

**20/00752/FUL****LAND REAR OF 8 ST JOHNS ROAD, GREAT WAKERING  
DEMOLITION OF EXISTING BUILDINGS AND ERECTION  
OF TWO BUILDINGS TO PROVIDE 4 NO. 1-BED FLATS  
WITH ASSOCIATED PARKING AND AMENITY SPACE**

**APPLICANT: PRESTIGE PETS – MS NATALIE ELLIS**  
**ZONING: RESIDENTIAL**  
**PARISH: GREAT WAKERING PARISH COUNCIL**  
**WARD: FOULNESS AND THE WAKERINGS**

**1 UPDATE**

- 1.1 This application was considered at a meeting of the Development Committee on 19 November 2020 where the Committee resolved to defer the application in order that legal advice could be sought in relation to a possible reason for refusal of the application relating to a lack of visitor car parking, not in accordance with the Council's adopted parking standard.
- 1.2 Legal advice has been sought and is appended to this report. The advice concludes that '...a decision to refuse planning permission on grounds of the shortfall in parking is not defensible unless new and or materially different circumstances have become evident since the previous decision.'
- 1.3 Objection to the application was received from occupants of properties in the vicinity of the site which refer to existing parking problems in the locality. Similar concerns were raised in relation to the previous application which the inspector considered in their determination of the appeal against the previous scheme. It is acknowledged that there is existing on street parking stress in the locality of the application site; however, it is considered that there has not been any evidenced material change in on street parking circumstances in the locality compared to that which the inspector considered.
- 1.4 Without clear evidence that the existing parking situation has changed materially the legal advice is that there would be no reason why the previous appeal decision on the issue of parking should not be followed. The legal advice goes on to conclude that '...In the absence of such reasons, the refusal of permission by the Council would be unreasonable and cannot be

defended on appeal. Costs of the appeal would be likely to be awarded against the Council.'

- 1.5 The Council may disagree with the conclusion of the inspector in relation to whether the appeal proposal was acceptable with regard to provision of on site parking; however, it is the role of an inspector to reach a view in relation to this matter taking account of relevant planning policy and guidance. The current application proposes one less dwelling than the appeal scheme such that the shortfall in visitor parking (according to the adopted parking standard) would be one space rather than the shortfall of two spaces in the appeal scheme; the current proposal would therefore be likely to impact less on the existing on street parking situation in the locality.
- 1.6 Given the legal advice received, it is concluded again that in the absence of an evidenced change in circumstances relating to the existing on street parking situation in the locality, the proposed level of on site parking provision should be considered acceptable and the recommendation is therefore one of approval, as set out in the report below.
- 1.7 The only change to the report below relates to condition 9, which has been amended to require obscure glazing to both side facing windows to the proposed building that would be sited adjacent to the eastern boundary of the site; this update was also given verbally to the Committee on 19 November in the officer presentation.

### **RECOMMENDATION**

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

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

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- (2) The development hereby approved shall be carried out in accordance with the approved plans:  
  
Drawing Numbers 1715:06b, 1715:08b, 1715:07b and Location Plan.
- (3) No development, save for the demolition as approved, shall commence before details of all external facing (including windows and doors) and roofing materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Such materials as may be agreed in writing by the Local Planning Authority, shall be those used in the development hereby permitted.
- (4) No development shall commence before plans and particulars showing precise details of the hard and soft landscaping, which shall form part of the development hereby permitted, have been agreed in writing by

the Local Planning Authority. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority shall show the retention of existing trees, shrubs and hedgerows on the site and include details of:

- schedules of species, size, density and spacing of all trees (with proximity of any new trees planting to take account of possible shading of neighbouring gardens), shrubs and hedgerows to be planted;
- areas to be grass seeded or turfed;
- paved or otherwise hard surfaced areas;
- existing and finished levels shown as contours with cross-sections if appropriate; and
- means of enclosure and other boundary treatments;

The landscaping scheme as agreed 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.

