



Rochford District Council

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY
PLANNING SERVICES COMMITTEE 20 MAY 2004**

All planning applications are considered against the background of current Town and Country Planning legislation, rules, orders and circulars, and any development, structure and locals plans issued or made thereunder. In addition, account is taken of any guidance notes, advice and relevant policies issued by statutory authorities.

Each planning application included in this Schedule is filed with representations received and consultation replies as a single case file.

The above documents can be made available for inspection as Committee background papers at the office of Planning Services, Acacia House, East Street, Rochford.

If you require a copy of this document in larger print, please contact the Planning Administration Section on 01702 – 318191.

PLANNING SERVICES COMMITTEE - 20 May 2004

Ward Members for Committee Items

ROCHFORD

Cllr Mrs S A Harper

Cllr D A Weir

Cllr Mrs M S Vince

WHITEHOUSE

Cllr S P Smith

Cllr P F A Webster

PLANNING SERVICES COMMITTEE 20 May 2004

REFERRED ITEM

R1	04/00200/COU Change of Use of Highway Land to Form Part of Residential Curtilage Land Adjoining 240A - 242 Eastwood Road Rayleigh	Deborah Board	PAGE 4
----	---	---------------	--------

SCHEDULE ITEM

2	03/00947/FUL (A)Two and Three Storey Building Containing Supermarket, Library, 3 no. Shops, 42 no. Flats (1- Bed, 2-Bed and Bedsits) and Basement Car Park; (B) Two and Three Storey Building Containing 34 no. Flats (1-Bed and 2-Bed) and 3 no. Shops; (C) Two, Three and Four Storey Building Containing 73 no. Flats (1-Bed and 2-Bed); Car Parking, and Associated Works. Land North Of Market Square / West Street And West Of North Street Rochford	John Whitlock	PAGE 8
---	--	---------------	--------

Any Items Referred by Members from Weekly List Nos.

PLANNING SERVICES COMMITTEE - 20 May 2004 Item R1
Referred Item

TITLE : 04/00200/COU
CHANGE OF USE OF HIGHWAY LAND TO FORM PART OF
RESIDENTIAL CURTILAGE
LAND ADJOINING 240A - 242 EASTWOOD ROAD
RAYLEIGH

APPLICANT: MR AND MRS L WILLIAMS

ZONING: RESIDENTIAL

PARISH: RAYLEIGH TOWN COUNCIL

WARD: WHITEHOUSE

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

This application was included in Weekly List no. 724 requiring notification of referrals to the Head of Planning Services by 1.00 pm on Tuesday, 4 May 2004, with any applications being referred to this meeting of the Committee. The item was referred by Cllr P F A Webster.

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

- 1.1 **Rayleigh Town Council** – object to the removal of highway rights on the land. It is believed that if the rights on this piece of land are removed it will set a precedent to surrounding corner properties. It was noted that the vehicular access to the property was in Southview Close, vehicular movements onto Eastwood Road should not be necessary.

NOTES

- 1.2 The proposal seeks permission for the change of use of this area of grass verge to form part of the residential curtilage of 240A-242 Eastwood Road. The applicants have provided a supporting statement regarding the suitability of the proposal with respect to Policy H26. They suggest that:
- i. The piece of land makes little contribution to the general amenity and character of the area;
 - ii. There are other grass verges in the locality, none of which make a significant contribution to the layout or symmetry of the locality. Notwithstanding this the proposal would not impact on symmetry;

- iii. The Highway Authority has confirmed that the land is not required for sight line purposes;
- iv. They would be happy to get the Council's approval if a fence is put up;
- v. The tree will be protected; and
- vi. This is a small insignificant piece of land.

- 1.3 The Highway Authority has raised no objection to this proposal and it would not conflict with sight splays. In terms of the street scene, the inclusion of this piece of land as domestic curtilage would not dramatically alter its appearance and as such would be acceptable. There is a significant tree on the site of high amenity value, protected by TPO number 26/2002.
- 1.4 There was a previous application on this site for the same form of development to that currently proposed. This was recommended for approval, but the Planning Services Committee refused this application on 31st July 2003 for the following reason:
- *The site contributes to the pleasant character of the public street scene. The proposal, if permitted, would result in a consequent loss of character and set a precedent in respect of other grass verges and amenity areas along Eastwood Road (including the area on the opposite corner of Southview Road), the cumulative effect of which would be the serious erosion of the area's pleasant character.*
- 1.5 There have been two neighbour representations received with the main points being:
- The proposal would seriously impede sight lines for Southview Close;
 - This would be a danger to highway users;
 - Objection unless the sight splay could be protected.
- 1.6 **County Surveyor (Highways)** has no objection to the application.
- 1.7 **Essex and Suffolk Water** note that there are mains within the vicinity of the proposed development.

APPROVE

- 1 SC4 Time Limits Full - Standard
- 2 SC50 Means of Enclosure - Full (PD Restr)

Relevant Development Plan Policies and Proposals:

H26 of the Rochford District Local Plan First Review

A handwritten signature in black ink, reading 'Shaun Scrutton'. The signature is written in a cursive style with a long horizontal line extending from the end.

Shaun Scrutton
Head of Planning Services

For further information please contact Deborah Board on (01702) 546366.

03/00200/COU

Rochford District Council

Rochford District Council

Rochford District Council

Foot Bridge

100 & 110A Bay
C/O

Rodda Nurseries

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. This copy is believed to be correct.

Nevertheless Rochford District Council can accept no responsibility for any errors or omissions, changes in the details given or for any expense or loss thereby caused.

NTS



TITLE : 03/00947/FUL
(A)TWO AND THREE STOREY BUILDING CONTAINING
SUPERMARKET, LIBRARY, 3 NO. SHOPS, 42 NO. FLATS (1-
BED, 2-BED AND BEDSITS) AND BASEMENT CAR PARK;
(B) TWO AND THREE STOREY BUILDING CONTAINING 34
NO. FLATS (1-BED AND 2-BED) AND 3 NO. SHOPS; (C)
TWO, THREE AND FOUR STOREY BUILDING CONTAINING
73 NO. FLATS (1-BED AND 2-BED); CAR PARKING, AND
ASSOCIATED WORKS.
LAND NORTH OF MARKET SQUARE/WEST STREET AND
WEST OF
NORTH STREET ROCHFORD

APPLICANT : HOUSECHERRY LTD

ZONING : SUPERMARKET/HOSPITAL (FIRST REVIEW LOCAL PLAN)
RETAIL FOOD STORE & ASSOCIATED MIXED USE
DEVELOPMENT, INCLUDING A LIBRARY (EMERGING
LOCAL PLAN)

PARISH: ROCHFORD PARISH COUNCIL

WARD: ROCHFORD

SITE AREA: 1.127ha (2.78a)

PLANNING APPLICATION DETAILS

2.1 The Application Site

The application site comprises a parcel of land covering 1.127ha (2.78a), situated to the north of Market Square and West Street, West of North Street and South of Pollards Close. The southern part of the site (adjoining Market Square) currently comprises two fields. A dilapidated and vacant elderly persons home known as 'The Bungalow' is situated on the northern part of the site. Rochford Hospital lies to the west of the site.

2.2 The Application

The application proposes the erection of 3 substantial buildings on the site, incorporating a supermarket, library, 6 no. lock-up shops and 115 no. flats and 34 sheltered housing units.

2.3

The application has been the subject of 2 sets of revisions and reconsultations arising there from. The principles of the 3 blocks, courtyard and non-residential units have, however, remained consistent. The changes have been a major rethink of block C, the number of flat units and aesthetic improvements to all the 3 buildings.

2.4 **The accommodation proposed** in the 3 versions of the application comprise:-

2.5 **Original Scheme:** Block A - Supermarket, Library, 3 no. shops and 42 no. (1-bed, 2-bed and bedsits).
Block B - 3 Shops and 34 sheltered units.
Block C - 61 flats (1-bed, 2-bed and 2/3-bed duplex units).

2.6 **First Revised Scheme:** changes were: Block C 73 (1-bed and 2-bed flats).

2.7 **Current Revised Plans:** no changes.

2.8 **Full details of the three buildings as currently proposed are:-**

Block A - comprises a two and three storey building containing a supermarket, together with 3 no. lock-up shops, a public library, 42 no. flats (30 x 2-bed, 10 x 1-bed, 2-bedsits) and a 90 space basement car park. The supermarket would have a retail floorspace of 929 sq.m and a storage area of 464 sq.m. (The gross floorspace would therefore be 1393 sq.m or 14994 sq.ft). The public library is considerably larger than the existing library in the Market Square and is intended to replace this facility. Balconies, together with roof terraces covering 460 sq.m approx., are proposed as amenity space to serve the flat-dwellers. This block has been cut into the ground by approx. 750mm closest to Market Square and West Street.

Block B - comprises a two and three storey building containing 34 no. sheltered flats (18 x 2-bed and 16 x 1-bed) and 3 no. lock-up shops at ground floor. A total of 32 parking spaces and an amenity area stated to cover 303 sq.m are also proposed.

Block C - comprises mostly three storeys with some 4 and 2 storeys containing 73 no. flats (49 x 2-bed and 24 x 1-bed). A total of 73 car parking spaces are proposed. In terms of amenity space, a functional amenity area of approx. 840 sq.m is proposed, plus other landscaped areas. A substantial number of the flats also have small balcony areas. The natural land levels on this part of the site fall considerably, generally across the site from east to west; and to the rear of the Rose and Crown Public House car park, the ground level is approx. a storey lower than the North Street carriageway .

2.9 Vehicular access to the site would be gained via two existing road ways off North Street: one known as Roche Close, which formally served The Bungalow and Hospital sites, and a secondary road situated adjacent to Rochford Post Office.

