



PLANNING APPLICATIONS WEEKLY LIST NO.1491
Week Ending 13th September 2019

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 17.10.2019

- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **18th September 2019** 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 Marcus Hotten, Assistant Director of Place & Environment. A planning officer will then set out these planning reasons in the report to the Committee.

Application No : 19/00012/FUL Zoning : Town Centres

Case Officer Ms Katie Rodgers

Parish : Rochford Parish Council

Ward : Roche South

Location : 22 South Street Rochford Essex

Proposal : Proposal to Re-instate and Convert an Existing
Outbuilding to Provide 2 No. 1-Bed Dwelling Units
within the C3 Use Class.

SITE AND PROPOSAL

PROPOSAL

1. Planning permission is sought to reinstate and convert an existing outbuilding to provide 2 No. 1-bed (bed-sit) dwelling units within the C3 Use Class. One of the units would be fitted out to provide disabled accommodation.
2. The proposal has been amended in the course of the application following concerns raised relating to the original proposal and its acceptability regarding to the need to preserve the historic context of the building which is curtilage listed and sited within the Rochford Conservation Area. The proposal had included extension of the outbuilding and the creation of 3 No. dwelling units; this has been revised down to the two units now proposed.
3. The outbuilding to which the application relates is fire damaged and dis-used having previously been in use as a garage, store and office.

SITE CONTEXT

4. The application site is comprised of a three-storey Grade II Listed Building, No. 22 South Street which fronts the street and is in use as 12 No. bed-sits. Vehicular access to the site is to the southern side of the main building and accesses a parking area to the rear; this area also contains a cycle and refuse store. The outbuilding to which the proposal relates is sited on the northern boundary.
5. The site is located within Rochford town centre and within the area covered by the Rochford Centre Area Action Plan. The site is also within the Rochford Conservation Area. The site falls within Flood Zone 1 at lowest risk of flooding.

RELEVANT PLANNING HISTORY

6. 16/01031/FUL - Change of Use of Vacant Offices and Convert to Building in Multiple Occupation to Provide 12 No. Bedsit Units. APPROVED.

MATERIAL CONSIDERATIONS

7. The proposed development must be assessed against relevant planning policy with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014), the Development Management Plan (2014) and the Rochford Centre Area Action Plan.

8. The site is not subject to any specific use designation within the Rochford Centre Area Action Plan (APP) Proposals Map or Framework Plan. The proposal for use of the building as bed-sits would however accord with Policy 8 of the APP which identifies that residential uses within this part of the town centre would be acceptable. Residential units would increase the population of and support the function of the town centre in accordance with the wider ambitions for town centre redevelopment. The National Planning Policy Framework (NPPF) encourages the effective use of land to provide housing and in principle housing is appropriate at this site.

9. The site falls within Character Area C of the APP which is based on the Rochford Conservation Area Appraisal. Both Policy 8 of the APP and the NPPF require that development preserve and enhance the character and appearance of the conservation area.

10. The proposal includes a modest increase in height of the northern wall of the outbuilding of some 0.6 metres. The staggered roof heights of the existing building would be maintained, each roof would be sloping. The roof pitch over the main part would increase in pitch compared to existing. New fenestration would be installed to the south facing elevations only. Materials proposed for external use include external brickwork to match the existing, slate in place of the existing sheeting with clay tiles to the lower roofs, and a mix of white painted timber windows and doors and use of aluminium. Brick bond and mortar would be as existing. The agent has confirmed that the proposed windows would be sash in the existing brick arch openings. The height of the ramp and level platform would be within 150mm of the floor so a brick edging to the ramp and level platform should be sufficient for wheelchair access. If a handrail is required, then this would be a timber rail and fixed to the Building by the users; planning conditions are recommended to specify material details.

11. Specialist advice from the Essex County Council (ECC) Historic Buildings Advisor relating to the initial proposal which involved extension of the building was that the proposed design would be unsympathetic and would detract from the aesthetic and evidential values of the building, detracting from its heritage significance. The revisions to the proposal have now however overcome the objections raised by ECC.

12. Policy CP1 of the Core Strategy and Policy DM1 of the Development Management Plan both seek to promote high quality design in new developments that would promote the character of the locality and enhance the local identity of the area. Policy DM3 of the Development Management Plan requires that proposals for residential intensification demonstrate that key criteria have been carefully considered and positively addressed. Supplementary Planning Document 2 (SPD2) for housing design states criteria that new housing development should meet.

13. It is considered that the proposed development would provide a logical use of this currently dis-used building within the town centre. The residential intensification of the site that would result is considered acceptable; the site provides adequate car parking and cycle provision for the town centre location which provides ready access to other public transport alternatives. The refuse provision at the site would adequately cater for 2 additional units. The proposed use would not give rise to concerns relating to direct impacts on other residential units at the site or surrounding by way of causing overlooking, overshadowing or a development which could be considered overbearing.

14. Although no private amenity space is proposed, the other bed-sit units in the main building at the site also do not benefit from any on-site soft landscaped amenity provision. Although amenity space within the area to the rear of No, 22 was indicated on the approved plans for the conversion of No.22 in 2016 for use as amenity space, no such soft landscaped provision has been made on site. The area to the rear serves as a car parking area and could also be used for informal amenity use in part when the car park is not fully occupied. There is however public open space a relatively short walk away. Given the circumstances at the site and the public open space nearby, in this instance the lack of on-site amenity space is not considered objectionable.

15. The NPPF sets out the requirement that housing applications should be considered in the context of the presumption of sustainable development and it is considered that this scheme represents such.

16. The Ministerial Statement of the 25th March 2015 announced changes to the government's policy relating to technical housing standards such that now 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.

17. The Council has existing policies relating to all the above, namely access (Policy H6 of the Core Strategy), internal space (Policy DM4 of the Development Management Plan) and water efficiency (Policy ENV9 of the Core Strategy) and can therefore require compliance with the new national technical standards. However, the technical housing standard does not contain a minimum Gross Internal Area (GIA) for bedsit accommodation and it is not considered necessary to require the provision of water butts which

would usually be the means by which the water efficiency requirement would be achieved on new dwellings given there would be no external amenity space at the site. The smallest 1-bedroom dwellings are identified by the national technical standard as required to have a minimum GIA of 37 square metres. A

18. The residential units proposed would be very modest in size, at some 27.9 and 35 square metres. There is however no policy standard to require larger units given that the units proposed are bed-sits rather than 1-bed flats. The occupants of the proposed bedsits could however have access to the shared laundry within the ground floor of No.22 which the other bedsits at the site have access to. The units would benefit from south facing windows and a layout which would provide for readily useable space internally.

19. 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.

20. The existing building has suffered substantial fire damage and it is considered unlikely that the proposal would impact adversely on any protected species including bats. There are no trees at or close to the site that would be adversely affected by the proposed development.

CONCLUSION

21. Policies H1, DM1, CP1 and DM3 require that new developments promote good, high quality design and the character of the locality to ensure that development positively contributes to the surrounding natural and built environment and residential amenity. Additionally, policies in the Rochford Centre Area Action Plan require proposals at this site to achieve a high standard of design that protects and enhances the character and appearance of the conservation area. The APP supports residential use of this site and the NPPF supports sustainable development which this proposal is considered to demonstrate. The revised proposal would be to a high standard of design required particularly in this sensitive location. The proposal would comply with relevant planning policy.

Representations:

ROCHFORD PARISH COUNCIL: FIRST RESPONSE: Members object as they do not think this is in keeping with the listed building and they consider the amenity space inadequate.

RDC (Strategic Housing): We fully support this application as we have worked with the applicant on developing the other property at 22 South Street.

ECC (Historic Buildings):

First Response

Number 22 South Street is a Grade II Listed building (List Entry ID: 1307085). The range at the rear, the subject of this application, is curtilage listed.

I recommend this application is refused. The proposal will detract from the aesthetic and evidential values of the building, detracting from its heritage significance. This will cause considerable 'less than substantial harm' to a designated heritage asset and as such paragraph 196 of the NPPF is relevant.

I recommend the applicant engages in a pre-application discussion. I consider there is certainly potential to refurbish and use this building, but this will be realised in a more sympathetic design.

Second Response

The building is curtilage listed and located in the Rochford Conservation Area.

I have no objections to this application. I would however prefer to see retention of the existing segmental arch over the new central door.

The proposal drawing is not an accurate survey but it has been assumed that all the openings are largely existing.

No information has been provided to suggest this building will be divided from the host dwelling by hard boundaries. If this were to be the case then I consider there to be less than substantial harm to a designated heritage asset. This point should be clarified with the applicant.

Should this application be approved I recommend conditions are attached pertaining to:

- o Requirement of a 'Level 2' Scheme of archaeological building recording as outlined in Historic England Guidance Understanding Heritage Assets.
- o Requirement for details of all new external fixtures including windows, doors, rainwater goods (to be metal).
- o Requirement for samples of new external materials such as brick and slate
- o A detailed landscaping plan.

ECC (Highways): No objection subject to conditions;

The proposal is not proposing any changes to the existing vehicular access.

As stated in the Parking Standards Design and Good Practice September 2009, a lower provision of vehicle parking may be appropriate in urban areas where there is good access to alternative forms of transport and the proposal site is considered to be in a sustainable location in the immediate vicinity of

Rochford Town Centre with good access to public transport and other facilities, therefore;

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

1. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

APPROVE

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 The development hereby permitted shall not be carried out other than in accordance with the approved plans listed below:

Drawing number 2091/3, 2091/L1 and 2091/1.

3 Prior to the commencement of development, a 'Level 2' Scheme of archaeological building recording as outlined in Historic England Guidance Understanding Heritage Assets shall be completed and shall have been submitted to and agreed in writing with the Local Planning Authority.

4 Details of all external facing and roofing materials including windows and doors for use in construction of the development hereby approved shall be submitted to and agreed in writing by the Local Planning Authority prior to first use of the materials. Details to be submitted shall include samples of bricks (and specify brick bond and mortar) and roofing materials including the slate. Rainwater goods shall be metal. Scale 1:20 drawings of the proposed windows shall be submitted. Such materials as may be agreed in writing by the Local Planning Authority shall be those used in the development hereby permitted.

5 Prior to the installation of any handrail to the ramp at the site, details of the handrail shall be submitted to and agreed in writing by the Local Planning Authority. The handrail shall be installed in accordance with the details as agreed and retained in this form in perpetuity.

6 Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials shall be provided clear of the highway.

Relevant Development Plan Policies and Proposals:

Policies H1, H5, H6, CP1, ENV9, RTC5, T1, T3 and T8 of the Core Strategy 2011

Policies DM1, DM2, DM3, DM4, DM25, DM27, DM28 and DM30 of the Development Management Plan 2014

Allocations Plan Policies Map 2014

Rochford Centre Area Action Plan

Supplementary Planning Document 2 and 6

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

National Planning Policy Framework (NPPF) 2019

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

Application No :	19/00019/LBC	Zoning : Town Centres
Case Officer	Ms Katie Rodgers	
Parish :	Rochford Parish Council	
Ward :	Roche South	
Location :	22 South Street Rochford Essex	
Proposal :	Proposal to Re-instate and Convert an Existing Outbuilding to Provide 2 No. 1-Bed Dwelling Units within the C3 Use Class.	

SITE AND PROPOSAL

1. Listed Building Consent is sought to reinstate and convert an existing outbuilding to provide 2 No. 1-bed (bed-sit) dwelling units within the C3 Use Class. One of the units would be fitted out to provide disabled accommodation.

2. The proposal has been amended in the course of the application following concerns raised relating to the original proposal and its acceptability regarding to the need to preserve the historic context of the building which is curtilage listed and sited within the Rochford Conservation Area. The proposal had included extension of the outbuilding and the creation of 3 No. dwelling units; this has been revised down to the two units now proposed.

3. The outbuilding to which the application relates is fire damaged and dis-used having previously been in use as a garage, store and office.

SITE CONTEXT

4. The application site is comprised of a three-storey Grade II Listed Building, No. 22 South Street which fronts the street and is in use as 12 No. bed-sits. Vehicular access to the site is to the southern side of the main building and accesses a parking area to the rear; this area also contains a

cycle and refuse store. The outbuilding to which the proposal relates is sited on the northern boundary.

5. The site is located within Rochford town centre and within the area covered by the Rochford Centre Area Action Plan. The site is also within the Rochford Conservation Area. The site falls within Flood Zone 1 at lowest risk of flooding.

RELEVANT PLANNING HISTORY

6. 16/01031/FUL - Change of Use of Vacant Offices and Convert to Building in Multiple Occupation to Provide 12 No. Bedsit Units. APPROVED.

7. 19/00012/FUL - Reinstate and convert an existing outbuilding to provide 2 No. 1-bed (bed-sit) dwelling units within the C3 Use Class - PENDING CONSIDERATION.

MATERIAL CONSIDERATIONS

8. The main building at the application site is a Grade II Listed Building, known as No. 22 South Street. The building to which the application relates is an outbuilding and is curtilage listed.

9. The proposal includes a modest increase in height of the northern wall of the outbuilding of some 0.6 metres. The staggered roof heights of the existing building would be maintained, each roof would be sloping. The roof pitch over the main part would increase in pitch compared to existing. New fenestration would be installed to the south facing elevations only. Materials proposed for external use include external brickwork to match the existing, slate in place of the existing sheeting with clay tiles to the lower roofs, and a mix of white painted timber windows and doors and use of aluminium. Brick bond and mortar would be as existing. The agent has confirmed that the proposed windows would be sash in the existing brick arch openings. The height of the ramp and level platform would be within 150mm of the floor so a brick edging to the ramp and level platform should be sufficient for wheelchair access. If a handrail is required, then this would be a timber rail and fixed to the Building by the users; planning conditions are recommended to specify material details.

10. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and also requires that conservation areas be preserved or enhanced. This is reiterated in the National Planning Policy Framework and Planning Policy Guidance which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

11. The main considerations when assessing the above is whether the proposal would have a special regard to the desirability of preserving the

building and any of the features of special architectural or historic interest that it possesses.

12. The site falls within Character Area C of the APP which is based on the Rochford Conservation Area Appraisal. Both Policy 8 of the APP and the NPPF require that development preserve and enhance the character and appearance of the conservation area.

13. Specialist advice from the Essex County Council (ECC) Historic Buildings Advisor relating to the initial proposal which involved extension of the building was that the proposed design would be unsympathetic and would detract from the aesthetic and evidential values of the building, detracting from its heritage significance. The revisions to the proposal have now however overcome the objections raised by ECC.

14. The recommended conditions would require details including samples of the proposed external facing materials to be used in the re-instatement of the outbuilding to be submitted to and agreed by the Local Planning Authority which would ensure that the quality of the materials used would be of the highest standard and appropriate for use in the development associated with a curtilage listed building within a conservation area.

CONCLUSION

15. The form of the proposed development would not differ greatly from the original outbuilding save for changes to fenestration and a slight increase in the pitch of one of the roof slopes. The changes, subject to the materials condition, are considered acceptable as they would ensure preservation and enhancement of the heritage asset. The proposal would comply with the requirements of The Planning (Listed Buildings and Conservation Areas) Act 1990 and relevant planning policy.

Representations:

ROCHFORD PARISH COUNCIL: FIRST RESPONSE: Members object as they do not think this is in keeping with the listed building and they consider the amenity space inadequate.

ECC (Historic Buildings):

First Response

Number 22 South Street is a Grade II Listed building (List Entry ID: 1307085). The range at the rear, the subject of this application, is curtilage listed.

I recommend this application is refused. The proposal will detract from the aesthetic and evidential values of the building, detracting from its heritage significance. This will cause considerable 'less than substantial harm' to a designated heritage asset and as such paragraph 196 of the NPPF is relevant.

I recommend the applicant engages in a pre-application discussion. I consider there is certainly potential to refurbish and use this building, but this will be realised in a more sympathetic design.

Second Response

The building is curtilage listed and located in the Rochford Conservation Area.

I have no objections to this application. I would however prefer to see retention of the existing segmental arch over the new central door.

The proposal drawing is not an accurate survey but it has been assumed that all the openings are largely existing.

No information has been provided to suggest this building will be divided from the host dwelling by hard boundaries. If this were to be the case then I consider there to be less than substantial harm to a designated heritage asset. This point should be clarified with the applicant.

Should this application be approved I recommend conditions are attached pertaining to:

- o Requirement of a 'Level 2' Scheme of archaeological building recording as outlined in Historic England Guidance Understanding Heritage Assets.
- o Requirement for details of all new external fixtures including windows, doors, rainwater goods (to be metal).
- o Requirement for samples of new external materials such as brick and slate
- o A detailed landscaping plan.

APPROVE

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 The development hereby permitted shall not be carried out other than in accordance with the approved plans listed below:

Drawing number 2091/3, 2091/L1 and 2091/1.

3 Prior to the commencement of development, a 'Level 2' Scheme of archaeological building recording as outlined in Historic England Guidance Understanding Heritage Assets shall be completed and shall have been submitted to and agreed in writing with the Local Planning Authority.

4 Details of all external facing and roofing materials including windows and doors for use in construction of the development hereby approved shall be submitted to and agreed in writing by the Local Planning

Authority prior to first use of the materials. Details to be submitted shall include samples of bricks (and specify brick bond and mortar) and roofing materials including the slate. Rainwater goods shall be metal. Scale 1:20 drawings of the proposed windows shall be submitted. Such materials as may be agreed in writing by the Local Planning Authority shall be those used in the development hereby permitted.

- 5 Prior to the installation of any handrail to the ramp at the site, details of the handrail shall be submitted to and agreed in writing by the Local Planning Authority. The handrail shall be installed in accordance with the details as agreed and retained in this form in perpetuity.

Relevant Development Plan Policies and Proposals:

National Planning Policy Framework 2019

Core Strategy Adopted Version (December 2011) -Policy CP2

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

Application No :	19/00180/ADV	Zoning :	Residential and Metropolitan Green Belt
Case Officer	Mrs Claire Buckley		
Parish :	Hockley Parish Council		
Ward :	Hockley		
Location :	The Bull Inn 99 Main Road Hockley		
Proposal :	Erection of a totem pub sign with an externally illuminated header, installation of an externally illuminated pub sign , an illuminated "3D" Bull, a non-illuminated free standing car park sign, a non-illuminated information sign at car park entrance and a non-illuminated directional sign.		

SITE AND PROPOSAL

Officer Report:

1. The application site is the Bull Inn Public House, 99 Main Road, Hockley which was subject to a substantial fire in August 2018. The site is a Grade II listed building. The building itself is located within the residential area of Hockley, its wider grounds are located within the Green Belt.
2. The proposal includes the following:
 - o Reinstatement of The Bull pub sign to front of building using individual letters

- o 3D projecting Bull sign
- o Accessible ramp sign
- o External lighting affixed to building
- o Totem Pub sign
- o Non-illuminated free standing car park sign
- o Non-illuminated information sign at car park entrance
- o Non-illuminated directional sign

3. The application is also subject to a pending listed building consent application for similar works (ref: 19/00181/LBC).

4. During the course of the application revisions were made in light of concerns received from the ECC Historic Buildings Advisor regarding the quantity of flood lights proposed to the front elevation and the internally illuminated header to the totem pub sign.

PLANNING HISTORY (from mid 1980s)

5. 19/00305/LBC - Replacement floor. APPROVED

6. 19/00181/LBC - Reinstatement of "The Bull" pub sign on front of building, the 3-D projecting Bull sign and accessible ramp sign on the side of the building. External lighting affixed to building. PENDING CONSIDERATION

7. 19/00099/FUL - Rebuilding Of Public House Following Fire Incorporating New Extensions to Rear, New Extract System and Enlargement of Attached Building to North East of Building. APPROVED

8. 19/00100/LBC - Rebuilding Of Public House Following Fire Incorporating New Extensions to Rear, New Extract System and Enlargement of Attached Building. APPROVED

9. 12/00475/ADV - Proposed Internally Illuminated Header To Be Attached To Top Of Existing Free-Standing Pictorial Post Sign. REFUSED

10. 10/00604/LBC - Remove Existing Fascia Signs And Install 2no Externally Illuminated Fascia Sign And 1no Non Illuminated Fascia Sign To Front/Side, Remove 2no Lanterns And Install 1no New Lantern, Install 2no External Lights To Side, Install New Externally Illuminated Double Sided Pictorial Sign To Existing Post To Front Of Site, Attach New Signage Board To Existing Post And Replacement Freestanding Sign To Site Entrance. APPROVED

11. 10/00603/ADV - Remove Existing Fascia Signs And Install 2 no Externally Illuminated Fascia Signs And 1 no Non Illuminated Fascia Sign To Front/Side, Install New Externally Illuminated Double Sided Pictorial Sign To Existing Post To Front Of Site, Attached New Signage Board To Existing Post And Replacement Freestanding Sign To Site Entrance. APPROVED

12. 10/00491/FUL - Construct New Pergola at Side Entrance, New Patio with Post and Rope Fence to Part of Patio. APPROVED
13. 10/00223/LBC - Remove Old Signs and Lighting and Install New Signs and Lighting. REFUSED
14. 10/00222/ADV - Replacement Signage Comprising One x Externally Illuminated Post Sign, Two x Externally Illuminated Wall Signs, One x Non-Illuminated Wall Sign, Two x Non-Illuminated Post Signs and One x Lantern. REFUSED
15. 10/00216/LBC - Construct New Pergola at Side Entrance, New Patio with Post and Rope Fence to Part of Patio, Internal Alterations. APPROVED
16. 07/00207/FUL - Installation of Two "Jumbrellas" in Rear Garden and Resurfacing of Garden Area. APPROVED
17. 99/00052/LBC - Addition of Externally Illuminated Signs to Front and West Elevations. Install Lanterns, Window Boxes and Hanging Boxes (Mangers). APPROVED
18. 99/00051/ADV - Externally Illuminated Signage to Front Elevation and West Side Elevation. Externally Illuminated Projecting Sign to Front Elevation and Post Sign in Forecourt. APPROVED
19. 98/00369/LBC - Ground Floor Extensions to Side and Rear (Internal Alterations), Hard and Soft Landscaping and External Open Terracing (Revised Application). APPROVED
20. 98/00368/FUL - Ground Floor Extensions to Side and Rear (Internal Alterations), Hard and Soft Landscaping and External Open Terracing (Revised Application). APPROVED
21. 97/00410/LBC - Ground Floor Extensions to Side and Rear, (Internal Alterations), Hard and Soft Landscaping and External Open Terracing. APPROVED
22. 97/00409/FUL - Ground Floor Extensions to Side and Rear (Internal Alterations), Hard and Soft Landscaping and External Open Terracing. APPROVED
23. 93/00358/LBC - Site Satellite Dish on Flat Roofed Link Area in Middle of Building. APPROVED
24. 92/00161/FUL - Single Storey Rear Extension to Provide Restaurant and Additional Car Parking Spaces. APPROVED
25. 92/00136/LBC - Single Storey Rear Extension to Provide Restaurant and Additional Car Parking Spaces. APPROVED

26. 91/00250/FUL - Single Storey Rear Extension to Provide Restaurant and Additional Car Parking. APPLICATION WITHDRAWN

27. 91/00227/LBC - Single Storey Rear Extension to Provide Restaurant and Additional Car Parking Spaces. APPLICATION WITHDRAWN

28. 87/02003/LBC - Single storey extensions to side and rear, plus extension to outside toilet block. APPROVED

29. 86/00035/FUL - Single storey rear extension car park and family garden. APPROVED

30. 85/00703/LBC - Single storey side extension for use as kitchen servery and bottle store extension to car park. APPROVED

31. 85/00632/FUL - Single story side extension and additional car park. REFUSED

MATERIAL CONSIDERATIONS

32. During the course of the application, concerns were raised by the ECC Historic Buildings Advisor regarding the proposed internal illumination of the totem pub sign and the quantity of flood lighting to the front elevation. As a result a revised plan was provided removing the internal illumination and some of the flood lighting and re-consultation took place.

33. It is considered that the signs would not have a detrimental impact on the character and appearance of the street scene, visual amenity or the building to which they would be sited. Whilst the totem sign would still be externally illuminated this is not considered unreasonable. The advertisements are considered to comply with policies DM37 and DM38 of the Development Management Plan 2014.

34. The signs would not be considered detrimental to highway safety subject to the conditions regarding luminance levels and positioning being attached to an approval.

Representations:

FIRST CONSULTATION:

HOCKLEY PARISH COUNCIL - No objections.

ECC HIGHWAYS - the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

1. The maximum luminance of the internally illuminated signs under 10m² in size shall not at any time exceed the standards contained within the Institution of Lighting Professionals Lighting Guide No. 5, for zone E3

locations, which in this case is "600" Candelas per square metre (600 cd/m²).

2. The proposed external light sources shall be so positioned and shielded, in perpetuity, to direct light towards the proposed advertisement sign and away from the Highway. Should a glare or dazzle issue to the highway be identified with the lights in use, the light should not be used until remedial action has been completed to the satisfaction of the Local Planning Authority.

ECC HISTORIC BUILDINGS ADVISOR -

I have no objection to the principle of this application although there are some aspects which I recommend to reduce any adverse aesthetic impact upon the listed building.

These are summarised as:

- o Reduction/removal of flood lights to the front elevation which appears excessive in the proposal. Flood lights may be replaced with more subtle downlights;
- o Removal of internally illuminated header; and
- o A planning condition to control the level of luminosity of all street facing lights/illuminations.

The application, in its current form, causes less than substantial harm to the aesthetic value and architectural interest of a designated heritage asset and therefore paragraph 196 of the NPPF is relevant.

SECOND CONSULTATION:

HOCKLEY PARISH COUNCIL - No objections. Conditions should be imposed for limited parking of construction vehicles, no construction at weekends and Bank Holidays and the road cleaned of mud. All construction vehicles must be parked on site and not on the B1013.

ECC HISTORIC BUILDINGS ADVISOR - Considering the revised proposal, I have no objection to this application. I recommend a planning condition to control the level of luminosity of all street facing lights/illuminations.

APPROVE

- 1 The maximum luminance of the internally illuminated signs under 10m² in size shall not at any time exceed the standards contained within the Institution of Lighting Professionals Lighting Guide No. 5, for zone E3 locations, which in this case is "600" Candelas per square metre (600 cd/m²).
- 2 The proposed external light sources shall be so positioned and shielded, in perpetuity, to direct light towards the proposed advertisement sign and away from the Highway. Should a glare or dazzle issue to the highway be identified with the lights in use, the light

should not be used until remedial action has been completed to the satisfaction of the Local Planning Authority.

Relevant Development Plan Policies and Proposals:

Policies DM37 and DM38 of the Development Management Plan 2014

The local Ward Member(s) for the above application is/are Cllr A H Eves Cllr B T Hazlewood Cllr K H Hudson

Application No :	19/00181/LBC	Zoning	:Residential	and
	Metropolitan Green Belt			
Case Officer	Mrs Claire Buckley			
Parish :	Hockley Parish Council			
Ward :	Hockley			
Location :	The Bull Inn 99 Main Road Hockley			
Proposal :	Reinstatement of "The Bull" pub sign on front of building, the 3-D projecting Bull sign and accessible ramp sign on the side of the building. External lighting affixed to building.			

