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AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 3rd April 2018 at 7.30 p.m.

Venue: Council Chamber

N.B. This meeting will be webcast live on the internet.

Membership: Councillors Hart (Chairman), Smith (Vice Chairman), Acott, Anderson, Bayley, Blackwell, Cole, Mrs King, Mumford, Sharp, Taylor, Varker and Walter.

Substitutes: Councillors Ladzrie, Palmer, Mrs Sach and Mrs Wass

Canvey Island Town Councillors : Greig and Tucker

Officers attending: Kim Fisher-Bright – Strategic Developments Officer
Rob Davis - Planning Development and Enforcement Manager
Fiona Wilson – Head of Legal Services

Enquiries: Cheryl Salmon, ext. 2454

PART I (Business to be taken in public)

1. Apologies

2. Members' Interests

3. Minutes

A copy of the Minutes of the meeting held on 9th January 2018 is attached.

4. Public Speakers

The Chairman will announce the names of those persons who wish to speak in support /objection under Agenda Item No. 5 (if any).

5. Deposited Plans

The reports are attached.

	Application No	Address	Page No
1.	17/0831/FUL	19-27 Kents Hill Road, Benfleet, SS7 5PN (St Mary's Ward)	1
2.	18/0061/FULCLC	Garage Site, Church Close, Canvey Island, Essex, SS8 9HX	26
3.	18/0076/FULCLO	Football Pitch R/O Waterside Farm Sports Centre, Somnes Avenue, Canvey Island, Essex (Canvey Island West)	37
4.	18/0140/FUL	33 St Mary's Drive, Benfleet, Essex, SS7 1LB (Boyce Ward)	43

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DEVELOPMENT CONTROL COMMITTEE

TUESDAY 9th JANUARY 2018

PRESENT: Councillors Hart (Chairman), Smith (Vice-Chairman), Acott, Bayley, Mrs King, Mumford, Mrs Sach*, Sharp, Taylor, Varker and Walter

Substitute Members Present: Councillor Mrs Sach* for Councillor Blackwell.

Also Present: Councillors Riley and Wood.

Apologies for absence were received from Councillors Anderson, Blackwell, Cole and Canvey Island Town Councillors Greig and Tucker.

The Chairman stated that he had received the sad news that former Councillor and Canvey Island Town Councillor Tony Belford had passed away. All Members wished to pay their respects to him and expressed their condolences to his family at this difficult time.

22. MEMBERS' INTERESTS

There were none.

23. MINUTES

The Minutes of the meeting held on 5th December 2017 were taken as read and signed as correct.

24. DEPOSITED PLANS

- (a) 17/0819/FULCLC – LAND OFF HATLEY GARDENS, BENFLEET, ESSEX (APPLETON WARD) – CHANGE OF USE OF LAND FROM STORAGE AREA AND CONSTRUCTION OF TWO STOREY HOUSE IN MULTIPLE OCCUPATION CONSISTING OF NINE UNITS WITH ASSOCIATED PARKING – CASTLE POINT BOROUGH COUNCIL**

The application sought permission for construction of a house in multiple occupation to be run by the council. The proposal would provide an urgently needed facility for the Council to house people on a temporary basis currently met by bed-and-breakfast accommodation away from the area. The benefits of the proposal were felt to outweigh any adverse impacts and therefore the proposal was recommended for approval.

The application was presented to the Committee because the land was council-owned.

The Planning Officer drew the Committee's attention to additional comments that had been received from a resident following publication of the agenda. In response to those comments it was explained that the Council's ownership of the land relating to the access road was wider than the current concreted area. The bin store could be re-located to another part of the site and that maintenance of boundary fences of additional properties was not a material planning consideration.

During discussion the Committee indicated its support for the proposal however it was concerned that two of the units would use a shared bathroom. Members felt that this was unacceptable as there was capacity within the development to provide another bathroom and therefore all units should be provided with en-suite accommodation.

Members also considered that a landscaping scheme should be submitted and felt that the boundary fencing should be included in the scheme in the interests of amenity for both the occupiers of the site and surrounding area.

Following detailed discussion it was:-

Resolved – That the application be approved subject to the conditions as set out in the Planning Officer's report and two additional conditions as follows:

- 1) That a landscaping scheme to include the boundary fencing be submitted to the local planning authority for approval.
- 2) That all nine units be provided with en-suite accommodation.

Chairman

ITEM 1

Application Number:	17/0831/FUL
Address:	19-27 Kents Hill Road, Benfleet, SS7 5PN (St Mary's Ward)
Description of Development:	Demolition of existing buildings and hardstanding and construct two buildings comprising of 23No. sheltered housing units and 1No. guest unit, improved access from Kents Hill Road, associated off-street car parking, landscaping and other associated development.
Applicant:	Renown Developments
Case Officer:	Mrs Kim Fisher-Bright
Expiry Date:	30.03.2018

Summary

The proposal represents the redevelopment of an urban brownfield site, allocated for shopping purposes in the adopted Local Plan, with 23 sheltered housing units arranged across two three storey blocks. The site is located on the west side of Kents Hill Road, close to the Junction with Benfleet High Road and is allocated for shopping purposes. Redevelopment of land for residential purposes is consistent with the provisions of the NPPF and in principle is considered acceptable on this site, subject to conditions.

Whilst the scheme exhibits some minor deficiencies when assessed against the adopted policies and guidance of the Planning Authority, none, are considered so significant as to provide a robust reason for refusal.

The Scheme does attract the need for assessment with regard to the payment of an off-site contribution towards the provision of Affordable Housing. Initial statements from the applicant in this regard suggest that the Scheme would be rendered unviable by the need to make such a contribution and none is therefore offered.

The applicant has submitted a viability study to demonstrate the lack of capacity for a financial contribution and this is currently being analysed in detail however, in order to limit delay in bringing the scheme forward, Members are asked to consider the principle and design details of the scheme at this time and if so minded, to resolve to **grant consent for the scheme** subject to the applicant making an **appropriate contribution, towards affordable housing**, the level of which would be determined following further analysis of the Viability Report.

Site Visit

It is not considered necessary for Members to visit the site prior to determination of the application.

THE PROPOSAL

Site Description

The site is located on the western side of Kents Hill Road, some 85m north of the junction with High Road. It is an irregular shaped plot with a maximum depth of some 107m and a width ranging from some 21m at the eastern end to 30m at the western extent. The site has a minimum width of some 16.5m, 38m into the site from the road frontage.

The site is currently occupied by poor quality industrial units and an open yard/parking area which has been previously used for a variety of commercial purposes.

To the south of the site lie a number of commercial premises including the recently developed Sainsburys Local store whilst to the north, east and west the site is predominantly bounded by two storey residential development. That located to the west of the site shares a similar backland location to the current proposal and provides 6 sheltered accommodation units.

Description of Proposed Development

The proposal seeks consent for the demolition of all of the existing buildings on the site and their replacement with an irregularly shaped, three storey, part flat roofed building, providing 13 two bedroomed flats, 5 one bedroomed flats with guest suite and communal facilities behind the established frontage, within the body of the site and a three storey pitched roofed building providing 1 two bedroomed flat and 4 one bedroomed flats on the Kents Hill Road frontage to the site. A total of 23 units would be provided on the site.

Primary access to the development at the rear will utilise the existing access point into the site on Kents Hill Road, adjacent to the northern boundary of the site. A further pedestrian access will be taken over the existing private access from Melcombe Road to the north.

The site will provide 24 parking spaces and two formal amenity areas.

Supplementary Documentation

A number of supporting documents have been prepared in support of this planning application which comprise the following:

- Design & Access Statement – DAP Architecture Ltd;
- Flood Risk Assessment (FRA) & Drainage Strategy – Ardent;
- Transport Statement – Ardent;
- Arboricultural Impact Assessment – Sharon Hosegood Associates;
- Agent justification letter – Ayers & Cruiks;
- Land Contamination Assessment – Chelmer Site Investigations; and
- Planning Statement – Phase 2 Planning.

All of these documents may be viewed on the Council's website.

Relevant History

The site has significant history related to the commercial use of the site, none of which is of direct relevance to the current scheme.

Local Plan Allocation

The site is allocated for shopping purposes in the adopted Local Plan.

Relevant Policies and Government Guidance

National Planning Policy Framework

Paragraphs: 11, 14, 17, 19, 23, 32, 37, 39, 50, 51, 56-58, 64, 109, 111, 118, 120.

Local Plan Policies

S4 Non-Retail Development
EC2 Design
EC3 Amenity
EC13 Protection of wildlife
EC14 Creation of habitat
H7 Affordable Housing
H9 New housing densities
H10 Mix of development
H13 Location of development
H17 Spatial standards
T8 Parking Standards

Residential Design Guidance

RDG2 Space around dwellings
RDG3 Building lines
RDG4 Corner plots
RDG5 Privacy and living conditions
RDG6 Amenity space
RDG9 Energy and water efficiency and renewable energy
RDG10 Enclosure and boundary treatment
RDG12 Parking and access
RDG13 Refuse and recycling storage

It should be noted that whilst the applicant describes the proposal as a sheltered scheme, there are no policy concessions available in respect of such developments which are consequently subject to all policies applicable to other forms of flatted development.

Consultations

CPBC Environmental Health Officer

No objection subject to conditions.

ECC Infrastructure Officer

No education contribution required.

LLFA

No objection subject to conditions.

Anglian Water

No objection subject to conditions.

Street Scene

No objection subject to conditions.

Environment Agency

No Comment.

Highway Authority

No objection subject to conditions.

Public Consultation

9 responses have been received from the following addresses:

Kents Hill Road: 29 and 35

Melcombe Road 15, 19, 25B, 32, 36, 36A and 38.

Which raise the following objections/comments:

- Concerned about the security of the site
- Noise, disturbance and dirt from construction phase
- Parking and Traffic implications
- Height
- Loss of privacy
- Use of rear access from Melcombe Road
- Restriction on age of occupants requested.

Comments on Consultation Responses

All appropriate responses will be made within the evaluation of the proposal.

Evaluation of Proposal

The main issues for consideration are the principle of the proposed residential development, the design and layout of the scheme, the impact on surrounding residential properties, parking implications, flood risk and contamination.

Consideration must also be given to the provision of affordable housing.

The Principle

The site is allocated for shopping purposes in the adopted Local Plan and is located within the town centre, where Policy S4 of the Local Plan seeks to retain town centre uses (A1, A2, A3, A4, A5, B1, D1 and D2).

The proposal seeks to provide a residential development on the site which would, prima facie, appear inconsistent with the Local Plan allocation.

