

**APPLICATION REFERRED FROM THE WEEKLY LIST**

**WEEKLY LIST NO. 1354 – 14 October 2016**

**16/00515/FUL**

**289 FERRY ROAD, HULLBRIDGE**

**DEMOLISH EXISTING BUILDING AND CONSTRUCT A  
THREE STOREY BUILDING COMPRISING 14 NO. TWO-  
BEDROOMED FLATS**

**1 DETAILS OF REFERRAL**

- 1.1 This item was referred from Weekly List No. 1354 requiring notification to the Assistant Director, Planning & Regeneration Services by 1.00 pm on Wednesday, 21 October 2016 with any applications being referred to this meeting of the Committee.
- 1.2 Cllr M Hoy referred this item on the grounds that the application does not meet the Council's parking standards.
- 1.3 The item that was referred is attached at appendix 1 as it appeared in the Weekly List.
- 1.4 A plan showing the application site is attached at appendix 2.

**2 RECOMMENDATION**

- 2.1 It is proposed that the Committee **RESOLVES**

To determine the application, having considered all the evidence.

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## Appendix 1

Application No : 16/00515/FUL      Zoning : Metropolitan Green Belt

Case Officer      Miss Elizabeth Thorogood

Parish :      Hullbridge Parish Council  
Ward :      Hullbridge

Location:      289 Ferry Road Hullbridge Essex

Proposal :      Demolish Existing Dwelling and Construct Three Storey Building  
                         Comprising 14 no Two Bedroomed Flats

### 1.0 The Site and Proposal

- 1.1 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 now of apartments) and a smaller detached dwelling. It is sited directly opposite a large public car park and a bus stop.
- 1.2 The proposal is to construct a two and a half storey building which would contain 14 flats. The building would be largely rectangular with a width of 27 metres, a maximum depth of 20.8 metres and a maximum height of some 8.6 metres.
- 1.3 The proposed building would have a pitched roof, with three pitched roof dormers to the front elevation and a gable fronted element to the northern end of the front elevation. To the north of this gable fronted element would be a 2.9 metre wide element with a lower ridge height of some 6.9 metres and reduced depth at two storey level of some 9.2 metres. This would be the closest part to the neighbouring dwelling at 293 Ferry Road.
- 1.4 When viewed from the northern side elevation, the building would feature three 'stepped' elements to the rear, only reaching the maximum depth some 10.3 metres from the northernmost element of the proposed building.
- 1.5 Two balconies are proposed to the front elevation at first floor level and one in the roof space. Three Juliet balconies are proposed to the rear elevation at first floor level, and one full balcony is proposed in the roof space.
- 1.6 There would be in excess of 640 square metres of amenity space provided to the rear of the proposed building, in addition, each ground floor flat would have a private garden area between 40 square metres and 58.9 square metres.
- 1.7 A cycle storage area is proposed to the rear of the proposed building, and a bin storage area is proposed to the front of the building on the southern boundary.

1.8 A total of 16 parking spaces measuring the required 2.9 metres by 5.5 metres are proposed to the front driveway, along with soft landscaping to reduce the impact of the proposed car parking area on visual amenity.

## 2 Planning History

2.1 The history of this site is associated with the adjoining site of No. 283 Ferry Road.

2.2 On 25th 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.

2.3 On 2nd October 1997 outline Planning Permission was refused under application reference 97/00046/OUT to construct a building to comprise a 43 bedroomed old peoples 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 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 to be 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.

2.4 On 1st 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 of the overall size and bulk of the building considered incompatible with the site surroundings and considered detrimental to the streetscene.

2.5 Although dismissing the appeal for this application, the inspector reasoned;

"... I agree that redevelopment 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 streetscene 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).

- 2.6 Permission was granted on 15th May 2007 and under application reference 07/00085/FUL for the development of the site to provide 14 flats.
- 2.7 A further application was refused permission on 11th December 2007 under application ref: 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;
- 2.8 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 1st September 2008 under application reference 08/00565/FUL.

