

REFERRED ITEM R6

**TITLE: 08/00279/FUL
CONSTRUCT PART TWO STOREY, PART THREE STOREY
BUILDING TO PROVIDE SHOP TO GROUND FLOOR WITH 6
NO. TWO-BEDROOMED FLATS ABOVE. FORM NEW
ACCESS AND PROVIDE PARKING AREAS.
76 - 78 WEST STREET ROCHFORD**

APPLICANT: ALBURN MINOS DEVELOPMENTS LTD

ZONING: RESIDENTIAL, CONSERVATION AREA

PARISH: ROCHFORD

WARD: ROCHFORD

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

This application was included in Weekly List no. 931 requiring notification of referrals to the Head of Planning and Transportation by 1.00 pm on Tuesday, 20 May 2008, with any applications being referred to this meeting of the Committee. The item was referred by Cllr K J Gordon.

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

6.1 Rochford Parish Council - Object on the following grounds:-

- The increase in supermarkets in Rochford is not conducive to the medieval town and the Parish Council feel that this could ring the death knell for the existing town centre.
- There is no separate access for delivery lorries, which will have safety implications for pedestrians entering the shop, and users of the customer parking area.
- The position of the vehicular entrance, adjacent to the existing pedestrian crossing, gives rise to serious highways concerns as there is insufficient space for large lorries to turn into the site.
- The vehicular exit onto the roundabout at the junction of West Street/Bradley Way is of insufficient size to cope with large delivery vehicles.

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NOTES

- 6.2 This application is to a site on the northern side of West Street on the inside of the junction formed with Union Lane. The site has an area of 0.1ha and was formerly a petrol filling station and shop, which was more recently demolished. The application site includes land currently forming part of the yard to the 'Milestone' bar/public house at the rear of the site understood to be the subject of a lease agreement from the former British Petroleum company.
- 6.3 The site is predominantly clear with some debris about the site and overgrowing but with a concrete hard surface and bounded to the public street by a close boarded fence. At the rear of the site the former building walls remain to enclose the site.
- 6.4 Adjoining the site to the west is a vacant two storey office building. To the rear of the site exists the 'Milestone' Public House which is two storeys in height. The landlord is also understood to live on the premises. Opposite the site to the east is a single storey car showroom. The workshops, although single storey, are to a height and design comparable to industrial buildings.
- 6.5 The site is allocated for residential purposes and is within the Rochford Town Centre as defined in the Rochford District Replacement Local Plan, as adopted in June 2006. The site is also within the Rochford Conservation Area.
- 6.6 Planning permission was granted on 31st May 2007 under application reference 07/00329/FUL to construct a part two storey, part three storey building to provide shop at ground floor with 6 No. two-bedroomed flats above and car parking to the rear with access from Union Lane. This application was subject to a Unilateral Undertaking to provide a financial contribution to the Highway Authority towards general highway improvements in the vicinity of the site.
- 6.7 The highway authority have not in the current application repeated the request for a financial contribution.

Planning Application Details

- 6.8 The applicants, having undertaken preliminary exploration work to implement the previous decision, now advise that the presence of underground services comprising sewers and B.T. cables and the cost of moving them make the previous consent unviable.
- 6.9 The current application is therefore for an alternative scheme for a building comprising retail shop to ground floor of some 381 square metres with 4 No. two-bedroomed flats at first floor and 2 No. two-bedroomed flats at second floor.

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- 6.10 Whereas the previously approved building was to be sited close to the pavement fronting the site, this current proposal is for a rectangular shaped building set back from the pavement line at a distance of 11.4m - 12m with a customer car park for the shop to the front of the site comprising 8 No. spaces and one disabled space with further residential parking of 5 No. spaces and one disabled space behind the building proposed.
- 6.11 The layout would provide a new access through the kerb radius at the junction of Union Lane at the eastern end of the site. The existing former petrol station access to the west would be altered.
- 6.12 The proposed building would have a width onto West Street of 30.723m and depth of 14.366m providing a side space of 3.345m to the western boundary of the site and a skewing side space of 2.5m, reducing to a pinch point with Union Lane to the rear eastern side of the building proposed. The height, including the three storey element at the Union Lane end of the building, would be to 11.35m overall. The lower two storey element would have an overall height of 9.8m.

