
17/00228/FUL

289 FERRY ROAD, HULLBRIDGE, SS5 6NA

DEMOLISH EXISTING DWELLING AND CONSTRUCT PART TWO STOREY PART THREE STOREY BUILDING TO COMPRISE OF 10 NO. TWO-BEDROOMED AND 2 NO. THREE-BEDROOMED FLATS WITH PARKING

APPLICANT: **CJD ARTILLERY LANE LTD**
ZONING: **RESIDENTIAL**
PARISH: **HULLBRIDGE PARISH COUNCIL**
WARD: **HULLBRIDGE**

1 PLANNING APPLICATION DETAILS

- 1.1 Planning permission is sought to demolish a dwelling and erect a building to provide twelve flats. There would be 10 No. two-bedroom flats and 2 No. three-bedroom flats.
- 1.2 Parking areas would be provided to the front and rear.
- 1.3 The ground floor flats would be provided with private amenity areas and the upper floor flats would be provided with a communal space to the rear.
- 1.4 The building would have a maximum width of 24.4m and a maximum depth of 24m, reached by the southern side elevation, which reduces to 10.5m at the northern side elevation.
- 1.5 Roof heights vary between 6.7m and 9m reflecting the built form in the vicinity.

2 THE SITE

- 2.1 The site is located to the northern end of Ferry Road, on the western side. The site is located between River Breeze Court (a previously developed site, which is now apartments) and a smaller detached dwelling.
- 2.2 The site is opposite the bus turn around and public car park, and is adjoined by modest dwellings set in deep plots but to a generally consistent building line. The site backs onto a local nature reserve.

- 2.3 The site has a frontage to Ferry Road of approximately 29.5m and a depth of 75.5m, giving the site an overall area of 0.22ha.

3 RELEVANT PLANNING HISTORY

- 3.1 The history of this site is associated with the adjoining site of No. 283 Ferry Road.
- 3.2 On 25 October 1995 outline planning permission was renewed under application reference OL/0390/92/ROC to demolish the two existing dwellings and develop the site with a two storey building to provide 28 sheltered housing flats with parking area to the front. This scheme provided development to the depth of the site, but maintained side isolation space of 3m between the building proposed and the site boundaries. This permission has now lapsed.
- 3.3 On 2 October 1997 outline planning permission was refused under application reference 97/00046/OUT to construct a building to comprise a 43-bedroomed old people's rest home, which provided a two storey development at the front and single storey development in depth to the rear of the site. This was based upon an earlier upheld appeal for a near identical development under application ROC/402/88. In allowing the appeal, the inspector considered the general siting of the building in line with adjoining development was acceptable, together with the provision of the car park to the front. The development common to both schemes, however, featured single storey development to the rear of the site.
- 3.4 On 1 November 2005 planning permission was refused under application reference 05/00633/FUL to demolish the existing dwelling and construct a part two storey, part three storey building for 16 flats with access, parking and amenity areas and bin store. This application was refused permission because the overall size and bulk of the building was considered incompatible with the site surroundings and considered detrimental to the street scene.

Although dismissing the appeal for this application, the inspector stated that:-

"... I agree that re-development with flats would be appropriate in this location, given its sustainable credentials and the varied form of surrounding development...I see no reason why the development of this site should not incorporate a three storey element within the building ...it is necessary to ensure that any such structure is not over bulky in terms of its relationship with the adjacent street scene, which includes predominantly single family dwellings of a more domestic scale...the siting of the proposed block so close to the common boundary, with no scope for meaningful landscaping, is likely to create unacceptable overshadowing and will represent a dominant and overbearing structure as viewed from the patio area of that property." (No. 293).