2.10 Roche Close would provide vehicular access to the car parks associated with Blocks A and C, together with all servicing associated with the supermarket, library and lock-up shops in Block A.

- 2.11 The road adjacent to the Post Office currently provides vehicular access to car parks at the rear of shops in Market Square, together with a house fronting North Street. The submitted plans illustrate that access would be maintained to these car parks, albeit in an amended manner. This road is also proposed to provide access to the new car park to the rear of Block B. (It is noted that this access was approved to serve 42 no. sheltered flats under permission ref. ROC/479/89 - see below for details).
- 2.12 A pedestrian link between the application site and Market Square (between the Nat West Bank and the existing Library buildings) is indicated on the submitted plans, but its provision is not part of the application as currently submitted and, indeed, the strip of land in question lies outside the application site, or other land in the applicant's control. A note on the submitted plans indicates that this is 'subject to ongoing negotiations.' The provision of this link would result in the loss of some existing parking spaces.
- 2.13 This pedestrian link would lead through to a tree-lined court between Blocks A and B which, in turn, would lead down to the main vehicular and pedestrian access in front of Block C and its junction with North Street.
- 2.14 **Additional Information**
The applicants have provided a range of additional information to assist with the consideration of the application. This comprises a full Traffic Impact Assessment, an Archaeological desk based assessment, an Ecological Assessment, design and approach principles, Air Quality Assessment, Noise Impact Assessment, together with site survey plans, indicating levels across the site and computer modelled perspective and illustrative street scene drawings.
- 2.15 **FAST TRACK REPORT TO 27TH NOVEMBER 2003**
Members may recall that this application was brought before the Committee under the Council's "Fast Track" procedure, whereby any proposal likely to result in the generation of 10 plus jobs is so reported.
- 2.16 In debating the application in Committee, Members, whilst pleased that the designs were sympathetic to the Conservation Area, nevertheless raised the following issues:-
- The proposed pedestrian link from the Market Square to this development was vital; more pedestrian links to other areas should also be explored, and in particular, from Union Lane.
 - The issue of drainage should be carefully addressed, particularly with respect to the effect the underground car park could have on the sewers.
 - Trees felled to make way for the development should be replaced.
 - Crime reduction measures would be essential for the application, and the developers should liaise with crime reduction officers with respect to the issue of possible youth nuisance on the site.
 - The car parking provision should be carefully examined; there was a general consensus that it appeared inadequate for the development.
 - The traffic impact survey should address the issue of lorries accessing the site from North Street; the lack of parking restrictions would cause difficulty.

- There was disappointment that no affordable housing was included in the application.

RELEVANT PLANNING HISTORY

2.17 Planning Applications:

As discussed above, the northern part of the site currently accommodates a dilapidated building known as 'The Bungalow.' This was formerly run by the County Council as an elderly persons home. The building is now vacant, and suffering the effects of vandalism.

2.18 The applications below relate to the southern part of the site, which has not been developed:

2.19 ROC/459/68 - Erection of supermarket and 19/23 and 25/27 North Street, Rochford. This comprised the frontage onto North Street, outside this current application site but the rear part of the 2 sites overlap. REFUSED - Demolition would adversely effect character and visual amenities of the townscape, Conservation Area and historic core of Rochford.

2.20 ROC/479/89 - Erect 42 Sheltered Housing Units - APPROVED. This permission has been commenced and, therefore, remains a valid permission to this day.

2.21 95/00051/ROC - Renewal of Application ROC/479/89 to Erect 42 Sheltered Housing Units - REFUSED for the following reason:
"The application falls within an area designated as a site for a retail food store in the Rochford District Local Plan First Review as now modified and as such the proposed residential use is contrary to the provisions of Local Plan First Review Policy SAT20."

2.22 98/00580/CPO - Conservation Area application to demolish former Bungalow Elderly Persons Home and Roche Lodge.
 NOT PROCEEDED.

2.23 02/01123/FUL - Erect Twelve 1-Bed And Twelve 2-Bed Flat Units (Total 24) In Three 3-Storey Residential Blocks Layout Access Car Parking And Amenity Areas.
 WITHDRAWN.

2.24 03/00204/FUL - Erect Twelve 1-Bed And Twelve 2-Bed Flat Units (Total 24) In Three 3-Storey Residential Blocks Layout Access Car Parking And Amenity Areas.
 WITHDRAWN.

2.25 Local Plan History:

The southern part of the site is allocated for the purposes of a supermarket in the existing Local Plan First Review (1995), and is covered by Policy SAT20. However, despite the 'in principle' support for a supermarket provided by this policy, and despite interest in the site, no application for a supermarket resulted.

- 2.26 The 'Bungalow Site' has become available for redevelopment in recent years, and the inclusion of this parcel of land in the overall site was considered by the Council's Transportation and Environmental Services Committee in September 2000. This Committee resolved that the Council supports in principle the provision of a retail food store and associated development on the overall site. Accordingly, in the emerging replacement Local Plan, the overall site is allocated for a 'retail food store and associated mixed use development, including a library.'

CONSULTATIONS AND REPRESENTATIONS

FIRST ROUND CONSULTATIONS (Original Application)

- 2.27 **Rochford Parish Council** make the following comments:
- Noted that it is a derelict brownfield site.
 - The proposal will provide valuable amenities and housing for Rochford.
 - Beneficial to the economy of the Town.
 - Members wish the development to be architecturally and aesthetically acceptable in the Conservation Area.
 - Concerns about the amount of construction and other traffic movements. Would like to see a full independent traffic study.
 - Concerns about the capacity of the existing drainage system.
 - Footpath link to Square required.
 - Concerns about Staff parking available for all the proposed businesses.
- 2.28 **Historic Buildings & Conservation Advice** – first impression is that the size of the development is alarming but the designs are of good quality, interesting and sympathetic to local vernacular tradition. Designs may seem over fussy due to variety and number of different things going on, but in fact the palette of materials is limited and most of the features seem appropriate. Bulk of the building is broken up in interesting ways. Roof line is incremental and unpredictable. The use of chimneys is strongly recommended.
- 2.29 One weakness of the design is the use of very weak plan forms and slack pitched roofs, such as those on the East elevation of Block C. These are alien to local built tradition and out of keeping with the rest of the scheme.
- 2.30 I do not wish to go into further detailed criticism or make a recommendation at this stage, as I feel it is essential that some 3 dimensional representation of the scheme is first made available to work out how elements relate to one another.
- 2.31 **English Nature** – advise that the development is unlikely to affect any SSSI. Note that the presence of protected species is a material planning consideration. If any such protected species are suspected or present on the development site, then an ecological survey by a qualified Consultant is required prior to determining the application.

- 2.32 **Rochford Hundred Amenities Society** consider the present application not sustainable in terms of infrastructure. Grave concerns about extra traffic. Drainage both sewerage and surface run-off; extra number of GP patients; school children, etc, should be seriously addressed.
- 2.33 There are, however, some benefits in considering a smaller scheme.
- 2.34 **Rochford Chamber of Trade** refer to a presentation from the Developers that received general, yet qualified, support. Areas of concern being:
- over-intensification of flats – little breathing space for residents
 - note existing social problems in St. Andrews and Roche Wards and that all efforts must be made in this development to avoid an escalation of anti-social behaviour in Rochford
 - concern over limited parking spaces for residents, which must not be allowed to become Supermarket parking
 - no provision shown for Taxis which could help reduce dominance of Taxis in the Square
 - access concerns and need to ensure that proposal does not create two centres but suggest (a) part of the Library is acquired and opened up as a covered pedestrian link (b) access to the NHS site and Union Lane (c) access from Dalys Road direction to give direct pedestrian linkage to the areas beyond.
- 2.35 **Essex County Council Highways** raise a holding refusal to the application based on insufficient information on highway access, traffic impact/accessibility to enable Highway Authority to assess whether or not the application is acceptable. (Subsequent to this, the applicant has commissioned a Transportation Assessment of which ECC Highways are fully aware).
- 2.36 **Essex County Council Learning Services** – request a Developer contribution of £173,400. (This figure has been corrected by the amount indicated in subsequent consultation).
- 2.37 **Environment Agency** raise no objection. Recommend sustainable drainage systems. Suggest Anglian Water be consulted to ensure adequate capacity exists to accommodate existing and new flows. Also suggest further routine Conditions and Informatives.
- 2.38 **County Archaeologist** – the applicant's submitted archaeological desk based assessment has been reviewed. County Archaeologist confirms that records show that part of the site is within the mediaeval and post-mediaeval areas of Rochford. Part of the development will cut through street frontages from these periods. Excavations on street frontages elsewhere in Rochford reveal remains of mediaeval and later buildings, pits, ditches and gullies. The area to the rear of the street front may reveal other activities. In view of this, it is recommended that trial trenching and possible excavation in line with PPG16 is conditioned to be undertaken by a professional archaeological team.

2.39 **Letters of objection** have been received from **7 local households**, the main grounds of objection being:

- excessive traffic already in South Street
- additional traffic will spoil the historic Town Centre causing chronic parking problems and strain on the antiquated road system
- existing Supermarket in Rochford and others further afield and the existing Library already cater for needs of residents
- Doctors and Dentists to support new residents?
- it will kill off small shops and Market
- the proposed shops will add to those already empty
- proposed building too high and quite out of keeping with the Town
- Supermarkets are passé due to telephone and Internet shopping
- Volume of flats, bed-sits and duplexes inappropriate in Conservation Area and inadequate car parking provision for them
- Residents in North Street will undoubtedly suffer inferior quality of life
- Noise, vibration and air pollution which will cause damage to older properties

2.40 **Two Representations from local businesses –**

- Suggested walkway into Town Square is totally inadequate and will ultimately lead to two separate areas. A much better thought through and signposted walkway between the two areas is required.
- Inadequate car parking facilities will put further strain on car parking in Market Square.
- Proposed development will shift the shopping focus away from the Market Square and shops and ultimately to their demise.
- No need for further Supermarket in Town.