Material Planning Considerations

Policy

- 6.13 The site was previously allocated as secondary shopping frontage in the Rochford District Local Plan (1995). The site is currently allocated for residential purposes in The Rochford District Replacement Local Plan (2006). The proposed retail element, whilst outside the currently defined shopping frontages, is still located within the defined town centre.
- 6.14 The site was previously in use for retail purposes. The advice contained within Planning Policy Statement No. 6 Planning for Town Centres states that Local Planning Authorities should recognise and support development that enhances the vitality and viability of market towns and other rural service centres. Mixed uses combining commercial and residential uses make best use of such sites and are to be generally encouraged. The preferred location for such developments is within existing town centres and in this respect the proposal fully accords with Policy SAT1.
- 6.15 The proposal includes a comprehensive design and access statement that addresses the appraisal of the context of the site and does not conflict with the requirements of Policies EB 5 and CS 6 to the adopted Local Plan (2006).

Parking and Amenity Standards

- 6.16 The site is within a town centre location with access to services, a regular bus service and adjoins a main line railway station. Of the car parking provided the applicants intend one car parking space to be allocated for each flat. This allocation is considered acceptable, given the location of the site. It is considered necessary, however, that a condition be part of any approval that might be given to secure that part of the parking layout for residents.

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- 6.17 The scheme shows provision for 6 No. cycle spaces and 6 car parking spaces for the residential element of the scheme to the rear of the building accessed alongside the western boundary of the site.
- 6.18 The retail store would require a maximum of 19 car parking spaces to serve the scheme in addition to adequate room for the servicing of the shop use. In addition the applicant shows provision for 4 No. cycle spaces to the frontage of the store onto Union Lane.
- 6.19 Given the town centre location, it is considered that the proposed parking provision for the shop (9 No. spaces) is acceptable and the provision of cycle spaces and servicing arrangements are similarly acceptable, bearing in mind no material objection being raised by the County Highway Authority. The proposal is not therefore considered to conflict with policies SAT7 and TP8 to the Council's adopted Local Plan (2006).
- 6.20 The development would not give rise to significant levels of traffic against the background of the busy junction in this town centre location and the former use of the site as a petrol filling station and garage workshops.
- 6.21 The rear service yard and first floor amenity area would not give rise to issues for the open storage of domestic paraphernalia, given its containment in part by the envelope of the building at first floor and the fencing and walling proposed and the subject of conditions to the recommendation below.
- 6.22 The first floor amenity area would equate to 103 square metres and below the 150 square metres required to serve the six flats proposed. However, given the town centre location and provision of informal open space opposite the site adjoining Rochford Reservoir, it is considered that this shortfall can be accepted as it is recognised to sustain Conservation Area planning.
- 6.23 The proposal does not therefore present any conflicts with Policy HP11.

Design

- 6.24 The proposal follows discussions between District and County Council urban design officers. The building would provide good proportions and shop front details with false chimneys. The proportion of windows to the walling are along principles discussed with officers.
- 6.25 The palette of materials include slate to the lower two storey roof with multi yellow facing brick to the walls and with red plain tiles to the higher three storey roof element with red facing brick to the walls of this part of the building. The walls would be finished in English Bond. The windows would be white painted and rainwater goods in black powder coated aluminium. Subject to the final comments of the County Urban Designer, the design and proportions and details of the building are considered to be an acceptable standard in the Rochford Conservation Area and without conflict with Local Plan policy BC1.

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Flood Risk

- 6.26 In this current application the Environment Agency have raised an objection based upon flood risk concerns. This arises from a change to the designation of flood zones since the approval of the previous application on this site and which finds the zone extended over the site with respect to potential flooding from the water course opposite the site culverted between the entrance to Rochford rail station and Freight House and which issues alongside Bradley Way.
- 6.27 The Council is required to undertake a sequential test to avoid development within the flood zone. Essentially it falls to the Local Planning Authority to consider the availability of an alternative site for the proposal outside the flood zone.
- 6.28 The site is in a sustainable location, within the town centre. There are no reasonably available sites within the Rochford town centre that would provide an alternative site for the development proposed. Taking into account the valid alternative permission and the need to enhance the appearance of the Rochford Conservation Area by appropriately developing the site, it is considered that the proposal passes the sequential test.
- 6.29 The issue therefore remains as to the provision of a necessary flood risk assessment to ascertain whether the proposed development is likely to be affected by future flooding from any source, whether the proposal would increase the risk of flooding elsewhere and whether the development would be safe and include measures to reduce the risk of flooding to the building within its lifetime. Whilst ordinarily it would be preferred to have this information in advance of the decision, it is considered reasonable in this case that a suitable condition can be part of any approval that might be given to require this information to be resolved with any changes to the design of the building as part of a condition to any approval that might be given. The applicant has agreed in discussion to this way forward.

