

19/01181/FUL

SITE OF 22 MAIN ROAD, HOCKLEY, ESSEX

**CONVERSION OF COMMERCIAL BUILDING TO FORM 10 X
2-BEDROOM APARTMENTS AND ONE COMMERCIAL UNIT**

APPLICANT: **MR JONATHON BROWNING**
ZONING: **HOCKLEY TOWN CENTRE**
PARISH: **HOCKLEY PARISH COUNCIL**
WARD: **HOCKLEY**

1 RECOMMENDATION

1.1 It is proposed that the Committee **RESOLVES**

That planning permission be approved, subject to the following conditions:-

- (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.
- (3) 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. Such materials as may be agreed in writing by the Local Planning Authority shall be those used in the development hereby permitted.
- (4) The building/enclosure housing the bins at the site, as indicated on Drawing No. 18.136/15 Rev C, shall be completed prior to first occupation at the site (commercial or residential whichever is first) in accordance with the details as agreed and retained in the approved form in perpetuity. Details including plans and materials for use in the external construction of the bin store(s) shall have been submitted to and agreed in writing by the Local Planning Authority prior to construction of the store(s) and shall include separate stores for residential and commercial waste and recycling.
- (5) The cycle store at the site, as indicated on Drawing No. 18.136/15 Rev C, shall be completed prior to first occupation at the site in accordance with the details as agreed and retained in the approved form in perpetuity. The store shall accommodate a minimum of 14 cycle spaces and provide secure and

sheltered storage. Details including plans and materials for use in the external construction of the cycle store shall have been submitted to and agreed in writing by the Local Planning Authority prior to construction of the store.

- (6) Prior to first occupation at the site, details shall have been submitted to and agreed in writing by the Local Planning Authority to secure at least 10 per cent of the energy from decentralised and renewable or low-carbon sources unless this is not feasible or viable in which case details to demonstrate this shall be submitted and agreed. The development shall be implemented in accordance with the details as agreed with implementation prior to first occupation.
- (7) No dwelling hereby approved shall be occupied until car parking spaces have been laid out within the site in accordance with the approved plans. Each space shall have a minimum dimension of 2.9m x 5.5m and there shall be a minimum distance of 6m between the rear of the parking bays. Thereafter, the parking bays shall be retained and not used for any purpose other than the parking of vehicles associated with the occupants of the buildings.
- (8) Prior to first occupation at the site, a scheme including details for the provision of visibility splays on both sides of the vehicular access to the car parking area, as shown on Drawing Number 18.136/15 Rev C, details of the junction with the highway, and the provision for dropped kerbs, together with an implementation timetable, shall have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and timetable and, thereafter retained.
- (9) Prior to first occupation of the dwellings hereby approved plans and particulars showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted, shall have been submitted to and 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;
- existing trees to be retained;
- areas to be grass seeded or turfed;
- paved or otherwise hard surfaced areas including details of permeable surface to the driveways or on-site drainage to prevent run-off onto the highway from the driveways;
- existing and finished levels shown as contours with cross-sections if appropriate;
- means of enclosure and other boundary treatments;

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.

- (10) There shall be no discharge of surface water from the development onto the highway.
- (11) No unbound material shall be used in the surface treatment of the car parking areas.
- (12) Prior to first occupation of the proposed dwellings 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.
- (13) Part G (water efficiency) of the Building Regulations (2010) shall be met for the dwellings hereby approved and be permanently retained thereafter unless demonstrated to be not feasible or viable in which case details shall be submitted to and agreed by the LPA prior to first occupation.
- (14) Part L of the Building Regulations 2010 in respect of energy performance shall be met for the dwellings hereby approved unless demonstrated to be not feasible or viable in which case details shall be submitted to and agreed by the LPA prior to first occupation.
- (15) The car ports as shown on the approved drawing numbers 18.136/15 Rev C with access off the private road shall remain unenclosed in accordance with this approved plan in perpetuity.
- (16) The commercial unit as shown on the plans hereby approved shall remain in A1 (Retail) Use only in perpetuity notwithstanding any change of use that would otherwise be permitted by the Town and Country Planning (Use Classes) Order 1987 or the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

2 PLANNING APPLICATION DETAILS

- 2.1 Planning permission is sought for the conversion of the former commercial building to form 10 x 2-bed apartments with the retention of one commercial unit to part of the ground floor. The scheme would involve extension and alteration of the building including the creation of a fourth storey.
- 2.2 Re-development has commenced as the site benefits from planning permission granted on appeal in 2014. The 2014 consent allowed for conversion (including extension and alteration) of the main three-storey building to form 10 No. flats with a retail unit at ground floor and for the conversion of the outbuilding to the rear of the site to 3 No. live-work units.
- 2.3 This application follows the recent refusal of planning permission for conversion of the main building on the site to form 11 x 2-bed apartments for the following reason:

'The application site is currently designated as Secondary Shopping Frontage by the Council's Hockley Area Action Plan. The development of the site for solely residential use would result in a loss of commercial units, which would have a negative impact on the viability and vitality of Hockley town centre. The proposed development would not therefore be compliant with the policy requirements of the Hockley Area Action Plan.'

