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**Chief Executive**

## AGENDA

**Committee:** DEVELOPMENT CONTROL

**Date and Time:** Tuesday 1<sup>st</sup> September 2015 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), Anderson, Blackwell, Cole, Cross, Mrs Govier, Hurrell, Mrs King, Sharp, Varker, Mrs Wass, N. Watson.

Canvey Island Town Councillors : Greig and Tucker

**Officers attending:** Steve Rogers – Head of Regeneration and Neighbourhoods  
Fiona Wilson – Head of Legal Services  
Kim Fisher – Chief Development Control Officer

**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 28<sup>th</sup> July 2015 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

Report of the Head of Regeneration and Neighbourhoods is attached.

	<b>Application No.</b>	<b>Address</b>	<b>Page</b>
1.	15/0263/FUL	271 Rayleigh Road, Benfleet, Essex (Cedar Hall Ward)	1
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5.	15/0571/ADV	Waterside Farm Sports Centre, Somnes Avenue, Canvey Island (Canvey Island West Ward)	31
6.	<b>15/0517/WTCA - 1 Attwell Mews, The Close, Benfleet, Essex, SS7 1NZ (St Mary's Ward)</b>		34

Report of the Head of Regeneration and Neighbourhoods is attached.

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**DEVELOPMENT CONTROL COMMITTEE**

**28<sup>th</sup> JULY 2015**

**PRESENT:** Councillors Hart (Chairman), Smith (Vice-Chairman), Anderson, Blackwell, Cole, Cross, Mrs Govier, Hurrell, Mrs King, Sharp, Varker and Canvey Island Town Councillor Tucker.

Councillors Ladzrie, Riley and Wood also attended.

Apologies for absence were received from Councillors Wass and N. Watson.

The Chairman welcomed Councillor Hurrell to the Committee following his appointment at the Council meeting on the 22<sup>nd</sup> July 2015.

**8. MEMBERS' INTERESTS**

Cllr Smith declared an interest in Agenda Item 5(1) as shown under Minute No. 10(b).

**9. MINUTES**

The Minutes of the meeting held on 7<sup>th</sup> July 2015 were taken as read and signed as correct.

**10. DEPOSITED PLANS**

**(a) 15/0423/FUL – 58 CENTRAL WALL ROAD, CANVEY ISLAND, ESSEX, SS8 9PQ (CANVEY ISLAND NORTH WARD) – DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF 2 NO 3 BED SEMI-DETACHED HOUSES – MRS LORRAINE GEACH**

The application sought consent to demolish the existing chalet on site and provide a pair of semi-detached three bedroomed houses. The dwellings were of acceptable design in their context and met requirements of the Residential Design Guidance. The Planning Officer advised that the proposal would have no adverse impact on the character or appearance of the area and was therefore recommended for approval.

The proposal was presented to the Committee at the request of Cllr Mrs G. Watson.

Ms Wilson, a local resident, spoke on behalf of residents in objection to the application.

During discussion Members raised concerns that the proposal was poorly designed by reason of its height, mass and form and felt that if allowed it would lead to overdevelopment of the site and potentially increase the risk of flooding in the area. The Committee also felt that access to the site was poor and that this together with the increased vehicle movements on the site would fail to provide safe and convenient parking for both the occupiers of the proposed development and those of adjoining properties.

Following discussion it was therefore:

**Resolved** – That the application be refused for the following reasons:

1. The height, mass and form represents overdevelopment of the site to the detriment of the character and appearance of the surrounding area.
2. The proposed parking arrangements, by reason of the poor access and intensification of use, would fail to provide safe and convenient parking for the occupiers on site and the occupiers of adjoining properties.

**(b) 14/0602/FUL – LAND NORTH OF 201-219 KILN ROAD, THUNDERSLEY, BENFLEET, ESSEX (CEDAR HALL WARD) – CONSTRUCTION OF 71 NO. DWELLINGS AND ASSOCIATED ACCESS ROADS, FOOTWAY/CYCLEWAY, CAR PARKING, LANDSCAPING, AMENITY SPACE, DRAINAGE WORKS AND GROUNDWORKS – REDROW HOMES LTD (SOUTH EAST DIVISION)**

(Cllr Smith declared an interest in the above application, under Part 2 of the Councillor Code of Conduct as his son owned property in Kingston Road which was in close proximity to the land proposed for development and left the Chamber during its consideration).

The application sought to develop the site with 71 dwelling units, of which 14 were intended to be affordable, and associated infrastructure. The scheme had been designed to an acceptable standard, and the majority of nature conservation issues had been adequately addressed. The proposal would provide contributions towards surface water flooding alleviation, highway, pre-school and health care provision.

There were a number of minor deficiencies within the scheme which included; the provision of only 19.7% of affordable housing, a dominance of four bedroomed detached properties, examples of dwellings with poor defensive space due to the tight layout within the development, an awkward relationship between the proposed flats and the recently completed flats within Ashcroft Place, the lack of renewable energy measures proposed, a deficient public open space and playspace provision and the limited consideration given to the protection of badgers within the site as well as some minor conflict with residential design guidance. However, in the light of the need for housing within

the Borough, the desire to protect the Green Belt from development and the limited harm caused by the various identified deficiencies; it was not considered that a robust reason for refusal, capable of being sustained on appeal, could be identified.

It was reported that the applicants had spent a considerable period seeking to achieve an appropriate surface water strategy for the site and had now developed a strategy for drainage which in principle was acceptable to all relevant parties. The Lead Local Flood Authority had also now stated that it was satisfied that the development would not make flooding worse as it would restrict rates to a level that were lower than it had been prior to the development.

With regard to ecology issues, the Planning Officer reported that the developers had now made changes to the layout of the proposal the effect of which was to create a greater buffer between the development and the badger sett on the site. It was considered that this was sufficient to mitigate the impact of the proposal on the badgers and it was now believed that there was no sustainable reason for refusal based on ecology.