Revised Siting

- 6.30 Objections have been raised against this revised proposal concerning, in particular, the revised siting of the residential elements closer to the adjoining "Milestone" and restaurant at the rear of the site and the consequent boundary treatment.
- 6.31 The site is irregular in shape. The building proposed would follow a general building line established by the building No. 82 West Street to the west and position of the showrooms to the "First Stop" car sales site to the east. The rear of the proposed building would be sited 15.5m from the rear wing forming the "Milestone" bar to the ground floor and restaurant above directly backing onto the site. The residential use of the "Milestone" would have rear windows at ground and first floor generally facing westwards and not directly opposite the rear windows to the building proposed. The distance between rear windows and the amenity area to the flatted element within the proposal and the bar/restaurant windows would be less than half the 35m standard between flats and dwellings identified in housing areas within the Essex Design Guide, but, given the town centre location and the fact that the opposing windows are serving a bar and restaurant, it is not considered that the privacy of the bar and restaurant need be safeguarded so sensitively.

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- 6.32 In the previous application Members requested the provision of a new 3m high wall to bound the "Milestone" car park with separate details to be submitted concerning the provision of a low wall along the parallel boundary with the rear wing of this neighbouring building. The realities of the boundary of the site in conflict with the extent of built form to the "Milestone" building are ultimately a legal fact and cannot be reasonably addressed in this application, but a similar condition requiring a low wall detail alongside the boundary with the adjoining building would at least allow for an external access to be negotiated. This boundary treatment can be the subject of a condition to any approval that might be given.
- 6.33 **Essex County Council Specialist Archaeological Advice** - Advise that the site is within an area of archaeological potential on the periphery of the known medieval settlement. Archaeological finds/deposits may therefore survive within the development area and such deposits are fragile, irreplaceable and liable to disturbance/destruction during development.
- 6.34 Recommendation - Full condition:-
No development or preliminary ground works 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.
- 6.35 **Essex County Council Highways and Transportation** - Recommend the following heads of conditions:-
- 1) Visibility splay 2.4m x site maximum
 - 2) Pedestrian visibility splay 1.5m x 1.5m
 - 3) Provision within the curtilage of the site for the parking of operatives' vehicles and the reception and storage of materials for the duration of the construction period.
 - 4) Provision of wheel cleaning facility for the duration of the construction period.
 - 5) Car parking areas shall be hard surfaced, marked out and sealed and retained in this form at all times
 - 6) All works within the highway to be laid out and constructed to the satisfaction of the Area Manager South
- 6.36 **Environment Agency** - Object on the basis that the site falls within Flood Zone 2, the medium risk zone, and that therefore the site should pass the sequential test and be supported by a specific Flood Risk Assessment.
- 6.37 Advise that were previously concerned regarding contaminated land, however following de-commissioning works, contaminant concentrations do not now pose a significant risk to controlled waters.
- 6.38 Should these objections be overcome, advise that any culverting works to affect a water course will require the prior written consent of the Environment Agency.

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Surface water from roads and impermeable vehicle parking areas shall be discharged via trapped gullies and only clean uncontaminated surface water should discharge to any watercourse.

A copy of the letter of objection has been supplied direct to the applicant.

- 6.39 **London Southend Airport** - No safeguarding objections.
- 6.40 **Buildings/Technical Support (Engineers)** - No objection. Advise a public foul sewer 300mm diameter within the site adjacent to the front boundary.
- 6.41 **Head of Environmental Services** - Advise that reports have been submitted providing information concerning remediation measures already undertaken in respect of the previous use of the site.
- 6.42 Recommends the following conditions to any approval that might be given:-
- 1) Protective measures in respect of land gases shall be incorporated within all buildings, including well constructed floor slabs incorporating a continuous impermeable gas membrane, sealed around service entries.
 - 2) Topsoil imported for use on the soft areas of the site shall be obtained from a single source and a sample taken for chemical analysis, the results of which shall be provided to the Local Planning Authority.
 - 3) Site investigations shall be undertaken to prove/disprove the existence of an additional underground petroleum tank located to the rear north of the site and the Local Planning Authority provided with a written report of the outcome of the investigations, together with any resultant remediation measures, sampling and analysis.
 - 4) The level of noise emitted from the plant, equipment and activities in the store below shall not be audible within the living accommodation above.
 - 5) Prior to the commencement of the development, details of any external equipment or openings in the external walls 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 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.