- 2.4 The current proposal reduces the number of apartments proposed by one and accommodates a commercial use in part of the ground floor.
- 2.5 The current proposal does not include any reference to the outbuilding to the rear of the site which benefits from the 2014 planning consent for conversion to 3 No. live-work units and is subject to a Prior Approval. The layout currently proposed would not prohibit the implementation of the approved works to the outbuilding as access to the integral garages would remain as approved in the 2014 scheme.

3 MATERIAL PLANNING CONSIDERATIONS

Site Context

- 3.1 The site is in Hockley Town Centre with a frontage onto Main Road. A private road runs along the site's eastern boundary. Residential properties border the site to the west, east and north.
- 3.2 The main building to the front of the site was originally three storey and flat roofed. The outbuilding to the rear, separated from the main building by a service and parking yard was two storey and used as a workshop and for storage.

Relevant Planning History

- 3.3 13/00469/FUL - Construct New Roof to Outbuilding and Convert to 3 Bed Live Work Unit, Single Storey Front Extension and Three Storey Rear Extension and Additional Floor to Main Building to Provide Shop and Development of 8 No. One Bedroomed Flats and 2 No. Two Bedroomed Flats With Parking and Amenity Areas. REFUSED AND APPEAL ALLOWED.
- 3.4 17/00018/DPDP3J - Change of use from existing B8 to C3 (residential) to provide 2 no residential units. PERMITTED DEVELOPMENT.
- 3.5 18/01104/NMA - Application for non-material amendment to application 13/000469/FUL to revise outer wall positions to top floor apartment. APPROVED.
- 3.6 19/00473/NMA - Non- material amendment following approval 13/00469/FUL dated 20th February 2015 for the following; 'Construct New Roof to Outbuilding and Convert to 3 Bed Live Work Unit, Single Storey Front Extension and Three Storey Rear Extension and Additional Floor to Main Building to Provide Shop and Development of 8 No. One Bedroomed Flats

and 2 No. Two Bedroomed Flats With Parking and Amenity Areas. Revisions to comprise; 1. internal alterations to layout and roof to accommodate lift and staircase 2. Relocating refuse and cycle store.’ APPROVED.

- 3.7 18/00482/FUL - Conversion of commercial building to form 11 x 2no bedroom apartments. REFUSED.

Considerations

- 3.8 The proposed development must 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.
- 3.9 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 Hockley Area Action Plan (HAAP) (2014). National planning policy contained within the National Planning Policy Framework (2019) is also of relevance as a material planning consideration.
- 3.10 The current proposal seeks to overcome the reason for refusal of the 2018 scheme by reducing the number of apartments proposed to 10 and incorporating a commercial unit to part of the ground floor. The proposed commercial unit would occupy that part of the ground floor that had been proposed as a 2-bed flat in the 2018 scheme. In all other respects the current proposal is the same as that which was considered in the 2018 scheme except that a shop front would feature to the front elevation at part of the ground floor and one of the proposed on-site parking spaces is now indicated to be a visitor space; the same overall number of parking spaces are proposed as per the 2018 scheme.

Principle of Mixed Use

- 3.11 The principle of allowing residential use of the building was accepted by the 2014 appeal decision and again no objection was raised to the principle of allowing some residential use of the building in the recent 2018 decision. The site is in a town centre with good access to public transport options and the additional housing would support the vitality of the centre, residents would have access to a range of shops and services in the immediate locality.
- 3.12 The proposed whole-sale conversion to residential use was, however, considered unacceptable and the 2018 scheme which proposed this was refused on this basis.
- 3.13 In terms of the mix of uses proposed, the current scheme, in proposing 10 No. flats and 1 No. commercial unit is as per the approved 2014 appeal scheme.

