

<p>Item 2 10/00021/FUL Asda Priory Chase Rayleigh</p>	<p>Contents:</p> <ol style="list-style-type: none">1) Essex County Council Highway comments2) Head of Environmental Services comments3) Applicants' letter <p>1) Essex County Council Environment, Sustainability and Highways</p> <p>Essex County Council as Highway Authority do not wish to raise an objection to the proposal as submitted, subject to the following recommended heads of conditions being attached to the grant of consent:-</p> <ol style="list-style-type: none">1) Provision of a visibility splay 2.4m x site maximum2) Provision of 1.5m x 1.5m pedestrian visibility splay3) Provision within the site for the parking of operatives' vehicles and the reception and storage of building materials.4) Provision of a wheel cleaning facility for duration of construction project.5) Car parking area to be hard surfaced, sealed and marked out and retained for parking6) All parking bays to be no less than 2.5m x 5.0m7) Provision of a Transport Information and Marketing scheme to include vouchers for 12 months free bus travel for each eligible member of every residential household. <p>Officer comment::</p> <p><i>Item 1 recommended above is not applicable as no new access is proposed and all other items are covered by conditions to the officer recommendation.</i></p> <p>2) Head of Environmental Services</p> <p>The Head of Environmental Services reports that if Members are minded to approve the application, the following conditions should be attached to any consent granted:-</p> <p>Each individual non-residential unit will require the following conditions:-</p> <ol style="list-style-type: none">1) A mechanical extraction system shall be provided (to the kitchen area) in accordance with details submitted to and agreed in writing with the Local Planning Authority. Such agreed works shall be fully implemented prior to the commencement of any use hereby permitted and shall be maintained in the approved form while the premises are in use for the permitted purpose.2) Prior to the commencement of any development, details of all fume extraction and ventilation equipment shall be submitted to and approved in writing by the L.P.A. The equipment shall be installed as approved and shall be maintained in the approved form while the premises are in use for the permitted purpose.3) Prior to the commencement of any development, details of any external equipment or openings in the external walls or roofs of the building proposed
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	<p>at any time in connection with the permitted use, shall be submitted to and approved in writing by the L.P.A. 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.</p> <p>4) Before the use commences (the unit envelope) shall be insulated against the egress of internally generated noise, in accordance with a scheme to be submitted to and agreed in writing with the L.P.A. Such agreed works shall be fully implemented prior to the commencement of any use hereby permitted and shall be maintained in the approved form while the premises are in use for the permitted purpose.</p> <p>5) Details of the proposed sound insulation scheme for the development, including predictions of the noise level at the boundary of the application site, in accordance with Planning Policy Guidance PPG24, Planning and Noise, shall be submitted to and agreed in writing with the L.P.A. Such agreed works shall be fully implemented prior to the commencement of any use hereby permitted and shall be maintained in the approved form while the premises are in use for the permitted purpose.</p> <p>Informative: In order to prepare the scheme referred to in Condition (insert condition No), the applicant will need to make an assessment of a) the pre-existing background noise levels at the site, taking into account the permitted hours of operation; b) the noise levels likely to be generated from activities at the premises (including the use of any amplifying equipment, music, singing, dancing or other activity); c) any proposed method of ventilation/extraction.</p> <p>6) Prior to any such use commencing, details of any proposed facility for the teaching of music or the playing of amplified sound shall be submitted to and agreed in writing by the L.P.A.</p> <p>7) No amplified speech or music shall be broadcast on the open areas of the site.</p> <p>8) Prior to the commencement of the development hereby permitted, details of the proposed method of storage and disposal of waste shall be submitted to and agreed in writing by the L.P.A. Such agreed works shall be implemented prior to the commencement of any use hereby permitted and shall be maintained in the approved form whilst the premises are in use for the permitted purpose.</p> <p>9) Prior to any such use commencing, details of any proposed A3, A4 or A5 establishment shall be submitted to and agreed in writing by the L.P.A.</p> <p>Informatives to be applied:-</p> <p>1) SI 16 (A&B) Control of nuisances 2) SI 25 Contaminated Land 3) The applicant is advised to contact the Head of Environmental Services at the earliest opportunity to discuss the requirements necessary to meet current food hygiene legislation.</p>
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Additionally, there will be a need to condition delivery/collection hours, etc.