In conclusion, the proposal accorded with Local Plan Policy and National Guidance and was therefore recommended for approval.

Mr Wilford, a representative of the applicant, spoke in support of the application.

During debate a Member raised concern about the impact of the development on the ecology of the site, in particular the badger sett and that wildlife had been relocated to a neighbouring borough.

In response to a question regarding planting of trees on the site it was explained that the S106 agreement would ensure that the landscaping and future maintenance of trees on the site was carried out by a management company and not the local authority.

The Committee welcomed the plans for surface water mitigation which would lead to improvements to the Prittle Brook network and it was suggested that future meetings with the developer regarding this matter should include Ward Members.

During discussion Members indicated that they were generally in favour of the proposal and it was therefore:-

**Resolved** – That the application be approved subject to the applicants entering into a Section 106 Legal Agreement to secure the following:

- The provision of 14 affordable housing units on site
- A financial contribution of £75,000 for highway improvements at A13/A129/B1014 'Victoria House Roundabout' and 'Woodmans arms' mini roundabout.

Development Control Committee – 28<sup>th</sup> July 2015

- The submission and implementation of a residential travel plan, including provision of £3,000 towards the cost of monitoring
- The provision of a residential travel information pack to each dwelling
- A financial contribution of £66,701 for pre-school provision
- A financial contribution of £23,300 for health care provision
- A mitigation/management plan for those areas beyond the confines of residential curtilages, in order to ensure the appropriate mitigation of the impact on the development on badgers and the management of the open spaces
- A financial contribution of £265,160+VAT for the management and monitoring of Valerie Wells Wood
- A financial contribution of £14,975 for surface water flooding mitigation

and the conditions as set out in the Planning Officer's report.

Chairman

**AGENDA ITEM NO.5**

**ITEM 1**

<b>Application Number:</b>	<b>15/0263/FUL</b>
<b>Address:</b>	<b>271 Rayleigh Road Benfleet (Cedar Hall)</b>
<b>Description of Development:</b>	<b>Demolition of existing building and construction of three storey block of eight self-contained flats with parking, roof garden and widening of vehicular access to Rayleigh Road</b>
<b>Applicant:</b>	<b>Belle Vue House Ltd</b>
<b>Case Officer</b>	<b>Mrs Ishita Sheth</b>
<b>Date of Expiry</b>	<b>17.06.2015</b>

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**Summary**

The application seeks permission for the residential redevelopment of a site located within the Green Belt.

Redevelopment of the site in the manner proposed would unacceptably intensify development on the site, would reduce the openness of the Green Belt and compromise its strategic function at this location.

The proposal therefore constitutes inappropriate development in the Green Belt.

No very special circumstances necessary to justify inappropriate development in the Green Belt have been cited in this case.

Furthermore, the proposal would provide a poor form of development with inadequate amenity areas, and potential overlooking of the neighbouring properties.

The proposal is therefore recommended for REFUSAL.

**Site Visit**

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

**Introduction**

The site is located on the western side of Rayleigh Road, some 61.8m north of its junction with The Chase. It is a regular shaped site with a frontage to Rayleigh Road of some 20m and maximum depth of some 37m.

A single storey building currently occupies the site. The building, which has been vacant for some time, was formerly used as a doctor's surgery. The area to the front and rear of the building is completely hard surfaced.

The topography of the site is such that the ground slopes steeply down from east to west.

### **The Proposal**

The proposal seeks to demolish the existing building and construct a three storey, mock hipped roofed building, providing eight residential flats. The footprint of the building would be a maximum of some 17.35m by 15.4m.

The building would be set some 0.7m below ground level and would have a maximum height of some 10.5m, with part of the roof being flat to limit the height of the building and to provide a roof terrace. A staircase shaft extends above the proposed flat roof measuring some 3.1m by 2.1m and provides access to the roof terrace

A central gabled feature is proposed in the front elevation with gabled elements on either ends.

1 no. 1 bedroomed flat and 1 no. 2 bedroomed flat are proposed at ground floor level, 2 no. 2 bedroomed flats and 1 no. 1 bedroomed flats are proposed at first and second floor level respectively.

Seven open car parking spaces and three undercroft car parking spaces are proposed to the rear of the proposed building with access provided to the southern side of the building. Two car parking spaces are provided to the front of the building.

A refuse bin enclosure is provided to the front of the proposed building, adjacent to the front boundary of the site.

### **Supplementary Documentation**

A Design and Access Statement and details of the proposed materials accompanied the application. These are available to view on the Council's website.

### **Planning History**

None

### **Local Plan Allocation**

Green Belt

### **Relevant Policies and Government Guidance**

#### National Planning Policy Framework (NPPF)

Paragraphs

50 – New Homes

56 to 58 - Design

79, 87, 88, and 89 – Green Belts

120 – Pollution

123 - Noise



Local Plan

EC2 - Design

H17 – Housing standards

T8 – Car parking - Essex Car Parking Provision – C3 uses

Residential Design Guidance

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**

Refuse and Recycling Officer

Considers bin store adequate for the number of flats.

Highway Authority

No objection subject to conditions regarding the detail of the access, visibility splays, the parking area, cycle parking, hard surfacing and drainage, a delivery area, and travel information packs.

**Public Consultation**

Neighbour responses

10 responses have been received from the following addresses:

Rayleigh Road – 263, 273, 275, 283, 295

The Chase – 350

Which make the following comments and objections:

- Loss of privacy.
- Loss of light.
- Over-dominance issues.
- Inappropriate design and size for the plot.
- Out of keeping with the neighbouring properties.
- Loss of light to their lounge window at ground floor level in the flank elevation.
- Inappropriate development within Green Belt.
- Proposed development could set a precedent within the Green Belt.
- Raises issues with the 'Design and Access Statement'.
- Submitted plans show an outbuilding on their site which is non-existent.
- Overlooking of gardens to the rear of the application site which is in private ownership.
- Developer has not done BRE Assessment.
- Overdevelopment of site.
- Requests that the Planning Officer and Planning Committee carry out a site visit and visit their home.
- Proposal will undermine adjoining foundations.
- Traffic issues.
- Environmental Assessment not undertaken.