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- 3.14 Hockley Town Centre is a thriving centre which offers a range of commercial uses including retail alongside a range of other uses which attract people to the area. There are very few vacant commercial premises. National policy recognises the role that the planning system plays in ensuring the vitality of town centres and requires that decisions should support the role that town centres play at the heart of local communities by taking a positive approach to their growth. The Council's Hockley Area Action Plan policies set out local requirements to ensure the success of this centre. The site is designated as Secondary Shopping Frontage in this action plan.
- 3.15 Policy 7 of the HAAP identifies that the Council will encourage development within Hockley centre that supports its vitality and viability specifically identifying that within the primary and secondary shopping frontages, proposals for change of use for non-retail purposes will be permitted subject to certain criteria, namely where a proposal would:
- not have a detrimental impact on, or undermine, the predominance of A1 uses, both within the centre as a whole and within the primary shopping frontage;
 - not create a cluster of similar non-retail uses of the same class within a locality that undermines the retail character of the centre; and
 - entail the provision of non-A1 use which is considered to positively contribute to the overall offer and encourage people into the centre.
- 3.16 In the determination of the 2018 application, it was considered that the omission of any commercial use would have had a negative impact on the viability and vitality of Hockley town centre and in this respect would have conflicted with the policy requirements of the action plan.
- 3.17 The current proposal would incorporate a commercial use to part of the ground floor for A1 retail use. The gross internal floor area of this unit would be some 69 square metres. The commercial unit would occupy that part of the ground floor adjacent to the private access road to the eastern boundary; this part is close to the commercial uses in the neighbouring building to the east. The unit would have a glazed frontage facing the street. This would be a logical continuation of the secondary commercial frontage on Main Road. The previous 2014 appeal proposed a commercial unit in this same part of the building although this unit was smaller at some 47 square metres in gross floor area.
- 3.18 The mixed-use scheme would accord with Policy 4 of the HAAP which identifies that the Council will support development proposals for additional houses on previously developed land within the HAAP area and the inclusion of a retail unit at ground floor would accord with Policy 7 of the HAAP which seeks to support retail use within the town centre and would ensure that the redevelopment scheme would not undermine the commercial growth of centre.

Type of Residential Accommodation

- 3.19 The existing planning consent, allowed in the 2014 appeal, was for the creation of 8 No. 1-bed flats and 2 No. 2-bed flats. The scheme in 2018 proposed 11 No. 2-bed flats. The current proposal is for 10 No. 2-bed flats.
- 3.20 No objection was raised to the proposal for 2-bed properties throughout the scheme, in the determination of the 2018 application. The scale of the development is not so significant that the lack of mix now proposed would be considered objectionable. Policy H5 which seeks to ensure that new developments contain a mix of dwelling types specifically refers to this as being particularly important on larger sites to avoid these strategic sites only catering for one demographic group. At this site the creation of solely 2-bed flats is considered acceptable.

Impact on Character and Appearance and Residential Amenity

- 3.21 The 2013 planning application was refused on grounds relating to the effects of the proposed development on the character and appearance of the area and the effects on the living conditions of nearby residents with regard to potential loss of outlook and overbearing impact.
- 3.22 The Inspector considered these issues in the determination of the appeal in 2014 and concluded in respect of effect on character and appearance of the locality that the ‘...contemporary, articulated design of the remodelled building, set behind the landscaped open space, would make a positive contribution to the neighbourhood and would distinctively enhance the character and appearance of the area.’ The Inspector specifically referred to the new fourth floor not being overly prominent in the street scene given its setback, particularly given the heights of other 2 to 3 storey buildings in the vicinity. The Inspector also reasoned that the plain, unattractive façade of the building would be transformed with the addition of extensions, new fenestration and feature balconies, some angled and with decorative glass panels. The Inspector also referred to the creation of landscaped communal and private amenity space which would introduce a welcome green space in the street scene and considered that the proposed parking spaces to the frontage would not dominate in the context of the scale of the building and the busy shopping street nor detract from the positive contribution that the proposed façade would make to the area.
- 3.23 The existing consent allows for extension and alteration of the two buildings at the site involving a single storey, ground floor extension across part of the facade, a four storey ‘wing’ extension from the rear elevation and the addition of a new fourth floor on the flat roof of the building. The rear workshop was approved to be converted into a three bedroom live/work unit within that building’s existing height and footprint.
- 3.24 The current proposal relates solely to the main building at the site and does not seek to alter the footprint of the building from that approved in the 2014

appeal. The proposal would still add a fourth floor and the materials proposed for use in the external finish are also as per the 2014 scheme. The layout of the site frontage would be much the same as the approved scheme with a portion of soft landscaped space between the façade and the highway boundary which would improve the street scene in this prominent location. The changes to the design and appearance of the building compared to the approved scheme are as follows;

- Slight change to position/width (wider) of balconies to front elevation.
- Higher roof height to single storey front extension.
- Slight change to dimensions and positions of windows/doors to all elevations.
- Insertion of new windows/door to ground floor front elevation but retention of proposal for shop front to ground floor front elevation.
- Increase to fourth floor area.
- Increased height of fourth floor roof.
- Small projection above fourth floor flat roof (lift shaft).
- Omission of one window to fourth floor side elevation.

3.25 The current proposal does not differ significantly from the design, scale and appearance of extensions and alterations approved on appeal in 2014. The current proposal is also identical to the 2018 scheme in terms of design, form and appearance save for the revision to now include a shop front at ground floor in the front elevation. The current scheme would have no materially different effect on the character and appearance of the area than the approved scheme and it remains the case that the scheme would have a positive effect in this regard; the scheme would accord with Policies H1, CP1 and DM1 which seek a high standard of design and schemes that relate well to the existing street pattern, density and character of the locality.