2.41 **A third local businessman, who lives at the premises**, makes the following additional comments to those set out above by local residents and businesses:

- Regrets seeing the demise of the field with horses behind the premises.
- Inadequate infrastructure.
- Suggests rather than both accesses being two-way, that they be linked within the site and have a one-way in and a one-way out.
- A planning application in 1967 for Shops, Offices and Flats, would have meant the demolition of many properties on the West side of North Street and was turned down due to bad vehicular access, inadequate parking and being out of character. This was at a time when there were many less cars!
- Suggests more social housing is not needed in Rochford.
- Support for the sensibly sized Supermarket which is much needed, but not convinced that a further six Shops required, when some eight are currently vacant, not including the Library to be vacated.
- Suggests much needed Community Centre or Youth Club/Development Centre be pursued.
- Accepting the development needs to be financially viable, 137 Flats seems to be an awful lot.

- Considers the design of the buildings mediocre, the style being of an “anywhere” nature. Strongly considers Rochford deserves better, given its valuable stock of attractive and listed buildings.
- Concern at the over ornate finished materials looking rather Disneylike and that the square shaped dome roofs have no precedence in Rochford'

- 2.42 Also a letter received from the Owner of Horners Corner who is an experienced contractor in Conservation Areas and Listed Buildings who considers on the face of it that this “isn’t bad” but needs some tweaking to make it acceptable. Considers the common 2.7m – 2.8m storey height should be varied and reduced to 2.4m other than for the Supermarket. Facades could be broken up with odd 2 storey buildings, rather than all 3 storeys, giving a more “higgledy piggledy” nature. Suggests some of the new buildings be built out of plumb, i.e. “wonky”, to assimilate better with the old timber framed buildings in the Town. Choice of materials critical. Should insist on traditional materials. Hand made plain roof tiles, riven roofing slates, real timber cladding to facades, or rubbed up render where appropriate. We need the right choice of bricks, colour of mortar, timber windows and Georgian style windows rather than large panes of glass. Paving should be broken up and not just one type of block which would look dreadful. The design of the flats could be built on a theme.
- 2.43 **The Royal Bank of Scotland Group** confirm they have no objection to the proposed scheme, but seek assurance if permission is forthcoming that there should be no obstruction during the development period or thereafter to the access serving the Bank’s customer parking area.
- 2.44 **Second Round Consultation** (Revised design to Block C including new mix of units from 63 to 73 in total, Detailed design changes to other Blocks – Block A most French doors removed and Chimney stacks add to all blocks)
- 2.45 **Essex County Council Learning Services** request a revised contribution of £81,600 based on accurate calculation of the qualifying units, (excluding 1-bed flats, bed-sits and sheltered housing).
- 2.46 **Historic Buildings & Conservation Advice** draws attention to the duty under which the LPA is to ensure the preservation or enhancement of the character of the Conservation Area, indicating this is best achieved by means of an appraisal adopted as Supplementary Planning Guidance. The adviser is of the view that such an appraisal would discourage the development proposals. They are considered to amount to an alternative Rochford, alongside the old Town, one that is bulkier, taller and apparently more important. This would cause serious damage to Rochford, removing the reason for the Conservation Area designation and representing a failure of our public interest role. The scheme is unthinkable with all this out of scale development at variance with the historic morphology of the Town. Recommends refusal.

- 2.47 In the light of Staff changeover at the County, **the County Planner** was asked for further views on the application. The adviser confirms that, in principle, they have no objection to a mixed use development on this site as allocated in the Local Plan. However, they reaffirm that the application proposals are considered to be inappropriate within the Conservation Area, not in accordance with Policy BC1 and the criterion design guidance contained within LPSPG7 of the Rochford Replacement Plan. Of greatest concern is the height and bulk of the buildings, which do not respect the Townscape character of the historic core and which would have a significant and adverse impact on the Listed "Samuel Johnson" building and other buildings adjoining the site. Also identified are other built form issues, roof configurations, materials specified and detailed design, which will affect the design quality of the proposals. However, further comment at this stage on these matters is withheld as the question of the size of the proposals provides sufficient grounds for the recommendation to refuse.
- 2.48 **English Nature** confirm that their earlier advice on the first consultation still applies.
- 2.49 **Local Plans** confirm that the land in question is designated as Supermarket and Hospital purposes in the Rochford District Local Plan (First Review). The proposed use would, in part, accord with this designation and note that whilst current Plan safeguards land to the North of the designated Supermarket site for healthcare purposes, this designation has been overtaken by the needs of the NHS Trust.
- 2.50 The Rochford District Replacement Local Plan (First Deposit Draft) allocates the site for residential development and Supermarket and there is unlikely to be any question of prematurity. Car parking should be assessed against current standards in the LPSPG accompanying this First Deposit Draft.
- 2.51 **Anglian Water** note that a public foul sewer crosses the site. This alignment must be clear of proposed buildings or the sewer diverted accordingly.
- 2.52 **Contracted Services (Engineers)** indicate that major public foul and surface water sewers cross the site; any development needs to take account of these. Spare capacity within these sewers may be an issue on which Anglian Water would need to advise.
- 2.53 **Rochford District Chamber of Trade and Commerce** – note issues that need to be clarified before the LPA can determine
- Clarification as to County Planner's Design Adviser's doubts as to design and concept of the scheme
 - Lack of agreement for access through NHS site leading to Union Lane
 - Our request for pedestrian link to the North of the site on Dalys Road
 - Concern from Members North side of the Square over their future ability to service their premises and parking
 - Suggestion that when ECC vacate the existing Library that RDC lease half of it to open it up as a more attractive covered walkway through to the Supermarket
 - Concern should the Supermarket Operator vacate the premises after a few years trading. Would only wish to see a Supermarket in the premises and no conversion to more residential units.

- 2.54 **Rochford Hundred Amenities Society** express considerable interest in the proposal and hope that it will be successful.
- Consider accesses of all kinds are key to its success.
 - In their opinion, the best way forward would be an access route from North Street through to Union Lane.
 - Consider pedestrian access from the Square critical to the success of the application, which should be refused if it cannot be achieved.
 - Would not wish to see the Supermarket floorspace used for any other purposes.
 - Promote pedestrian linkages into the NHS Trust site.
 - Visualise snarl-ups when lorries arrive to service the Store.
- 2.55 **Head of Housing, Health & Community Care** reports that there is potential for noise from the development to cause disturbance, both to existing and proposed occupiers. Such noise could not be controlled by current Environmental Health legislation, but it may be possible by amending the design of the development. The traffic assessment indicates significant increase in traffic flows in East Street, West Street and South Street junctions. Due to the canyon effect, there is potential for air quality objectives to be exceeded.
- 2.56 Recommend that Air Quality and Noise Impact Assessments are carried out and any appropriate mitigation measures implemented.
- 2.57 **Head of Housing, Health & Community Care** confirms that Air Quality and Noise Assessments have been received and examined. The HHH&CC reports:-
- 2.58 **Noise**
The noise assessment indicates that mitigation will be required to ensure an acceptable noise environment. Mitigation measures should include:
- Restricted delivery times.
 - Noise insulation scheme for residential properties with façades overlooking the main access road and in the vicinity of the loading bay (including means for ventilation)
 - All plant associated with the supermarket must be enclosed within the building and be adequately insulated.
 - The access to the car park should be covered
 - The delivery bay shall be fully enclosed and adequately insulated and the doors kept shut at all times, except when delivery vehicles are entering and leaving.
- 2.59 **Air Quality**
The air quality assessment indicates that there is a possibility for National Air Quality objectives to be exceeded for NO₂ at nearest receptors to the South/West Street junction. Therefore, alternative traffic management schemes should be investigated to minimise the traffic flows through this junction. Alternatively a detailed air quality assessment, including NO₂ monitoring, should be carried out to clarify whether the national air quality objectives are likely be exceeded.

2.60 I would not recommend approval of this application until alternative traffic management schemes have been considered. However, should Members be minded to approve this application the following conditions should be imposed on any consent granted:

1. Delivery hours SC41 (7am - 7pm Mon-Fri, 8am-1pm Sat).
2. Doors to the loading bay shall be kept closed at all times other than during vehicle access and egress.
3. All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise there from does not exceed a noise rating level of 5dB(A) below the existing background level when measured according to British Standard BS4142 1997, at a point 1 metre external to the nearest noise sensitive property, at any time.
4. Development shall not begin until a scheme for noise attenuation measures has been submitted to and approved in writing by the Local Planning Authority. Any works that form part of the approved scheme shall be completed before any permitted premises or dwelling is occupied unless an alternative period for completion is agreed in writing by the Local Planning Authority.
5. Restrict opening hours of retail units SC38 (7 am – 10.00 pm).
6. Prior to the commencement of any development, details (including acoustic specifications) of any external equipment or openings in the external walls or roofs of the building proposed at any time in connection with the permitted use, shall be submitted to and approved in writing by the LPA before the machinery is installed or the opening formed. The equipment shall be installed or the openings formed as approved and shall be maintained in the approved form while the premises are in use for the permitted purpose.
7. Before the development is commenced a detailed air quality assessment shall be carried out to determine the present and likely future impact of Nitrogen Dioxide. The method and extent of this investigation shall be agreed with the Planning Authority prior to the commencement of work.

