFRASTRUCTURE AND CAR PARKING
AND 14 DWELLING HOUSES (USE CLASS C3), VEHICLE ACCESS
AND SOFT AND HARD LANDSCAPING**

APPLICANT: ESSEX HOUSING, ESSEX COUNTY COUNCIL.

ZONING: GREEN BELT

PARISH: ROCHFORD PARISH COUNCIL

WARD: ROCHE SOUTH

1 INTRODUCTION

1.1 Members will recall that the Development Committee deferred decision on this application at its meeting on 20 July 2017 pending clarification on a number of issues which were highlighted by the resultant minutes. These issues were itemised as follows:-

1. Sustainable parking solution in connection with the ongoing use of the sports pitches and designated open space.
2. Amount of car parking on the site, including visitor parking spaces for the proposed 14 dwelling houses, and appropriate sizes of car parking spaces given the assisted living element of the application.
3. Connectivity/operation of access road in respect of the Disability Essex site.
4. Use of outdoor living space and impact on older residents.

5. Phasing of the road and how that aligns with phases 1 and 2 of the development.
 6. Contributions towards community sports facilities
 7. Response from Essex County Council highways to the application.
 8. Parking of mobility scooters.
 9. Impact of flight paths/aircraft noise.
 10. Design is urban in nature, rather than incorporating features from the existing building, which has local, historical standing.
 11. Mix of housing on the site and lack of affordable family homes.
- 1.2 Subsequently a meeting was convened between planning officers and the applicant/agent on 27 July 2017 to consider the issues raised.
- 1.3 Subsequently the following information has been exchanged and submitted in response, which is covered under the highlighted headings.
- 2 SUSTAINABLE PARKING SOLUTION IN CONNECTION WITH THE ONGOING USE OF THE SPORTS PITCHES AND DESIGNATED OPEN SPACE**
- 2.1 The Local Planning Authority advised the applicant/agent that it should consider the merits of the submission of a planning application in respect of the construction of a car park immediately south of and adjoining the proposed development site to address the ongoing requirement for car parking to serve the sports pitches which would be displaced once phase 2 was commenced and which would need to be secured over the lifetime of use of the sports pitches.
- 2.2 Subsequently, a planning application in respect of the construction of a car park 95 metres in length by 20 metres has been submitted for consideration on 11/08/2017 (application reference 17/00807/FUL). The application also seeks principled consent for the siting of 2 demountable buildings to serve the playing field land, which if sited, would be used as changing facilities. Access to the car parking area would be provided via the central spine road which will serve the proposed residential development. This planning application is, as of this time of writing undetermined, but will be reported alongside this application at the meeting on 19 October for a decision by Members. However, it is acknowledged that its consideration and its principled acceptance is fundamental prior to the determination of this residential development.

- 2.3 In conjunction with the planning application which seeks to address the parking provision issue the applicant has provided the Local Planning Authority with a letter from Hambro Colts YFC, which indicates it has no objection to the displaced parking arrangements. A letter confirming this is attached as an addendum to this update.
- 2.4 The Local Planning Authority and the applicant via their agent are actively engaging with Sport England, which has been formally consulted with regard to the proposed car parking arrangements and dialogue is ongoing. Mr Roy Warren at Sport England has communicated with the Local Planning Authority on 22/09/2017 in which it indicates its position as follows:-

'Steven Butler and I had a discussion about our initial holding response to the application dated 6 September about 2 weeks ago and we agreed that the most expedient way of satisfactorily dealing with my response was for me to agree the content of the applicant's response to my queries before it was formally submitted to RDC. While we are in agreement on the suggested response to the phasing issue, what is taking the time is that we would need to consider and agree the minimum specification for the facilities in the demountable buildings if we are to be supportive of dealing with this through condition (rather than requiring plans and full details to be provided as part of the application) and the minimum specification needs to be informed by the expected user (Hambro Colts FC) to ensure that it is responsive to their needs. Once Steven is able to come back to me with a specification that has been informed by the club I subsequently expect the applicant will be able to move swiftly to making a formal submission in response to my queries and I would then be able to provide a formal response to the car park application asap and in turn review our position on the related residential development application. I hope this clarifies our current position.'

Officer Assessment/Recommendation:

- 2.5 It is considered that the provision of the car parking to the rear aspect of the site which is legitimately proposed by a separate planning application represents a logical and feasible solution to address the ongoing need for car parking to serve the sports pitch use which is designated open space. This parking area, although accessed via the central spine road which will serve and which will form part of the physical infrastructure of the development site, will exist and operate entirely separately from the residential development.
- 2.6 The planning application will be determined on its merits, the key issue being the justification for the development within the designated Metropolitan Green Belt in the context of its appropriateness and relative harm which constitutes the key considerations for any development proposed within the Green Belt.
- 2.7 Subject to planning approval of this current planning application 17/00102/FUL, it is acknowledged and recommended that a planning

condition be included within the substantive consent which safeguards adequate access to the car parking during and following the completion of the residential development. Fundamentally, in addition it is recommended that a planning condition would need to be included which safeguards the provision of the car parking facility which should be fully constructed and available for use prior to the commencement of phase 2 of the proposed development.

3 AMOUNT OF CAR PARKING ON THE SITE, INCLUDING VISITOR PARKING SPACES FOR THE PROPOSED 14 DWELLING HOUSES, AND APPROPRIATE SIZES OF CAR PARKING SPACES, GIVEN THE ASSISTED LIVING ELEMENT OF THE APPLICATION

- 3.1 It is clarified that the 14 dwelling houses subject of phase 1 development would each be provided with 2 car parking spaces. Visitor parking would be accommodated on the estate road directly adjacent to the properties.
- 3.2 The car parking provision in respect of phase 2, the Independent Living Accommodation, is indicated in section 5.61 of the report which was subject of consideration at the meeting on 20 July 2017, which indicated that the provision of 31 car parking spaces (3 of which were indicated to be for disabled persons' use) represented a ratio of 0.52 car parking spaces per unit, which, due to the specific nature of the residential use (being C2 as opposed to a C3), was deemed sufficient to meet the needs of future residents, visitors and staff. In terms of the physical extent of the parking areas each parking bay is of a standard 2.4 metres wide by 5 metres in length. This size is less than the minimum 2.5 metres x 5 metres space to the Council's adopted standards, but compares to nationally accepted car parking space standards.

Officer Assessment/Recommendation

- 3.3 On the basis of the provision, it is considered that phase 1 provides an adequate number of car parking spaces commensurate with the development proposed. Phase 2 being a C2 use based upon 73 bed spaces in total (which is the case in this instance) requires 25 parking spaces in addition to 3 further spaces for full time staff. The provision set out is based on the requirements set out by Essex County Council Highways at pre-application stage.
- 3.4 It is recommended that the application be approved on the basis of the parking provision indicated, as it is considered sufficient and policy compliant.

4 CONNECTIVITY/OPERATION OF ACCESS ROAD IN RESPECT OF THE DISABILITY ESSEX SITE

- 4.1 Access will be gained to the Disability Essex site from the east as opposed to the current northerly access route, which will be subsumed within the development. Access will be therefore via the internal estate road which

serves the rear aspect of phase 1.

Officer Assessment/Recommendation

- 4.2 It is considered that, subject to a planning condition which stipulates that operational arrangements will need to be maintained to ensure access to 'Disability Essex' is maintained at all times during the duration of the development and at all times thereafter – the interests of 'Disability Essex' will not be prejudiced.

5 USE OF OUTDOOR LIVING SPACE AND IMPACT ON OLDER RESIDENTS

- 5.1 It is noted that Members queried the function of the outdoor recreational areas to serve the Independent Living (IL) accommodation and how this would serve older residents.

- 5.2 The submitted Planning Statement points out at paragraph 4.3 that the communal facilities available to residents and their visitors within the IL scheme would include:-

- A coffee shop;
- hair salon;
- scooter storage facility;
- Formal, informal and quiet lounges; and exterior garden/amenity areas.

Officer Assessment/Recommendation

- 5.3 The outdoor living space is intended to provide functional communal areas which residents can frequent and enjoy. The design is considered functional and acceptable in planning policy terms. No further recommendation is made in this respect

6 PHASING OF THE ROAD AND HOW THAT ALIGNS WITH PHASES 1 AND 2 OF THE DEVELOPMENT.

- 6.1 It is clarified that the Local Planning Authority, in the event of planning permission being granted, would specifically set out the requirements in respect of the construction of the access road serving the site giving particular regard to the dual function of that access road which would have to be fully operational from the first implementation of phase 1 of the development right through to its completion – on the basis that this road will serve Disability Essex, which will be affected on the implementation of phase 1, whilst the sports pitch use will also be affected at the same time as access will need to be secured to pedestrians during phase 1. On the displacement of the parking when phase 2 commences this spine road will need to provide safe and

secure access to the parking area proposed as part of a separate planning application.

- 6.2 In view of the considerations highlighted, it is recommended that the construction of the spine road in its entirety and its surfacing is subject to planning condition to safeguard the principles outlined above.

7 CONTRIBUTIONS TOWARDS COMMUNITY SPORTS FACILITIES

- 7.1 The key objective of planning policy in this respect is to ensure that the current use of the sports pitches are not prejudiced by the proposed development, which is acknowledged to be of key importance. There is no obligation as such on the part of the developer to contribute towards community sports facilities unless a specific request is made which is legitimate and which can be justified in planning policy terms where that particular development would justify a specific provision.

- 7.2 Given the issue associated with the parking provision and its displacement together with the solution proposed, it is considered that the developers contribution in that it will be required to provide a car park as parking mitigation is a reasonable requirement and contribution in this particular instance.

8 RESPONSE FROM ESSEX COUNTY COUNCIL HIGHWAYS TO THE APPLICATION

- 8.1 It is noted that the proposals were discussed with Essex Highways at pre-application stage. Officers have requested on a number of occasions a formal response to this application which, as of the time of writing this update, has not been received. Officers will continue to pursue this matter in anticipation that any response can be presented to Members as a further update.

9 PARKING OF MOBILITY SCOOTERS

- 9.1 The Parking Standards Design and Good Practice Guidance September 2009 does not prescriptively identify or set out such provision in respect of the parking of mobility scooters. The site is designed such that ease of mobility from living to communal space is facilitated incorporating open areas on ground floor communal areas. This matter will be raised further with the agent and reported as a further update to Members.

10 IMPACT OF FLIGHT PATHS/AIRCRAFT NOISE

- 10.1 London Southend Airport has no objection to the proposal in terms of flight safeguarding. The height of the building is of no concern in this respect whilst it is considered that the amenity of the residential use will be no more

prejudiced than other such developments approved within the settlement of Rochford.

11 DESIGN IS URBAN IN NATURE, RATHER THAN INCORPORATING FEATURES FROM THE EXISTING BUILDING, WHICH HAS LOCAL, HISTORICAL STANDING

11.1 Although, as indicated by the agent, there is no intention to change the design which the application sets out to justify, subtle amendments have been made which are highlighted to relate mainly to brick detailing and elevational treatments of the 14 dwellings. Amended architectural drawings and landscape plans have been submitted, which seek to address comments as far as practicable that were made by Members at its meeting on 20 July in respect of the scheme's design.

11.2 The correspondence received from the agent on 8 September 2017 indicates that architectural amendments relate to the houses only. It is indicated that the elevational treatments to the 14 residential houses seek to add elements which reflect local architectural treatments namely:-

- Introduction of horizontal soldier courses;
- Reconstructed Stone sills; and
- Window openings have been adjusted and material has been added.