The NPPF at paragraph 23 however supports the allocation of a range of suitable sites to meet a variety of uses, including residential development, in town centres. Paragraph 51 further encourages local authorities to approve planning applications for the change to residential use from commercial buildings where there is an identified need for housing in that area, provided that there are not strong economic reasons why such development should not be allowed. In this context the proposed residential use demands further consideration.

This site is not considered to be a particularly attractive commercial site being located on the fringe of the town centre, some distance from the primary commercial frontage and adjoined on three sides by residential development. The site has for many years performed a warehouse/storage/manufacturing function with no demonstrated links to uses within the Town Centre. The loss of this use is therefore considered unlikely to have a significant adverse impact on the viability or vitality of the Town Centre.

In addition, the applicant has submitted a local estate agent's (Ayers & Cruiks) letter and associated sales particulars in relation to the site which confirms that the site has been extensively marketed for continuing employment uses with little interest received in continuing such land use of the site. Instead all interest received related solely to the site's residential redevelopment potential. Therefore, in addition to the on-site context such sales particulars and marketing evidence clearly demonstrate a lack of interest and demand in retaining employment generating or shopping use of the site and therefore the site's overall unsustainability in this regard.

Furthermore, the delivery of residential development on this previously developed site would provide an important contribution towards the provision of new homes within the Borough which exhibits a significant deficiency in housing land supply.

Under these circumstances it is not considered that an objection to the redevelopment of the site for residential purposes would be supported on appeal.

Design and layout

The form of development.

The proposal seeks to provide 14 two bedroomed flats and 9 one bedroomed flats with associated amenity space, communal facilities and parking provision. The buildings would appear as two storey buildings with rooms formed in the roofspace.

Policy H13 of the Adopted Local Plan considers the principle and location of flatted development and provides criteria on design, scale and siting. This policy is considered generally consistent with the NPPF.

The policy specifically states that proposals for flats should be located on main roads.

The site does not share a frontage with a main road and prima facie therefore the location would appear inappropriate. However, the site is located in close proximity to Benfleet High Road, which is identified as a main road and immediately abuts the site of a flatted development to the west. In

this context it is not considered that an objection to flats at this specific location could be sustained on appeal.

Density and Mix of Housing

Policy H9 of the adopted Local Plan requires the optimum density of development to be achieved on any site. The optimum number is generally defined as the quantum of development that can be achieved whilst providing an attractive layout and without causing harm to the surroundings.

Whilst broadly consistent with paragraph 58 bullet 3 of the NPPF, Policy H9 is somewhat vague and a better test of whether the density of the development is appropriate is assessment of the proposal against the Council's Residential Design Guidance, which will be undertaken later in this report.

Policy H10 of the adopted Local Plan states that in all residential developments the Council will seek an appropriate range of dwelling types. This also a vague policy which is inconsistent with the requirements of paragraph 50 of the NPPF which requires local planning authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

The most up to date local evidence of need in respect of the mix of development on sites is the 2017 Addendum to the 2016 Strategic Housing Market Assessment (SHMA May 2016). This identified that for the Castle Point area, in the period 2014 – 2037, 32% of new dwellings should be 1 and 2 bedroomed properties and 68% of new dwellings should be 3 and 4+ bedroomed properties.

The proposed development consists of a mixture of one and two bedroomed units, the provision of which will meet an identified need.

Under the circumstances the proposal is considered to satisfy the requirements of Policy H10 of the adopted Local Plan.

Design

Policy EC2 of the current Local Plan requires a high standard of design in all new buildings. This is consistent with paragraphs 56 to 58 of the NPPF. Proposals will have regard to the scale, density, design, layout and external materials which should be appropriate to the setting of the building and which should not harm the character of the surroundings. The appearance and treatment of spaces around buildings shall be enhanced by appropriate hard and soft landscaping. It also states that all modes of movement shall be made safe and convenient.

The proposed development takes two forms. A smaller building (Block A) providing five flats is provided to the Kents Hill Road frontage. This is three storey in height with the third floor contained within the roof. The building has the appearance a pair of semi-detached houses when viewed from Kents Hill Road, and whilst taller than the buildings either side, exhibits many features, such as porticoes and brick arches over the windows, which assist in satisfactorily assimilating this element of the development into the street scene without significant detriment to the character and appearance of the area.

The larger building to the rear of the site (Block B), is reminiscent of a Georgian Mews and whilst not entirely consistent with the character of the surrounding area is isolated from the street frontage and existing residential development and therefore capable of displaying a different

character without harm to the visual amenity of the area. In principle the style adopted for each element of the proposed development is considered acceptable.

Acceptability in terms of the detail of the scheme will be determined within the framework provided by the Council's adopted Residential Design Guidance.

Within the Council's Residential Design Guidance Supplementary Planning Document, guidance, RDG2 requires the space around new development to be informed by the prevailing character of space around dwellings. Where there is no clear pattern of development the space around a dwelling should be proportionate to the size of the dwelling. It should seek to provide at least 1m between the properties and the boundary.

Buildings containing, *inter alia*, flats or sheltered accommodation should provide space equivalent to 25% of the width of the building.

The frontage development meets this requirement in respect of the relationship provided between the proposed building and the southern and northern boundaries of the site.

The proposed flats located to the rear of the site have a width of some 65m. This generates a requirement for isolation space equivalent to some 16m. At best some 6.5m is achieved. As such the current proposal fails to provide an appropriate setting for the building and would potentially produce a scheme of mean and cramped appearance. *Prima facie*, this appears to represent an objection to the proposal. However, the site is located in close proximity to the Town Centre which is characterised by a tighter grain of development. Furthermore, this element of the proposal occupies a backland location which has no significant relationship with the adjoining residential development and which can therefore determine its own character.

In addition it should be noted that the Government is exhorting planning authorities to make the best use of available urban land in order to secure sustainable patterns of development and to offer protection to the Green Belt from inappropriate development, where this can be achieved with no significant adverse consequences for the receiving environment.

Within the context of this specific proposal it is not considered that the character and appearance of the wider area is prejudiced by the limited levels of isolation space achieved between the proposed building and the boundaries of the site, or that the setting of the proposed development is unduly compromised. No objection is therefore raised to this aspect of the proposal.

Guidance at RDG3 requires all new development to be informed by the prevailing building lines to the public realm it faces, without repeating poor forms of development. Development must not result in disruption to strong building lines.

RDG3 also requires proposals not to cause excessive overshadowing or dominance to adjacent properties.

The proposed development fronting Kents Hill Road is shown to be broadly in accord with the established building line and as such satisfies this particular requirement.

The development to the rear of the site, because of its proposed location, would have no relationship with any established building line, but would reflect the setting of the development to

the west. It is not considered that an objection to the siting of this element of the scheme could therefore attract an objection under RDG3.

By virtue of the scale of the development and its relative orientation the proposed development is not considered to have a significant adverse impact on adjoining residences by reason of over-shadowing. No objection is raised to the proposal on this basis.

The proposed development on the frontage of the site, Block A, would have a height of some 10.1m and would be approximately 2m higher than the dwelling to the north and approximately 3m higher than the commercial building to the south. Despite this increased height however, as a consequence of the specific siting of the new building and the consequent relationship with the buildings to either side, it is not considered that this element of the proposal would result in the domination or overshadowing of the adjoining properties. No objection is therefore raised to this element of the proposal on that basis.

The majority of Block B is shown to be located only some 1m – 3m from the northern, western and eastern boundaries of the site and to extend along the entire northern boundary of the site. This relationship with the boundary may be considered likely to result in a form of development which, by virtue of its scale and proximity, would dominate the adjoining properties. However, the building has an eaves height of some 5.5m only and a maximum height of some 8.6m. The scale of the building in terms of its height is therefore limited and whilst close to the boundaries, the building is considered sufficiently isolated from the adjoining dwellings, which are located some 21m – 40m from the proposed building, to avoid domination or overshadowing of those properties. No objection is therefore raised to the proposal under RDG3.

RDG5 provides guidance on privacy and living conditions; and states that for all development above ground floor level a distance of 9m shall be provided between any first floor opening/balcony and the boundary it directly faces. For development at second floor level a distance of 15m shall be provided.

It also considers that all new dwellings should be provided with windows to ensure adequate natural light and ventilation to the rooms they serve.

Block A, located on the frontage of the site has windows in all elevations.

Those in the eastern elevation are located some 3.5m – 4.5m from the front boundary of the site, but overlook the highway. In this context it is not considered that the proposal would result in undue overlooking or loss of privacy to the residents occupying the dwellings opposite the site and no objection is therefore raised to the proposal on that basis.

Windows in the southern and northern elevations serve bathrooms which are less than the requisite distance from the boundaries they face. However, it is considered that these windows may be obscure glazed and fixed to 1.7m without unduly compromising living conditions within the flats.

Windows in the northern elevation serve a bedroom and a bathroom at ground floor level which would overlook the proposed access to the site. In the context of RDG5, this relationship is considered acceptable. At first and second floor level windows serving a bathroom and a kitchen respectively, are located less than the requisite distance from the boundary.

It is considered that the bathroom could be obscure-glazed and fixed to 1.7m above the finished floor level of the room served by the window, to avoid overlooking and loss of privacy and a subject to a condition to secure this, no objection is raised to this window.

The proposed kitchen at second floor level is a secondary window and it is considered that this could also be obscure glazed and fixed to 1.7m without unduly compromising living conditions within the unit.

Similarly, the units at the western end of the site, Block B, would be located some 1m from the western boundary. Windows provided in this elevation would directly overlook the car park of the adjoining sheltered scheme and would potentially be within 18m of a bedroom window provided in the eastern elevation of the adjoining property. In this location the proposal is considered likely to give rise to considerable overlooking and loss of privacy which would represent an objection to the proposal, however, the majority of the windows at first floor level serve a communal corridor and it is considered that these may be obscure glazed and fixed to a height of 1.7m, which would protect the privacy and amenity of adjoining residents without compromising living conditions within the scheme.

Two windows in the western elevation at first floor level would serve a bathroom and provide secondary light to a kitchen window. It is considered that both of these windows may also be obscure glazed and fixed to a height of 1.7m.

No windows are currently proposed in the northern elevation at first floor level and it is considered appropriate to impose a condition on the grant of any consent in order to ensure the retention of this wall as an imperforate structure in order to secure the privacy and amenity of adjoining residents.

The imperforate nature of this wall does have implications for the proposed development, specifically the easternmost first floor unit.

