

**APPLICATION REFERRED FROM THE WEEKLY LIST****WEEKLY LIST NO. 1491 – 13 September 2019****19/00591/FUL****1-9 FERRY ROAD, HULLBRIDGE****EXTERNAL ALTERATIONS INCLUDING ALTERATIONS TO SHOP FRONT, TOGETHER WITH THE INSTALLATION OF EXTERNAL PLANT, CYCLE PARKING AND THE PROVISION OF EXTERNAL COLLECTION LOCKERS****1 DETAILS OF REFERRAL**

1.1 This item was referred from Weekly List No. 1491 requiring notification to the Assistant Director, Place and Environment by 1.00 pm on Wednesday, 18 September 2019 with any applications being referred to this meeting of the Committee.

1.2 Cllr M Hoy referred this item on the following grounds:-

The roller blind solid shutters have previously been refused (2013) and enforced against. The shutters now being used had been disconnected in the away position so they could not be used. The only shutters used were over the entrance; the shutters now being used go beyond that.

Hours – the shop had only ever opened to the public at 7.00 am. No other shop in the District that I can find opens at 6.00 am.

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.

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

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**Appendix 1**

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.

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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

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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 discreet 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

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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 LA<sub>90</sub> during the daytime and 29dB LA<sub>90</sub> 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 LA<sub>90</sub> 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 LA<sub>90</sub> during daytime (07:00 – 23:00) and night-time 30 dB LA<sub>90</sub>.

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

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LA<sub>90</sub>. During the night-time period only the refrigeration plant is to be operating and calculated at 30dB LA<sub>90</sub>.

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 and

#### **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.

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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.

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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:  
0600-2200 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

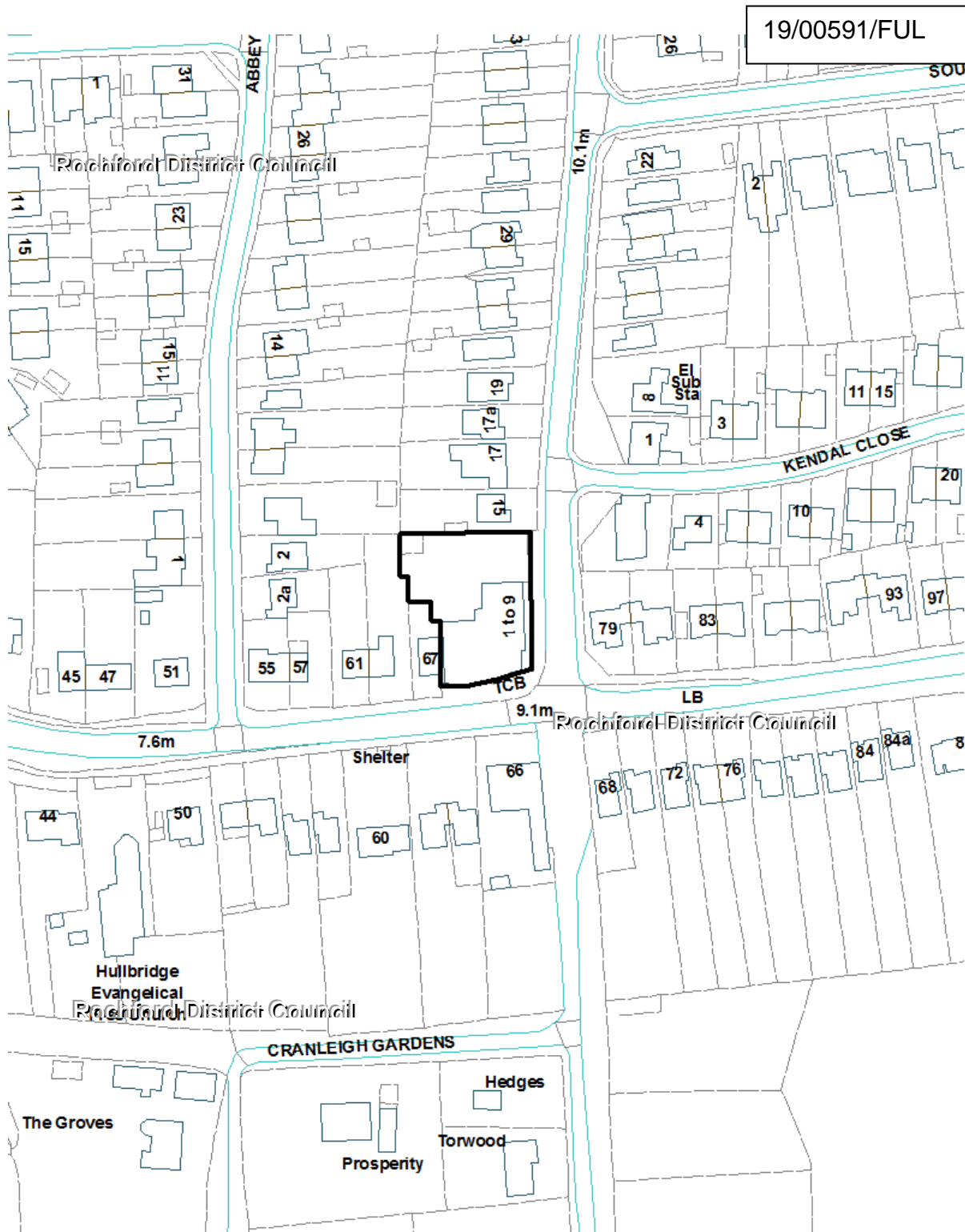
Core Strategy - CP1 Development

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.





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