2.61 **Informative**

1. The Noise Attenuation Scheme referred to in condition 4 above shall include the following details:
 - proposed noise insulation to the loading bay (and covered car park access);
 - proposed noise insulation for the dwellings affected by noise;
 - proposed ventilation for properties requiring insulation;
 - Proposed plant and equipment associated with the Supermarket
2. Standard Informative Contaminated Land.

2.62 **The Environment Agency** – no further comment beyond that of earlier response.

2.63 **Woodlands & Environmental Specialist**

- Requests an Ecological Survey be conducted. Such Survey now received and the officer confirms that its findings are accepted, this being that there are no particular ecological matters or protected species affected by this development (other than should there be any nesting birds on site).
- Trees – there are no preserved trees on site. Recommends though that 2 trees are worthy of retention if possible – one being a two stemmed Acacia against the wall in the car park to the rear of the Bank and secondly a large Yew on the South West boundary adjacent to the wall.

2.64 **Essex County Council Highways** – advise no objection to the proposal subject to:-

A) No development taking place until the following is completed:-

- i) provision of the highway improvement junction works to the northern main access onto the site, as shown in principle on the drawing no. SPROCHFORD 1/01 REV
- ii) The implementation of a Traffic Regulation Order to amend the limited on-street waiting bays opposite the site access.

B) No beneficial occupation of the development shall take place until the following are completed:-

- iii) The construction of the southern access
- iv) The provision of secure and covered cycle parking on site in a visible and accessible position
- v) The provision on site for the car parking spaces lost in North Street due to the access arrangements

C) vi) The provision of a travel information pack for new residents and tenants

- vii) A financial contribution of £8000 towards Public Transport infrastructure (bus stop in North Street).

D) Internal Site Layout

- viii) The carriageway of the access road to be laid out as per the drawing up to commencement of the raised area adjacent Block B, with a carriageway of 7.7 m wide at the junction tapering down to a width of 6.8 m.
- ix) The raised area to have a side turn size 2 turning head, the side turn of which to serve as access to the pedestrian court to the south.
- x) The minimum footway provision to be as shown on the drawing.
- xi) Only the main spur of the main northern access to be adopted including the raised turning head beyond it and the pedestrian courtyard to remain private.
- xii) The 500mm wide overhang strip along the south side of the main access to be widened where possible up to the site boundary.

2.65 As also examined in detail in the body of the report, Highways have been involved in assessing the alternative access arrangements, promoted to secure traffic flows from the North, thus avoiding the historic Town Centre and Horners Corner. However, as set out in the section discussing the alternative two-way traffic route into the town, they have come to the conclusion that the necessary junction arrangements to service the site from a two-way section of North Street, cannot be safely achieved.

2.66 **Essex Police Crime Reduction Officer** – supports the general layout with good lines of natural surveillance and strongly recommends secured by design. Some concerns regarding:

- access to private car parking areas and basement parking. Bays 40-51 of Block C concerned no natural surveillance available. Suggest carports be adjusted to garages or enclosed with grills. Lighting important. Same parking problems in Block B but compounded by being adjacent to public parking and through route. Basement car parking under the Supermarket with both private and public parking will lead to anti-social behaviour issues. Problems could also arise as to disputes regarding residents v public parking provision. Therefore, recommend that a proportion of the car park be fenced off for private use and access controlled. Appropriate illumination required and CCTV. Ramp may also become skateboarders' spot. All lifts from this area and stairs should have controlled access to flats.
- Articulated vehicle movements. Problems foreseen with delivery vehicles due to restricted space. This could lead to disputes with lorry/van drivers if blockages occur. Will there be delivery/collection times as part of the Planning Conditions to reduce noise, i.e. prohibition between 7 pm and 7 am?
- Siting of trees – street scene will be a major feature of the courtyard area, but I would advise against planting too many/wrong type of trees, which at maturity would reduce lines of visibility. Understand that CCTV may be installed.
- Street furniture – need to ensure type will not be targeted for vandalism and skateboarders. The gazebo and seating will attract use, creating fear of crime.
- Block C amenity area should have controlled access and voids near lift shafts should be reduced.

South Essex Partnership NHS Trust

2.67 As a neighbour to the site, the Trust comments that they are fully supportive of this much needed development, which would clearly add to the economic development of Rochford Town. The facilities will be of real benefit to staff and patients. However, their main area of concern is one of overlooking. The Rochford Hospital Redevelopment Plan positions most of the clinical buildings further away from this development, except the proposed Special Needs Assessment Unit (SNAU) and associated secure garden. The height of the proposed buildings could overlook patient activity, thus compromising privacy and dignity.

2.68 Subsequently, the Trust confirmed that they have liaised with the developer's architects and feel overlooking is less likely, but still have a reservation over the elevation of Block A with the external amenity deck and also the fact that it is situated virtually up to the boundary and they would prefer it to be positioned 10 m away.

Local Residents

2.69 Two letters received from local residents objecting to the application, in the main, on the following grounds:

- Traffic problems, pollution, detriment to Listed Buildings and major disruption to the already over-used North Street.
- Understood revised plans were to reduce height and number of Flats, but considers height not reduced and Flats increased by 12.
- Too little parking.
- Buildings too tall, overpowering and out of keeping with present ancient buildings, ruining the ambience of the Conservation Area.
- Supermarket will kill off existing Shops and there is already a Supermarket in the Town.
- Extra shops will just lead to more empty shops in the Town.
- As with demolishing most of the Square frontage some years ago, the building of the ugly Spar and re-location of the Hospital, approving this re-development is a decision we may live to regret.

2.70 **A resident of the district** has submitted some comments and sketch drawings on what he sees as an element of the scheme, namely, the stairwells on Block B, which are architecturally disappointing. The applicants are aware of these suggestions.

2.71 **THIRD ROUND CONSULTATIONS** (Block C part redesign to reduce scale and variation of window openings, Block A elevational changes and plant room removed)

2.72 **County Archaeologist** - repeat recommendation for condition as per 2nd round response.

2.73 **Rochford 100 Historical Society** - no objections at this time.

2.74 A local resident objects in the main on the grounds of:-

- too many flats, too few car parking spaces
- buildings too high, too big and ugly and out of keeping
- already empty shops so why six more?
- supermarket will be death nail of small shops and Rochford will become run down and soulless
- traffic congestion and unacceptable impact.

MATERIAL PLANNING CONSIDERATIONS

Planning Policy

2.75 Central Government Policy outlined in PPG3 Housing, PPG6 Town Centres and Retail Developments and PPG13 Transport advocate town centres as the preferred location for retail developments, following a sequential approach with priority given to brownfield sites, mixed use developments, reduced reliance on car movements and more sustainable modes of transport and higher density residential developments.

2.76 **PPG3** advocates best use of land with housing developments normally not less than 30-50 dwellings per hectare. However, of course, this particular application is not a general housing development, but a flatted Town Centre scheme and PPG3 advocates greater density in places with good public access, namely, Town Centres. Mixed use developments with flats over shops are recognised as not only providing new households, but bringing new life into Towns and Cities.

2.77 Closer living in Rochford Town Centre is a recognised feature, albeit historically mainly in continual frontage houses and cottages, rather than flats, but more recent developments include conversions of the Listed Buildings at the Boilerhouse and Samuel Johnson building, together with flat development in Weir Pond Road and Grested Court.

PPG6 confirms retail development should be plan led, sequential approach, looking towards the vitality and viability of Town Centres. Advocates mixed use developments and housing; that new developments including retailing to be subject to a maximum provision of car parking, including minimum operational requirements.

PPG13 promotes more sustainable transport choice; walking and cycling access with reduced reliance on cars. Housing in existing Towns should seek to achieve higher densities and mixed use. Retail developments in Town Centres maintain and re-vitalise them. Looks to reduce car parking provision with a flexible approach and waiving provision to get good quality and affordable high density residential schemes. Parking in general to be kept to operational minimum.

PPG15 Planning and Historical Environment – this seeks to ensure Local Planning Authorities act as custodians in decision making in terms of the historic environment, Conservation Areas and Listed Buildings. It states that preserving or enhancing Conservation Areas is a material consideration in such applications.

ESSEX & SOUTHEND ON SEA REPLACEMENT STRUCTURE PLAN

- 2.78 Filters this national advice down to County level. The Housing Policies H2, H4 and H5 advocate promoting maximising Urban and brownfield developments (with sequential approach), mixed use developments, high standard of design and maximising densities and affordable housing provision. The Built Environment Policies BE1 and BE2 advocating intensification in Urban areas, higher densities and mixed use developments. Town Centre and Retailing Policies TCR2, TCR3, TCR4, look to achieve retailing in Town Centres with mixed use developments and retailing should not materially affect the existing vitality and viability of Town Centres. Heritage and Conservation Policies HC2 and HC3 look for preservation and/or enhancement of Conservation Areas and protection of Listed Buildings. Transport Policy T3 promotes good accessibility to developments and acceptable integration to the existing highway network.

ROCHFORD DISTRICT LOCAL PLAN FIRST REVIEW

- 2.79 These principles are cascaded down into the Local Plan, albeit some of its particular Policies are dated now compared to the above. H2 seeks residential densities appropriate to character and efficient use of land. H16 identifies the key issues in dealing with purpose built flats as compatibility, traffic generation and amenities. UC1 looks to protect and enhance the constituent parts of Conservation Areas. SAT20 is referred to below and is a specific allocation for a Supermarket on part of the site. The 1988 Plan referred to consideration of the site for retail development, albeit it was not embodied in the 1988 Plan as a Policy.

Local Plan Allocation

- 2.80 In the current Local Plan, the southern part of the site is allocated for a proposed Supermarket, to which Policy SAT20 applies. The northern part of the site is erroneously included within the boundaries of Rochford Hospital. In the emerging Local Plan, the whole site is allocated for mixed use development including a supermarket.