- (5) Prior to first occupation of any of the flats hereby approved the access driveway and vehicle turning area shown between the two buildings on the approved block plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for the sole purpose for the turning of vehicles.
- (6) The on site parking spaces to be provided integrally to each building as shown on the approved plans shall be provided prior to first occupation at the site and maintained for the sole use for parking of vehicles in perpetuity. The car ports shall all remain open to the front and shall not be enclosed by any doors or other enclosures in perpetuity.
- (7) No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i. the parking of vehicles of site operatives and visitors
  - ii loading and unloading of plant and materials
  - iii storage of plant and materials used in constructing the development
  - iv. wheel and underbody washing facilities

- (8) Prior to first occupation of the proposed dwellings the developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. One pack per dwelling.
- (9) The window(s) marked OBS on the approved drawing(s) in addition to the windows proposed to the northern and southern side elevations of the building hereby approved and sited adjacent to the eastern site boundary, shall be glazed in obscure glass and shall be of a design not capable of being opened below a height of 1.7m above finished floor level. Thereafter, the said windows shall be retained and maintained in the approved form.
- (10) The windows at ground floor level in the rear (eastern) elevation of the building hereby approved to be sited towards the eastern boundary of the site shall be obscure glazed and non-opening below a height of 1.7 metres above finished floor level and maintained in this form in perpetuity unless the boundary treatment along the eastern boundary adjacent to the window is of a height that would obscure all views from the windows into the rear garden of the neighbouring properties. Where clear and opening windows are to be used details shall have first been submitted to and agreed in writing with the Local Planning Authority which confirm site levels in relation to the neighbouring site to justify the use of clear and opening windows. Clear and opening windows shall only be installed following written agreement from the Local Planning Authority.
- (11) Notwithstanding the position of the velux windows as shown on the approved plans on the eastern roof slope of the building to plot 1, all shall be positioned a minimum of 1.7 metres above finished floor level unless obscure glazed and fixed shut. If positioned below a height of 1.7 metres the obscure glazing and fixing shut shall be requirements to be retained in perpetuity.
- (12) Part G (water efficiency) of the Building Regulations (2010) shall be met for the dwellings hereby approved and be permanently retained thereafter.

## **2 PLANNING APPLICATION DETAILS**

- 2.1 The application site is a backland plot that accommodates two vacant buildings formerly used for commercial purposes. The site is located within a residential area and has an existing vehicular access from St Johns Road between Nos. 8 and 10.
- 2.2 The site is surrounded on all sides by existing residential development in St Johns Road, St Johns Close and Conway Avenue.

- 2.3 The site is approximately level. The existing buildings are positioned adjacent to the western and eastern boundaries with the central area of the site open and hard surfaced.
- 2.4 The proposal seeks to demolish the existing buildings and erect two detached two storey buildings which would each contain 2 No. 1-bed flats. The buildings would be sited opposite one another abutting the western and eastern site boundaries with a central communal garden and turning area for vehicles.

### **3 MATERIAL PLANNING CONSIDERATIONS**

- 3.1 The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 3.2 The relevant parts of the adopted Development Plan are the Rochford District Core Strategy adopted in December 2011, the Allocations Plan adopted in February 2014 and the Development Management Plan adopted in December 2014.
- 3.3 The Rochford District Council Local Development Framework Allocations Plan (Adopted on 25 February 2014) forms part of the Development Plan for the Rochford District. The Allocations Plan supersedes the proposals map that accompanied the 2006 Replacement Local Plan. The site was allocated as existing residential development in the Local Plan and is now white land, without formal designation, in the Allocations Plan. White land is used to mean land without specific proposal for allocation in a development plan.
- 3.4 The site is located within the established residential area of Great Wakering and the site is not allocated for any specific land use in the Allocations Plan. The principle of residential use of the buildings is acceptable as this use would not conflict with the existing surrounding residential land use and there is no planning policy that seeks to protect the current employment use of the site. No objection has been raised in relation to the acceptability in principle of residential use of the site.

#### **Relevant Planning History**

- 3.5 The previous application at this site, reference 19/00110/FUL proposed change of use of the existing vacant buildings to form 5 No. 1-bed flats. This application was refused at the Development Committee in August 2019 for the following reasons:
  - 1. The visitor parking provision fails to meet the standards set out in policy DM30.