It is noted that there is insufficient reference to sustainable materials, renewable energy and other climate change mitigation factors that is required by the Core Strategy Submission Document.

Please note that it is important for ventilation/extraction equipment is fitted to all non-residential uses prior to first use in order to cater for future use class changes. It will undermine the aesthetics and environmental quality of the development if future catering uses were required to retro-fit extraction equipment through environmental health legislation.

Officer comment:

Items 1 and 2 are covered by condition 4 to the officer recommendation. The additional conditions requested are the subject of further conditions now recommended below except items 8 and 9 considered below.

In terms of climate change factors in the Core Strategy Submissions Document whilst this is noted it can at present be given little weight.

3) Applicants' letter

One letter has been received from the applicants which is also understood to have been circulated by the applicant to members and which makes the following comments upon the officer report and recommendation;

We write following our last letter of 8th February and more specifically following the publication of your report in advance of the Committee later this week. Considering the significant history of the site and our concerns with several aspects of the report, we thought it appropriate to provide you with our final thoughts. We would request that this letter is published in its entirety in the Addendum to the Committee Report.

We would respectfully request that Members refer to this letter when reading the Committee Report to provide clarity on a number of areas.

With reference to the various titles and paragraph numbers we would make the following points:

Title

The description of development, as stated in the report, is incorrect as the scheme no longer proposes a three storey building. The scale and mass of the building has been significantly reduced and will result in a building which is better described as being two and a half storeys. It is important that this key difference between the current scheme and that which was refused is recognised and emphasised given the previous reasons for refusal.

We also notice the continued reference to Asda in the address of the application site. The application site does not form part of Asda but is in fact located within the area identified for the neighbourhood centre as defined by the 2003 outline consent. The application forms stated the location of the site to be at the corner of Priory Chase and Rawreth Lane.

Officer comment:

This is a moot point but officers are comfortable that the description of the development is adequate and that the better description of the development proposed is to refer to the building as three storeys , particularly given the extent of the upper floor space.

Officers note the applicants' concern at the inclusion of Asda in the site location but this retail store identifies the site and surroundings on the Council's data base and for that reason it is necessary to repeat reference to the store in correctly locating the site.

Paragraph 2.2

The Wimpey residential scheme opposite the application site on Priory Chase is incorrectly referred to as being a building of two storey form with accommodation in the roof space. The building is better described as being two and a half storeys in height with a prominent three storey element at the entrance to Priory Chase. It is the case that the ridge height of the two and a half storey element of the Wimpey building is 10.5m, which is identical to the ridge height of the proposed Coral scheme. The height of the new design has been deliberately tailored to match that of the Wimpey scheme to add symmetry when entering Priory Chase.

Officer comment

The building opposite the site was previously described in the report to committee of 20 January 2005 as being of predominantly three storey form due to the presence of three full floors in part of the building then proposed.

The existing building opposite the site has a substantial roof which contains the floor space of that second floor to that building. The main ridge to this neighbouring building scale from the approved plans to a height of 10.65m.

Paragraph 2.3

The existing car park is incorrectly referred to as the Asda car park. The car park is a neighbourhood centre facility which will also serve the commercial element of the application scheme. This is a long established point which has been acknowledged by Officers in previous reports and the Inspector in the appeal decision. Car parking numbers was not a reason for refusal in the previous application.

Officer comment:

Officers consider that whilst the existing car park is to serve the neighbourhood centre, it is described as serving the retail store because at the present time with the site incomplete that is the function the car park currently serves.

Paragraph 2.5

The report incorrectly states that the scheme will offer 10x 1 bed and 13x 2 bed units. As stated on the application forms the proposal is in fact for a mix of 9x 1 bed units and 14x 2 bed units. The development would provide 23 residential units in total, one less than the refused scheme.

Officer comment:

The applicants are correct in that the development comprises 9 no. one bedroomed and 14 No . two bedroomed flats.

Paragraph 2.6

The refused scheme was correctly described as being three storeys in height, however, the revised scheme is again incorrectly described as being three storeys. As we have stated, the current application is for a two and a half storey building of an identical height to the two and a half storey element of the Wimpey scheme.