3.26 The density of the scheme would increase compared to the 2014 appeal scheme. However, the increased density would not be significant and given that the scale of the building would not significantly alter, the proposal would have no greater impact on the character of the street scene. Policy DM2 seeks to ensure that sites achieve a minimum density of 30 dwellings per hectare and the proposal would achieve this. Council policy does not identify as maximum appropriate density although account should be taken of the character of the locality. The proposed density would not result in a development that would not sit well in its surrounding context and the proposal would therefore accord with Policy DM2.

3.27 In relation to the effect of the 2014 scheme on the living conditions of nearby residents, the Inspector reasoned that the proposal would be acceptable. In particular, the Inspector referred to the proposed four-storey rear wing extension which would extend slightly beyond the side elevation of the nearest residential dwelling and partially impinge on the outlook from that property. However, other aspects of the outlook were considered to improve as a result of proposed landscaping and visual enhancements to the building

and on balance the Inspector reasoned that the harm to residential amenity would not be substantial and would be outweighed by the benefits of the scheme.

- 3.28 The Inspector also commented that he had no concern relating to the potential level of noise and disturbance likely to be generated by the occupants of the new dwellings particularly given the context of the previous commercial workshop use with delivery vehicles regularly accessing the site.
- 3.29 The current proposal does not differ significantly from that approved in the 2014 appeal and is identical to the 2018 scheme in terms of fenestration proposed to all elevations (save for the ground floor commercial shop front). The current scheme would not have any greater impact on the residential amenity of nearby properties than the 2018 scheme. Whilst windows and doors may be positioned differently and have different dimensions to the approved 2014 scheme the differences are slight, and no additional windows are proposed. The current proposal would not materially alter the scale of the building and the proposal would not be considered to result in any increased harm to the occupants of nearby dwellings by way of causing overshadowing or the building being overbearing.
- 3.30 Specific concern has been raised by the occupants of No. 26 Main Road which is a dwelling set back some distance from the street with landscaped gardens surrounding the dwelling. No. 24 Main Road occupies the land between the site and No. 26. There are also other residential properties bordering the site. The specific concern relates to potential overlooking from balconies. Whilst the balconies proposed to the rear elevation could give rise to potential for some degree of overlooking to neighbouring sites, balconies in the same position as is now proposed were approved in the 2014 scheme found not to give rise to unreasonable harm to residential amenity. Given this, no objection can reasonably now be raised to the scheme which seeks to retain balconies in the approved position.
- 3.31 The current proposal would have exactly the same impact on neighbouring amenity in terms of potential for overshadowing and overlooking given that the scale of the building would be the same and that fenestration (save for the commercial unit) would be the same. No objection was raised in relation to the 2018 scheme in terms of impact on residential amenity and the same view is then taken in relation to the current scheme and its impact on residential amenity.

Access and Car Parking

- 3.32 The 2014 appeal scheme approved 10 No. flats with the main building and 3 No. 3-bed dwellings in the workshop with each one bedroom flat provided with a single car parking space and two spaces allocated to each two-bedroom unit. Limited provision was also made for visitor parking and cycle storage was provided. The three-bedroom live work units had their own integral double garages. Most of the spaces were laid out in the former service yard

between the buildings, with a few spaces provided in front of the main building.

- 3.33 The 2013 application was not refused in relation to car parking although the Inspector in the subsequent appeal referred to parking provision in his decision stating that the site is in a highly sustainable location, close to a wide range of services and near to bus and train services and concluded that the provision proposed was acceptable.
- 3.34 The current scheme proposes an amended parking layout compared to the 2014 consent but the same parking provision and layout as was proposed in the 2018 scheme save for one visitor space having been provided now in place of one allocated residential space. As in the approved scheme most on-site parking is provided to the rear of the main building with three spaces provided to the site frontage. Eleven on-site car parking spaces are now proposed which equates to one space per flat plus one visitor space. The visitor space could alternatively be allocated to the proposed commercial unit. All the proposed spaces would be required to meet the preferred bay size of 5.5 metres by 2.9 metres; these dimensions could be achieved. The visitor space would meet the disabled bay size. A condition is recommended to ensure that the two car ports could not be enclosed turning them into garages as these spaces would not meet the garage space dimensions and enclosure straight onto the private road could lead to highway safety concerns.
- 3.35 The adopted parking standard seeks two car parking spaces per two-bed flat as a minimum which in this case would equate to 20 spaces, plus visitor parking provision at 0.25 spaces per dwelling which would require an additional 3 spaces. The total on-site provision that the parking standard would require for a development of 10 No. 2-bed flats would therefore be 23 spaces. 12 cycle spaces would also be required.
- 3.36 For A1 (retail) Use the parking standard sets out a maximum provision of 1 space per 20 square metres which would equate to 4 spaces with 3 of these bays required to meet the disabled bay size, 2 cycle spaces would also be required.
- 3.37 The parking standard does however acknowledge that in main urban areas where there is good access to public transport a lower on-site car parking provision may be accepted. The parking standard for the proposed A1 retail use is also a maximum. The previous appeal decision at this site is a material consideration to the determination of this application and in this the Inspector specifically referred to this site being in a highly sustainable location. The site is within walking distance of a range of local amenities and facilities and close to Hockley train station and bus services. The site fronts a main road and the location is such that parking restrictions on nearby roads would prevent any additional parking from taking place in the immediate locality. Existing dwellings in the locality benefit from on-site parking.