2. The proposed centrally positioned shared amenity space totalling 106m<sup>2</sup> falls short of the private amenity space of 25m<sup>2</sup> per flat requirement set out in Supplementary Planning Document 2.
- 3.6 An appeal decision was issued on 3 August 2020 and whilst the appeal was dismissed the Inspector's decision is a material consideration in the determination of this revised application. The applicant has revised the proposal and sought to overcome the reason relating to inadequate amenity space relating to which the appeal was dismissed.
- 3.7 In the consideration of the appeal the inspector considered that the main issues were whether or not the proposal would provide satisfactory living conditions for future occupants, particularly with regard to external amenity space and whether the parking arrangement would be acceptable having regard to its effect upon highway safety and the living conditions of the occupants of surrounding properties.
- 3.8 Other planning history relating to the site and of relevance to the current proposal consideration is set out below.
- 3.9 15/00512/FUL - Proposed change of use of existing building to provide 2 No. 3-bed houses with associated parking and amenity space. Including alteration and part demolition of existing buildings. REFUSED.

**Reason for Refusal:**

The proposal would fail to provide adequate private amenity space to each of the dwellings proposed; the space would fall significantly short of the policy standard and the space would also be subject to significant potential for overlooking. If allowed, the development would fail to provide sufficient private amenity space for outside storage, limited gardening or outside recreation or drying for the expectations those future occupiers of the dwellings proposed ought reasonably expect to enjoy. As currently proposed, the development would fall contrary to Supplementary Planning Document 2: Housing Design referred to in policy DM1 in respect of provision of adequate amenity space.

- 3.10 16/00338/FUL - Proposed change of use of existing buildings to provide 1 No. 2-bed, and 1 No. 3-bed houses with associated parking and amenity space. Including alteration and part demolition of existing buildings. APPROVED.

**Amenity Space**

- 3.11 In his consideration of the issue of whether satisfactory amenity space would be provided, the inspector identified policy DM3 of the Rochford District Council Local Development Framework Development Management Plan (DMP) which concerns infilling, residential intensification and 'backland' development and which requires the adequate provision of private amenity space for proposed dwellings, as set out in the Rochford District Council Supplementary Planning Document 2 Housing Design (SPD). The inspector

found that the SPD requirement for a communal garden of a minimum of 25sq.m per flat would be reasonable and that the fact that the area proposed would have fallen short of the minimum requirement by some 19 square metres was not an insignificant shortfall. The inspector concluded that the proposal's communal garden would have been an unduly restricted space that would not have been suitable for the combination of activities associated with five flats. Whilst the inspector acknowledged that there may be circumstances in which it may be acceptable to deviate from the garden sizes within the SPD there was no substantive evidence, such as an indication of alternative areas of external amenity space nearby, which could be easily accessed by future occupants, to show that they should not be adhered to in this instance.

- 3.12 The proposal has been revised and is now for 4 rather than 5 flats and the amenity space proposed would now meet the minimum communal garden space requirement of 100 square metres. The proposal in this regard is therefore now considered acceptable.

### **Car Parking**

- 3.13 On the issue of car parking provision, the inspector considered parking provision available to existing nearby properties in St Johns Road and identified that there appeared to be a reliance on uncontrolled on street parking in the immediate area.
- 3.14 The inspector identified that the adopted parking standard contained in policy DM30 would require a minimum of 7 off street spaces (for the 5 flats proposed); consisting of five spaces for future occupants and two additional visitor spaces. The inspector noted that the scheme would have only provided five off street spaces in total, one for each new dwelling, and would therefore have fallen short of the identified parking requirement by two visitor spaces.
- 3.15 The inspector acknowledged that policy DM30 states that the parking standards *may* be relaxed in residential locations near town centres and train stations but identified that Great Wakering appeared to be a village rather than a town. Nevertheless, the inspector considered that the village still had a variety of services and facilities (including public transport services) and that these were within close proximity of the site. The inspector therefore considered that it would not therefore be essential for future occupants to own a private car although it would be reasonable to assume that they would still have a desire and an ability to own one. The inspector also identified that there was no substantive evidence before him to suggest that car ownership levels are lower in areas close to the identified services and facilities than in areas which are not. Furthermore, a condition requiring that proposed flats with larger bedrooms remain as one-bedroom units would not, he considered, be enforceable, with regard to the tests set out at paragraph 55 of the Framework. Under these circumstances, the inspector reasoned that the policy minimum parking requirement of seven spaces was reasonable. However, the inspector went on to consider whether there would be existing capacity for some on street parking resulting from the site. The inspector

