

## **APPLICATION REFERRED FROM THE WEEKLY LIST**

### **WEEKLY LIST NO. 1486 – 9 August 2019**

**19/00110/FUL**

**THE MILL, REAR OF 8 ST JOHNS ROAD, GREAT WAKERING**

### **PROPOSED CHANGE OF USE OF EXISTING BUILDINGS TO PROVIDE 5 NO. 1-BED FLATS WITH ASSOCIATED PARKING AND AMENITY SPACE, INCLUDING ALTERATION AND PART DEMOLITION OF EXISTING BUILDINGS**

#### **1 DETAILS OF REFERRAL**

- 1.1 This item was referred from Weekly List No. 1486 requiring notification to the Assistant Director, Place and Environment by 1.00 pm on Thursday, 15 August 2019 with any applications being referred to this meeting of the Committee.
- 1.2 Cllr D S Efde referred this item on the grounds that the proposed development would have a detrimental impact on parking in the vicinity of the application site.
- 1.3 The item that was referred is attached at appendix 1 as it appeared in the Weekly List.
- 1.4 A plan showing the application site is attached at appendix 2.

#### **2 RECOMMENDATION**

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

To determine the application, having considered all the evidence.

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Application No: 19/00110/FUL      Zoning: Residential  
Case Officer: Ms Katie Rodgers  
Parish: Great Wakering Parish Council  
Ward: Foulness and the Wakerings  
Location: The Mill Rear Of 8 St Johns Road Great Wakering  
Proposal: Proposed change of use of existing buildings to provide 5 No. 1-bed flats with associated parking and amenity space. Including alteration and part demolition of existing buildings.

## SITE AND PROPOSAL

### SITE AND CONTEXT

1. The site is approximately rectangular in shape and accessed off St Johns Road between existing residential properties, No's 8 and 10 St Johns Road. The site is surrounded on all sides by existing residential development in St Johns Road, St Johns Close and Conway Avenue.
2. The site is approximately level. One of the buildings to which the proposed change of use relates is positioned abutting the western boundary whilst the other is positioned close to the eastern boundary; the central area of the site is open and hard surfaced.

### PROPOSAL

3. The proposal seeks to convert the existing buildings to provide 5 No. flats. The proposed change of use would involve the following alterations;

#### Easternmost building - Plot 1

4. Demolition of the existing single storey parts of this building is proposed with the two-storey part of this building to be retained with no increase in overall height. The existing windows at first floor level in the side elevations would be retained, although one would be slightly smaller than existing. New fenestration would be installed to the rear wall at ground floor level with new windows in the sloping roof at first floor level to this side. To the front of the building new fenestration at both ground and first floor would be installed. This building would provide two 1-bed flats at first floor and one 1-bed flat at ground floor.

#### Westernmost building - Plot 2

5. This building would remain to the same dimensions as existing save for a small extension forward to provide a canopy over the proposed car port, this

would be slightly wider than the canopy approved as part of the change of use planning consent to convert this building to a dwellinghouse. In addition, a small front extension is proposed at ground floor level only to facilitate the creation of an entrance way. The existing external staircase would be removed. A one-bed flat would be created in both the ground and first floors of this building. No windows are proposed to the side elevations. Three windows are proposed to the rear elevation at first floor which would replace two existing openings. The front elevation would contain a different arrangement of windows and doors at first and ground floor level replacing existing openings.

6. The existing access road between No. 8 and No. 10 St Johns Road would be used to access the proposed flats. This road is some 3.35 metres in width. Space to enable vehicles to turn within the site would be provided to enable vehicles to exit in forward gear.

#### PLANNING HISTORY

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.

16/00338/FUL - Proposed change of use of existing building 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.

#### MATERIAL CONSIDERATIONS

7. 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.
8. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy adopted December 2011, the Allocations Plan adopted

February 2014 and the Development Management Plan adopted December 2014.

9. The Rochford District Council Local Development Framework Allocations Plan (Adopted 25th February 2014) forms part of the Development Plan for 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.
10. 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 residential land use and there is no planning policy that seeks to protect the current employment use of the site. Indeed, planning consent has been granted for conversion of the buildings to residential use, albeit as two houses rather than flats. The principle of the proposed conversion to flats is considered acceptable. A structural report was submitted with the previous application which confirmed that the existing buildings were in a condition fit for conversion. Planning consent now exists for conversion to two dwellings.