Consideration:

### 3 Principle of the development

- 3.1 The site is without specific allocation, falling outside of the Coastal Protection Belt and Metropolitan Green Belt, and as such falls within the residential allocation. As such, the principle of development on this site is considered acceptable.
- 3.2 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, scale and siting

- 3.3 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. The existing site is totally obscured from the street due to a very large conifer hedge, which wraps around the front of the site. The proposed front gardens to the ground floor flats, along with new conifers and low level shrubs to the boundary would reduce the impact of the parking area on the appearance of the street scene. The site has a frontage of some 29.5 metres which is considered acceptable for a block of flats on this site.
- 3.4 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 appear out of keeping. 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.

- 3.5 Although occupying a wider plot than the neighbouring dwellings, the proposed building would be sited similarly within the plot to the neighbouring buildings, with a side separation distance of some 1.373m from the northern boundary and some 1.114 m from the southern boundary. Whilst this replicates the siting of the neighbouring buildings within their plots, it is considered that the narrow side spaces could result in a tight and uninviting entrance point to Flat A and to the rear garden in general. It is proposed that there would be security lighting to the access way in order to address this, and details of such security lighting would be required by condition. The building proposed would be of a simple plan form occupying the full width of the site. It is considered that the narrow side space to either side of the building, combined with the overall bulk of the building due to the wider plot that it occupies, would result in a development which lacks spaciousness and an appropriate setting and would be harmful within the street scene.
- 3.6 The design of the building features only modest sized varying elements to a limited depth in an attempt to break up the bulk of the proposal, to reduce the visual impact. However it is considered that further more substantial articulation is essential so that the building would rest comfortably alongside the domestic scale of the adjoining housing..

#### Technical Housing Standards

- 3.7 New dwellings must comply with the Technical Housing Standards introduced in March 2015, which set out minimum space requirements for the gross internal area as well as required floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height

The plots identified would result in 13 two bedroomed flats and 1 one bed roomed flat. The Floor space requirements are set out below, along with the provision within each of the 14 units.

#### Required standards

<b>Dwelling type</b>	<b>Gross internal Floor space</b>	<b>Double bedroom requirements</b>	<b>Single bedroom requirements</b>	<b>Storage space requirements</b>
2 bed 3 person	61 sq m	Floor space: 11.5 sq m  Width:  2.75 metres	Floor space: 7.5 sq m  Width:  2.15 metres	2 square metres

1 bed 2 person	50 sq m	Floor space: 11.5 sq m Width: 2.75 metres	Floor space: 7.5 sq m Width: 2.15 metres	1.5 square metres
<b>Proposed units</b>				
Flat A	69.4 sq m	Floor space: 14.64 sq m Width: 2.75 metres	Floor space: 9.03 sq m Width: 2.15 metres	2.04 sq m
Flat B	78.9 sq m	Floor space: 14.85 sq m Width: 2.75 metres	Floor space: 9.03 sq m Width: 2.15 metres	2 sq m
Flat C	73 sq m	Floor space: 8.17 sq m Width: 2.15 metres	Floor space: 16.86 sq m Width: 2.75 metres	2.06 sq m
Flat D	68.1 sq m	Floor space: 14.85 sq m Width: 2.75 metres	Floor space: 9.03 sq m Width: 2.15 metres	2.42 sq m
Flat E	78.9 sq m	Floor space: 14.85 sq m Width: 2.75 metres	Floor space: 9.03 sq m Width: 2.15 metres	2 sq m

Flat F	69.4 sq m	Floor space: 14.64 sq m Width: 2.75 metres	Floor space: 9.03 sq m Width: 2.15 metres	2.04 sq m
Flat G	71.3 sq m	Floor space: 12.17 sq m Width: 2.75 metres	Floor space: 9.03 sq m Width: 2.15 metres	2.02 sq m
Flat H	68.2 sq m	Floor space: 14.85 sq m Width: 2.75 metres	Floor space: 9.03 sq m Width: 2.15 metres	2 sq m
Flat I	63.3 sq m	Floor space: 13.02 sq m Width: 2.8 metres	n/a	1.47 sq m
Flat J	71.19 sq m	Floor space: 12.38 sq m Width: 2.75 metres	Floor space: 10.58 sq m Width: 2.35 metres	2.92 sq m
Flat K	68.2 sq m	Floor space: 14.85 sq m Width: 2.75 metres	Floor space: 9.03 sq m Width: 2.15 metres	2 sq m
Flat L	71.3 sq m	Floor space: 12.17 sq m Width: 2.75 metres	Floor space: 9.03 sq m Width: 2.15 metres	2.02 sq m

