

APPLICATION REFERRED FROM THE WEEKLY LIST

WEEKLY LIST NO. 1523 – 8 MAY 2020

20/00237/FUL

16 MORRINS CLOSE, GREAT WAKERING

PROPOSAL TO SUB-DIVIDE THE PLOT AND CONSTRUCT ONE DETACHED 1-BED HOUSE

1 DETAILS OF REFERRAL

- 1.1 This item was referred from Weekly List No. 1523 requiring notification to the Assistant Director, Place and Environment by 1.00 pm on Wednesday, 13 May 2020 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 application is for a 1-bedroom house but the report makes reference to 2-bedrooms in respect of parking and on the grounds of overshadowing and there being no acknowledgement of a revised plan.
- 1.3 The item that was referred is attached at appendix 1 as it appeared in the Weekly List.
- 1.4 A plan showing the application site is attached at appendix 2.

2 RECOMMENDATION

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

To determine the application, having considered all the evidence.

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

Application No:	20/00237/FUL	Zoning : Residential
Case Officer:	Ms Katie Ellis	
Parish:	Great Wakering Parish Council	
Ward:	Foulness And The Wakerings	
Location:	Land Adjacent 16 Morrins Close Great Wakering	
Proposal:	Subdivide plot and construct one detached 1-bed house	

SITE AND PROPOSAL

Site Description

1. This application site is currently fenced off with the land forming part of the domestic garden to No. 16 Morrins Close, which is an end of terraced, two storey dwelling. No. 16 Morrins Close forms part of a small residential estate within the residential envelope of Great Wakering.
2. The character and appearance of the street scene present rows of terraced, two storey residential dwellings that are uniform in their appearance and built form.
3. The site falls within Flood Zones 2 and 3 as defined by Planning Practice Guidance and shown on the Environment Agency flood risk maps.

The Proposal

4. Planning permission is being sought to erect a detached, two storey dwellinghouse. The development would lay out car parking and private amenity space. The application describes the dwelling as a one-bedroom dwelling. The submitted plan (Drawing No. A107) illustrates a car port and open plan kitchen/living area at ground floor with a bedroom, lounge/office/gym and bathroom at first floor. Whilst one of the rooms at first floor is indicated as lounge/office/gym this could also be used as another bedroom and therefore; the proposed dwelling is considered as a two-bedroom dwelling rather than a one-bedroom dwelling.
5. The proposed dwelling would be detached from No. 16 to the east and would abut the rear garden boundary to other houses to the west. To the north the site immediately abuts a hardstanding beyond which is another dwellinghouse. To the rear the site adjoins an agricultural field.
6. The proposed dwelling would measure approximately 6.1m wide, a maximum 9.9m deep at ground floor with an overall height of 7.8m.

7. The materials proposed for the dwelling would be brickwork and render together with roof tiles to match the surrounding neighbouring dwellings. All joinery would be in UPVC.

Relevant Planning History

8. Application No.16/00024/FUL - REFUSED - Sub-divide Plot and Erect 1No. Detached 3 bed dwelling
9. 19/00324/FUL - REFUSED - Subdivide plot and construct one detached house

Main Planning Considerations

Principle of the Development

10. The application property lies within the existing residential area where there are no specific allocation policies. The main considerations are whether the development has an impact on the character and appearance of the area, the neighbouring occupiers and highway safety.
11. 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 (including residential gardens). Additionally, 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. Proposals should contribute positively to making places better for people.
12. The application site is located within the residential envelope of Great Wakering. Policy H1 of the Core Strategy confirms that, the Council will prioritise the reuse of previous developed land. Additionally, in order to protect the character of existing settlements the Council will resist the intensification of smaller sites within residential areas, but that limited infilling will be considered acceptable, and will continue to contribute towards the housing supply. However, this is subject to the requirement that it relates well to the existing street pattern, density and character of the locality.
13. The NPPF generally seeks new development that responds positively to its surroundings. Paragraph 130 of the NPPF states that "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions; this is also emphasised by Core Strategy Policy CP1.
14. 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. Amongst other criteria, Policy DM3 of the Development Management Plan seeks demonstration that residential intensification positively addresses the existing

street pattern and density of the locality, and whether the number and types of dwellings proposed are appropriate having regard to existing character.

