



**PLANNING APPLICATIONS WEEKLY LIST NO.1718**  
**Week Ending 5th July 2024**

**NOTE:**

- (i). Decision Notices will be issued in accordance with the following recommendations unless **ANY MEMBER** wishes to refer any application to the Development Committee on the 25/07/2024
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **10th July 2024** this needs to include the application number, address and the planning reasons for the referral via email to the PBC Technical Support team [pbctechnicalsupport@rochford.gov.uk](mailto:pbctechnicalsupport@rochford.gov.uk) .If an application is referred close to the 1.00pm deadline it may be prudent for a Member to telephone PBC Technical Support to ensure that the referral has been received prior to the deadline.
- (iii) Any request for further information regarding applications must be sent to Corporate Services via email.

**Note**

Do ensure that, if you request a proposal to go before Committee rather than be determined through officer delegation following a Weekly List report, you discuss your planning reasons with Emma Goodings Director of Place. A planning officer will then set out these planning reasons in the report to the Committee.

Index of planning applications: -

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2. 24/00049/OUT - Land Adjacent 17 Bracken Dell Rayleigh – pages 9 – 25
3. 24/00233/FUL - 55 Southend Road Hockley pages 26 – 31
4. 24/00343/REM - Land Adjacent 15 Southend Road Rochford pages 32 – 39
5. 24/00150/FUL - Cherry Orchard Brickworks Cherry Orchard Lane Rochford pages 40 - 54

Application No :	24/00179/LBC      Zoning : No allocation
Case Officer	Mr Richard Kilbourne
Parish :	Hockley Parish Council
Ward :	Hockley
Location :	54 Spa Road Hockley Essex
Proposal :	Proposed change of use from residential to use as a childrens day nursery within Use Class E(f) including internal alterations.

## **SITE AND PROPOSAL**

1. The subject site is a residential home in the Hockley Ward of the Rochford District Council along Spa Road. The residential home is a Grade II Listed Building. The surrounding area is predominantly residential to the south and industrial further north with commercial activity along Spa Road. The site is accessible from the front at Spa Road and on the side at Meadow Way which also has car parking.
2. The building was first listed in June 1972. The building is a two-storey building that is stucco faced with a grey slate roof. There are five bays, with the three centre bays breaking forward. There is a heavy moulded cornice and parapet, four Tuscan pilasters to centre bays, 1:3:1 tall windows with semi-circular heads and glazing bars. Central parapet panel with title Hockley Spa.
3. There are no changes proposed for the building externally. The proposal is for the change of use into a children's nursery. Minimal changes would be made to the interior to make it fit for purpose, such as adding more toilets, however this will not affect any of the external and original interior features.

## **RELEVANT PLANNING HISTORY**

4. Application No. 84/00476/FUL – Vehicular access – Refused – 21/08/1984.
5. Application No. 89/00084/COU - Change of Use, Two Storey Side/Rear Extensions and Ground Floor Conservatory to Form Nursing Home and Car Park – Approved – 01/08/1994.
6. Application No. 89/02003/LBC – Change of use, 2 storey side/ rear extensions and ground floor conservatory to form nursing home and car park – Approved – 01/08/1994.

7. Application No. 94/00400/LBC - Renewal of Application no. ROC/203/89/LB for Change of Use, Two Storey Side/Rear Extensions and Ground Floor Conservatory to Form Nursing Home and Car Park – Approved - 26/09/1994.
8. Application No. 97/00110/FUL - Enclose Front Boundary and Part of Two Return Side Boundaries With 1.4m (4ft 6in) High Railing Fence (Victorian Style) and Gates – Approved – 21/05/2002.
9. Application No. 97/00111/LBC - Enclose Front Boundary and Part of Two Return Side Boundaries With 1.4m (4ft 6in) High Railing Fence (Victorian Style) and Gates – Approved – 21/05/1997.
10. Application No. 06/00390/COU - Change of Use Spa Works to Residential to be used as a Residential Extension to no. 54 Spa Road – Approved – 22/08/2007.
11. Application No. 24/00178/FUL - Proposed change of use from residential to use as a children’s day nursery within Use Class E(f) including internal alterations – Not yet determined.

## **MATERIAL PLANNING CONSIDERATIONS**

12. 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.
13. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).

### **Procedural Matters**

14. There are no permitted development rights within the curtilage of a listed building. A full planning application is the considered mechanism for approving any additions or alterations proposed within the curtilage of a listed building site as the permitted development rights normally conferred by Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) relevant in this case have been taken away under the planning regime and therefore it is the view of the case officer that a full planning application for a change of use is needed to accompany the listed building consent application.
15. It also follows that the materiality of any development requiring planning permission to the historic and architectural interest of the

listed building by consideration of impacts of that development upon the setting of the listed building is relevant to the determination of the planning application. It is not clear in this case why an application for listed building consent has been submitted as it is the view of the case officer that listed building consent is not required as it does not affect the physical fabric of any building protected under the listed building statutes. The development is neither works for the external alteration or extension of a listed building which are the only works which require prior authorisation in the form of Listed Building Consent as cited within Section 8 of the Listed Buildings and Conservation Areas Act 1990.

16. The Local Planning Authority have a duty however to determine the application as it has been submitted.

## Assessment

17. The application property is a Grade II listed building and this application for Listed Building Consent is made in respect of section 10 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). This legislation imposes a duty on the local planning authority in the determination of such an application to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
18. As a Grade II Listed Building, the host property is a designated heritage asset as defined in the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG). The main consideration in the determination of this application is whether the proposed extensions and alterations would preserve the character and appearance of the building and any of the features of special architectural or historic interest that it possesses.
19. As previously stated, the building is a Grade II listed building known as Hockley Spa Rooms, 54 Spa Road. The list entry number is 1112670 and the list description states:

*“Pump rooms of small spa started early 1840s by Robert Clay and his wife who discovered a medicinal spring 1838. Built to designs of James Lockyer, 1842. Now part of a factory. The building was used as a Baptist Chapel. Stucco faced, grey slate roof. Of five bays, the three centre bays break forward. Heavy moulded cornice and parapet. Four Tuscan pilasters to centre bays. 1:3:1 tall windows with semi-circular heads and glazing bars. Central parapet panel with title Hockley Spa. Later glazed brick extensions with corrugated iron roof to left bay. Right rear return with five Tuscan pilasters, moulded pediment and blocked semi-circular headed window. A C20 factory extends to rear and right and a C19 red brick house to left.”*

20. Paragraph 200 of the National Planning Policy Framework (NPPF) states that in determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities; and the desirability of new development making a positive contribution to local character and distinctiveness.
21. Paragraphs 203 onwards provide guidance for considering the potential impacts. Paragraph 205 states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This should be proportionate to its significance: the more important the asset, the greater the weight should be. This is irrespective of whether the harm is substantial, total loss, or less than substantial.
22. Paragraph 206 goes on to state that any harm to, or loss of, the significance of a designated heritage asset, including through development within its setting, should require clear and convincing justification.
23. Paragraphs 207 and 208 deal with instances of substantial harm to a designated heritage asset. Development causing substantial harm should be refused unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or other criteria are met. Paragraph 209 guides that where a development would lead to less than substantial harm to a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.

#### Impact upon the character and appearance of the Listed Building

24. The Council's Policy DM1 requires that proposals should promote visual amenity and have a positive relationship with nearby buildings and a scale and form appropriate to the locality. The policy also notes that specific points of consideration must be addressed through design and layout, including impact on the historic environment including Conservation Areas and Listed Buildings, archaeological sites and the wider historic landscape.
25. The proposed change of use would have no ramifications for the character and appearance of the Listed Building given that the proposed changes would only be internal and these would not harm the historic fabric of the building. As such the proposed change of use would cause no harm to the significance of the listed building in terms of the National Planning Policy Framework (NPPF, December 2023). Therefore, the proposal will preserve the special interest of the listed

building in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

26. As a Grade II Listed Building, the host property is a designated heritage asset as defined in the National Planning Policy Framework. The main consideration in the determination of this application is whether the proposed change of use would preserve the character and appearance of the building and any of the features of special architectural or historic interest that it possesses.
27. As previously stated, paragraph 205 of the NPPF confirms when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
28. Moreover, paragraph 207 of the NPPF states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 208 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
29. The Historic building officer's consultation response states:

*"There is no concern regarding the change of use and internal alteration. However, all new pipes in ground and first floor toilets should use the existing runs. Moreover, the new door to the ground floor toilet should match the existing doors in the historic part of the building.*
30. *Upon the review of submitted documents, I raise no concerns regarding the proposal, which, in my opinion, will cause no harm to the significance of the listed building in terms of the National Planning Policy Framework (NPPF, December 2023). Therefore, the proposal will preserve the special interest of the listed building in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990."*
31. Overall, it is considered that the proposed change of use as specified within the supporting amended documents/plans will not have an adverse impact on the intrinsic quality of the listed building and this opinion is shared by the Council's Conservation Officer. In conclusion, it is considered that the proposed development would not impact upon



the significance of the Grade II listed building. This would be in accordance with Section 16 of the National Planning Policy Framework (NPPF) and Section 16(2) and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 or guidance/policies advocated within the NPPF or the Local Development Management Plan.

## **CONCLUSION**

32. Approve.

## **CONSULTATIONS AND REPRESENTATIONS (summary of responses):**

Essex County Council Place Services specialist advice on listed buildings: No objections to raise.

Neighbour representations:

Four responses have been received from the following addresses;

Spa Road: 52A, 54, 58 and 60.

And which in the main raise the following comments and objections:

- Increase in noise from the children.
- There will be increased traffic congestion on an already busy road.
- The noise from the construction will bring a lot of noise and disturbance.
- If approved, the change in use would set a precedent for non-residential development in the area.
- Concerns of where the pick-up and drop-off will be.

## **Relevant Development Plan Policies:**

National Planning Policy Framework (December 2023).

Core Strategy Adopted Version (December 2011).

Development Management Plan (December 2014).

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

Supplementary Planning Document 2 (January 2007) – Housing Design.

The Essex Design Guide (2018).

**RECOMMENDATION: APPROVE**

Conditions:

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

REASON: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (As amended).

2. The development hereby permitted shall be carried out in complete accordance with the following approved plans:
  - Block plan (Received 24/05/2024).
  - Proposed first floor plan (Received 24/05/2024)
  - Proposed ground floor plan (Received 24/05/2024)
  - Location plan (Received 24/05/2024)

REASON: For the avoidance of doubt and to ensure that the development is completed out in accordance with the details considered as part of the planning application.