- The submission does not detail any methods of excavation or structure of the development.
- The proposal does not compare the development with the smaller semi-detached properties to the north of the site.
- The mains drainage in the area already over capacity.
- Flooding issues from significant rainfall.
- Not adequate manoeuvring space in respect of the proposed car parking spaces.
- Does not agree with the UPVC windows and doors.
- Noise and disturbance issues.
- Inconvenience from large lorries delivering building materials and taking away debris.
- Impact on existing wildlife.
- The boundary wall and fence belong to them and the developer has no right to say whether they will remain or not.
- Do not need more housing in Thundersley.
- Roads do not have enough capacity.
- Would be unfair to allow such a large expansion on the application site when the other neighbouring properties are severely restricted.
- Considers that Green Belt allocation is outdated; Rayleigh Road is a residential street.
- No special circumstances have been cited.
- Proposal will affect the openness of the Green Belt.
- Currently no flats on this side of Rayleigh Road.
- Noise issues from music being played in the proposed roof garden.
- If trees are planted it would have an impact on their insurance policy.

### **Comments on consultation responses**

- The conditions recommended by the Highway Authority can be attached to any consent granted.
- Issues in respect of structure and foundations are dealt with under the Building Regulations.
- Insurance considerations are not material planning considerations.
- Consultation was undertaken in accordance with the Statement of Community Involvement.
- Boundary wall issues are civil matters.
- BRE Assessment is not required to be submitted as a part of this application.
- Other relevant matters are dealt in the evaluation section.

### **Evaluation of Proposal**

The proposal represents the redevelopment of previously developed land in the Green Belt. As such consideration needs to be given to the principle of the proposed development of the site, design, the impact on neighbours and parking and traffic implications.

#### The principle of development in the Green Belt.

The site, the subject of the application is allocated for Green Belt purposes.

Paragraph 79 of the NPPF states that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 87 of NPPF states that inappropriate development is, by definition, harmful to the Green Belt and 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.

Paragraph 89 of the NPPF states that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt.

The proposal represents the provision of a new building in the Green Belt and is by definition therefore inappropriate development. The proposal should therefore attract a recommendation of refusal. However paragraph 89 of the NPPF identifies a number of exceptions to the presumption against inappropriate development. These are:

- buildings for agriculture and forestry
- provision of appropriate facilities for outdoor sport and outdoor recreation, for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

As can be seen, paragraph 89, at its last bullet point, indicates that complete or partial redevelopment of previously developed sites need not be inappropriate, provided the proposed development would not have a greater impact on the openness of the Green Belt or the purpose of including land within it than the existing development.

Turning first to the issue of whether this site might be considered as previously developed land, the site contains a single storey building which was formerly used as a doctor's surgery. Beyond the confines of the building the entire site is hard surfaced.

It is acknowledged therefore that the entire site can be considered to be previously developed.

The second part of the bullet point has a further test – the impact on openness of the Green Belt or the purposes of including the land in the Green Belt, compared to the existing situation.

The current building is single storey with a footprint some 14m by 14m and a maximum height of some 4.6m.

The proposed building has a footprint of some 15m by 15m, which is comparable to that of the existing building, but has a height of some 10.5m. The height of the building is therefore more than twice that of the existing building on the site and the mass of the proposed building is significantly greater than that replaced.

It is noted that it is intended to set the building below the level of the adjacent footway, thus reducing the maximum height of the building relative to the road to some 9.1m; however, this device will not reduce the height and mass of the building in real terms, which remains significantly higher than the current building on the site.

In the light of these facts it is clear that the proposed building will have a significantly greater impact on the openness of the Green Belt and cannot therefore be held to fall within the exceptions to inappropriate development listed at paragraph 89 of the NPPF.

Prima facie, the proposal should therefore attract a recommendation of refusal; however, prior to determining the application on that basis, it is incumbent upon the Local Planning Authority to consider whether there are any very special circumstances which would justify a departure from the policy requirements.

This Authority defines very special circumstances as those which are individual or unique to the particular site, or at the very least incapable of frequent repetition.

No very special circumstances have been cited by the applicant.

The Planning Authority is currently preparing a new Local Plan which, inter alia, will consider the Green Belt within the Borough. As part of this process the Council has carried out assessments of the function and landscape value of individual parcels of Green Belt land within the Borough.

The parcel of land which includes the application site has been identified as serving three Green Belt functions; it restricts urban sprawl, prevents Hadleigh and Thundersley merging into each other and prevents encroachment into the countryside.

Whilst it is acknowledged that the parcel contains a number of buildings, in the form of dwellings along both sides of Rayleigh Road and education related buildings on the western side, the dwellings are an historical legacy and the school serves an important purpose for the local community, an attribute which is shared by the former doctor's surgery.

A positive factor identified within the Green Belt assessment is that this parcel's location enables people living within the surrounding urban area the opportunity for countryside amenity.

This parcel also serves to restrict the urban sprawl of Hadleigh and Thundersley and prevent encroachment. As it is situated between Hadleigh to the south and east, and Thundersley to the north and west, it also ensures that these settlements do not merge with each other. As the area is surrounded by urban fringe areas it is at high risk of encroachment, as is evidenced by the presence of ribbon development in the area. Further urbanisation of the frontage, as proposed here, would prejudice the ability of the Planning Authority to maintain the Green Belt function of

the land to the west, around the Chase. This parcel, and the application site, is therefore critical to the long term function of the Green Belt in this area.