Flat M	111.3 sq m	Floor space: 12.6 sq m Width: 3 metres	Floor space: 16.36 sq m Width: 3.8 metres	2.1 sq m
Flat N	115.3 sq m	Floor space: 12.6 sq m Width: 3 metres	Floor space: 18.8 sq m Width: 3.8 metres	2.1 sq m

#### Neighbouring amenity

- 3.8 The 45 degree angle test although for the purposes of assessing first floor domestic extensions to dwellings, has been used to assess whether the proposed development would result in unacceptable overshadowing, is shown to be acceptable on the plans. The staggered design of the rear elevation when viewed from the northern elevation serves to reduce the impact of the proposal on the neighbouring dwelling to the north, 293 Ferry Road, with the full depth of the proposal only reached at a distance of some 11.3 metres from the boundary with 293 Ferry Road.
- 3.9 At first floor and attic level, only WC and hallway windows are proposed. These would be required to be obscure glazed. The design of the proposed balconies are considered acceptable and would not be considered to give rise to unacceptable overlooking. The rear balcony to Flat M would look out to the rear garden from the rear flat in the roof void. The proposal has included obscure glazed screens at 1.8 metres in height to the side elevations of this balcony in order to ensure that there would be no risk of overlooking into the rear habitable room windows and sitting out space of the neighbouring dwellings. This is considered acceptable.

#### Refuse and cycle storage

- 3.10 An area is proposed for the cycle storage to the rear of the proposed building, along the northern boundary. Sufficient space for 16 bicycles would be required, one space per dwelling and one space per 8 flats for visitors. A total of 14 spaces have been provided for and as such revised details would be required by condition to provide sufficient space for the required 16 spaces, along with details of the enclosure.
- 3.11 A bin storage area measuring 4.4 metres by 1 metre is shown to the southern boundary, to the front of the proposed development. Whilst the location of the bin store is considered acceptable, more details would be required to ensure that the allocated space has capacity to serve all 14 flats, and that the bin enclosure is considered acceptable in order to protect residential amenity.



#### Garden amenity space

- 3.12 For flats, Supplementary Planning Document 2: Housing Design, requires that the minimum amenity space required should be a useable communal residents garden measuring 25 square metres per flat, or a balcony measuring 5 square metres.
- 3.13 The proposed amenity space to the rear measures some 642 square metres, and some 350 square metres would be the minimum requirement. As such, this is acceptable and would be in accordance with Supplementary Planning Document 2.
- 3.14 In addition, balconies have been provided for a number of flats. The balconies to the first floor flats would not count towards the amenity space provision as they fall below 5 square metres. The balconies to Flats M and N would comply. Private garden areas have been allocated to each ground floor flat with an area of between 40 square metres and 58.9 square metres. The proposal therefore greatly exceeds the amenity space requirements and is considered acceptable.

#### Wildlife and ecology

- 3.15 Natural England have raised no objection to the proposed development and are 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.
- 3.16 To the rear of the site is a large badger set and as such a survey has been carried out to ensure that the proposal would not cause significant harm to this sett.
- 3.17 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 mentioned that there was no evidence of foraging within the garden so very likely they are not entering the garden.

#### Parking and Highways

- 3.18 The Essex Parking Standards requires that each dwelling would have a minimum of two parking spaces measuring 2.9 metres by 5.5 metres.
- 3.19 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.
- 3.20 The 16 parking bays provided allow for one space per flat and two visitor spaces. Visitor parking should normally equate to 0.25 spaces per flat, which would be 4 spaces. 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 two visitor spaces provided.

### **Representations**

HULLBRIDGE PARISH COUNCIL: Objects.

- 3.21 There are no other 3 storey properties at this location and does not fit in with the street scene.
- 3.22 Insufficient parking, the applicant refers to the Public Car Park. This is managed by the Parish Council and there is not any overnight parking nor guaranteed spaces during the day.