3. The proposed additional door to the ground floor toilet hereby permitted shall match the existing doors in the historic part of the building.

REASON: To preserve the special architectural and historic interest of the listed building.

The local Ward Members for the above application are Cllr. A. H. Eves, Cllr. J. R. F. Mason and Cllr. P. Capon.



Application No :	24/00049/OUT      Zoning : Unallocated
Case Officer	Mr Richard Kilbourne
Parish :	Rayleigh Town Council
Ward :	Trinity
Location :	Land Adjacent 17 Bracken Dell Rayleigh
Proposal :	Outline application with all matters reserved for 2 No. detached bungalows

## **SITE AND PROPOSAL**

1. The proposal is in outline form, with all matters reserved. According to the submitted plans and application forms planning permission is sought for the principle of the construction of two detached bungalows on land to the side of No.17 Bracken Dell. The proposed development will require the subdivision of the plot that appears to have been formed from adjoining back gardens and the proposed development will be constructed on this parcel of land which measures approximately 706m<sup>2</sup>. According to the submitted plans access will be via an existing access which is located on Bracken Dell. Moreover, in accord with plan reference 4075-01-2 Revision A , the indicative layout plan shows car parking provision for the new dwellings will be located at the front of the proposed dwellinghouses and the parking provision will be in the form of side by side, according to the submitted plans.
2. The outline application procedure allows for applicants to identify specific matters for consideration which include the principle of development, access, appearance, landscaping, layout and scale.
3. The applicant has identified that this application is to consider the principle of development only. The consideration of access, appearance, landscaping, layout and scale will form the subsequent reserved matters application should outline planning permission be granted for the proposal. Nevertheless, all material planning considerations are relevant, where applicable to the principles of this application. The application has been supported by an indicative site plan which shows how the proposed dwellinghouses might fit within the locality and the site.

## **RELEVANT PLANNING HISTORY**

4. Application No. 20/01049/OUT - Outline application with all matters reserved for a proposed new bungalow – Approved – 3<sup>rd</sup> February 2021.

5. Application No. 22/00626/FUL - Erection of a detached 3 x bed bungalow with associated parking and amenity space – Approved – 27<sup>th</sup> September 2022.

## **MATERIAL PLANNING CONSIDERATIONS**

6. 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.
7. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).

### Background Information

8. According to the site history two previous applications have submitted in relation to this site. The first application (20/01049/OUT) was in outline format for one detached bungalow with all matters reserved for subsequent approval. This application was approved on the 3<sup>rd</sup> February 2021. Following the grant of this application, another planning application was submitted (22/00626/FUL) which was a full application for the erection of one detached bungalow and was subsequently approved on the 27<sup>th</sup> September 2022. These applications were found acceptable against the same local policy suite that remains current today.

### Principle of the Development

9. The National Planning Policy Framework (NPPF) encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting. The NPPF sets out the requirement that housing applications should be considered in the context of the presumption of sustainable development. Good design is a key aspect of sustainable development and is indivisible from good planning and proposals should contribute positively to making places better for people.
10. The NPPF also advises that planning decisions for proposed housing development should ensure that developments do not undermine quality of life and are visually attractive with appropriate landscaping and requires that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

11. Policy H1 of the Core Strategy states that in order to protect the character of existing settlements, the Council will resist the intensification of smaller sites within residential areas. Limited infill will however be considered acceptable and will continue to contribute towards housing supply, provided it relates well to the existing street patterns, density and character of the locality. The Council's Supplementary Planning Document 2 (SPD2) for housing design states that for infill development, site frontages shall ordinarily be a minimum of 9.25 metres for detached properties or 15.25 metres for semi-detached pairs or be of such frontage and form compatible with the existing form and character of the area within which they are to be sited. There should also, in all cases, be a minimum distance of 1 metre between habitable rooms and plot boundaries.
12. Policy CP1 of the Core Strategy and Policy DM1 of the Development Management Plan both seek to promote high quality design in new developments that would promote the character of the locality and enhance the local identity of the area. Policy DM3 of the Development Management Plan seeks demonstration that infill development positively addresses existing street patterns and density of locality and whether the number and types of dwellings are appropriate to the locality.
13. The development is one that proposes re-development of the site for an intensified residential purpose. National and local policies encourage the effective use of land. On the basis of the above assessment, the principle of the proposed development is considered acceptable. Other material considerations relating to the acceptability of the development as an infill development, the living conditions of the future and neighbouring occupiers and highways issues are assessed below.
14. In terms of housing need, the Council has an up to date 5-year housing land supply; however, additional windfall sites such as this would add to housing provision in the district.

#### Design and Impact on the Character of the Area

#### Layout, Scale and Appearance

15. Policy CP1 of the Core Strategy and policies DM1 and DM3 of the Development Management Plan are applicable to the consideration of design and layout. The NPPF encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting taking into account matters including architectural style, layout, materials, visual impact and height, scale and bulk. It also states that housing applications should be considered in the context of the presumption in favour of sustainable development. Good design is a key aspect of sustainable development and is indivisible from good planning and the

proposals should contribute positively to making places better for people.

16. The NPPF also advises that planning decisions for proposed housing development should ensure that developments do not undermine quality of life and are visually attractive with appropriate landscaping and requires that permission should be refused for development that is not well-designed.
17. The site layout plan submitted as part of this application is entirely indicative in nature. The redevelopment of a site, especially where it forms a significant part of local character, often disrupts the grain of development and will be considered unacceptable. As previously stated earlier in this report, planning permission has already been granted for one detached 3-bedroomed bungalow. This property had a much larger footprint than the ones shown on the indicative layout plan, which form a part of this current submission. According to previous applications the application site was formerly part of the residential curtilage attributable to No. 125 Bull Lane but has since been segregated off and is currently used as an informal builder's yard and when the case officer conducted his site visit there was the presence of various types of building materials and other detritus. Ordinarily, back land development within this type of setting would be considered unacceptable, however, given that Bracken Dell already runs along the rear of Bull Lane, this would not be out of character for this area. Additionally, by using the cul-de-sac of Bracken Dell to gain access to the proposed dwellinghouses would aid their relationship with the surrounding street scene and would book end views of the street providing a street end of built form as opposed to the present set of gates.
18. The applicants Design and Access Statement and the accompanying plans indicate that there would be ample scope to erect two dwellings at the site that would sit comfortably within the site and respect the building lines of neighbouring properties. Though the indicative plan shows bungalows and the other dwellings are two-storey properties, the size would be comparable to neighbouring dwellings and would not dominate the street. Therefore, whilst the consideration of scale, appearance and layout of the development is reserved, it is considered that there is a reasonable prospect that a development would be able to occur without causing significant harm to the character and appearance of the site and the surrounding area. As this is an application for outline planning permission with all matters reserved, this level of comfort is adequate to not refuse the application.

#### Impact on Residential Amenity

19. Paragraph 135 (f) of the NPPF seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is reflected in Policy DM1, which seeks to ensure that new developments

avoid overlooking, ensuring privacy and promoting visual amenity, and create a positive relationship with existing and nearby buildings. Policy DM3 also requires an assessment of the proposal's impact on residential amenity.

20. Amenity is defined as a set of conditions that one ought reasonably expect to enjoy on an everyday basis. When considering any development subject of a planning application, a Local Planning Authority must give due regard to any significant and demonstrable impacts which would arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.
21. It is considered that the redevelopment of the site for housing within an existing residential area is compatible with the surrounding land uses. The proposal is unlikely to result in significant noise, air or water pollution. A principal consideration in determining this application is its effect upon the residential amenity of adjacent properties.
22. Para 7.1 of the Council's SPD 2 (Housing) states the relationship between new dwellings and existing dwellings in the case of infill developments, is considered to be of particular importance to the maintenance of the appearance and character of residential areas. Policy DM1 inter alia states proposals should avoid overlooking, ensuring privacy and promoting visual amenity; and form a positive relationship with existing and nearby buildings.
23. The application site is neighboured by No. 17 Bracken Dell to the north, Nos. 125 and 125A Bull Lane to the south, No. 123 Bull Lane to the east and No. 127 Bull Lane to the west.
24. As with the above, as the layout, scale and appearance of the development is to be considered under the terms of a reserved matters application and no details of the proposed building are available at this time, it is considered that it is not possible to undertake a fully detailed assessment until the reserved matters are submitted for consideration that will show the design details and position of windows to the building.
25. However, due to the size of the plot, its siting away from neighbouring properties and the positioning of the neighbouring dwellings, it is considered that there is a reasonable prospect that development would be able to occur in a manner that would not cause harm to the amenities of neighbouring residents, subject to suitable attention being made to this matter as the proposal evolves to the next stage. Therefore, it is considered that there is no reason to refuse this application on the grounds of the potential impact on neighbours at this outline stage.

## Access, Parking and Highway Safety

26. Policy DM30 of the Development Management Plan aims to create and maintain an accessible environment, requiring development proposals to provide sufficient parking facilities having regard to the Council's adopted parking standards. The Parking Standards Design and Good Practice guide (2010) states that for dwellings with two or more bedrooms, two off-street car parking spaces are required with dimensions of 5.5m x 2.9m, garage spaces should measure 7m x 3m to be considered usable spaces.
27. The design and access statement confirms that two three-bedroomed bungalows are proposed. The indicative layout plan shows the provision for two car parking spaces within the driveway. Vehicle parking provision would be dealt with in detail by way of a reserved matter submission, should permission be granted. Nevertheless, due to the size of the plot and the indicative information provided, it is considered that there is a reasonable probability that sufficient car parking could be provided at the site. Therefore, there are no objections in terms of car parking at the proposal would comply with Policy DM30.
28. The indicative proposed site plan shows that the existing vehicular access would be utilised but again this detail is indicative. Like vehicle parking, the access is to be dealt with in detail by way of a reserved matters submission, should outline permission be granted. However, it is considered that adequate access that would not result in obstruction of the highway can be provided on site to serve the development.
29. Furthermore, colleagues in Essex County Council Highway Authority have been consulted regarding the application and state "*the proposal includes the subdivision of the site and creation of two new dwellings. A new shared vehicle access and off-street parking are included; However, this is an outline application, and all aspects are considered as indicative... From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority*" subject to the imposition of conditions relating to the vehicular access to be constructed at right angles to the highway boundary, no unbound materials, cycle parking, residents travel information pack, reception and storage of buildings materials and informatives.
30. There is no reason for the Local Planning Authority to take an alternative view. Consequently, it is considered that the proposal subject to the aforementioned conditions complies with the relevant policies contained Development Management Plan and the NPPF, and as such there is insufficient justification to warrant a refusal on parking grounds.