Paragraph 14 of the NPPF addresses the presumption in favour of sustainable development. With regard to decision taking it expects that development proposals will be approved where the development plan is out of date unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the framework indicate development should be restricted. Footnote 9 to paragraph 14 indicates that land designated as Green Belt is included as a specific policy in the framework where development should be restricted. Therefore, it can be reasonably interpreted that the presumption in favour of sustainable development does not normally apply to proposals for development in the Green Belt.

In addition it should be remembered that the proposed development seeks to provide only 8 dwellings. This does not represent a strategically important contribution to housing supply, sufficient to warrant inappropriate development in the Green Belt.

Overall, it is not considered that any very special circumstances exist to justify inappropriate development in the Green Belt.

An objection is raised accordingly.

The principle of flats on this site

Policy H13 of the adopted Local Plan is concerned with the appropriate location of flats and states that proposals for flats should be located on, or near, a main road.

Rayleigh Road is a main road and as such no objection is raised to the principle of the provision of the flats in this location. However, this does not overcome the primary objection to the proposal based on Green Belt policy.

Design

Policy EC2 requires a high standard of design in all proposals for new buildings. In particular, regard is to be had to the scale, density, siting, design, layout and external materials of any development, which should be appropriate to its setting and which should not harm the character of its surroundings.

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

RDG7 states that the roof design of any development should be compatible with the host dwelling, as well as being informed by the prevailing character of the area and surrounding forms of roof development. The roof should be proportionate to the dwelling and must not be too heavy or appear prominent or dominant.

The proposal seeks to provide a three storey building with gable features, which in broad terms is compatible with the character of the surrounding area. The overwhelming character of development in this part of Rayleigh Road is of two storey development; however some three storey development is present nearby and the difference in height between the proposed flats and the dwellings either side is not so significant as to provide a robust design objection (the house at No. 263 Rayleigh Road, to the south of the application site having a maximum height of some 9m

and the semi-detached house at No. 273 located to the north of the application site having a maximum height of some 8.1m, compared to the proposed building at some 10.5m).

No objection is therefore raised to the proposal under Policy EC2 of the Council's Adopted Local Plan and RDG7 of the Residential Design Guidance.

RDG2 deals with space around dwellings and requires flatted development to provide a space equivalent to 25% of the width of the building to be provided.

The width of the proposed building is some 15.4m. The proposal would therefore require some 3.9m of isolation space. The proposal seeks to provide a space of between 4.1m and 3m to the southern boundary and a minimum space of between 2.7m to 2.5m to the northern boundary. This would not comply with the guidance; however the building does provide a sense of space to each boundary consistent with its scale and therefore the degree of shortfall is not considered to be so significant that an objection under RDG2 could be sustained.

RDG3 states that within the existing built up area all new development should be informed by the prevailing building lines to the public realm it faces; however, it must not repeat poor forms of development.

The building line in this part of Rayleigh Road is relatively uniform. The proposed building would generally conform to the building line within this area and would not result in any significant disruption to the established building line in this part of Rayleigh Road. No objection is therefore raised to the proposal under this aspect of RDG3.

Policy EC2 and RDG5 seek to achieve high quality living conditions within properties. RDG5 is particularly concerned with the achievement of appropriate levels of natural light and ventilation to rooms. It is noted that the proposed layout for the rear flats at first and second floor level – nos. 4 and 7 - would provide a kitchen without windows. Whilst a kitchen with no natural light or ventilation is not ideal, in these cases, the kitchen is designed as a kitchen "space" off a living room which itself is provided with a double casement full height window. No objection is therefore raised to this aspect of the proposed layout.

#### Impact on Neighbours

RDG3 also states that any development which would result in excessive overshadowing or dominance to any elevation of an adjoining property will be refused.

The proposal provides a 10.5m high building. The proposed building would extend by some 3.5m beyond the existing rear wall of the neighbouring dwelling to the south No. 263 Rayleigh Road and by some 1.1m beyond the existing rear wall of the neighbouring dwelling to the north No. 273 Rayleigh Road. Taking into consideration the isolation achieved to the boundaries and the relative orientation of the properties, it is not considered that the proposal will result in such issues of dominance or overshadowing that a refusal on this basis could be successfully sustained on appeal.

A neighbour has commented that the proposal would result in loss of light to their lounge window in the side elevation at ground floor level. This window relies on light across land outside the ownership of the neighbour in question. Such light cannot be guaranteed in perpetuity and it is not considered that a refusal on this basis could be successfully sustained on appeal. No objection is therefore raised to the proposal under RDG3 of the Residential Design Guidance.

All other properties are considered to be too remote to encounter over-dominance or overshadowing from the proposal. No objection is therefore raised to the proposal on this basis.

RDG5 states that for all development above ground floor level a distance of 9m shall be provided between windows, edges of balconies or raised amenity space and the boundary it directly faces at first floor level. This dimension increases to 15m at second floor level.

RDG5 also states that the provision of high level, fixed shut or obscure glazed windows or screening, or any combination thereof, should be restricted to secondary windows serving rooms or areas which are not occupied for any length of time and/or require a high degree of privacy, or provide secondary light and/or ventilation to a room.

First floor windows are proposed in all elevations.

The proposed windows at first and second floor level in the front elevation would overlook the highway and would not result in any loss of privacy and overlooking.

Windows are provided in the flank elevations which are located less than the requisite distance from the boundaries. Two windows are provided in the northern elevation at first and second floor levels; one serving a bathroom area and one serving a kitchen. One window is provided in the southern elevation at both first and second floor levels serving kitchen areas.

Bathrooms are unlikely to be used for significant periods of time and require high levels of privacy. As such it is considered that the imposition of a condition on any grant of consent requiring the use of obscure glazed and fixed windows to such rooms is considered unlikely to result in unacceptable living conditions within the dwelling and will maintain the privacy and amenity of the adjoining occupiers. Similarly, the imposition of such a condition on the windows serving the kitchen areas would not result in unacceptable living conditions for the occupiers of these flats, since in all cases an additional source of light and ventilation is available from an adjacent living room. No objection is therefore raised in respect of these windows on the basis of potential issues of loss of privacy or overlooking of the adjoining properties.