SITE AND PROPOSAL

1. The application site is the Bull Inn Public House, 99 Main Road, Hockley which was subject to a substantial fire in August 2018. The site is a Grade II listed building. The building itself is located within the residential area of Hockley, its wider grounds are located within the Green Belt.
2. The proposal includes the following:
 - o Reinstatement of The Bull pub sign to front of building using individual letters
 - o 3D projecting Bull sign
 - o Accessible ramp sign
 - o External lighting affixed to building
3. The application is also subject to a pending advertisement application for the same works (ref: 19/00180/ADV).
4. During the course of the application revisions were made in light of concerns received from the ECC Historic Buildings Advisor regarding the quantity of flood lights proposed to the front elevation and the internally illuminated header to the totem pub sign.

PLANNING HISTORY (from mid 1980s)

5. 19/00305/LBC - Replacement floor. APPROVED
6. 19/00180/ADV - Erection of a totem pub sign with an internally illuminated header, installation of an externally illuminated pub sign , an illuminated "3D" Bull, a non-illuminated free standing car park sign, a non-illuminated information sign at car park entrance and a non-illuminated directional sign. PENDING CONSIDERATION
7. 19/00099/FUL - Rebuilding Of Public House Following Fire Incorporating New Extensions to Rear, New Extract System and Enlargement of Attached Building to North East of Building. APPROVED
8. 19/00100/LBC - Rebuilding Of Public House Following Fire Incorporating New Extensions to Rear, New Extract System and Enlargement of Attached Building. APPROVED
9. 12/00475/ADV - Proposed Internally Illuminated Header To Be Attached To Top Of Existing Free-Standing Pictorial Post Sign. REFUSED
10. 10/00604/LBC - Remove Existing Fascia Signs And Install 2no Externally Illuminated Fascia Sign And 1No Non Illuminated Fascia Sign To Front/Side, Remove 2no Lanterns And Install 1no New Lantern, Install 2no External Lights To Side, Install New Externally Illuminated Double Sided Pictorial Sign To Existing Post To Front Of Site, Attach New Signage Board To Existing Post And Replacement Freestanding Sign To Site Entrance. APPROVED
11. 10/00603/ADV - Remove Existing Fascia Signs And Install 2 no Externally Illuminated Fascia Signs And 1 no Non Illuminated Fascia Sign To Front/Side, Install New Externally Illuminated Double Sided Pictorial Sign To Existing Post To Front Of Site, Attached New Signage Board To Existing Post And Replacement Freestanding Sign To Site Entrance. APPROVED
12. 10/00491/FUL - Construct New Pergola at Side Entrance, New Patio with Post and Rope Fence to Part of Patio. APPROVED
13. 10/00223/LBC - Remove Old Signs and Lighting and Install New Signs and Lighting. REFUSED
14. 10/00222/ADV - Replacement Signage Comprising One x Externally Illuminated Post Sign, Two x Externally Illuminated Wall Signs, One x Non-Illuminated Wall Sign, Two x Non-Illuminated Post Signs and One x Lantern. REFUSED
15. 10/00216/LBC - Construct New Pergola at Side Entrance, New Patio with Post and Rope Fence to Part of Patio, Internal Alterations. APPROVED
16. 07/00207/FUL - Installation of Two "Jumbrellas" in Rear Garden and Resurfacing of Garden Area. APPROVED

17. 99/00052/LBC - Addition of Externally Illuminated Signs to Front and West Elevations. Install Lanterns, Window Boxes and Hanging Boxes (Mangers). APPROVED
18. 99/00051/ADV - Externally Illuminated Signage to Front Elevation and West Side Elevation. Externally Illuminated Projecting Sign to Front Elevation and Post Sign in Forecourt. APPROVED
19. 98/00369/LBC - Ground Floor Extensions to Side and Rear (Internal Alterations), Hard and Soft Landscaping and External Open Terracing (Revised Application). APPROVED
20. 98/00368/FUL - Ground Floor Extensions to Side and Rear (Internal Alterations), Hard and Soft Landscaping and External Open Terracing (Revised Application). APPROVED
21. 97/00410/LBC - Ground Floor Extensions to Side and Rear, (Internal Alterations), Hard and Soft Landscaping and External Open Terracing. APPROVED
22. 97/00409/FUL - Ground Floor Extensions to Side and Rear (Internal Alterations), Hard and Soft Landscaping and External Open Terracing. APPROVED
23. 93/00358/LBC - Site Satellite Dish on Flat Roofed Link Area in Middle of Building. APPROVED
24. 92/00161/FUL - Single Storey Rear Extension to Provide Restaurant and Additional Car Parking Spaces. APPROVED
25. 92/00136/LBC - Single Storey Rear Extension to Provide Restaurant and Additional Car Parking Spaces. APPROVED
26. 91/00250/FUL - Single Storey Rear Extension to Provide Restaurant and Additional Car Parking. APPLICATION WITHDRAWN
27. 91/00227/LBC - Single Storey Rear Extension to Provide Restaurant and Additional Car Parking Spaces. APPLICATION WITHDRAWN
28. 87/02003/LBC - Single storey extensions to side and rear, plus extension to outside toilet block. APPROVED
29. 86/00035/FUL - Single storey rear extension car park and family garden. APPROVED
30. 85/00703/LBC - Single storey side extension for use as kitchen servery and bottle store extension to car park. APPROVED

31. 85/00632/FUL - Single story side extension and additional car park.
REFUSED

MATERIAL CONSIDERATIONS

32. During the course of the application, concerns were raised by the ECC Historic Buildings Advisor regarding the proposed internal illumination of the totem pub sign and the quantity of flood lighting to the front elevation. As a result a revised plan was provided removing the internal illumination and some of the flood lighting and re-consultation took place.

33. It is considered that the signs would not have a detrimental impact on the character and appearance of the listed building. The ECC Historic Buildings Advisor does not object to the proposal.

Representations:

FIRST CONSULTATION:

HOCKLEY PARISH COUNCIL - No objections.

ECC HISTORIC BUILDINGS ADVISOR -

I have no objection to the principle of this application although there are some aspects which I recommend to reduce any adverse aesthetic impact upon the listed building.

These are summarised as:

- o Reduction/removal of flood lights to the front elevation which appears excessive in the proposal. Flood lights may be replaced with more subtle downlights;
- o Removal of internally illuminated header; and
- o A planning condition to control the level of luminosity of all street facing lights/illuminations.

The application, in its current form, causes less than substantial harm to the aesthetic value and architectural interest of a designated heritage asset and therefore paragraph 196 of the NPPF is relevant.

SECOND CONSULTATION:

HOCKLEY PARISH COUNCIL - No objections. Conditions should be imposed for limited parking of construction vehicles, no construction at weekends and Bank Holidays and the road cleaned of mud. All construction vehicles must be parked on site and not on the B1013.

ECC HISTORIC BUILDINGS ADVISOR - Considering the revised proposal, I have no objection to this application. I recommend a planning condition to control the level of luminosity of all street facing lights/illuminations.

APPROVE

- 1 The maximum luminance of the internally illuminated signs under 10m² in size shall not at any time exceed the standards contained within the Institution of Lighting Professionals Lighting Guide No. 5, for zone E3 locations, which in this case is "600" Candelas per square metre (600 cd/m²).

Relevant Development Plan Policies and Proposals:

National Planning Policy Framework 2019

The local Ward Member(s) for the above application is/are Cllr A H Eves Cllr B T Hazlewood Cllr K H Hudson

Application No :	19/00318/FUL	Zoning : Residential
Case Officer	Ms Katie Ellis	
Parish :	Hockley Parish Council	
Ward :	Hockley	
Location :	Land Adjacent 34 Mount Crescent Hockley	
Proposal :	Sub-divided plot and construct bungalow	

SITE AND PROPOSAL

Site and Context

The application site is situated on a prominent corner plot on the eastern side of Mount Crescent and is relatively flat.

The application site forms part of the residential curtilage of No.34 Mount Crescent. The site has already been segregated from No.34 and a 1.8m high timber closed boarded fence has been erected on the periphery enclosing the site. No.34 Mount Crescent is a semi-detached chalet-style bungalow.

The area surrounding the site is residential in character and the street scene presents a mix of predominantly bungalows and chalet bungalows of similar form and appearance.

To the south is situated the rail line operated by National Rail running between Southend Victoria and London Liverpool street.

Proposal

Planning permission is sought to sub-divide the plot and erect a detached, two-bed bungalow fronting Mount Crescent. Two car parking spaces would be laid out on the frontage, as well as private amenity space at the rear. Vehicular access would be gained via an existing access onto Mount

Crescent. The parcel of land forms part of the residential curtilage for No.34 Mount Crescent.

The proposed bungalow would be 'L' shaped with a maximum ridge height of approximately 4.7 metres with a gabled roof design. The maximum depth would be approximately 9.3 metres and the maximum width would be approximately 9.2 metres. The external materials proposed would comprise rendered elevations together with brick plinth and plain roof tiles.

A vehicular access is proposed to be formed onto Mount Crescent to serve the host dwelling, No.34.

An amended site plan has been received in the course of the application in response to officer concerns relating to vehicular access following an objection received from Essex County Council (ECC) - Highway Authority. The changes include an additional vehicular access that would serve No.34 Mount Avenue. A second re-consultation with ECC - Highway authority has taken place and their objection has now been removed.

Planning History

There is no relevant planning history that relates to this parcel of land.

Material Considerations

Principle of Development

The application property lies within the existing residential area where there are no specific allocation policies. Residential use is the preferred use of the site in planning terms. The main considerations are whether the development has an impact on the character and appearance of the area, the neighbouring occupiers and highway safety.

The National Planning Policy Framework (NPPF) encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting (including residential gardens). Additionally, the NPPF sets out the requirement that housing applications should be considered in the context of the presumption of sustainable development but advises that there are likely to be circumstances where development of residential gardens will be inappropriate and should be resisted where development would cause harm to the local area (para.70). Good design is a key aspect of sustainable development and is indivisible from good planning and proposals should contribute positively to making places better for people (para.124).

The NPPF also advises that planning decisions for proposed housing development should ensure that developments do not undermine quality of life and are visually attractive with appropriate landscaping and requires that permission should be refused for development of poor design that fails to take

opportunities available for improving the character and quality of an area and the way it functions (para. 130).

Policy H1 of the Core Strategy states that in order to protect the character of existing settlements the Council will resist the intensification of smaller sites within residential areas. Limited infill will be considered acceptable, and will continue to contribute towards housing supply, provided it relates well to the existing street pattern, density and character of the locality. The SPD (SPD2) for housing design states that for infill development, plots should ordinarily be a minimum 9.25 metres wide, and that there should be a minimum distance of 1 metre between habitable rooms and the plot boundary.

Policy CP1 of the Core Strategy and Policy DM1 of the Development Management Plan both seek to promote high quality design in new developments that would promote the character of the locality and enhance the local identity of the area. Policy DM3 of the Development Management Plan seeks demonstration that infill development positively addresses the existing street pattern and density of locality and whether the number and types of dwellings are appropriate to the locality.

Whilst the principle of development is not objected to, the main issues and acceptability of the development are the material considerations explored below.

Impact upon the character and appearance of the area

The application site forms part of the residential curtilage for No.34 Mount Crescent. This part of Mount Crescent has a linear alignment that the proposed dwelling would follow.

The proposed plot would achieve a 11.6m plot width and 1m separation distance between the dwelling and flank boundaries in accordance with the Council's Supplementary Planning Document 2 - Housing Design.

The layout, scale and bulk of the development are comparable to that of other dwellings in the vicinity of the site as well as the immediate surroundings.

A traditional design has been applied to the dwelling whereby it would be finished in render with brick plinth together with plain roof tiles; the design and appearance would be sympathetic to the surrounding streetscene. The massing would be generally well articulated with horizontal proportioned double and triple casement fenestration together with a perpendicular front gabled roof projection creating a well-balanced building. The articulated form of the proposed dwelling would create visual interest.

The proposed dwelling appears to be proportionate in scale with surrounding dwellings within the area. It is therefore not considered that the scale, bulk, height and appearance of the proposed dwelling would result in demonstrable harm upon the character and appearance of the area.

There would be little space to accommodate soft landscaping to the site frontage to soften the appearance of the development in the street scene however, the site has only a modest frontage such that the lack of significant soft landscaping would not be considered detrimental to visual amenity in the street scene. Some soft landscaping in the form of a low-level hedge could be accommodated and the site frontage is separated from the highway by a highway verge. The proposal would comply with the stipulations of policy H1 of the Core Strategy and DM1 and DM3 of the Development Management Plan and the NPPF.

Impact upon neighbouring amenity

There would be an approximate 8.4m distance from the rear of the proposed bungalow to the western flank of No.32 Mount Crescent which adjoins the rear boundary of the site. A 1m distance would exist between the proposed dwelling and No.34 Mount Crescent. The proposed dwelling would be single storey in nature, and it is considered that there would be sufficient distance between the proposed dwelling and the existing dwellings to the north and east so as not to have a significant overbearing impact upon the neighbouring occupiers or overlook their private amenity space.

A window is proposed in the southern flank elevation that relates to a bathroom; however, this window would face onto the highway and therefore, it is not considered that this window would have an adverse impact in terms of overlooking upon neighbouring occupiers.

The proposed development is considered to comply with policy DM1 and DM3 of the Development Management Plan.

Living conditions for future occupiers

Garden Sizes

The NPPF seeks that the creation of places are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

The SPD2 requires a minimum 100m² garden areas for all new dwellings; however, there are exceptions to this requirement. Bungalows with two bedrooms as is proposed here can have a minimum private garden area of 50m². The proposed development provides rear private amenity space of 149m² which would exceeds this requirement.