## Private Amenity Space and Landscaping

31. Policy DM3 of the Council's Development Management Plan requires the provision of adequate and usable private amenity space. In addition, the Council's adopted Housing Design SPD advises a suitable garden size of for each type of dwellinghouse. For residential dwellings a minimum garden area of 50m<sup>2</sup> is required for one and two bedroomed dwellings. A garden area of 100 square metres is required for three bedroomed dwellings. This standard may be reduced where the site adjoins a public open space giving easy access to a convenient recreation alternative.
32. Private amenity space issues would be dealt with in detail by way of a reserved matters submission, should permission be granted. However, the development as shown on the indicative plan would provide a garden space measuring some 84m<sup>2</sup> for plot no.1 and 65m<sup>2</sup> for plot no.2. It has been inferred in the Design and Access Statement that the proposal is for two 3 bedroomed dwellinghouses. The case officer notes that a 3 bedroomed property would not comply with the aforementioned policy as the private amenity space for both plots is less 100m<sup>2</sup>. However, if the proposal was for 1 or 2no. bedroomed properties then the proposed development for each plot would comply. As previously indicated, this application is entirely outline and all matters are reserved. The acceptable size in respect of bedrooms etc. can be dealt with should the applicant submit a reserved matters application.

## Drainage

33. Development on sites such as this can generally reduce the permeability of at least part of the site and changes the site's response to rainfall. Advice advocated within the NPPF states that in order to satisfactorily manage flood risk in new developments, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. Therefore, it is considered reasonable to attach a condition to the Decision Notice requiring the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff from the site is sufficiently discharged.

## Flooding

34. According to the Environment Agency's Flood Risk Map the application site is located entirely in Flood Zone 1, where there is the lowest probability of flooding from rivers and the sea and to where development should be directed. As such, the development is compatible with the advice advocated within the NPPF.



## Refuse and Waste Storage

35. The Council operates a 3-bin system per dwelling consisting of a 240l bin for recycle (1100mm high, 740mm deep and 580mm wide), 140l for green and kitchen waste (1100mm high, 555mm deep and 505mm wide) and 180l for residual waste (1100mm high, 755mm deep and 505mm wide). A high-quality development would need to mitigate against the potential for wheelie bins to be sited (without screening or without being housed sensitively) to the frontage of properties which would significantly detract from the quality of a development and subtly undermine the principles of successful place making. The guidance states that wheelie bins are capable of being stored within the rear amenity areas of properties which have enclosed areas but there is a requirement for each dwelling to be located within approximately 20m (drag distance) from any collection point. In this case the rear garden space would provide adequate storage space whilst the drag distance is below 20m which is considered satisfactory.

## Sustainability

36. The Ministerial Statement of the 25<sup>th</sup> March 2015 announced changes to the government's policy relating to technical housing standards. The changes sought to rationalise the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building Regulations on water and access, and a new national space standard.
37. Rochford District Council has existing policies relating to all of the above, namely access (Policy H6 of the Core Strategy), internal space (Policy DM4 of the Development Management Plan) and water efficiency (Policy ENV9 of the Core Strategy) and can therefore require compliance with the new national technical standards, as advised by the Ministerial Statement. Until such a time as existing Policy DM4 is revised, this policy must be applied in light of the Ministerial Statement.
38. All new dwellings are therefore required to comply with the new national space standard as set out in the DCLG Technical housing standards - nationally described space standard March 2015. This application is not supported by an internal layout and would be dealt with in detail by way of a reserved matter submission, should outline permission be granted. Until such a time as existing Policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to water efficiency. Consequently, all new dwellings are required to comply with the national water efficiency standard as set out in part G of the Building Regulations (2010) as amended. A condition is recommended to ensure compliance with this Building Regulation requirement. In light of the Ministerial Statement which advises that planning permissions should not be granted subject to any technical housing standards other than those relating to internal space, water

efficiency and access, the requirement in Policy ENV9 that a specific Code for Sustainable Homes level be achieved and the requirement in Policy H6 that the Lifetime Homes standard be met are now no longer sought.

#### Trees

39. Policy DM25 of the of the Development Management Plan 2014 states that:

*'Development should seek to conserve and enhance existing trees and woodlands, particularly Ancient Woodland. Development which would adversely affect, directly or indirectly, existing trees and/or woodlands will only be permitted if it can be proven that the reasons for the development outweigh the need to retain the feature and that mitigating measures can be provided for, which would reinstate the nature conservation value of the features.'*

*'Where development would result in the unavoidable loss or deterioration of existing trees and/or woodlands, then appropriate mitigation measures should be implemented to offset any detrimental impact through the replacement of equivalent value and/or area as appropriate.'*

40. The case officer noted when he conducted his site visit that located within and around the periphery of the site were numerous trees and shrubs. Additionally, the applicant has submitted an arboricultural report to accompany the planning application. The arboricultural report has been produced by Andrew Day Arboricultural Consultancy and is dated 18<sup>th</sup> April 2024. The report acknowledges that a number of trees etc. will need to be removed to implement this development in particular T4, T7 to T9, which are shown on the accompanying Tree Protection Plan. The author of the report states that these *"are low quality trees whose removal will not have a detrimental impact on wider public amenity"*. It is considered that loss of these trees will be compensated for with new planting of trees and shrubs better suited to the site, which will be conditioned accordingly in the event that planning permission is granted.
41. The Councils Arboricultural Officer has been consulted regarding the planning application and states that *"The tree report seems to have captured the trees that I was able to view and the description and dimensions appear correct"*. He goes on to state he has no objection to the proposal subject to the tree protection plan and method statements as submitted are conditioned.

#### On-site Ecology

42. Policy ENV1 to the Core Strategy advocates the Council will maintain, restore and enhance sites of international, national and local nature

conservation importance, which include Special Protection Areas (SPAs) and Ramsar Sites. This is echoed through Policy DM27 to the Development Management Plan, where proposals should not cause harm to priority species and habitats identified under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. To accompany the planning application a Preliminary Ecological Assessment (PEA) has been produced by ACJ Ecology and is dated March 2024.

43. As previously stated, the application site is relatively large parcel of land, which has a slight slope. The site itself incorporates several trees which are located sporadically around the plot of land. Furthermore, building materials and other detritus is strewn around the site. The submitted report concludes *“The site is not designated for its importance in nature conservation at an international, national, regional, or county level. The site itself and the habitats found on-site are common and widespread throughout the UK, and the habitats are of limited ecological value and only site value”*. The report goes on to enunciate *“Habitats for protected species were evaluated for their likelihood of providing shelter, roosting, foraging, basking and nesting habitat. The likelihood of protected species is negligible, and no further consideration is needed”*. The report makes the following recommendation: -

- Removing suitable habitats must be undertaken outside the bird breeding season. Suppose work during the breeding season is unavoidable. In that case, an inspection will need to be carried out by a suitably experienced ecologist immediately before the start of site clearance to identify whether nests are present. If active nests are found, an exclusion zone will be set up around the nest(s), and work must only continue once the young have fledged.

44. The County Council's Councils (Place Services) Ecological office has been consulted as part of the application and states *“We are satisfied that the Preliminary Ecological Assessment (ACJ Ecology, March 2024) raises no significant issues with regard to protected and priority species or habitats. We support the recommendations with regard to nesting birds but would propose an informative to outline further best practice measures for Hedgehog if the LPA was minded to approve this application”*.

#### Off Site Ecology

45. The application site also falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMs). This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressures.

46. The development for two dwellings falls below the scale at which bespoke advice is given from Natural England. To accord with NE's requirements and standard advice and Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMs) Habitat Regulations Assessment (HRA) record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European Site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment are listed below:

HRA Stage 1: Screening Assessment – Test 1 – the significant test

Is the development within the zone of influence (Zol) for the Essex Cost RAMS?

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for two additional dwellings

Proceed to HRA Stage 2: Appropriate Assessment - Test 2 – the integrity test

Is the proposal for 100 houses + (or equivalent)?

- No

Is the proposal within or directly adjacent to one of the above European designated sites?

- No

47. As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast RAMs requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the above European sites from recreational disturbances, when considered 'in combination' with other development. Natural England does not need to be consulted on this Appropriate Assessment.

48. As competent authority, the local planning authority concludes that the proposal is within the scope of the Essex Coast RAMS as it falls within the 'zone of influence' for likely impacts and is a relevant residential development type. It is anticipated that such development in this area is 'likely to have a significant effect' upon the interest features of the aforementioned designated sites through increased recreational pressure, when considered either alone or in combination. It is

considered that mitigation would, in the form of a financial contribution, be necessary in this case. The required financial contribution has been paid to the Local Planning Authority.

## **CONCLUSION**

49. Approve.

## **CONSULTATIONS AND REPRESENTATIONS (summary of responses):**

Rayleigh Town Council: No comments received.

Essex County Council Place Services Ecology:

We are satisfied that the Preliminary Ecological Assessment (ACJ Ecology, March 2024) raises no significant issues with regard to protected and priority species or habitats. We support the recommendations with regard to nesting birds, but would propose an informative to outline further best practice measures for Hedgehog if the LPA was minded to approve this application.

Essex County Council Highways:

The proposal includes the subdivision of the site and creation of two new dwellings. A new shared vehicle access and off-street parking are included; However, this is an outline application, and all aspects are considered as indicative. From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the imposition of conditions relating to the vehicular access to be constructed at right angles to the highway boundary, no unbound materials, cycle parking, residents travel information pack, reception and storage of buildings materials and informatives.

Rochford District Council Arboricultural Officer:

The tree report seems to have captured the trees that I was able to view, and the description and dimensions appear correct. I would suggest the tree protection plan and method statements are approved documents or conditioned. The trees do not support a preservation order as they are obscured from view to the wider public, their visual amenity value is quiet low.

Anglian Water:

This falls outside of the remit for comments by Anglian Water. The Pre-Development Team provide comments on planning applications (FUL/RM/OUT) for major proposals of 10 dwellings or more, or if an industrial or commercial development, more than 0.5 ha. However, if there are specific drainage issues you would like us to respond to, please contact us outlining the details.