11.3 It is indicated that a significant factor in the amended design pack is the Street Scene Elevation drawing 6400-1304-P3. This takes into account the amendments to the house type. As part of this pack of amendments it is indicated that house type D has been handed in order to correct a drafting error that was made on the originally submitted plans.

Additional plans submitted are indicated to be as follows:-

- Drawing Number: 6400/1207 Revision P4: House Type C: Proposed Plans and Elevations
- Drawing Number: 6400/1305 Revision P3: House Type A: Elevation Features
- Drawing Number: 6400/1205 Revision P4. House Type A: Proposed Plans and Elevations
- Drawing Number: 6400/1206 Revision P4: House Type B: Proposed Plans and Elevations
- Drawing Number: 6400/1208 Revision P4: House Type D: Proposed Plans and Elevations
- Drawing Number: 6400/1301 Revision P3: Proposed Independent Living Elevations
- Drawing Number: 6400/1301 Revision P3: Proposed Independent Living Elevations

- Drawing Number: 6400/1302 Revision P3: Proposed Independent Living Elevations
- Drawing Number: 6400/1303 Revision P3: Proposed Independent Living Elevations
- Drawing Number: 6400/1304 Revision P3: Proposed Rocheway Street Elevation
- Drawing Number: 6400/1404 Revision P1: House Type A: Proposed Section
- Drawing Number: 195_01 Revision E: Landscape General Arrangement
- Drawing Number: 195_01 Revision F: Landscape General Arrangement

Officer Assessment/Recommendation

- 11.4 It is considered that the subtle changes will make a positive contribution to the street scene in that further definition will be made to the elevations of the 14 dwellings subject of phase 1 development. It is recommended that these amendments be accepted.

12 MIX OF HOUSING ON THE SITE AND LACK OF AFFORDABLE FAMILY HOMES

- 12.1 As set out in points 1.16-1.19 of the report considered by Members, there is a clear mix of housing proposed by the development, but accepting that the range of accommodation in the Independent Living Accommodation are 1 and 2-bedroom units.

13 AFFORDABLE HOUSING

- 13.1 The planning application makes reference to affordable housing. It is acknowledged and noted that phase 1 proposes no affordable housing as this phase is intended to generate the income required to progress with phase 2.
- 13.2 Further to the query raised at the Development Committee meeting in July, the case officer has sought clarification from the agent with regard to the relevance of the statement made with regard to the delivery of affordable housing as part of the development. The query is set out as follows: Use Class Order and Affordable Housing.
- 13.3 Further to our meeting on Thursday, 27 July subsequent to the Development Committee meeting on 20 July which considered the proposal at Rocheway, Rochford, you will note that Members required clarity on the issue of affordable housing, which was highlighted as one of the outstanding issues by the Committee Minutes.
- 13.4 Essex Housing has progressed with this application on the basis that it considers the scheme to be policy compliant with regard to the affordable housing; this case being reflected within the Committee report. It is clear,

however, that Members require further clarity regarding how the proposals are considered by Essex Housing to be policy compliant, and require further information in relation to the mechanisms that will ensure that Rochford District Council achieves this provision in line with its current affordable housing policy provision.

- 13.5 On further consideration of this matter, it has been advised that in order for a scheme to deliver an element of affordable housing in line with the policy, the development would need to constitute a C3 development and use, as opposed to a C2 use under the Use Class Order. The advice received from a planning policy perspective on this matter is that affordable housing cannot be delivered under a C2 use.
- 13.6 The Use Classes Order sets out different categories of residential use and makes a distinction between residential institutions (Class C2) and dwelling houses (Class C3). There is considerable case law (at planning appeals and in the courts) on the definitions of both. There is no Government guidance on which use class 'extra care housing' falls into. There is a decision to be made, depending on the individual circumstances of a case, which class a particular use falls into. In order to provide clarity on this matter, therefore, it would be helpful if Essex Housing could provide further detail regarding what accommodation and facilities constitute communal space.
- 13.7 Given the advice that affordable housing in any event cannot be delivered under the proposals as you have presented the application, i.e. under C2 use class, if the scheme alternatively could be considered a C3 use, it would need to be clarified how the scheme meets planning policy provision, which requires a mix of affordable housing provision throughout the whole site in accordance with policy.
- 13.8 Further advice received highlights the position that given the nomination rights which Essex Housing wish to retain, Rochford District Council would have no element of control over the delivery of affordable housing or its provision, which further points towards the material fact that the model which Essex Housing proposes fails to meet with the fundamental principles of planning policy.
- 13.9 Rochford District Council requires clarity on this matter in order that the affordable housing element and its deliverability in 'real' terms can be detailed for consideration by Members of the Development Committee.
- 13.10 The agent provided the following in response:-

'Thank you for your email. I offer the following in response to your queries: ECC would control nominations and the nature and amount of care for residents (minimum 6 hours per week) means that the Independent Living development would clearly fall into the C2 use class.

Affordable Housing

The development therefore generates no policy H4 requirement for affordable housing because it is not a class C3 use. However, I would not agree that the Essex Housing model for the proposed development fails to meet with the fundamental principles of planning policy. This is because the scheme would deliver specialist accommodation in line with locally identified need (see appendix 2 of the submitted Planning Statement), which is not currently provided anywhere else in Rochford District. ECC's nomination process is such that 50% of the units within the IL scheme would fit the typical eligibility criteria for affordable rent for this specialist form of housing. In real terms the scheme would deliver in accordance with paragraph 50 of the National Planning Policy Framework which says that "*local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)*". The Nominations Agreement may be linked to a legal undertaking forming part of a planning permission for the scheme. I trust this clarifies the matter'.

Assessment

- 13.11 The application has been put forward on the basis that affordable housing was being provided as part of the scheme.
- 13.12 If it is the position that the use constitutes a C2 use – the applicant is correct in that it would not need to provide affordable housing, however, we were not disputing this fact. Clarification was sought on the basis that it was previously stated that the proposed Independent Living accommodation was going to contribute around 43% affordable housing.
- 13.13 The 35% proportion of affordable housing provision therefore does not apply and as such, given the nomination rights which would be held by the County Council as opposed to Rochford District Council, the development clearly would not provide any affordable housing and no affordable housing need, as defined by Rochford District Council, is to be provided as part of the development.
- 13.14 In order to avoid any confusion therefore all reference to affordable housing need should be viewed in the light of the above considerations. It is recommended that the application should therefore remove all reference to meeting "affordable housing need" as this is not Affordable Housing. The applicant states that there is not any of this type of accommodation in the District, which is not the case. This material inaccuracy needs to be taken into account.

14 RECOMMENDATION**14.1 It is proposed that the Committee RESOLVES**

That the application be approved, subject to a legal agreement under section 106 of the act to the following revised heads of terms:-

- a) The developer to fund in full the cost associated with the provision of off street car parking to serve the retained playing field and public open space adjoining the site.
- b) The safeguarding of access to the open space and Disability Essex during and post construction phase by way of early construction of the spine road, suitably surfaced with legal access to the playing field/public open space and Disability Essex .

and subject to the following heads of conditions:-

- (1) Standard time limit for commencement of the development.
- (2) Standard condition requiring the development to be undertaken in accordance with all approved plans.
- (3) Standard condition specifying the submission of samples of all external materials and their approval in writing by the Local Planning Authority prior to their first use.
- (4) A condition specifying the height and maturity of all individual trees to be planted on site at the time of planting and their maintenance and management thereafter (the specification indicating a planting height of 14-20 cm is not considered acceptable).
- (5) A condition specifying the timing of all soft landscaping works, including all hedgerows and their maintenance thereafter.
- (6) A condition relating to bat mitigation works, including lighting and the timing of such (to be advised by Natural England).
- (7) A condition controlling the hours of construction throughout the phased development in the interest of amenity.
- (8) A condition seeking details of all lighting details in connection with each respective phase prior to the installation of such lighting.
- (9) A condition requiring the access road to be constructed to an agreed specification during the construction phase.

- (10) A condition requiring access to be maintained to the sports pitches and open space at all times during the course of the phased development and thereafter.
- (11) A condition requiring the access road to be completed to an adoptable standard prior to the occupation of any part of the development the subject of Phase 1.
- (12) Conditions requiring the provision of car parking in connection with the sports pitch and open space use during the construction phase and after implementation.
- (13) A condition relating to maintenance of the root protection areas of trees and adherence to the Arboricultural Method Statement submitted.
- (14) A standard condition relating to potential contamination found on site and mitigation measures.
- (15) A condition requiring details of the construction of the wall to be established on the west boundary of the site (as indicated on the site plan) and implementation in accordance with the agreed details.
- (16) A condition relating to the timing of the delivery of the affordable element of the scheme (Phase 2).
- (17) A condition requiring that the development complies with the drainage strategy outlined by the Flood Risk and Drainage Impact Assessment.
- (18) Submission of detailed surface water drainage scheme (Condition 1 of Suds Team recommendation)
- (19) Submission of scheme to minimise the risk of off site flooding during construction work (Condition 2 of Suds Team recommendation).
- (20) Submission of maintenance plan for the surface water drainage system (Condition 3 of Suds Team recommendation).
- (21) The applicant or any successor in title to maintain yearly logs of maintenance of the sustainable drainage system (Condition 4 of Suds Team recommendation).



Matthew Thomas

Assistant Director, Planning and Regeneration Services

Relevant Development Plan Policies and Proposals

Rochford District Council Local Development Framework Allocations Plan Adopted February 2014

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011)

Policies H1, CP1, T8, ENV9. H1, H5, H6, CP1, ENV9, CLT1, T1, T3 and T8

Rochford District Council Local Development Framework Development Management Plan adopted 16 December 2014.

Policies DM1, DM2, DM3, DM4, DM5, DM25, DM27, DM28 and DM30

Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010 Standards C2 and C3

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

Department of Communities and Local Government. Technical housing standards - nationally described space standard. Adopted March 2015.