The proposed windows and balconies in the rear elevation at first floor level are located some 10.9m to 11.7m from the rear boundary of the site and would be in compliance with the guidance. However the proposed windows and balconies at second floor level are located less than the requisite distance of 15m from the boundary and would be likely to lead to undue overlooking and loss of privacy to the area of land to the rear of the site.

Furthermore, the proposal seeks to provide an amenity area on the roof of the building. This is appropriately screened along the front edge, facing Rayleigh Road, but the side and rear edges to this area are not provided with the requisite level of isolation from the site boundaries. However screening to the side and rear edges of this area could be required by condition to overcome issues of overlooking and loss of privacy to the neighbouring properties.

Whilst it may be suggested that as the land to the rear is undeveloped and thus no harm would arise from this proposal in that respect, it is reasonable to require that all development should seek to meet its own needs within the confines of its boundaries and not seek to rely on the land of others, the future use or development of which may be prejudiced by such decisions.

An objection is therefore raised to the proposal under Policy RDG5.

Parking and Access Implications

Policy EC2 states that all proposals need to ensure that all modes of movement are made safe and convenient.

RDG12 provides design guidance for parking in residential areas.

Policy T8 of the current Local Plan requires off-street parking to be provided in accordance with the County Parking Standards which is consistent with paragraph 39 of the NPPF. The standards for residential units are set at a minimum and require one space for each one bedroomed dwelling and two spaces for each dwelling with two or more bedrooms. The standards also state that 0.25 visitor spaces are needed for each dwelling.

The proposal seeks to provide 5 nos. two bedroomed flats and 3 nos. one bedroomed flats which would generate a need for 13 spaces for the occupiers and 2 for visitors to the flats, resulting in a requirement for 15 car parking spaces.

The proposal seeks to provide 12 car parking spaces and therefore results in a deficiency of 3 spaces. Although the site is located on a public transport route and Government guidance seeks to encourage the use of transport other than the private vehicle, it is also a primary distributor route (A129) with limited opportunity for safe, convenient kerbside car parking.

Concern is also raised in respect of the layout of the parking provision. It should be also noted that the location of the car parking spaces nos. 5, 6 and 7 as shown the submitted drawing, could be difficult to access and egress by virtue of their arrangement. Vehicles parked in these locations may require substantial manoeuvring to be able to leave the space.

However, it is noted that the Highways Authority has raised no objection to the proposal on the basis of highway and parking matters, and the Planning Authority's concerns in this matter are unlikely therefore to be supported at appeal.

No objection is therefore raised to the proposal under Policies EC2 and T8 of the Council's Adopted Local Plan and RDG12 of the Residential Design Guidance.

Residential Amenity

Policy EC3 is concerned with residential amenity. It 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.

This is generally consistent with paragraph 120 of the NPPF which requires development to be appropriate for its location and to take into account the effects of the development on general amenity, and paragraph 123 which requires decisions to avoid noise from giving rise to significant adverse impacts on health and quality of life.

10 car parking spaces are proposed to the rear of the proposed building. Whilst it is noted that the proposed parking spaces would abut the rear garden boundaries of neighbouring properties and potentially result in issues of noise and disturbance to these neighbours, it should be noted that this area was previously used as a car park serving the doctor's surgery. Under the circumstances, it is not considered that the impact in respect of noise and disturbance from the



proposed car parking would be too different to the existing situation. No objection is therefore raised to the proposal on this basis.

It should be noted that the proposed ground floor flat at the rear of the building has the living area located directly facing a car parking space. Generally such an arrangement could result in undue noise disturbance to the occupiers of that property; however in this case a balcony is provided to offer a degree of separation and buffer.

No objection is therefore raised to the proposal under Policy EC3 of the Council's Adopted Local Plan.

#### Other Matters

RDG6 states that amenity space should cater for all the outdoor needs of all occupiers and that development involving flats require an amenity space of 8m<sup>2</sup> per habitable room, with a minimum of 25m<sup>2</sup> for each flat. This area must be a useable shape, provide safe and convenient access for all, be orientated to provide good levels of daylight throughout the day and should not be steeply sloping.

The proposal seeks to provide 5 two bedroomed and 3 one bedroomed flats, each having four and three habitable rooms respectively. Some 235m<sup>2</sup> of amenity area is required to meet the needs of the development.

The proposal seeks the provision of 5 nos. balconies in the rear elevation which provide some 27.5m<sup>2</sup>, 2 nos. balconies in the front elevation adding up to an area of some 4.86m<sup>2</sup>, a roof garden having an area of some 84.6m<sup>2</sup> and a garden area to the rear of some 35m<sup>2</sup>; totalling up to some 152m<sup>2</sup>. The applicant suggests that some 146.2m<sup>2</sup> is available. In either case the proposal fails to achieve the requisite level of amenity area. An objection is therefore raised to the proposal under RDG6.

RDG13 requires all forms of residential development to be provided with safe, adequate and suitable means of refuse and recycling storage for all occupiers. It states that the provision of refuse and recycling facilities taking the form of free standing structures must make a positive contribution to the streetscape. All communal waste collection points and waste storage facilities should be provided with suitable landscaping and screening.

The proposal seeks to provide a bin store to the front of the proposed block, along the front boundary. It is considered that a bin store in this prominent location would result in an obtrusive structure within the street scene. No details of the bin store or landscaping/screening have been submitted with the application. However, it is considered that a condition can be attached to any consent granted to provide details of a bin store in an alternative location and such other details as discussed above. Subject to such a condition, no objection is raised to the proposal on this basis.