The flats provided within Block B are primarily single aspect in nature, with all windows provided to the front elevation. This works successfully for 8 of the 9 first floor flats, which have widths of 6m – 8m. The easternmost unit has a width of 5m only and this precludes a single aspect layout with reasonable levels of accommodation. To overcome the constraints of the site, the applicants have provided a bedroom at the rear which would obtain light and natural ventilation via a roof light only. The room would have no lateral outlook.

Ordinarily this form of development would not be considered acceptable, however, the rooflight would serve a bedroom within a sheltered scheme which is likely to have a more limited requirement for high levels of natural light, and it serves only one room within a complex of 18 flats. Furthermore, any future occupier of the flat will be aware of the configuration of the accommodation and would be able to make a choice in respect of the whether the accommodation was acceptable prior to purchase.

Under the circumstances, whilst not ideal and not a feature that the Planning Authority would wish to see used extensively to overcome deficiencies on sites, it is not considered that in isolation an objection to the entire scheme based on the provision of roof lights to a single bedroom, would be supported on appeal.

No objection is therefore raised to this element of the proposal.

RDG6 requires appropriate amounts of amenity space to be provided, in proportion with the size of the dwelling(s). For buildings containing flats or specialist residential development, 8m² of amenity space should be provided per habitable room. Where flats have fewer than three habitable rooms 25m² of amenity space should be provided for each flat.

The provision of balconies can be included in this, provided that they have a depth of at least 1.5m and a floor area of 5m².

The proposal would attract a requirement of 475m². Whilst remote from some units on the site, this level of amenity space is provided within the site. No objection is therefore raised to the proposal under RDG6.

RDG8 requires that all development is designed to provide well-proportioned and balanced properties which complement the surrounding area. . The proposed units at the front of the site share many features common to adjoining properties such as porticoes, brick arches over windows and aligned fenestration, which will allow it to integrate successfully with the adjoining development, albeit exhibiting greater height than adjoining dwellings.

The flats to the rear would appear more as a neo Georgian style terrace or mews court, which is not entirely consistent with the character and appearance of the surrounding area, but is visually attractive in its own right and would have no adverse impact on the character and appearance of the surrounding area. The elevations are balanced and proportional across the scheme, which is considered to satisfy the requirements of RDG8.

In terms of the palette of materials to be used, yellow stock brickwork will be enhanced with red brick detailing, similar to that found in adjoining properties, with grey slate tile roofs and white render. The dormers will have a lead finish and the paved areas will be finished in grey and yellow pavers. All doors and windows will be of timber composite.

This palette reflects that of the adjoining properties and as such is considered acceptable.

RDG9 encourages the incorporation of measures for achieving high levels of energy and water efficiency into developments. It also requires the design and siting of energy and water efficiency measures not to result in prominent, dominant, alien or incongruous features.

The scheme primarily faces east and south and offers significant potential for passive solar gain. This feature, coupled with the use of appropriate thermal insulation and energy efficient appliances is considered sufficient to satisfy RDG9.

RDG10 requires means of enclosure not to dominate the public realm. The proposal indicates the provision of 3m high metal gates at the front of the site and 2m high close boarded fencing to other boundaries. Such enclosure is considered acceptable in principle and will satisfy the requirements of RDG10.

Parking and Access Arrangements

RDG12 is concerned with the provision of appropriate access and parking arrangements.

Access to the development is proposed to be taken from the existing access point on Kent's Hill Road via a crossover access junction. The access road is to be 4.8m wide, with a 1.2m wide

footway provided to connect the site to Kent's Hill Road. This is an improvement over the existing unsegregated access point.

The main site access is to have gates for both the vehicular access and pedestrian footway, providing a secure development. The gates are to be set back into the site by 7m in order to allow a vehicle to wait at the gates clear of the public highway.

Internally, the site layout is to be a shared surface design.

The submitted Transport Report states that junction visibility splays of 2.4m x 43m will be provided to the right (south) of the access for drivers egressing from the development, (although a splay of some 19m only is identified in the submitted plan).

To the north, the junction visibility splay is more limited at 18m to the kerb edge, but achieves 41m at the centre line of the road.

Whilst some discrepancy exists between the diagrammatic drawing and the supporting text in terms of the site splays achievable on the site to the north, the Highway Authority has confirmed that the visibility splays proposed are an improvement on the existing situation, given that a dedicated footway is being provided in order to place vehicles more centrally in the access junction.

The proposed access point also allows for compliant pedestrian inter-visibility to be provided, which again cannot be achieved in the existing situation. This is a benefit over the existing site access arrangement.

Under the circumstances no objection is raised to the proposed access to the site from Kents Hill Road.

In addition to the main vehicular/pedestrian access into the site, a pedestrian access route is also proposed along the existing shared driveway from Melcombe Road into the northern part of the development site and a secondary pedestrian access route is to be provided from the south-eastern corner of the site via a flight of steps to provide access towards the adjoining supermarket.

Local residents have expressed some concern over the proposed pedestrian access from Melcombe Road, citing concerns over noise and disturbance and the potential security threat its greater use could pose.

At the present time this access serves garages within the rear gardens of dwellings fronting Melcombe Road and provides a rear access to the application site. It should be noted however that this shared access is a private right of way over which the applicant has a right of access. It would inappropriate for the Planning Authority to seek to deprive the applicant of this right.

No comment has been received from the supermarket in respect of access to that site.

In terms of parking, Policy T8 of the Local Plan requires the provision of car parking in accordance with adopted standards. This is consistent with paragraph 39 of the NPPF which requires local planning authorities to set such standards reflecting local circumstances.

The currently adopted standards are the 2009 County Parking Standards.

Two potentially relevant parking standards are available – that for flats which requires the provision of one space for one bedroomed properties and two spaces for properties with two or more bedrooms, plus visitor parking at a rate of 0.25 spaces per dwelling, rounded up to the nearest whole space, and that for retirement developments (warden assisted independent living accommodation) which requires the provision of one space per unit.

Under the provisions for flats the maximum parking requirement for this development would be as follows:

14 units with 2 or more bedrooms:	28 spaces
9 units with one bedroom	9 spaces
Visitors 0.25 x 23	<u>6 spaces</u>
Total	43 spaces.

It is the practice of this Authority to apply parking standards flexibly in locations which offer good access to public transport and services. The proposal site is considered appropriate for consideration in this context and would therefore attract a requirement of one parking space for every residential unit (including the guest suite). This would equate to the provision of 24 spaces.

No visitor parking would be required given the proximity of the site to public car parks within the adjoining residential area.

Calculation of parking provision on the basis of sheltered housing would also generate a requirement for 24 parking spaces.

This quantitative provision is achieved on the site.

Car parking spaces are required to be 2.9m wide and 5.5m deep. This is achieved on the site.

The residential cycle parking requirement for sheltered flats is one secure space per eight dwellings. Within the context of a sheltered development, cycle storage for 3 bicycles is required. This is achieved within a cycle and mobility scooter store room incorporated within Block B.

Local residents have objected to the proposal on the basis of inadequate parking and traffic generation.

As demonstrated above the scheme provides sufficient car parking provision to meet the needs of the site.

In terms of traffic generation, it must be noted that the site represents an allocated shopping site which currently supports commercial activities which are uncontrolled in terms of their hours of operation or potential for trip generation.

The proposed development will replace the significant potential for heavy vehicles to access the site with cars associated with the use and operation of the sheltered housing scheme. Work undertaken by the applicant predicts that there will be only four two-way vehicle movements in the weekday AM and PM peak hours respectively resulting from the 23 dwellings and an expected reduction in vehicles in comparison to the site's existing use as an industrial trade retail unit and

office in the weekday AM and PM peaks. There would also be expected to be reductions in vehicle movements during key periods coinciding with the retail trade counter operation such as weekends.

The Highway Authority has confirmed that this is likely to be the case.

No objection is therefore raised to the proposal on parking or traffic grounds.

Refuse and Recycling

RDG13 deals with refuse and recycling storage and requires such facilities to be of adequate size for the development they serve and not to adversely impact on the streetscene. A refuse bin storage area is to be provided within Block B. This is located beyond the 25m walking distance refuse operatives are required to walk to collect refuse. However, the applicants have confirmed that it is not intended that refuse vehicles should enter the site, instead Management would transfer bins from the refuse collection storage points to the kerbside on collection days.

The applicants have however confirmed the intention to ensure that vehicle surfaces are constructed to withstand the weight and manoeuvres of a 32 tonne vehicle, to accommodate Emergency Service vehicles. This would facilitate refuse access should this become necessary.

This arrangement is considered satisfactory.

Provision of Affordable Housing

The proposal is above the threshold for the attraction of a contribution towards the provision of affordable housing.

Policy H7 of the adopted Local Plan sets out the Council's policy in relation to affordable housing provision. It states that the number of affordable dwellings to be provided will be dependent upon the size of the site, its location, and any substantial costs associated with the provision of necessary infrastructure. The Council's Developer Contributions Supplementary Planning Document provides the current guidance on the amount and type of contribution that is expected in relation to affordable housing provision. This currently requires the provision of 35% affordable housing on sites of 15 units or more. This would equate to the provision of 9 affordable housing units on this site.

The viability report prepared to support the now withdrawn New Local Plan, suggested however that within the mainland areas of the Borough the provision of 25% affordable housing was more appropriate. This would equate to the provision of 6 affordable housing units.

The applicant has not identified any affordable housing provision on the site and has indeed suggested that both on site provision and off-site contribution would render the scheme unviable. The applicant has submitted a viability report to demonstrate this contention.

The Planning Authority is currently analysing the Viability Report in depth to determine whether a contribution would render the scheme incapable of delivery.

The failure of the applicant to make an appropriate contribution towards the provision of affordable housing, where this would not render the scheme unviable, would be inconsistent with

the Council's policies in this respect and with Government guidance and would therefore attract a recommendation of refusal.

At the present time a final conclusion has not been reached, however, in order to limit delay in bringing the scheme forward, Members are asked to consider the principle and design details of the scheme at this time and if so minded, to resolve to grant consent for the scheme subject to the applicant making an appropriate contribution, towards affordable housing, the level of which would be determined following further analysis of the Viability Report.

Ecology and Trees

Policy EC13 of the adopted Local Plan states that the Council will refuse development which is prejudicial to the interests of all wildlife and the retention and management of important habitats.

Policy EC14 states that the council will encourage proposals for further nature reserves. It will also promote the creation of new wildlife habitats in conjunction with development proposals. In considering planning applications, the Council will take into account the potential for the creation of wildlife habitats, particularly where these would enhance and complement existing elements of nature conservation on adjoining land.

The site is a commercial site with significant built form and areas of hardsurfacing. The site currently provides limited landscaped areas and consequently offers limited opportunities for wildlife.