#### APPROPRIATENESS OF INFILL DEVELOPMENT

11. The National Planning Policy Framework sets out the requirement that housing applications should be considered in the context of the presumption of sustainable development but advises that there are likely to be circumstances where development will be inappropriate and should be resisted. 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.
12. 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.
13. Local planning policies have been developed which set out the requirements for development of infill plots. Policy H1 of the Core Strategy seeks to protect the character of existing settlements by resisting the intensification of smaller sites within residential areas but allows for limited infilling where the development would relate well to the existing street pattern, density and character of the locality. Policy DM3 of the Development Management Plan further sets out the considerations that apply to proposals for infill residential development, most of which are relevant to the proposed development.

14. In terms of housing need, the Council have an up to date 5-year housing land supply, however additional windfall sites such as this would add to housing provision in the district.
15. The site is a back-land location and does not therefore have a traditional street frontage; the development would be glimpsed between existing buildings and most notably at the end of the access road into the site; the development would however be visible to the residential properties that back onto the site. The proposed alterations of the buildings would be in keeping with the scale, form and appearance of the existing and would not be harmful to visual amenity.
16. The proposed alterations would reduce rather than increase the footprint of the existing buildings and there would be no increase in height. The proposal would not therefore result in increased overshadowing of neighbouring properties and gardens and the proposed development could not be considered to be overbearing.
17. The proposed development would not result in a tandem relationship between proposed and existing dwellings or between the proposed dwellings whereby one dwelling would directly face the rear of another. The two buildings would be positioned some 11.6 metres apart facing each other which is close but no different to the relationship that would result between dwellings facing each other across a narrow road.
18. The insertion of windows in the front elevation of Unit 2 would give rise to potential for overlooking to properties neighbouring the site in St Johns Close and to the rear garden of No. 10 St Johns Road. The windows at first floor would serve a bedroom closest to the boundary with No. 10 and the main living rooms, the lounge and the kitchen would not have windows closest to the other boundary. In addition, account must also be taken of the fact that the building features existing 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. There is also a planning consent granted for conversion of this building to a house, albeit that the bedrooms would have been at first floor level. None of the windows would directly face the rear elevations or rear gardens of neighbouring properties but would be at an angle of approximately 90 degrees to these. 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. A separate planning application would be required to consider the insertion of any new windows.
19. The insertion of windows at first floor in Unit 1 would also not give rise to unacceptable overlooking to neighbouring properties subject to conditions which would require the first floor window in the northern side elevation which is abutting the rear garden boundary of No. 7 St John's Close to be obscure glazed and fixed shut. The southern facing side elevation window at first floor would replace an existing window and would not directly face the rear of No.

10 but would overlook the central part of the rear garden to No. 10. It is also recommended that if permitted, a condition 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 No's 8 and 9 St Johns Road.

20. An area for the storage of refuse bins would be provided to the rear of Unit 1 which would be approximately 25 metres from St John's Road and therefore an appropriate place for refuse collection.

#### AMENITY SPACE

21. The flats would have a centrally positioned shared amenity space with a total area of some 106 square metres. Whilst this would fall short of the 25 square metre per flat requirement as set out in supplementary planning document 2, the space would be well positioned and easily accessed by all residents of the site. The shortfall would not be considered sufficient grounds to refuse planning permission for the scheme. A condition to require details of soft and hard landscaping to be agreed is recommended, this condition would also enable the local planning authority to agree boundary treatments.

#### ENVIRONMENTAL SUSTAINABILITY

22. The Ministerial Statement of the 25th 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. Government policy is that planning permissions should not be granted requiring, or subject to conditions requiring, compliance with any technical housing standards other than for those areas where authorities have existing policies on access, internal space, or water efficiency.
23. (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).
24. Until such a time as existing Policy DM4 is revised, this policy must be applied considering the Ministerial Statement (2015) which introduced a new technical housing standard relating to internal space standards. Consequently, all new dwellings are required to comply with the new national space standard as set out in the DCLG Technical housing standards - nationally described space standard March 2015.