The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout. They can do this by accessing our infrastructure maps on Digdat. Please see our website for further information: <https://www.anglianwater.co.uk/developers/development-services/locating-our-assets/>

Please note that if diverting or crossing over any of our assets permission will be required. Please see our website for further information: <https://www.anglianwater.co.uk/developers/drainage-services/building-over-or-near-our-assets/>

Neighbour representations:

Two letters of representation have been received from the following addresses:

Alexandra Road: 18.  
Bracken Dell: 11.

And which in the main make the following comments and objections:

- Concerns relating to wildlife as I believe that there are bats roosting on the land, or very nearby.
- Any properties built should be in keeping with the existing properties on Bracken Dell. I also consider this development could exacerbate existing parking issues, as it is common practice for sixth formers to park their vehicles in Bracken Dell, during term time.
- I would like to draw your attention to inaccuracies in the design and access statement. Namely, that the properties in Bracken Dell are semi detached and that the properties on Bull Lane are bungalows. In fact, Bracken Dell is a cul de sac consisting of 8 detached properties and the properties in Bull Lane are chalet bungalows
- We will be a next-door neighbour to the new property. Part of the side fence line is currently chain link, protected by trees and bushes. I assume these will be taken down; I would like to know if the chain link fence will be replaced with a 6-foot fence to maintain our privacy. The rear fence is only a 3-foot fence backing on to our current neighbour's back garden. If the planning goes ahead, we will be directly exposed to the new parking places. I would like to know if the fence will be replaced with a 6-foot fence to maintain our security and privacy

### **Relevant Development Plan Policies:**

National Planning Policy Framework (December 2023).

Core Strategy Adopted Version (December 2011) – CP1.

Development Management Plan (December 2014) – DM1, DM3, DM25, DM27, DM30.



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

Supplementary Planning Document 2 (January 2007) – Housing Design.

The Essex Design Guide (2018).

Natural England Standing Advice.

**RECOMMENDATION: APPROVE**

Conditions:

1. No development shall commence before plans and particulars showing precise details of appearance, access, landscaping, layout and scale of the development hereby approved (herein after called the "Reserved Matters") have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

REASON: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable the Local Planning Authority to secure an orderly and well-designed development in accordance with the character of the locality.

2. Application for approval of all "Reserved Matters" referred to in Condition 1 above shall be made to the Local Planning Authority before the expiration of three years from the date of this planning permission. The development hereby permitted shall be begun before the expiration of three years from the date of this permission or two years from the date of the final approval of "Reserved Matters", whichever is the later.

REASON: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended).

3. The development hereby approved shall be carried out in total accordance with the following approved plan entitled/numbered 4075-01-2 Revision A Sheet 2 (Indicative Layout Plan) (as per date stated on plan December 2023) and 4075-01-2 Revision A Sheet 2 (Location Plan) (as per date stated on plan December 2023), except where varied by other conditions of this planning permission.

REASON: For the avoidance of doubt of which plans apply.

4. No works above ground shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to the Local



Planning Authority for approval in writing. The development shall be carried out in accordance with the approved materials.

REASON: In the interest of the character and appearance of the area in accordance with policy DM1 and DM3 of the Development Management Plan and the NPPF.

5. No works above ground shall take place until details of the siting, height, design and materials of the treatment of all boundaries including any existing hedging, gates, fences, walls, railings and piers have been submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be constructed prior to the first occupation of the development to which it relates and be retained as such thereafter.

REASON: In the interest of local amenity in accordance with policy DM1 and DM3 of the Development Management Plan and the NPPF.

6. Any hard landscape works approved pursuant to the submission of the reserved matters shall be carried out as approved prior to the occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority.

Any soft landscaping works approved pursuant to the submission of the reserved matters shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of the development, unless otherwise first agreed in writing by the Local Planning Authority.

If within a period of five years from the date of the planting of any trees or plant, or any tree or plant in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives written consent to any variation.

REASON: To ensure that the details of the development are satisfactory in accordance with Policy DM1 and DM25 of the Development Management Plan.

7. Prior to first occupation of the property, the developer shall provide Electric Vehicle Infrastructure to the following specification:
  - A single Mode 3 compliant Electric Vehicle Charging Point for the property with off road parking. The charging point shall be independently wired to a 30A spur to enable minimum 7kW Fast charging or the best available given the electrical infrastructure.

- Should the infrastructure not be available, written confirmation of such from the electrical supplier shall be submitted to this office prior to discharge.
- Where there is insufficient infrastructure, Mode 2 compliant charging may be deemed acceptable subject to the previous being submitted. The infrastructure shall be maintained and operational in perpetuity.

REASON: To encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable.

8. Prior to the removal of any vegetation or the demolition of buildings between 1st March and 31st August in any year, a detailed survey shall be carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding and fledging is complete. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone taking place.

REASON: To safeguard protected species especially nesting birds.

9. The tree protection plan and arboricultural method statement produced by Andrew Day Arboricultural Consultancy and dated 18<sup>th</sup> April 2024 shall be adhered to in full as part of the demolition, construction and landscaping phase, unless otherwise first agreed to in writing by the Local Planning Authority.

REASON: In the interests of the appearance of the development in the locality.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Class(es) A, B, C, D and E of Part 1 Schedule 2 of the Order shall be carried out.

REASON: To ensure continued control over the extent of further building on the site given the indicative limited garden size.

11. Prior to first occupation of the development and as shown in principle on planning drawing 4075-01-2 rev A. The vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway and at its junction with the highway shall not be less than 4.5 metres and shall be provided with an appropriate dropped kerb vehicular crossing. Full layout details and final width to be agreed with the Highway Authority.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interests of highway safety.

12. 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.

13. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution 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. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

14. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

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

The local Ward Members for the above application are Cllr. Matt O'Leary, Cllr. D. W. Sharp and Cllr. Ms. S. J. Page.

Application No :	24/00233/FUL      Zoning : Hockley Town Centre
Case Officer	Mr John Harrison
Parish :	Hockley Parish Council
Ward :	Hockley
Location :	55 Southend Road Hockley Essex
Proposal :	Construction of first floor extension to provide 7 additional surgeries to existing doctors' surgery.

## **SITE AND PROPOSAL**

1. The site is located the point where commercial town centre uses change to residential properties. The site has no direct access to the public highway. It is located adjacent to the entrance roadway to the public car park on the south side of Southend Road and the pedestrian entrance to the building is onto this roadway. Access to the car park is off Southend Road between a library and two single-storey shop units. The doctors' surgery is a single-storey building immediately behind the two shop units that front Southend Road. There is a private car park for the surgery to the east of it with access off the public car park. The application plans show this will accommodate four cars. There is a day centre with access off the public car park. To the east, fronting onto Southend Road, is a 2/3-storey building constructed about 10 years ago which is divided into 5 flats with a parking/amenity area behind.
2. The surgery is a single-storey building with a roof of unusual design. There are two monopitch roofs which each span just over a third of the width with a "valley" between the existing roof ridges where the roof is flat. The building is brick built.
3. The proposal is to build a first-floor extension which would provide additional surgeries, a waiting area, offices, a meeting room, a staff room and toilets. This would be built over roughly the western two thirds of the ground floor. The roof would be of unusual design. The existing pitched roofed element on the eastern side will be retained. The central section will be flat-roofed. The western section will have a monopitch roof so it will be trapezoidal in section. The ends of the flat-roofed section will be finished in grey timber cladding. The other walls will be rendered and the pitched roof will be zinc clad.

## **RELEVANT PLANNING HISTORY**

4. Application: 85/00548 - ERECT SINGLE STOREY BUILDING FOR USE AS DOCTORS SURGERY. Granted.
5. Application: 05/00723/FUL - SINGLE STOREY EXTENSION TO DOCTORS SURGERY. Granted.

## **MATERIAL PLANNING CONSIDERATIONS**

6. 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.
7. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).

### **Impact on Character**

8. As the site is in a commercial area, albeit on the edge of a residential area, the principle of this development is acceptable. The main issue to be considered in terms of character is the appearance of the proposal. Given the configuration of the building and the need to protect the amenity of the adjacent flats (see below), it would not have been easy to get an acceptable design for the extension. The applicants have resolved the issue in an ingenious way, combining a flat roof and a monopitch roof to give the structure a contemporary design. Policy CP1 of the Council's Core Strategy requires good high-quality design and Policy DM1 of the Council's Development Management Plan states new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding built environment and it is considered this is achieved.

### **Impact on Residential Amenity**

9. The only dwellings to be significantly affected by the proposal are the flats to the east whose rear windows could be affected by the development. The extension is to be located on the western portion of the building, so it is set away from the flats and avoids undue loss of light. Given this and the flats' windows facing almost due south, it is considered the impact is acceptable. Windows in the east elevation of the proposal could potentially overlook the flats' rear car park/amenity area. Most would be high-level, so this would not be an issue, but the window serving the stairs would be full height. It would, however, be reasonable to require this to be obscure glazed with limited opening and a condition to this effect is recommended. Subject to this, the proposal is considered to meet the amenity requirements of Policy DM1.

### **Parking and Traffic Issues**

10. Essex County Council as Highway Authority have not objected to the application, but requested conditions be imposed if permission is

granted. Policy T8 of the Core Strategy and DM30 of the Development Management Plan would normally require parking provision for a proposal such as this, but as there is a public car park adjacent to the site and it is near the centre of Hockley which has good public transport connections, it is considered unreasonable to require this. The County have requested a condition requiring the provision of cycle parking, but none is shown on the plans. The Parking Standards would require one additional space for each new surgery created, plus further spaces for staff, but such provision would result in the loss of some or even all the on-site car parking spaces and it is considered this would be unreasonable. A condition requiring some provision, although this might be literally just one or two spaces, is recommended.

11. Essex County Council Highway Authority have also requested a construction management plan be submitted. It is envisaged that during construction the surgery car park would be used to store building materials, for any site huts and materials, etc. If it is necessary to store any materials, etc. on the car park, the builder would need to negotiate with the District Council as land owner and this could be controlled. Whilst it is possible that lorries delivering materials might sometimes park on the public highway, generally they would drive into the car park to unload as they would have a shorter distance to move the materials. Thus, as lorries are unlikely to unload from the public highway very often unless essential or at the very latter stages of construction, it is considered such a condition would not be reasonable.
12. Another Essex request is a condition about surface water runoff onto the highway. As the site is not adjacent to the highway, it is considered it would not be reasonable to request this.
13. The Parish Council has expressed concern about the access to the surgery. This is directly off the car park entrance road which is not ideal and additional surgeries will result in more people using the entrance. Traffic entering or leaving the car park are unlikely to be travelling at speed, so risks are low. Especially as Essex has not raised a highway objection to the proposal, refusal for this reason would not be justified.