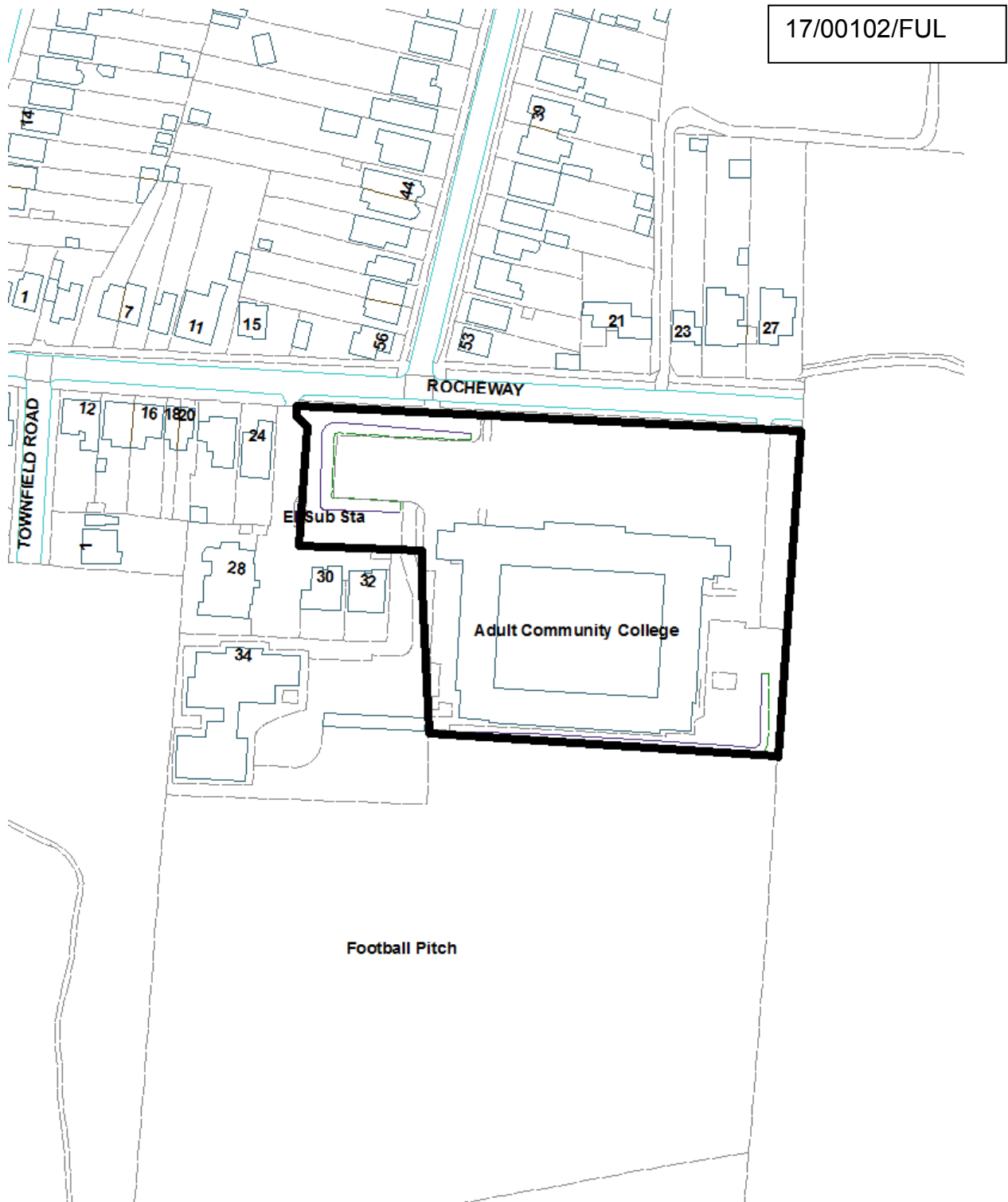
National Planning Policy Framework: (March 2014).

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



PREVIOUS REPORT AND RECOMMENDATION**17/00102/FUL****FORMER ADULT COMMUNITY LEARNING COLLEGE,
ROCHEWAY, ROCHFORD, SS4 1DQ****DEMOLITION OF FORMER VACANT ADULT COMMUNITY LEARNING
CENTRE AND REDEVELOPMENT OF THE SITE TO ACCOMMODATE
A 60 UNIT INDEPENDENT LIVING RESIDENTIAL HOME (USE CLASS
C2) WITH ASSOCIATED INFRASTRUCTURE AND CAR PARKING
AND 14 DWELLING HOUSES (USE CLASS C3), VEHICLE ACCESS
AND SOFT AND HARD LANDSCAPING****APPLICANT: ESSEX HOUSING, ESSEX COUNTY COUNCIL.****ZONING: GREEN BELT****PARISH: ROCHFORD PARISH COUNCIL****WARD: ROCHE SOUTH****1 PLANNING APPLICATION DETAILS**

1.1 The application seeks full planning consent in respect of residential and associated development, which is proposed in two distinct phases. The application indicates that Phase 1 will involve the demolition of the existing brick building block which is that of the former and redundant Adult Community Learning College building and the establishment of 14 residential units. This will be served by a 5.5 metre wide central access way from Rocheway, which will spatially separate phase 1 from the phase 2 development that, it is proposed, will provide 60 independent living apartments.

Development and Concept Overview

1.2 The planning application is submitted by Essex Housing, Essex County Council, following pre-application meetings with Planning and Housing Officers, the Managing Director of Rochford District Council (RDC) and a meeting with Rochford Parish Council to enable collaboration in the design development of the scheme prior to final submission for Rochford District Council's consideration.

1.3 A Planning Statement is submitted in support of the planning application, which sets out the wider context of the application. It is indicated that the

applicant, Essex Housing, is a function of Essex County Council (ECC). Essex Housing is currently promoting extra care projects across the County called “Independent Living”. The purpose of Independent Living is to increase provision of this type of accommodation for the ageing population within the County.

- 1.4 Essex County Council retains the nomination rights on residents and the typical need for nominated residents of its Independent Living schemes is of a minimum of 6 hours extra care per week. This specific care requirement and associated nomination process means that Independent Living may be classified as a C2 use.
- 1.5 The site at Rocheway was formerly occupied by the ACL Centre until 2013 but has since been vacant. The vacancy of the Rocheway site forms part of a County-wide programme by ECC which is seeking to provide a streamlined structure and process to the ACL programme (including remote learning), improved quality of service and improved financial performance. As the site is surplus to requirements in its current format and use, it now forms part of ECC’s estate of facilities through which Independent Living can be delivered.

The Independent Living Concept

- 1.6 In providing new housing, care and support to vulnerable older people, Essex Housing’s intention is to move as far as possible from the traditional model of ‘institutional care’, whether in the form of acute or community hospitals, registered care or nursing homes, to ‘care in the community’ where people can live independently and with dignity in their own homes with the care and support they require.
- 1.7 If new homes are considered in terms of space, accessibility and detail specification to create an enabling environment this can play a major part in promoting and fostering independence, good health and sense of well-being. Essex Housing believes that this philosophy aligns with aspirations of the majority of the population whilst also representing the most cost effective approach to housing and care.
- 1.8 The Independent Living concept is therefore intended to provide appropriate housing for older people with varying levels of dependency but capable of being supported within specialist accommodation integrated within the general residential community. A key aspect of Independent Living is the concept of community integration. The location of all housing of a specialist nature is critical if it is to be successful in shedding the “institutional” tag traditionally associated with the C2 use class – despite falling within that use class.
- 1.9 The more it can be integrated into the general residential fabric at the heart of the communities, the more it will foster the dignity and independence of its residents. This represents a substantial departure from the conventional care home design model because:-

- It is intended to enable residents to retain their independence whilst giving them the reassurance of 24-hour care on site.
 - It provides community facilities which will keep residents connected to their friends and neighbours;
 - It is spacious, modern, easy to maintain and is designed to meet residents' changing needs;
 - The environment is safe and supported
 - There is the option for residents to continue living with their partner if only one of them has a care need.
- 1.10 Essex County Council is investing £27.7 million into the Independent Living programme in order to deliver this housing for a growing elderly population. It will result in 1800 new Independent Living homes being created around the county between now and 2021.
- 1.11 Essex Housing therefore has a mandate to deliver specialist residential accommodation across the County, including Independent Living.

The Proposals: Overview

- 1.12 The application proposes to demolish the existing redundant former ACL building and construct a scheme which would be comprised of two distinct elements; the C2 Independent Living element in the eastern part of the site and the C3 residential element in the western part of the site. The two elements would be separated by a spine road serving the two halves of the proposed development.

Independent Living Accommodation

- 1.13 This comprises the construction of a 60-unit extra care residential care home designed to promote independent living for people with a range of care needs. The proposed building would be 3 storeys in height and would be to an “L” shaped arrangement with communal facilities that would be open to residents and their visitors. The building would have a flat roof.
- 1.14 Communal facilities available to residents and their visitors would include:
- Coffee shop;
 - Hair salon;
 - Scooter storage facility;
 - Formal, informal and quiet lounges; and
 - Exterior garden / amenity areas.

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- 1.15 The nature and amount of care required (minimum 6 hours per week) means that the scheme could broadly be classified as a C2 use i.e. residential accommodation and care to people in need of care as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.16 The Independent Living accommodation would include a 50:50 split of private and affordable accommodation with 1 and 2 bedroom units. This means that of the 60 units proposed, 30 would be defined as affordable.
- 1.17 Due to the nature and level of specialist care provided, Essex Housing proposes to retain nomination rights to ensure that residents are appropriate for the development. As such, in the interest of flexibility, Essex Housing does not wish for agreement to be sought for the tenure mix of the affordable housing (and units to which they relate) at the planning application stage. The application details do not provide a breakdown of the affordable tenure dwelling sizes within the Independent Living part of the scheme.
- 1.18 The facility would have a 31-space car park located in the southern part of the site and privately and securely accessed communal gardens within. The design of the proposed building is contemporary and would utilise a mixture of materials including brick, render and weatherboarding with glass balconies, efficient window designs and flat roofs

Residential Dwellings

- 1.19 The 14 residential units would comprise a mix of 3 and 4 bedroom private market dwellings. As with the Independent Living proposals, they would also be of contemporary design using a pallet of materials to match the existing neighbouring properties. All the private units will be 2 storeys in height with the exception of the six town-house style units fronting Rocheway which are proposed at 2.5 storeys.

Features Common to Both Elements of the Proposal

Vehicular access into the site would be via a dedicated new access point on Rocheway. A spine road would run through the middle of the site north to south, separating the Independent Living accommodation to the east from the residential units to the west.

- 1.20 As described above, Essex Housing does not wish for agreement to be sought on the tenure mix of the Independent Living units at the planning application stage in order to maintain nomination rights to ensure that residents are appropriate for the development.
- 1.21 **Details of the Proposed Development**
- 1.22 The submitted plans indicate that the existing brick wall incorporating an upper railings section, which defines the northern boundary of the site with Rocheway will be retained. The existing gated access to the north eastern extremity of the site is shown to be in filled to tie in with the remaining wall.

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- 1.23 The site layout plan indicates that the access road which is 16 metres wide at its junction with Rocheway will curve as it progresses from north to south off which vehicular access will be gained to the sports fields which are located to the south of the development site. The plans indicate that Phase 1 will involve the development of the western section of the site which will entail the demolition of the existing building and the building of the 14 residential units with Phase 2 involving the establishment of the independent living accommodation which is located to the East of the access road.
- 1.24 It is indicated the car parking spaces necessary in connection with the ongoing use of the sports field located directly south of the application site will be provided within that area of the site which will be subject of the second phase of the proposed development. A Temporary Football Parking Plan (Drawing No. 6400/1109) has been submitted which indicates the provision of in excess of 60 car parking spaces which can be provided for use by the sports pitches during the construction phase of Phase 1.
- 1.25 The submitted site plan entitled Proposed Site Plan (Drawing Number 6400 / 1106 Revision P2) indicates the relationship of the proposed built form to Rocheway which will constitute the principal public realm perspective as illustrated by the Rocheway Street Scene elevation plan (Drawing Number 6400/1304 Revision P2). This plan indicates that the height of the apartments will be approximately 9.6 metres, which is reflected in the height of the 3 storey dwellings which form the frontage of phase 1 which are noted to be 10.2 metres in height. Five of these frontage dwellings will be orientated with their gable elevation facing Rocheway, each of which will incorporate a lower flat roof section over a ground floor garage which will provide access at first floor level to a balcony area.
- 1.26 The site plan indicates that the built form associated with phase 2 along its frontage with Rocheway will be set back 13 metres from the footway where 6 dwellings will be sited and served by shared frontage vehicular access which will terminate in a turning square at the Western extremity of the site.
- 1.27 The site plan indicates the provision of a bin collection area set adjacent to this access area with an indication of the provision of a possible substation at the North Western corner of the site which does not form part of this application. The plan indicates a 6 metre wide verge frontage between the service road fronting these properties and the boundary with Rocheway which will be subject to tree planting. These frontage dwellings will be served by rear garden areas, three of which will share a boundary with Numbers 30 and 32 Rocheway that are set back from the main road.
- 1.28 The rear gardens of the remaining dwellings within this frontage will in the main back onto the rear gardens of three further dwellings which form part of Phase 1, these dwellings being accessed off a minor access road which will branch off the main central access route. Three dwellings will be located to the north of this minor access way with a further two located on the opposite

side, whilst three dwellings will be accessed off the southern section of the access route just north of the boundary of the site with the sports pitches.