The whole site also falls within the Rochford Conservation Area.

- 2.81 Besides relevant Local Plan and Structure Plan policies, two other key documents inform consideration of the current application. These comprise a Design Brief, also completed by the Council in respect of the southern part of the site in the mid-1990s, and a Retail Study, also completed on behalf of the Council in 1999.

- 2.82 The primary objective of the Retail Study was to ascertain the size of food store that the town could realistically support and to consider whether the provision of such a store posed a threat or an opportunity to existing retailers in the town. The Study concluded that the town could support a food store of a maximum of 1862 sq.m (20,000 sq.ft) gross, and that such a store would enhance the viability of the town centre provided that it did not include service facilities found elsewhere in the town centre.

- 2.83 As noted above, the proposed Supermarket has a gross floorspace of 1393 sq.m or 14994 sq.ft, in line with the recommendation of the Retail Study.

2.84 3 Key Material Planning considerations

Having outlined the policy background for considering this application, the debate concerning it has largely centred on three key issues with strong opinions ranging "for" and "against" these aspects:

- **Access to the site and vehicle routing.** The application has always proposed a principal and secondary vehicular route accessed off North Street. There are concerns that this access arrangement relies on routing all vehicles through the historic centre and Horners Corner and that this is inappropriate. An alternative is promoted creating a short section of two-way traffic in North Street, which will allow traffic accessing the site to circumnavigate the Town Centre.
- **Pedestrian link to the Market Square.** All seem to be agreed that this is a critical factor in the success of integrating the new Supermarket and Shops with those that exist in the Market Square.
- **Scale and character of buildings.** Whilst it is fair to say an application of this nature has not solicited significant numbers of objections from local residents, those that have voiced opinion, together with the Historic Buildings and Conservation Adviser at County Planning, consider the proposed buildings out of scale and character with historic Rochford. Officers, whilst accepting that scale and character is one of the most important issues, take the view that the scale, height and bulk of the buildings are mitigated by the fact that it is a land locked site not enjoying a direct frontage to any of the historic streets. As such it is not in direct competition to the smaller scale buildings that exist. Hence, the character of the development is acceptable.

2.85 These key issues are explored below.

2.86 Vehicular Access to the site

There will be two vehicular access points into the site. The principal point giving vehicular access to Blocks A and C including public access to the Shops and Supermarket is to be formed by improving the access that presently exists into Roche Close between 37 (Andrews Taxis Office) and 41 (the secondhand goods shop). A secondary vehicular access, again utilising an existing road, is proposed between 17 (the Post Office) and 21 North Street. This access already services a number of premises, including those to the North side of the Market Square. In terms of the development site, it will give access to the parking for Block B – 34 sheltered apartments. The applicant has also offered that some of the surplus car parking spaces provided to Block B could be made available on a managed basis to existing local residents in lieu of those on-street spaces lost in North Street.

2.87 Pedestrian Access

In relation to pedestrian access, both the above mentioned roads will be available for pedestrians to gravitate through onto the site, although the principal vehicular access will be provided with a fully adoptable footway, as the prime pedestrian route into the site off North Street. The secondary vehicular access beside the Post Office will be a shared surface for vehicles and pedestrians. The third pedestrian access and the principal link into the Market Square is a continuation of the footway between the Nat West Bank and the Library, linking onto the application site. This proposed linkage is outside the application site and the applicant has been in negotiation for some while with the appropriate landowner. Officers consider this link critical to the integration of the proposed Supermarket and Shops to the Market Square and it is recommended as part of the Legal Agreement that no development takes place on site until the developer establishes, in perpetuity, the availability of this access for the public.

2.88 At the request of officers, the applicants indicate two pedestrian footways within their site up to the Western boundary of the site with the NHS Trust land. The applicants see the benefit of having pedestrian links connecting the application site to land to the West, including the Hospital grounds. This would create the potential for staff and others to access the Supermarket, etc., perhaps percolating through from Union Lane and beyond. Again, the Legal Agreement requires the provision of these footways up to the boundary and their retention/availability should connections from the Hospital be made available. However, at this stage, the NHS Trust are not willing to commit to complete the pedestrian connections on their side of the boundary, so for the time being, such footways would be laid out on the application site and be made available, should the Trust be persuaded of the advantages of completing the link. This could, if necessary, be in a controlled fashion with keypad access, say, for Staff only from the Hospital grounds.

2.89 Vehicular generation and routing to the site

The application is accompanied by a Transport Assessment (T.I.A.), which has formed part of the consideration of the proposals by ECC Highways. The application plan has always indicated the two vehicular access points mentioned above, which will necessitate, in addition to the works within the application site, slight alterations to their junctions with North Street with build-outs of the footway on the Western side of North Street into the road. In terms of the principal access, it will also necessitate an amendment to the existing on-street traffic regulations, as the sweep, particularly of HGV vehicles onto the site, will require the full width of the available roadway. Hence, should the application be approved, before it can be implemented there will be a need to secure a new Traffic Regulation Order (TRO) to change the on-street parking regulations, which will reduce some of the space available about the main junction onto the site. As mentioned above, the applicant has offered to make car parking spaces in lieu of this available on the application site. Should such a TRO not be confirmed, then that would stymie the implementation of the application if it were approved.

- 2.90 The proposal would also entail re-organisation of the bus stop, indicated to be positioned just North of the Southern access onto the site.
- 2.91 ECC Highways have given the proposals considerable and detailed consideration in conjunction with the applicants and their Highway Consultants. The Recommendation is set out in full in the consultation section but in summary requires:
- the Northern access to be made up and available before any development on the site, which will include the TRO amending limited waiting bays in North Street (as construction traffic will need full turning area). The Southern access to be made up and available before occupation.
 - Contribution of £8,000 for public transport infrastructure (bus stop).
 - Provision of travel information pack for new tenants and all residents.
 - Internal layout design to Essex Design Guide along Northern access road area beyond turning head and Southern access, and pedestrian courtyard not to be adopted; appropriate Conditions required.
 - Provision of cycle parking in visible position with good natural surveillance by pedestrians.

Transport Assessment (TIA)

- 2.92 The Transport Assessment concludes that the proposed access arrangements and additional development traffic would have no significant impact on the operation of the local highway network. This is based on a worse case scenario traffic impact and, as such, in everyday operations, the junctions would have less traffic going through them than assessed. It notes the Town's rural location and the site benefits from being within walking distance of the various bus services and, in addition, its proximity to Rochford Station affords greater choice of non-car modes of transport. Pedestrian links on site and existing pedestrian facilities encourage residents to walk for short journeys.
- 2.93 The development site will generate an increase in traffic on the surrounding highway network; however, all junctions included in the study area will continue to operate within capacity with minimal queuing or delay. (The study area includes all the roads in the Town Centre extending up to the Dalys Road/Ashingdon Road junction.) Although final designs will see some amendments, it is concluded that the highway network surrounding the site can accommodate the proposed mixed use development with all junctions operating within capacity. The proposals should not be resisted on highway grounds.

2.94 (a) Vehicular routing to the site

The application proposal, as set out above, has always envisaged the two accesses from North Street being conventional left turns in and left turns out, given that North Street is one way for its length between Horners Corner to the South and Dalys Road junction to the North. Therefore, to access the site, every vehicle will be routed through the Horners Corner junction of North, East, South and West Street. Vehicles approaching from the South would come directly Northwards along South Street through this junction onto North Street and the application site. Whereas vehicles coming from the North would approach along Dalys Road or Stambridge Road, but all feeding through East Street back around Horners Corner into North Street and then onto the application site. It is clear that the Horners Corner junction is a very historic meeting point of the four historic streets of the Town and not provided to current highway specifications. Indeed, East Street, West Street and the relevant part of North Street are all one-way, obviously as part of a modern traffic management system for today's vehicles in an historic centre.

2.95 Horners Corner, with the existing traffic flows, has periods of stress, particularly when larger vehicles or buses approaching from South Street are unable to complete the sweep around the corner, primarily because of the backing up of vehicles waiting to access the Market Square car park. These events can block the junction and hence all access along South Street, East Street, North Street and West Street comes to a standstill. This also has an impact on air quality, as the standing vehicles are emitting into these narrow Town Centre streets.

2.96 Consideration of this led to alternative proposals being put forward and given serious consideration to serve the application proposals to create a short section of two-way traffic in North Street between its junction with Weir Pond Road and the principal access to the application site. The advantage seen that this would have provided vehicles visiting the site the option of avoiding coming through this junction and the historic centre by approaching from the Dalys Road direction, along a two way section of North Street turning right into the site. To do this, the junction of North Street and Dalys Road would need to be re-designed and a mini-roundabout would be formed at the point of the principal access into the site in North Street. This, as with the application proposals, would involve loss of some on-street parking and attendant need for a new Traffic Regulation Order, although the reduction in number of on-street spaces may be less. The only exceptions to these would be the vehicles from premises feeding into the Town via East Street, being one-way they have no alternative but to come through Horners Corner although, of course, this would involve a limited number of premises.

2.97 (b) The alternative two-way traffic route into the site

The applicant's Traffic Consultant produced an option drawing for this alternative, which has formed the basis of a debate with officers and Essex County Council Highways, including a safety audit at County Council.

