



PLANNING APPLICATIONS WEEKLY LIST NO.1426
Week Ending 18th May 2018

NOTE:

- (i). Decision Notices will be issued in accordance with the following recommendations unless **ANY MEMBER** wishes to refer any application to the Development Committee on the 28.06.2018
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **23rd May 2018** this needs to include the application number, address and the planning reasons for the referral via email to Leadership Support Team leadershipsupportteam@rochford.gov.uk . If an application is referred close to the 1.00pm deadline it may be prudent for a Member to telephone the Leadership Support Team to ensure that the referral has been received prior to the deadline
- (iii) Any request for further information regarding applications must be sent to the Leadership Support Team via email.

Note

Do ensure that, if you request a proposal to go before Committee rather than be determined through officer delegation following a Weekly List report, you discuss your planning reasons with Matthew Thomas, Assistant Director, Planning & Regeneration Services. A planning officer will then set out these planning reasons in the report to the Committee.

Planning History

There is no relevant planning history.

Assessment

The proposal falls to be considered against relevant planning policy and with regard to other planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 also requires proposals to be determined in accordance with the Development Plan, unless material considerations suggest otherwise. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).

The site has no formal allocation on the proposals map that supports the Allocations Plan, which means that the residential designation is taken forward and residential redevelopment of the site is acceptable in principle. There are no other planning policy designations.

Policy H1 of the Core Strategy allows for limited infilling that contributes towards housing supply in the District, subject to a proposal relating satisfactorily to the existing street-pattern, density and character of the locality. The proposal is considered to satisfy those requirements, as discussed below, and is, therefore, judged to be an acceptable form of infill development.

Design & Layout

The existing bungalow is on a fairly large plot and has a frontage width of about 18.25m, which is wider than most plots in Warwick Road. Plot widths on the opposite (northern) side of the road show considerable variation and range from about 7.5m to 13m but are generally narrower than the application site; the exception to this being no 9, which also has a plot width of about 18.5m. Likewise, the application property has the greatest plot width on the southern side of this section of the street, with plot widths being within the same sort of range as those on the northern side of Warwick Road.

The proposal will create two plots with widths of slightly more than 9m. Whilst this would be less than some plots, it would be greater than others and could not be said to be so different from what exists that it would be out-of-character with what is typical of the location.

The two bungalows would be of identical design, would be of the same height and bulk and they would both be sited on a 7.5m deep building-line.

Their main flank walls would be 1m removed from the side boundaries, with the exception of the garages, which would actually be sited on the boundaries; this is not untypical of development locally and, insofar as an appearance of spaciousness would be retained at the sensitive upper level, this gives no cause for concern.

There is also significant variation in building-line and the 7.5m depth proposed would relate satisfactorily to what is typical for this section of the road.

Each bungalow would have a ridge height of about 5.45m and an eaves height of about 2.6m, which compares with about 6.6m and 3m for the existing bungalow, so the new properties would, individually, be of lower height and bulk. Taken together, the two properties would fill the plot to a greater degree than the existing bungalow and would result in a more built-up appearance, especially as the main flank wall of the existing bungalow is removed from the boundary to no 10, with its flat-roof garage in the intervening space. However, this would not result in an unacceptably cramped appearance, particularly so where the plot flanks onto the 7m wide highway verge, with trees, which will have the effect of providing a spacious setting for the development.

The street-scene is characterised by not only considerable variation in house-type but also in design of dwelling. The existing bungalow to be replaced is of hip-roofed design, as is the bungalow next door at no 10, but the next property further along to the east, no 12, is a detached house of front gabled design, which is clear local precedent for such a design. Even if there were no such precedent, it would not be unacceptable in the context of the wide design variation that is characteristic in this part of the street.

The dwellings would be relatively deep with a length of 21m however they would have a relatively low profile and given the adjacent grass verge which contains mature trees that help provide screening to the site would not be visually dominant within the streetscene.

The dwellings would each be provided with a rear garden area of approximately 110m² thus exceeding the 100m² minimum requirement of 100m² for new dwellings with more than 2 bedrooms.

The proposed buildings would be finished in brickwork with a rendered element over the front bay projection.

The design and scale of the development is considered to be appropriate for the character of the area. The proposal would result in a density of 27 dwellings per hectare which would sit well within the surrounding context.

Technical Standards

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

those areas where authorities have existing policies on access, internal space, or water efficiency.