Informative:

During the remediation process, anecdotal evidence was to the then site engineers of the existence of an additional tank and associated pipe work located to the rear, north area of the site. The applicant is invited to contact the Environmental Protection Unit in order that further information may be provided.

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- 6.43 Three letters have been received in response to the public notification and which in the main make the following comments and objections:-
- Close proximity of this revised application will block light and air for both residential accommodation and business (The Milestone) and restaurant;
 - Adjoining public house (The Milestone) has a licence for outside entertainment and have bands playing outside at weekends. The new plans will have residential areas and balconies backing onto the open band playing areas, resulting in complaints and risk of losing current licensing benefits to the detriment of the business that has been in operation for over 16 years;
 - Overlooking;
 - 3m wall will go up to the boundary of the adjoining public house, which contains bar windows and will make impossible any access to the windows from the outside;
 - Exhaust fumes from proposed car parking area will impact upon the health and safety of Milestone customers to both courtyard and restaurant areas;
 - Height of proposed building will obscure the Milestone signage, causing detriment to business;
 - Loss of ivy to boundary wall will impact adversely upon nesting birds;
 - Will generate more traffic and LGVs and queues on an already choked road;
 - Over-development as Somerfield already provides sufficient shopping for Rochford Residents and as Tesco has applied on the adjoining site;
 - Won't bother defending existing shops as the Council is not interested in ensuring their survival, having already previously granted permission on the site and the ridiculous idea of pedestrianisation of the square;
 - Heart of the town has plenty of shops that all residents would like to see sustained;
 - Concern for adjoining site and questions if we really need three supermarkets in Rochford.

APPROVE

- 1 SC4B Time Limits Full – Standard
- 2 SC14 Materials to be Used (Externally)
- 3 Notwithstanding the submitted plans hereby approved, the applicant shall submit details to the Local Planning Authority for the enclosure of the site to the western and northern boundaries by way of close boarded fencing on wooden posts to the heights shown on the approved plans and between points D-E-F-G. Such details shall be submitted prior to the first occupation of the development hereby approved. The development shall be implemented in accordance with such details as may be agreed by the Local Planning Authority.
- 4 SC59 Landscape Design - Details (Full)
- 5 SC90 Surface Water Drainage

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- 6 SC91 Foul Water Drainage
- 7 Prior to the first occupation of the development the applicant shall submit details of the proposed surface finishes of the car parking and servicing area to the Local Planning Authority. The development shall be implemented in accordance with such details as may be agreed by the Local Planning Authority.
- 8 Prior to the commencement of the development, the applicant shall submit details to the Local Planning Authority for the retention of residential parking for the flats proposed. Such details may include the provision of lockable posts or such other means of control to retain six car parking spaces within the layout as approved for the private parking of residents living on the site. The development shall be implemented in accordance with such details as may be agreed by the Local Planning Authority.
- 9 Notwithstanding the submitted plans hereby approved, the applicant shall submit details to the Local Planning Authority for the enclosure of the site to the northern boundaries by way of a 3m high brick wall between points A-B-C. Such details shall be submitted prior to the first occupation of the development hereby approved. The development shall be implemented in accordance with such details as may be agreed by the Local Planning Authority.
- 10 For the avoidance of doubt, the permission hereby granted does not convey or construe any consent for external security shutters to any part of the building, including the car port/canopy areas. Furthermore, prior to their installation, the details of any grilles, gates or other means of enclosure shall be previously submitted to and agreed in writing by the Local Planning Authority.
- 11 Notwithstanding the details submitted in support of this application, the applicant shall submit to the Local Planning Authority prior to the commencement of the development details for the bonding and pattern of the external brickwork to be used in the development hereby approved. Such details shall include the choice of brick bonding types suitable to the Rochford Conservation Area, together with mortar colouring and content. The development shall be implemented in accordance with such details as may be agreed by the Local Planning Authority.
- 12 Notwithstanding the submitted details, the applicant shall submit to the Local Planning Authority prior to the commencement of the development details for the provision of a low wall with railing top to be provided in the position on the northern boundary of the site between points C and D, as shown on the approved plans. The development shall be implemented in accordance with such details as may be agreed by the Local Planning Authority.
- 13 Notwithstanding the submitted plans, all service intake piping, ducting, plant and equipment to the building, apart from those relating to the service of the building by Gas, shall be run internally and shall not be visible on the exterior of the building.