- 3.5 Permission was granted on 15 May 2007 and under application reference 07/00085/FUL for the development of the site to provide 14 flats.
- 3.6 A further application was refused permission on 11 December 2007 under application reference 07/00889/FUL, and solely for the reason of the application failing to make provision for affordable housing in light of local and national policy.
- 3.7 A subsequent application to demolish the existing dwelling and construct a part two storey, part three storey building containing 5 No. one-bedroomed and 12 No. two-bedroomed flats with parking to front and revised access was granted planning permission on 1 September 2008 under application reference 08/00565/FUL.
- 3.8 11/00524/TIME application for a new planning permission to replace an extant planning permission in order to extend the time limit for implementation of application 08/00565/FUL to demolish the existing dwelling and construct a part two storey part three storey building containing 5 no. one-bedroomed and 12 no. two-bedroomed flats with parking to front and revised access was refused as it failed to address affordable housing requirements.
- 3.9 An application reference 16/00515/FUL to demolish the existing dwelling and construct a three storey building comprising 14 no. two-bedroomed flats was refused for the following reasons:-
1. The proposal, by way of the bulk and mass of the proposed building filling the width of the site, would result in a lack of spaciousness and an appropriate setting for the size of building proposed, lacking local flavour contrary to Policy CP1 of the Rochford District Council Core Strategy 2011 and failing to have a positive relationship with nearby buildings contrary to Policy DM1 of the Rochford District Council Development Plan.
 2. The design of the proposal, by way of the lack of articulation, would further add to the visual bulk and adverse impact of the building proposed and would result in a development of poor design, which would be out of scale and character with neighbouring development proving visually detrimental to the street scene, contrary to Policy CP1 of the Rochford District Council Core Strategy 2011 and failing to promote visual amenity contrary to Policy DM1 of the Rochford District Council Development Plan.

4 CONSULTATIONS AND REPRESENTATIONS

Hullbridge Parish Council

- 4.1 Hullbridge Parish Council has no objection; however, there is a large active badger sett on the boundary that Essex Badger Trust is monitoring. The badger sett must not be disturbed in any way.

ECC Highways**4.2 No objection subject to the following conditions:-**

1. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:-
 - i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development; and
 - iv. wheel and underbody washing facilities.
2. There shall be no obstruction above ground level within a 2.4 m wide parallel band visibility splay, as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
3. Prior to first occupation of the development the existing vehicular access at the north of the site frontage shall be widened, as shown on the planning drawing 3055-05 Rev D date stamped 02 March 2017. The width of the shared access at its junction with the highway shall be 5.5 metres and shall be provided with an appropriate vehicular crossing of the highway verge.
4. The existing access at the south of the site boundary shall be suitably and permanently closed incorporating the reinstatement of the highway verge immediately the proposed new access is brought into first beneficial use.
5. The proposed development shall not be occupied until such time as the vehicle parking areas indicated on the planning drawing 3055-05 Rev D date stamped 02 March 2017, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
6. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

7. There shall be no discharge of surface water from the development onto the highway.
8. The cycle parking facilities, as shown on the planning drawing 3055-05 Rev D date stamped 02 March 2017, are to be provided prior to the first occupation of the development and retained at all times.
9. Prior to first occupation of the proposed development, the developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. One pack per dwelling.

Natural England

- 4.3 Natural England has assessed this application using the Impact Risk Zones data (IRZs). Natural England advises your Authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Crouch & Roach Estuaries (Mid Essex Coast Phase 3) SPA and Ramsar; and Essex Estuaries SAC have been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on these sites' conservation objectives.

In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Crouch & Roach Estuaries SSSI has been notified. Natural England, therefore, has advised the Authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring the Authority to re-consult Natural England.

RDC Environmental Services

- 4.4 Please advise the developers of the charge for wheeled bins of £168 per household and the request for this to be paid for by developers prior to the occupation of the properties.

Additionally, please refer them to the Local Development Framework Development Management Submission Document page 89; Advice on the Design of Waste and Recyclables Storage and Collection Requirements.

RDC Woodlands

- 4.5 A badger survey has been provided in support of the above application dated February 2017. The report and survey has been provided by Essex Mammal Surveys.

The report has identified an in-use sett within the adjacent land, but beyond 30m of the development area. The report concludes that a protected species licence is not required due to the distance from the development; a mitigation strategy is, however, required to ensure due diligence during the demolition and or/construction phase; this is in accordance with standing advice criteria issued by Natural England.