Officer comment:

The matter of the development description and the number of storeys is addressed in response to title and paragraph 2.2. above.

Paragraph 2.9

The report states that the applicant has revisited the design in response to Members concerns. Whilst this is correct, we do not feel that this comment truly reflects the efforts made by the applicants to fundamentally redesign the scheme to provide a traditional building to directly address the reasons for refusal provided by Members. The redesign has significant cost implications, with the traditional approach being a more costly undertaking than the modern approach, with the loss of a unit also resulting in a lower return.

Officer comment:

Clearly the applicants have gone to some effort to re-design the building proposed.

Paragraph 2.10

The description of the proposed building does not reflect the context of the previously approved schemes on the site and the surrounding existing buildings.

The report incorrectly states that the ridge height of the proposed building is **11.3m**. This measurement is in fact **10.5m**, the same height as the Wimpey scheme opposite. The overall height of the proposed building is also incorrectly referred to as **14.35m**, when it fact the maximum height would be a significantly lower **13.6m**. This is clearly lower than the refused scheme as intended to address the reasons for refusal.

It is the case that the mixed use building approved at appeal as part of the Asda proposals, which still has extant planning permission, had a maximum ridge height of **10.6m**, with a maximum gable height of **11.2m**. The current application scheme therefore has a lower ridge height than this extant scheme.

As stated above, the ridge height of the Wimpey building which stands opposite the application site is **10.5m**, with the maximum height of the building being **14m**. Again this is higher than the proposed scheme.

	<p>Officer comment:</p> <p><i>Officers confirm that on the basis of the submitted plans and as measured against the scale bar on the submitted section plans the overall height of the main roof line to be 11.3m as stated in the report. Furthermore the overall height of the stairwell towers is also correctly stated in the report at 14.35m. Officers do not agree the applicants' alternative and lower measurements.</i></p> <p><i>Officers agree that the mixed use building previously allowed on appeal is to a main ridge height of 10.6m and overall gable height of 11.2m as the applicant states.</i></p> <p><i>As stated in the response to paragraph 2.2. above the key worker flats opposite the site have an approved height of 10.65m with the tower roof to 14m as approved.</i></p> <p>Paragraph 2.11</p> <p>Once again the dimensions of the proposed building have been incorrectly referred to. The revised proposed frontage onto Priory Chase would in fact be 52.1m in length, not 52.8m. The revised scheme frontage is in fact smaller than the refused scheme which would have extended some 52.3m along Priory Chase. The depth of the revised scheme is also reduced when compared to the refused scheme, resulting in a building which would have a reduced footprint and a reduced mass and bulk.</p> <p>It is important to recognise that the current proposals will also have a significantly reduced footprint when compared to the extant planning permission for the mixed use building obtained by Asda, with the previously permitted building having an extended L-shape arrangement. Whilst also being lower in height, the application proposals are therefore smaller in scale than previously permitted proposals on the site.</p> <p>Officer comment:</p> <p><i>Officers agree that the frontage onto Priory Chase would have a length of 52.1m but from the plans submitted the width of the building at 16.2m is stated correct in the report.</i></p> <p>Paragraph 2.12</p> <p>Once again the report refers to the car park as being supportive of the Asda store, when in fact the car park will serve the whole of the neighbourhood centre, which includes the commercial element of the application scheme. The scheme is therefore fully compliant in this respect and in line with the position established by previous consents.</p> <p>Officer comment:</p> <p><i>None required.</i></p>
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Paragraph 2.15

This paragraph does not refer to the extensive discussions that have taken place with Essex County Council Officers in respect of urban design and highways matters.

Officer comment:

None required.

Paragraph 2.33

This covers the comments by the Urban Design Officer. Whilst they state concerns over the use and management of the roof garden, they fail to recognise the numerous examples of successful roof gardens elsewhere. It is the case that similar amenity areas have been provided throughout Essex and the application was supported by examples of schemes we have successfully promoted with roof garden/terraces, in addition to examples where Rochford District Council have approved such arrangements themselves. This is a widely accepted approach to delivering amenity space within developments, and is supported by national planning policy in respect of mixed use developments and design.