acknowledged that local residents had expressed concern that this would exacerbate existing on street parking demands but nevertheless considered that there would be existing on street capacity to accommodate for the limited number of displaced vehicles associated with the proposal. The inspector accepted that the area is more heavily parked at the weekend but still concluded that the surrounding streets would be capable of appropriately absorbing the limited additional parking demand created by this scheme. It was therefore concluded by the inspector that the appeal scheme would have been unlikely to significantly inconvenience existing residents through an increase in competition for on street spaces or prejudice pedestrian or vehicular safety.

- 3.16 In the revised scheme the applicants, in addressing the inspector's concern relating to amenity space, have reduced the number of flats from 5 to 4 which would also reduce the impact of the proposal in terms of likely resulting additional on street parking in the immediate vicinity of the site. The parking standard would require a minimum of 5 parking spaces for 4 No. 1-bed flats, 1 space per flat with 1 visitor space (provided at 0.25 spaces per flat).
- 3.17 The revised scheme proposes 4 on site parking spaces. Although no on site visitor spaces are proposed the lack of any on site visitor parking was accepted by the inspector in the determination of the appeal scheme which related to 5 flats where 2 visitor spaces were required. The reduction in the number of flats from 5 to 4 would therefore only decrease the likely resulting impact in terms of overflow on street parking and given the inspector's previous findings, the proposed on site parking provision to serve the 4 flats now proposed is considered acceptable.
- 3.18 The four on site parking spaces would be provided in car ports within the two buildings. The two spaces within the car port to plot 1 would each measure 2.6 metres by 7 metres. The two spaces within the car port to plot 2 would each measure 2.6 metres by some 5.92 metres. The spaces proposed are no smaller than those previously proposed under 19/00110/FUL and would at least meet the minimum bay size requirement.

#### **Impact on Character of Street Scene**

- 3.19 The two buildings would each be of traditional form with rectangular footprints and gable ended dual pitched roofs. The proportion of roof to wall would not be disproportionate either way and the resulting building form would have a traditional and attractive appearance. Small sections of sloping roof at ground floor over the car port to the building on plot 2 and two small pitched roof porches to the front elevation would be features adding interest to the building. Fenestration would be positioned with a degree of symmetry which would not be unattractive. The proposed external facing materials include facing brickwork to the ground floor with weatherboarding at first floor and slate roof tiles; these are all considered acceptable. It is considered that the scale, form and appearance of the buildings proposed would not result in harm to the character and appearance of the area. The proposed buildings



are the same, save for slight changes to proposed fenestration, to the buildings proposed under application 19/00110/FUL where no object was raised with regard to impact of the development on the character of the street scene. Although the proposed new buildings would not achieve a 1 metre separation between habitable rooms and all boundaries as set out in SPD2, the proposal without such separation would not in this backland location result in a development which would appear cramped and out of character in the street scene.