- 3.38 The proposed parking in terms of number, size and layout of spaces to serve the proposed residential flats is exactly the same as was proposed in the 2018 scheme where no objection was raised in relation to this matter. The proposed parking would now serve one less residential unit but now include one commercial premise. In the town centre location, the proposal to allow for one potential space to serve the commercial unit is considered acceptable. It is considered that the proposal would deliver adequate parking provision on site and would not give rise to on-street parking that would cause significant and unacceptable inconvenience to nearby residents.
- 3.39 Vehicular access to the site would be off the private road to the site's eastern boundary in the same approximate positions as the vehicular accesses on the approved scheme. There is no highway objection to the scheme and the proposal would not be harmful to highway safety.
- 3.40 A cycle store is proposed which could accommodate 14 spaces which would meet the policy requirement.

Refuse and Recycling

- 3.41 The current proposal would see the bin store positioned adjacent to the eastern boundary of the site alongside the private road. This position is appropriate to enable collection and the size would be adequate to cater for the number of flats proposed. Advice contained in Appendix 1 to the Development Management Plan is that in mixed use schemes separate refuse storage should be provided to serve residential and commercial elements. A separate refuse store adjacent to the residential store could be accommodated without detrimental loss of landscaping to cater for the commercial unit and a condition is recommended to require details of this to be agreed. Details of the building/enclosure to house the residential bins would also be required by condition.

Sustainability

- 3.42 The 2014 consent was subject to a planning condition requiring the lifetime homes standard to be met. This requirement has now been superseded and can no longer be sought. Other policies relating to sustainability however now apply and must be considered.
- 3.43 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.
- 3.44 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.

- 3.45 Policy DM4 requires new dwellings to meet minimum internal space standards, However, until such a time as existing Policy DM4 is revised, this policy must now be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to internal space standards. Consequently, all new dwellings are required to comply with the new national space standard as set out in the DCLG Technical housing standards - nationally described space standard March 2015.
- 3.46 Each of the flats would be 2 bed, 3-person units as each would have one double bedroom of at least 11.5 square metres and one smaller bedroom. The minimum gross internal floor space for such units is 61 square metres which all the units would achieve; some of the units would significantly exceed this minimum.
- 3.47 Not all of the units are shown to be provided with built-in storage to meet the minimum 2 square metres requirement, although this could be achieved within each unit as in each case the minimum gross internal floor space is achieved.
- 3.48 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.
- 3.49 Policy ENV8 requires that developments of five or more dwellings secure at least 10 percent of their energy from decentralised and renewable or low-carbon sources unless this is not feasible or viable; a condition is recommended to secure this.
- 3.50 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.

Sustainable Urban Drainage and Flood Risk

- 3.51 The site is in Flood Zone 1 at the lowest risk of flooding where residential development is appropriate. Policy ENV4 requires all residential development over 10 units to incorporate runoff control via sustainable urban drainage systems to ensure that runoff and infiltration rates do not increase the likelihood of flooding. As the proposal relates to a site which is entirely hard surfaced the proposal would provide a net gain in terms of surface water

drainage by providing amenity areas that are permeable. The proposal would not be considered to increase flood risk elsewhere.

Amenity Space

- 3.52 The current proposal would provide some private amenity space to each flat. The ground floor flats would have small areas provided to the front/rear the building; these spaces are as were proposed in the 2018 scheme. Each of the flats at first, second and third floor would be provided with a balcony of at least 5 square metres; the minimum identified in Supplementary Planning Document 2 (SPD2) as required. Although the ground floor amenity spaces would not meet the SPD2 requirement for 25 square metres per flat the spaces provided in this town centre location are considered acceptable.