Sustainability

The Ministerial Statement of the 25th March 2015 announced changes to the government's policy relating to technical housing standards. The changes sought 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.

Rochford District Council has existing policies relating to all of the above, namely access (Policy H6 of the Core Strategy), internal space (Policy DM4 of the Development Management Plan) and water efficiency (Policy ENV9 of the Core Strategy) and can therefore require compliance with the new national technical standards, as advised by the Ministerial Statement.

Until such a time as existing Policy DM4 is revised, this policy must be applied in light of the Ministerial Statement. All new dwellings are therefore required to comply with the new national space standard as set out in the DCLG Technical housing standards - nationally described space standard March 2015.

The proposed dwelling would be a two-bed property. A two-bed, 3-person dwelling would require a minimum Gross Internal Area of 61 square metres with 2 square metres of built-in storage. The dwelling would have a GIA of some 63 square metres including space to accommodate some 2 square metres of built-in storage. The proposed dwelling would meet the national space standard.

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 ensure compliance with this Building Regulation requirement.

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.

Impact upon highway safety

The proposal would result in a two-bedroom dwelling. The Parking Standard SPD requires two on-site vehicle parking spaces. The site would provide a hard standing to the front of the property that has the potential to accommodate two vehicles within the sizing measurements of the SPD. The proposed dwelling would utilise an existing vehicular access onto Mount crescent.

As part of this proposal, a vehicular access is proposed to be formed to serve the host dwelling, No.34 Mount Crescent and two on-site car parking spaces measuring to the preferred size requirements set out in the adopted parking standards would remain.

It is not considered that the proposed development would be to the detriment of highway safety or the free flow of traffic and it is therefore considered to comply with EPOA Parking Standards and policy DM30 of the Development Management Plan.

Ecology and Trees

There are no trees located on the site. It has been noted from google images that a hedgerow once enclosed the site. A site observation established that this hedgerow has now been removed from the site to accommodate the proposed dwelling.

Policy DM25 looks to conserve existing trees and hedgerows. The hedgerow that has been removed to facilitate the development did have an amenity value to the site and street scene but not a high public amenity value and therefore, no objections are raised.

No ecological surveys have been provided with this application; however, the habitat would not appear likely to be suitable for protected species given that the site is situated within a built-up urban area.

Representations:

ECC Highway Authority -

First Response dated 17 July 2019

Objected on the grounds that the Highway Authority will protect the principle use of the highway as a right of free and safe passage of all highway users. The parking provision is considered to be inadequate for the dwellings as proposed. The proposal if permitted would set a precedent for future similar developments which would likely lead to inappropriate parking detrimental to the general safety of all highway users and undermine the principle of seeking to discourage on-street parking in the locality. The proposal is therefore contrary to policy DM1 and DM8 contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Second Response dated 23 August 2019

The new plans are acceptable to the Highway Authority, subject to the following conditions:

1. There shall be no discharge of surface water from the development onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

2. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

3. All loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken within the application site, clear of the public highway

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

Hockley Parish Council -

Object on the grounds that the proposal would represent back land development over-development.

Letters have been received from the following addresses;

Mount Crescent - No.17, 32, 36, 38

And which in the main make the following comments and Objections;

- o Legal title states no building within 12 feet of the highway which this building would contravene;
- o The dwelling proposed does not follow building line;
- o The number of vehicles that currently park at the property together with the addition of further car parking spaces and driveway would exacerbate safety hazards which increases the chances of accidents;
- o The proposed car parking spaces cannot be used independently meaning that 2 cars will need to be moved into the blind bend simultaneously increasing the risks;
- o The proposed parking restricts access and egress from the building in case of an emergency;
- o Increase pressure on the existing drainage system;
- o A small property on a parcel of land that is too small;
- o Development at No.40 Mount Crescent cannot be used as a precedent;
- o Question whether this type of development is required as other properties within the area recently constructed have not sold as they are not reasonably priced and unattractive;
- o The site has already been sub-divided and installed drainage pipes prior to permission being given;
- o The development would add pressure to existing drainage system;
- o Overdevelopment contrary to the current pattern of development;
- o The positioning of a dwelling on a blind bend would exacerbate highway safety;
- o Adding a dropped curb would result in the loss of off-street parking;
- o Out of character to existing pattern of development;
- o The proposed dwelling would obstruct sight lines;
- o Loss of light from fence panel;

- o Overlooking;

APPROVE

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the following approved plans:

Drawing Nos. 790 Rev. A, 813 Rev. A.
- 3 Prior to the construction of the external walls of the development hereby approved , details of all external facing (including windows and doors) and roofing materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Such materials as may be agreed in writing by the Local Planning Authority shall be those used in the development hereby permitted.
- 4 The vehicular access as shown on planning drawing 790 Rev A. shall be constructed at right angles to the highway boundary and to the existing carriageway and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge and footway.
- 5 Two on-site vehicular parking spaces, each with a minimum dimension of 2.9m by 5.5m shall be retained at the site in perpetuity at No.34 Mount Crescent.
- 6 Two on-site parking spaces, with a minimum dimension of 2.9m by 5.5m shall be retained at the application site in perpetuity and available for use solely for the purposes of vehicle parking.
- 7 There shall be no discharge of surface water from the development onto the Highway.
- 8 No unbound material shall be used in the surface treatment of the car parking areas.
- 9 Part G (water efficiency) of the Building Regulations (2010) shall be met for the dwelling hereby approved and be permanently retained thereafter.
- 10 The development shall not be occupied before plans and particulars showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted, have been agreed in writing by the Local Planning Authority. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority, which shall show the retention of existing trees, shrubs and hedgerows on the site and include details of:

- schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted including at least two trees (to compensate for the loss of trees arising from the development);
 - existing trees to be retained;
 - areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
 - paved or otherwise hard surfaced areas;
 - existing and finished levels shown as contours with cross-sections if appropriate;
 - means of enclosure and other boundary treatments;
 - car parking layouts and other vehicular access and circulation areas;
-
- minor artifacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);
 - existing and proposed functional services above and below ground level (e.g. drainage, power and communication cables, pipelines, together with positions of lines, supports, manholes etc);
- shall be implemented in its entirety during the first planting season (October to March inclusive) following commencement of the development, or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

Relevant Development Plan Policies and Proposals:

National Planning Policy Framework 2019

Nationally Described Space Standards

Core Strategy 2011 - CP1, H1, H6, ENV9

Development Management Plan 2012 - DM1, DM3, DM4, DM25, DM27, DM30

Parking Standards Design and Good Practice (2010)

The local Ward Member(s) for the above application is/are Cllr A H Eves Cllr B T Hazlewood Cllr K H Hudson

Application No : 19/00591/FUL Zoning : Residential

Case Officer Ms Katie Ellis

Parish : Hullbridge Parish Council
Ward : Hullbridge

Location : 1 - 9 Ferry Road Hullbridge Essex

Proposal : External alterations including alterations to shopfront, together with the installation of external plant, cycle parking, and provision of external collection lockers.

SITE AND PROPOSAL

Site and Context

The application site is situated on a prominent junction at Ferry Road and Lower Road. The site is occupied by a two storey, detached flat roofed building which was previously occupied by retail outlet 'Budgens'. The current lawful use is that of use class A1 (retail). The commercial unit would be occupied by 'Co-Op'.

The surrounding area is predominantly residential in character. To the north of the building is the service and car parking area and to the west is a residential property. Access to the unit is from Ferry Road, as is vehicular access to the associated car park.

The Proposal

Planning permission is being sought for the installation of external plant equipment and satellite dishes at first floor roof level and associated safety handrail. The existing shopfront frames (eastern and southern elevations) would be repainted and it is proposed to install shutter guides, shutter boxes and shutters and install cycle racks.

Whilst undertaking a site visit it was noted that the shop front proposed has been implemented and a nearby resident has provided information that the click and collect facility has been installed since the site visit was carried out. Therefore, the proposed development is partially retrospective in nature.

It is proposed to provide Amazon lockers with 3 no. bollards in the rear car park. Lockers such as these often benefit from 'permitted development rights' afforded by Schedule 2, Part 7, Class C 'Click & Collect facilities' of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to certain criteria and conditions being met.

Reviewing the criteria and conditions set out in the GPDO, it would appear the click and collect facility would abide by these and therefore, it is considered that neither planning permission nor prior approval would be required.

However, as it is included within the description of the development the siting, design and external appearance would be considered for completeness.

Planning History

13/00437/FUL - Installation of security shutters to shopfront. Refused
01/00356/FUL - Change of use of existing residential garden to extend shop unit car park (5 additional spaces). Granted
98/00726/FUL - Alterations to shopfront including customer entrance and security shutter. Install automatic teller machine. Install refrigeration condenser units to rear roof area and erection of external steel fire escape staircase to rear. Granted
91/00078/FUL - Single storey front extension to shop and first floor rear extension to flat and widen existing crossover. Refuse

Main consideration

Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. With regards to this application, policy CP1 of the Core Strategy and policies DM1 and DM6 of the Development Management Plan are relevant.

Other material considerations include, the National Planning Policy Framework (NPPF), supplementary planning documents and the Council's adopted supplementary planning guidance (SPD) 'Shopfronts Security and Design'.

The principle of altering the shopfront and installation of plant machinery and cycle parking in association with the retail unit of the application site is considered acceptable. Other material planning considerations are discussed below.

Impact upon the Character and appearance of the area

Shopfront

Any development relating to shopfronts should be in accordance with the Council's Shopfronts Security and Design SPD. This document states that, where opportunities occur, it should be the long-term aim to achieve replacement shopfronts which re-emphasise the individual components of the frontage by being less obtrusive and better related to the overall proportions of the building.

The proposed shopfront alterations would be relatively minor in nature and scale, comprising the repainting of the existing shopfront frames, shutter guides, shutter boxes and shutters. The proposed colour 'Traffic Grey' would be used throughout to ensure consistency along the building frontage to both

elevations. This element of the proposals would refresh and enhance the appearance of the shopfront.

Overall, the proposed shopfront alterations will enhance the appearance of the commercial unit and would not result in the loss of any architecturally significant features. The proposal will therefore respect the proportions and form of the host building and character of the surrounding area, in accordance with Policy CP1 of the Core Strategy and Policy DM1 of the Development Management Plan and the SPD - Shopfronts Security and Design.

Plant Machinery

The proposal seeks the installation of external plant equipment, to the rear of the store on the flat roof of the ground floor extension along the north elevation. The proposal is for the installation of four air conditioning (AC) units, a gas cooler and refrigeration pack. An associated safety rail, required for safe maintenance of the equipment, is proposed.

The location of the external plant equipment is well established. Indeed, the plant replace existing plant equipment in this location. It is therefore considered an appropriate place for such necessary plant equipment, particularly given the secondary nature of this area, to the rear of the store.

Furthermore, it should be noted that the tallest piece of proposed equipment is no greater in height than the existing plant equipment. Notwithstanding this, this element has been sited further back from Ferry Road with the smaller AC units closer, to minimise the visual impact in accordance with policy CP1 of the Core Strategy and policy DM1 of the Development Management Plan.

Satellite Dishes

Policy DM6 of the Development Management Plan states that proposals for telecommunications equipment on an existing building will be considered acceptable if it is sited and designed to ensure that there is minimal impact to the external appearance of the structure.

The proposed satellite dishes will be located on the eastern elevation at first floor level towards the rear of the store. This ensures that views of the satellite dishes from the main road (Lower Road) are minimised, by reason of its discrete siting. As such, the proposal will be in accordance with policy DM6 of the Development Management Plan.

Click and Collect Facility

Similarly, the proposed Amazon collection lockers will be in a relatively discrete location, to the rear of the building in the car park and, would not therefore negatively impact on the appearance of the building or surrounding area.

Cycle Rack

The proposal also seeks the installation of cycle parking spaces adjacent to the store entrance. These would be discrete and would have a negligible impact on the appearance of the building or surrounding area.

Impact upon neighbouring amenity

Paragraph 170 of the NPPF confirms the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

Furthermore, paragraph 180 goes on to state planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

The proposal is for the installation of four air conditioning (AC) units, a gas cooler and refrigeration pack to the rear of the store on the flat roof of the ground floor extension along the north elevation. The proposed plant would replace existing plant equipment in this location.

The proposed refrigeration plant will potentially operate 24 hours a day, although it should be noted that these units operate as required to meet demand and generally at a reduced capacity at night. The AC units will operate only during store opening hours.

The area surrounding the site is predominantly residential in use. The nearest noise sensitive property to the plant area will be the residential property at 15 Ferry Road to the north of the store, approximately 22m from the nearest item of plant.

Existing daytime and night-time noise measurements have been provided within the Plant Noise Impact Assessment Report which accompanies this application. This report has been prepared by NSL Noise Solutions Ltd on 16th May 2019.

The existing background sound pressure levels at nearby noise sensitive premises are 44dB LA90 during the daytime and 29dB LA90 during the night-time period.

It is considered appropriate that the cumulative plant noise rating level of proposed plant should be controlled to a level that does not exceed the representative LA90 background sound level at the nearest residential property. This would result in, at worst, a 'low impact' according to BS 4142:2014 (depending on the context) and therefore avoid any adverse impact.

The cumulative noise level for the proposed plant at the nearest residential windows should not therefore exceed 44dB LA90 during daytime (07:00 - 23:00) and night-time 30 dB LA90.

The cumulative plant noise level at the most affected noise sensitive receptors has been predicted. The predictions during the daytime period have been based on the proposed AC and refrigeration plant operating at full capacity and calculated at 36dB LA90. During the night-time period only the refrigeration plant is to be operating and calculated at 30dB LA90.