There are 2 trees and 2 groups of trees present on the site, which would be affected by the proposed development. Some eight further trees are located on land immediately adjoining the site.

The predominant species are sycamore, cypress, birch, ash and goat willow and all are considered to be either in poor condition or unremarkable in form, lacking significant visual impact. None are the subject of Tree Preservation Orders.

The site has been identified as having very low landscape value and none of the trees present on the site are considered suitable for retention.

The scheme results in the removal of a goat willow and two young self-sown groups of sycamore and ash saplings. A small amount of pruning will also be required to three offsite trees. A further off site tree may also need to be removed due to its condition and unsustainable proximity to the boundary wall, however this is a matter for the applicant and the tree owner to determine.

The offsite trees will be protected during the construction phase by a combination of ground protection and fencing as detailed on the submitted tree protection plan.

Given the limited vegetation present on the site and the poor quality of that which is available, it is not considered that development of the site would have a significant adverse impact on visual amenity or wildlife in the vicinity.

The proposal does however provide the potential to increase the ecological interest and value of the site. A condition will therefore be attached to the grant of any consent requiring the

submission, approval and implementation of a robust landscaping scheme, heavily biased towards indigenous, wildlife friendly species.

Flood Risk

The NPPF states that a site-specific FRA should demonstrate that the development will be safe for its lifetime (taking into account the vulnerability of its users), without increasing flood risk elsewhere and, where possible, reduce flood risk overall.

The site is identified as falling within Flood Zone 1 and is therefore at low risk of fluvial or tidal flooding, however some parts of the site would be susceptible to surface water flooding. The extent of the site susceptible is limited and would not appear to impact on the proposed dwellings, as such no objection is raised to the proposal on the basis of its vulnerability to flooding.

Development of a site would ordinarily run the risk of the potential for run off onto other sites, thus potentially increasing off-site flood risk, contrary to Government guidance. In this instance however it is noted that the site is extensively hard-surfaced and that the proposed scheme would result in a greater area of the site being permeable.

As the post-development's impermeable area is less than the current site, the volume of surface water run-off is likely to be reduced as a result of implementing the scheme, thus reducing the risk of off-site flooding.

Despite this situation however the applicant intends to install sustainable drainage measures onto the site in order to reduce surface water discharge from the site and improve the quality of water entering the public sewer network.

No objection is therefore raised to proposal on the basis of flood risk or surface water drainage.

Contamination.

The application site has been used for commercial purposes for many years and there is therefore the potential for the site to suffer contamination.

The applicant has undertaken a Phase 1 Desk Top Study to identify possible contamination on the site. This study essentially considers written and photographic records for the site and surrounding area in order to determine whether activities on the site could have resulted in contamination.

The Study identifies that the site has historically been used for a variety of commercial purposes and that potential contaminative sources representing possible risks to human health could be present. It therefore recommends that a Phase II Intrusive Investigation be undertaken at the site to better characterise the nature and level of contamination present and more fully determine the risks posed to the proposed redevelopment and future site residents and users.

These additional site works would be carried out in order to:-

- To characterise the site conditions, including the soil and water/geology and hydrogeology;
- To fully identify the full range and concentrations of contaminants that might be present

- To fully identify the presence and regime of ground gases on site;
- To verify pollutant linkages identified at a conceptual level in the Desk Top Study report for initial assessment; and to
- Characterise the site for foundation design.

In addition the Report recommends the targeting of exploratory positions across the area of the site formerly occupied by the Engineering Works, discussions with the local Contaminated Land Officer and Petroleum Officer and the installation of ground gas and ground water monitoring wells.

The Council's Environment Health Officer has considered the submitted Desk Top Study and subject to conditions to ensure appropriate investigation, remediation and reporting, has raised no objection to the proposal.

Impact on surrounding residential properties

The effect of development on residential amenity is an important planning consideration. Policy EC3 of the adopted Local Plan states that development proposals which would have a significant adverse effect upon the residential amenity of the surrounding area by reason of traffic, noise, fumes or other forms of disturbance will be refused.

Local residents have also raised concerns in respect of the proposed development, specifically with regard to the potential for noise, dirt and disturbance, parking and traffic considerations, the height of the buildings, loss of privacy, security, the use of the rear access from Melcombe Road and the potential for the site to be occupied by persons under 50.

Concerns in respect of parking, traffic, access from Melcombe Road and privacy have been considered in the foregoing evaluation and will not be repeated.

Security

A local resident has advised that nearby properties have recently experienced vandalism and burglary. The fear is expressed that removal of the existing gate to the site would encourage trespass and similar anti-social behaviour on the site.

It should be noted that the proposed scheme incorporates the provision of 3m high gates at the front of the site which will limit access to residents only.

Furthermore occupation of the site by residents and the presence of a Management Team is considered likely to dissuade trespass.

Under the circumstances proposed concerns about security are considered to be addressed.

Noise, Dirt and Disturbance.

Construction will inevitably result in some noise and disturbance being experienced by adjoining residents. However such occurrences are transitory in nature and cannot therefore represent a robust objection to the proposal.

With regard to noise experienced as a result of the operation of the sheltered scheme, it must be remembered that the proposal seeks to redevelop an existing commercial site with a residential development. The surrounding area is primarily characterised by residential development and the previous use of the site was known to generate levels of noise and disturbance which were detrimental to the amenity of some residents. It is not considered that the proposed use would give rise to unusual levels of noise and disturbance relative to the context of the site and its former and potential use.

No objection is therefore raised to the proposal on this basis.

In terms of dirt/dust generated through the construction period, legislation is currently available to control such matters (Environmental Protection Act) and the applicant's attention will be drawn to the need to implement appropriate site management to avoid adverse impacts on adjoining residents and the wider road network.

Height

Comment has been received that the height of the buildings should be restricted to two storeys.

Whilst it is acknowledged that the majority of development in immediate proximity of the site is two storey in height, it should be noted that Block B to the rear of the site has a height of some 8.6m, which is comparable to many two storey buildings, (and would indeed appear to be a two storey building when viewed from the north) and Block A is located in visual range of three storey development to the south east of the site.

In terms of dominance and overshadowing neither building has a significant adverse impact on the amenity of adjoining occupiers.

Furthermore, it is not considered that the character and appearance of Kents Hill Road is one where strict control over building heights needs to be imposed.

Under the circumstances there is no identified justification for requiring the provision of two storey buildings on this site.

No objection is therefore raised to the proposal on the basis of its height.

The potential for the site to be occupied by persons under 50 years of age.

The application seeks consent for a sheltered housing scheme, however, with the exception of the reduction in required bicycle parking spaces, the scheme meets all the policy requirements that would be sought in a general purpose flatted scheme.

There is therefore no significant planning reason to impose a limitation on the age of occupiers.

Conclusion

The proposal represents the redevelopment of an urban brownfield site, allocated for shopping purposes in the adopted Local Plan, for residential purposes. Re-use of the land for residential purposes is consistent with the provisions of the NPPF and in principle is considered acceptable on this site.

Whilst the scheme exhibits some deficiencies when assessed against the adopted policies and guidance of the Planning Authority, none, are considered so significant as to provide a robust reason for refusal.

The Scheme does attract the need for assessment with regard to the payment of an off-site contribution towards the provision of Affordable Housing.

Initial statements from the applicant in this regard suggest that the Scheme would be rendered unviable by the need to make such a contribution and none is therefore offered.

The applicant has submitted a viability study to demonstrate the lack of capacity for a financial contribution and this is currently being analysed in detail however, in order to limit delay in bringing the scheme forward, Members are asked to consider the principle and design details of the scheme at this time and if so minded, to resolve to grant consent for the scheme subject to the applicant making an appropriate contribution, towards affordable housing, the level of which would be determined following further analysis and negotiation.

I have taken all other matters raised by interested parties into consideration but none are sufficient to outweigh the considerations that led to the following:

My Recommendation is Approval, subject to the applicant entering into a satisfactory S106 agreement to secure the provision of an appropriate contribution towards off-site affordable housing and the following conditions

- 1 This permission shall be read in conjunction with the Agreement entered into under Section 106 of the Town and Country Planning Act, 1990, dated contemporaneously with the permission.

REASON: In order to ensure the provision of an appropriate financial contribution towards the provision of off-site Affordable Housing.

- 2 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

REASON: This condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 3 A Phase 1 Desk Top Study has been submitted with the application which identified that there is possible contamination on site. This report (Reference: DTS/9503 dated October 2017) has highlighted potentially unacceptable risks arising from contamination at the site.

The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

- (i) A site investigation, based on the findings of the Phase 1 Desk Top Study (Reference: DTS/9503 dated October 2017) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- (ii) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (1). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- (iii) A Closure Report shall be submitted upon completion of the works. The closure report shall include full verification details as set out in 2. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean.

REASON: In order to ensure the health and safety of future occupiers and users of the site.

- 4 No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- (i) Limiting discharge rates to a minimum of 50% betterment of the existing brownfield rate for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
 - (ii) Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
 - (iii) Final modelling and calculations for all areas of the drainage system.
 - (iv) The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
 - (v) Detailed engineering drawings of each component of the drainage scheme.
 - (vi) A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - (vii) A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, ensure the effective operation of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment.

Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- 5 No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 6 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

- 7 Prior to commencement of the development, the road junction at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4m by 43m metres to the South, measured from and along the nearside edge of the carriageway. The Visibility to the North shall be 2.4m x 22m. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times as shown in principle on Ardent Consulting Engineers Dwg 171620-003 Rev A.

REASON: To provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Policy EC2 of the adopted Local Plan.

- 8 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.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011 and Policy EC2 of the adopted Local Plan.

- 9 The first and second floor windows serving the bathrooms to Flats 03 and 04 and the kitchen to Flat 05 of Block A shall be -
- (i) obscure-glazed to at least level 3 on the Pilkington Scale (or such equivalent as may be agreed in writing with the local planning authority); and
 - (ii) non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed and retained as such thereafter.

No other windows, openings or other glazed areas shall be created or formed in the southern or northern elevation of this building without the prior consent of the Local Planning Authority.

REASON: In order to protect the privacy of the occupiers of the adjoining properties.

- 10 The first floor windows in the western elevation of Block B shall be -
- (i) obscure-glazed to at least level 3 on the Pilkington Scale (or such equivalent as may be agreed in writing with the local planning authority); and
 - (ii) non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed and retained as such thereafter.

REASON: In order to protect the privacy of the occupiers of the adjoining properties.

- 11 No further windows, doors, balconies or other glazed areas shall be created or formed above ground floor level on the northern and eastern elevations of Block B without the formal consent of the Local Planning Authority.