ESSEX COUNTY COUNCIL HIGHWAYS

- 3.23 As stated in the Parking Standards Design and Good Practice September 2009, in main urban areas with frequent public transport, cycling and walking links, reduced parking standards may be applied to residential developments. In transport terms the proposal site is considered to be in a sustainable location in Hullbridge with good access to public transport and other facilities, therefore;
- 3.24 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority 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
    - iv. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

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.

Reason: To provide adequate inter-visibility between users of access and the existing public highway for the safety and convenience of the users of the highway and access having regard safety in accordance with policy DM1.

3. Prior to first occupation of the development the existing vehicular access at the south of the site frontage shall be widened as shown in principle on the planning drawing 3055-05 Rev D. 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: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.
4. The existing access at the north 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: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with policy DM1.
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, 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: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.
6. 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.
7. 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.
8. The cycle parking facilities as shown on the planning drawing 3055-05 Rev D are to be provided prior to the first occupation of the

development and retained at all times. Reason: To ensure bicycle parking is provided In accordance with Policy DM8.

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. Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

#### NATURAL ENGLAND

- 3.25. Statutory nature conservation sites - no objection This application is in close proximity to the Croach & Roach Estuaries Site of Special Scientific Interest (SSSI). This SSSI forms part of the Crouch and Roach Estuaries SPA and Ramsar and Essex Estuaries SAC.
- 3.26 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 these sites 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 the site's conservation objectives.<sup>1</sup>
- 3.27 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 this SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

#### ROCHFORD DISTRICT COUNCIL ARBORICULTURAL OFFICER:

Mitigation from Natural England includes the following:

Avoid affecting badgers

- 3.28 Your plans should first attempt to avoid affecting badgers, for example by:
- o keeping heavy machinery and excavation work away from setts
  - o deciding appropriate working distances for activities that might either damage the sett or disturb badgers in the sett
  - o not using fire or chemicals within 20 metres of a sett entrance

- o felling trees so they fall away from active sett entrances
- o clearing felled trees away from badger paths and sett entrances
- o avoiding loud noises and vibrations near active setts, over and above what the badgers would be used to

Further advice regarding licences includes the following

You usually won't need a licence to do the following if it's unlikely to disturb a badger in its sett or damage a sett:

- o work with hand tools or machinery above or below ground close to a sett
- o clear vegetation near setts, including felling small trees or shrubs, provided they are not uprooted and don't block access to the sett
- o clear ditches and watercourses using hand tools or machinery

- 3.29 With the above in mind, I think 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 mentioned that there was no evidence of foraging within the garden so very likely they are not entering the garden.

NEIGHBOUR REPRESENTATIONS:

Ferry Road: 275, 293 (2 letters)

Tynedale House: 21

Waxwell Road: no number

Anon:1

Five neighbour letter has been received which in the main makes the following points:

- o Parking and traffic congestion are bad now, let alone with another 28 cars and yes there will be 28, 2 per flat.
- o Between the doctors and chemist every day I see elderly people struggle to get to these places due to parking, how do you plan to alleviate the problem.
- o And what doctors will they belong to as people that live in the village struggle to get an appointment as it is
- o Yes again the council go ahead and do exactly what they want without consideration of any resident

- o I think you are all a disgrace and if you want to continue to build on every single bit of land may I suggest you live here then you will see for yourself how hard it is to get our children to school, or to get a doctors appointment or even get to work, but then you people wouldn't know what a days work is.
- o I think a three storey building would be too high and not fit in with the existing buildings in the village
- o The proposed building is too large and overpowering compared to neighbouring properties in both width and length
- o On the previous application, 08/563/FUL, the proportions of the building on the right hand side were more in keeping with 293 Ferry Road
- o Also the side elevation was at least 4 metres from the boundary
- o The building would have an adverse effect on daylight at the rear of 293, particularly on the rear bedroom window which would fall foul of the 45 degree rule.
- o The bin, bicycle storage should be located centrally at the front of the plot to minimise any odours and noise reaching neighbouring dwellings
- o There is a nature reserve with 2 badger setts to the rear of the site
- o We are totally opposed to the construction of a three storey building in probably the only picturesque part of the village near the river

#### REFUSE

- 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.