The predicted calculations provided illustrate that there would be a reduction in noise level at the nearest noise receptor (No.15 Ferry Road) during the daytime. All other nearby residential properties benefit from increased distance and screening to the plant. The predictions demonstrate that cumulative noise from the proposed plant meets the proposed noise criteria at all nearby receptors and at all times, without the need of mitigation measures.

It is considered that there would be no adverse impact on surrounding amenity with regard to noise, and as such the proposal is considered acceptable in accordance with the NPPF.

It has been noted that the hours of opening have increased. The store opened from 7:00 to 21:00 Monday to Saturday and 10:00 to 16:00 on Sundays. It is proposed to open the store from 06:00 to 22:00 Monday to Sunday. Also, a click and collect facility is being provided in the form of lockers in the existing car park that would be operated by Amazon. These lockers can be accessed 24/7. Whilst it is acknowledged that the operation hours of the commercial premises would increase, there was no condition restricting the hours of use imposed on the original planning permission and therefore, opening hours can alter without the need for consent from the Local Planning Authority. It is considered that the additional opening hours would not significantly impact the surrounding occupiers of the nearby residential dwellings. To prevent a further increase in opening hours a condition has been recommended to restrict the hours of use. With regards to the click and collect facility, as above planning permission would not be required as the lockers could benefit from permitted development and therefore, it is not considered that these lockers would impose an impact upon surrounding residential occupiers.

Car Parking and Highway Safety

The proposal would not have an impact on the existing car parking provision at this site. The proposal includes cycle racks which should encourage travel to and from the store by bike which would promote a form of suitable transport.

Representations:

Environmental Health -

Environmental Health has no adverse comments in respect of this application subject to the external plant being installed and maintained to the specification outlined in NSL's acoustic report (ref: 88518, 16/5/19) and Standard Informative SI16 (Control of Nuisances) being attached to any consent granted.

Hullbridge Parish Council - No objections.

Neighbours

A letter has been received from a local resident - no address has been provided but objects on the following grounds: -

Provision of external collection lockers - It is understood that these lockers would be used by Amazon which will be outside of the store. This will mean the site will become a go-to 24/7 and increase traffic to the site. This is a significant change to the way the business/site will be used and will negatively impact neighbours. Such lockers are usually found in shopping centres or garages - not residential areas. This site is one store surrounded by homes on all sides and the extended hours and increased access will have a negative impact on neighbours. It is also likely to attract anti-social behaviour after store closes.

Installation of external plant - it is understood this to mean refrigeration unit on the roof of the store. Is this likely to increase noise levels and impact neighbours? Is there a more environmentally friendly solution that can be found, one that doesn't emit so much noise?

Cycle parking - great idea

Planning notification for illuminated fascia, letter dated 14th August, received 16th. This is already shining directly into my bedroom despite permission not being in place. This seems like an unnecessary change and again has a negative impact on neighbours. At a time when the government are finally focussing on resources and our footprint on environment, why are we illuminating signage? We can all see the coop is there - the illumination is not necessary and negatively impact environment and neighbours. This is a village, not a retail park.

Opening hours - please note, I have received no notification regards a change to the opening hours of site but have noticed signage that states the store will be open daily from 6am-10pm daily. This is a significant change from the previous business. According to signage, this will be an extra 2 hours for the weekdays (previously 7-9). With shoppers given access from as early as 6am and does this mean neighbours will be woken by deliveries even earlier?? And a significant impact on Sunday - Budgens previously observed Sunday trading hours of 10-4 at this site. Again, signage stating on a Sunday that the

store will be open at 6am!!! and stay open until 10pm at night. Combined with the 24/7 lockers there will be no respite for neighbours.

And finally, but not least - all of the above are already underway and the site is due to open this week as confirmed on your site visit. This makes a mockery of the planning application process. Why are stores allowed to proceed with work prior to neighbours even being notified or permission being granted? This is extremely upsetting and frustrating when normal people have to abide by these rules and regulations.

APPROVE

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the following approved plans: 3513.13, 3513.14, 3513.12
- 3 The premises shall not be open for customers outside the following hours: 06:00 - 22:00 Mondays - Sundays including Bank Holidays.
- 4 The external plant hereby permitted shall be maintained to the specification outlined in NSL's acoustic report (ref: 88518, 16/5/19).

Relevant Development Plan Policies and Proposals:

National Planning Policy Framework

Core Strategy - CP1

Development Management Plan - DM1 and DM6

SPD - Shopfront Security and Design

The local Ward Member(s) for the above application is/are Cllr Mrs D Hoy Cllr M Hoy Cllr S A Wilson

Application No : 19/00580/FUL Zoning : Metropolitan Green Belt

Case Officer Ms Julie Ramsey

Parish : Barling Magna Parish Council

Ward : Roche South

Location : Land East Of Little Orchard Cottage Barling Road
Barling Magna

Proposal : Erection of single storey stable block and
hardstanding for horses and change of use from
agricultural land for land for use for stables

SITE AND PROPOSAL

Site and context

1. The site is located on the southern side of Barling Road and is currently agricultural land and is within the ownership of the occupier of Blew House Cottage, which is located opposite the site. The adjacent land is within the same ownership and contains a small orchard, within a grass area, an outbuilding and storage container and covers approximately 0.4 hectares. The site is some 0.064 hectares.

2. At the time of the site visit on 9th August 2019 the site was being cleared in preparation for topsoil to be added. The site is located within a residential settlement within the green belt, in close proximity to Blew House Cottage and Walkers Farm which are both Grade II listed buildings.

Proposal

3. The application seeks planning permission to construct a stable block comprising of two separate stables, a hay store and an area of hardstanding to the front of the stables. The stable building is one large building which is to be divided up into three areas and is located to the very rear of the site.

4. The stable block would measure some 3.6m deep, 14m wide and a maximum height of some 3m. The area of hardstanding would measure 2m x 14m to the full width of the site. The materials proposed are horizontal shiplap timber cladding with a black onduline roof.

5. The applicant has stated that the stables are necessary to home their own horse who suffers from poor confirmation and subsequently is not ridden. The stables are proposed for the shelter/stabling of their own horses. It is proposed to home an additional rescue pony. The site would not be used as a riding school or any other equestrian establishment.

6. It is also proposed to plant along the fence line, horse friendly shrubs and trees such as hawthorn hedgerow which would also encourage wildlife and replace the existing boundary fence with a post and rail fence similar to that adjacent to the site and around the orchard.

Relevant planning history

7. 18/00626/FUL - Use of Site as Commercial Orchard and Erection of an Agricultural Building - Application Refused

Reason for refusal:

The Allocations Plan (2014) shows the site to be within the Metropolitan Green Belt and the proposal is considered to be inappropriate development contrary to the National Planning Policy Framework. Within the Green Belt, planning permission will not be given, except in very special circumstances, for the construction of new buildings other than those that are policy compliant. The proposal, if permitted, would introduce a sizable and permanent building to this site that would adversely impact on the openness of the Green Belt. Although agricultural buildings are regarded as an exception to Green Belt restrictions, insufficient justification has been provided to the Local Planning Authority to demonstrate that such a building is for a functional agricultural purpose and is necessary for agricultural purposes on what is a small parcel of land.

As the applicant has not demonstrated that that the building can genuinely be regarded as an exception to the presumption against new buildings in the Green Belt, it would be inappropriate development that would have a harmful impact on openness and the purposes of including land within the Green Belt contrary to policy GB1 of the Core Strategy and the National Planning Policy Framework 2018.

Material considerations

8. The National Planning Policy Framework 2019 (NPPF) states that there is a general presumption against inappropriate development within Green Belt and such development should not be approved, except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt. Great importance is attached to maintaining Green Belt boundaries with the aim to prevent urban sprawl and keep land permanently open. Paragraph 145 (b) of the NPPF states that the exceptions to the construction of new buildings as being inappropriate in Green Belt are, '...the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;'

9. Policy DM15 of the Council's Development Management Plan (2014), states that applications for equestrian development within the green belt with essential ancillary facilities may be supported provided that the application meets a series of criteria:

(i) the proposal is for small-scale equestrian development (fewer than 10 stables) which does not create a proliferation of similar, or other associated, businesses in the same locality;

- (ii) the maximum number of stables per hectare is related to the amount of open space. The requirement will be no more than one stable for each 0.4 hectares of site area;
- (iii) buildings to serve private or commercial livery use are located near to existing settlements and in a sustainable location, unless justification for alternative siting is demonstrated;
- (iv) the proposal utilises redundant agricultural and rural buildings, where possible. Where it can be demonstrated that existing buildings are inappropriate or insufficient for the proposed use, new buildings will be permitted provided that they are the minimum size necessary for their intended purpose and facilities are proposed to be sited in one location/building, if appropriate;
- (v) the proposal is well related to existing or proposed bridleways and will not cause conflicts between equestrians, and have no adverse effect on the road or highway safety of the area;
- (vi) the proposed stabling and other small-scale essential facilities is modest and appropriate in scale and designed to minimise the potential detrimental impact on the openness of the Green Belt, character of the countryside, the different landscape character areas, the best and most versatile agricultural land, the historic environment or important areas of nature conservation interest;
- (vii) there will not be a detrimental effect on the amenity of the local area by virtue of noise, light, smell or disturbance.

Furthermore, any development which is permitted should be of a scale, design and siting such that the character of the countryside is not harmed and nature conservation interests are protected.

10. The British Horse Society (BHS) recommends a ratio of two horses per hectare on permanent grazing (1- 1.5 acres per horse). The recommendation, however is for use as guidance as the actual amount of grazing required is based on numerous factors, such as:

- o Size and type of horse/pony
- o Fat score of horse/pony
- o Length of time spent stabled or exercised off the pasture
- o Time of year
- o Quality of the pasture and type of soil
- o Number of animals on the pasture
- o How well the pasture is managed and cared for

In all circumstances, stock densities must take individual requirements into consideration. This is essential to help reduce the chances of fighting or bullying where several animals are turned out together. It is important to balance a horse's need for free exercise and interaction with other horses in a field environment to exhibit their natural behaviour against the danger of consuming excess calories from grass.

Appraisal

11. The proposal could be considered to be a small scale development, modest and appropriate in scale providing two stables and a hay store. The site comprises of an area of agricultural land that has been separated from the main orchard area with the stable block extending the full width of the site, some 14m wide and some 3.6m deep, with an additional 2m of hardstanding to the front of the stable block. The proposed stables would be located at the rear of the site and subject to a condition requesting details of the proposed external materials to be submitted and approved by the Local Planning Authority. It is not considered that the development would have a detrimental impact on the openness of the green belt in this location, given its close proximity to existing dwellings.

12. The site has a total area of 0.07 hectares. The proposal would provide 2 stables, which calculates at one stable per 0.035 hectares of site area. This is significantly below the required minimum of 0.4 hectares per stable and therefore the site is not considered to be large enough to support the grazing and exercise requirements of two horses regardless of size and other factors as outlined above. The proposal would therefore fail to satisfy the requirements of part (ii) of Policy DM15.

13. The proposed stable building would be located approximately 8-9m from the neighbouring dwellings at White oak and Little Orchard Cottage. There is no flood lighting or other outside lighting proposed. It is not considered therefore, given the small scale nature of the development, that the proposal would have a materially harmful impact on the occupiers of the adjacent dwellings. It is considered necessary and reasonable to impose a condition to any grant of planning permission, requiring the consent of the Local Planning Authority if it is proposed to install floodlighting in the future.

14. Although it is considered that the proposed equestrian use of the building would have an acceptable impact on the character of the Green Belt, and would be policy compliant, if the proposed stable building were to change use this would not be considered appropriate development in the Green Belt. An alternative use such as office or residential it is considered would lead to a proliferation of activity at the site in detriment to Green Belt character and openness. Therefore, any other use of the building other than for equestrian it is considered would constitute inappropriate development in the Green Belt, contrary to the policies contained within the Council's Development Management Plan, and the NPPF. It is therefore considered necessary to impose a condition to any grant of planning permission, stating that the building must only be used for the stabling of horses.

Summary

15. The proposed stable building is considered to be policy compliant in terms of preserving Green Belt openness and reasonably required for the proposed equestrian use. However, the land available for grazing falls

significantly short of that required to the detriment of the horses health and well-being. Therefore the proposal is recommended for refusal.

Representations:

Barling Magna Parish Council

Objection raised on the following grounds:

- o Building of this scale may become a domestic building.
- o Proposed works constitute overdevelopment of land in the Green Belt
- o Out of keeping with the neighbourhood and out of proportion to the stated use.
- o Site is located near a dangerous corner and increased risk of accident if horses are regular led out on to the public highway nearby.

Should the application be granted, it should be on the condition that all future development rights on this land are removed.

Place Services - Historic Buildings and Conservation Advice

No objection in principle subject to conditions regarding external materials and hardstanding and landscaping to the front boundary of the site.

Neighbour Consultation

Six neighbouring properties have been notified along with a press advertisement published and a site notice displayed. No letters of representation have been received.

REFUSE

- 1 The application, by way of the proposed grazing area of only some 0.07 hectares, would fall considerably short of the 0.4 hectares per stable, contrary to policy requirements of part (ii) of Policy DM15 of the Rochford District Council Development Management Plan 2014. Whilst the site benefits from having immediately accessible bridleways and is within a rural location which could provide an alternative to the open space provided. Given that the horses proposed on the site are not ridden, it is not considered that this would be enough to counteract the significant shortfall of the grazing area provided. This application would therefore be contrary to part (ii) of Policy DM15 of the Rochford District Council Development Management Plan 2014.

Relevant Development Plan Policies and Proposals:

National Planning Policy Framework NPPF (2019)

Rochford District Council Local Development Framework Core Strategy Adopted

Version (December 2011) policies CP1, GB1, ENV3

Rochford District Council Local Development Framework Allocation Plan (February 2014).