The following has been provided as part of the site specific mitigation strategy following the survey and should be conditioned as part of any planning consent issued.

- A post and rail fence to be constructed across the garden 30m from the sett to deter machinery from damaging any tunnel.
- Any excavation beyond 30m is to be carried out by hand.
- When the rear boundary fence is replaced, gaps should be left in the NW and SW corners to allow continued badger access.
- Any trenches left overnight should either be covered by boards or have sloping boards placed within to allow badgers to escape in the event of them falling into a trench.
- No artificial lighting should be introduced at night during the construction phase.
- No fire or chemical to be used within 20m of a sett entrance.
- Site clearance should not block badger paths.

Neighbours

- 4.6 The following representation has been received:-

Ferry Road 293

Objection. At the rear of 293 both in the house and the garden we would find ourselves subject to noise and pollution from car movements. To the rear of the properties at the bottom of Ferry Road are private gardens backing onto Kendal Park nature reserve with no vehicular access. We find it inappropriate that rear gardens could be turned into car parks. I am sure with careful designing all required car parking spaces could be accommodated at the front.

5 MATERIAL PLANNING CONSIDERATIONS

- 5.1 The proposed development has to be assessed against relevant planning policy and 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 adopted December 2011, the Allocations Plan adopted February 2014 and the Development Management Plan adopted December 2014.

Principle of Development

- 5.2 The Rochford District Council Local Development Framework Allocations Plan (Adopted 25th February 2014) forms part of the Development Plan for Rochford District. The Allocations Plan superseded the proposals map that accompanied the 2006 Replacement Local Plan. The land is allocated as white land, without formal designation, and a use for purposes associated with residential development would be appropriate.
- 5.3 Ferry Road is dominated by a number of large infill development sites and as such the proposed flatted scheme would not be out of character in this area. In addition, the site has previously obtained permission for similar developments; however, these have not been built out.

Design and Layout

- 5.4 The built frontage along this section of Ferry Road is largely set back from the main road, allowing space for large front gardens which, in the main, are utilised for vehicle access and car parking. The proposal would be in line with the existing pattern of development, with the main building set back from the highway by a similar distance, as seen in the neighbouring dwellings to either side, with parking to the front.
- 5.5 Supplementary Planning Document 2: Housing Design requires that purpose built flatted schemes respect the height, bulk and general spaciousness of their surroundings. It is considered that the two storey building with rooms in the roof space would be a suitable addition to the street scene here, and would not be out of keeping with its surroundings. A planning inspector commented on a previous application to this site that whilst a three storey building would not be appropriate, a three storey element incorporating accommodation within the roof void would not be unacceptable.
- 5.6 The design would incorporate a variety of forms including gabled projections, dormers and stepped roof heights from each side in order to articulate with neighbouring dwellings and incorporate some of their design elements.
- 5.7 On the northern side there would be a 4.03m separation to the boundary and 5.05m to the neighbouring dwelling. On the southern side the corresponding figures are 1.11m and 2.41m.
- 5.8 The internal layout is split over three floors. The ground floor comprises 4 two-bedroom flats and 1 three-bedroom flat, which has its own independent access. The others being accessed by a shared central entrance hallway. Each ground floor flat has direct access onto a private amenity area

separated from the communal areas. The areas associated with each flat are:-

Flat A – 40.25m², Flat B – 38.60m², Flat C – Areas to the back and front totalling 132.14m², Flat D – 41.40m², Flat E – 10.30m².