### **Impact on Residential Amenity**

- 3.20 The building proposed to plot 1 would be of rectangular footprint at some 15.34 metres in width and 7.21 metres in depth with a pitched roof with gable ends and a ridge height of some 6.5 metres. The building to plot 2 would also feature a rectangular footprint and would be some 18.75 metres in width and some 5 metres in depth and would have a ridge height of 6.8 metres.
- 3.21 In terms of scale, design and form the two buildings proposed would be the same as those previously proposed and considered under application 19/00110/FUL, albeit that in this earlier proposal conversion of the existing buildings was proposed. The proposed buildings would give rise to no greater impact on nearby dwellings in terms of overshadowing or the buildings being overbearing than existing buildings which would be replaced.
- 3.22 The only change to the building proposed to plot 2 (compared to that proposed under 19/00110/FUL) would be the floor area of the ground floor flat which would be reduced as 2 rather than 3 parking spaces would now be provided also within the footprint of this building. Instead of containing 3 flats the building proposed to plot 1 would now contain 2 flats. Slight changes to the fenestration would also therefore feature in the new proposal.
- 3.23 Windows are proposed to the first floor within the building to plot 1 including windows to each side elevation which would now serve a dining room/lounge and a bedroom. To protect the privacy and prevent direct overlooking of the rear gardens of neighbouring properties a condition requiring that both windows be obscure glazed and fixed shut below 1.7 metres from finished floor level is recommended. The other first floor windows to this building would face the central amenity space and would serve a lounge and bedroom. Set at 90 degrees to the northern boundary and to neighbouring properties to the north, it is considered that although the revised scheme proposes a lounge, rather than as previously a bedroom, window closest to the boundary at first floor this would not give rise to unacceptable potential for overlooking and loss of privacy. The windows to the eastern elevation would either be at ground floor level or within the roof and would not give rise to any potential for overlooking and loss of privacy to nearby properties. A condition is also recommended to ensure all of the velux windows to the eastern facing roof slope be positioned so that no part opens below a height of 1.7 metres above finished floor level; this would guard against potential for direct overlooking

and loss of privacy to the existing neighbouring properties Nos. 8 and 9 St Johns Road.

- 3.24 Windows are proposed to the first floor within the building to plot 2 to the front elevation which would face the central amenity space; seven first floor windows are proposed in total which would serve a stairwell, kitchen, lounge, bathroom and bedroom. In addition, three first floor windows would be provided in the rear elevation facing west which would serve a lounge and hallway; these are all proposed to be obscure glazed and fixed shut.
- 3.25 This same arrangement of windows was proposed in application 19/00110/FUL where potential for overlooking to properties neighbouring the site in St Johns Close and to the rear garden of No. 10 St Johns Road was identified. The windows at first floor closest to the boundary with No. 10 would still serve a bedroom as was previously the case. Account was taken in the determination of the previous application of the fact that the existing building features windows to the front elevation at first floor which, albeit authorised for use for a different purpose, could give rise to some potential for overlooking.
- 3.26 It is considered that the potential for overlooking would not result in loss of privacy which would be unacceptable. No condition to the grant of permission would be required to prevent the insertion of additional windows at first floor level as flatted blocks would not benefit from permitted development rights for the insertion of additional windows.

### **Technical Housing Standards**

- 3.27 The Ministerial Statement of 25 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. Rochford District Council has existing policies relating to 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 (March 2015).
- 3.28 The Department for Communities and Local Government Technical Housing Standards – Nationally Described Space Standards (March 2015) supersedes policy DM4 – Habitable Floor Space For New Developments contained within the Council's Development Management Plan (2014). The proposed flats are consequently required to meet at least the minimum gross floor space and minimum storage requirements as set out in the Nationally Described Space Standard to ensure that quality accommodation is provided that would meet the reasonable needs of future occupiers.
- 3.29 The standard sets minimum requirements based on the number of bed spaces that would be provided within a flat. Three of the proposed flats would

be 1-bed, 2-person flats as each would have 1 bedroom with a floor space of at least 11.5 square metres. The fourth flat would be a 1-bed, 1-person flat as the bedroom would have a floor area less than 11.5 square metres (at 9.5 square metres). The minimum required gross internal floor space for a 1-bed, 2-person flat is 50 square metres including 1.5 square metres of built in storage whilst the minimum for a 1-bed, 1-person flat is 39 square metres. The table below details how the proposed flats would comply with the required standards.

Flat Type	Gross Internal Floor space required (minimum) (square metres)	Gross Internal Floor space provided (square metres)	Built in Storage provided	Complies with minimum standard Yes/No
Ground floor (plot 1)	50	57.39	1.65	Yes
First floor (plot 1)	50	101	2.35	Yes
Ground floor (plot 2)	39	50.5	1.5	Yes
First floor (plot 2)	50	77.5	0.65 (but with ample space to provide additional built in storage)	Yes

- 3.30 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 could ensure compliance with this Building Regulation requirement.
- 3.31 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.