REASON: In order to protect the privacy of the occupiers of the adjoining properties.

- 12 No balconies shall be created or formed above ground floor level on the western elevation of Block B without the formal consent of the Local Planning Authority.

REASON: In order to protect the privacy of the occupiers of the adjoining properties.

- 13 Any works to trees either on site or adjacent to the site, or any works undertaken to protect trees either on site or adjacent to the site, shall be undertaken in accordance with the provisions of Appendices 3 - 6 inclusive of the Arboricultural Impact Assessment Report prepared by Sharon Hosegood Associates, Reference: SHA 398 and dated 22nd September 2017.

REASON: In order to protect retained trees on and around the site, in the interests of maintaining visual amenity and opportunity for biodiversity, in accordance with Government guidance as set out in the National Planning Policy Framework.

- 14 Any works to trees, including removal of trees, either on the site or adjacent to the site, which are affected by the proposed development, should be avoided during the bird breeding season of March to September inclusive.

If this is not possible a search should be undertaken, in the presence of a suitably qualified person, to confirm presence/absence of nesting birds prior to works being undertaken.

REASON: In order to ensure the safety and well-being of protected species.

- 15 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Policy EC2 of the adopted Local Plan.

- 16 The proposed shared surface within the site shall be provided prior to the first occupation of the development hereby approved and shall be constructed in a manner suitable to support the weight and movements of a 32 tonne vehicle.

REASON: In order to ensure the provision of appropriate vehicular access to the site.

- 17 Prior to occupation of development, the developer shall provide infrastructure improvements through the provision of raised kerbs to the existing south bound bus stop opposite to the site on Kents Hill Road and a new shelter with associated infrastructure shall be provided on High Road (Eastbound direction) to immediate south of the proposed site.

REASON: To make adequate provision within the highway for additional public transport users generated as a result of the proposed development.

- 18 The proposed shared surface, vehicular access and pedestrian footway shall be available for use prior to the first occupation of the development hereby approved.

REASON: In order to ensure appropriate pedestrian access to the site.

- 19 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the footway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Policy EC2 of the adopted Local Plan.

- 20 Prior to first occupation of the development hereby approved, the proposed amenity areas shall be provided and thereafter permanently maintained.

REASON: In order to ensure the provision and retention of appropriate amenity areas within the site, in the interests of the amenity of future residents and in accordance with Policy H17 RDG6 of the adopted Local Plan.

- 21 Prior to the first occupation of the development hereby approved a landscaping/tree planting scheme shall be submitted to and formally approved by the Local Planning Authority. Such a scheme shall include full details of all proposed tree planting, including species, size, density, methodology and the proposed times of planting and planting plans, written specifications, including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, plant sizes and proposed numbers / densities.

REASON: To ensure a satisfactory development incorporating a degree of natural relief, in the interests of the amenities of the site and the surrounding area.

- 22 Prior to the first occupation of the development hereby approved all landscaping works shall be carried out in accordance with the approved landscaping scheme.

REASON: To ensure a satisfactory development incorporating a degree of natural relief, in the interests of the amenities of the site and the surrounding area.

- 23 Prior to first occupation of the development hereby approved, the approved parking spaces shall be provided and made available for use.

REASON: To ensure adequate off-street parking provision.

- 24 Where car parking spaces are provided on the site these facilities shall be retained solely for that use and for no other purpose whatsoever without the formal consent of the Local Planning Authority.

REASON: To ensure the retention of adequate on site car parking facilities to meet the Councils adopted standards for the amount of accommodation to be provided on the site.

- 25 No unbound material shall be used in the surface treatment of a vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Policy EC2 of the adopted Local Plan.

- 26 There shall be no discharge of surface water onto the Highway.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Policy EC2 of the adopted Local Plan.

- 27 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

REASON: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Policy EC2 of the adopted Local Plan.

Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2 In undertaking the works hereby approved you are advised to satisfy yourself of your obligations to occupiers of adjoining properties in accordance with the Party Wall etc. Act 1996, details of which can be inspected at these offices or you may obtain details free of charge from the Planning Portal website (www.planningportal.gov.uk) under Building Regulations.
- 3 All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.
- 4 All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of and at no cost to the Highway Authority. Application for the necessary works should be made to Essex Highways, Unit 36, Childerditch Industrial Estate, Childerditch Hall Drive, Brentwood, CM13 3HD e-mail: development.management@essexhighways.org.

The above is required to ensure the proposal complies with the County Council's Highways and Transportation Development Control Policies February 2011.

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes technical check, safety audits, site inspection, commuted sums for maintenance and any potential claims under the Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required as security in case of default.

- 5 Asbestos containing material should be removed by a licenced contractor and should be disposed of in the appropriate manner.

- 6 All relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the construction and demolition phases of the development. Water suppression shall be employed for any stone or brick cutting and if necessary neighbours shall be advised in advance of any particularly noisy works.

Please be aware that the accepted Borough construction timings are:

Mon-Fri: 8am-6pm, Sat: 8am-1pm, Sun and bank holidays: no works which are audible beyond the site boundary. The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received.

ITEM 2

Application Number:	18/0061/FULCLC
Address:	Garage Site Church Close Canvey Island Essex SS8 9HX (Canvey Island Central)
Description of Development:	Demolition of 28 garages and construction of 4No. houses
Applicant:	Castle Point Borough Council
Case Officer:	Mr Keith Zammit
Expiry Date:	10.04.2018

Summary

The application seeks permission for the redevelopment of a block of garages with four new council houses. On balance it is felt that the benefits of the scheme would outweigh the disadvantages, and it is recommended that planning permission be GRANTED.

The application is presented to the committee because the land is council-owned.

Site Visit

It is recommended that Members visit the site prior to determination of the application.

Introduction

The application concerns council-owned land occupied by 28 garages which have been available for rent by local residents.

The garages are accessed by a private road, Church Close, which provides vehicular access to the garages, an adjacent electricity substation and six elderly persons' bungalows.

To the west and south of this site are a mixture of houses and bungalows in Willow Close, whilst to the east are houses in Princes Road.

The Proposal

Permission is sought for the demolition of the garages and the erection of four detached two-bedroomed houses. These would have a maximum height of some 7m. The external materials are brickwork, cement weatherboard and a concrete interlocking tiled roof.

Two off-street parking spaces and a small area of landscaping would be provided at the front of each property and a private amenity area for each dwelling to the south. Three separate visitor parking spaces are provided adjacent to the substation located to the far northern end of the development.

Surface water is to be directed to existing surface water drainage infrastructure running across the site, via an attenuated discharge system.

Supplementary Documentation

The application is accompanied by a flood risk assessment and a design and access statement which are available to view on the council's website.

Planning History

None

Relevant Government Guidance and Local Plan Policies

The site is allocated for residential purposes on the proposals map accompanying the adopted Local Plan. The following policies are of relevance:

National Planning Policy Framework

Paragraphs 39, 56 to 58, 100 to 103

Local Plan

EC2	Design
T8	Parking standards

Residential Design Guidance

RDG1	Plot size
RDG2	Space around dwellings
RDG3	Building lines
RDG5	Privacy and living conditions
RDG6	Amenity space
RDG12	Parking and access
RDG13	Refuse and recycling storage

Consultation

Legal Services

The proposed visitor parking would obstruct the electricity company's right of way to their substation.

Environment Agency

No objection provided that the local planning authority takes into account the flood risk considerations which are its responsibility, and subject to conditions relating to floor levels.

Canvey Town Council

Object for the following reasons:

- o insufficient access route to the new development
- o overdominance to the adjacent properties
- o parking in the area is already inadequate so this would have an adverse impact on existing residents

UK Power Networks

No comments received

Highways

No comments received

Refuse and Recycling

To be reported

Public Consultation

The following comments were made in objection to the proposal:

- o Welcome the demolition of the garages due to the antisocial behaviour that they attract, but don't think houses are the right development for the site
- o Overlooking of adjacent properties
- o Overshadowing of adjacent properties
- o Poor access
- o Parked cars could facilitate climbing into adjoining gardens
- o Parking will be displaced into the surrounding streets
- o Increase to flooding/no provision for increase in surface water
- o Does not fit in with the street scene
- o The application should be reviewed by an independent party – the local authority is marking its own homework

Comments on Consultation Responses

- o The plans have been amended to remove the visitor parking space that was fouling the access to the substation
- o The parked cars are not located adjacent to the gardens of existing occupiers and so would not reduce their security
- o The local authority is required to determine its own planning applications in accordance with the procedures laid down by central government
- o Other matters are discussed in the evaluation of the proposal

Evaluation of Proposal

The land is allocated for residential purposes on the proposals map accompanying the Local Plan. There can therefore be no objection in principle to residential development on this site. The main issues with this application are the design and layout of the proposed development, the potential for flood risk, surface water drainage and any parking implications.

Design and layout

Policy EC2 of the Local Plan seeks a high standard of design in all new buildings. In particular the scale, density, siting, design, layout and external materials of any development should be appropriate to its setting and should not harm the character of its surroundings.

The council has adopted Residential Design Guidance as a supplementary planning document. Within this, guidance at RDG1 states that within the existing built-up area, the plot sizes for all new development should be informed by the prevailing character of plot sizes. Where there is a distinct character of development which creates an exceptionally strong pattern, development

must not result in a disruption to this pattern. Where there is no clear pattern of plot sizes, the size of the plot should be proportionate to the size of the dwelling occupying it, having regard to other provisions of the design guidance.

RDG2 states that the space around all new development should be informed by the prevailing character of space around dwellings. Where there is a distinct character of development which creates an exceptionally strong pattern, development must not result in a disruption to this pattern. In forms of development where there is no clear pattern of development, the space around a dwelling should be proportionate to the size of the dwelling, with at least 1m between the dwelling and the plot boundary.

RDG3 requires development to be informed by the prevailing building lines to the public realm it faces, without repeating poor forms of development. Where there is a distinct character of development which creates an exceptionally strong building line, development must not result in a disruption to this pattern.

The proposed plots would have widths of some 17m and depths of approximately 10m. This might be viewed as somewhat out of keeping with the surrounding area, where residential plots have widths of around 9m or 10m and depths often greater than 30m. However, there are some bungalows within Church Close itself which are on plots of some 7m wide and 18m deep, and also at the end of Willow Close, which have widths of some 6.5m and depths of 16m. It can therefore be seen that there is a degree of variance in plot sizes locally. The proposed plots would not reflect the character of development in the immediate vicinity in terms of their size and shape, however as the pattern of plot sizes in the area is not exceptionally strong, this does not represent a conflict with RDG1.