#### Other Issues

14. The site is in Flood Zone 1, the area of the least risk and to where development should be directed so flood risk is not an issue.
15. Also, as the site is fully developed no wildlife issues arise.

#### **CONCLUSION**

16. As the site is located in a commercial and Town Centre area, this development is acceptable in principle. It does not significantly impinge on the rear windows of the adjoining flats. Whilst no provision is made



for car parking, given the site is adjacent to a car park and has good public transport links, this is considered acceptable. Thus, it is recommended that the application be approved.

## **CONSULTATIONS AND REPRESENTATIONS (summary of responses):**

Hockley Parish Council:

Hockley Parish Council are supportive of the proposal and the improved health facilities which will be provided to Hockley residents. Members do have concerns regarding access arrangements to the Health Centre, especially those who walk to the facility, especially those that require a dropped kerb, as there is no footpath and pedestrians are forced to walk in the road which is a safety concern

Neighbour representations: No responses received.

Essex County Council Highways:

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 Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan 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 the construction traffic is managed and 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. Prior to first occupation, the cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times. Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

Informative: • Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the carriageway. • The requirements above shall be imposed by way of negative planning condition or planning obligation with associated legal framework as appropriate. • All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. • The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)



**Relevant Development Plan Policies:**

National Planning Policy Framework (December 2023).

Core Strategy Adopted Version (December 2011) – CP1, T1, T8, CLT4.

Development Management Plan (December 2014) – DM1, DM30.

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

**RECOMMENDATION: APPROVE**

Conditions:

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

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

2. The development shall be carried out in accordance with the plans numbered 23.140/100 and 101 dated March 2024 and 23.140/102 Rev. A. dated April 2024.

REASON: For the avoidance of doubt.

3. No development shall take place on the site apart from the removal of the roof on the western side of the building until a scheme for the provision of covered cycle parking on the site has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the proposed extension and thereafter it shall be permanently retained.

REASON: To ensure the provision of cycle parking.

4. The proposed window serving the stairs in the western elevation shall be glazed with obscure glazing and shall be fitted with restrictor stays to prevent it opening more than 10 cms and it shall be permanently retained in that condition for the duration of the development.

REASON: To protect the privacy of the occupiers of the adjoining property.

Informatives:

- 1 The applicant should be made aware that any departure from the approved plan is likely to result in the development being unauthorised

with the requirement for a further application to be submitted, which will be dealt with on a "without prejudice" basis. Early contact with the planning department where a change is contemplated is strongly advised although even minor changes are likely to require a new application.

- 2 Cadent Gas own and operate the gas infrastructure within the area of the development. Contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) . Alternatively you can register on

[www.beforeyoudig.cadentgas.com](http://www.beforeyoudig.cadentgas.com)

## **REASON FOR DECISION AND STATEMENT**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against the adopted Development Plan and all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area, to the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers in neighbouring streets.

The local Ward Members for the above application are Cllr. A. H. Eves, Cllr. J. R. F. Mason and Cllr. P. Capon.

Application No :	24/00343/REM      Zoning : Metropolitan Green Belt
Case Officer	Mr John Harrison
Parish :	Rochford Parish Council
Ward :	Roche South
Location :	Land Adjacent 15 Southend Road Rochford
Proposal :	Application for reserved matters comprising landscaping and appearance for the erection of storage structures, office and staff coffee/refreshment hut in association with existing business selling fencing and sheds including associated circulation and parking areas pursuant to outline planning permission reference 23/00357/OUT.

## **SITE AND PROPOSAL**

1. The site is a former nursery which had evolved into a garden centre on the east side of Southend Road, Rochford. It is now occupied by a business selling fencing, sheds and similar and related products. The site is L-shaped with the front part which is one arm of the “L” laid out as car park. Beyond that is a single-storey sales building which appears to have been refurbished relatively recently and to the south of this three polytunnels which are used for storage. The rear part of the site which comprises around a third of the site, comprises greenhouses which are in poor condition. Quite a lot of the site is open with some of it being used to display products for sale and some for vehicle circulation purposes.
2. There is a recently preserved London Plane tree located on the corner of the adjoining garden where the site widens. There are other trees and landscaping on the site. There are also a number of trees which impact the site on surrounding land.
3. To the immediate north of the site is an access track leading to land behind and beyond that the “Horse and Groom” public house with its car park behind and behind that what appears to be a disused commercial storage yard. To the south on the neighbouring frontage is a small financial services business and beyond that a detached house, 15 Southend Road. To the rear is nursery land. On the opposite side of the road are the Powell Court flats.
4. The application is a submission of reserved matters following the outline permission, 23/00357/OUT, “Outline submission to erect storage structures, office and staff coffee/refreshment hut in association with existing business selling fencing and sheds including associated circulation and parking areas with appearance and landscaping as reserved matters”. What is proposed in the application

details conforms with what was shown in the outline application. Three buildings are proposed:

- a) A single-storey flat-roofed office building to the north of the existing sales building towards the front of the site. This is rectangular albeit with a corner rounded off, 4.4 metres x 8.45 metres.
- b) A single-storey staff coffee hut, 2.44 metres x 2.4 metres. This would be located in front of the new office.
- c) Three storage buildings towards the rear of the site. These will have an eaves height of 4 metres and an overall height of 5 metres, maximum heights stipulated by a condition on the outline permission. These would each be 12 metres x 15 metres.

The proposal also involves alterations to the layout of the site in terms of providing an access way down the centre of the site and new parking areas.

## **RELEVANT PLANNING HISTORY**

Application No. 661/82 – Erect greenhouse, sales office/store shed and retain existing greenhouse. Granted.

Application No. ROC/337/92 – Outline application for residential use. Refused.

Application No. 92/00289/FUL - Replacement of Existing Greenhouses With Polytunnels (Stage 1). Granted.

Application No. 92/00290/FUL - Replacement of Existing Greenhouses With Polytunnels (Stage 2). Granted.

Application No. 92/00291/FUL - Replacement of Existing Greenhouses With Polytunnels (Stage 3). Granted.

Application No. 92/00292/FUL - Replacement of Existing Greenhouses With Polytunnels (Stage 4). Granted.

Application No. 4/00268/FUL - Variation of Conditions 4 and 7 of Planning Permission ROC/661/82 Relating to the Display and Sale of Goods Application No. Ancillary to the Four Seasons Nursery. Granted.

Application No. 95/00549/OUT - Outline Application to Erect Block of Eight Flats With Associated Car Parking. Erect New Entrance Arch and Parking Area for Nursery. Refused.

Application No. 19/00554/OUT – Outline application for five detached and four semi-detached dwellings (total of Nine), car parking and garaging. Refused.

Application No. 21/00216/FUL - Proposed height increase to existing wall. Granted.

Application No. 23/00357/OUT - Outline submission to erect storage structures, office and staff coffee/refreshment hut in association with existing business selling fencing and sheds including associated circulation and parking areas with all matters reserved. Granted 1<sup>st</sup> February 2024.

## **MATERIAL PLANNING CONSIDERATIONS**

5. 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.
6. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).

### Green Belt considerations

7. As the site is in the Green Belt, the Council's policies GB1, GB2, DM10 and DM12 apply. As this is considered to be previously developed land, policy DM10 is particularly relevant. Paragraph 154 of the National Planning Policy Framework indicates redevelopment of previously developed land is generally only acceptable if it does not have a greater impact on the openness of the Green Belt than the existing development. The report on the outline application included the statement, "The agent has supplied calculations indicating that the volume of existing buildings on the site excluding the polytunnels is 4,836 cu. m. and the volume of buildings after the work has been carried out would be 3,400 cu. m. This is clearly a significant reduction in volume. Impact should not be just assessed in volume terms, however. The existing polytunnels are 4 metres high. It is proposed that the new storage buildings would have an eaves height of 4 metres and a maximum height of 5 metres. A condition to this effect is recommended. The extra height of the storage buildings compared with the green houses would mean they had more impact on the openness of the Green Belt than the existing greenhouses, but it is considered that this greater impact can be justified by the reduction in volume of the buildings, so the Paragraph 154 requirement is met." The size and volumes of the proposed buildings are as shown on the outline application, so the proposal can clearly be seen as acceptable in Green Belt terms.

## Impact on Character

8. The office and coffee hut are relatively small buildings, but prominent as towards the front of the site. The office would have a large window in the front elevation so this would break up its appearance. The coffee hut would be a cube with a serving hatch at the front. Though this is functional in appearance, this sort of building is normally so designed and this is considered acceptable. The storage buildings are further back in the site but larger. They are of normal design for storage buildings and considered acceptable. Policies CP1 and DM1 promote good design and it is considered these policies are met. The applicant has supplied details of the external finishes for the proposed buildings:  
Office building – sargasso blue Plastisol wall sheets, aztek yellow flashings and hidden gutters and pure white window frames.  
Coffee hut – sargasso blue Plastisol wall sheets, aztek yellow flashings and hidden gutters.  
Storage buildings – goosewing grey walls, roof, flashings and hidden gutters and shutters, with aztek yellow building numbers.  
These are considered acceptable in appearance terms.

## Other Issues

9. The site is not particularly close to residential properties, so the proposal will have a very limited impact on them.
10. Parts of the site are within flood zones 2 and 3a. A Flood Risk Assessment was submitted with the outline application and in the light of its advice two conditions were imposed on the outline permission. These are reiterated on this permission.
11. The conditions recommended by Essex County Council as Highway Authority on the outline permission are recommended on this application.
12. A bat survey was submitted with the outline application and this concluded there was no evidence of bats roosting on the site but they might overfly it. The nature of the site is such that it is unlikely to be the habitat of any protected species. The outline permission did not include any conditions relating to wildlife conservation and it would not be possible to impose any on this reserved matter submission.

## CONCLUSION

13. As what is now proposed in detail is what was proposed on the outline application, the proposal must be considered acceptable in Green Belt terms. The proposed new buildings are considered acceptable in appearance terms and there are no other objections to the proposal. Approval is therefore recommended.

## **CONSULTATIONS AND REPRESENTATIONS (summary of responses):**

Rochford Parish Council: No comments received.

Neighbour representations: No comments received.

Southend Airport: No objections.

Rochford District Council Arboriculturalist: Requests tree protection condition.

### **Relevant Development Plan Policies:**

National Planning Policy Framework (December 2023).

Core Strategy Adopted Version (December 2011) – CP1, GB1, GB2, ENV3, T8, ED1.