It is the case that the roof garden will be managed by the RSL who will take on the affordable units and who have experience at overseeing such areas and ensuring they are safe and attractive for residents. The Urban Designer recognises that the roof garden has been successfully broken down and we have agreed in previous correspondence with the Ward Councillor that the barrier and planting will be extended along the south western edge of the roof garden. We enclose a revised roof plan with this letter (09-02 TP201 Rev F) which illustrates the extended roof planting, removing the need for a condition.

Considering the roof garden is a widely acknowledged solution for providing amenity space in mixed use developments, the reference to this element in the report describes this in a negative light, when in fact this is a particularly positive addition to the scheme which addresses a previous reason for refusal.

Paragraph 2.35

We also consider this paragraph unjustifiably sets the revised scheme in an overly negative light. It was the case that the Urban Designers strongly supported the refused scheme and the modern approach and they therefore see the reversion to a traditional approach as a step backwards. This is the reason for their non-committal response in respect of the revised scheme and their comments have clearly been carefully worded in the context of the pending appeal. Importantly they recognise and acknowledge that the scheme has been fundamentally changed to address the reasons for refusal attached to the previous scheme.

Paragraph 2.42

We also see it as a positive of the scheme that only one letter of objection from a local resident has been received, which makes comments on matters which have been established through previous schemes and which are either addressed in this letter or our previous correspondence. It is important to recognise that this forms the only objection to the scheme, with all statutory consultation responses

being supportive of the proposals, as they were with the refused scheme.

Paragraphs 2.33, 2.35 and 2.42.

Officer comment:

These comments are those of consultees and as such require no comment from officers in the context they are reported.

Paragraphs 2.48 & 2.49

As with paragraph 2.35, these comments should be seen in the context that, whilst not being the preferred design approach for the Urban Designers, the reversion to the traditional design is a direct response to the preference of Member's and should be seen as a proactive move by the applicant to promote a design which will be supported locally.

Officer comment:

None required.

Paragraphs 2.54 to 2.61

As with the previous Committee Report and as stated within our revised submission, it is our understanding that the Council's amenity space standard has been misinterpreted. In the case of the revised scheme, the key point is that it exceeds the standard and therefore addresses the previous reason for refusal. The scheme was redesigned deliberately with this in mind. The key point is that each flat is either provided with a private balcony or terrace, or has access to some 540 sqm of high quality communal amenity space. The form of amenity space proposed is entirely in accordance with the Council's policy and the roof garden will be designed in accordance with the building regulations.

Officer comment:

Members will see from the analysis that with the inclusion of the roof garden the applicants now satisfy the requirements for an adequate amenity space to serve future occupiers of the building as now proposed

Paragraph 2.62

The report correctly concludes that there will be no overlooking or resulting loss of amenity as a result of the two balconies that face onto the public areas of Priory Chase and Rawreth Lane or the roof garden. The potential for overlooking was specifically raised by Councillor Black during the course of the application and we have provided a response where we consider this issue in detail. It is the case that the scheme is fully policy compliant in this regard.

Officer comment:

None required.

Paragraph 2.64

Again we consider this paragraph paints an overly negative picture by

suggesting the refuse bin enclosures for the residential units are too small. The Council has no published standard for such facilities and at no time during the consideration of the previous application was this raised as an issue of concern.

It is also the case that this matter was not referred to within the three reasons for refusal. Importantly the scheme has reduced from 24 units to 23, and the mix of units has altered, with a lower number of two bed units proposed. For these reasons we do not consider there is justification to suggest that the scheme will not be adequately provided for. The architects have confirmed that the internal bin store proposed will accommodate 6x 1,100 litre Eurobins which is considered more than sufficient to serve the 23 units.

It is also significant that the Council's own EHO has raised no concerns with this and a condition has been proposed for details of refuse facilities to be agreed.

With regard to the collection of refuse and the manoeuvring of vehicles, the Highway Authority has raised no issue or objection to the scheme. It should also be recognised that the site has an extant permission for a similar mixed use building and the infrequency of refuse vehicles servicing the site will not cause disruption to the neighbourhood centre car park.

Officer comment:

Officers have raised the issue of the size of refuse bins with the applicant. The architects have considered this matter in the design and consider the provision more than adequate. With no material objection for the County Highway Authority regarding the servicing of the building, officers consider there would be no substance around which to introduce a new reason for refusal on this matter.