- 5.9 The first floor flats are accessed by an internal staircase from the communal hallway and provide a further 4 two-bedroom flats and one 3-bedroom flat. The flats fronting Ferry Road benefit from a projecting external balcony area and the flats to the rear have Juliet style balconies.
- 5.10 The roof space of the building would be utilised to provide two additional flats.
- 5.11 All flats exceed the gross internal floor space and floor to ceiling clearance of the Technical Housing Standards.
- 5.12 A communal garden area of 403.5m² would be located to the rear of the building. Supplementary Planning Document 2 requires a communal area of 25m² for each flat. Notwithstanding that the ground floor flats have their own garden areas and that the first floor flats to the front would be equipped with balconies, the communal area alone would be sufficient for sixteen flats, rather than the twelve proposed.
- 5.13 A communal bin area would be provided adjacent to the front parking area.

Parking and Highways

- 5.14 The Essex Parking Standards require that each dwelling would have a minimum of two parking spaces measuring 2.9 metres by 5.5 metres. Visitor parking should normally equate to 0.25 spaces per flat, which would be 3 spaces. It also states that in main urban areas with frequent public transport, cycling and walking links, reduced parking standards may be applied to residential developments.
- 5.15 The parking standard would require a total of 27 spaces for the development to include two spaces for each flat and three visitor spaces. There would be two parking areas with an area in front of the dwelling featuring 13 spaces and an area to the rear featuring a further 7 spaces to give a total provision of 20 spaces, all matching the 5.5m x 2.9m criteria.
- 5.16 Due to the sustainable location of the proposal, close to a bus stop, public car park and walking distance to local facilities, provision of one parking space per flat would be considered sufficient here, in addition to the additional 8 spaces provided.
- 5.17 The development also incorporates a cycle parking area with space for 12 bicycles (one per dwelling) in accordance with the Council's requirements. This is located adjacent to the main communal entrance to the building in an accessible location.

- 5.18 The local Highways Authority has no objection to the development proposal, subject to recommended conditions.

Impact on Amenity

- 5.19 The 45 degree angle test, normally used for the purpose of assessing first floor domestic extensions to dwellings, has been applied to assess whether the proposed development would result in unacceptable overshadowing; it has been shown to be acceptable on the plans. No part of the building would project beyond such a line. Given that the design incorporates a two storey element on the northern side of similar height to the dwelling at 293 Ferry Road and would enjoy a 5.05m separation, and that the remainder of the building is no higher than the flatted development to the south, it is considered that there would be no adverse impact through overlooking.
- 5.20 The occupants of 293 Ferry Road have raised an objection to the potential for noise and pollution from use of the rear parking area. This parking area would be a secondary area ostensibly for overspill and visitor parking. As this area would only provide seven parking spaces it is considered that the number of traffic movements would be limited and not have a detrimental effect on amenity in planning terms.
- 5.21 The majority of window openings would be front or rear facing. The side facing windows would not cause an adverse impact on neighbouring privacy.

Wildlife and Ecology

- 5.22 Natural England has raised no objection to the proposed development and is satisfied that the proposed development, carried out in strict accordance with the details of the application as submitted, will not damage or destroy the interest features for which the this SSSI has been notified.
- 5.23 To the rear of the site is a large badger sett and as such a survey has been carried out to ensure that the proposal would not cause significant harm to this sett.
- 5.24 It is considered that the applicant has provided sufficient information within the report to demonstrate that there will be limited impact, and that mitigation by way of reduced lighting at night and escape boards for any open trenching is sufficient. It was also mentioned that there was no evidence of foraging within the garden so it is very likely they are not entering the garden.
- 5.25 The RDC Woodlands/Ecology Adviser has recommended a condition regarding construction practices to ensure the development does not harm the badger habitat and foraging network.

6 CONCLUSION

- 6.1 In determining this application, regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals

be determined in accordance with the development plan unless material considerations indicate otherwise. The principle for the development of a block of flats in this location is considered to be in accordance with local and national planning policy. There is not considered to be a justification to refuse planning permission.

7 RECOMMENDATION

7.1 It is proposed that the Committee RESOLVES

That planning permission be approved, with the following conditions:-

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

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The materials be those materials specified on the plans and application form submitted in relation to the development hereby permitted, unless alternative materials are proposed. Where alternative materials are to be used, no development shall commence before details of those alternative external facing materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Where other materials are agreed in writing by the Local Planning Authority, the materials agreed shall be those used in the development hereby permitted.