Development Management Plan (December 2014) – DM1, DM10, DM12, DM25, DM30.

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

### **RECOMMENDATION: APPROVE**

Conditions:

1. The development shall be carried out in accordance with plan numbers 22691 001, 002, 003, 004, 200 Revision P2, 201, 202, 203 Revision P2 and 204 Revision P2 as supplemented by the external finishes schedule received on 24 June 2024.

REASON: For the avoidance of doubt and to clarify the scope of the application considered.

2. Prior to any work taking place on site, including site clearance and demolition, apart from alterations to the vehicular access to the site, a tree protection plan and arboricultural method statement shall be submitted to and approved by the Local Planning Authority. The protection plan and method statement shall be in full accordance with BS5837. The method statement shall include a scheme of arboricultural monitoring of key stages by a competent person for the duration of the build phase to ensure compliance with the tree protection and method statements. The work on site shall be carried out in full compliance with the agreed scheme. A report on the condition of the trees and protection arrangements, including date stamped site photographs, shall be provided to the Local Planning Authority within a week of each visit.



REASON; To ensure the protection of the trees on site and adjacent to the site.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the premises shall only be used for the sale of the following products; fencing, gates, garden buildings, timber, plants, seeds, garden furniture, soil, compost, garden equipment, plant pots and troughs, weed and pest killers, fertilisers, landscaping supplies, wood treatment, aggregates, fixings for these products and do-it-yourself tools excluding tools primarily intended for vehicle repair.

REASON: To limit the nature of sales so the business primarily sells bulky goods as the site is not located in a shopping centre and as the site is in the Green Belt and a flood zone to enable the Council to control possible alternative uses within Class E in the interests of maintaining the openness of the Metropolitan Green Belt and mitigation of flood risk.

4. When the vehicle access is altered, it shall be altered as shown on drawing 102 Rev P5. At each side of the access, footways that connect into the site, shall be provided around the kerbed radii. These shall connect to the existing footways in the highway. The footways shall also include any required relocation of the pram crossings and provision of transitions either side of the access.

REASON: To make adequate provision within the highway for pedestrians in the interest of highway safety.

5. 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.

6. The cycle parking scheme shown on the approved plans shall be provided prior to the first occupation of the proposed buildings and thereafter permanently retained.

REASON: To ensure adequate provision of cycle parking.

7. The parking area shown on the approved plans shall be provided prior to the first occupation of any or the proposed buildings and shall thereafter be permanently retained for the use of staff and customers for the duration of the development.

REASON: In the interests of road safety and the free flow of traffic.

8. Prior to the construction of the proposed buildings above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase shall have been carried out in complete accordance with the scheme as may be approved.

REASON To prevent environmental and amenity problems arising from flooding.

9. The proposed buildings shall be constructed with a ground-floor level of at least 5.67 metres above ordnance datum.

REASON To prevent environmental and amenity problems arising from flooding.

10. Unless alternative arrangements are agreed with the Local Planning Authority, the proposed buildings shall be constructed in accordance with the flood resistance and resilience specification set out on page 41 of the Flood Risk Assessment document submitted with the application.

REASON: To minimise risk of damage from flooding.

Informatives:

1. Cadent Gas own and operate the gas infrastructure within the area of your development. Contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring all their requirements are fully adhered to. Email [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) . Alternatively you can register on [www.beforeyoudig.cadentgas.com](http://www.beforeyoudig.cadentgas.com).
2. All highway works to be provided shall be provided entirely at the developer's expense and full details shall be agreed in writing with the Highway Authority prior to commencement of any highway works.
3. Arrangements should be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the carriageway.
4. The applicants should be advised to contact the Essex County Council Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)
5. 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. Contact Development Services Team 0345 606 6087.

6. 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.

7. 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. Please contact Development Services Team on 0345 606 6087. 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.

8. Parts of the site are in Flood Risk Zones 2 and 3a. Not all recommendations in the Flood Risk Assessment have been made into planning conditions because of difficulty in enforceability or for other reasons, e.g. the need for the business owner to sign up for flood alerts and to have an evacuation plan. Nevertheless, it is considered appropriate to draw these to your attention.

The local Ward Members for the above application are Cllr. Angelina Marriott, Cllr. M. J. Steptoe and Cllr. A. L. Williams.

Application No :	24/00150/FUL      Zoning : Joint Area Action Plan
Case Officer	Mrs Elizabeth Milne
Parish :	Rochford Parish Council
Ward :	Roche South
Location :	Cherry Orchard Brickworks Cherry Orchard Lane Rochford
Proposal :	Variation of condition no 34 (to allow for development to commence prior to approval of required instrument flight procedure assessment) pursuant to reserved matters approval reference 23/00248/REM relating to the layout, landscaping, scale, appearance and access (internal) for the development of 32no. over 55s retirement apartments, 22no. over 55s dwellinghouses, 9no. over 55s bungalows, 30no. assisted living apartments, 34no. sheltered apartments, 93 Bed Care Home Units, a GP surgery (105m <sup>2</sup> ), convenience store (200m <sup>2</sup> ) and commercial units (700m <sup>2</sup> ) pursuant to outline planning consent reference 17/00877/OUT.

## **SITE AND PROPOSAL**

1. The parcel of land to which this application relates is located on the eastern side of Cherry Orchard Lane and to the north of Airport Business Park Southend (ABPS). The site wraps around a row of terraced dwellings which front Cherry Orchard Lane (Nos 1 – 8) and extends northwards to the southern bank of Nobles Green Brook, a tributary of the River Roach. Beyond the site to the north is Ashingdon Football Club.
2. The site was previously a former brickworks with various planning consents relating to this use granted by Essex County Council as the Waste and Minerals Planning Authority. Use of the site as a brickworks ceased many years ago and the site now has consent for the development of 32No. over 55s retirement apartments, 22No. over 55s dwellinghouses, 9No. over 55s bungalows, 30No. assisted living apartments, 34No. sheltered apartments, 93 Bed Care Home Unit, a GP surgery (105m<sup>2</sup>), convenience store (200m<sup>2</sup>) and commercial units (700m<sup>2</sup>) under application 23/00248/REM pursuant to outline planning consent reference 17/00877/OUT.
3. Planning permission is sought for the variation of condition 34 of the reserved matters application 23/00248/REM to allow for infrastructure and ground works to commence prior to approval of the required flight procedure assessment. The application has been submitted under the provisions of Section 73 of the Town and County Planning Act 1990 as

amended. Condition 34 of the planning consent reads as follows:

Prior to construction of the development hereby permitted, a third party instrument flight procedure assessment shall be submitted to and agreed in writing by the local planning authority. The development shall be constructed in complete accordance with those details agreed and maintained in the agreed form thereafter.

REASON: In the interests of safeguarding Southend Airport.

4. The Applicant seeks to amend condition 34 such that whilst the third party flight procedure assessment is being prepared and until such time that it is approved, infrastructure and ground works can commence. The applicant has therefore proposed that the condition be revised to restrict development above slab level prior to receipt and approval of the flight procedure assessment, as opposed to a pre-commencement condition.

#### **RELEVANT PLANNING HISTORY**

5. Application No. 00/00087/OUT – Outline application for residential development – Refused.
6. Application No. 17/00850/OUT – Outline application with some matters reserved for proposed business park consisting of B1, A3, D1 and D2 uses, access road, parking and landscaping. Access (to the site) only for consideration at the outline stage – Permitted.
7. Application No. 17/00877/OUT - outline application with some matters reserved for a proposed retirement village consisting of 32 No. Over 55's apartments, 22 No. Over 55's dwelling houses and 9 No. Over 55's bungalows, 30 No. Assisted living apartments, 35 No. Sheltered apartments and a 93-bed care home, 903 sqm of A1 space, 397 sqm of A3 space, 1974 sqm of B1 space, 890 sqm of D1 space and 197 parking spaces. Access to the site is the only reserved matter for consideration at the outline stage – Refused, allowed at appeal 5th November 2021.
8. Application No. 20/00913/OUT – Outline application with all matters reserved but for access for a proposed retirement village and related mixed use development – Refused 18th June 2021.
9. Application No. 23/00248/REM - Application for approval of details (reserved matters) relating to layout, landscaping, scale, appearance and access (internal) for the development of 32No. over 55s retirement apartments, 22No. over 55s dwellinghouses, 9No. over 55s bungalows, 30No. assisted living apartments, 34No. sheltered apartments, 93 Bed Care Home Unit, a GP surgery (105m2), convenience store (200m2) and commercial units (700m2) pursuant to outline planning consent reference 17/00877/OUT. Approved 27<sup>th</sup> November 2023.

## MATERIAL PLANNING CONSIDERATIONS

### Principle of the Development

10. The outline planning permission (ref: 17/00877/OUT) established the acceptability of the principle and quantum of the development proposed. The reserved matters planning permission (ref: 23/00248/REM) established the acceptability of the appearance, layout, access, scale and landscaping of the development.
11. 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.
12. 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 Southend Airport and Environs Joint Area Action Plan (2014).
13. The application site is within close proximity to Southend Airport. The proposed buildings would be slightly greater in height than those approved at APBS and would be unequivocally greater in height than the existing terraced dwellings to the west of the application site. Southend Airport were consulted on the reserved matters planning application and recommended that a third party instrument flight procedure assessment be submitted. This was subsequently included on the list of conditions as a pre-commencement condition.
14. This application seeks a variation to that condition (condition No. 34 of application No. 23/00248/REM) to allow for some infrastructure and ground works to take place until such time that a flight procedure assessment has been submitted to and approved by the Local Planning Authority. Southend Airport were consulted on this application and stated that the proposed development would conflict with their safeguarding criteria unless a number of conditions were added to the consent. These include:
  - No construction to take place above ground
  - No Lifting equipment / cranes / piling rigs / tall construction equipment to be used
  - No accommodation required for site i.e. cabins / welfare to be any taller than surrounding structures
  - Site lighting to be mounted horizontally
  - Bird Activity on site to be monitored and managed so as not to cause a hazard to aircraft



15. It is therefore proposed that condition 34 is varied and replaced with two conditions (34a and 34b) which incorporate the above criteria whilst allowing for development to commence which would not conflict with safeguarding criteria prior to approval of a flight procedure assessment. These are as follows:

34. a) During works to undertake the development hereby permitted up to ground floor slab level, no accommodation (such as cabins/welfare) shall be brought to, or erected on the site, which are taller than surrounding structures located on the airport side of the development, and site lighting shall be mounted horizontally and shall not be taller than surrounding structures located on the airport side of the development.