Rochford District Council Local Development Framework Development Management (2014) policies DM1 (Design of New Development) and DM15 (Equestrian Facilities)

Parking Standards: Design and Good Practice Supplementary Planning Document (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

Application No :	19/00517/FUL	Zoning :Industrial
Case Officer	Ms Katie Ellis	
Parish :	Rochford Parish Council	
Ward :	Roche South	
Location :	Yard Adjacent 44 Purdeys Way Rochford	
Proposal :	Construction of five light industrial warehouse units	

SITE AND PROPOSAL

Site and context

The application site is a vacant plot of land currently used for storage and informal car parking by James Waste Management. The site is located on a corner plot off the northern side of Purdeys Way and off the western side of Brickfields Way, within Purdeys industrial estate in Rochford. The site is located within an Existing Employment Area on the Proposals Map accompanying Rochford District Council's Local Development Framework.

The site is situated next to a long established, large waste management and recycling plant owned and run by James Waste Management. The application site is also owned by James Waste Management. Surrounding the site to the north, east, south and west of the site are industrial buildings ranging in height and varying in design.

The application site has a site area of 0.25ha and is accessed via a single access/egress off Purdeys Way.

Proposal

Planning permission is being sought to redevelop the site with a single storey building comprising of five industrial units with an overall external floor area of 1275m². Whilst the proposal description identifies that the building would be in use for light industrial use (Class B1) the application form goes on to identify that the proposed use of the building would be for storage and distribution (Class B8). The application has been considered on the basis that either type of use, B1 or B8 could occupy the building.

An area of hard surfacing would be laid out for car parking and bin storage and vehicular access would be formed onto Brickfields Way. It must be noted that the existing vehicular access onto Purdeys Way would be closed off and the existing perimeter palisade fence would be retained.

The proposed building would be situated along the eastern flank boundary and would measure approximately 50m wide, 26m deep with an overall height of 10.m.

The proposed external materials comprise brickwork to a height of 1.2m and then insulated powder coated profiled metal panel cladding. The roof would comprise insulated powder coated profiled metal panel and roof lights.

Each individual industrial unit would be accessed by a front roller shutter door and comprise an internal floor area of 245m² and would be served by three to five car parking spaces laid out to the front together with a bin store.

Planning History

02/00949/FUL - Approved - Erect Two Blocks of Two Nursery Factory Units (Total 4) Layout Access and Parking

Assessment

Planning Consideration and Principle of Development

The site is currently vacant from any development and is currently used and owned by James Waste Management as storage and informal car parking.

The site is located within the Purdeys Way Industrial Estate, which is primarily in B1, B2 and B8 use and an allocated employment site within the Allocation Plan. The Core Strategy policy ED3 seeks to protect existing employment generating sites which are well used and sustainable will be protected from uses that would undermine their role as employment generators.

The golden thread of sustainable development entwined throughout the National Planning Policy Framework (NPPF) comprises three dimensions. These are economic, social and environmental. In relation to the economic dimension, paragraph 8(a) confirms how the economic role is performed in the

planning system and states that it should contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.

Whilst more specifically chapter 6 - Building a strong, competitive economy of the NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Paragraph 80 confirms planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth and productivity through the planning system, taking into account both local business needs and wider opportunities for development. Whilst paragraph 82 encourages Local Planning Authorities (LPA) to plan proactively to meet the development needs of business and recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.

An Employment Land Study 2008 has identified categories of employment areas spatially and recommends that Purdeys Way Industrial Estate is retained for future employment purposes (B Class) and that the site is considered to have a continued value in employment uses and therefore should continue to be protected from loss in the first instance.

The proposed development seeks to redevelop the site by erecting a single storey building for the purposes of storage and distribution (Class B8) and or light industrial use (B1). The provision of a modern, purpose-built space that can be used for businesses falling within Classes B8 and B1 is considered to be in accordance with the Development Plan. Whilst the principle of development is not objected to, the main issues and acceptability of the development are the material considerations explored below.

Impact upon character and appearance of the surrounding area

The proposed building would be of steel frame construction with a mono-pitched roof together with profiled panel metal external cladding to the elevations and roof. Steel roller shutter doors would appear on the façade of the proposed building. The proposed materials would assimilate into the character and appearance of the area. It is considered that the appearance of the proposed building has been designed to harmonise with the immediate vicinity and successfully integrates with the surrounding industrial character.

The layout, scale, bulk and height of the building proposed would not be dissimilar to the surrounding character and appearance of the area.

It is therefore considered that the proposed building would not have a detrimental impact on the character and appearance of the industrial area. In light of this the proposal is considered to comply with the CP1 of the Core Strategy and the NPPF.

Impact upon the private amenity of neighbouring property

There are no residential properties within close proximity to the application site. Given the location of the development, it is not considered the proposal would have any impact on residential amenity compliant with the NPPF.

Highway safety

The existing access onto Purdeys Way would be permanently closed. An access to ingress and egress the site is proposed off Brickfields Way; this access is considered to be adequate and would not have an adverse impact upon highway safety.

Parking Spaces are expressed as maximum standards in this instance for both B1 and B8 uses. A development of this nature and scale is required to comprise one space per 30m² of business floor space (class B1) and one space per 150m² of storage and distribution floor space (class B8).

20 car parking spaces including two disabled car parking spaces are proposed. It is considered that the development proposed is providing car parking over and above the maximum requirements expressed in the Parking Standards for a B8 use. With regards to a B1 use, there is a deficit in car parking space by 50%. Whilst it is considered that there is an adequate amount of parking spaces proposed for a B8 use, there is an insufficient amount of car parking proposed for B1. As the parking standards are maximum rather than minimum in this instance the parking provision proposed is considered acceptable. In addition, to control the uses proposed on site together with the amount of car parking proposed, a condition has been recommended to restrict the number of units to be used as B1 use to prevent a conflict with car parking in the vicinity.

The proposed development is not considered to have a detrimental impact upon highway safety and would comply with the adopted Parking Standards and DM30 of the Development Management Plan.

Environmental Sustainability

The Council requires that all new non-residential developments meet a high standard of environmental sustainability. Policy ENV10 of the Core Strategy requires that all new developments should meet, as a minimum, the BREEAM (Building Research Establishment Environmental Assessment Method) rating of 'Very Good' unless such requirements would render the development economically unviable.

A condition to require that the building achieves a BREEAM rating of 'Very Good,' subject to viability, is recommended, which would achieve compliance with Policy ENV10 of the Core Strategy.

Policy ENV8 of the Core Strategy requires that non-residential developments of over 1000 square metres of floor space secure at least 10 per cent of their energy from decentralised and renewable or low carbon sources, subject to viability. A condition to require that the building achieves at least 10% of its energy from decentralised and renewable or low-carbon sources subject to viability, is recommended, which would achieve compliance with Policy ENV8 of the Core Strategy.

The site is located within Flood Zone 1 which is at the lowest risk of fluvial and tidal flooding. The proposed development is a form of development acceptable in principle in this flood zone. The site already comprises of extensive hardstanding, the proposed development would not increase the amount of hardstanding on the site. It is proposed that the development would connect to the main sewer. It has been confirmed by Anglian Water that the existing sewerage system at present has available capacity for additional flow via a gravity connection. Additionally, a condition has been recommended that a surface water management strategy to be submitted for consideration.

Ecology regarding development within the zone of influence (Zol) for the Essex Coast RAMS

Certain species and habitats are protected by law and in addition section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Authorities to have regard to the conservation of biodiversity when carrying out their normal functions including in the determination of planning applications. Planning policy at the local and national level also requires consideration of impact on ecology. Policy DM27 of the Development Management Plan requires consideration of the impact of development on the natural landscape including protected habitat and species and the NPPF also requires the planning system to contribute to and enhance the natural environment by minimising impacts on biodiversity.

The existing site comprises extensive hardstanding and is situated in an industrial area whereby the conditions would not be appropriate for certain species and habitats to inhabit. The application site is situated near to the edge of part of the river Roach which is a European designated site. It is considered that the proposed development is such that it would not generate a significant amount of employment and there are no direct links to the river and therefore, the impact that would arise from the development proposed would be negligible and would not have an adverse impact on protected species or habitat of ecological value.

Representations:

London Southend Airport -

Calculations indicate that the proposed development would conflict with safeguarding criteria. However, the following conditions have been recommended: -

- o Any lighting scheme deployed must be EASA compliant; and
- o Any likelihood for the use of the building to become bird attractant must be mitigated by way of a bird management plan.

Anglian Water -

It is confirmed that there are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site.

The foul drainage from this development is in the catchment of Rochford Water Recycling Centre that will have available capacity for these flows.

The sewerage system at present has available capacity for these flows via a gravity connection regime. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

There is no Surface Water Drainage Strategy submitted in support of this application. Anglian Water would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA). A condition has been requested requiring a drainage strategy covering the issue(s) to be agreed.

APPROVE

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the following approved plans: 001 rev*, 002 rev*, 010 rev*, 020 rev*

- 3 The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed in the application, unless otherwise agreed in writing by the local planning authority.
- 4 All buildings within the site shall achieve a BREEAM rating of 'Very Good' unless this cannot be achieved for reasons of viability in which case details of the BREEAM rating that can be achieved, including details to demonstrate the viability case to demonstrate why the 'Very Good' rating cannot be achieved, shall be submitted to and approved in writing by the Local Planning Authority. If an alternative BREEAM standard is approved for any building this shall be met.
- 5 All buildings within the site shall achieve at least 10% of their energy from decentralised and renewable or low-carbon sources, unless this cannot be achieved for reasons of viability in which case details of the percentage of decentralised and renewable or low-carbon sources that can be achieved, shall be submitted to and approved in writing by the Local Planning Authority. If an alternative percentage of decentralised and renewable or low-carbon sources is approved for any building, this shall be met.
- 6 No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.
- 7 Any lighting scheme to be installed must be EASA compliant to prevent lighting that may dazzle or distract pilots or air traffic controllers on or in the vicinity of London Southend Airport.
- 8 A Bird Management Plan must be submitted to and agreed in writing by the Local Planning Authority if the use to which any of the units hereby approved is put would attract birds (for example the storage on site of food or other waste or food products) to mitigate against the increased risk of bird strike to aircrafts using London Southend Airport.
- 9 Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.
- 10 Prior to commencement of the development, the access shall be provided as shown in principle on drawing No 010 rev *. The vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway with an appropriate dropped kerb vehicular crossing of the footway.
- 11 No building hereby approved shall be occupied until space has been laid out within the site for bicycles to be parked in accordance with a scheme to be submitted to and approved in writing by the local

planning authority. Thereafter, the approved bicycle parking facilities shall be retained.

- 12 Prior to first use of the units at the site hereby approved, the parking and turning areas on site shall be hard surfaced and marked out in bays in accordance with the approved layout unless otherwise agreed in writing by the Local Planning Authority. The parking and turning areas shall be retained in the approved for in perpetuity and available solely for the use of parking and turning vehicles.
- 13 1No more than two units shall be used as a Business use (class B1) at any one time.

Relevant Development Plan Policies and Proposals:

National Planning Policy Framework

Planning Practice Guidance

Rochford District Council Local Development Framework Allocations Plan (2014) - Policy EEL1

Rochford District Council Local Development Framework Core Strategy (2011) - Policies CP1, ED3, ENV8, ENV10, T6, T8, ENV11 and ENV1.

Rochford District Council Local Development Framework Development Management Plan - Policies DM30, DM31

Parking Standards Design & Good Practice

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

Application No : 19/00227/FUL Zoning :Residential, Metropolitan Green Belt

Case Officer Mr Arwel Evans

Parish : Hullbridge Parish Council

Ward : Hullbridge

Location : 66 Lower Road Hullbridge Essex

Proposal : Demolish Existing Building and Construct Three Storey Building Comprising 3 No. One Bedroomed and 5 No. Two Bedroomed Flats With Parking and Access to Front and Rear

SITE AND PROPOSAL

The Site

The site is currently occupied by an existing bungalow / shop, which would be demolished as part of the proposal that currently sits forward of the predominant building line of the neighbouring properties. The bungalow has been vastly extended, with a number of pitched and flat roofed single storey additions, which until recently had been in use as a shop unit.

The site area is stated to constitute 784.50 square metres. The boundary of the site along its West elevation runs alongside Kingsway the un - adopted highway and runs parallel on its east aspect with the boundary of number 64 Lower Road. The rear aspect of the application site is enclosed and adjoins an area of scrub woodland which forms part of the Metropolitan Green Belt. The site as edged in red on the proposed site layout plan does not include any part of Kingsway (a private road) nor indeed its verge which is set adjacent and which runs parallel to the Eastern boundary of the site.

The Proposal

The application is made further to the refusal of the initial planning application reference 17/01037/FUL which was refused on 26th September 2019 and which was subject to a subsequent appeal (appeal reference B1150/W18/3216479) which was dismissed by the Planning Inspectorate in its decision notice dated 11th June 2019.

The revised proposals relate to a 3-storey residential building which the supporting statement indicates seeks to reflect the block form and scale of what now is the former retail unit located on the opposite side of Lower Road. The accommodation would provide 5 two-bedroom flats and 3 one-bedroom flats.

The proposed site layout plans indicate the siting of the building set back approximately 16 metres from Lower Road and set broadly in line with the front and rear footprint of the adjacent dwelling to the west which is that of Number 64 lower Road. The rear western flank of the building will extend

approximately 1.2 metres further south than the same footprint of Number 64 with a spatial separation between respective wall elevations of approximately 1.8 metres.