The proposed houses would be located some 3m from the front boundary of the plot, 6m from the boundary on the garden side and 1m from the boundary on the remaining two sides.

The proposed development is in a location where there is no established building line, therefore the development may create its own character. There is consequently no objection to the provision of a 3m building line from the highway as this would not look out of place with any nearby development. There is therefore no objection on the basis of RDG3.

A minimum of 1m between the dwellings and their side boundaries is felt to be an appropriate amount of space in the context of the local area.

Dwellings set 1m from the rear boundaries of their plots are, however, less common and the local planning authority cannot point to any examples of dwellings set this close to their rear boundaries in the local area. This represents a departure from the character of development in the surrounding area which is not fully in accordance with the guidance set out in RDG2.

RDG5 deals with privacy and living conditions. A distance of 9m is required to be provided between first floor windows and the boundary of the site, in order to maintain minimum levels of privacy between properties.

On the first floors of the dwellings, the bedrooms and landings would face the front aspect, over Church Close. These windows would be located 9m from the boundaries of properties to the east which is considered an acceptable relationship.

The bathroom windows in the side elevations would be located some 6m from the boundaries of the plots, which is below the 9m required for first floor windows. However, RDG5 permits the provision of high level, fixed shut or obscure glazed windows, or any screening or combination thereof, provided it is restricted to windows serving areas that are not occupied for any length of time and/or require a high degree of privacy. The bathroom windows fulfil this requirement and therefore subject to such a condition this element of the proposal is fully compliant with RDG5.

There are no first floor windows in the rear or other side elevations.

RDG3 also requires proposals not to cause excessive overshadowing or dominance of adjacent properties. The proposed dwellings would be located 1m from the rear boundaries of the existing properties in Willow Close. The properties in Willow Close have rear garden depths of over 20m at the northern end of the street, reducing to around 15m at the southern end.

The Residential Design Guidance infers a minimum distance of 18m between opposing rear aspects of dwellings. Whilst it is acknowledged that this is for the purpose of maintaining acceptable levels of privacy, it also provides for separation between rows of dwellings so that they are not overdominant in relation to each other. The opposing rear aspects of the dwellings would be 17m apart, which is slightly less than what is ideally required.

However, Members should bear in mind that the relationship between dwellings outlined above is often breached. An example of this might be at a junction where one of the dwellings will have a gable wall set close to its side boundary facing the rear boundary of its neighbour. An example of such a relationship can be seen between dwellings at Thameside Crescent and North Avenue.

It should also be noted that unlike the above example the proposed dwellings are not orientated south of the adjoining residential gardens.

On balance it is not considered that the proposal does not conflict with the provisions of RDG3.

RDG6 requires appropriate amounts of outdoor amenity space to be provided in proportion to the size of the dwelling. 15m² per habitable room should be provided, with a minimum of 50m².

The proposed dwellings would each have four habitable rooms requiring a minimum amenity area of 60m². The properties would be provided with gardens of this size. If the application is approved, a condition would need to be imposed withdrawing permitted development rights, as the creation of more habitable rooms or the erection of uncontrolled extensions could lead to a property with insufficient outdoor amenity area for the amount of habitable accommodation. Subject to such a condition there is no objection to the proposal on the basis of RDG6.

Flood risk

The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere, using the sequential test and, if appropriate, the exception test.

The aim of the sequential test, as set out at paragraph 101, is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there

are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

The application site is located within Flood Zone 3a, which has a high probability of flooding. Looking at the whole of Castle Point District it would seem that there are areas within Flood Zone 1 that could accommodate this form of development. However, given that the only areas of Flood Zone 1 in the district are on the “mainland” part, such an approach would direct all new development towards Benfleet and Hadleigh.

Canvey is a self-contained community with its own housing needs and directing all new development towards Benfleet and Hadleigh could have an adverse impact on Canvey socially and economically. Furthermore, a need for housing on Canvey cannot be met by building around Benfleet and Hadleigh due to other constraints such as the Green Belt.

Taking these factors into account it is considered that the ‘catchment’ for the sequential test ought to be drawn around the boundaries of Canvey Island, the whole of which is within Flood Zone 3, so there are no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding, and the application is considered to pass the sequential test.

The NPPF and Planning Practice Guidance also require proposals for residential development in Flood Zone 3a to pass the exception test as set out at paragraph 102 of the NPPF. For the exception test to be passed:

- o 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
- o 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.

Both elements of the test will have to be passed for development to be allocated or permitted.

As discussed above, there are socio-economic reasons why continued development is necessary on Canvey, so the first part of the test is considered to be passed.

In respect of the second part of the test, the applicant has submitted a site-specific flood risk assessment, which has been submitted to the Environment Agency for comment. The Environment Agency has requested that conditions be imposed on any grant of planning permission to secure certain finished floor levels. Subject to such conditions, there is no objection to the proposal on the basis of flood risk.

As the first floors of the dwellings are intended to provide a refuge above any flood waters, were permission granted, a condition would need to be imposed requiring the submission and implementation of Flood Response Plan. It is noted that the Flood Risk Assessment contains a section entitled “Flood Warning and Safe Refuge” at 3.44-3.50, however this needs to be in the form of a standalone document that can be given to occupiers of the properties.

The Planning Practice Guidance states that the structural safety of buildings is a planning consideration. The Flood Risk Assessment contains structural calculations at Appendix B, however, notwithstanding the illegible handwriting, it does not appear that these contain a non-technical summary explaining what the calculations demonstrate. If members decide to grant

planning permission, a condition is necessary to require the developer to submit demonstration that the buildings will be able to withstand the hydrostatic and hydrodynamic pressures likely to act upon them in modelled flood events.

Drainage

The NPPF states that proposals should not increase flood risk elsewhere (paragraph 103) and that the opportunities offered by new development to reduce the causes and impacts of flooding should be used (paragraph 100, bullet point 4). It is therefore important that surface water runoff from a site is not increased as part of redevelopment, and should ideally be reduced.

The Planning Practice Guidance states that generally, the aim should be to discharge surface runoff as high up the following hierarchy of drainage options as reasonably practicable:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain or another drainage system;
4. to a combined sewer.

The proposed surface water drainage strategy states that attenuated discharge will take place to the existing surface water drainage infrastructure. The planning authority are aware that ground conditions in the area (clay soils) are fairly impermeable which means that infiltration techniques are unlikely to work effectively. There are no surface water bodies on or in the vicinity of the site which could receive surface water from the proposed development and the drainage of surface water to the surface water sewer would therefore seem to be an appropriate option.

The proposed discharge rate is, however, not known, and there is no demonstration of permission in principle from the relevant water authority to connect to the surface water drainage infrastructure. The drainage drawing also does not show the size of pipework or any attenuation tanks and demonstration that adequate storage capacity exists for modelled rainfall events. If members decide to grant planning permission, a condition needs to be imposed on any planning permission to require the submission and approval of a surface water drainage strategy.

Parking implications

Policy T8 of the Local Plan requires the provision of parking in accordance with adopted standards. The currently adopted standards are the 2009 County Parking Standards which require the provision of a minimum of two off-street parking spaces for properties with two or more bedrooms. Unallocated visitor parking should be provided at a rate of 0.25 spaces per dwelling, rounded up to the nearest whole space. Parking spaces should have dimensions of 2.9m by 5.5m.

Application of these standards is consistent with paragraph 39 of the NPPF because they have been set taking into account local circumstances.

The proposed development requires a minimum of two off-street parking spaces per property and one visitor space. Two off-street parking spaces per property and three visitor spaces would be provided, all in accordance with adopted parking standards.

The proposed development therefore makes adequate parking provision.

However, consideration must also be given as to whether the demolition of the existing garages would result in a loss of car parking provision for existing occupiers of the surrounding dwellings.

Twenty-eight garages exist on site at the present time and the planning authority has been advised that currently only six of these garages being let to 5 households, one of which lives in Hockley. Of the 4 that are local 2 live in little Gypps and the other 2 in Princes Road.

Alternative garaging nearby, to the rear of the shops on Linden Way, is to be offered to these tenants however the condition of the garages will first need to be assessed and any repairs undertaken to bring them up to standard. Therefore, although a lot of garage parking is being lost in reality these garages are under-utilised and the likelihood of any parking being displaced into surrounding streets is low.

On this basis, officers do not consider that a loss of parking, or displacement of parking into surrounding streets, would be capable of forming a sustainable reason for refusal, and there is no objection on the basis of Policy T8.

RDG12 requires the provision of all forms of parking not to dominate the public realm or have an adverse impact on visual or residential amenity.

The parking for the individual dwellings would be in-curtilage parking which is fairly standard for houses of this type and would not lead to a loss of residential amenity for nearby occupiers. Some planting space is retained to the frontage which will allow for visual softening of the parking area. This parking would therefore be in accordance with RDG12.

The three visitor parking spaces would be located within a wider hard surfaced area, where it appears that some parking already takes place on an informal basis. It is not considered that the marking out and formalisation of three parking spaces would be of undue visual prominence in this location.

The visitor parking would be located adjacent to the garden fence of No.7 Little Gypps Road, where there is the possibility that parking could cause disturbance to occupiers of that property, although as parking can take place here at the moment it is not considered that the proposal would lead to a significant worsening of the current situation.

There is therefore no objection to the proposal on the basis of RDG12.

Other matters

RDG13 requires all forms of residential development to be provided with safe, adequate and suitable means of refuse and recycling storage. As these are houses with gardens, no dedicated storage structures are required, but the waste needs to be accessible to the collection crews for kerbside collection.

The comments of the council's refuse and recycling collection service are awaited, but it is not envisaged that there will be problems collecting refuse from this development.

Conclusion

The provision of dwellings on this land raises no issue of principle, however it has been identified that the proposed dwellings would be quite close to the boundaries with existing properties in Willow Close, which does not reflect the character of the surrounding pattern of development.

This aspect of the development weighs against the proposal however officers would point out that the scheme provides some much-needed council housing to the existing stock within the borough which would be let to residents at an affordable housing rent.

Officers are of the view that any harm caused by the proposal is not so great as to outweigh the benefits of the scheme and the planning balance is in favour of allowing the development.

I have taken all other matters raised by interested parties into consideration, but none are sufficient to outweigh the considerations that led to the recommendation.

My Recommendation is Approval with the following conditions

- 1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

REASON: This condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2 Prior to construction of any dwelling above foundation level, details or samples of all materials to be used on the external surfaces of the buildings and on any hard surface shall be submitted to, and formally approved by the local planning authority.

REASON: In the interest of visual amenity.