15. Notwithstanding the above, consideration must also be given to the fact that the site is within Flood Zones 2 and 3 for planning purposes. Whether the proposed dwelling would be suitably located having regard to the risk of flooding and policies in the development plan and National Planning Policy Framework is discussed below.

Flood Risk

16. Paragraph 155 of the NPPF seeks to direct development to the lower risk flood zones. This stance is reiterated in policy ENV3 of the Core Strategy which provides local flood risk considerations.
17. The application site lies within Flood Zone 3, as indicated on the Environment Agency Flood Risk Map. The proposal relates to the provision of a dwelling. New dwellings and residential uses are considered as being 'more vulnerable' based on the Flood Risk Vulnerability Classification (PPG) and in accordance with National Planning Policy requires the Exception Test to be applied in addition to the Sequential Test.

Sequential Test

18. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. The Sequential Test requires that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with lower probability of flooding. Guidance indicates that when assessing the availability of other suitable sites, a pragmatic approach should be taken. There is no specific evidence that additional housing is needed in Great Wakering and therefore it is reasonable to consider the position across the Rochford district as a whole. Policy ENV3 of the Rochford Core Strategy also seeks to direct development away from areas at risk of flooding by applying the Sequential Test, and where necessary the Exception Test.
19. This approach was adopted by an Inspector in a recent appeal decision (APP/B1550/W/15/3137716) on another site in Great Wakering. This appeal also considered the issue of whether a proposed single dwellinghouse would be appropriate in Flood Zone 3. In the appeal decision the Inspector found that there was no specific evidence that an additional housing unit was needed in Great Wakering and therefore considered it reasonable to consider the position across the District as a whole in addressing the question of reasonably available sites at lower flood risk.
20. The Council has allocated land across the District for residential development to deliver the required housing supply up to 2025, the majority of which is on land at the lowest risk of flooding. The Council has a five year supply of deliverable housing sites in the District in areas at lower flood risk. In any event, even if this were not the case there is nothing in national policy to the

effect that the Sequential Test is automatically passed as a result of a lack of a five year supply. The submitted Flood Risk Assessment (FRA) states that alternative sites have been searched for within the area of Great Wakering and Barling that may be feasible for development and present a lower risk, but none have been identified for single dwellings. The Rochford allocations plan and brownfield register does not hold any sites for single dwelling development. Also, it is considered by the applicant that the single dwelling proposed would contribute towards Rochford District Council's housing need.

21. As it is considered that the Council currently has a five year land supply for housing and there are other sites within the District at lower risk of flooding that could accommodate a single dwelling, it is therefore considered that the site fails the Sequential Test. The outcome of the exception test is of reduced relevance.

Exception Test

22. In respect of the Exception Test, paragraph 160 of the NPPF sets out that it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Where the Sequential Test has been passed, both elements of the Exception Test will have to be passed for development to be permitted.
23. The submitted FRA confirms that the property would be built in accordance with Building regulation's Parts G and L resulting in a sustainable environmentally friendly development. The dwelling proposed would be raised above flood level and the external landscape would be arranged to direct water away from the dwelling towards agricultural flood plain.
24. The Environment Agency (EA) identifies the site within tidal Flood Zone 3a and confirms it is the Local Planning Authority's (LPA) responsibility to apply the Sequential and Exception Tests. The EA goes on to raise a holding objection against the submitted FRA as it is considered that it does not comply with the requirements of the Planning Practice Guidance (PPG). In particular:
 - o The proposed building would flood internally by 0.17m and 0.25m depth respectively in the defended and undefended 0.5% (1 in 200) annual probability with climate change flood event and would therefore be unsafe for the occupants.
25. The EA have suggested by raising the finished floor levels it could prevent internal flooding of the development and damage to people and the property. If the applicant were to consider their suggestion and make necessary revision, then the proposal could overcome their holding objection.