### **Ecology**

- 3.32 The National Planning Policy Framework (NPPF), policy ENV1 and policy DM27 require that effects on biodiversity are considered in the determination of planning applications. The NPPF requires that distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with status and that appropriate weight is attached to their importance and the contribution that they make to wider ecological networks.
- 3.33 In addition, the Conservation of Habitat and Species Regulations 2017 (Habitat Regulations) require the Local Planning Authority as a 'competent authority' in the exercising of its planning function to undertake a formal assessment of the implications of development proposals before granting consent for any development which is likely to have a significant effect on a European site (either alone or in combination with other development).
- 3.34 The formal assessment is known as a 'Habitat Regulations Assessment (HRA)' which has several distinct phases. The first is a formal 'screening' for any likely significant effects. Where these effects cannot be excluded, assessment in more detail through an 'appropriate assessment' is required to ascertain that an adverse effect on the integrity of the site can be ruled out. Where such adverse effects on the site cannot be ruled out, appropriate mitigation must be secured.
- 3.35 A Local Planning Authority may only agree to grant planning permission after having ascertained that the development will not adversely affect the integrity of the European site; this can include consideration of proposed mitigation secured. The Local Planning Authority is required by law to have regard to guidance provided by Natural England. The closest European designated sites are found along the District's coast, which consist of the Crouch and Roach Estuaries (Mid-Essex Coast Phase 3 (SPA) (Ramsar) (SSSI) and the Essex Estuaries (SAC). Local planning authorities have a duty to consult Natural England before granting planning permission on any development that is in or likely to affect a SSSI, according to criteria for consultation as set out by Natural England. The site is not within a Zone of Influence where the scale/location of development is such that Natural England should be consulted; however, standing advice from Natural England is a material consideration. In this Natural England has highlighted that it considers that residential development in this location could generate significant impact on one or more European designated sites along the coast resulting from increased recreational activity. It is the Council's responsibility to undertake an 'appropriate assessment', as required by the Habitat Regulations.
- 3.36 The proposal has been considered in respect of the Habitat Regulations, taking account of standing advice from Natural England and the Essex Coast

Recreational disturbance Avoidance and Mitigation Strategy (RAMS) developed by Essex County Council, which seeks to address impacts (including cumulative impacts) arising from increased recreational activity.

- 3.37 The advice provided as interim advice by Natural England in August 2018 has been followed; the conclusion of the HRA is that, subject to securing appropriate mitigation, the proposed development would not likely result in significant adverse effects on the integrity of the European site along the Essex coastline. The applicant has paid a financial contribution per dwelling to contribute towards longer term monitoring and mitigation along the coastline, to mitigate adverse impact from the proposed development on the European designated sites by way of increased recreational disturbance.
- 3.38 There is considered to be no likelihood of harm to protected species on site as a result of the proposed redevelopment, given the site characteristics. A bat declaration has been submitted with the application which indicates that the site is unlikely to have a presence of bats.

#### **Refuse and Recycling**

- 3.39 An area for the storage of refuse bins would be provided to the rear of the building proposed to plot 1 which would be approximately 25 metres from St Johns Road and therefore an appropriate place for refuse collection.

#### **Flood Risk**

- 3.40 The site is within Flood Zone 1 where residential development is in principle acceptable.

### **4 CONSULTATIONS AND REPRESENTATIONS**

#### **Neighbours**

Responses have been received from the following addresses which make the following points (summarised):

Anonymous: Conway Avenue (56), (60); St Johns Close (1), (9), (11), (20); St Johns Road (6), (8), (41).

- 4.1 Parking on street in the area is already a problem with cars and vans parking dangerously. Recently the Council refuse collection day had to be changed for this area due to congestion and access problems. Concern regarding emergency vehicle access. Impact of increased parking pressure on street from the proposed development.
- 4.2 When an earlier application was granted (16/00338/FUL) I supported it with the applicants' agreement that there would be no trees/shrubs, etc., higher than two metres on the plot's northern boundary (being my southern boundary) as this would put my property in permanent shade. This plan

places two large trees deliberately on my southern boundary. I strongly object to these trees and would refer you to condition 3 of 16/00338/FUL.