- 2.98 Officers prefer this option of routing vehicles, avoiding a requirement to come through the historic core and Horners Corner junction, on the basis of routing traffic away from the historic area and thereby improving the general attractiveness of this area of character and its appeal to pedestrians because of traffic movements, noise and air quality pollution.
- 2.99 Unfortunately, the safety audit at County Council appears to present insurmountable problems within the combined limits of the existing application site and highway. These could only be avoided by acquisition of land to the North, and the demolition of a building to the South. The principal concerns of Essex County Council Highways regarding this option are:
- Vehicles, particularly HGV 's, emerging from the site would swing out into the opposite side of the road conflicting with oncoming traffic.
 - The positioning of the mini-roundabout requires "extreme deflection" of vehicles travelling North along North Street.
 - The right-hand turn into Weir Pond Road is substandard with numerous safety risks.
 - The width of the new access created into the site to accommodate the necessary land take for a compliant left-hand turn out of the site for HGV vehicles would create a serious issue for pedestrian safety, as the access width would be over large and there is not enough land to create a crossing point as well. Hence, the Highway Authority consider this is not the most suitable solution to access the development site safely
- 2.100 In these circumstances, the perceived overall traffic flow and environmental advantages of the alternative arrangement appear to be outweighed by the more immediate concerns of sub-standard traffic movements at the two new junctions formed. On this basis, the applicant has decided not to pursue this arrangement further and requests the application be determined on the basis of the formal application plans, which have always shown the original access arrangements.
- Traffic Regulation Order**
- 2.101 If Planning Permission is granted for this proposal, whether it be the proposed access arrangements into the site, or the alternative that has been debated, a Traffic Regulation Order is required to amend on-street parking provision in North Street, so as to allow vehicles, in particular HGV's, to gain satisfactory access into the site. Such Orders are outside the Planning process, but implementation of the scheme would be reliant on the Order being obtained.
- Car Parking**
- 2.102 The site is clearly in a Town Centre location where reduced car parking standards may be acceptable. The Government's emphasis for some time, set out in PPG13 Housing and PPG3 Transport, is for reduced parking provision, particularly within Town Centre locations.

2.103 The following is an assessment of parking provision within the scheme, having regard to the Town Centre location and LPSPG2 Vehicle Parking Standards. From this it can be seen that the number of spaces provided in the separate elements of the scheme overall are more or less in line with what would be expected. In terms of availability of the car parking for shoppers in the basement parking of Block B, the provision of 70 spaces for this purpose is controlled in the recommendation. However, on consideration, detailed management is felt best left to the developer and the Supermarket operator.

2.104 The developer has also offered to accommodate within the car parking area of Block B, a number of spaces equating to those on-street parking spaces lost in North Street, on a managed basis, to be available for local residents. This can be included in the Section 106 Agreement.

2.105 **BLOCK A**

	Required	Provided
Supermarket	66	70
3 Lock up Shops	0	
Library	5 est	
42 Flats	42	
Total	113	90 shortfall of 23

2.106 **BLOCK B**

	Required	Provided
3 Lock up Shops	0	
34 Sheltered Flats	11	
Total	11	32 surplus of 21

2.107 **BLOCK C**

	Required	Provided
73 Flats	73	73
Total	73	73

2.108 Site Density

The application site covers an overall area of 1.127 hectares (2.78 acres). In terms of site density, it is clearly not a conventional housing estate development. However, calculating the density in the same way, bearing in mind that there is also a Supermarket, 6 Shops and Library on the site, the calculation gives a figure of 132 units per hectare (54 units per acre). These 149 units are either 1 or 2 bed Flats or Bedsits, or Sheltered units of accommodation.

2.109 Clearly, a comparison with normal estate developments, where the Government aims at a figure of not less than 30-50 dwellings per hectare, is not meaningful. PPG3 confirms that greater densities should be achieved where there is good public access, i.e. Town Centres.

2.110 In terms of provision amenity areas, for Flats, the LPSPG1 seeks to achieve a minimum of 25 m.sq per Flat or 5 m.sq balconies and 50 m.sq for ground floor units (or a mix of the two methods) and in terms of Sheltered Housing the Local Plan seeks the same 25 m.sq level of provision.

- BLOCK A has a high level amenity deck with an area of approximately 460 serving some 42 number of units equivalent to 11 m.sq amenity area per unit, but many of these units have their own direct balcony so the ratio of deck amenity area to non-balcony units will be greater.
- BLOCK B has an amenity area to the rear of the Block well placed to separate it from the rear of properties in North Street and to provide a communal space for the Sheltered Housing. It is an area of approximately 303 m.sq, which equates to 9 m.sq per unit.
- BLOCK C has one central amenity area within the Courtyard and a smaller amenity area to the North of the Block. Overall, it has a functional area of approximately 840 m.sq at a ratio of 12 m.sq per Flat.

Scale and Design of new buildings**2.111 Block A**

Comprises a three storey building along its frontage to the courtyard and return wings. The rear part of the building is single storey with basement parking beneath and an amenity area on the deck roof at a height of some 3.8 m – 4.5 m above ground level, plus a stairwell block.

2.112 The elevations to both the courtyard and both wings are broken into varying sized elements of discreet, contrasting designs and changing roof details. This gives a very varied and mixed composition in an endeavour to assimilate the smaller historic townscape and character of the Town. There is an element of horizontal emphasis created by the canopy to the Supermarket. The scale of the roofing is reduced by creating a twinned span, thereby allowing a lower roof ridge. The Western elevation onto the Hospital is less varied, with the horizontal theme of amenity decking balconies, to flats and the continuous roofscape. This is more reflective of the nature of the buildings in the Hospital grounds.

2.113 Block B

Is the smallest of the three elements. It is again virtually three storey throughout, with a small two storey wing along the return main access road into the site. However, the scale of this unit is less than that of Block A employing some lower eaves height and dormer ranges. It is again broken up into a series of smaller segments and, at its Southern end, has been designed to give a focal point along the new pedestrian link into the Market Square.

2.114 Block C

This unit has gone through a complete re-design from the initial application received last year. The design, perceived bulk and scale of the first design was not considered acceptable or appropriate in the Conservation Area and adjoining the Listed Buildings to the North.

2.115 The revised plans received on 22 December 2003 were a significant improvement, employing designs more akin to the other blocks, but also deleted a substantial part of the upper floor of the building and, hence, its floorspace.

2.116 This design has been revised again on the latest drawings of 31 March 2004, further reducing the bulk of the building and breaking it up into smaller vertical segments. The building is two storeys on the highest part of the site to the rear of North Street, increasing to three storeys across the site with three and four storeys towards the Western side nearest the Hospital boundary. The North elevation comprises part two storey and part three storey development, but all as rooms in the roof. This is a greatly improved elevation from that originally submitted, facing out towards the Listed Samuel Johnson building.

2.117 Appropriateness of Scale and Design

Clearly, this is a development of large building blocks, predominantly three storeys, rising to some four storey parts in Block C. On face value, buildings of such scale and size would not fit in well with the smaller scale buildings in the historic street frontages in the Town.

2.118 This is a view taken by the County's Historic Buildings & Conservation Adviser who, whilst confirming no objection to the mixed use development, considers the proposals inappropriate within the Conservation Area and that the height and bulk of the buildings do not respect the townscape character of the historic core and would have significant and adverse impact on the Listed Samuel Johnson building and other buildings adjoining the site.

- 2.119 There is another school of thought, which officers subscribe to, that this site does not fall within any of the established historic street frontages of the Town. Indeed, it does not directly have a built frontage onto any street, save the parking area off Pollard Close. It is a land-locked site and therefore the buildings proposed will not be set within the historic street frontages in competition with the smaller scale buildings. There will, of course, be views of these large scale buildings glimpsed between access points, between and over buildings, etc., but it is believed not in such a way as to dominate or be so detrimental to the historic character of the Town, its Conservation Area or Listed Buildings so as to justify refusal. The Western elevations onto the Hospital site may be opened up in the future when the Hospital redevelopment occurs. At present, close to the Southern half of the site, is a two storey building block. This is proposed to be replaced by car parking, which would open up this less pleasing elevation of Block A.
- 2.120 In terms of design for buildings of this scale, the segmental and varied approach employed, breaking the buildings into smaller elements with a variation of window heights and cill, and chimney stacks throughout is considered to be successful, resulting in a design approach that can integrate well with the existing Town Centre, subject to good quality materials and detailing being employed in the final build. Overall, the design is considered acceptable.
- 2.121 **Location of new buildings**
As mentioned above, the main highway access to the site is through Roche Close that serves the former building known as "The Bungalow".
- 2.122 **Block A**
The disposition of the buildings on the site is Block A (the Supermarket, Shops, Library and Flats) to the South of this main access, occupying broadly half the width of the site with the long frontage onto the public courtyard created and the rear boundary onto the Hospital grounds.
- 2.123 In terms of impact from the layout of the building, the significant neighbour here is the Hospital site. The Trust's area of concern is overlooking, noting that in the Rochford Hospital Redevelopment Plan, most of their clinical buildings are further away from this development except the Special Needs Assessment Unit (SNAU) and associated secure garden area. It is this secure garden that concerns them with potential overlooking of patient activity thus comprising privacy and dignity, although they do say they would be interested to know the positioning of windows within the building.
- 2.124 The boundary at this point between the application site and the proposed SNAU is between 55 m and 60 m and officers do not consider over this distance that it is reasonable to argue a basis for overlooking. Also, in part, there is another intervening building and the rear openings on Block A are actually, in the main, inset a further 18 m – 20 m from this boundary, although the amenity deck comes close up to the boundary.

2.125 **Block B**

(Shops and Sheltered Accommodation) sits again to the South of the main access opposite Block A with its main frontage onto the public courtyard. It is a narrower block with car parking and amenity area set to the rear, giving quite considerable separation in the main between it and the rear of the properties fronting North Street. This building to building separation varies from about 36 m down to 22 m, but with substantially the greater element of separation occurring within the application site. The only element to come closer than this is the length of return frontage created to the vehicular access, which has a side to back distance of about 15 m to the Taxi Office building.