Each dwelling would have three bedrooms (four bedspaces) requiring a gross internal Area (GIA) 74m² and would have a GIA of 108m². Storage cupboards will be provided exceeding the 2.5m² requirement. Section drawings have been submitted showing that adherence to the minimum 2.3m ceiling height criteria would be met.

Until such a time as existing Policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to water efficiency. Consequently all new dwellings are required to comply with the national water efficiency standard as set out in part G of the Building Regulations (2010) as amended. A condition is recommended to require compliance with this Building Regulation requirement, were permission to be granted.

Policy ENV9 requires all new dwellings to achieve Code Level 4 of the Code for Sustainable Homes as a minimum. The Ministerial Statement relating to technical standards has not changed policy in respect of energy performance and this requirement still therefore applies; a condition is recommended to require that the energy standard as set out in part L of the Building Regulations (2010) as amended, were permission to be granted.

In light of the Ministerial Statement which advises that planning permissions should not be granted subject to any technical housing standards other than those relating to internal space, water efficiency and access, the requirement in Policy ENV9 that a specific Code for Sustainable Homes level be achieved and the requirement in Policy H6 that the Lifetime Homes standard be met are now no longer sought.

Parking

Parking Standards: Design and Good Practice Supplementary Planning Document 2010 requires that for dwellings with two or more bedrooms, two parking spaces should be provided off street for each dwelling and measure 2.9m x 5.5m. For a garage to be regarded as providing a parking space a minimum dimension of 7m x 3m is required.

Each dwelling would be provided with an integral garage with an internal depth of 5.3m and a width varying between 2.8m and 3m. As such both garages do not meet the 7m minimum depth requirement to be regarded as being able to provide a vehicle parking space together with associated domestic storage. The site plans do, however, indicate an area in front of each dwelling that could provide two parking spaces meeting the required standard. Such parking spaces could be provided by a condition were planning permission to be granted.

Ecology and trees

A bat survey declaration has been submitted with the application indicating the presence of the species to be unlikely.

The RDC woodlands officer has no objection to the development provided the adjacent verge is not used for storage or any development related activity. This verge contains two Norway Maple trees and an Apple tree

Residential Amenity

No objections have been received from neighbouring occupants to the development.

Given that the dwellings are both single storey, as is the existing dwelling, it is not considered that there would be any loss of privacy to neighbouring occupiers through overlooking.

CONCLUSION

It is considered that the proposal would represent a development appropriate to the character of the area

Representations:

RDC WOODLANDS - No objection

The development should be carried out in accordance with the impact assessment, method statements and tree protection plan as provided by Tree Fella Ltd. The highway verge adjacent the site is not to be used for storage or any development related activity. The verge / trees on the adjacent highway verge should be protected using heras style fencing to protect the trees (crown and roots) to prevent contractors parking or using the verge for storage. The heras fencing should be erected to the calculated RPA's as shown on the plans supplied with the tree impact assessment.

NEIGHBOURS - Representations have been received from the following addresses:

Windsor Way 3 and 4 and which make the following comments:

- o Hope leylandii trees are cut down
- o Confirm the verge would be untouched by development

APPROVE

- 1 Time Limits Full - Standard
- 2 The development hereby permitted shall not be carried out other than in accordance with the approved plans listed below:

Location Plan, Plan Numbers 18/10 (1), (2), (4), details of external materials & accessories, Arboricultural Report - all date stamped received 27th February 2018.

- 3 The external facing materials shall match the existing parts of the building or site and/or be those materials specified on the plans and application form submitted in relation to the development hereby permitted, unless alternative materials are proposed. Where alternative materials are to be used, no development shall commence before details of those alternative external facing materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Where other materials are agreed in writing by the Local Planning Authority, the materials agreed shall be those used in the development hereby permitted.
- 4 Part G (water efficiency) of the Building Regulations (2010) shall be met for the dwellings on the site and be permanently retained thereafter.
- 5 Part L of the Building Regulations 2010 in respect of energy performance shall be met for the dwellings.
- 6 A minimum of two parking spaces having minimum dimensions of 2.9 metres x 5.5 metres for each vehicle shall be provided prior to the first beneficial occupation of the development and retained, thereafter, in perpetuity.
- 7 No parking of vehicles and/or storage of materials shall take place on the adjacent grass verge.