Paragraphs 2.65 to 2.70

The report correctly points out that the existing neighbourhood centre car park was always intended to serve any commercial development that comes forward on the application site. There is only a requirement for Coral to provide sufficient car parking to support the residential element of their scheme.

Whilst the Council is now working to the updated Parking Standards, it is the case that the previous application was also considered against the new standards. No objection was raised to the previous scheme by the Highway Authority which promoted 24 units and 33 spaces. The revised scheme proposes 23 units with a higher proportion of one bed flats (9) and 31 spaces. At the time of writing the Highway Authority had once again responded positively to the proposals and raised no objection on the grounds that the application site will form part of a neighbourhood centre and the residential units will therefore be well related to shopping and community facilities.

The applicant has also agreed to a condition suggested by the Highway Authority which will ensure the provision and implementation of a Transport Information and Marketing Scheme for sustainable transport which will offer the future residents of the scheme 12 months free bus travel.

The proposal is therefore supported in terms of highways by both District and Council Officers.

	<p>Officer comment:</p> <p><i>None required.</i></p> <p>Paragraphs 2.71 to 2.74</p> <p>Once again we consider the report overly complicates matters which have already been established and agreed through previous applications.</p> <p>As with the previous application the applicant has agreed a condition which will ensure that at any one time only one of the three commercial units proposed can be occupied by A3 and A5 uses, addressing the concerns that have been expressed by local residents in the past. This style of condition was established through the November 2008 consent for 6 commercial units, and as the current scheme offers fewer units, this is considered an agreed position.</p> <p>Officer comment:</p> <p><i>None required.</i></p> <p>Paragraph 2.75</p> <p>As confirmed in the report, the applicant is offering all 23 residential units for affordable units, when there is only a policy requirement for a scheme of this size to deliver 9 units.</p> <p>Enclosed with this letter we provide a fully engrossed Unilateral Undertaking securing this significant benefit of the scheme. This agreement has been fully agreed between the applicant, Strategic Housing Office, District Solicitor and the Council's own preferred RSL, Sanctuary Housing Association.</p> <p>Officer comment:</p> <p><i>None required.</i></p> <p><u>Conditions</u></p> <p>As with the refused scheme, prior to the application going before Committee we can confirm the applicant's acceptance of the 15 conditions attached to the report which reflect those agreed between parties before going to the October Committee.</p> <p>However, over the past few weeks we have received comments from Ward Councillor Black and the ECC Urban Designer which has lead us to agree to additional conditions. We detail these below for clarity as these were confirmed following the drafting of the Committee Report and therefore were not included:</p> <p>Height of fencing and planting enclosing the ground floor amenity space –</p> <p>We can confirm our acceptance of the suggested condition by the Urban Designer which would restrict the height of fencing and landscaping to 1m. This will ensure the amenity space has a 'front' garden appearance.</p>
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<p>Officer comment:</p> <p><i>Condition 15 of recommendation</i></p> <p>Materials – the materials proposed and annotated on the submitted elevations and colour perspective have been proposed following discussions with ECC's Urban Designers. We can confirm our willingness to accept a condition for materials to be submitted. It is the case that high quality materials will be incorporated throughout the development including lead covered dormers as requested by Ward Members. Other high quality materials, include natural roof slate and red facing brickwork.</p> <p>Officer comment:</p> <p><i>Condition 2 of recommendation</i></p> <p>SUDs – It is the case that the Asda development, including the neighbourhood centre car park, has already implemented a SUDs system and the intention has always been to link the proposed mixed use building with this existing arrangement. The Environment Agency has raised no objection to the application in this respect and Coral would be more than happy to accept a condition to link unto the existing SUDs system to address the drainage concern raised by the Ward Councillor.</p> <p>Provision of Roof Garden – We can also confirm Coral's willingness to accept a condition ensuring that the roof garden is provided prior to occupation of the residential units in order to secure its delivery.</p> <p>Since the publication of the Committee Report we have also obtained a copy of the Environmental Health Officer's comments which proposes that 9 conditions be attached to the consent. Our review of the previous scheme shows that the EHO have in the past only requested that one condition be attached, suggesting that the request for an additional 8 is excessive for a scheme of this size.