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- 14 The residential flats hereby permitted shall be equipped with a communal TV aerial and satellite dish in positions previously submitted to and agreed in writing by the local Planning Authority.
- 15 Notwithstanding the submitted plans, all soil and waste piping, ducting, plant and equipment to the building shall be run internally and shall not be visible on the exterior of the building.
- 16 Prior to the first occupation of the building hereby permitted, the applicant shall submit details to the Local Planning Authority of the position and design of the rainwater goods to be used in the development. Such details shall include black finished metal design and shall be illustrated on elevational drawings to show the position and location of the rainwater goods. The development shall be implemented in accordance with such details as may be agreed by the Local Planning Authority.
- 17 Notwithstanding the submitted plans hereby approved, all windows, doors and masonry shall be inset by not less than 100mm and shall be fitted with sub-sills.
- 18 Notwithstanding the submitted plans hereby approved, the applicant shall submit to the Local Planning Authority and prior to the commencement of the development details of the design and appearance of all windows and doors to be used in the development. All windows shall be of timber. Pairs of casement windows shall both be openable with a centre meeting rail. Sash windows shall be double hung sashes. Pairs of casement windows shall be symmetrical in design. Such details shall include plans and sections to a scale of 1:20. The development shall be implemented in accordance with such details as may be agreed by the Local planning Authority.
- 19 Prior to the commencement of the development, the applicant shall submit to the Local Planning Authority details for the protective measures in respect of land gases which shall be incorporated within all buildings on the site, including well constructed floor slabs incorporating a continuous impermeable gas membrane, sealed around service entries. The development shall be implemented in accordance with such details as may be agreed by the Local Planning Authority.
- 20 Topsoil imported for use on the soft areas of the site shall be obtained from a single source and a sample taken for chemical analysis, the results of which shall be provided to the Local Planning Authority.
- 21 Prior to the commencement of the development, the applicant shall undertake site investigations to prove/disprove the existence of an additional underground petroleum tank located to the rear, north of the site and the Local Planning Authority provided with a written report of the outcome of the investigations, together with any resultant remediation measures, sampling and analysis.

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- 22 The level of noise emitted from the plant, equipment and activities in the store below shall not be audible within the living accommodation above.
- 23 Prior to the commencement of the development, details of any external equipment or openings in the external walls 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 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.
- 24 No development shall commence until the applicant has submitted to the Local Planning Authority a Flood Risk Assessment for the development proposed to establish whether the proposed development is likely to be affected by current or future flooding from any source, to satisfy the Local Planning Authority that the development is safe and, where possible, reduces flood risk overall, whether the development will increase flood risk elsewhere and the measures proposed to deal with these effects and risks. Any necessary flood risk management measures should be sufficiently funded to ensure that the site can be developed and occupied safely throughout its proposed lifetime.
- 25 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.
- 26 A visibility splay 2.4m x site maximum, as measured from the carriageway edge, shall be provided either side of the new access, with no obstruction over 600mm above the level of the adjacent carriageway.
- 27 Prior to the beneficial use of the development commencing there shall be provided 1.5m x 1.5m pedestrian visibility splays to both sides of the vehicular access at the rear of the highway boundary.
- 28 Prior to the commencement of the development on the site the applicant shall submit to the Local Planning Authority details for an area within the site for the parking of operatives' vehicles and the reception and storage of materials clear of the highway and for the duration of the construction period.
- 29 Prior to the commencement of the development on the site the applicant shall submit to the Local Planning Authority details for the provision of the cleaning of wheels of vehicles leaving the site for the duration of the construction period.
- 30 Prior to the beneficial use of the development commencing the car parking areas, including any parking spaces for the mobility impaired, shall be hard surfaced, sealed and marked in parking bays according to details that shall first have been submitted to and agreed in writing by the Local Planning Authority.

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The development shall be implemented in accordance with such details as may be agreed and the car parking areas shall thereafter be retained for the parking of vehicles.

- 31 Prior to the commencement of the development the applicant shall submit to the Local Planning Authority details of a wall and railings to be provided to enclose the frontage of the site onto West Street. The development shall be implemented in accordance with such details as may be agreed by the Local Planning Authority.