2.126 The arrangements to the existing properties that this Block backs onto in North Street are considered acceptable, noting in particular, the isolation created by the parking and amenity area, together with a landscaped strip edging the parking area.

2.127 **Block C**

Block C occupies the Northern part of the site, to the North of the main highway access. It comprises a horseshoe layout with the main frontage onto the principal highway access, forming a focal point viewed through the public courtyard. This is one leg of the horseshoe with the central part running on a North/South axis and the remaining leg returns towards the bottom of the gardens in North Street. This creates an internal courtyard, which comprises, in part, car parking. Within the Eastern side is the amenity area bordering the rear boundary of the existing properties in North Street. The mid section has its rear elevation into the courtyard, together with the other legs, and its front elevation faces onto the manoeuvring area and then parking spaces serving this block. This parking comes up to the boundary, which is a long boundary, again, with the Hospital grounds.

2.128 **Noise**

The HHH&CC has considered the acoustics on the Noise Assessment as outlined above and reports that mitigation measures will be required, recommending that these be dealt with by Condition. The area of greatest concern revolved around the access to the basement car park and deliveries and the resulting noise impact, as well as plant and other machinery for the Supermarket.

2.129 **Air Quality**

The Air Quality Assessment has also been considered by the HHH&CC, the findings being that there is a possibility of national air quality objectives being exceeded for NO₂ symbol at the nearest receptors to the Horners Corner junction. The HHH&CC therefore recommends that alternative traffic management schemes be investigated to minimise the traffic flows through this junction.

2.130 As explained above, the alternative traffic management scheme, which would have reduced the flow through this junction, has now been abandoned, because junction details with two-way flow at the top end of North Street would create conditions of highway danger. Unless the applicant is in a position to purchase or gain control of additional land, which may entail demolition of, or part of, the building to the South of the access, there is no prospect of this alternative being realised.

- 2.131 On this basis, the HHH&CC recommends a detailed Air Quality Assessment including NO₂ monitoring should be carried out to clarify whether the national air quality objectives are likely to be exceeded. The applicant has agreed to fund such a detailed Assessment.
- 2.132 **Affordable Housing**
This development is clearly bringing forward one of the Council's longer term ambitions of a Supermarket in Rochford Town Centre, funded out of the development and any private arrangement with the Supermarket operator, etc. Also, a new Library shell is being provided and a significant contribution towards Education provision, as well as a contribution of £8,000 for public transport infrastructure (bus stop), and funding of a detailed Air Quality Assessment.
- 2.133 Having regard to the weighty contributions set out above, the Developer is not in a position to offer affordable housing within the scheme. However, the development does include 115 Flats, being 1-bed, 2-bed and bed-sits.
- 2.134 **Trees and Wildlife**
The Council's Woodlands & Environmental Specialist requested an ecological survey be produced. This has been received and the officer confirms that its findings are accepted, namely, that there is no particular ecological matter or protected species affected by the development.
- 2.135 In relation to trees on the site, the officer requests that if at all possible, two trees are retained. These are not covered by a Tree Preservation Order, but are healthy. Both are towards the Southern boundary of the site and the developer confirms that these can be retained within the overall development proposals.
- 2.136 There is also a group of Silver Birch trees on the Northern side of the main access to the site off North Street. Similarly, the developer has confirmed, subject to detailed approval of the ECC Highways in relation to footpath provision, that these can be retained as a foil to the back of the footpath.
- 2.137 **Drainage and other Infrastructure**
The application site is traversed by two major trunk sewers, being public foul and surface water sewers. These are large diameter at depths of 3.5 to 5.5 metres. Clearly, the development proposals will have to take account of these sewers and it is anticipated they will be diverted. The developer is aware of this issue and is advancing discussions with the appropriate Agencies.
- 2.138 Anglian Water and the Environment Agency have both been consulted on the application and, apart from the issue of the sewer crossing the site, they have not raised any concerns.

- 2.139 Contracted Services (Engineers) – note that, in addition to the above, occasionally at times of stress, a surcharge of surface water occurs within North Street but defers to Anglian Water on the matter.
- 2.140 **Crime Reduction**
The comments of the Crime Reduction Officer are set out above.
- 2.141 The developer has set out in a detailed letter his response to the issues raised. None of the views raised by the Crime Reduction Officer go to the heart of the design or layout of the scheme. The developer acknowledges that the detailed issues, such as lockable open grill shutters, lighting, fencing, CCTV, bollard control of some car parking spaces, will be utilised to address the concerns and covered by Planning Conditions. The ramp is to be “ribbed” so that it is not attractive to skateboarders. Articulated vehicles will be controlled by delivery hours. Management of the car park to Block A will require further consideration, together with the Supermarket operator, but it is envisaged that 70 spaces will be available to shoppers, and the remainder will be controlled access by flat occupants and Library staff only. Trees will not have heavy leaf cover.
- 2.142 **Archaeology**
Given the location of the site partly within the recognised medieval core of the Town, this is clearly an important issue. The applicants were aware of this and produced a desk top Archaeological Study which was submitted with the application. The County Archaeologist has seen this and has also confirmed that Planning Permission may be issued, subject to a Condition in line with PPG16, which requires trial trenching and possible excavation to be undertaken by a professional archaeological team.
- 2.143 **Educational Contribution**
Essex County Council Learning Services has confirmed a revised contribution of £81,600 based on accurate information calculated on the qualifying units as indicated on the revised plans.
- 2.144 **Public Library**
The applicants are proposing a replacement Public Library within the development proposals and there are contractual negotiations with Essex County Council, which owns part of the site, for its provision. The requirement will be for the Library shell to be constructed to a specification agreed with ECC at the developer’s expense.
- 2.145 This is clearly a weighty planning contribution and will be included within the Section 106 Agreement, so that Rochford District Council can with some certainty ensure that the Library will be provided within the development proposals.
- 2.146 **Demolition of Buildings**
The demolition of the buildings on the Bungalow site does not require planning permission. However, given that the site lies within a conservation area, their demolition requires conservation area consent. The applicants are aware of the need for this, and will be submitting such an application in due course.

2.147 CONCLUSION

The debate concerning the appropriateness of the scale and bulk of this development beside the heart of historic Rochford is aired above, together with the officers' view that it is acceptable, given it does not compete within historic street frontages, with the smaller scale buildings.

2.148 Vehicular routing through Horners Corner gave rise to considering an alternative vehicular routing. This alternative would have enabled virtually all vehicles attending the site to avoid Horners Corner and the historic centre of Rochford with the obvious attendant advantages. However, whilst both the applicant and Essex County Council Highways were supportive of exploring this option, it has floundered on highway safety grounds. Inadequate space is available within the combined application site and highway to provide the necessary junction designs in a safe manner.

2.149 The pedestrian link to Market Square is a prerequisite as set out in the recommended Legal Agreement.

RECOMMENDATION

2.150 It is proposed that this Committee **RESOLVES** that the permission be **APPROVED** subject to the completion of a Legal Agreement including the heads of the following matters:-

- No development shall take place on the application site until the applicant has established the right to provide in perpetuity the pedestrian link to Market Square, indicated on the submitted drawings. The link to be provided prior to beneficial occupation of either Blocks A or B.
- No development shall take place on the application site until the applicant has secured the right to undertake the accommodation works to the car parks, boundaries and footway outside the southern boundary of the application site. Prior approval of such works to be obtained from the Local Planning Authority, together with any further planning permission, should it be required. Such works to be provided prior to beneficial use of blocks A and B.
- No development shall take place until completion of the highway improvement junction works to the northern access, implementation of a Traffic Regulation Order to amend the limited waiting bays opposite the site access and a financial contribution of £8000 is secured towards Public Transport Infrastructure.
- The provision on site for the benefit of local residents in North Street or Weir Pond Road of car parking spaces to replace those lost in North Street due to junction redesign.
- No beneficial occupation of Blocks A or B until such time as the completion of the construction of the southern access and junction and the provision on site (details to be agreed with the Local Planning Authority) of secure and covered cycle parking in a visible and accessible position.

- The final wearing surface of the footway along the northern access shall be provided prior to the beneficial occupation of any of the residential or commercial accommodation approved.
- Only beneficial occupation of Block C may occur before the supermarket in Block A is open for trading. Furthermore, prior to the supermarket being available for trading, all vehicular and pedestrian surfaces on the application site and associated accommodation works to the south of the site and within the highway shall be finished with final wearing surface.
- Blocks A, B and C shall all be constructed at the same time.
- Prior to beneficial use of Blocks A and B the applicant shall secure a management agreement responsible in perpetuity for the non-adoptable public areas on the application site and the pedestrian link to Market Square.
- The supermarket hereby permitted shall only be used as a supermarket, which principally trades as a food store.
- Provision of contractors' compound on site during construction to accommodate contractors' vehicles, etc.
- On-site wheel washing facilities during construction.
- A contribution to Essex County Council Learning Services of £81,600.
- The developer to provide a Library, to be finished as per Essex County Council specifications before any beneficial occupation of Blocks A and B
- To provide within the application site the two pedestrian links, as shown on the drawings, up to the western site boundary with the Hospital grounds.
- The developer shall provide a detailed air quality assessment (to an agreed methodology with the Local Planning Authority) carried out to determine the present and likely future impact of Nitrogen Dioxide.
- CCTV and a recoding system shall be provided giving coverage of the courtyard, pedestrian link, main vehicular access way and western side of block C, together with CCTV coverage identified in the applicant's agent's letter of 30 March 2004 for the internal areas of Block A and the car park ramp.