- 4.3 Impact on bats on site.
- 4.4 Loss of view.
- 4.5 Overlooking.
- 4.6 Insufficient parking.
- 4.7 Impact on drainage/sewage system which cannot cope.
- 4.8 What we are looking onto, the old barn from our back windows in Conway Avenue, is unsightly. The green foliage was all removed about 2 years ago leaving thick masses of tree branches which look as if they are ready to fall down - if this happens it will cause a lot of damage. I would be more than happy to have a different view with removal of barn and some new structure.
- 4.9 I have access to my back garden through a gate which is about half-way along the entry road to the proposed development. Although I do not object to the proposal, I would like assurance that this access will be maintained during the development and construction process and afterwards. I note that the roof windows overlooking my garden are planned to be obscured glass and would like assurance that this will be maintained in the building regulations. Finally, could I have assurance that any building work will take place within regulation hours and that I will be notified before it starts. I would like assurance that my driveway and the entry road which I use to access my garden will not be obstructed.
- 4.10 My property borders the east (rear) elevation of Unit 1. This unit is less than 3 feet from the rear border of my property. The ground level of Unit 1 is significantly higher than the ground level of the rear of my property, such that even though I have a 6 foot tall rear fence, the current windows in the rear elevation of Unit 1 protrude above the boundary fence by approximately 4 feet. The plans show there will be an alteration to the height of these windows but are not explicit enough to show whether these windows will still protrude above the fence. In addition, the plan is not clear whether the roof windows are of a height that will require them to be fixed shut. Due to the proximity of the rear elevation of Unit 1 to my property, I would state it to be an unacceptable breach of our privacy for any windows on this elevation to be permitted to open, and would seek a condition of any planning application to be that all windows on the rear elevation of Unit 1, regardless of height above floor level, should be obscured and fixed shut. In addition, there need to be conditions imposed that require these windows to remain obscured in perpetuity. The plans state that the windows to the rear of plot 2 will be obscured and fixed shut. This is great, but what is to stop any future owner changing the look and function of the windows? The 3 gardens affected in Conway Avenue back directly onto the barn and so any functioning windows

will result in a total loss of privacy. Also, whereas on the previous plans the development was like for like, these plans are for demolition and rebuild, so what guarantees are there that extra windows overlooking the gardens will not be added during the build? What provision is in place to prevent any potential damage to our property during the development? Noise and disturbance to nearby residential properties during construction.

## **5 EQUALITY AND DIVERSITY IMPLICATIONS**

- 5.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- To eliminate unlawful discrimination, harassment and victimisation
  - To advance equality of opportunity between people who share a protected characteristic and those who do not
  - To foster good relations between those who share a protected characteristic and those who do not
- 5.2 The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, pregnancy/maternity.
- 5.3 The Equality Impact Assessment (EIA) indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

## **6 CONCLUSION**

- 6.1 The application seeks to construct two buildings to replace the existing buildings on site which would be of a scale and form the same as those buildings that were proposed to be retained under the previous application 19/00110/FUL. Only the reason for refusal of the previous scheme relating to lack of sufficient amenity space was accepted by the inspector in their consideration of the appeal. The applicant has sought to address this concern through reducing the number of flats and providing the policy requirement of 25 square metres of communal amenity space per flat.
- 6.2 Whilst a number of local residents have raised concern again with regard to the impact that the proposal would have on the existing on street parking situation in the locality which is described in responses as 'dangerous' and 'inappropriate', the inspector in the determination of the recent appeal at this site considered the issue of on site parking provision and impact on on street parking likely to arise from proposed development and found the level of on site parking provision to be acceptable. This proposal seeks one less flat than was previously proposed, thus reducing the impact in terms of likely on street parking pressure further compared to the appeal scheme. It is considered that

a reason for refusal on the grounds of inadequate parking provision for the proposed development could not now be justified.



Marcus Hotten

Assistant Director, Place and Environment

**Relevant Development Plan Policies and Proposals**

Policies H1, H5, H6, CP1, ENV1, ENV3, ENV9, T1, T3 and T8 of the Core Strategy 2011

Policies DM1, DM2, DM3, DM4, DM25, DM27, DM28 and DM30 of the Development Management Plan 2014

Allocations Plan Policies Map 2014

Supplementary Planning Document 2

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

National Planning Policy Framework

Natural England Standing Advice

For further information please contact Katie Rodgers on:-

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



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