REASON: In the interests of safeguarding London Southend Airport.

34. b) Prior to the construction of the development hereby permitted above ground floor slab level, including the use of lifting equipment/cranes/piling rigs/tall construction equipment, third party instrument flight procedure assessments shall be submitted to and agreed in writing by the local planning authority. The development shall be constructed in complete accordance with those details agreed and maintained in the agreed form thereafter for the duration of the development.

REASON: In the interests of safeguarding London Southend Airport.

#### Other Considerations

16. It is worth noting which conditions of the reserved matters application would still apply. At the time of writing this report none of the conditions attached to reserved matters application 23/00248/REM have been discharged and all remain relevant to this application.
17. There is a pending application to discharge conditions 12, 30, 32 and 36 (application No. 24/00362/DOC), however as this application is yet to be determined these conditions are still relevant to this application.
18. The decision notice would reflect the conditions outlined above as well as the amendment to condition 34 detailed within the report.

#### **CONCLUSION**

APPROVE subject to conditions.

#### **CONSULTATIONS AND REPRESENTATIONS (summary of responses):**

London Southend Airport:

Our calculations show that, the proposed development would conflict with safeguarding criteria unless any planning permission granted is subject to the following conditions:

- No construction to take place above ground
- No Lifting equipment / cranes / piling rigs / tall construction equipment to be used
- No accommodation required for site i.e cabins / welfare to be any taller than surrounding structures
- Site lighting to be mounted horizontally
- Bird Activity on site to be monitored and managed so as not to cause a hazard to aircraft

We will therefore need to object to these proposals unless the above mentioned condition/s is / are applied to any planning permission.

**Relevant Development Plan Policies:**

National Planning Policy Framework (December 2023).

Core Strategy Adopted Version (December 2011).

Development Management Plan (December 2014).

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

Supplementary Planning Document 2 (January 2007) – Housing Design.

The Essex Design Guide (2018).

**RECOMMENDATION: APPROVE**

Conditions:

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

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

2. The developed hereby approved shall be constructed in accordance with the following approved plans:-

- 001 REV P2 – Location Plan
- 002 REV P2 – Existing Site Plan
- 200 REV P12 – Proposed site Plan
- 202 REV P6 – Proposed Parking Plan

207 REV P1 – Levels Plan  
260 REV P4 – Care Home Proposed Basement Plan  
261 REV P3 – Care Home Proposed Ground Floor Plan  
262 REV P2 – Care Home Proposed First Floor Plan  
263 REV P2 – Care Home Proposed Second Floor Plan  
264 REV P3 – Care Home Proposed Third Floor Plan  
265 REV P3 – Care Home Proposed Roof Plan  
266 REV P3 – Care Home Proposed Elevations 1 of 4  
267 REV P3 - Care Home Proposed Elevations 2 of 4  
268 REV P2 – Care home Proposed Elevations 3 of 4  
269 REV P3 – Care Home Proposed Elevations 4 of 4  
290 – Care Home Proposed Sub-station  
291 REV P2 – Care Home Proposed Bin Store  
210 REV P1 – Band Stand Plan and Elevations  
233.1 REV P2 – Proposed Elevations Block 1  
233.2 REV P3 – Proposed Elevations Block 2  
233.3 REV P3 – Proposed Elevation Block 3  
233.4 REV P3 – Proposed Elevations Block 4  
233.5 REV P3 – Proposed Elevations Block 5  
234.1 REV P2 – Proposed Ground Floor Plan Block 1  
234.2 REV P2 – Proposed First Floor Plan Block 1  
234.3 REV P2 – Proposed Second and Third Floor Plan Block 1  
234.4 REV P1 – Proposed Roof Plan Block 1  
234.B REV P3 – Proposed Basement Plan  
235.1 REV P3 – Proposed Ground Floor Plan Block 2  
235.2 REV P2 – Proposed First Floor Plan Block 2  
235.3 REV P2 – Proposed Second and Third Plan Block 2  
235.4 REV P1 – Proposed Roof Plan Block 2  
236.1 REV P3 – Proposed Ground Floor Plan Block 3  
236.2 REV P2 – Proposed First Floor Plan Block 3  
236.3 REV P2 – Proposed Second and Third Floor Plan Block 3  
236.4 REV P1 – Proposed roof Plan  
237.1 REV P4 – Proposed Ground Floor Plan Block 4  
237.2 REV P2 – Proposed First Floor Plan  
237.3 REV P2 – Proposed Second and Third Floor Plan Block 4  
237.4 REV P1 – Proposed Roof Plan Block 4  
238.1 REV P2 – Proposed Ground Floor Plan Block 5  
238.2 REV P2 – Proposed First Floor Plan Block 5  
238.3 REV P2 – Proposed Second and Third Floor Plan Block 5  
238.4 REV P2 – Proposed Roof Floor Plan Block 5  
238.5 REV P1 – Proposed Roof Plan Block 5  
239.1 REV P1 – Proposed Front Link Elevation  
239.2 REV P1 – Proposed Side Link Elevation  
239 REV P1 – Proposed Rear Link Elevation  
270 REV P2 – Housing Proposed Floor Plans and Elevations  
271 REV P3 – End Housing Proposed Floor Plans and Elevations  
272 REV P2 – Detached Bungalow Proposed Floor Plans and Elevations  
273 REV P2 – Terraced Bungalows Proposed Floor Plans and Elevations  
274 REV P1 – End Housing Proposed Floor Plans and Elevations  
275.A REV P1 – Housing Proposed Alternative Floor Plans and Elevations

275 REV P1 – Housing Proposed Floor Plans and Elevations

276 REV P1 – Bin and Cycle Store Bungalows

REASON: In the interests of clarity.

3. Prior to the first use of the external materials to be used for the finish of the mixed use blocks and the care home, a detailed materials schedule which clearly depicts the external materials proposed to be used in the development and the exact location of each material, shall be submitted to and agreed in writing by the local planning authority. The materials schedule for the care home shall detail additional materials to the courtyard facing elevations (depicted in drawing no. 268 REV P2 and 269 REV P3). The development shall be carried out in accordance with the agreed details and maintained in perpetuity.

REASON: To ensure the external appearance of the development is appropriate to the locality, the resultant buildings and promotes high quality design in accordance with Policy DM1 and DM3 of the Development Management Plan and the NPPF.

4. Notwithstanding the external materials indicated on drawing no. 233.5 REV P3, the roof access structures shall be finished in a thermos-glass material, details of which shall be submitted to and agreed in writing with the Local Planning Authority, (unless otherwise agreed in writing) and maintained as such in perpetuity.

REASON: To ensure the external appearance of the development is appropriate to the locality, the resultant building and promotes high quality design in accordance with Policy DM1 and DM3 of the Development Management Plan and the NPPF.

5. The external materials of the dwellings and bungalows depicted in drawing nos. 270 REV P2; 271 REV P3; 272 REV P3; 273 REV P2; 274 REV P1; 275.A REV P1; 275 REV P1; 276 REV P1, shall be constructed of the materials and finishes as detailed in those drawings and the materials schedule labelled 650 REV P2 and dated October 2023, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure the external appearance of the development is appropriate to the locality, the resultant buildings and promotes high quality design in accordance with Policy DM1 and DM3 of the Development Management Plan and the NPPF.

6. Prior to the first use of the external materials to be used in the finish of the substation and bin stores depicted in drawing nos. 290; 291 REV P2; 276 REV P1, details of the external materials to be used on these buildings shall be submitted to and agreed in writing by the local planning authority. The external materials shall include green roofs to each of the buildings. Such materials agreed, shall be those used in the finish of the substation and bin stores hereby permitted and be retained in the agreed form.

REASON: To ensure the external appearance of the development is appropriate to the locality, the resultant buildings and promotes high quality design in accordance with Policy DM1 and DM3 of the Development Management Plan and the NPPF.

7. The communal lounges depicted in drawing nos. 234.1 REV P2; 234.2 REV P2; 235.1 REV P3; 235.2 REV P2; 236.1 REV P3; 237.1 REV P4 shall be used for the sole purpose as a communal lounge and shall not be used for another purpose at any time.

REASON: To provide communal spaces for the health and well-being of the future residents for the long term.

8. Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Classes A, D and E (as amended), no extension shall be erected to any dwelling hereby approved or outbuilding constructed which would reduce the size of the approved parking spaces (or otherwise impede the ability of vehicles to park on the parking spaces) as shown on the approved layout plan Drawing Number 202 REV P6. The car parking spaces as shown on this aforementioned plan shall be maintained in their approved form in perpetuity.

REASON: To prevent excessive on-street parking in the interests of highway and pedestrian safety in accordance with policy DM30 of the Development Management Plan 2014.

9. Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Classes A, D and E (as amended), no extension shall be erected to any dwelling hereby approved or outbuilding constructed within the garden areas to plots 2, 20, 21, 22, 23, 24, 25, 26 and 27 as shown on the approved layout plan Drawing Number 202 REV P6. The garden areas to these plots as shown on this aforementioned plan shall be maintained in their approved form in perpetuity.

REASON: In the interests of ensuring sufficient garden space would remain for each dwelling/bungalow where these plots are already undersized in accordance with Policy DM1 of the Development Management Plan 2014.

10. Prior to first occupation of the two-storey dwellings depicted in drawing nos. 270 REV P2, 271 REV P3, 275.A REV P1 and 275 REV P1, obscure glazed high level (1.8m) privacy screening shall be installed to the side boundaries of all balconies. Thereafter the screening shall be maintained in perpetuity.

REASON: In the interests of preserving the residential amenity of the future occupiers of the dwellings in accordance with Policy DM1 of the Development Management Plan 2014.

11. Prior to first occupation of the units numbered S12, S13, S14, S15, S16, S17, S29, S30, S31, S32, S33, S34, A13, A14, A15, A16, A17, A18, R4, R5, R6, R7, R8, R9, R27, R28, R29, R30, R31 and R32, the windows marked as 'OBS' on drawing nos. 234.2 REV P2; 234.3 REV P2; 235.2 REV P2; 235.3 REV P2; 236.2 REV P2; 236.3 REV P2; 237.2 REV P2; 237.3 REV P2; 238.2 REV P2; 238.3 REV P2 shall be glazed in obscure glass and shall be of a design not capable of opening below a height of 1.7m from the finished floor level and maintained as such in perpetuity.

REASON: In the interests of preserving the residential amenity of the future occupiers of the apartments opposite in accordance with Policy DM1 of the Development Management Plan 2014.