- 3 The development shall be constructed in accordance with such details as may be approved pursuant to condition 2.

REASON: In the interest of visual amenity.

- 4 The proposed bathroom windows in the south facing elevations of the dwellings at first floor level shall be -

- (i) obscure-glazed to at least level 3 on the Pilkington scale (or such equivalent as may be agreed in writing with the local planning authority); and
- (ii) non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed

and retained as such thereafter.

REASON: To prevent overlooking of adjacent residential properties.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, no development of the type specified in Classes A to D of Part 1 of the Second Schedule to that Order (or the equivalent provisions of

any statutory instrument revoking, amending or re-enacting that Order) shall be carried out without the express permission of the local planning authority.

REASON: To maintain acceptable levels of outdoor amenity space commensurate with the level of accommodation provided and to ensure that the car parking spaces remain available for their intended purpose, so as not to encourage parking on the highway.

- 6 Finished ground floor levels shall be set no lower than 2.20 metres above Ordnance Datum and finished first floor levels shall be set no lower than 3.20 metres above Ordnance Datum.

REASON: In order to ensure the appropriate protection of occupiers of the buildings in the event of a flood.

- 7 Prior to occupation of any dwelling, a Flood Response Plan shall be submitted to, and formally approved by, the local planning authority.

REASON: In order to ensure the appropriate protection of occupiers of the buildings in the event of a flood and because the information submitted falls short of what is required.

- 8 Upon occupation of any dwelling, the approved Flood Response Plan shall be enacted for that dwelling and thereafter maintained at all times that the dwelling is occupied. Any revisions to the plan shall be submitted to and formally approved by the local planning authority.

REASON: In order to ensure the appropriate protection of occupiers of the buildings in the event of a flood.

- 9 Prior to the construction of any dwelling above foundation level, a scheme demonstrating the ability of the proposed structures to withstand the hydrostatic and hydrodynamic pressures likely to be acting on them in a 1 in 200 year and 1 in 1000 year flood event shall be submitted to the local planning authority.

REASON: To ensure the ability of the approved buildings to withstand the effects of flooding in the interests of the safety of the future occupiers of the site.

- 10 The development shall be constructed in accordance with the scheme submitted pursuant to condition 9.

REASON: To ensure the ability of the approved buildings to withstand the effects of flooding in the interest of the safety of the future occupiers of the site.

- 11 Prior to commencement of construction of the dwellings, a surface water drainage strategy for the development shall be submitted to and formally approved by the local planning authority.

REASON: In the interest of sustainable drainage and to ensure that the opportunities offered by new development to reduce the causes and impacts of flooding are used, in accordance with government guidance in the National Planning Policy Framework.

- 12 The development shall be constructed in accordance with such surface water drainage strategy as may be approved pursuant to condition 11.

REASON: In the interest of sustainable drainage and reducing the causes and impacts of flooding.

- 13 The development shall not be occupied until the approved car parking spaces have been provided, hard surfaced and drained. Thereafter, these spaces shall be kept available for the purpose of vehicle parking and not used for any other purpose.

REASON: To make and retain provision for parking off the highway in the interest of the free flow of traffic and the amenity and convenience of surrounding residents.

Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

ITEM 3

Application Number:	18/0076/FULCLO
Address:	Football Pitch R/o Waterside Farm Sports Centre Somnes Avenue Canvey Island Essex (Canvey Island West)
Description of Development:	Green painted container providing first aid training and facilities, coaching area and classroom
Applicant:	Mr Paul Smith
Case Officer:	Mr Keith Zammit
Expiry Date:	09.04.2018

Summary

The application seeks permission for a container to provide additional facilities for Canvey Island Youth Football Club. Although the site is allocated as Green Belt in the council's adopted Local Plan the proposal is felt to be acceptable and recommended for APPROVAL.

The application is presented to the committee for consideration as the council is the landowner.

Site Visit

It is not considered necessary for Members to visit the site prior to determination of the application.

Introduction

The application relates to land owned by the borough council but leased to the applicant along with the adjacent football pitch. The pitch is not under the management of the leisure centre.

The pitch is used by Canvey Island Youth Football Club which has 31 teams ranging from ages seven to 18. In addition, sessions are also held for children aged three to seven and there is a programme for disabled children.

There are already three containers on the land which are using for changing areas, storage and limited refreshment facilities.

The Proposal

Permission is sought for the siting of a storage container, painted green, to be used for multiple purposes as a first aid training space, a coaching area and classroom, a respite area for the carers of disabled persons and a defibrillator station. The container would also have kitchen facilities.

The container would be sited within an existing fenced compound east of the club football field at an angle of 75° relative to three existing containers set out in a line. It would measure 12.19m long, 2.44m wide and 2.89m high. The 'front' elevation would have two windows and two doors.

The facilities are required in order to comply with the standards set out by the Eastern Junior Alliance League, the south of England's leading youth development football league for the Under 13's. The home team must be able to provide sandwiches and drinks for match officials and the visiting team, which can currently only be provided at the main stadium at Park Lane. The club have, on occasions, been fined for not providing catering on the same site as the playing field where the game is played.

In addition to the programme for youth football ranging from Under 7's to Under 18's and the Canvey Island youth football club also provides Soccability football for disabled people, which requires changing rooms appropriate for disabled people and a respite area for their carers.

Supplementary Documentation

The application is accompanied by a Design and Access Statement and a Flood Risk Assessment which are available to view online, on the council's website.

Planning History

December 2017 – permission granted for relocation of existing fencing, additional fence panels and a new spectator stand at the adjacent pitch (17/0873/FULCLO)

Relevant Government Guidance and Local Plan Policies

The land is allocated as Green Belt and public open space in the Local Plan. The following policies and guidance are therefore of relevance:

National Planning Policy Framework
Paragraphs 79-90, 100-103

Current Local Plan
EC2 – Design

Consultation

Environment Agency
No objection provided that the local planning authority has taken into account the flood risk considerations which are its responsibility.

Cadent
No objection, requests an informative added to any grant of consent.

Canvey Town Council
No comments received

Legal Services
The council owns the land on which the application is made. The land is subject to a lease which prohibits any alteration to the land without the prior written consent of the council.

Operational Services
No comments received

Public Consultation

At the time of preparing this report one letter in support has been received.

Evaluation of Proposal

The main issues with this application are:

1. the impact of the proposal on the Green Belt
2. the impact on the area of public open space in which it is located
3. flood risk issues

Impact on the Green Belt

Paragraph 89 of the National Planning Policy Framework states that a local planning authority should regard the construction of new buildings in a Green Belt as inappropriate development unless it is for a limited number of specified purposes, which includes the provision of appropriate facilities for outdoor sport and recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

The container would be some 12m long with a height of approximately 3m. No details of how it is to be sited on the ground have been provided but for the purposes of this application it is assumed that a concrete base will be laid down first as in the case of the other containers in the compound.

For the purposes of this application and paragraph 89 of the NPPF the container may be considered a building. The container is therefore not inappropriate development, provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

On the matter of openness, the container, even though it would be coloured green, would be a noticeable feature in the open landscape. Whilst views of the proposed container from the adjoining highways of the A130 Canvey Road and B1014 Somnes Avenue would be limited to glimpses, there is nothing in government guidance that says that the impact on the openness of the Green Belt should be assessed solely on the views from public roads.

The container would introduce a further heavy, solid item into the open landscape which would consequently reduce its openness. Although the area in which the existing and proposed containers sit is enclosed by railings, these are open in nature and serve primarily to restrict access rather than as a screen to visibility. In any event, the railings are only 1.8m in height, well below the top of the container.

In views from the south, the container would be viewed against the backdrop of the other containers and leisure centre, although when viewed from the north the container would intrude into the open vista. Although the proposal would not conflict with any of the five purposes of including land in Green Belts at paragraph 80, its presence would nonetheless diminish the openness of the Green Belt and therefore the container constitutes inappropriate development which the NPPF says should not be approved except in very special circumstances.

Paragraph 88 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The container would be for use by Canvey Island Youth Football Club, which uses the adjacent pitch. The club has 31 teams ranging from ages seven to 18. In addition, sessions are also held for children aged three to seven and there is a programme for disabled children. This activity is undoubtedly of benefit to the well-being of local young people. However, this activity is already taking place. Therefore on their own these circumstances would not be capable of amounting to the very special circumstances needed to justify inappropriate development.

Following further discussions with the applicant, however, it has become apparent that the facilities are required in order to comply with the Eastern Junior Alliance League standards for the Under 13's. The home team must be able to provide sandwiches and drinks for match officials and the opposing team, which can currently only be provided at the main stadium at Park Lane. The club have, on occasions, been fined for not providing catering on the same site as the playing field where the game is played.

When visiting the site, it was observed that an existing container on the land is being used to store canteen tables which have been donated to the club, in the hope that this application will be approved and they can then be moved into the new container (the goal posts that are normally stored in place of the canteen tables are being temporarily stored elsewhere).

In addition, the application states that for Soccability, football playing for disabled people, changing rooms which are appropriate for disabled people and a respite area for their carers are required. It is unclear how the proposed container will be capable of being used as a disabled changing area once it contains canteen tables.

The application form also states that the container will be used to provide first aid training and facilities, a defibrillator, coaching area and a classroom.

In officers' opinion, the proposed container would help the success of the club, which is a valued asset to the local community. The possible use of the existing containers for the purposes set out above have been investigated but it has been concluded that these existing facilities are insufficient to meet the needs of the club. Whilst the presence of the new container would diminish the openness of the Green Belt it is concluded that the benefits of it to the club and local community, on balance, outweigh the harm to the Green Belt and, by the narrowest of margins, would be capable of amounting to the very special circumstances needed to justify inappropriate development.

There is no objection to the proposal on Green Belt grounds.

Impact on public open space

There are no extant policies in the Local Plan relating to development on areas of public open space. Paragraph 73 of the NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Whilst paragraph 73 is directed primarily at policy formulation rather

than decision-taking, the container been identified as helpful to the success of the club using the pitch so is considered to be in the spirit of paragraph 73.

Paragraph 74 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless one of a number of criteria are satisfied. This application, although it would be situated on open space, is intending to improve the existing sports facility and therefore is in keeping with the spirit of paragraph 74, and no objection is raised to the proposal on this basis.

Flood risk issues

The NPPF states at paragraph 100 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Paragraph 101 states that the aim of the sequential test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

Paragraph 102 states that if, following application of the sequential test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the exception test can be applied if appropriate.