- 1.29 The site plan indicates that the frontages to the apartment development will be set back 4 metres from Rocheway, much closer therefore to the highway than the frontage of phase 1 with that same highway. These 3 storey flat roof apartments which will incorporate significant extent of glazing will partly envelope the built form within the remaining part of Phase 2, which will be served by 31 car parking spaces located within a courtyard area located towards the rear south west aspect of site.
- 1.30 The site plan indicates that the proposed built form of phase 2 will take the form of an L shape plan which will involve building along the majority of the eastern boundary of the site to enclose an inner U shaped feature to the building form, which will sit behind the main frontage apartments.
- 1.31 A substation is illustrated on this plan which is to be located at the southern boundary of the site directly east of where the access road would terminate just north of the sports pitches.
- 1.32 External materials are indicated to comprise a mix of red facing brickwork, white mortar with struck pointing, grey facing brickwork with light grey mortar with struck pointing and off white through colour self-cleaning render.
- 1.33 A landscaping plan is submitted in support of the application, which sets out the general soft and hard landscaping arrangements for the site. The plan indicates the proposed use of a range of hard landscaping materials which will visually define the extent of the private and public realm. Materials will range from block paving on private driveways and footpaths and flag paving on private terracing to coloured (Buff) tarmac on car parks and footpaths. Shared surfaces such as courtyard areas will consist of flag paving and resin bound gravel whilst the adoptable highway will consist of tarmac. Treatment of boundaries are indicated to consist in part of brick walls which will be a prominent feature as entering the site, these being 1.8 metre high walls which form the enclosure of the private realm from the site access of Rocheway for a distance of approximately 40 metres either side of the highway which will be breached to provide access to the frontage of the Phase 1 development. The plan indicates that a brick wall will form part of the design within the courtyard area of the Phase 2 development with the incorporation of a 34 metre long wall which will visually separate the car parking area from the built form.
- 1.34 Close board fencing would be kept to a minimum and utilised to define the rear garden boundaries of those 14 dwellings subject of the Phase 1 development and the southern boundary of this Phase with the sports pitches.
- 1.35 The frontage of Phase 2 will incorporate private terracing at ground level which will be set behind a hedge boundary which will front Rocheway. This planting will be replicated along the boundary of phase 2 with the estate highway for a distance of approximately 60 metres and partly replicated on

the other side of the highway between the frontage plots and the plots which are located behind these to the south.

- 1.36 Some existing trees and illustrated by the broken line are to be removed with tree planting proposed along the site frontage with Rocheway and dispersed throughout the site within soft landscaped areas. The Landscaping Plan does indicate a proposed retaining wall to be located to the West boundary of the site adjacent to the frontage plots required to address differences in site levels between the site and the land to the West, although no further details are submitted in terms of its height.
- 1.37 A Tree Protection Plan is submitted which indicates that protective fencing will be installed whilst demolition and construction is taking place. This fence will be removed when construction is complete and replaced with temporary ground protection whilst any other work is being carried out. The plan indicates that trees along the far north eastern boundary of the site will be crown lifted to ensure that fence panels can be installed.

2 THE SITE

- 2.1 The site is the former Adult Community Learning Centre on Rocheway, a large building and its immediate grounds constructed in 1937 which was in education use until it was vacated in 2013 when it became surplus to requirements. The site totals 1.03 hectares in size. The building is of institutional appearance, symmetrical in shape, tall single storey with a two storey frontage, with a large internal quadrangle and is set back from the road front with expansive hardstanding for vehicle parking.
- 2.2 A low brick wall with railings runs the length of the site frontage. There is a cluster of trees within the quadrangle and a number of trees dispersed along its eastern boundary.
- 2.3 Vehicle access is gained via an entry/exit point on Rocheway adjacent to its eastern boundary. The site also provides vehicle access to the Disability Essex site adjacent to the south west, which must be retained as part of any redevelopment proposals.
- 2.4 The site is located in the Metropolitan Green Belt but forms the outer edge of the physically defined confines of the Rochford urban area, which is excluded from the Green Belt. Immediately adjacent to the north and west of the site is an eclectic mix and age of residential development. To the east is open Green Belt countryside characterised by flat open arable agricultural land. To the south of the site are playing fields associated with the former educational use of the premises, also within the Green Belt, but which do not form part of the application site. These sports pitches are also allocated as open space. The topography of these playing fields gently drops down to the River Roach to the south.

- 2.5 The site is located within easy walking distance of Rochford town centre's many services, facilities and retail offer via safe, convenient and well-lit pedestrian routes. Rochford town centre also offers regular bus routes to Southend-on-Sea and Rayleigh and mainline railway links to London Liverpool Street and London Southend Airport. The site is considered to be sustainably located

3 RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history relating to the site other than that which is known regarding its historic use which falls under a D1 use (Non Residential Institutions) as defined by the Use Classes Order 1987.

4 CONSULTATIONS AND REPRESENTATIONS

4.1 Rochford Parish Council

- 4.2 Members objected to this application for the following reasons:-

- 4.3 Members question if the number of Independent Living units in such proximity to large family houses would be an appropriate mix. They believe it would be appropriate for a need assessment to be carried out for Independent Living Units as it appears there is already a surplus in the area.

- 4.4 The parking provision is in line with residential need, however Members understand that it is intended to continue to let the football pitches and in view of the limited parking available in the adjoining roads there would appear to be insufficient parking to accommodate this.

- 4.5 It is hoped that due to the size of the development a contribution will be made to Highways to re-surface and widen the footpaths so they can accommodate electric scooters, wheelchairs and walking aids.

- 4.6 Members are concerned that the distance to Public transport is not within recommended distances.

- 4.7 Members want to see confirmation of the noise level aircraft would have on the site, as Southend Airport flight path crosses over this site, and was the prime reason the original school was closed.

- 4.8 Members understand there is a covenant on this site restricting its use and would want to see this removed before any work commencing on site.

- 4.9 Members have asked that if any development is considered for approval, as this is the loss of a Community Facility the developer should provide something similar for use of all residents, or contribute to an existing facility and the Parish Council be included in any discussion on this.

4.10 Essex County Council Highways

No response received.

4.11 South Essex Clinical Care (NHS)

No response received.

4.12 Essex County Council Flood and Water Management (SuDS)

4.13 As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since 15 April 2015.

4.14 In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards, as set out in the following documents:-

- Non-statutory technical standards for sustainable drainage systems;
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide;
- The CIRIA SuDS Manual (C753); and
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority Position

4.15 Having reviewed the associated documents which accompanied the planning application, we do not object to granting of planning permission, subject to the following conditions:-

Condition 1

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:-

- Disposal of surface water generated by the development via infiltration where viable for all storm events up to the critical 1 in 100 year rate, plus 40% allowance for climate change. Where infiltration is not viable, run off from the site should be restricted to a maximum of 5l/s for all storm events up to the critical 1 in 100 year rate, plus 40% allowance for climate change.

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- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
 - Final modelling and calculations for all areas of the drainage system. It should be clearly shown how surface water up to the 1 in 100+40% will be managed on site.
 - The appropriate level of treatment for all run off leaving the site, in line with the CIRIA SuDS Manual C753.
 - Demonstration of any relevant permissions to discharge into the off site sewer and details regarding any areas of the pipe that will need to be refurbished.
 - 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.

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.

Condition 2

No works shall take place until a scheme to minimise the risk of off site flooding caused by surface water run off and ground water 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 103 and paragraph 109 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

- 4.16 Construction may lead to excess water being discharged from the site. If de-watering takes place to allow for construction to take place below ground water 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 ground water which needs to be agreed before commencement of the development.
- 4.17 Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 3

No works shall take place until a Maintenance Plan detailing the maintenance arrangements, including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

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

Condition 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.

- 4.18 Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration.
- 4.19 If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Summary of Flood Risk Responsibilities for your Council

- 4.20 We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless, these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.
- Sequential Test in relation to fluvial flood risk;
 - Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
 - Safety of the building;
 - Flood recovery measures (including flood proofing and other building level resistance and resilience measures); and
 - Sustainability of the development.
- 4.21 In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.
- 4.22 **London Southend Airport**
- No objection.
- 4.23 **Essex Police Crime Prevention Officer**
- No response received.
- 4.24 **Anglian Water Services**
- 4.25 Records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

- 4.26 The foul drainage from this development is in the catchment of Rochford Water Recycling Centre that will have available capacity for these flows.
- 4.27 The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.
- 4.28 From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a water course.
- 4.29 Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.
- 4.30 **Essex County Council Planner Minerals**
- No response received.
- 4.31 **Rochford District Council Principal Street Scene Officer**
- Advise there is a charge of £168.00 per household for bins which is required in advance of occupancy.
- 4.32 The applicant should refer to the Development Management planning policy document page 90 Appendix 1 for waste collection requirements.

Neighbour Representations

- 4.33 A total of eight representations of objection to the proposed development have been received from the following addresses:-

Mornington Avenue: 36.

North Road, Westcliff-on-Sea: 211

Rocheway: 21 (two letters) 25, 23, 27, 30.

And which in summary make the following comments and objections:-

- Concern that the development will result in a loss of light, loss of privacy and give rise to overlooking;

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- Concern regarding the perceived loss of view;
 - Concern that the development constitutes over-development;
 - Concern regarding parking provision;
 - Concern regarding poor design and layout of the development;
 - Concern that the development is too close to site boundaries;
 - Concern regarding traffic generation and access;
 - Concern that the development is out of character and scale with that of the street scene and the built form in the vicinity;
 - Concern regarding the impact of the development on the amenity of the dwellings located on the opposite side of Rocheway;
 - Concern regarding access to the designated open space to the south of the site;
 - Concern regarding the adequacy of parking on match days and what arrangements are in place to address this issue;
 - Concern regarding the loss of community and amenity space to yet more housing;
 - Point raised that there is a covenant on the building which restricts the use of the site for educational purposes;
 - Concern regarding the balconies which are north facing which will give rise to overlooking and overshadowing;
 - Understand that now there is a need for more houses and this type of dwelling, however, I think that the proposed plans for this site are too high for the surrounding area and should be restricted to a two-storey building and that there should not be balconies facing Rocheway for three reasons, firstly they will overlook directly into the properties opposite in Rocheway; secondly, they will block the sun for the front of these properties; and thirdly, as they will be north facing, most of the time they will be in the shade with cold temperatures so the balconies will be hardly used;
 - The impact of extra traffic from this site and the new flats built in Rocheway in the last year will have a greater impact on the amount of traffic, both entering and exiting Rocheway, both into and out of East Street, than the Phil Jones Associates Transport Statement suggests. It is already a dangerous problem to move freely in both easterly and westerly directions in Rocheway, as there is a blind bend at approximately 30 yards from the junction of Rocheway and Stambridge Road;

- I did suggest when the parking restrictions for Rocheway were consulted on in approximately 2015 that there should be no parking at all on one side of Rocheway, I think this should be on the north side for the first 50 or 60 yards so there is not a blind bend as there is when cars and vans are parked on both sides making only one lane able to be used for two-way traffic;
- I would also like to make the point that the football pitches at the rear of this site are used most weekends and the cars usually park on the school site. When this is full they park in Rocheway and surrounding roads: if they are still going to use these pitches, where are they going to park? In the past once the school playground is full we have had cars blocking our driveways;
- I think the Keep Clear restriction should be enforced with cameras at the entrance of West Street and the Market Square as this would speed up the flow of traffic around this junction, as very often cars block the way for buses; they then stop all traffic in South Street and East Street, which soon backs up in East Street to Weir Pond Road and back to the Rocheway junction. This would help to relieve the movement of any extra traffic from this planning proposal and traffic all around Rochford town centre;
- Finally, Phil Jones Associates suggest in their Transport Statement that there is a hospital within 10 minutes walking distance and that there are supermarkets within 5-10 minutes walking distance;
- The hospital in Rochford is for patients with mental health issues. Also, it is unfortunate that we will be losing our largest supermarket (Budgens) in the next week: for the second time in about a year as it is not large enough so people travel further for their shopping. This is not good if, as suggested, you should walk or go by bicycle to the shops or work for that matter.