The proposed flats would comply with the national technical standard.

25. 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.

26. 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

27. In respect of protected species, in the 2016 application the applicant stated in the accompanying statement that there are no species of protected flora or fauna known or suspected to exist on the site. A bat declaration form has been completed which indicates that bats are not reasonably likely to be present. The site benefits from planning permission for the conversion of the buildings which could be implemented and does not contain any requirements relating to further survey work in respect of protected species. The site is hard surfaced and not considered likely suitable habitat for badgers. Whilst bats may fly over and land on the site it is not considered likely that the site is occupied by a bat roost. An informative is recommended to remind the applicant of their duty not to harm any protected species during development if any become apparent.
28. There are no protected trees at the site or in close proximity or trees that are not protected but are of high amenity value.

#### FLOOD RISK

29. The site is within Flood Zone 1 where residential development is in principle acceptable. Policy DM28 can require the submission of a flood risk assessment where there is a perceived risk of surface water flooding but this is not the case here.

#### PARKING

30. The parking standard would require a minimum on-site parking provision of 1 space per one-bed flat together with a visitor space requirement of 0.25 spaces per flat. This would equate to a total on-site provision of 8 spaces. The proposal would provide 5 on-site parking spaces, one per flat but without space to accommodate on-site visitor parking provision. All of the 5 parking spaces provided would meet the minimum bay size of 2.5m by 5.5 metres with some larger. A central turning space would enable cars to exit the site in forward gear.
31. There has been a significant number of objections to the proposal, the main issue raised being that the parking provision proposed would be inadequate

and would exacerbate an existing on-street parking problem in the locality. St Johns Road and St Johns Close closest to the site often have cars parked on the street. Neighbour representations explain that this on-street parking increases in the evenings and at weekends. Some of the dwellings in these streets have no off-street parking owing to the age of the dwellings.

32. Whilst concern has been raised to the level of parking provision proposed, the adopted parking standard requires one space per one-bed flat. One of the flats is quite large for a 1-bed flat so a condition is recommended to prevent subdivision into a 2-bed unit which would be required by the parking standard to provide 2 on-site parking spaces. Other than this it is considered that notwithstanding the concerns of residents that one-bed flats could have two occupants that each owned a car, the provision of one space per one-bed flat would meet the parking standard.
33. parking is not always insisted upon on smaller development proposals and the previous scheme for the site was approved without any visitor parking requirement. Whilst the site is not within on the district's main urban areas with good access to public transport there are bus services within walking distance and amenities in the village close by. On balance it is considered that the level of on-site parking provision proposed is acceptable.
34. Given that the on-site parking provision would not provide bays that would meet the minimum garage requirement a condition is recommended to ensure that the car ports remain un-enclosed.

## CONCLUSION

35. The proposed development would reuse existing and currently redundant buildings for a use compatible with the surrounding residential context. The site already benefits from planning permission for conversion of the two buildings into two dwellings and the proposed residential use is therefore acceptable in principle. The proposal is considered acceptable with regard to relevant planning policy.

## Representations:

36. GREAT WAKERING PARISH COUNCIL: The plans show a maximum of five parking spaces, one for each property with no allocation for visitor parking. There is already a lack of parking spaces causing issues down St Johns Road and Close as both roads suffer from a lack of off-road parking due to the age of the properties.
37. There is additionally no turnaround space detailed on the plans for cars accessing and departing the proposed parking spaces.
38. Access throughout the road is also an issue as the road is narrow and already congested which may cause issues with emergency vehicles.
39. Concern also re visibility, splay and sight lines at the entrance to the site which may increase the risk of accident.