Nonetheless, the EA also confirm in their letter that it is the LPA's responsibility to consider the Sequential and Exceptional Tests prior to the applicant considering their suggestion and further reviewing their FRA. The EA state being unaware if the applicant has had discussions with the Planning Officer prior to the applicant reviewing the EA's response but they have confirmed via email that raising the floor level by 170mm which is equivalent to one step can be easily achieved. Although the applicant has suggested the revision to the floor level of the proposed dwelling, no revised plans have been received. By increasing the floor level, this in turn would have an effect on the overall scale of the proposed dwelling.

26. As the proposal failed the Sequential Test, there is no requirement to accept the applicant's suggested revision or re-consult with the Environment Agency, in this instance.
27. It is considered that the provision of one market dwelling provides minimal benefits to the community and therefore the benefits are not to a degree which outweighs the flood risk posed and the risk to life. Also, the engineered design features are not satisfactory. Therefore, it is not considered that paragraph 160 of the NPPF has been complied with, the proposal therefore fails the Exception Test.
28. Therefore, given that the sequential test has not been satisfied it is not considered that the proposal would be acceptable in terms of flood risk and it is not considered that the proposal would provide sustainability benefits to the community to a degree which outweighs the flood risk posed. In principle, the siting of a dwelling in this location is objected to. The proposal is contrary to Policy ENV3 of the Core Strategy, the NPPF and the PPG.

Impact upon the character and appearance of the area

29. Policy DM3 of the Development Management Plan sets out the considerations that apply to proposals for infill residential development, most of which are relevant to the proposed development. The design of the proposed development in relation to the existing street pattern and density of the locality must be considered, as must whether the number and type of dwellings is appropriate to the locality having regard to existing character.
30. The estate of which the site is a part has a distinct character with terraced houses alongside a few sporadic detached properties wrapped around a hard-landscaped parking court. Amenity space is provided solely to the rear of properties. The proposed dwelling has been designed to mimic the style, scale and form of the immediate context and would have a finish to match neighbouring dwellings consisting of facing brickwork to the ground floor and render above. The size and positioning of fenestration would also not be dissimilar to neighbouring dwellings. The lack of any soft landscaped frontage proposed would not be at odds with the locality. In summary the proposed dwelling in terms of its scale, form, siting and appearance would not appear out of character in the locality.

Impact upon the neighbouring amenity

31. The proposed dwelling would be sited close to the side boundary with No. 16 Morrins Close. Previously, one of the reasons to refuse the previous application (ref no. 16/00024/FUL and 19/00324/FUL) was on the basis that the dwelling proposed would have had an impact upon No.16 Morrins Close as a result of the dwelling having an overbearing impact.
32. This is still considered to be the case as No.16 contains a number of side facing windows which form primary windows and therefore, the siting of the dwelling proposed would cause overshadowing to these. No. 16 is an end of terrace property with more fenestration to the side elevation than would be typical given that the north facing elevation presented to the site frontage has very little fenestration. The proposed dwelling would not project rearward of No. 16 and would not therefore give rise to concern relating to overshadowing of rear facing windows. The proposal would not result in a tandem relationship between properties.
33. The proposed dwelling would be sufficiently separated from the properties to the north and west so as not to cause overshadowing or overlooking concerns. Although the side wall of the proposed dwelling would be sited on the boundary to the rear garden of No. 12 to the west there would be sufficient separation from the rear wall of the dwelling such that the proposed dwelling would not be overbearing.

Living conditions for future occupiers

Garden Sizes

34. The NPPF seeks the creation of 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.
35. Infill development should avoid the loss of private amenity space for neighbouring dwellings to ensure adequate provision as set out in the Supplementary Planning Document 2: Housing Design. As a result of the proposed development No. 16 would be left with a rear garden area of some 77 square metres and the new dwelling would be provided with some 80 square metres. The narrow side walkway would not be useable garden space and would not therefore count towards the overall provision. Although this is less than the 100 square metres that SPD2 requires of houses there are two play areas in very close proximity to the site and size of the proposed private amenity area would not appear out of character with the surrounding area, as a consequence the proposed amenity space provision would be considered sufficient.