5 MATERIAL PLANNING CONSIDERATIONS

5.1 Principle of Development

5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a statutory responsibility on planning authorities to determine planning applications in accordance with the provisions of the Development Plan unless material planning considerations indicate otherwise.

5.3 The Allocations Plan (2014) forms part of the Development Plan for the Rochford District. The Allocations Plan superseded the proposals map that accompanied the 2006 Replacement Local Plan. In this instance, given the nature and scale of the proposed development, the provisions of The National Planning Policy Framework (March 2012) and Planning Practice Guidance have to be taken into account in the consideration and determination of this planning application.

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- 5.4 The adopted Development Plan is the Rochford District Core Strategy adopted December 2011, the Allocations Plan adopted February 2014 and the Development Management Plan adopted December 2014.
- 5.5 The Allocations Plan allocates specific sites and sets out detailed policies for a range of uses, including residential, employment, education and open spaces, and has been prepared in accordance with the general locations and policies set out in the adopted Rochford Core Strategy to accommodate the current housing and other development needs in the District.
- 5.6 In addition, the provisions of the National Planning Policy Framework (March 2012) are key material planning considerations which inform decision making. This sets out the principles of the presumption in favour of sustainable development and the core planning principles of development, which emphasise the role of the planning system in supporting economic development to deliver the homes that the country needs, giving regard to quality design, carbon reduction and promoting the re-use of previously developed land, whilst at the same time protecting the Green Belt.
- 5.7 Given the principles set out above, the development has to be considered in the light of Rochford Council's Core Strategy and Development Management Plan, recognising that at the time the current Allocations Plan was prepared for adoption the site was not vacant. This is also the case in the context of Rochford District Council's Core Strategy, which was adopted in 2011. The site is not subject to a particular allocation as no development brief was prepared as part of the 'Development Plan' process to account for the possibility that it may become vacant in future.
- 5.8 The site is located within the designated Green Belt, as are the playing fields to the south of the site and the arable field to the east of the site. However, as defined by satellite imagery, the site is located within an area which is residential in character, although it would be a reasonable consideration that the site is on the outer edge of the settlement and enveloped to the south and east by open land, which is designated open space and Green Belt to the south and open Green Belt to the east.
- 5.9 It is not clear, given that the built form at the application site has been in existence since the 1940's, why the site is allocated within the Green Belt as the character of the site itself is aligned with the built form which encompasses it to the north and west.
- 5.10 Given the underlying principles of Green Belt policy which is to safeguard the character and openness of the Green Belt, and notwithstanding the individual merits of the application submitted, the key principal issue to address is that of whether the underlying objectives of the Green Belt policy, as set out by Chapter 9 of the NPPF would be undermined.
- 5.11 It is noted that the Green Belt serves five principal purposes, including checking unrestricted sprawl of large built up areas and to assist in

safeguarding the countryside from encroachment in order to keep land permanently open, which is recognised as the essential characteristics of Green Belts (their openness and permanence).

- 5.12 Fundamentally, the key issue in this instance is that of whether the proposed development is considered to be inappropriate development which by definition would be harmful to the Green Belt and which should only be permitted in exceptional circumstances. The NPPF indicates that when considering planning applications local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
- 5.13 Paragraph 89 indicates that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. However, exceptions are cited which include limited infilling or partial or complete re-development of previously developed sites (brown field land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 5.14 It is noted that Rochford District Council's Development Management Plan (adopted December 2014) indicates that the openness and character of the Rochford Green Belt continues to be protected, though small areas next to settlements have been released for development, whilst the long term aim is to ensure that the Green Belt remains predominantly undeveloped and open in character. The same plan indicates that the objective of the Council is to continue to protect the openness and character of the District's Green Belt and to ensure that a minimum amount of Green Belt is allocated to meet the District's housing and employment needs; and that extensions to the residential envelope are in sustainable locations, which retain the individual identities of settlements and prevent coalescence.
- 5.15 The Proposals Map identifies the site directly adjacent to the defined settlement boundary for Rochford, so despite falling within the Green Belt it must be viewed within the context of the built development it physically forms a part of. It shows that the site is sustainably located within 400 metres of Rochford town centre and therefore fulfils all of policy DM10 criteria for a previously developed Green Belt site.
- 5.16 In respect of the impact upon Green Belt openness under Framework paragraph 89, the plans accompanying this application show that the proposed buildings would have a greater spread of building footprint than the existing development, which is wholly contained within the existing single building occupying the site. The existing building has a gross external area of 2138sqm but its apparent impact upon the Green Belt is much larger due to the presence of a large quadrangle feature which significantly expands its outer footprint, particularly when viewed from street level. Therefore, in real

terms the total quantum of development proposed by this application (the C2 and C3 elements in combination) is considered comparable with the existing building and therefore acceptable in terms of its impact upon the openness of the Green Belt. The pre-application enquiry revealed that officers consider the principle of new “C” use class development to be acceptable in this location because it is previously developed land and would accord with policy H1, which seeks to prioritise the use of such land for new development.

Given the location of the site, which has a close physical and spatial association with the built form of the settlement which in that vicinity is characterised by residential development and its current vacant status, together with the development proposed, it is not considered that the proposed development is inappropriate development within the Green Belt as defined by Paragraph 87 of the NPPF. As such, it is not considered that the proposed development will be harmful to the Green Belt by reason of inappropriateness. It is considered, therefore, that the circumstances of the site and development fall within planning policy such that material weighting does not have to be given to the other considerations which would outweigh the harm, if such was considered to be the case.

- 5.17 As a matter of principle therefore, it is not considered that the development proposed is in direct conflict with planning policy.
- 5.18 Having established the principled acceptability of the proposals, a number of material planning considerations have to be considered informed by the following documents:-
- The Core Strategy (adopted in December 2011);
 - The Development Management Plan (December 2014);
 - Allocations Plan (February 2014);
 - National Planning Policy Framework (2012) (“the Framework”);
 - Planning Practice Guidance (2014) (“PPG”);
 - SPD7 – Design, Landscaping and Access Statements (2007);
 - Parking Standards Design and Good Practice SPD (2010);
 - Essex Design Guide (2005);
 - Essex Design Guide Urban Place Supplement (2007); and
 - Essex County Council’s Independent Living Design Guidance (2016).

An assessment of the scheme against these Development Plan and material considerations is set out below.

5.19 Provision of Specialist Housing on Surplus Public Sector Land

5.20 The Applicant, Essex Housing, is a new function hosted by Essex County Council on behalf of all Essex public sector partners and was developed through the Housing and Surplus Public Sector Land Project. With a total Capital Programme of £42m, Essex Housing is working with partners to bring forward land to build homes in order to address housing need across Essex.

5.21 The Statement at appendix 1 explains that Essex County Council now has the mandate to deliver new specialist housing on its and its partners' surplus property assets in accordance with the Housing and Public Sector Land Project. The delivery of Independent Living accommodation on the former ACL Centre at Rocheway would fulfil this purpose locally within Rochford. As with any Essex Housing project, any proceeds from the development of the site would be reinvested into the Essex Housing programme for use in pipeline projects across the County. That this specialist residential development would be procured and construction process overseen by Essex Housing means that the delivery of the scheme, if approved by RDC, would be guaranteed.

5.22 Appendix 1 is therefore a material consideration that should weigh in favour of the application.

5.23 Change of Use

5.24 The existing lawful use of the site may be considered to be D1 (non-residential institution). The proposed use would be a combination of C2 (residential institutions) for the 60 units of Independent Living accommodation and C3 (dwelling houses) for the 14 private market homes. The Development Plan does not contain any policies that govern the change of use of existing educational facilities such as this, so there is therefore no objection in policy terms to the change of use.

5.25 Notwithstanding this, it should also be noted that the vacation of the building by the former Adult Community Learning Centre forms part of a wider relocation and modernisation programme of County-wide Adult Community Learning provision by Essex County Council, so the change of use would not result in the loss of the facility because it is now being re-provided in other ways.

5.26 The Need for Specialist Accommodation

5.27 The statement submitted from Independent Living (at appendix 2 of the Planning Statement) demonstrates the local need for new housing in Rochford during the period up to 2020.

5.28 The Statement identifies a particular need for Independent Living accommodation in Rochford District in the short term. It should be of note that because Independent Living does not fit easily into the traditional model of sheltered housing (use class C3) or extra care housing (use class C2) –

because it shares characteristics of both – this demand takes account of identified need not already accounted for by existing C2 or C3 facilities within Rochford. Hence, there is a need to deliver Independent Living accommodation within the district in accordance with this evidence. The Statement also provides confirmation of the process by which the units would be filled within a short (6 month) time frame, as requested by Rochford District Council during the pre-application process.

- 5.29 To further justify the need for the proposals, Rochford District Council's own evidence base identifies a longer term need for Extra Care housing facilities. A requirement of approximately 140 Enhanced Sheltered Housing bed spaces and 174 Extra Care (24/7) Support units up to the year 2037 are projected. This sets out a clear long term future requirement for such specialist accommodation, as required by NPPG3.
- 5.30 The 60 Independent Living units proposed by this scheme, on a sustainably located site within easy and convenient walking distance of Rochford town centre, would therefore make a valuable contribution towards both the short and long term requirements identified by Essex County Council and Rochford District Council's respective evidence bases and in a manner that would meet future market demand.

Housing Delivery

Affordable Housing Provision and Tenure

- 5.31 Rochford District Council's Local Plan Policy H4 requires at least 35% affordable housing provision on developments of 15 units or more. The scheme proposes 41% affordable provision, so the scheme would be in excess of this requirement. This excess provision may be considered as a significant planning benefit.
- 5.32 Due to the nature and level of specialist care provided, Essex Housing proposes to retain nomination rights to ensure that residents are appropriate for the development. As such, in the interest of flexibility, Essex Housing does not wish for agreement to be sought for the tenure mix (and units to which they relate) at the planning application stage.

Vacant Building Credit

- 5.33 The National Planning Practice Guidance 4 provides an incentive for brown field development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, it says that the developer should be offered a financial credit equivalent to the existing gross floor space of relevant vacant buildings when the Local Planning Authority calculates any affordable housing contribution which will be sought. It says that affordable housing contributions may be required for any increase in floor space.