40. ECC HIGHWAYS: No objection subject to conditions;
41. The proposal is not proposing any changes to the existing vehicular access.
42. From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:
1. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
    - i. the parking of vehicles of site operatives and visitors
    - ii loading and unloading of plant and materials
    - iii storage of plant and materials used in constructing the development
    - iv. wheel and underbody washing facilities
  2. The provision of five on-site vehicle parking spaces and an associated turning area as shown on planning drawing 1715:06. Each parking space shall have dimensions in accordance with current parking standards. The vehicle parking area and associated turning area shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
  3. No unbound material shall be used in the surface treatment of the car parking areas.
  4. 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.
- 43 NEIGHBOURS: 20 responses from the following addresses;
- 12 St Johns Road, 38 Shoebury Road, 20 St Johns Close, 56 Conway Avenue, 62 Conway Avenue, 8 St Johns Road, 14 St Johns Road, 19 St Johns Road, 57 St Johns Road, 1 St Johns Close, 20 St Johns Road, 11 St Johns Close, 20 St Johns Road, 25 St Johns Road, 22 St Johns Road, 41 St Johns Road, 24 St Johns Road, 6 St Johns Road.

#### Summary

- I am pleased the developer is continuing with the application and happy with the new plans but 5 parking spaces is not enough. St Johns Road has a real parking problem currently and to assume each flat will only have one car is unrealistic. Overspill parking will inevitably be in the road causing more

- congestion that is already occurring. Increasing the amount of parking on site would make this much more suitable
- Concern that amount of parking is inadequate for occupants of the flats and their visitors.
  - The area is heavily populated with parking problems at present.
  - Parking congestion in the area already causes issues for example in September 2018 one residents son required urgent medical attention and was at home, for the ambulance to access St Johns Close 3 cars/vans had to be moved in St Johns Road. This leads to concern for resident safety especially if the proposed development would lead to more cars parked on the road.
  - It would be naïve to think that five flats would only have five cars, that makes no provision for visitors. Any additional vehicles parking in St Johns Road would displace residents who would normally park in there leading to them having to park in St Johns Close as the only alternative, this would cause friction with the residents who currently park there. To approve this application will create impossible problems and only cause conflict.
  - There is a badger sett within the area of The Mill.
  - Concern about construction traffic accessing the site.
  - The access runs alongside No. 8 and it would not be viable to have 5 cars driving along the drive at any time of the day onto an already overcrowded road. There are many terraced houses with no off-street parking in the area so weekends and evenings are very congested. I already have problems with people parking across my driveway.
  - Concern about overlooking, noise and loss of light to No. 62.
  - With so much on-street parking on St Johns Road, it is going to make coming out of the driveway of The Mill a visibility concern for any passing pedestrians/oncoming vehicles.
  - Concern relating to drainage - the drains in the street currently flood whenever we get rain and this will be exacerbated by more properties.
  - A fire engine cannot get access down the narrow driveway access.
  - Often refuse trucks have difficulty accessing the roads in the area due to the number of parked cars.
  - Bats have been seen living in the barns and query whether the barns on site are pre-1914 buildings with slate roof. A bat survey should be required.
  - Specific concerns relating to 6 St Johns Road;
  - This property borders the east (rear) of elevations of Unit 1 which is less than 3 feet from the rear boundary of this property. The ground level of unit 1 is significantly higher than the ground level of No. 6 such that even though there is a 6 foot fence on the rear boundary 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 the roof windows are of a height that will require them to be fixed shut. Due to the proximity to my property it would be unacceptable for any windows on this elevation to be permitted to open regardless of the height above floor level.
  - No objections to the Mill being sympathetically re-developed but concerns on 56 Conway Avenue as follows;
  - The plans state that 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 three gardens affected in Conway Avenue back

directly onto the barn and so any functioning windows will result in a total loss of privacy.

- The barn has always acted as a wall at the end of the gardens. What provision is in place to prevent any potential damage to out property during the development?
- The proposed development is right in the middle of a number of residential properties, we would request that all building works be carried out between the hours of 9 to 5, Mondays to Friday only to limit the amount of disruption to us and our neighbours.

### APPROVE

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby approved shall be carried out in accordance with the approved plans;

Drawing Numbers 1715:02, 1715:03, 1715:07, 1715:06, 1715:08 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, which shall show the retention of existing trees, shrubs and hedgerows on the site and include details of:

- schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;
- 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;
- 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 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 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 not 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), 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 Notwithstanding the position of the velux windows as shown 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.
  - 11 Part G (water efficiency) of the Building Regulations (2010) shall be met for the dwellings hereby approved and be permanently retained thereafter. .

- 12 The first floor flat in Unit 2 shall remain in perpetuity in accordance with the internal layout as approved and shall not be subdivided such that any more than one bedroom is provided within this unit.