Sustainability

36. 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.
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.
38. Until such a time as existing Policy DM4 is revised, this policy must be applied in light of the Ministerial Statement. 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.
39. The proposed dwelling has been described as a 1-bed dwelling, but the plans submitted illustrate that the dwelling could be used as a two-bed dwelling. The dwelling would be assessed as a two-bed, 2-person dwelling. The Technical Housing Standards would require a minimum Gross Internal Area of 79 square metres with 2 square metres of built-in storage. The dwelling would have a GIA of some 82 square metres including space to accommodate some 2 square metres of built-in storage. The proposed dwelling would meet the national space standard.
40. 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.
41. 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.

Car Parking

42. 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.

43. The proposal would result in a two-bedroom dwelling. The site would provide an integral open-fronted car port that has the potential to accommodate one vehicle within the sizing measurements of the SPD. Another car parking space, measuring 2.9m by 5.5m, is shown to the frontage of the proposed dwelling outside of the site edged red on the location plan. This car parking space proposed would be outside of the application site creating an additional car parking space on the highway. An appropriate level of car parking should be shown to be contained within the curtilage of the application site, not outside.
44. Essex County Council - Highway Authority were consulted during the course of this application, but no comments have been received. A response from the Highway Authority was provided for application 16/00024/FUL stating there are ten existing family dwellings at this location that share a communal parking court, which has capacity to accommodate 12 vehicles. Extra vehicles already park on the highway on Morrins Close, leading to kerbside stress. The ECC Parking Standards Design and Good Practice Document 2009 recommend that new dwellings with 2 or more bedrooms shall provide a minimum of 2 vehicle parking spaces. A relaxation of parking standards may be sought where dwellings are proposed in a sustainable location where there is good access to alternative forms of transport and other facilities. However, the Highway Authority would not consider this location to be sustainable, with only limited access to alternative forms of transport.
45. Subsequently, there has been no further evidence that has been provided with this application that indicates the situation has changed since 2016. The proposed two bedroom dwelling at this location would therefore lead to further stress to the existing parking situation. The proposal if permitted would also set a precedent for future similar developments with insufficient parking which could in time lead to inappropriate parking practices detrimental to the general safety of all highway users.
46. As a result of a lack of on-plot car parking, the proposal would likely generate demand for additional on-street car parking on the carriageway of Morrins Close, causing increased stress on the existing car parking situation to the detriment of highway safety and the free flow of traffic on the local highway network.
47. The proposed development would amount to over-development of the site as it fails to accommodate adequate on - site parking provision. The proposal would only provide one car parking space. This would fall short of the minimum requirement for a development of a two-bed dwelling. The scale of the development proposed results in an inability to provide sufficient on - site parking contrary to part (v) of policy DM1, part (ix) of policy DM3 and policy DM30 of the Development Management Plan and the adopted Parking Standards.

Ecology

48. The site consists of an existing dwelling and maintained garden where it is unlikely protected species would be present. A bat declaration form has been submitted which indicates the presence of the species to be unlikely although foraging may occur.

European Designated Sites

49. The application site 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.
50. The development for one dwelling 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 one dwelling

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

51. 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.

52. The Essex Coastal Recreational Avoidance and Mitigation Strategy is currently under preparation and it, therefore, constitutes an emerging document for the Council. At the time this application was submitted to the Council, this document states that the flat rate for each new dwelling has been calculated at £122.30. This figure, as of the 1st April 2020 has increased to £125.58 per residential unit.
53. As the application is recommended for refusal this sum has not been sought from the applicant, but in the event of a further planning application or appeal appropriate mitigation in the form of the aforementioned contribution or appropriate alternative would be required. This may be secured via an 'upfront' cost which would be refunded if an application is refused, or a unilateral undertaking if the application were to be recommended favourably.

Representations:

54. Great Wakering Parish Council - No comments received
55. ECC Highway Authority - No comments received
56. Quinet - No comments received.
57. Environment Agency - Raises a holding objection of the basis that the submitted Flood Risk Assessment does not comply with the PPG.