**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

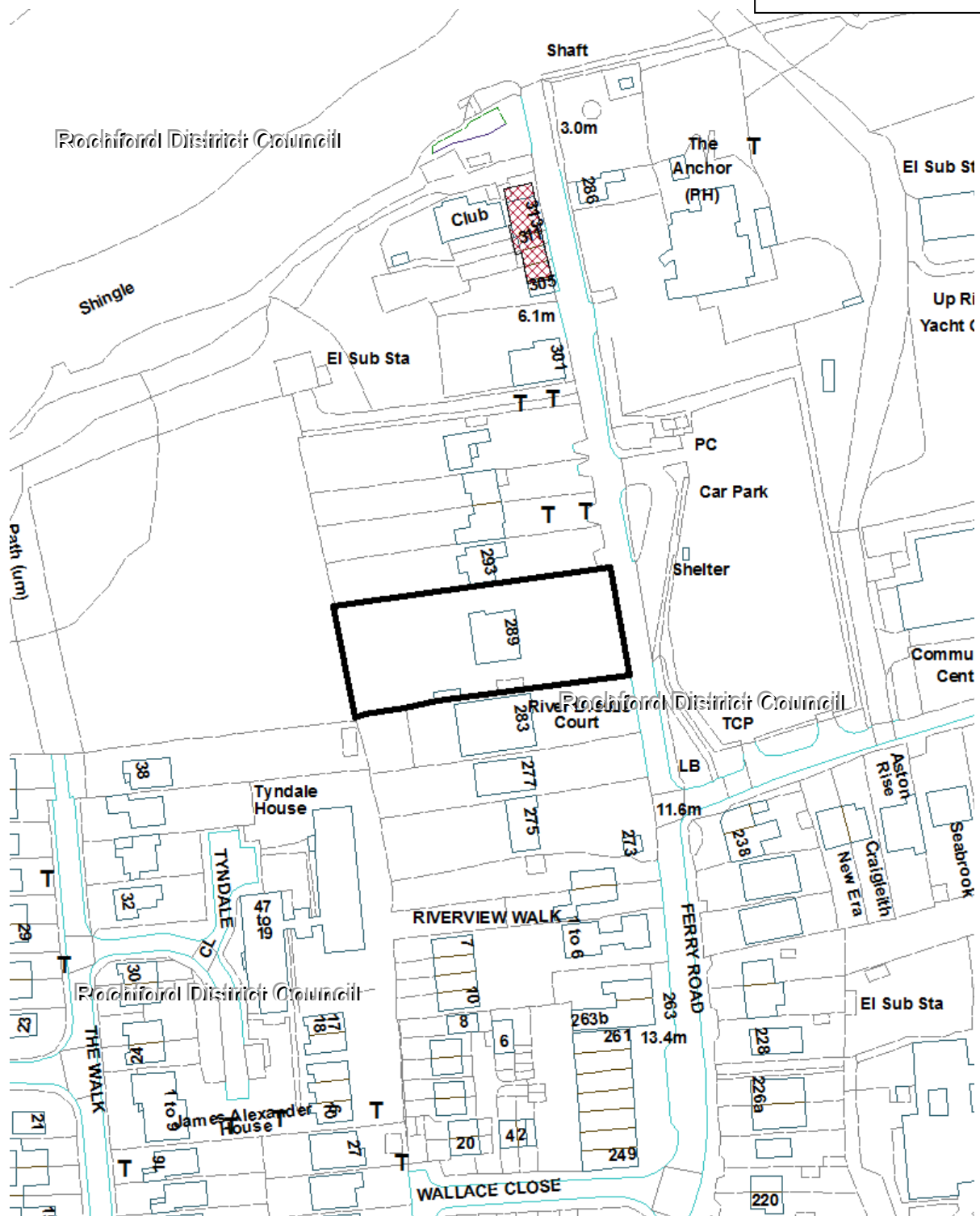
Allocations Plan Policies Map 2014

Supplementary Planning Document 2: Housing Design

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

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16/00515/FUL



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### 7.1.16