Vehicular access to the site is shown to be intended via Kingsway only in the form of 2 access points which would serve the front and rear parking areas respectively. A new centrally located vehicular cross over will be created onto Lower Road intended to be used as an exit only with the closure of the existing vehicular cross over onto that same street. 13 parking spaces would be provided in total with 9 spaces being provided to the front (8 + 1 Disabled) and 4 to the rear (3 + 1 Disabled). The site layout plans indicate a degree of indicative panting around the periphery of the frontage parking and to the front (north elevation) and east flank of the proposed block.

RELEVANT SITE PLANNING HISTORY

Application No. 142/93 - Single storey rear extension and porch to side, part change of use from domestic to retail and erect detached games room. This Application was approved 17th June 1993.

Application Number: 17/01037/FUL- : Demolish existing building and construct three storey building comprising 2 no one bed roomed and 6 no two bed roomed flats with parking and additional access to front
Permission Refused on 26th September 2019 and which was subject to a subsequent appeal (appeal reference B1150/W18/3216479) which was dismissed by the Planning Inspectorate in its decision notice dated 11th June 2019.

MATERIAL PLANNING CONSIDERATIONS

Considerations.

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

The Allocations Plan (2014) forms part of the Development Plan for the Rochford District. The Allocations Plan superseded the proposals map that accompanied the 2006 Replacement Local Plan. The site is without specific allocation as there are no specific allocation policies for the existing residential area, given that they are already developed. The Allocations Plan therefore carries forward the existing residential area allocation of the previous local plan. It is noteworthy that the area of land located to the south of the application site boundary is allocated as Metropolitan Green Belt.

Considerations Overview:

The issues associated with development at this site have been considered and well-rehearsed previously which culminated in the finding of harm on the local planning authority's part by that development proposed by planning application reference 17/01037/FUL. The position of the local planning authority and the validity of its case for refusal was then subject of a planning appeal which was dismissed on the finding of harm in the development in that it was considered that the height of the building when seen in relation to its surroundings would be distinctly at odds with the height of the houses which run east and west of the site, on both sides of Lower Road.

The appeal decision indicated that in particular its eaves, would appear at odds with the surrounding pattern of development distinctive for the consistent height of its eaves at first floor. The decision emphasised that identity relies on character which is determined as much by the interplay between buildings and spaces, as by the scale of these relationships and recognised that the character of this section is distinctive for the prevailing consistency in many elements of the pattern of development of the houses, in which context the then proposed building would be wider, taller, deeper, have more car parking, and have less garden space.

The appeal decision indicated that within this section of street, only the supermarket would be larger, but it is lower in height than the proposal then at appeal. Despite acknowledging the guidance of the National Planning Policy Framework (the Framework) which promotes upward extensions, the guidance nevertheless indicates that this should be where it would be consistent with the prevailing height and form of neighbouring properties, and the overall street scene.

The second issue was identified as that of the overbearing impact of the development on Number 64 Lower Road which the local planning authority considered unacceptable which was verified by the Inspector's decision which concluded that the impacts of the development would have an overbearing and unacceptable impact on this property given its close proximity to the application site as a substantial proportion of that property's outlook would be harmed, leaving only a meagre area of the property's curtilage with an acceptable outlook which would not have been adequately mitigated by painting the wall closest to the neighbour a light colour which would not have relieved the intrusive and overbearing effect of its rear projection and height.

On the basis of previous harm found by the determining authority which is this local planning authority which was a view shared by the Planning Inspectorate the key issue for consideration in this instance is whether those design features which were considered to cause 'the harm' have been adequately addressed such as to make the revised development now proposed acceptable.

The submitted supporting statement indicates that this current application has sought to make revisions and adjustments to address the issues identified.

These revisions are summarised as follows:

- o Second floor level footprint reduced by 24%; by pushing walls in on the front & side elevations (adjacent neighbouring property No. 64).
- o Flat 8 now a one-bedroom dwelling, down from two. (37m² area down from 68m²) For clarity, previous proposal = 6 No. 2 Bedroom flats, 2 No. 1 Bedroom flats, revised proposal = 5 No. 2 Bedroom flats, 3 No. 1 Bedroom flats.
- o Parapets on all elevations reduced in height. (Dimensions vary between 600 to 825mm reductions in height)
- o Elevation adjacent neighbouring property No. 64 Lower Road to now comprises a pitched roof from a parapet. Top of parapet previously 6.4m above G.L., top of new eaves to be 5.06m above G.L. (Totalling 1.3m reduction in height).
- o Stairwell element on East elevation reduced in size by 90% volume (visible element above normal parapet height).
- o Rear first floor mass reduced in depth where adjacent neighbouring property No. 64 (1.0m reduction making the proposed building extend just 1.2m beyond the neighbouring first floor rear wall, or over 3m back from the 45-degree line indicated).
- o Top inverted butterfly roof reduced in height.

Other alterations are also highlighted which include the following:

- o Dense (known as 'intensive') green roofs have been added to the front & side elevations to enhance design & add balance, in addition to significantly minimising the impact of the second-floor level.
- o Discrete timber clad maintenance only door added from the top floor landing to the green roof on East elevation. (Access to front green roof made possible over the main roof via a rooftop fall protection anchor system, invisible to the public eye).
- o Stairs on all floors adjusted to reduce visible external mass.
- o Balcony to Flat 8 enlarged in depth & reduced in width to suit other alterations, i.e. brought in from the East elevation to prevent access to the far eastern end (not visible from the street scene & allowing for required stair headroom).
- o Main inverted butterfly roof reduced to suit smaller second floor footprint in addition to the rear overhang being reduced to 600mm from 900mm.

- o Underside of eaves detail for the main inverted butterfly roof adjusted to be angled around whole roof rather than at front & rear only.
- o Feature timber box framed windows on the East elevation cladding joined, vertical positions updated to suit revised stairs.
- o Fenestration to First & Second floor levels adjusted to suit revised arrangements including the omission of the rear elevation window closest to neighbouring property No. 64.

Addressing the height of the building and inconsistencies of the height with the prevailing height and form of neighbouring properties and the overall street scene which was a fundamental issue supporting the refusal of the previous application, despite the changes highlighted by the supporting statement fundamentally the height of the building at its highest point which is that expanse of the roof at third floor level has not changed. It is noted from paragraph 22 of the previous report that the following was stated:

"22.The highest point of the building is indicated to be 8.7 metres in height whilst the lower rendered block elements flanking the building at its front elevation are 7.29 metres in height. This is an arrangement which is characterised on the remaining elevations which gives the effect that the higher roof section sits behind the lower roofed elements. Drawing Number 03 Revision A provides a scaled interpretation of the height and scale of the building relative to the scale of the dwelling which adjoins the site this being Number 64 Lower Road. This plan indicates that the highest part of the roof of the development will be 800mm higher than the ridge line of Number 64".

Fundamentally other than a reduction in the height of the first floor structure incorporating a parapet which terminates at first floor (to the front west aspect of the building adjacent to the front east aspect of Number 64) which has been reduced from 7.920 m to 6.605 and the reduction of the rear west flank projection adjacent to the rear aspect of Number 64, there are no changes to the overall height of the building which has maintained its height in all other respects.

Given that this matter was considered by the inspector in the appeal to the previous application to form a fundamental basis for the finding of harm in the previous development, it is not considered that this latest iteration has fundamentally addressed the primary and critical reason which supported the justified refusal of the previous planning application.

The changes described are noted however cumulatively although acknowledged that the massing of the building will be reduced, this in itself does not address the inconsistencies and those harmful elements that were previously identified, in particular the height of the building which it was considered would appear harmfully at odds with the architectural character of the neighbouring buildings whose context it would share.

The character of this section is distinctive for the prevailing consistency in many elements of the pattern of development of the houses, in which context the proposed building would be wider, taller, deeper, have more car parking, and have less garden space. In this section, only the former supermarket would be larger, but it would be lower in height than this proposal. Despite the advice within the National Planning Policy Framework (February 2019) which promotes upward extensions, it requires such to be achieved where such would be consistent with the prevailing height and form of neighbouring properties, and the overall street scene which this revised scheme seeks to achieve.

The council's Supplementary Planning Document on Housing Design 2007 indicates the sensitivities of areas of predominantly single-family dwellings to blocks of flats in terms of height, bulk and spaciousness. The Framework says that decisions should ensure that developments are sympathetic to local character including the surrounding built environment, and that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area taking into account any local design standards in supplementary planning documents.

In its wider design context, the authority concludes no different this time around as to what it concluded previously in that there is considered a mismatch exists between development proposes when considered in the context of the residential and street scene at this location. It is considered that the design is out of context at this particular location and would be better placed at a location further north along Ferry Road closer to the River Crouch where it is noted a flatted scheme has been approved and implemented.

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With the exception of the commercial building 'Budgens' located opposite on the north side of Lower Road the street pattern is characterised by mainly two storey pitched roof dwellings in the vicinity of the application site and although of no particular architectural expression these dwellings characterise and frame the street view along Lower Road and on approach to the junction of Lower Road from Ferry Road.

It is considered that the development by reason of its bulk would appear as an incongruous and overly dominant structure with limited separation from its neighbouring dwelling which is that of Number 64 Lower Road, which would not be offered the space and separation a building of this type requires from any adjoining property. It is considered that the development would result in

an overbearing physical presence within the street scene to the detriment of its visual amenity.

It is considered that the development by reason of its size and scale is incompatible with the scale and character of the built residential form which characterises the street scene at Lower Road thus conflicting with the council's Local Development Framework's Core Strategy policies CP1 and its Development Management Plan 2014 policies DM1 and DM3 which seek development of appropriate scale that promotes the character of the locality to ensure it contributes positively to the surrounding environment and which require proposals for residential intensification to consider its design in relation to the density of the locality.

Impact of the proposed development upon the amenity of Number 64 Lower Road.

This issue was considered in considerable depth when assessing the previous application.

The relationship between the development previously indicated and number 64 Lower Road was covered previously under paragraphs 58-63 of the previous report which set out the following (Points 58-63).

58.The concerns expressed regarding the perceived loss of light and the physical presence of the building is noted. The relationship between number 64 Lower Road and the proposed building is represented by drawing Number 3 which shows the red outline of number 64 against the proposed building. Given the alignment of the proposed building relative to number 64 it is considered as a matter of fact that the development will not impact upon the quality of ambient light enjoyed by number 64. Due to the location of each respective building in proximity to one another given that the outlook to the rear of number 64 is directly south and the outlook to the front directly north it is not considered that the sunlight afforded to number 64 at any time of the day will be affected such that it could be sited as a reason to refuse this application.

59.To assess whether there will be an overbearing impact or a significant loss of light to a neighbour's habitable room or garden, tests are based in part upon guidance issued by the Building Research Establishment 'Site Layout for planning for daylight and sunlight: A guide to good practice - second edition' 2011.

60.Secondary windows to habitable rooms at neighbouring properties are not normally given the same protection as the main window and living rooms, dining rooms, kitchens, bedrooms, conservatories, studies and playrooms are considered to be habitable rooms while bathrooms, hallways and landings are not.

61.The 45-degree test is used to determine the impact of a proposed new building upon the occupants of neighbouring properties and applies to both

single storey and two storey structures. In this instance given the alignment of the proposed building relative to principal elevations of number 64 it is not considered that the development by reason of its depth or width would impinge on the 45-degree safeguard. It is considered that the same applies in terms of the height due to the alignment of the proposed development to number 64. It is concluded that there is no significant harmful impact in this respect. As such there is considered to be no 'tunnelling' effect which would be the case if number 64 Lower Road were flanked by projecting buildings on both neighbouring sides.

Outlook / loss of views.

62. The loss of a private view is not relevant to the consideration of a planning application unless it coincides with an important view from public land that would compromise the visual character of an area.

63. The building proposed is greater in width, depth and height than Number 64 Lower Road. Given this fact together with the close physical relationship which would exist between number 64 and the proposed development it is considered that the building in terms of its physical mass would amount to an overbearing physical presence from the perspective of the amenity of number 64 Lower Road. It is noted that the rear footprint of the proposed development would project 3 metres further than the main mass of number 64. The side elevation (west) extract does not provide a perspective view representing the relationship of the second floor relative to the lower floors which is best represented by the second floor - floor plan which shows how the third-tier accommodation is pulled in 2 metres further than the bottom two tiers. Although it is appreciated from the plans that the height of the first floor is lower than the highest part of number 64 by approximately 0.6 metres this does not as a whole detract from the view that the development would have an overbearing physical presence especially when experienced from the rear amenity of number 64 Lower Road.

On reflection of that previously indicated therefore, it is noted that the submission this time around expresses the view that the degree of projection of the nearest part of the building relative to Number 64 Lower Road was exaggerated (which would not have been done so by intention and which was still a matter which was found to cause harm as cited by the appeal decision) in terms of rear first floor mass has been reduced in depth where adjacent to Number 64 (1.0m reduction making the proposed building extend just 1.2m beyond the neighbouring first floor rear wall, or over 3m back from the 45-degree line indicated).

Given the scale of the building, despite being lowered specifically at the elevation nearest and adjacent to the east flank of number 64 with the second floor being stepped back further it is not considered however given its relative position and proximity to Number 64 Lower Road that the adjustment to the degree of projection effectively pulling it in further than previously intended fully addresses the harm that it is considered which will still prevail in terms of

overbearing physical presence as such affects the outlook from Number 64 Lower Road.

The local planning authority appreciate that not every part of the outlook of the sitting out area of No 64 would be affected. However, the reduction in the degree of projection does not redress the balance of harm such that the development leaves a significantly substantial area with an acceptable outlook.

It is not considered that a planning condition relating to the painting of the wall closest to the neighbour a light colour would adequately relieve the intrusive and overbearing effect of its rear projection and height.

Potential Impact of development upon the amenity of neighbouring properties.

Potential Overlooking

Overlooking from balconies and raised platforms provide significantly increased opportunities for overlooking and increase the perception of overlooking when compared to windows.