- 5.34 The 41% affordable housing provision proposed by this application is 6% in excess of the 35% policy H4 requirement. This demonstrates that the application is not proposing to use the incentive of Vacant Building Credit to justify a reduction in affordable housing provision in order to make it viable or deliverable. This adds further weight to the significant planning gain afforded by its excess affordable housing provision. Notwithstanding this, Essex Housing wishes to state its position on the level of VBC that could have been achieved in the event that it wished to exercise this policy allowance.
- 5.35 For the purpose of calculating Vacant Building Credit (VBC), the accompanying Design and Access Statement provides a full breakdown of the existing and proposed Gross Internal Areas of the buildings to be demolished and of the scheme as proposed. The main figures are as follows:-
- GIA – Existing buildings = 2071sqm
 - GIA – Proposed buildings = 7963sqm
 - Vacant Building Credit (VBC) = 5892sqm (proposed GIA minus the existing GIA).
- 5.36 The scheme is capable of generating 5892sqm of VBC, but to summarise, Essex Housing is not seeking to use this as a means of reducing the amount of affordable housing provision on site as part of this application for the development proposed.
- 5.37 The scheme proposes a policy exceeding the amount of affordable housing, without VBC; this is a substantial planning gain which should be considered favourably by RDC.
- 5.38 The matter raised by Essex Housing in relation to the proposed phasing of the development should planning permission be forthcoming is noted. It is understood that phase 1 will consist of the development of 14 dwellings which are to be 3 and 4-bedroom dwellings that will be for private ownership. I note that it is the anticipation that the affordable element can only be provided post completion of the first phase, which will in effect provide the momentum and the capital required to enable phase 2 to proceed. It is understood that phase 2 will consist of the provision of 60 units (comprising a mix of 1 and 2-bedroom units), 30 of which will be affordable units and which will constitute the 35% overall requirement of affordable housing (as required by planning policy) provision within the overall development. The agent confirms that the affordable housing provision would be 41%, which is 6% in excess of the 35% policy requirement.

Mix and Type of Housing

- 5.39 Adopted policies H5 and DM2 say that new developments should provide an appropriate mix of dwellings to meet the community's needs. Policy H5 also states that a proportion of the affordable provision within developments will be required to be in the form of three or more bedroomed dwellings. The mix

would comprise a spread of 1, 2, 3 and 4-bedroomed dwellings, but that 100% of the affordable dwellings would be contained within the Independent Living part of the scheme as 1 and 2-bed units. Specifically, within the Independent Living accommodation, this tenure split would equate to 50% affordable.

- 5.40 In respect of the spread of affordable provision across the site, strict adherence to policy H5 would not be desirable in this case because Independent Living forms the basis of the proposed development. Its purpose, as mandated by ECC, is to deliver new, fit for purpose, adaptable accommodation for all qualifying members of the County's increasing elderly population including in this case a 50:50 tenure split across 1 and 2 bedroom units. It would therefore not be appropriate to compromise this aim simply to accommodate a higher proportion of affordable housing across the wider site.
- 5.41 In respect of the general housing mix, the scheme does, however, seek to take account of policy DM2 by proposing a mix of 3 and 4-bedroomed private market dwelling houses for the scheme's remaining units in order to re-balance the overall mix of accommodation proposed on the whole site. This is considered an appropriate response to meet the requirements of policies H5 and DM2 when considered as a whole and in the context of other considerations relevant to this case.
- 5.42 The mix and type of proposed housing is therefore considered acceptable.
- 5.43 **Design and Layout**
- 5.44 The submitted planning statement refers to the provisions of the National Planning Policy Framework (NPPF) and the great importance placed on design of the built environment, which is a fundamental aspect of sustainable development. Good design should contribute positively to making places better for people. Planning decisions should ensure that developments function well, establish a strong sense of place, optimise the potential of the site, respond to local character while not preventing appropriate innovation, create safe and accessible environments, and are visually attractive as a result of good architecture and appropriate landscaping.
- 5.45 Framework paragraph 58 says that planning decisions should aim to ensure that developments will function well and add to the overall quality of an area, establish a strong sense of place using streetscapes and buildings to create attractive and comfortable places to live, work and visit, and optimise the potential of a site to accommodate new development amongst other matters. Policy CP1 reflects this.
- 5.46 The Design and Access Statement explains that the development seeks to optimise the use of the site and identifies the constraints and opportunities that have played a part in the design of the proposals. The scheme's two distinct areas of accommodation - the Independent Living and the market dwellings - form the basis for a new central spine road serving both halves of the development. This is both a logical and appropriate design response to

the site's physical characteristics. The design responds to the site and its surroundings in that:-

- The proposed row of town houses along the existing street at Rocheway would act as an appropriate continuation of the existing residential development in this location;
- The position and location of the Independent Living building adjacent to the road at its eastern most point would act as an appropriate and strong “end-stop” to the built frontage along Rocheway;
- The layout takes account of the requirement to maintain a right of access into the site occupied by the former Disability Essex building to the west;
- The scheme is at a density which optimises the development of this sustainably located previously developed site;
- The layout has been designed so as not to preclude future development opportunities; and the design and layout of the Independent Living accommodation takes full account of parking, landscaping and private open space requirements and is intended to enable its future residents to retain their independence in their own home for as long as possible, in full accordance with the principles contained within the ECC Independent Living Design Guidance.
- The Independent Living accommodation is adaptable, thereby complying with the requirements of policy H6 which seeks at least 3% of new dwellings on developments of 30 or more dwellings to be wheelchair accessible.

5.47 The Design and Access Statement also provides details of refuse collection and cycle storage for the development as a whole, which both comply with the relevant standards.

5.48 The proposed use of contemporary design for the development is considered acceptable for the locality, given that there is a lack of any strong sense of architectural character in the area. The Design and Access Statement demonstrates that the Independent Living scheme would utilise durable, robust materials and large glazed areas to provide a high quality of design that would give the development longevity within its surroundings. The dwelling houses would be of contemporary design, but their use of traditional building materials and fundamentally traditional silhouette means that they would not be out of keeping or incongruous in the locality and therefore accord with policy DM1.

5.49 Policy DM2 seeks proposals to make efficient use of the site area in a manner that is compatible with its use, intensity, scale and character of the surrounding area. The scheme does this with a density of 74 dwellings per hectare, contributed to in the main by the amount of proposed Independent Living units accommodated on its footprint and that it extends to three storeys

in height. The existing ACL Centre building is only two storeys high, but it is a grand building with very tall ceilings, so the scale of the proposals are materially no larger than existing and are therefore acceptable.

5.50 The scheme accords with the minimum space standards prescribed by policy DM4. Internal and external spaces are useable and suitable for modern living, in accordance with this policy.

5.51 The scheme's design proposals accord with the Essex Design Guide, adopted policies CP1, DM1, DM2 and DM4 and Framework guidance.

5.52 **Landscaping**

5.53 The landscape strategy provides a range of features in order to maximise the attractiveness and functionality of the development for its residents.

5.54 Specifically, the Independent Living part of the scheme accords with the Independent Living Design Guide requirements and below is a selection of the main features:-

- Introduction of varied ornamental planting;
- Interesting and visually pleasing communal gardens that are wheelchair accessible from the lounge area;
- Two rooftop terraces (for outdoor living, BBQs, etc.) with shaded areas (for summer shade);
- Aromatic planting to stimulate the senses (particularly important for residents with visual impairment) and bird boxes and feeders to welcome the presence of birds;
- Planting and habitats for biodiversity interest; and
- Use of hedges, walls, fences and gates to deter public access to private space.

5.55 All ground floor Independent Living units would have private paved terraces bound by a low wall and hedge or a timber fence. All first and second floor units would have balconies. These, in addition to the landscaped communal garden and two separate rooftop terraces, are considered acceptable.

5.56 The landscaping proposals for the 14 dwellings have been designed to provide for a safe and attractive environment with private amenity spaces that are useable.

5.57 Taking account of the above, the landscaping proposals are considered acceptable, although given the age and maturity and height of trees to be planted it is considered necessary to specify a planting height exceeding the 14-16 cm height of tree planting, as specified in the landscaping plan. It is

noted that an amended Landscaping Plan has been submitted, which confirms that the height of brick walls forming the boundary with the access road within the site will be raised to 1.8 metres. This requirement will be reflected by planning condition.

- 5.58 The timing of planting works, including the hedgerow planting and its maintenance, will need to be specified by condition, as considered reasonable and necessary.

Transport, Highways and Accessibility

- 5.59 The proposal is of sufficient scale that its transport implications need to be assessed under adopted policies T1, T3, T6, T8 and DM30, together with Framework paragraph 32. The accompanying Transport Statement demonstrates that the access proposals, which are to be taken from Rocheway and have been designed in accordance with the relevant guidance, are acceptable because they accord with the principles set out in ECC's highways design guidance. The development is in a sustainable location in close proximity to the Rochford town centre, as well as public transport services, and has been designed to incorporate cycles and the disabled.
- 5.60 The scheme would not have a significant impact upon the operation of the surrounding road network because the development would only generate up to 16 two-way vehicle trips in the AM peak hour period and 19 two-way vehicle trips in the PM peak hour period. When compared with the traffic generation associated with the current lawful use of the site, the impact of the proposed development would be negligible. Furthermore, the Transport Assessment identifies that there is no evidence to suggest that there are any highway safety issues which may be exacerbated by the development.
- 5.61 In respect of parking, because the application proposes a C2 use, the proposals do not fit easily within the definitions of residential/care homes used within the ECC parking standards, so it would not be appropriate to apply parking to a C3 residential standard. The scheme's proposals for 31 parking spaces represent provision at a ratio of 0.52 spaces per unit, but due to the specific nature of the proposals this is deemed sufficient to meet the needs of future residents, visitors and staff. The Independent Living units comprise 73 bed spaces in total. Against standard C2 this would have required a maximum of 25 parking spaces and in addition three further spaces for the full time equivalent staff. A reduction can be applied to this maximum, given the location of the site near to the Rochford town centre. The 31 spaces proposed would exceed that required if applying standard C2. The parking proposals are understood to have the agreement of the local highways authority and are in accordance with adopted policies T8 and DM30. For the residential dwellings, parking provision would be made at a rate of two per dwelling. Two visitor spaces would be provided along the shared private drive along the northern edge of the site. This has been deemed sufficient during pre-application discussions with the highways authority.

- 5.62 The accessibility of the site to a wide range of nearby public transport facilities would enable staff members, visitors and future residents of the proposed development to undertake journeys by bus or rail. The proximity of the site to Rochford town centre also makes it an excellent location for such a C2 facility, in accordance with other policy objectives for development of this nature.
- 5.63 In summary, the scheme is considered acceptable from a transport, highways and accessibility perspective.

Protecting the Amenities of Residents

- 5.64 The scheme would have no adverse impact upon the amenities of neighbouring residents or the future residents of the proposed scheme. The scheme complies with all relevant Essex Design Guide criteria in this respect and is therefore acceptable.

Ecology

Legislative Background

- 5.65 All native UK species of bat are listed in Annex II and IV of the EEC Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. This Directive is transposed into UK law through The Conservation of Habitats and Species Regulations Amendment (2012). All bats are also listed on Schedule 5 of Wildlife & Countryside Act 1981 (as amended) and are afforded further protection under Section 9 of this Act.
- 5.66 Section 41 Species of Principal Importance.
- 5.67 The Natural Environment and Rural Communities (NERC) Act came into force on 1 October 2006. Section 41 (S41) of the Act requires the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England. The list has been drawn up in consultation with Natural England, as required by the Act. The S41 list is used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 40 of the Natural Environment and Rural Communities Act 2006, to have regard to the conservation of biodiversity in England, when carrying out their normal functions.
- 5.68 An initial Ecological Appraisal submitted in support of the planning application was based on a worst case scenario and was submitted in order to ensure that the planning application was validated. In essence the submitted information was not based upon a survey undertaken at the appropriate time of the year in that a comprehensive understanding of the use or potential use of the site by bats could be ascertained.
- 5.69 However, an Ecological Bat Survey and Mitigation Strategy has more recently been submitted in June 2017 based on survey work undertaken during this year's (2017) breeding season.