**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

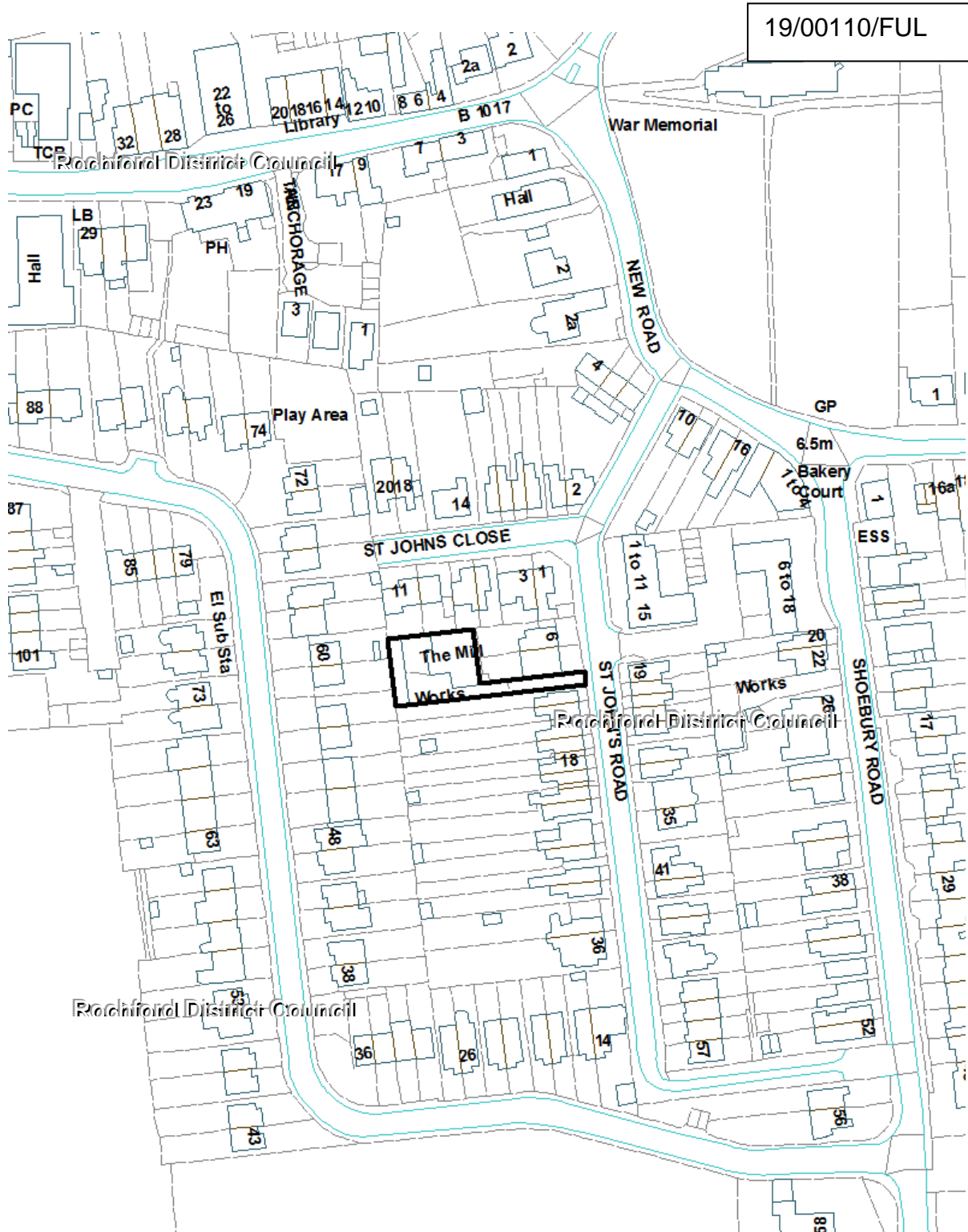
Allocations Plan Policies Map 2014

Supplementary Planning Document 2

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

National Planning Policy Framework

The local Ward Member(s) for the above application are Cllr D S Efde  
Cllr N J Hookway Cllr Mrs J McPherson



19/00110/FUL

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