#### Flooding

Concerns have been raised in respect of flooding in the vicinity of the application site. At the present time the site is completely hard surfaced and represents a risk from runoff to adjoining properties, runoff to the road being prejudiced by local topography which sees the road being some 2m higher than the rear of the site. The situation with regard to the opportunity for surface water absorption on the site will be marginally improved by the proposal which seeks to provide some grassed areas within the site. The proposal also seeks to provide facilities for the storage

and reuse of rainwater on the site. Such measures have the capacity to achieve appropriate treatment of surface water on the site; however to ensure such an outcome it would be prudent to require a Flood Risk Assessment and a surface water drainage strategy be submitted and approved by the Planning Authority prior to the commencement of any development on the site.

Subject to a condition requiring such details to be submitted, no objection is raised to the proposal under NPPF.

## **Conclusion**

The site represents previously developed land in the Green Belt.

Development of the site in the manner proposed would result in an increase in mass of development on the site which would harm the Green Belt at this location by reducing its openness and damaging its strategic function. In particular the proposed development would prejudice the ability of the Green Belt in the vicinity of this site to contribute towards the prevention of the merging of settlements. Furthermore the scale of the development of the site would prejudice the ability of the Planning Authority to maintain the Green Belt function of land to the west of the application site.

The proposal therefore constitutes inappropriate development in the Green Belt.

No very special circumstances necessary to justify inappropriate development in the Green Belt have been cited in this case.

Furthermore, the proposal would provide a poor form of development with inadequate amenity areas and the significant potential for overlooking of the neighbouring properties.

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 Refusal for the following reasons**

- 1 The proposed development is situated within an area of Green Belt as defined in the Council's Adopted Local Plan. The proposed new building would result in an inappropriate form of development in the Green Belt, which does not benefit from the exceptions listed in the National Planning Policy Framework and if allowed would cause harm to the Green Belt, and have an adverse impact on the openness, character, appearance and strategic function of the Green Belt. The applicant has failed to demonstrate any very special circumstances why the proposal might exceptionally be allowed and the proposal is therefore contrary to guidance as set out in the National Planning Policy Framework.
- 2 The proposal fails to provide adequate amenity space for the proposed flats and would result in a substandard form of development, to the detriment of the future occupiers of the flats, contrary to Policy H17 of the Council's Adopted Local Plan, RDG6 of the Residential Design Guidance and Government advice as contained in the National Planning Policy Framework.
- 3 The proposed development, by virtue of the proximity of the windows and balconies on the rear elevation at second floor level to the rear boundary of the site, represents

overdevelopment of the site, contrary to Policy EC2 of the adopted Local Plan, RDG5 of the adopted Residential Design Guidance and Government guidance as contained in the National Planning Policy Framework.

### **Informatives**

- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

## ITEM 2

<b>Application Number:</b>	<b>15/0440/FULCLO</b>
<b>Address:</b>	<b>R/O The White House Kiln Road Benfleet Essex SS7 1TF (Cedar Hall)</b>
<b>Description of Development:</b>	<b>Installation of shipping container, toilets, cabin, shed and various works to form community garden</b>
<b>Applicant:</b>	<b>Trust Links Ltd</b>
<b>Case Officer</b>	<b>Mr Keith Zammit</b>
<b>Date of Expiry</b>	<b>24.08.2015</b>

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### Summary

The application seeks planning permission for a Community Garden on Council owned land to the rear of the White House. It is not considered that there are any planning objections to the use of the land in this manner and therefore the proposal is recommended for APPROVAL.

The application is presented to the Committee due to the Council's interest in the proposal as 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 to the north of the White House, which is located to the rear of Runnymede Hall, within the complex of buildings around the Borough Council Offices.

The land is enclosed by palisade fencing on the north and west sides, with a car parking area located to the east, and the White House building to the south.

### The Proposal

Permission is sought for the creation of a community garden for use by adults with mental health problems, learning disabilities and dementia and also by school groups and the public. The Chief Executive of Trust Links advises that there are no particular arrangements currently with schools, but students from SEEVIC College will be able to use the facility.

A number of vegetable/planting beds would be formed from sleepers on the site, with a potting shed/glass house structure, cabin and a shipping container for tool storage. Beehives would be sited adjacent to the storage container. Composting toilet facilities would be provided.

### Supplementary Documentation

There are drawings of the various structures and a plan of the site available to view on the Council's website, together with a covering letter from the applicant.

## **Planning History**

None of relevance to this application.

## **Relevant Government Guidance and Local Plan Policies**

The land is allocated as a Local Government facility on the proposals map accompanying the adopted Local Plan. The following policies and guidance are of relevance:

### National Planning Policy Framework (NPPF)

Paragraphs

56 to 58 - Design

120 to 125 – Natural Environment

### Local Plan

EC2 – Design

EC4 – Pollution

T8 – Parking standards

## **Consultation**

### Legal

The Council is the registered owner of the land. The matter has been considered by Cabinet and no objections have been raised by that body, although the terms of the licence are still to be finalised.

## **Public Consultation**

All of the surrounding land is within the control or ownership of the Local Authority; therefore no neighbouring properties were notified.

## **Evaluation of Proposal**

The main issues with this application are the principle of a community garden use, the visual impact, the impact on the environment and any parking implications.

### Principle

The land is allocated for Local Government purposes on the Local Plan Proposals Map. This is a designation which covers the Borough Council Offices, Runnymede Hall, the swimming pool and associated areas of landscaping, open space and car parking. The provision of a community garden may be viewed as a leisure use rather than a local government institution; however this area already accommodates leisure facilities (the swimming pool) so it is not considered that the provision of a further leisure facility would be inconsistent with the site's local plan allocation, given that such a designation appears accommodating of leisure facilities. No objection is therefore raised to the proposed use in principle.

### Visual impact

Policy EC2 of the adopted Local Plan seeks a high standard of design in relation to all new buildings. It also requires spaces around buildings to be enhanced by appropriate hard and soft landscaping. This is consistent with paragraphs 56 to 58 of the NPPF.