Relevant Development Plan Policies and Proposals:

Development Management Plan 2014 - DM1, DM3, DM4, DM30

Core Strategy 2011 - H1, CP1, ENV9, T8

Supplementary Planning Document 2: Housing Design

National Planning Policy Framework

The local Ward Member(s) for the above application is/are Cllr D J Sperring
Cllr D Merrick Cllr Mrs C E Roe

Application No : 18/00258/FUL Zoning : Residential

Case Officer Mr Benjamin Hayter

Parish : Rochford Parish Council

Ward : Roche South

Location : 109 Southend Road Rochford Essex

Proposal : Propose change of use from A1 (shop), to A5 (hot food takeaway)

SITE AND PROPOSAL

Site and context

1. This application relates to the change of use of premises which currently fall under an A1 use class (shop), to a proposed use falling under the A5 use class (Hot food takeaway).

2. The application site is located on a corner plot, in a residential area in Rochford, on the junction between Southend Road and Leicester Avenue. The site is located at the end of a shopping parade. The premises are currently empty, but were most recently used as a hair salon. The application site is located adjacent to 'The Rose Garden', a Chinese Takeaway. There are two further hot food takeaways on the parade and a restaurant. Other businesses on the shopping parade include a newsagents, computer shop, tattoo parlour and a disability equipment business.

Proposal

3. The applicant proposes a change of use of the premises from an A1 (shop) to A5 (Hot food takeaway).

4. The plans indicate that the floor area formerly occupied by the shop will be modified with a DDA (Disability Discrimination Act) compliant ramp replacing the current steps arrangement at the entrance door which will lead onto a customer service area behind which the kitchen will be located.

5. Further accommodation to be used in connection with the proposed A5 use will be provided within the ground floor section of the new building which will comprise a staff room, a refuse storage area and a further general storage area.

Relevant Planning history

6. 17/01252/FUL - PERMITTED: Demolish Existing Store and Garage to Rear and Replace with New Building to House a Store, Refuse Room, 2 Lock-

up Garages with two additional cross-overs from Leicester Avenue, and a 2-bedroom Flat Over.

7. 17/00780/FUL - REFUSED: Change Use From Hair Dresser Shop to Hot Food Takeaway, demolish rear additions and construct two storey pitched roof rear extension to provide garaging and storage at ground floor with two bedroomed flat above .

REASON FOR REFUSAL: The proposal is not supported by any information to explain if the continued retail use is no longer viable. It is neither clear as to how long the premises have been vacant. As such the loss of the existing retail unit within the local shopping parade in which the site is situated would not be justified and would if allowed further undermine the attraction of the local shopping parade in conflict with part (i) to Policy DM 36 to the Council's Development Management Plan (2014).

8. 17/00337/FUL - REFUSED: Change Use From Hair Dresser Shop to Restaurant and Construct Two Storey Rear Extension Incorporating Flat at First Floor.

RELEVANT REASON FOR REFUSAL: The proposal is not supported by any information to explain if the continued retail use is no longer viable. It is neither clear as to how long the premises have been vacant. As such the loss of the existing retail unit within the local shopping parade in which the site is situated would not be justified and would if allowed further undermine the attraction of the local shopping parade in conflict with part (i) to Policy DM 36 to the Council's Development Management Plan (2014).

Material considerations

9. Policy DM 36 of the Council's Development Management Plan (2014) seeks to ensure that retail premises in neighbourhood shops are retained. However, the policy states that the change of the ground floor of existing retail premises to non-retail use outside town centres will be permitted provided that a list of conditions are met, outlined below.

Financial viability of a continued A1 use

10. Policy DM36 (i) states that the conversion of a retail premises to non-retail use will be permitted, provided that the loss of the retail unit is justified because the unit is vacant or that an A1 retail use is not financially viable. The policy states that applicants should be able to demonstrate that all reasonable attempts have been made to sell or let the premises for retail use, but without success.

11. The unit is currently vacant, having most recently being used as a hair salon. The applicant has submitted evidence relating to the financial viability of the use of the unit for retail. The applicant has stated that they have engaged with a well known local estate agent (i.e. 'REED SALES') to advertise the vacant shop for a further A1 Shop use. They state that there

have been no takers for an A1 use of the premises, but many respondents showed an interest in operating the shop as a hot food takeaway. As evidence to support this claim, they have produced a marketing report prepared by the estate agents. In this marketing report, they state that during the marketing period (December 1st 2017 to December 13th 2017 and January 7th 2018 to March 8th 2018), the property was viewed 409 times on Rightmove. During this time, the report states that 6 enquiries were received, three wished to use the property as an A5 Hot Food Takeaway, 2 wished to use the property as an A3/A5 Café and one wished to use the property as an A3/A5 bakery. In addition, the marketing report states that prior to REED marketing the property, the owner personally marketed the property from April 2017 to November 2017. Also attached to the marketing report is an email from Jackie Howlett, the owner of the previous business to occupy the premises. In her email she states that she struggled to find new clients within the local area, and thus could not continue to operate as a hairdressers, which somewhat supports the applicant's case that a continued A1 use at the site is not viable.