Ecology

- 3.53 Given the characteristics of the site, the proposal would not likely impact on any protected species on site.
- 3.54 The NPPF, Policy ENV1 and Policy DM27 require that effects on biodiversity are considered in the determination of planning applications. The NPPF requires that distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with status and that appropriate weight is attached to their importance and the contribution that they make to wider ecological networks.
- 3.55 In addition, The Conservation of Habitat and Species Regulations 2017 (Habitat Regulations) requires the Local Planning Authority as a 'competent authority' in the exercising of its planning function to undertake a formal assessment of the implications of development proposals before granting consent for any development which is likely to have a significant effect on a European site (either alone or in combination with other development).
- 3.56 The formal assessment is known as a 'Habitat Regulations Assessment (HRA)' which has several distinct phases. The first is a formal 'screening' for any likely significant effects. Where these effects cannot be excluded, assessment in more detail through an 'appropriate assessment' is required to ascertain that an adverse effect on the integrity of the site can be ruled out. Where such adverse effects on the site cannot be ruled out, appropriate mitigation must be secured. A Local Planning Authority may only agree to grant planning permission after having ascertained that the development will not adversely affect the integrity of the European site; this can include consideration of proposed mitigation secured. The Local Planning Authority is required by law to have regard to guidance provided by Natural England.
- 3.57 The closest European designated sites are found along the Districts coast, which consist of the Crouch and Roach Estuaries (Mid-Essex Coast Phase 3 (SPA) (Ramsar) (SSSI) and the Essex Estuaries (SAC).

- 3.58 Local planning authorities have a duty to consult Natural England before granting planning permission on any development that is in or likely to affect a European site, according to criteria for consultation as set out by Natural England. The site is within a Zone of Influence where the scale/location of development is such that Natural England do not have to be consulted however the Council must consider Standing Advice and advice in a letter from Natural England dated August 2018. In this, Natural England has highlighted that it considers that any proposed residential development could generate significant impact on one or more European designated sites along the coast resulting from increased recreational activity considered cumulatively in the District.
- 3.59 It is the Council's responsibility to undertake an 'appropriate assessment', as required by the Habitat Regulations. The current proposal has been considered in respect of the Habitat Regulations, taking account of advice submitted by Natural England and the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) developed by Essex County Council which seeks to address impacts (including cumulative impacts) arising from increased recreational activity. The conclusion of the HRA is that, subject to securing appropriate mitigation, the proposed development would not likely result in significant adverse effects on the integrity of the European site along the Essex coastline.
- 3.60 The applicant has paid the standard financial contribution equating to £122.50 per dwelling, to contribute towards longer term monitoring and mitigation along the coastline, to mitigate adverse impact from the proposed development on the European designated sites by way of increased recreational disturbance; this contribution would address the impact and satisfy the Habitat Regulations.

Affordable Housing

- 3.61 Since the determination of the 2014 appeal a new requirement for the provision of affordable housing in relation to all major development has been introduced in the National Planning Policy Framework. Whilst the Council's affordable housing policy H4 of the Core Strategy still only relates to developments of 15 units or more, the new national policy requirement relates to sites of 10 units or more.
- 3.62 In summary, the national affordable housing policy requirement is that where major development involving the provision of housing is proposed, decisions should expect at least 10% of the homes to be available for affordable home ownership. Whilst there are exceptions to this requirement, none of these would apply to this site.
- 3.63 The applicant submitted a financial viability appraisal in relation to the 2018 scheme to establish the level of financial contribution that could be achieved given that Registered Providers would not likely be interested in providing one affordable unit within an otherwise privately owned block. The submitted

appraisal was independently tested and the conclusion reached that the 2018 scheme could have made a financial contribution to affordable housing. The applicant had agreed to pay a financial contribution of £32,312 in relation to the 2018 proposal which would have equated to the 10 percent national policy.

- 3.64 A revised viability appraisal was submitted in the determination of the 2018 to establish what effect the inclusion of a commercial use would have on the financial viability of the scheme. The conclusion reached was that the inclusion of a commercial unit would render the scheme unable to provide any financial contribution towards affordable housing.
- 3.65 The Council has commissioned further testing of the updated financial viability information submitted by the applicant in relation to the 2018 application to establish whether a scheme which replaces one of the flats with a commercial unit could provide any financial contribution to affordable housing. A response is expected shortly, and this matter will be further reported on the addendum in advance of the Development Committee. The recommendation at present is made on the basis of the applicants information being verified by the Council's appointed consultant, namely that the scheme could not viably provide any contribution.

Other Matters

- 3.66 The applicants view, expressed in the planning statement, that the Council cannot demonstrate a 5-year housing land supply and has persistently underdelivered on is not accepted. Consequently, the benefit arising in terms of supply of new homes, whilst positive would not be needed to counter any under supply and significant weight is not therefore attached to the supply of new homes in this regard. However, the current mixed use proposal would see a former redundant building brought into active use, increasing the supply of homes in a sustainable town centre location and would provide a retail use to economic benefit which would accord with a clear aspirations in the Councils action plan for this locality. The proposed mixed use is considered to accord with the development plan. The proposal which includes housing should, according to the NPPF, be considered in light of the presumption in favour of sustainable development the requirement for which is that development proposals that accord with the development plan should be approved without delay.
- 3.67 The submitted planning statement contains references to an out-dated version of the NPPF although the key national policy considerations highlighted by the applicant are clear and the proposal has been considered in relation to relevant policy within the up to date 2019 version of national policy.