The proposal consists of a large amount of landscaping, so it is considered that this fulfils the objective of enhancing spaces through the use of landscaping. The proposed potting shed/glasshouse, cabin and lavatories are not considered to be inappropriate in design terms given their function and location within a garden area.

It is regrettable that a storage container is proposed on the land as these are functional objects. However, the applicant is proposing to dress the container with 'habitat panels' to provide a home for insects and also is proposing a green roof. It is considered that these measures would reduce the harshness of the appearance of the container and under these circumstances there would be no undue visual detriment caused.

No objection is therefore raised to the proposal on visual grounds.

#### Environmental Impact

Policy EC4 of the Local Plan states that development which would have a significant adverse effect on health, the natural environment or general amenity by reason of releases of pollutants to water, land or air or by reason of noise, dust, vibration, light or heat will be refused. This is generally consistent with paragraphs 120 to 125 of the NPPF.

The creation of a community garden and the additional planting this entails has the potential to create new habitats for insects whilst the provision of beehives would provide a source of pollination, both of which would be beneficial to the local environment.

It is noted that composting toilets are proposed to be installed at the site. These are contained operations, which work by dehydrating the human waste into a form where it can then be emptied from the installation and transferred to a composting bin for complete composting. This can eventually be used on non-edible vegetation. Such a facility would not cause pollution of the land and would not present any risk to the environment or human health.

No objection is therefore raised to the proposal on environmental grounds.

#### Parking implications

Policy T8 of the Local Plan requires the provision of off-street parking in accordance with adopted standards. This is consistent with paragraph 39 of the NPPF.

There is no specific car parking standard for a community garden. The number of car trips that might be generated to the site is not known; however there is a Council car park adjacent to the site. It is the intention that users of the community garden would have the right to park behind the gates in this part of the car park (where tenants of the White House are allowed to park) although this has not been formalised in any lease at this point. It is possible that overspill parking may occur into the main Council car parking areas. The car parking area available for public use can be full on occasions, for example when there is a large event taking place in Runnymede Hall; however, it is not considered that the proposal would have a severe negative impact on the parking needs of users of Runnymede Hall, the swimming pool and the Council Offices. There is therefore no objection to the proposal on parking grounds.

No specific cycle parking provision is proposed; however, given the nature of the use it is considered that there is unlikely to be high demand for this.

## **Conclusion**

The proposed community garden is considered to represent a beneficial facility and there are no harmful impacts arising from it that can be identified.

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 five 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.

## **Informatives**

- 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 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 3

<b>Application Number:</b>	<b>15/0538/FUL</b>
<b>Address:</b>	<b>30 Hellendoorn Road Canvey Island Essex SS8 7JA (Canvey Island East)</b>
<b>Description of Development:</b>	<b>Demolish existing property and construct 2 No. detached houses with integral garages</b>
<b>Applicant:</b>	<b>Mr Tom Sanders</b>
<b>Case Officer</b>	<b>Mr Keith Zammit</b>
<b>Date of Expiry</b>	<b>20.08.2015</b>

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### Summary

The proposed development seeks to replace an existing chalet bungalow with two detached houses. In all the circumstances the proposal is considered to comply with the Council's policies and guidance and is recommended for APPROVAL.

The application is presented to the Committee at the request of Councillors Acott and Mumford in order to assess the effect of the development on surrounding properties.

### Site Visit

It is considered appropriate for Members to inspect the site prior to determination of the application.

### Introduction

The application site is located on the east side of Hellendoorn Road. It is rectangular in shape, with a frontage of some 22.5m and depth of some 18.7m. It currently contains a detached chalet bungalow. There is no vehicular access to the site.

To the south of the site are bungalows, whilst to the north are houses. To the rear are houses facing Margraten Avenue. These houses have shallow rear gardens, some 5.5m – 6m deep. No. 58 Margraten Avenue has a two storey rear extension and large balcony overlooking the site.

### The Proposal

Permission is sought to remove the existing property and erect two detached three bedroomed houses with semi-integral garages. The properties would have a maximum height of some 8.8m and would be finished in brickwork, cladding and render, with concrete interlocking tiled roofs.

### Supplementary Documentation

In addition to the application drawings there is a Flood Risk Assessment which can be viewed on the Council's website.



## **Planning History**

None of relevance to this proposal.

## **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 and guidance are of relevance.

### National Planning Policy Framework (NPPF)

Paragraphs 56 to 58 - Design

### National Planning Practice Guidance

Paragraph 054 Reference ID: 7-054-20140306 – Flood Risk

### 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

RDG10 – Enclosure and boundary treatment

RDG12 – Parking and access

## **Consultation**

### Canvey Town Council

No comments received

### Environment Agency

To be reported

## **Public Consultation**

10 objections received from the following 6 properties:

Margraten Avenue – 54, 56, 58

Hellendoorn Road – 29, 31, 34

Making the following comments:

- loss of privacy
- risk of subsidence to adjacent property
- tall and dominant to street
- overshadowing nearby properties
- access/parking

- waste/drainage

### **Comments on Consultation Responses**

- damage to adjacent properties is a private matter and is not a material planning consideration
- disposal of foul waste from the development is a matter for the relevant sewerage undertaker and is not a material planning consideration in this case
- other matters are considered in the evaluation of the proposal

### **Evaluation of Proposal**

#### Principle

The land is allocated for residential purposes on the proposals map accompanying the adopted Local Plan. There can therefore be no objection in principle to the residential development of this site.

#### Flood Risk

Government guidance as contained in the NPPF requires all proposals for new dwellings in areas at risk of flooding to be accompanied by a site-specific Flood Risk Assessment in order to demonstrate that the occupiers of the proposed development would not be placed at unacceptable risk in the event of a flood. The proposal is also required to pass the sequential and exception tests as set out in the NPPF and associated Practice Guidance, in order to determine whether sites of lower flood risk probability exist which may be more suitable for the type of development proposed.