- 5.70 The appraisal identifies that there is evidence of bats utilising the building - although in small numbers - and will require a European Protected Species (EPS) Licence from Natural England detailing the mitigation which will minimise the impacts of the development on any bats which are utilising the bat roost found. The agent indicates that the EPS licence is being sought in tandem with the application process to enable demolition of the building at the earliest possible opportunity.
- 5.71 The statement submitted indicates that the mitigation takes account of the surveys undertaken; this mitigation considered proportionate to the findings. The information submitted indicates that 2 bat surveys within the courtyard area have been undertaken during 2017 with 3 further surveys on the remaining part of the building, whilst a tree scoping survey in September and October 2016 was undertaken to assess the potential of trees to provide suitable roosting habitat for bat species.
- 5.72 During the emergent surveys undertaken during May 2017 1 Soprano Pipistrelle was observed and one Common Pipistrelle. The survey of the loft at the eastern extent of the building, together with the boiler house, provided evidence of past use by low numbers of Brown Long Eared Bats. This may have been when the building was in use before it closed approximately 4 years ago; whilst no evidence existed of use as a maternity roost by Brown Long Eared Bats.
- 5.73 The mitigation proposed involves the erection of 2 bat boxes on retained trees around or close to the site 3-5 metres off the ground. It is suggested that these boxes should be installed prior to the demolition of the building. It is also suggested that two integrated bat bricks should be installed within the development. The appraisal concludes that the exact mitigation will need to be agreed with Natural England as part of the licensing process.
- 5.74 It is indicated that these amendments to the mitigation do not affect the design or layout of the development in any material way. It is considered that this would be acceptable and would remove any requirement for the mitigation to be reserved for a planning condition(s).
- 5.75 The EPS licence is being sought by the applicant in tandem with the remaining planning application process to enable demolition of the building at the earliest possible opportunity.
- 5.76 The appraisal recognises that three trees with bat roosting potential will be felled to make way for the development, with the recommendation that these be soft felled. The appraisal recognises the potential impact of lighting during the construction phase on foraging bats, in particular infra red light and the luminosity of any lights which should not be installed at a column height exceeding 8 metres. The appraisal indicates that the lumens of any single lighting should not exceed 2000 lumens (150 watt) and should be sensor operated.

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- 5.77 Through implementing this mitigation strategy it is considered that all significant adverse impacts from the proposed development upon the roosting soprano pipistrelle population would be mitigated, in line with relevant wildlife legislation and planning policy.
- 5.78 The mitigation sets out the following considerations:-
- 5.79 In general, it is recommended that site lighting is kept to a minimum during the construction and operational phases, especially in areas of potential foraging/commuting corridors such as surrounding scattered trees and hedgerows. If lighting is necessary then there are a number of ways to minimise the effect of lighting on bats.
- 5.80 The following mitigation strategies have been taken from Bat Conservation Trust Landscape and Urban Design for Bats and Biodiversity (Gunnell et al., 2012) and other referenced sources: In general, light sources should emit minimal ultra-violet light (Langevelde et al., 2011) and avoid the white and blue wavelengths of the light spectrum, so as to avoid attracting insects and thus potentially reducing numbers in adjacent areas, which bats may use for foraging. Limiting the height of lighting columns to eight metres and increasing the spacing of lighting columns (Fure, 2006) can reduce spill of light into unwanted areas such as the aforementioned habitats.
- 5.81 The spread of light should be kept near to or below the horizontal plane, by using as steep a downward angle as possible and eliminating bare bulbs and upward pointing light fixtures. Other ways to reduce light spill include the use of directional luminaires, shields, baffles and/or louvres. Flat, cut-off lanterns are best. Additionally, lights should be located away from reflective surfaces where the reflection of light will spill onto potential foraging/commuting corridors. Lighting that is required for security or access should use a lamp of no greater than 2000 lumens (150 Watts) and be PIR sensor activated, to ensure that the lights are only on when required and turned off when not in use (Jones, 2000; Hundt, 2012).

Ecological Supervision

- 5.82 Due to the presence of protected species, it is recommended that a Construction and Environmental Management Plan (CEMP) is prepared to guide and inform the demolition and construction phases. The implementation of the CEMP should be through an Ecological Clerk of Works (ECOW) who would oversee key stages in site development and provide tool box talks as appropriate to contractors.
- 5.83 General Mitigation Incorporation into Scheme Working practices would include procedures and safeguards to monitor and mitigate the risk of pollution, dust generation and to control the quality and quantities of surface water discharged from the site.

Lighting

- 5.84 It is recommended that the design of the lighting scheme avoids direct illumination of site boundary vegetation, so as not to deter any bat species from foraging or commuting in these areas. Where luminaires are required in locations that light spill of the retained vegetation may occur, design measures such as reducing the column height and directional luminaires may be required and should be developed with input from an ecologist

Arboriculture

- 5.85 The accompanying Arboricultural Implications Assessment identifies an appropriate mitigation method for the loss of 28 trees it would be necessary to remove in order to facilitate the development. A 1:1 replanting ratio would be used in mitigation in order to reinstate the site's nature conservation value and this is considered appropriate, in accordance with policy DM25.
- 5.86 It is proposed that the recommendations of the Method Statement (regarding root protection areas, etc.) are followed and this may be adequately controlled by an appropriately worded planning condition.
- 5.87 It is considered that a suitably worded planning condition is necessary to ensure that the loss of the trees on site are adequately mitigated in the form of tree species which are well established root ball specimens which should be planted in accordance with the agreed phasing scheme, as opposed to whips which take a number of years to establish, which is not considered appropriate in this instance given the loss of trees from the site and the justification for adequate replacements in mitigation.

5.88 Drainage

- 5.89 Framework guidance requires development proposals to give priority to the use of sustainable drainage systems (SuDS) so as not to increase the risk of flooding. The proposals would accord with this guidance because the site is located within Flood Zone 1 (low risk of flooding). Furthermore, it would utilise permeable hard and soft landscaping installations that would ensure that surrounding land would not be affected. This, together with confirmation of the feasibility of the overall strategy, is demonstrated by the submitted Flood Risk Assessment and Drainage Impact Assessment.
- 5.90 Foul drainage would be provided by a gravity system and this would connect to the existing foul drainage system on site. The submitted Flood Risk and Drainage Impact Assessment indicates that surface water run off rates will need to be controlled to ensure that they do not pose flood risk to the site or elsewhere. A drainage strategy has been developed to manage all run off generated within the site and controlling discharge from the site.
- 5.91 Surface water discharge from the site is indicated to be via an existing 150mm diameter pipe, which outfalls into the River Roach further south. An approval

for discharge consent will be made to The Environment Agency in this respect.

5.92 **Economic and Social Benefits of the Proposals**

5.93 The scheme would deliver the following additional economic and social benefits:-

- 3 full time equivalent jobs in the care sector to cater specifically for the needs of the Independent Living scheme's residents;
- Additional jobs and economic activity created by the scheme (cleaners, gardeners, deliveries, kitchen staff, staff to attend the proposed coffee shop and hairdresser salon for use by residents and their visitors only);
- Jobs in the construction industry during the period of the implementation of the scheme; and increased footfall to local shops and services by residents and their visitors leading to their improved viability.

5.94 The above are tangible deliverable economic and social benefits which weigh in favour of the scheme.

Contamination

5.95 A precautionary approach has been taken to ground investigation because the site is previously developed. In accordance with policy ENV11, enclosed is a Ground Investigation report and this identifies no major barriers to the proposed development in terms of ground pollutants. This may be controlled by planning condition.

Planning Obligations

5.96 The Planning Statement indicates that the applicant is prepared to make appropriate and reasonably related planning obligations in order to mitigate any impacts the development may have, in accordance with the Community Infrastructure Levy Regulations

Environmental Sustainability

5.97 The Ministerial Statement of 25 March 2015 announced changes to the Government's policy relating to technical housing standards. The changes seek to rationalise the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building Regulations on water and access, and a new national space standard. From the date the Deregulation Bill 2015 was given royal ascent, 26 March 2015 to 30 September 2015, the Government's policy is that planning permissions should not be granted requiring, or subject to conditions requiring, compliance with any technical housing standards other than for those areas where authorities have existing policies on access, internal space, or water efficiency.

- 5.98 Rochford District Council has existing policies relating to all of the above, namely access (policy H6 of the Core Strategy), internal space (policy DM4 of the Development Management Plan) and water efficiency (policy ENV9 of the Core Strategy) and can therefore require compliance with the new national technical standards, as advised by the Ministerial Statement (March 2015).
- 5.99 Until such time as existing policy DM4 is revised, this policy must be applied in light of the Ministerial Statement (2015), which introduced a new technical housing standard relating to internal space standards. Consequently, all new dwellings are required to comply with the new national space standard, as set out in the DCLG Technical Housing standards - Nationally Described Space Standard March 2015. It is considered that the development complies with these standards.
- 5.100 Until such a time as existing policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement (2015), which introduced a new technical housing standard relating to water efficiency. Consequently, all new dwellings are required to comply with the national water efficiency standard, as set out in part G of the Building Regulations (2010) as amended. A condition could effectively deal with this matter if approval were to be recommended.
- 5.101 Policy ENV9 requires all new dwellings to achieve Code Level 4 of the Code for Sustainable Homes as a minimum. The Ministerial Statement relating to technical standards has not changed policy in respect of energy performance.

National Space Standard: Technical Housing Standards

- 5.102 Until such time as existing policy DM4 is revised, this policy must now be applied in light of the Ministerial Statement (2015), which introduced a new national technical housing standard relating to internal space standards for new dwellings. All new dwellings are required to comply with the new national space standard as a minimum.
- 5.103 The Planning Statement recognises the provisions of the national minimum space standards for residential development as reinforced by the Council's Supplementary Planning Document SPD 2 (Housing Design), which will be met, as will the parking provision on the basis of the 'Parking Standards Design and Good Practice SPD adopted December 2010, which in turn incorporates the Essex County Council document entitled 'Parking Standards – Design & Good Practice of September 2009. It is considered that the development accords with these principled requirements.

Lifetime Homes/Wheelchair Adaptable Properties

- 5.104 Policy H6 of the Core Strategy requires all new dwellings to meet the Lifetime Homes Standard, which seeks to ensure that homes can be easily adapted to meet the changing needs of home owners throughout their lifetimes. Although this policy is extant it has been superseded by Government advice, which

prohibits Local Authorities from requiring compliance with any technical housing standard other than in relation to the national space standard, accessibility, the optional requirements of the Building Regulations and in respect of energy. The Council cannot therefore insist that the Lifetime Homes Standard is achieved. Given that policy H6 is extant and requires that 3 per cent of dwellings on sites of more than 30 dwellings be built to full wheelchair accessibility standards, the Council can insist that the optional building regulation requirement in respect of wheelchair accessible properties is met for 3 per cent of the dwellings unless such a proportion is demonstrated to threaten the viability of the development in which case a lower proportion may be considered. The application is indicative that this requirement will be met. However, in order to remove doubt written confirmation can be sought on this matter.

Code for Sustainable Homes

5.105 Whilst policy ENV9 is still extant this policy has also, in part, been superseded by Government changes as of 1 October 2015. As with the Lifetime Homes Standard, the Local Authority can no longer require that dwellings achieve a certain Code for Sustainable Homes Standard level. However, changes have not yet affected energy requirements and given extant policy ENV9 the Council would require that all dwellings achieve the same energy performance as had been required of Code Level 4, as a minimum. A planning condition could address this requirement.