12. Although difficult to verify the information contained in the marketing report, it is considered to constitute strong evidence to suggest that reasonable attempts have been made to let the premises for retail use without success. As sufficient information has now been provided on the viability of the continued retail use of the property, it is considered that the proposal has overcome the previous reasons for refusal under applications 17/00337/FUL and 17/00780/FUL. It is therefore considered that on balance the proposal would comply with Policy DM36 (i) of the Development Management Plan (2014).

Needs of local residents

13. Policy DM36 (ii) states that the proposed use should serve the day-to-day needs of local residents. There are already several hot food takeaways located on the parade. However, the Council has no policies restricting the concentration of business uses outside designated Town Centres. Any future hot food takeaway would clearly be available for local residents to use.

Impact on local residents

14. Policy DM36 (iii) states that the proposed use should not reduce the quality of life of residents living in the immediate vicinity of the premises, as a result of noise, on-street parking, disturbance, cooking smells, litter or other factors.

Car Parking:

15. In relation to on-street parking, Essex County Council Highways authority were consulted on this application, and stated the following:

"The proposal is not proposing any changes to the existing vehicular access. The proposal includes 1 parking space, which is adequate for the proposal. The site is located within an area with good transport and walking links, and

therefore; from a highway and transportation perspective the Highway Authority has no comments to make on this proposal."

It is therefore not considered that the proposal would have an unacceptable adverse impact on on-street parking. Despite the ad - hoc parking arrangements to the front of the property which will continue to be the case at this location, it is concluded this proposed Takeaway use would not make matters significantly worse such that there would be a resultant increased risk to the safe and free flow of traffic along the adjacent highway or users of the pull in area adjacent to it. The Council's Parking Standards document does not differentiate between A1 and A5 uses in terms of off-street car parking provision.

Noise, smells and litter:

16. In relation to potential noise and cooking smells, the submitted plans indicate that the flue pipe from the kitchen would be fitted with carbon filtration and would terminate at a level at least one metre above the level of the heads of surrounding windows. In addition, the council's Environmental Health department have suggested a condition requiring that an appropriate mechanical extraction system is installed to ensure any potential noise and odour impact is kept to a minimum, in accordance with the guidance issued by the Department for the Environment, Food and Rural affairs.

17. Given the location of the site which is in close proximity to a busy highway where the background noise levels are greater than they would be in a rural area, it is not considered that the use will generate noise to sufficient levels over and above ambient noise levels so as to cause a demonstrable amenity issue. It is therefore not considered that the proposal would generate sufficiently more noise so as to have a significant impact on the quality of life of residents living within the vicinity of the premises.

18. In respect to the potential increase in litter that the proposed change of use would generate; there is an existing public rubbish bin located on the parade, available for customers to use. The submitted plans indicate that the proposed hot food takeaway would have an enclosed refuse area, allowing business waste to be securely stored, not in the open air.

Access to upper floors

19. Policy DM36 (iv) states that the proposal should not result in the removal of any independent means of accessing the upper floors of the premises or otherwise prevent an effective use being made of the upper floors. The submitted plans indicate that access to the upper floor of the building would be maintained as a result of the implementation of the proposal. Access to the stairs leading to the first floor flat would be maintained via a corridor, which would be accessed through an entrance door from Leicester Avenue.

Shop window

20. Policy DM36 (v) states that where the proposal relates to premises with an existing shopfront, the shop window should continue to be used for display purposes. The submitted plans indicate that the existing shop windows would be retained, and would continue to be obscure glazed.

Representations:

RDC Environmental Health

21. Environmental Health reports that if Members are minded to approve the application, the following conditions should be attached to any consent granted:

1) A mechanical extraction system shall be provided to the kitchen area in accordance with Defra's 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (January 2005). All details shall be 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 compliance with Defra's guidance shall continue while the premises are in use for the permitted purpose. Informative: The condition aims to ensure that a premises has the appropriate specification of mechanical extraction as the nature of the cuisine(s) prepared at it change over time and that systems are maintained. The latest iteration of the Defra guidance shall apply at any given time.