And appropriate conditions including the following heads of conditions:-

- 1 SC4 Time Limits
- 2 No redevelopment consisting of demolition of the buildings marked Roche 1 and 2 shall commence before a contract for the carrying out of works for the redevelopment of the site has been entered into and the necessary Conservation Area consent has been granted for the said demolition.
- 3 SC14 Materials to be Used
- 4 SC16 PD Restricted - Model
- 5 SC41 Hours of Delivery
- 6 Doors to the loading bay shall be kept closed at all times other than during vehicle access and egress.
- 7 All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise there from does not exceed a noise rating level of 5dB(A) below the existing background level when measured according to British Standard BS4142 1997, at a point 1 metre external to the nearest noise sensitive property, at any time.

- 8 Development shall not begin until a scheme for noise attenuation measures has been submitted to and approved in writing by the Local Planning Authority. Any works that form part of the approved scheme shall be completed before any permitted premises or dwelling is occupied unless an alternative period for completion is agreed in writing by the Local Planning Authority.
- 9 SC38 Restrict opening hours of retail units.
- 10 Prior to the commencement of any development, details (including acoustic specifications) of any external equipment or openings in the external walls or roofs of the building proposed at any time in connection with the permitted use, shall be submitted to and approved in writing by the Local Planning Authority before the machinery is installed or the openings formed as approved and shall be maintained in the approved form while the premises are in use for the permitted purpose.
- 11 Before the development is commenced a detailed air quality assessment utilising a methodology previously agreed in writing by the Local Planning Authority shall be carried out to determine the present and likely future impact of Nitrogen Dioxide. The method and extent of this investigation shall be agreed with the Planning Authority prior to the commencement of work.
- 12 All windows throughout the development hereby permitted shall be made of timber with a paint or similar applied finish. Details of this joinery and all shop units to be previously agreed in writing by the Local Planning Authority with detailed plans to a scale of 1:20.
- 13 For the avoidance of doubt the permission hereby granted does not convey or construe any consent for external security shutters to any of the commercial premises or residential units, including carports. Furthermore, prior to their installation, the details of any wrought iron grills or gates shall be previously submitted to and agreed in writing by the Local Planning Authority.
- 14 SC50A Means of Enclosure
- 15 SC59 Landscape Design
- 16 SC76 Parking and Turning Space
- 17 SC84 Slab Levels Required
- 18 SC90 Surface Water Drainage
- 19 SC91 Foul Water Drainage
- 20 No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the Local Planning Authority.
- 21 The provision of a travel information pack for all tenants and new residents. (In the interests of accessibility)

-
- 22 From the internal tangent points of the North Street junction, the carriageway of the access road should be laid out to the dimensions shown on Drawing no. SPROCHFORD. 1/01 Rev A up to commencement of the raised area adjacent to Unit B. This means a carriageway of 7.7 metres wide at the junction tapering down to a width of 6.8 metres.
- 23 The raised area should contain within its limits, a side turn size 2 turning head, the dimensions for which are shown on Page 72 of the 'Design Guide'. The side turn leg of the turning head should also serve as access for the court (pedestrian area directly to the south.
- 24 The minimum footway provision should be as shown on the plan and the extent of both the turning head and limits of the highway, as the effect of the raised area should be positively identified on the ground.
- 25 The 500 mm wide overhang strip should be widened, where possible to include all the available land between the strip and the adjacent boundary.
- 26 The applicant's crime reduction measures to be agreed in detail and implemented/retained as broadly set out in the agent's letter dated 30 March 2004.
- 27 Details to be submitted and agreed in writing by the Local Planning Authority of the segregation measures for the basement car park in Block B to ensure that 70 of the car parking spaces are available for the supermarket and the remainder for the other users in the building.
- 28 Sheltered housing Block B age restriction of 55 years of age.
- 29 Footway links within boundaries of the site, to be laid out and available and retained for use up to the western boundary of the site should a future possible connection from the land to the west be forthcoming.
- 30 Use of the floorspace of the buildings, Blocks A, B and C, shall be as indicated in the submitted application and plans notwithstanding the Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 3, Class E.

Relevant Development Plan Policies and Proposals

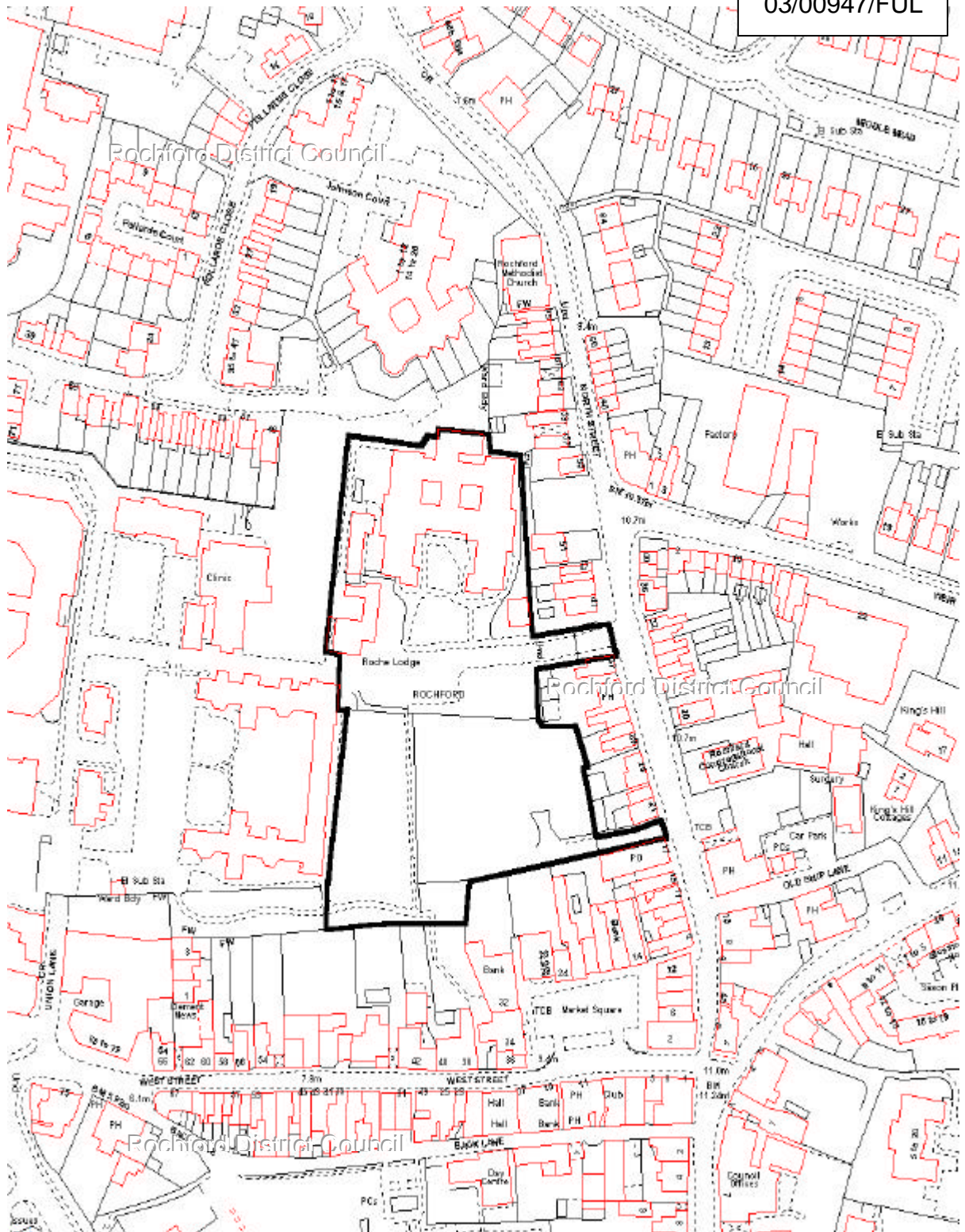
Refer to main body of report.



Shaun Scrutton
Head of Planning Services

For further information please contact John Whitlock on (01702) 546366.

03/00947/FUL



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. This copy is believed to be correct.

Nevertheless Rochford District Council can accept no responsibility for any errors or omissions, changes in the details given or for any expense or loss thereby caused.

Rochford District Council, licence No.LA079138

NTS



CODE OF CONDUCT FOR PLANNING MATTERS

GENERAL PRINCIPLES

Members and Officers must:-

- **at all times act within the law and in accordance with the code of conduct.**
- **support and make decisions in accordance with the Council's planning policies/Central Government guidance and material planning considerations.**
- **declare any personal or prejudicial interest.**
- **not become involved with a planning matter, where they have a prejudicial interest.**
- **not disclose to a third party, or use to personal advantage, any confidential information.**
- **not accept gifts and hospitality received from applicants, agents or objectors outside of the strict rules laid down in the respective Member and Officer Codes of Conduct.**

In Committee, Members must:-

- **base their decisions on material planning considerations.**
- **not speak or vote, if they have a prejudicial interest in a planning matter and withdraw from the meeting.**
- **through the Chairman give details of their Planning reasons for departing from the Officer recommendation on an application which will be recorded in the Minutes.**
- **give Officers the opportunity to report verbally on any application.**

Members must:-

- **not depart from their overriding duty to the interests of the District's community as a whole.**
- **not become associated, in the public's mind, with those who have a vested interest in planning matters.**
- **not agree to be lobbied, unless they give the same opportunity to all other parties.**
- **not depart from the Council's guidelines on procedures at site visits.**
- **not put pressure on Officers to achieve a particular recommendation.**
- **be circumspect in expressing support, or opposing a Planning proposal, until they have all the relevant planning information.**

Officers must:-

- **give objective, professional and non-political advice, on all planning matters.**
- **put in writing to the committee any changes to printed recommendations appearing in the agenda.**