</p> <p>Once again these comments fail to recognise the history of the site and the extant planning permissions which have established the form of development which is acceptable on the site. Whilst we would accept the condition contained within the report, which seeks the submission of details of a mechanical extraction system, is appropriate for the 3 commercial units, we would ask Members and Officers to carefully consider whether the 8 further conditions suggested by the EHO are strictly necessary.</p> <p><u>Summary</u></p> <p>We would hope that this letter provides a detailed review of the points raised in the Committee Report and a helpful clarification to assist the determination of the application at the Committee on the 25th February.</p> <p>We hope sincerely that Member's recognise the great amount of effort that has gone into the proposals on this site by the applicant, their consultant team and District and Council Officers. Once again, the scheme is fully supported by Officers, and following the fundamental and costly design changes, the scheme also comprehensively addresses the three reasons for refusal.</p>
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<p>Whilst it is the case that we have also appealed the previous scheme, and this will be heard at a Hearing on the 2nd March, this was entirely to protect the applicant's overall position. All evidence has now been exchanged and it is therefore too late to withdraw the appeal entirely without sides incurring costs, however, once again we would take this opportunity to state that it would be Coral's intention to develop out the revised (traditional) scheme should it be approved by Members.</p> <p>It is our sincere hope that the scheme now addresses the concerns of Members as expressed at the last Committee and specifically the three reasons for refusal.</p> <p>Officer comment:</p> <p>Condition 8 as recommended by the Council's Head of Environmental Services has been considered by the applicant in the layout and provision of refuse storage and a further condition is considered unnecessary.</p> <p>Condition 9 as recommended by the Council's Head of Environmental Services would contradict the flexibility in the permission sought by the applicant and previously agreed by the previous permission granted on 20th November 2008 under application reference 08 / 00789 / FUL . On this basis officers cannot support the use or need of the condition recommended.</p> <p>Officers however support the remaining conditions recommended and not already forming part of the recommendation.</p> <p>REVISED RECOMMENDATION is APPROVAL, subject to the conditions contained in the schedule and to the further heads of conditions and informatives set out below and a satisfactory Unilateral Undertaking to provide the affordable housing;</p> <p>16) Development to connect to existing Sustainable drainage system 17) Roof garden to be provided prior to occupation 18) All parking bays to be no less than 2.5m x 5.0m</p> <p>19) Prior to the commencement of any development, details of any external equipment or openings in the external walls or roofs of the commercial units forming part of the building proposed at any time in connection with the permitted use, shall be submitted to and approved in writing by the L.P.A. 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.</p> <p>20) Before the use of the commercial units forming part of the building proposed commence (the unit envelope) shall be insulated against the egress of internally generated noise, in accordance with a scheme to be submitted to and agreed in writing with the L.P.A. Such agreed works shall be fully implemented prior to the commencement of any use hereby permitted and shall be maintained in the approved form while the premises are in use for the permitted purpose.</p> <p>21) Details of the proposed sound insulation scheme for the development, including predictions of the noise level at the boundary of the application site, in accordance with Planning Policy Guidance PPG24, Planning and</p>

	<p>Noise, shall be submitted to and agreed in writing with the L.P.A. Such agreed works shall be fully implemented prior to the commencement of any use hereby permitted and shall be maintained in the approved form while the premises are in use for the permitted purpose.</p> <p>22) Prior to any such use commencing, for the commercial units forming part of the building proposed details of any proposed facility for the teaching of music or the playing of amplified sound shall be submitted to and agreed in writing by the L.P.A.</p> <p>23) No amplified speech or music shall be broadcast on the open areas of the site.</p> <p>And for the following informatives to be applied:-</p> <ol style="list-style-type: none">1) SI 16 (A&B) Control of nuisances2) SI 25 Contaminated Land3) The applicant is advised to contact the Head of Environmental Services at the earliest opportunity to discuss the requirements necessary to meet current food hygiene legislation.4) In order to prepare the scheme referred to in Condition 21, the applicant will need to make an assessment of a) the pre-existing background noise levels at the site, taking into account the permitted hours of operation; b) the noise levels likely to be generated from activities at the premises (including the use of any amplifying equipment, music, singing, dancing or other activity); c) any proposed method of ventilation/extraction.
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