In applying the sequential test, a suitable catchment area must be decided upon for the area of search for alternative sites. The proposed container is to serve an existing football pitch. This can only be usefully provided close to the pitch it is to serve, so the catchment area would be drawn around the existing football pitch. All the land surrounding the pitch is within Flood Zone 3, the zone with the highest probability of flooding, so there are no reasonably available sites for the proposed development with a lower probability of flooding, and the sequential test is considered to be passed. The exception test is not required to be passed for this type of development in Flood Zone 3.

The proposal is not intended to increase numbers of people at the site and therefore the overall level of risk to people would not change. In the absence of any objection from the Environment Agency officers' are of the opinion that the preparation of a Flood Response Plan is not required.

The Environment Agency has commented that the development in their opinion would be considered 'less vulnerable' rather than 'water-compatible' development as asserted by the applicant. The local planning authority notes, however, that outdoor sports and recreation and essential facilities such as changing rooms are specifically categorised as water-compatible development in the Planning Practice Guidance. Whilst the proposal would provide a mess room which is not strictly an essential facility, it is clear that this is intended to provide a facility for match officials and visiting players rather than a catering establishment in its own right and therefore the development as a whole would continue to be water compatible.

Conclusion

The proposed container does not have any detrimental impact upon open space provision in the area and the limited harm to the openness of the Green Belt is considered to be outweighed by the benefits to those members of the local community using the football pitch. Subject to the consultation response by the Environment Agency the proposal is not considered to have any

adverse consequences in terms of flood risk and therefore it is recommended that permission is granted.

I have taken all other matters raised by interested parties into consideration, but none are sufficient to outweigh the considerations that led to the recommendation.

My Recommendation is Approval with the following conditions

- 1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

REASON: This condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2 The container shall be painted a similar colour to the existing containers on the land.

REASON: In the interest of visual amenity.

- 3 Upon removal of the container, any concrete base for the purpose of its siting shall be removed within three calendar months of the removal of the container.

REASON: To protect the visual amenity and undeveloped character of the Green Belt.

Informatives

- 1 Considerations in relation to gas pipeline/s identified on site:
Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588

- 2 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

ITEM 4

Application Number:	18/0140/FUL
Address:	33 St Marys Drive Benfleet Essex SS7 1LB (Boyce)
Description of Development:	Single storey side extension, front/side extension with garage below, balcony to front and balustrade
Applicant:	Mr & Mrs J Wadeson
Case Officer:	Mrs Sophie Adams
Expiry Date:	18.04.2018

Summary

The applicant seeks planning permission for the construction of single storey side extension, front/side extension with garage below, balcony to front and front balustrade. There are no planning objections to the proposal and it is therefore recommended that permission be GRANTED.

The application is presented to the committee because the applicant is a council employee.

Site Visit

It is not considered necessary for members to visit the site prior to the determination of the application.

Introduction

The application property is a detached two bedroom bungalow on the western side of St. Mary's Drive. The site is roughly diamond shaped with the dwelling accessed from the point of the diamond with a frontage of some 2.4m. The site slopes steeply upwards to the west, resulting in the bungalow sitting above the attached garage. There is a parking space in front of the garage. Above the garage sits a front terrace area. The garden from the dwelling is formed from the front terrace and grassed areas sitting to the northern and western sides of the dwelling.

The dwelling sits between a detached chalet property with attached garage, No.31 St Marys Drive, and a semi-detached chalet property, No.35 St Marys Drive. Bungalows fronting Sidwell Chase, namely Nos.10 and 12, back onto the northern side boundary of the application site. A detached house fronting Greenwood Avenue, No.20, backs onto the western rear boundary of the site. Land raises sharply to the west and north, resulting in these properties fronting Greenwood Avenue and Sidwell Chase being on higher ground to the application dwelling.

The Proposal

Planning permission is sought for the construction of a single storey side extension to the northern side of the dwelling. The applicant also seeks to erect a front/side extension with front balcony and balustrade and garage below in place of the existing front terrace and garage. Six roof lights and a roof lantern are proposed to this front/side extension.

The proposed works would re-arrange the internal living accommodation and create a third bedroom, a W.C., an en-suite, a larger bathroom, and a larger kitchen to incorporate a dining area. Four roof lights and a side garden access would be provided to the existing lounge area. The front fenestration to the lounge would be altered.

Supplementary Documentation

No supplementary documentation has been provided with this application.

Planning History

None of relevance

Relevant Policies and Government Guidance

The application site is allocated as Residential on the Proposals Map to the Local Plan (Adopted November 1998)

National Planning Policy Framework

Planning Practice Guidance

Local Plan (Adopted November 1998)

EC2	Design
H17	Housing Development – Design and Layout
T8	Parking Standards

Residential Design Guidance (Adopted January 2013)

RDG2	Space around Dwellings
RDG3	Building Lines
RDG5	Privacy and Living Conditions
RDG6	Amenity Space
RDG7	Roof Development
RDG8	Detailing
RDG12	Parking and Access

County Parking Standards September 2009 (Adopted June 2010)

Consultation

No statutory consultation have been undertaken and at the time of preparing this report no responses received from the neighbour notification.

Evaluation of Proposal

The main issues for this application are whether there would be any undue overlooking of adjacent residents, the effect of it on the living conditions of the occupants, its design, and whether there is sufficient amenity space or parking provision.

Overlooking and Living Conditions

Policy H17 states that in assessing the design aspects of proposals for housing, the Local Planning Authority will have regard to its Supplementary Planning Guidance, adopted Residential Design Guidance (RDG). This guidance is considered to be in compliance with the National Planning Policy Framework (NPPF).

RDG5 provides guidance on privacy and living conditions. It states that for all development above ground floor level a distance of 9m shall be provided between the first floor opening and the boundary it directly faces. It also considers that all new dwellings should be provided with adequate living conditions and that all windows should be designed and be of a size which provides for adequate natural light and ventilation to enter the room they serve.

The front balcony would face the highway, St. Mary's Drive, and replaces a larger front terraced area. Views of the northern neighbour from the balcony would be obscured by the existing dwelling. Views of the side of the southern neighbour would be visible from the balcony and the side kitchen window, but due to the relationship of the dwellings this would not lead to any adverse loss of privacy.

The explanatory text to RDG5 states that primary windows, such as those serving bedrooms are more appropriately located in principal elevations rather than subordinate elevations, such as flanking side walls. The aim of this section, is to prevent primary rooms being reliant on windows which face onto boundary fencing within tight proximity to the window as in such instances outlook and natural light is reduced.

The third bedroom is reliant on a window located in a side elevation for light and ventilation. However, this is located some 2.5m away from the side boundary, which is a greater distance than that normally provided between flank elevations and their side boundaries. Furthermore, it is orientated east allowing an element of morning sun to enter the room and consequently the side window will provide a level of outlook, natural light and ventilation to the bedroom which is considered to be satisfactory. In this instance it is not considered that the window to the third bedroom is in conflict with the guidance set out above.

All other primary windows are located in principal elevations.

No objection is raised to the proposal under RDG5.

Design

Policy EC2 of the adopted Local Plan iterates that a high standard of design will be expected in all proposals for alterations and extensions to existing buildings.

RDG8 states that the provision of detailing elements must be consistent with the overall architectural approach of the dwelling and their design and siting should be an integral part of the dwelling. They must not result in prominent, dominant, alien or incongruous features which detract from the visual appearance of the dwelling or the public realm.

The detailing of the front elevation of the dwelling would result in a more modern looking property by reason, in part, of the changes to the fenestration. The overall design is considered satisfactory as a standalone dwelling.

The window design is not consistent with the window styling to other dwellings within St. Mary's Drive, however, the dwelling is set back, and due to the curvature of the roadway, the shape of the plot and the ground levels within the plot would be hidden from the wider street scene. The proposal would consequently not conflict or detract from the visual appearance and character of the surrounding public realm.

No objection is raised to the proposal under RDG8.

Amenity Space

RDG6 states that amenity space should cater for all the outdoor needs of all occupiers and that development involving individual dwellings should be provided with at least 15m² amenity space per habitable room.

The proposal would result in the provision of five habitable rooms at the property resulting in a need of 75m² amenity space. The amenity space is somewhat disjointed consisting of a front balcony, an irregular shaped section to the front of the side extension and a rectangular shaped section to the rear.

The balcony section has to be excluded, as this section is less than 1.5m, the minimum depth for balconies specified in RDG6. The other sections result in a combined amenity area of some 84.5m² which is in excess of that required under RDG6.

Whilst the amenity space is fragmented and irregular in shape, it nonetheless is still capable of providing for the everyday outdoor needs of the occupiers. Furthermore, the site is located reasonably close to the South Benfleet playing fields, which is allocated as public open space in the Local Plan. No objection is raised to the proposal under RDG6.

Parking Provision

Policy T8 of the current Local Plan requires off-street parking to be provided in accordance with County parking standards, which require a minimum of two spaces, having a bay size of 5.5m by 2.9m each, to be provided for properties with two or more bedrooms. Garaging will only be considered as part of the provision where they measure 7m x 3m internally. This information is consistent with paragraph 39 of the NPPF which requires local planning authorities to set such standards reflecting local circumstance.

The proposal would replace the existing garage with a new garage having dimensions below the requisite size. However, the new garage is wider than the existing one by some 160mm and therefore represents an improvement on the site's current parking facilities.

Furthermore, whilst the proposal increases the number of bedrooms to three, in policy terms this does not result in an increased need in parking provision. Consequently, subject to the retention of the garage and the front parking space for the parking of vehicles only, no objection is raised to the proposal under Policy T8 of the adopted Local Plan.

Other Matters

The proposal is in compliance with RDG2 and would not adversely impact upon the character of space within the vicinity. The proposal would not contravene RDG7 and RDG3, as the roof

design is acceptable and the proposal would not result in excessive overshadowing or dominance to any elevation of a neighbouring dwelling.

Conclusion

The proposal is consistent with the provisions of the council's adopted Local Plan and Residential Design Guidance and it is therefore recommended that planning permission be granted.

I have taken all other matters raised by interested parties into consideration, but none are sufficient to outweigh the considerations that led to the recommendation.

My Recommendation is Approval with the following conditions

- 1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

REASON: This condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2 The materials used in any exterior work shall be of similar appearance to the materials used in the construction of the exterior of the existing dwellinghouse.

REASON: In the interest of visual amenity.

- 3 The garage hereby permitted and the driveway leading to the garage shall be retained solely for the parking of vehicles and for no other purpose whatsoever without the formal consent of the Local Planning Authority.

REASON: To ensure the retention of adequate on site car parking facilities to meet the Councils adopted standards for the amount of accommodation to be provided on the site.

Informative

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and determining the proposal in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.