NEIGHBOURS

58. One letter received from 17 Morrins Close

And which makes the following comments and objections:

In the first instance, I am the only person who has received a letter from him regarding the planning, and considering we live in a cul-de-sac/square, one way in and one way out, this seems a little unfair on the other residents.

I have also heard from a good source that they intend not to build on the property themselves, but to sell their property with the permission to build the 1 bed house, this again seems totally unfair on the residents that live in Morrins Close.

I personally feel also that there would not be enough space for another vehicle in the square as it is busy enough and where the lorries are concerned in having to deliver the goods to build would be different issue completely.

One letter has been received from the applicant and which states the following in response to the objections raised : -

I note the response below to the objection by 17 Morrins Close. I will also add these comments to the planning application on the RDC website.

1. Selling the property comments. Whilst hearsay should be ignored we have been clear on our intentions in the covering letter to yourselves.
2. Noise and disturbance. As with all development and construction works this will be subject to restriction in line with noisy working and will follow appropriate methods for controlling dust etc. Deliveries will likely be managed during non-peak daytime hours when the area is quieter. The entrance is sufficient for a delivery vehicle. We regularly see delivery vehicles in the area. It must also be noted this is a bit of hypocrisy. Sanctuary who own no. 17 as well as most of the other properties have conducted large scale refurbishment that benefit their tenants in the road with numerous large vans , material delivery's, storage containers, waste materials left in parking areas, etc and these works were conducted with very poor management and nuisance to the private owners.
3. Parking - the parking has been designed as on curtilage in line with policy and design guides.
4. Over development. Checks were made on the densities against the policy guides and they were within limits.

REFUSE

- 1 The proposed development is located within Flood Zone 3a and would therefore be at a higher probability of flooding. The proposal is for the provision of a dwelling which is classified as a 'more vulnerable' development. Paragraphs 158 and 160 of the National Planning Policy Framework and policy ENV3 of the Core Strategy seek to direct development to areas with a lower risk of flooding. The proposal is considered to fail both the sequential test and the exception test and given that the Council can demonstrate a five year housing land supply on sites which have been subject of sequential testing and that the wider sustainability benefits to the community do not outweigh the flood risk posed as required by the exception test, the development would therefore be contrary to the National Planning Policy Framework, the National Planning Practice Guidance and policy ENV3 of the Core Strategy.
- 2 The submitted Flood Risk Assessment (FRA), referenced FRA001 V2 and dated 5th March 2020 is insufficient as it is unable to demonstrate that the proposed development is safe for future occupants. The FRA does not comply with the requirements of the National Planning Practice Guidance.
- 3 The proposed siting of the new dwelling in close proximity to the side elevation of No. 16 Morrins Close would result in an unacceptable relationship between this property and the new dwelling with the latter causing overshadowing of a significant number of side facing windows which form primary windows given that No. 16 is an end of terrace property with little fenestration to the northern, frontage elevation. The proposal as a result

would be contrary to part (iv) of Policy DM3 of the Development Management Plan.

- 4 The proposed development would amount to over-development of the site as it fails to accommodate adequate on - site parking provision. The proposal would only provide one car parking space, this would fall short of the minimum requirement for a development of a one / two-bed dwelling. The scale of the development proposed results in an inability to provide sufficient on - site parking contrary to part (v) of policy DM1, part (ix) of policy DM3 and policy DM30 of the Development Management Plan and the adopted Parking Standards.
- 5 The application does not include a mechanism to secure a suitable contribution towards the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMs). This means that the development could potentially have a significant effect on the sensitive interest features of coastal European designated sites, through increased recreational pressure from future occupiers of the development.

Relevant Development Plan Policies and Proposals:

Policies H1, H5, H6, CP1, ENV1, ENV2, ENV3, ENV9, T1, T3 and T8 of the Core Strategy 2011

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

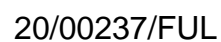
Allocations Plan Policies Map 2014

Supplementary Planning Document 2 - Housing Design

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

National Planning Policy Framework and Planning Practice Guidance.

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



Rochford District Council, licence No.LA079138