REASON: To enable the Local Planning Authority to retain adequate control over the appearance of the site, in the interests of amenity.

- (3) No development shall commence before 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.

REASON: To enable the Local Planning Authority to retain adequate control over the appearance of the building, in the interests of amenity.

- (4) All dwellings at the site must comply with The 'Technical Housing Standards - nationally described space standard' by Departments for Communities and Local Government dated March 2015.

REASON: In order that the development achieves compliance with the national technical standard relating to internal space in light of existing policy DM4 of the Development Management Plan (2014) and the advice contained

in the Ministerial Statement 2015 in the interests of providing good quality and sustainable homes.

- (5) Part G (water efficiency) of the Building Regulations (2010) shall be met for the dwellings on the site and be permanently retained thereafter.

REASON: In order that the development achieves compliance with the national water efficiency standard as set out in the Building Regulations in light of existing policy ENV9 of the Core Strategy and the advice contained in the Ministerial Statement 2015.

- (6) Part L of the Building Regulations 2010 in respect of energy performance shall be met for the dwellings.

REASON: In order that the development achieves compliance with the energy performance aspect of Part L in light of existing policy ENV9 of the Core Strategy and the advice contained in the Ministerial Statement 2015.

- (7) There shall be no obstruction above ground level within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

REASON: In order to provide a satisfactory means of entering/exiting the site in the interest of highway safety.

- (8) Prior to first occupation of the development the existing vehicular access at the north of the site frontage shall be widened, as shown on the planning drawing 3055-05 Rev D date stamped 02 March 2017. The width of the shared access at its junction with the highway shall be 5.5 metres and shall be provided with an appropriate vehicular crossing of the highway verge.

REASON: In order to provide a satisfactory means of entering/exiting the site in the interest of highway safety.

- (9) The existing access at the south of the site boundary shall be suitably and permanently closed incorporating the reinstatement of the highway verge immediately the proposed new access is brought into first beneficial use.

REASON: In the interest of visual amenity.

- (10) The proposed development shall not be occupied until such time as the vehicle parking areas indicated on the planning drawing 3055-05 Rev D date stamped 02 March 2017, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas and associated turning areas

shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: In order to achieve a satisfactory level of parking provision is provided in perpetuity.

- (11) The cycle parking facilities as shown on the planning drawing 3055-05 Rev D date stamped 02 March 2017 are to be provided prior to the first occupation of the development and retained at all times.

REASON: In order to provide a satisfactory level of cycle parking is provided in support of sustainable modes of travel.

- (12) Prior to first occupation of the proposed development, the developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. One pack per dwelling.

REASON: To support sustainable means of transport.

- (14) Adherence to the following criteria shall be maintained at all time from the start to the completion of the development:-
- A post and rail fence to be constructed across the garden 30m from the sett to deter machinery from damaging any tunnel.
 - Any excavation beyond 30m is to be carried out by hand.
 - When the rear boundary fence is replaced, gaps should be left in the NW and SW corners to allow continued badger access.
 - Any trenches left overnight should either be covered by boards or have sloping boards placed within to allow badgers to escape in the event of them falling in to a trench.
 - No artificial lighting should be introduced at night during the construction phase.
 - No fire or chemical to be used within 20m of a sett entrance.
 - Site clearance should not block badger paths.

REASON: In order to safeguard the longevity of protected species.

- (14) No development shall commence 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 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;
- 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 artefacts 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.

REASON: To enable the Local Planning Authority to retain adequate control over the landscaping of the site, in the interests of residential amenity.



Matthew Thomas

Assistant Director, Planning & Regeneration Services

Relevant Development Plan Policies and Proposals

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

Policies DM1, DM2, DM3, DM4, DM5, DM25, DM27 and DM30 of the Development Management Plan 2014

Allocations Plan Policies Map 2014

Supplementary Planning Document 2: Housing Design

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

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If you would like this report in large print, Braille or another language please contact 01702 318111.