Conclusion

- 3.68 In the 2014 appeal decision the Inspector concluded that the proposal would '...maximise the use of an existing, underused property and make a useful

contribution to the housing stock of the area in a highly sustainable location. The proposal would also transform an unattractive, visually negative property into a good quality, contemporary modern building which, in this prominent position, would significantly enhance the character and appearance of the area and make a positive contribution to Hockley town centre. The development would affect the outlook from a few nearby houses. However, the impact would not be substantial and would be outweighed by the benefits of the scheme. The development would satisfy the objectives of many of the [National Planning Policy] Framework's policies including, the presumption in favour of sustainable development, boosting the supply of houses, securing high quality design, promoting mixed use developments, and encouraging the effective use of previously developed land.'

- 3.69 The current scheme proposes the same mix of uses, namely 10 No. flats and 1 commercial unit as the 2014 approved scheme.

Whilst the modest changes to the scheme, submitted in the 2018 proposal were all generally accepted, the loss of all commercial use in the building was not accepted by the Development Committee in the determination of the 2018 application. The current proposal seeks to re-incorporate one commercial unit for A1 retail use back into the development scheme, now alongside 10 No. 2-bed flats. The proposed mixed-use scheme would support the vitality and viability of Hockley town centre and would amount to sustainable development which accords with the adopted development plan.

4 CONSULTATIONS AND REPRESENTATIONS

Neighbours

3 responses have been received from occupants of 25b Belchamps Way and 107 Barnwell Drive and 26 Main Road.

- 4.1 The plans are not clear but if this is a request to turn the retail outlet from previous plans into an additional flat, we would like to object. Unlike many shopping areas, Hockley does not have a large number of empty retail outlets, so we do not believe it would be beneficial to lose one. If we were to lose this unit it would also further separate the Costcutter parade from the rest of main shopping area reducing their footfall.
- 4.2 Where will the extra parking for this development be? The parking area behind this proposed development is privately owned by local residents so not there. The cul de sac area at the bottom of Barnwell Drive is already busy by people leaving their cars on the street and walking to work or local shops.
- 4.3 Why have they been allowed to build on the top floor because the previous building did not go up this far and surely this now sets a precedent for other buildings to do this? I also understand that this floor will have balconies which rather concerns us because they will then be looking directly into our garden and compromise any privacy we have had.

Essex Police

- 4.4 Rochford's Core Strategy states, new development will be implemented having regard to the need to design out crime. The NPPF also supports the need for security. Paragraph 91 of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places, which are places that are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Paragraph 95 of the NPPF states that Planning policies and decisions should promote public safety and take into account wider security. As such, we would like to invite the developers to contact us with a view to discussing crime prevention through environmental design.

Anglian Water

- 4.5 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. Anglian Water would ask that the following text be included within your Notice should permission be granted. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
- 4.6 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 to manhole 8402. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advice them of the most suitable point of connection. (1) INFORMATIVE – Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. (2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. (3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. (4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. 5) INFORMATIVE: The developer should note that the

site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

- 4.7 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. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable. We request that the agreed strategy is reflected in the planning approval.
- 4.8 Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

CONDITION: 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. REASON To prevent environmental and amenity problems arising from flooding.

5 EQUALITY AND DIVERSITY IMPLICATIONS

- 5.1 An Equality Impact Assessment has been completed and found there to be no impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

6 CONCLUSION

- 6.1 In the 2014 appeal decision the Inspector concluded that the proposal would '...maximise the use of an existing, underused property and make a useful contribution to the housing stock of the area in a highly sustainable location. The proposal would also transform an unattractive, visually negative property into a good quality, contemporary modern building which, in this prominent position, would significantly enhance the character and appearance of the area and make a positive contribution to Hockley town centre. The development would affect the outlook from a few nearby houses. However, the impact would not be substantial and would be outweighed by the benefits of the scheme. The development would satisfy the objectives of many of the [National Planning Policy] Framework's policies including, the presumption in favour of sustainable development, boosting the supply of houses, securing high quality design, promoting mixed use developments, and encouraging the effective use of previously developed land.'

- 6.2 Whilst the modest changes to the scheme, submitted in the 2018 proposal were all generally accepted, the loss of all commercial use in the building was not accepted. The current proposal seeks to re-incorporate one commercial unit back into the development scheme, now alongside 10 No. 2-bed flats. The proposed mixed-use scheme would support the vitality and viability of Hockley town centre and would amount to sustainable development which accords with the adopted development plan.