The Essex Design Guide states that there should be a separation of 25 metres between the backs of houses. However, where houses are at more than 30° to one another this separation may be reduced to 15 metres from the nearest corner. However upper storey flats can cause problems caused through the overlooking from living rooms above ground floor level and therefore any rear facing upper storey living room should be no closer than 35 metres to the rear of any other dwelling. This is supported by Policy DM1 of the Development Management Plan, which states that new developments should avoid overlooking, ensuring privacy and promoting visual amenity for neighbouring dwellings.

No harm was found by the previous application in this respect. W There is no reason to consider that this development would give rise to any new issue in this respect providing that the privacy screens as shown on the elevation plans were fully installed prior to first occupation of the units served by such screens and providing that they remained in situ (including any replacement) over the lifetime of the development.

Other potential residential amenity impacts.

Loss of light

A new residential building should not cause significant harm to the living conditions of neighbouring residents when using their gardens or habitable rooms. If a development is likely to significantly reduce the amount of daylight or sunlight to a habitable room or result in a significant overbearing impact on a neighbouring house, then the planning application is likely to be refused. No reason was found to find the previous development unacceptable whilst the parameters in this respect have not changed such as to raise this as an issue in this revised proposal.

Technical Housing Standards.

The Ministerial Statement of the 25th March 2015 announced changes to the government's policy relating to technical housing standards. The changes rationalised the many differing existing standards into a simpler, streamlined system and introduced new additional optional Building Regulations on water and access, and a new national space standard. Planning permissions should not now 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.

The Council has existing policies relating to all of the above, namely access (Policy H6 of the Core Strategy), internal space (Policy DM4 of the Development Management Plan) and water efficiency (Policy ENV9 of the Core Strategy) and can therefore require compliance with the new standards.

The Technical - Nationally Described Space Standards - Housing Standard (department for Communities and Local Government: March 2015) state the requirements for internal space within new dwellings including the gross internal floor area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.

The submitted plan details the gross floor space of each respective flat together with the floor area of all internal living space including bedrooms and storage. Flat 1 comprises a gross floor space of 62.5 m² comprising 2 bedrooms at 12.02 and 7.52 m² respectively which equate to a 2 bedspace and 1 bed space accordingly. This equates to a 2-bedroom 3-person unit which requires a gross floor space of 61 m² which is achieved. The required 2m² of storage space is also achieved. Flats 2,4,5 and 7 also fit the same criteria at 66m² gross floor space comprising the equivalent of a 2-bedroom 3-person unit which also complies with the Technical Standards including storage space. Flats 3 and 6 are large 1-bedroom units which exceed the minimum gross floor space requirements and bedroom widths and storage standards whilst Flat 8 is a 1 bedroom 1-person unit which meets the gross floor space requirement of 37m². All minimum bedroom widths and storage standards are considered met.

Amenity Space

The Rochford District Council Local Development Framework Supplementary Planning Document 2 Housing Design, requires that flats when built should include either:

- a) A minimum balcony area of 5 square metres, with the ground floor dwelling having a minimum patio garden of 50 square metres; or
- b) The provision of a useable communal resident's garden on the basis of a minimum area of a minimum area of 25 square metres per flat

The ground floor Flat 1 would provide a 6.1m² veranda with railings having a 25m² communal shared access to the communal 77.4m² amenity space located to the rear of the building. The ground floor flat 2 would provide 23.08 m² of outside amenity space also enjoying 25m² of shared communal space whilst flat 3 would enjoy the same communal space but no apparent private dedicated private amenity space. Flat 4 (first floor) will have a 5.78m² balcony space whilst Flat 5 also on the first floor will have 5.03m² of balcony space. Flat 6 (first floor) will have a 5.02m² balcony, Flat 7 (second floor) a 17.9m² balcony and Flat 8 second floor) 17.7m² balcony.

When considered in combination although flat 3 has no patio garden, it will have access to the communal space which is considered sufficient such that the development would not be considered to conflict with policy in this respect.

Parking

Policy DM30 of Rochford Council's Development Management Plan states that the parking standards contained within 'Parking Standards Design and Good Practice Supplementary Planning Document (Adopted December 2010) will be applied for all new developments.

The adopted Parking Standard requires that a property consisting one bedroom should include one off-street car parking space and those of two or more bedrooms should include adequate off-street parking provision for the parking of two vehicles. The preferred parking bay size is 5.5 metres in depth and 2.9 metres in width. The amount of required parking for the site would be dependent upon the number of bedrooms to each flat proposed.

The development would also require 0.25 visitor/unallocated vehicle spaces per unit.

13 parking spaces would be provided which would fall short of the 15 spaces the planning submission indicates is required as set out by the adopted parking standards. Secured covered parking would be provided for at least 9 bicycles which would comprise a vertical stand adjacent to parking spaces 6 and 7 and an internal store under underneath the stairwell. The application has set out a case for a lowered parking provision based upon the sustainable location of the site in terms of access to services and public transport and has cited a previous approval on a flatted scheme which was approved under what it is stated to be similar circumstance. The reference to historical parking on Kingsway on the site layout plan as far as the local planning authority is concerned, provides no basis for the acceptance of any ongoing parking on this private highway nor the verges of that highway.

Whether the shortfall in parking is a basis for refusing the application is a matter of some judgement which has to be exercised. In informing this judgement the authority has to consider the objective of parking provision in that not only should it form part of the overall design layout of a development which should seek to provide all the infrastructure required in connection with

that development but also where it is lacking not give rise to material impacts which in themselves would be injurious to the public interest.

The likely impact of the shortfall would result in an overcrowding of the front or rear parking area or at worse, parking at the side of the verge at Kingsway which is a private road. Although such incidence would not be an action of human choice or necessity the local planning authority could condone whilst appreciating that there may well indeed be legal implications preventing any party parking on that road or its verges, it is not considered that this if it were to occur would give rise to residual highway safety impacts that would be demonstrable such that those impacts would justify planning permission being refused when taking into account the sustainable location of the site.

Highway Access

Appropriate consideration should be taken with regards to access onto the site, parking provision and private outdoor amenity space in line with Policy DM3 of Rochford Council's Development Management Plan as well as Supplementary Planning Document 2: Housing Design.

It is indicated that 2 vehicular access points into the site will be from Kingsway only. A new centrally positioned vehicle cross over from Lower Road would be designated solely for exit and would represent an improvement on the existing vehicle cross over serving the bungalow (to be closed off) in that it would be further away from the nearby pedestrian crossing on Lower Road.

Essex Highways has sought clarification as to how the access and exit points would be marked in terms of signage which has been clarified by the applicant on the basis of which Essex Highways has no objection.

It is indicated that this exit point would offer clear visibility in both directions. There would be two vehicle access points from the adjacent un-adopted road 'Kingsway'. One would serve the frontage parking area whilst the other would serve a smaller parking area to the rear.

Refuse Storage

Refuse storage will be located discreetly to the rear of the site in purpose-built housing located adjacent to the rear parking area whilst the council issued bags and boxes for recycling facilities will be housed within the individual flat units. Refuse bin storage requires the provision of 3 bins for each flat. The provision of refuse and recycling on the site should be screened and located where minimal impact would be caused to the visual appearance of the site and associated amenity, according to Rochford District Council's Supplementary Planning Document 2: Housing Design.

The bin storage area does not appear to be adequate in terms of the combined floor space which would be taken up by the 3-bin system. This matter was not pursued any further with the applicant via the agent on the basis that this matter was considered to a fundamentally secondary mater

which could be re considered in the light of no other fundamental issue arising.

Water Efficiency

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 ensure compliance with this Building Regulation requirement.

Policy ENV9 requires all new dwellings to achieve a good quality of energy performance. 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.

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 required.

Cycle Parking

A minimum of one cycle parking space should be provided for each unit proposed, with one space per eight dwellings for visitor cycle parking. Cycle parking provided should be secure and covered and located in easily accessible locations throughout the development. Cycle parking will be provided at two locations. A vertical stand is proposed to be sited behind the landscaping area between car parking spaces 6 and 7 and secondly an internal store area inside the main ground floor front entrance and sited beneath the stairway. This arrangement is considered satisfactory.

Trees and Landscaping.

No trees or existing landscaping features would be lost as a consequence of the proposed development. New landscaping can be accommodated on site subject to the appropriate planning if planning permission were granted.

Biodiversity.

Policy DM27 of Rochford District Council's Development Management Plan states that proposals should not cause harm to priority species and habitats as identified under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. Development will only be permitted where it can be demonstrated that the justification for the proposal clearly outweighs the need to safeguard the nature conservation value of the priority habitat,

and/or the priority species or its habitat. The Council may require further information as part of any future application as a result of this Policy to ensure that the proposed development would not negatively impact upon any protected species. This is likely to include the provision of a Bat Survey, based on the potential habitat the roof of the existing building may include.

There are no species of protected flora or fauna on site and as such it is not considered that biodiversity interests would be affected by the development. It is recognised that the scheme could provide an element of biodiversity enhancements which could be achieved by the modest degree of soft landscaping that could be accommodated on site.

Flood Risk

The previous application indicated that as the site is located in Flood Zone 1 where it is deemed there to be little if any risk of flooding and considers that any protection or amelioration measures are not necessary.

The application site is identified as being located within an area which is considered a critical drainage area. Policy DM28 of Rochford District Council's Development Management Plan states that in cases where there is a perceived risk of flooding from surface water run-off arising from the development of 10 residential units or fewer, the Local Planning Authority will require the submission of a flood risk assessment in order to properly consider the proposal - the assessment must include details of SUDs to be incorporated into the development to ensure that any risk of flooding is not increased by surface water run-off arising from the site.

No details have been submitted. Although it is acknowledged that the acceptability of the development in this respect could be demonstrated, this matter has not been pursued in the light of a more fundamental objection on the scale of the development. The lack of information on surface water drainage therefore is not included as a sufficient reason to refuse this application as in the event of a planning appeal this matter in all likelihood could be demonstrated to be acceptable.

Loss of Retail Facilities.

The site at present was granted a change of use to become part retail in 1993. Policy RTC3 of the Rochford District Council Local Plan states that the Council will protect existing retail uses within residential areas outside of the defined town centres. The planning application form indicates that the existing use is a residential use which only relates to that part of the development which was not formerly a retail use.

Policy indicates that the loss of such retail units will only be permitted where it has been clearly demonstrated that a retail use in this location is not viable and that the proposed alternative use will still offer a service to the local community.

The retail use it is understood has ceased. This former use constituted a bespoke use which differs from a food outlet for example which given that part of the site is no longer in use as such would make it difficult from a policy perspective to resist this application on the basis of the wording of policy RTC3.

Representations:

HULLBRIDGE PARISH COUNCIL: Objects on the following grounds

- o Design and location inappropriate
- o Additional number of vehicles onto roundabout
- o Zebra crossing would become a hazard
- o It is a Private Road
- o Insufficient parking spaces
- o Detrimental to street scene as 3 storey as not in keeping with surrounding properties
- o Lack of amenity space.

ESSEX COUNTY COUNCIL HIGHWAYS: NO objection subject to standard highway conditions.

PUBLIC REPRESENTATION

1 representation of objection was received from the household known as "Torwood" raising an issue with the details shown by the site plan indicating historical parking on Kingsway which is a private road and is within the private ownership of a family trust.

CONCLUSIONS

The revised application does not constitute an improvement on the earlier submission such that are sufficient to address the fundamental harm identified in earlier iterations of the design including its layout given the context of the site within the wider street scene and its proximity to Number 64 Lower Road. The overall height and the harm caused in this respect has not been addressed by the application whilst the revisions to the elevation flanking the East flank of Number 64 are not considered sufficient to overcome the first reason of refusal in this respect.

REFUSE

- 1 The development by reason of its bulk would appear as an incongruous and overly dominant structure within the street scene resulting in an overbearing physical presence within the street scene to the detriment of visual amenity. It is considered that the development by reason of its size and scale is incompatible with the scale and character of the built residential form which characterises the street scene at Lower Road and within the wider vicinity thus conflicting with policies DM1 and DM

3 of the Rochford District Council Local Development Framework Development Management plan and the provisions of Supplementary Planning Guidance 2 (House design)

- 2 The building proposed would be greater in width, depth and height than number 64 Lower Road adjoining the site. Given this fact together with the close physical relationship which would exist between number 64 and the proposed development, it is considered that the proposed building in terms of its physical mass would amount to an overbearing physical presence from the perspective of the amenity of occupiers to number 64 Lower Road thus conflicting with policies DM1 and DM 3 of the Rochford District Council Local Development Framework Development Management plan and the provisions of Supplementary Planning Guidance 2 (Housing design)

Relevant Development Plan Policies and Proposals:

National Planning Policy Framework (February 2019)

Rochford District Council Local Development Framework Allocations Plan Adopted February 2014

Rochford District Council Local Development Framework Core Strategy Adopted Version

(December 2011) - H1, H6, CP1, ENV9, T8

Rochford District Council Local Development Framework Development Management Plan adopted 16th December 2014 - DM1, DM2, DM3, DM4, DM25, DM27, DM28 and DM30 Rochford District Council Local Development Framework Supplementary Planning Document 2 Housing Design (January 2007)

Parking Standards: Design and Good Practice Supplementary Planning Document (adopted December 2010)

Essex Design Guide 2005

Technical housing standards - nationally described space standard (March 2015)

Proposal Consideration

The Allocations Plan (2014) forms part of the Development Plan for the Rochford District. The Allocations Plan superseded the proposals map that accompanied the 2006 Replacement Local Plan

The local Ward Member(s) for the above application is/are Cllr Mrs D Hoy Cllr M Hoy Cllr S A Wilson