REASON FOR DECISION

The proposal is considered not to cause significant demonstrable harm to any development plan interests, nor harm to any other material planning consideration.

Relevant Development Plan Policies and Proposals:

CS6, SAT1, SAT7, BC1, TP8, EB5, HP6, HP11, of the Rochford District Council Adopted Replacement Local Plan.



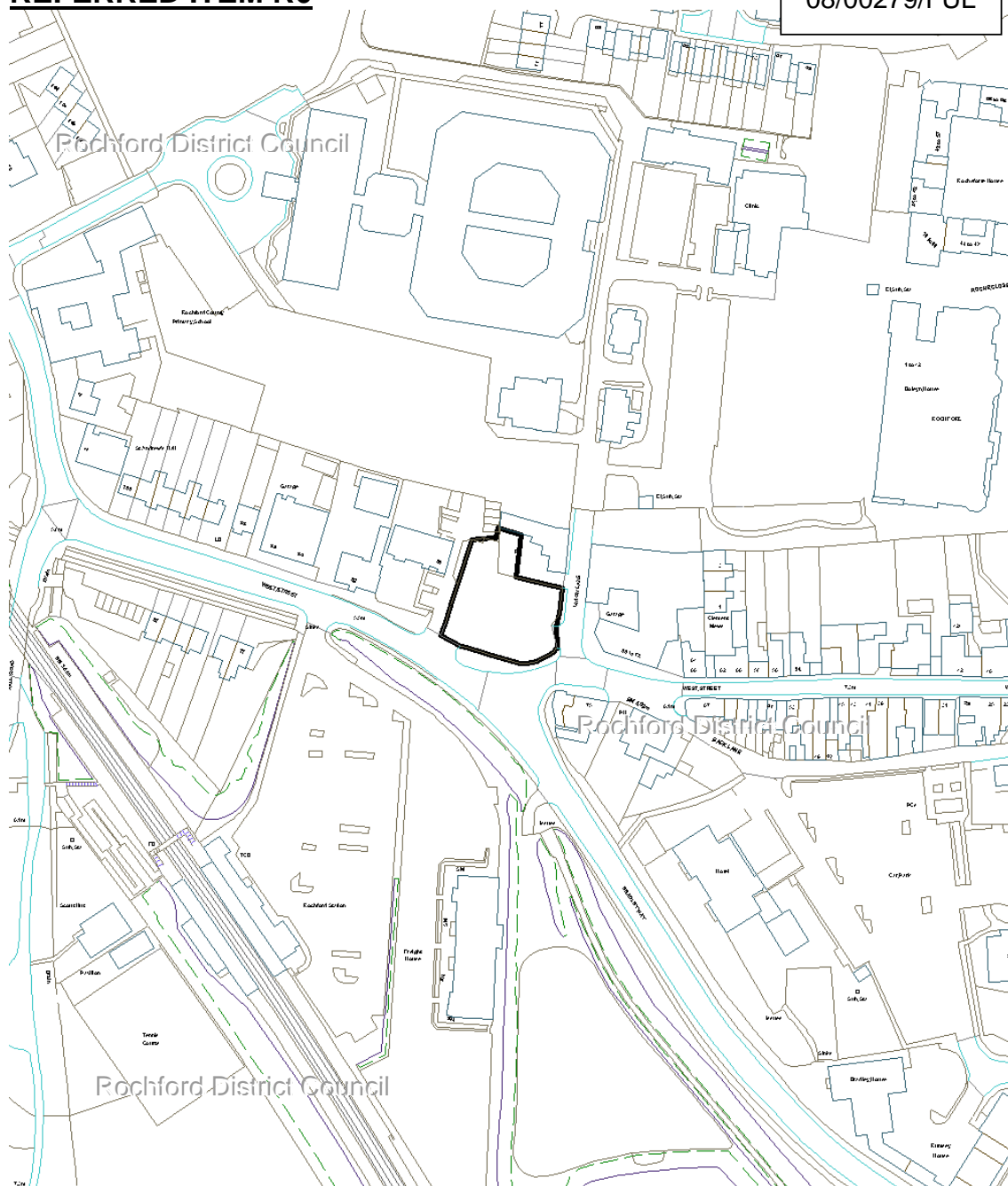
Shaun Scrutton
Head of Planning and Transportation

For further information please contact Mike Stranks on (01702) 546366.

The local Ward Members for the above application are Cllrs J P Cottis, K J Gordon and Mrs G A Lucas-Gill.

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