Marcus Hotten

Assistant Director, Place and Environment

Relevant Development Plan Policies and Proposals

Policies H1, H4, H5, H6, CP1, ENV4, ENV8, ENV9, CLT1, T1, T3, T6, T8, ED3, RTC1 and RTC6 of the Core Strategy 2011
Policies DM1, DM2, DM3, DM4, DM25, DM27, DM30, DM34, DM35 of the Development Management Plan 2014
Allocations Plan Policies Map 2014
Hockley Area Action Plan (2014)
Supplementary Planning Document 2
Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010
National Planning Policy Framework (NPPF)
National Planning Practice Guidance
Natural England Standing Advice

Background Papers

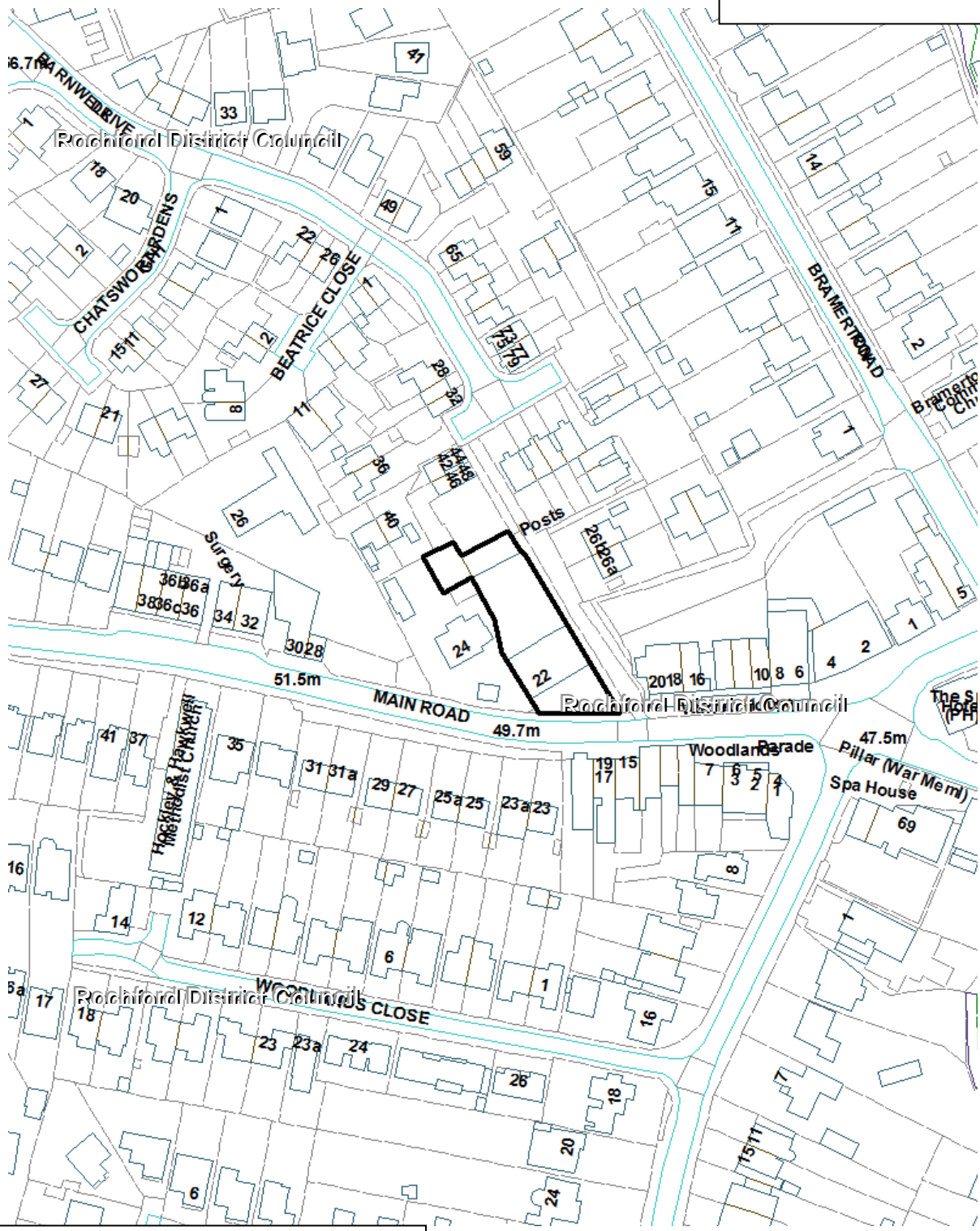
None.

For further information please contact Katie Rodgers on:-

Phone: 01702 318191
Email: Katie.rodgers@rochford.gov.uk

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

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