5.106 In respect of water efficiency, extant policy ENV9 enables the Council to insist on compliance with the optional requirement in the Building Regulations relating to water efficiency. Again, this requirement could be addressed by way of planning condition.

5.107 Renewable or Low Carbon Energy

5.108 Policy ENV8 requires developments of 5 or more dwellings to secure at least 10 per cent of their energy from decentralised and renewable or low carbon sources unless this is not feasible. The means by which this is to be achieved can be clarified prior to determination and an appropriate condition attached, if considered necessary and expedient.

5.109 An energy report is submitted in support of the application, which sets out how the development meets the expected requirements in this respect:

5.110 The information is included in the document entitled: Energy Report, which highlights the following:-

5.111 The purpose of this report is to show how the energy requirements of the 'Rochford District Council – Local Development Framework Core Strategy policy ENV8 and Building Regulations Part L1A / Part L2A can be met.

5.112 Specifically, there is a requirement for the development to achieve a minimum of 10% reduction in carbon emissions (unless this is not feasible or viable)

below the level required by the Building Regulations (Approved Document L1A / L2A 2013).

- 5.113 This report combines the results of both domestic and non-domestic calculations to enable the 10% renewable energies to be achieved for the whole development via a photovoltaic (PV) renewable energy solution.
- 5.114 **Parking Arrangements for Users of the Sports Field**
- 5.115 It is recognised that the development will ultimately affect the parking for the users of the playing pitches to the south of the application site during the course of development and on its completion, which will result in the displacement of the current parking area.
- 5.116 In response, the applicant has submitted a Temporary Football Parking Plan which shows that the requisite number of parking spaces could be temporarily retained for the users of the playing pitches to the south during construction, enabled by the strategic phasing of development. Access to the temporary parking would be via the existing site entrance on the eastern end of Rocheway and the parking would utilise the existing area of hardstanding at the front of the former Adult Community Learning building. This is intended to enable the concurrent demolition of the existing building and construction of the 14 residential units. This has the in principle support of the Hambro Colts, a local football team which uses the pitches for training and matches.
- 5.117 Following demolition of the building and construction of the 14 residential units, the applicant intends to construct the 60 apartment Independent Living accommodation. If the users of the playing pitches still require the use of a parking facility at that time, it may be necessary for the temporary car parking to be relocated onto an alternative location within the playing pitch land (also within ECC ownership) in a manner that would not prejudice the recreational use of the pitches. Details of this may be subject to further subsequent agreement and planning application.
- 5.118 It is considered that this matter is of key importance given the historic and existing use of the land to the south as a recreational area and as a designated open space. It is considered that access to the sports pitches and open space which falls outside the physical limits of the application site, but which is accessed via the application site must be maintained and safeguarded throughout the duration of the phased development and in perpetuity thereafter. It is considered that the matter of the existing and future car parking arrangements which will be affected and ultimately displaced by the development once phase 2 commences has to be taken into account.
- 5.119 This issue cannot be considered in isolation from the issue of the continued use of the sports pitches which are a community facility and which have historically been served by the parking area on this site. The loss of parking in connection with this community use may be considered in itself as a loss of a

community facility which needs to be mitigated at part of the application. This, however, is not the case.

- 5.120 It is understood that it is the developer's intention that car parking spaces be retained and provided within that area subject of the Phase 2 development for the duration of the Phase 1 scheme. However, no alternative solution or provision has been put forward by the application which indicates how the ongoing requirement for car parking in connection with the use of the sports pitches and open space will be provided.
- 5.121 It is considered that the loss of parking and failure to secure a feasible alternative will directly affect and prejudice the viability of the sports pitches which are an existing community facility. It is noted that policy CLT6 of the Core Strategy which relates to community facilities indicates that community facilities will be safeguarded from development that will undermine their important role within the community.
- 5.122 Although it is understood that the development will take place over two phases, the development in its entirety as proposed by the planning application will directly impact upon the use of the community resource since there will be no scope for any parking provision within the development site once phase 2 commences, or on its completion.
- 5.123 Given the material importance of safeguarding the use of the open space and sports pitches in perpetuity which is connected with the parking issue, it is considered that certainty needs to be established in terms of how the loss of parking is to be mitigated and whether an adequate parking provision commensurate with the use of the sports pitches can be provided prior to the commencement of phase 2. In the event that this parking provision cannot be provided or unless the community facility cannot be provided at a suitable alternative location it is considered that Phase 2 should not commence, which would cast doubt on the viability of the whole scheme.
- 5.124 The provision of car parking on part of the designated open space to the south of the site which is also within the Green Belt would not be a desirable or feasible option; as such would affect not only the extent of sports pitches and open space remaining, but would also directly impact upon the openness of the Green Belt.
- 5.125 A more feasible solution may be that of a Section 106 agreement which binds the developer to funding in full the cost associated with the acquisition of or with the securing of the leasehold of an alternative suitable sports pitch facility and suitable commensurate car parking facility off site prior to phase 2 implementation. Alternatively, although not pre-empting the acceptability of any car parking to the south of the site, a Section 106 agreement could embrace options in this respect, including the right of passage through the estate to enable access to this designated open space in any event.

5.126 Notwithstanding this issue, the second element of concern is that of the safeguarding of access to the open space during and post construction phase. This would be best addressed via the Section 106 agreement

5.127 Public Objections and Potential Impact Upon Residential Amenity

5.128 The issues raised within the objections received are noted. These are mainly centred on the perceived appropriateness of this type of three storey development within this setting and the relationship of the proposed development to the existing built form within the vicinity. The development will be aligned along Rocheway in order to promote an active street frontage which has been cited as a matter of concern.

5.129 Despite being located in close proximity to Rocheway, it is not considered that the development by reason of its position, massing, design or scale will have a demonstrably harmful impact upon the visual amenity of the street scene. Although it is acknowledged that the design is bold in that it is of a larger scale than the built form around it, it reflects the requirements and aspirations of modern living which this scheme seeks to achieve.

5.130 It is not considered that the orientation of the development nor its use will result in an overbearing sense of overlooking of any properties set adjacent to Rocheway such that would justify a refusal on these grounds.

5.131 The concern relating to the impact of the development upon the open space is noted and is a valid concern, which it is considered has to be addressed as part of the planning consent.

5.132 The agent has issued correspondence in response to the issues raised by objecting parties, which in part relate to the perceived loss of residential amenity as a consequence of the proposed development. The agent in rebuttal states as follows: It is noted that the existing dwellings at Nos. 30 and 32 Rocheway are situated to the south of the proposed dwellings that would front Rocheway. Given the location of the built form in the vicinity of Numbers 30 and 32 Rocheway, it is not considered that any material loss of light would occur because the proposed dwellings would not cast any shadows upon existing Nos. 30 and 32. In respect of privacy, the rear (south facing) elevations of these dwellings would face the front elevation to Nos. 30 and 32, wherein there would be no overlooking of rear amenity space. Furthermore, the accompanying landscaping plan proposes close boarded timber fencing along the boundary between the proposed houses and Nos. 30 and 32 where there is currently no boundary treatment; the proposals would therefore result in an improvement in conditions relative to existing.

5.133 Potential Operational Impacts

5.134 Given the close proximity of the site to residential built form and its spatial association with the designated Green Belt, it is acknowledged that phased development of this nature can have an impact, both on residential amenity

together with the visual amenity of the Green Belt. It is considered that adequate controls need to be in place to safeguard both these considerations. Operating hours, the control of lighting and a site management plan need to be considered as planning conditions in this respect to ensure that the conditions within the locality do not significantly change with detriment to residential or visual amenity.

6 CONCLUSION

- 6.1 The site represents re-development of previously developed land. The development proposed is comparable in impact upon openness to the existing building to be demolished and would consequently be appropriate in the Green Belt.
- 6.2 The site is located close to Rochford town centre and is thus in a sustainable location with reasonable access to goods and services, together with access to good public transport. The level of parking provision proposed would satisfy the demand arising from the development without demonstrable harm upon the highway network.
- 6.3 It is considered that, subject to planning conditions which will need to address those matters which are outstanding, that the development is acceptable. The parking issue for the sports pitches may be best addressed via a Section 106 agreement to mitigate the loss of available parking in favour of a long term solution.

7 RECOMMENDATION

- 7.1 It is proposed that the Committee **RESOLVES**

That planning permission be approved for the development, subject to the applicants and owners entering into a legal agreement under section 106 of the act to the following heads of terms:-

- a) the developer to fund in full the cost associated with the acquisition of or securing of the leasehold of an alternative suitable sports pitch facility and suitable commensurate car parking facility off site prior to phase 2 implementation.
- b) the safeguarding of access to the open space during and post construction phase.

and subject to the following heads of conditions:-

- (1) Standard time limit for commencement of the development.
- (2) Standard condition requiring the development to be undertaken in accordance with all approved plans.

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- (3) Standard condition specifying the submission of samples of all external materials and their approval in writing by the Local Planning Authority prior to their first use.
 - (4) A condition specifying the height and maturity of all individual trees to be planted on site at the time of planting and their maintenance and management thereafter (the specification indicating a planting height of 14-20 cm is not considered acceptable).
 - (5) A condition specifying the timing of all soft landscaping works, including all hedgerows and their maintenance thereafter.
 - (6) A condition relating to bat mitigation works, including lighting and the timing of such (to be advised by Natural England).
 - (7) A condition controlling the hours of construction throughout the phased development in the interest of amenity.
 - (8) A condition seeking details of all lighting details in connection with each respective phase prior to the installation of such lighting.
 - (9) A condition requiring the access road to be constructed to an agreed specification during the construction phase.
 - (10) A condition requiring access to be maintained to the sports pitches and open space at all times during the course of the phased development and thereafter.
 - (11) A condition requiring the access road to be completed to an adoptable standard prior to the occupation of any part of the development the subject of Phase 1.
 - (12) Conditions requiring the provision of car parking in connection with the sports pitch and open space use during the construction phase and after implementation.
 - (13) A condition relating to maintenance of the root protection areas of trees and adherence to the Arboricultural Method Statement submitted.
 - (14) A standard condition relating to potential contamination found on site and mitigation measures.
 - (15) A condition requiring details of the construction of the wall to be established on the west boundary of the site (as indicated on the site plan) and implementation in accordance with the agreed details.

- (16) A condition relating to the timing of the delivery of the affordable element of the scheme (Phase 2).
- (17) A condition requiring that the development complies with the drainage strategy outlined by the Flood Risk and Drainage Impact Assessment.
- (18) Submission of detailed surface water drainage scheme (Condition 1 of Suds Team recommendation)
- (19) Submission of scheme to minimise the risk of off site flooding during construction work (Condition 2 of Suds Team recommendation).
- (20) Submission of maintenance plan for the surface water drainage system (Condition 3 of Suds Team recommendation).
- (21) The applicant or any successor in title to maintain yearly logs of maintenance of the sustainable drainage system (Condition 4 of Suds Team recommendation).



Matthew Thomas

Assistant Director, Planning and Regeneration Services

Relevant Development Plan Policies and Proposals

Rochford District Council Local Development Framework Allocations Plan Adopted February 2014

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011)

Policies H1, CP1, T8, ENV9. H1, H5, H6, CP1, ENV9, CLT1, T1, T3 and T8

Rochford District Council Local Development Framework Development Management Plan adopted 16 December 2014.

Policies DM1, DM2, DM3, DM4, DM5, DM25, DM27, DM28 and DM30

Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010 Standards C2 and C3

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

Department of Communities and Local Government. Technical housing standards - nationally described space standard. Adopted March 2015.

National Planning Policy Framework: (March 2014).

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