12. Prior to the construction of any phase of the development hereby approved, a noise assessment including details of any mitigation identified as necessary, shall be submitted to the local planning authority and agreed in writing. The development shall be carried out in complete accordance with any recommendations and mitigation detailed within the agreed noise assessment. The agreed mitigation shall be installed prior to first occupation of the development and maintained in perpetuity.

REASON: In the interests of the residential amenity of the future occupiers of the site with regards to the nearby commercial allocated sites and other noise producing infrastructure in accordance with Policy DM1 of the Development Management Plan 2014.

13. Notwithstanding the parameters of the Town and Country Planning (Use Classes) Order 1987 (as amended), the commercial units depicted in the drawings hereby approved shall operate as follows:

- Block 1 – convenience food store and GP surgery
  - Block 2 - within use classes E(a) and F1(b, c and d)
  - Block 3 – within use classes E(a) and F1(b, c and d)
  - Block 4 – within use classes E(a), E(b), E(e) and F1(b, c and d)
- and shall not at any time be used for any other purpose.

REASON: In the interests of residential amenity, promoting active frontages and due to inadequate refuse storage for the other use classes permitted by the outline consent in accordance with Policy DM1 of the Development Management Plan.

14. Prior to the first use of commercial space for use class E(b), a ventilation and extraction report shall be submitted to and agreed in writing by the local planning authority. The use of the commercial space for E(b), shall be carried out in accordance with any mitigation as may be agreed and maintained for the lifetime of that use.

REASON: To prevent the use of the commercial unit within block 4 as E(b) from causing undue smells upon nearby residents.



15. Prior to first use of the commercial units depicted in drawing nos. 234.1 REV P2; 235.1 REV P3; 236.1 REV P3; 237.1 REV P4, the hours of operation for each use shall be submitted to and agreed in writing by the local planning authority. Each commercial use shall be carried out in accordance with the operation hours agreed thereafter unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of the residential amenity of the future occupiers of the mixed use blocks in accordance with Policy DM1 of the Development Management Plan 2014.

16. Prior to first occupation, plans and particulars showing precise details of the soft landscaping, boundary treatment and utilities which shall form part of the development hereby permitted, shall be 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 shall be in accordance with the landscaping principles established in drawing nos. 200 REV P12 and 2741-LLA-ZZ-GF-DR-L-0001-P03 and shall include details of:

- schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;
- planting methods of the trees to be planted, including the use of structural soil cell systems as necessary;
- existing trees to be retained;
- areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
- means of enclosure and other boundary treatments;
- minor artifacts and structures (including street furniture);
- existing and proposed functional services above and below ground level (eg. drainage, power and communication cables, pipelines, together with positions of lines, supports, manholes etc);

The soft landscaping, boundary treatment and utilities shall be implemented in its entirety during the first planting season (October to March inclusive) following commencement of the development, or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

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

17. Prior to first occupation of the development hereby permitted, a landscape management plan which details the maintenance and management of the soft landscaping agreed by condition 16, (including the management of green

roofs, hedgerows with restricted heights and amenity spaces) and the hard landscaping agreed by condition 20, shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the landscape management plan agreed in perpetuity.

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

18. The hedgerows located along the rear and side boundaries of the dwellings hereby permitted (plots 1 to 22 depicted on drawing no. 200 REV P12) and the southern and eastern boundaries of the care home hereby permitted (depicted on drawing no. 200 REV P12) shall be maintained at a height no greater than 1 metre in perpetuity.

REASON: To enable the local planning authority to retain adequate control over the passive surveillance and overlooking of public footpaths, in the interests of pedestrian safety.

19. Prior to first occupation of the development hereby permitted, a lighting strategy, including all lighting within public and private spaces and taking into consideration any requirements of condition 34, shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in complete accordance with the lighting strategy agreed and maintained in perpetuity.

REASON: To ensure sufficient lighting is installed on site, in the interests of safety and security.

20. Prior to the laying of any hard-surfaces, the finish of all hard-surfaced areas including the demarcation of parking spaces for each use and the edge detailing which separates different hard-surface materials, shall be submitted to and agreed in writing by the local planning authority. The hard-surfaced areas shall be constructed in accordance with the details agreed prior to first occupation of the site and maintained in perpetuity.

REASON: In the interests of visual amenity and highway safety, in accordance with Policy DM1 of the Development Management Plan 2014 and the NPPF.

21. Prior to first use of the footpaths within the site, signage to indicate the footpath and cycle paths through the site shall be submitted to and agreed in writing by the local planning authority. The agreed signage shall be installed prior to first use of the footpaths/cycle paths and maintained in perpetuity.

REASON: In the interests of highway safety and promoting safe cycle routes through the site.

22. Prior to first occupation of the development hereby permitted, a waste collection and presentation strategy shall be submitted to and agreed in writing by the local planning authority. The waste collection and presentation

of the development shall be carried out in accordance with the agreed strategy in perpetuity.

REASON: To allow for the local planning authority to retain adequate control over the appearance of the street scene and to reduce street scene clutter and to ensure efficient and effective collection of waste from the development in accordance with policy DM1 and Appendix 1 of the Development Management Plan 2014.

23. The waste storage facilities for the mixed use blocks (depicted in drawing nos. 234.1 REV P2; 235.1 REV P3; 236.1 REV P3; 277.1 REV P4 and 238.1 REV P2), the care home (depicted in drawing nos. 260 REV P4 and 291 REV P2) and the bungalows (depicted in drawing nos. 276 REV P1) shall be provided prior to first occupation and maintained in perpetuity.

REASON: To ensure the residential and commercial uses are provided with sufficient waste and refuse storage, in accordance with Policy DM1 of the Development Management Plan 2014.

24. Prior to first use of each commercial unit (including the GP surgery and convenience store), a management plan for the loading/unloading bays shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the management plan agreed.

REASON: In the interest of highway safety and ensuring that commercial vehicles would not obstruct the carriageway.

25. Prior to their installation, details of 8 cycle parking spaces to serve the approved assisted living and sheltered apartments shall be submitted to and agreed in writing by the local planning authority. The cycle spaces shall be provided in accordance with the agreed details prior to first occupation of the assisted living or sheltered apartments.

REASON: To ensure the development would accord with EPOA Parking Standards and to promote sustainable transport. Page 9 of 12 23/00248/REM

26. Prior to their installation, details of cycle parking spaces to serve the commercial units shall be submitted to and agreed in writing by the local planning authority in accordance with the Parking Standards SPD. The cycle spaces shall be provided in accordance with the agreed details prior to first use of the commercial units.

REASON: To ensure the development would accord with EPOA Parking Standards and to promote sustainable transport.

27. Prior to their installation, details of cycle parking spaces to serve the care home shall be submitted to and agreed in writing by the local planning authority in accordance with the Parking Standards SPD. The cycle spaces

shall be provided in accordance with the agreed details prior to first occupation of the care home.

REASON: To ensure the development would accord with EPOA Parking Standards and to promote sustainable transport.

28. The cycle parking and mobility scooter facilities as shown on drawing nos. 276 REV P1; 270 REV P2; 271 REV P3; 275.A REV P2; 275 REV P1; 234.1 REV P2; 235.1 REV P3; 236.1 REV P3; 277.1 REV P4; 238.1 REV P2 (including provision for one further cycle within the cycle store serving the bungalows) shall be provided prior to first occupation of the development and maintained thereafter.

REASON: To ensure the development would accord with EPOA Parking Standards and to promote sustainable transport.

29. Prior to installation of the parking spaces serving the care home, a plan showing the siting of 3 powered two wheeler spaces to serve the care home shall be submitted to and agreed in writing with the Local Planning Authority. Once agreed these shall be implemented on site and retained in perpetuity.

REASON: To ensure sufficient parking spaces for powered two wheelers are provided at the site, in accordance with the requirements of the Parking Standards SPD.

30. Prior to development, the areas within the site identified for the purpose of loading/unloading/reception and storage of materials and manoeuvring associated with the proposal shall be provided clear of the highway and retained at all times during the construction process for that sole purpose.

REASON: To ensure that appropriate loading / unloading facilities are available in the interest of highway safety.

31. The proposed development shall not be occupied until such time as the vehicle parking area indicated on drawing nos. 202 REV P6 and 234.B REV P3, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning areas shall be maintained 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.

32. Prior to commencement of the development hereby permitted, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

33. Prior to first occupation of the development hereby permitted, a wildlife sensitive lighting design scheme shall be submitted to and approved in writing by the local planning authority. The strategy shall have regard for those details required by condition 19 and shall:

- a) identify those areas/features on site that are particularly sensitive bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

34. a) During works to undertake the development hereby permitted up to ground floor slab level, no accommodation (such as cabins/welfare) shall be brought to, or erected on the site, which are taller than surrounding structures located on the airport side of the development, and site lighting shall be mounted horizontally and shall not be taller than surrounding structures located on the airport side of the development.

REASON: In the interests of safeguarding London Southend Airport.

34. b) Prior to the construction of the development hereby permitted above ground floor slab level, including the use of lifting equipment/cranes/piling rigs/tall construction equipment, third party instrument flight procedure assessments shall be submitted to and agreed in writing by the local planning authority. The development shall be constructed in complete accordance with those details agreed and maintained in the agreed form thereafter for the duration of the development.

REASON: In the interests of safeguarding London Southend Airport.

35. The guest rooms depicted in drawing nos. 235.1 REV P3 and 236.1 REV P3 shall be used for this sole purpose and shall not at any time be used as a permanent residential unit.

REASON: To ensure the development accords with the parameters of the outline consent.

36. Prior to works commencing to construct the development hereby approved, existing and proposed land level plans including existing and proposed sections shall be submitted to and agreed in writing with the Local Planning Authority. Once agreed, these plans shall be adhered to.

REASON: To ensure that acceptable land levels are provided at the site in the interests of visual amenity and ensuring acceptable relationships with neighbouring properties in accordance with policy DM1 of the Development Management Plan 2014

INFORMATIVE:

The developer/crane operator will need to apply to the Aerodrome (i.e London Southend Airport) for a permit for the use of lifting equipment/cranes/piling rigs/tall construction equipment to be used prior to their use on site, under regulations CAP1096 / CAP785 of the Civil Aviation Authority. These will be safeguarded which may require third party assessments to be completed.

The local Ward Members for the above application are Cllr. Angelina Marriott, Cllr. M. J. Steptoe, Cllr. A. L. Williams.