2) Prior to the commencement of any development, details 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 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.

3) Informative: The applicant is advised to contact Environmental Health at the earliest opportunity to discuss the proposed layout of the kitchen and the requirements necessary to meet current food hygiene legislation. This includes the submission of a food premises registration application form for new food businesses.

22. Essex County Council Highway Authority:

The proposal is not proposing any changes to the existing vehicular access. The proposal includes 1 parking space, which is adequate for the proposal. The site is located within an area with good transport and walking links, and therefore;

From a highway and transportation perspective the Highway Authority has no comments to make on this proposal.

23. 113a Southend Road:

As the owner of the first floor flat, 113a Southend Road, I object to the planned change of use of 109 Southend Road from A1 to A5. My reasons are as follows:

This parade already supports three hot food takeaways, and an additional recently opened full restaurant that I understand also provides hot food takeaways and home delivery. Almost all trade for these outlets takes place in the evenings, and due to insufficient parking space, during every evening, until the outlets close, the roads and pavements are littered with cars: both those of customers collecting their orders, and those of the numerous delivery drivers. The problem is particularly acute at weekends.

This problem has increased since the opening of the Turkish restaurant at the other end of the parade, with Queen Elizabeth Chase being frequently almost blocked by illegally parked vehicles, inconveniencing and endangering pedestrians and other road users. Disabled friends are unable to use their wheelchairs and scooters safely. In addition the pavements are being broken up by the weight and number of the illegally parked vehicles left by customers using the restaurant and visiting the takeaway outlets.

Leicester Avenue, on the corner of which 109 Southend Road sits, is beginning to suffer a similar fate and the situation is even at present becoming intolerable for residents. To grant planning consent for change of use to allow another hot food takeaway in this already overburdened parade and neighbourhood, would be a mistake and detrimental to the local residents.

In addition, such a venture, if approved, would generate more cooking odours, waste and noise which we do not need, and which will affect our enjoyment of our homes.

I am also not convinced that sufficient efforts have been made to find a suitable tenant for these premises under its existing A1 classification. I have personally been approached more than once by prospective tenants who have expressed an interest in trading from these premises under its existing use.

I therefore object to this Planning Application and would ask that the A1 use be retained.

24. Director: All Terrain Mobility, 113 Southend Road

Object:

There is a newly opened restaurant providing takeaways and delivery, along with three other takeaway businesses on the parade. The surrounding roads and lay-by outside their shop are often blocked with cars from customers collecting their orders and delivery drivers. This makes it difficult for their disabled customers to access their shop and is adversely affecting trade. The

pavements are being ruined by the weight of the cars and this as well as cars frequently being parked on the pavements makes the pavements hazardous for their disabled customers. Frequently the pavements in the surrounding streets are completely blocked forcing disabled customers driving mobility scooters on to the road. The situation does not need to be worsened and if it does get any worse, then they fear a serious accident could occur.

The generation of more cooking odours, food waste and the littering of the pavements make the parade less desirable to visit.

The presence of another retail outlet would hope to increase footfall, and will have a beneficial effect on the other retail outlets on the parade, whereas another fast food outlet could have the opposite effect.

The food odours, waste, difficulty parking, littering and traffic on the side roads in the evenings would make living on the parade rather stress-full.

25. Rochford Parish Council

Members object to this application as they consider there is insufficient parking for an additional hot food takeaway and the loss of the existing retail unit will undermine the attraction of the local shopping parade.

Summary:

26. It is considered that the proposal is policy compliant, and since a marketing report has been submitted containing information on the unviability of a continued A1 use, the proposal has overcome the previous reason for refusal for a change of use from A1 to A5. Approval is therefore recommended accordingly.

APPROVE

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 A mechanical extraction system shall be provided to the kitchen area in accordance with Defra's 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (January 2005). All details shall be 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 compliance with Defra's guidance shall continue 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 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.

Relevant Development Plan Policies and Proposals:

Rochford District Council Local Development Framework Allocations Plan
Adopted February 2014

Rochford District Council Local Development Framework Core Strategy
Adopted Version (December 2011) - CP1

Rochford District Council Local Development Framework Development
Management Plan adopted 16th December 2014. - DM30, DM36

Parking Standards Design and Good Practice Guide (2010)

The local Ward Member(s) for the above application is/are Cllr M J Lucas-Gill
Cllr M J Steptoe Cllr A L Williams