With regard to the sequential test, the proposal seeks to provide dwellings within the settlement of Canvey Island. For residential development to serve the community of Canvey Island it is considered that it would need to be located within that settlement. Since the settlement of Canvey Island is located entirely within Flood Zone 3 it is not considered that there are reasonably available alternative sites within the area with a lower probability of flooding that could accommodate the proposed development. Under the circumstances it is considered that the proposal passes the sequential test.

Having passed the sequential test, the proposal must then pass the exception test. In order to meet the requirements of the exception test as described at paragraph 102 of the NPPF, the proposal must demonstrate that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and a site-specific Flood Risk Assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

In response to the first criterion, in a very broad sense, the continued development of Canvey Island is necessary to sustain the local community and prevent the social and economic blight of the settlement. However, in assessing whether these benefits outweigh the flood risk, the flood risks surrounding the development must be considered in more detail.

The second criterion requires that the applicant demonstrates that the development is safe, will not increase flood risk elsewhere and where possible will reduce flood risk overall.

The applicant has provided a Flood Risk Statement (FRS). The FRS identifies that the ground level of the site is 1.51m AODN and that during a 1 in 200 year breach event water levels are likely to reach 3.81m AODN. The finished habitable ground floor level of the property would be set at 1.81m AODN and therefore would be liable to flooding under such circumstances, to a depth of some 2m within the accommodation.

For a 1 in 1000 year breach event, water would again flood the site to a depth of up to 3.81m AODN. The ground floor of the property would again be liable to flooding; however, with the first floor set at 4.46m AODN, this would remain dry. There is therefore an area available to occupiers where they can stay out of floodwater that may enter the ground floor. The Environment Agency has requested that these floor levels be secured by condition. Subject to such a condition and provided that the response of occupiers to flooding or a flood warning is managed by a Flood Response Plan, it is not considered that there would be undue risk posed by the development.

A Flood Response Plan (FRP) has been included as part of the FRS at section 4. This is considered adequate for the purpose of making occupiers aware of the actions they should take in response to a flood warning being issued or flooding occurring at the site. Subject to a condition that this FRP is enacted upon occupation of the dwelling, there is no objection on flood risk grounds.

It is noted that there is the possibility of incorporating flood resistance and resilience measures into the construction of the buildings in order to minimise damage to the building during a flood event and to enable a faster recovery once floodwaters have subsided. The FRS contains a scheme of flood resistance and resilience measures which are considered satisfactory. Subject to a condition requiring the dwellings to be constructed and fitted out in accordance with this scheme of measures, there is no objection to the proposal on this basis.

The National Planning Practice Guidance states at paragraph 054 Reference ID: 7-054-20140306 that when considering safety, the depth and velocity of flood water and the structural safety of buildings needs to be considered. The submission contains no consideration of such matters. Were permission granted, it would be necessary to impose a condition requiring demonstration of the ability of the building to withstand the hydrodynamic and hydrostatic pressures that may act upon it during a flood.

Subject to the imposition of the conditions as described, there are no objections to the proposal on the basis of flood risk.

### Design

Policy EC2 of the Local Plan seeks a high standard of design in all new buildings. This is consistent with paragraphs 56 to 58 of the NPPF.

The proposed dwellings reflect the style and character of the surrounding area and would not appear out of character with its surroundings.

The proposed dwellings would have a ridge height of some 7.3m. This would be above the height of the bungalows located to the south of the site, the closest of which has a ridge height of some 4.3m. Such a relationship between two storey dwellings and bungalows is not uncommon.

To the north of the site, there are houses with roof heights of approximately 6.7m. However beyond these are houses with roof heights of some 7.2m, in the context of which a roof height of 7.3m would not appear excessively tall.

No objection is therefore raised to the proposal on design grounds.

Other matters of detailed design and layout

The Council has adopted Residential Design Guidance as a supplementary planning document in accordance with section 7 of the NPPF. Within this, guidance at RDG1 requires plot sizes for new development to be informed by the prevailing character of plot sizes.

The proposed plots would have depths of some 18.7m, which is the same as the existing plot depth and reflects the depth of neighbouring plots.

The plot widths would be 11.2m. This is consistent with the character of the surrounding area and no objection is therefore raised on the basis of guidance at RDG1.

Guidance at RDG2 requires the space around all new development to be informed by the prevailing character of space around dwellings. The proposed dwellings would have a gap of some 1m provided between the flank wall and the boundary on their right hand sides, with a garage extending up to the boundary on their left hand sides. This is considered to be reflective of the character of the surrounding area, where it is fairly common for garages to extend up to plot boundaries on one side. Following an amendment to reduce the height of the dummy pitch over the garages, no objection is raised to the proposal on the basis of guidance at RDG2.

Guidance at RDG3 requires proposals to respect established building lines. The proposed dwellings would be set some 3.4m from the highway. This compares favourably with nearby dwellings which are set 3m or less from the highway. No objection is therefore raised to the proposal on the basis of guidance at RDG3.

Guidance at RDG6 requires appropriate amounts of outdoor amenity space to be provided in proportion to the size of the dwelling. 15m<sup>2</sup> per habitable room should be provided, with a minimum of 50m<sup>2</sup>.

The proposed dwellings would each have four habitable rooms requiring an amenity area of 60m<sup>2</sup>. The rear gardens would be approximately 83m<sup>2</sup> in area which satisfies this requirement.

It is considered appropriate however, given the limited extent of the private amenity area, to restrict permitted development rights in respect of each property, in order to ensure the retention of appropriate levels of private amenity space within the plots.

Guidance at RDG10 deals with means of enclosure and boundary treatment. It states that public and private space should be clearly defined, with means of enclosure being informed by the prevailing character of the area, without repeating poor forms of development. Means of enclosure should not dominate the public realm.

The proposed development would provide a 1.8m high close boarded fence between the rear gardens and 900mm high picket fencing to the front boundaries. This would not appear out of character in relation to the surrounding area and no objection is raised on the basis of RDG10.

Impact on neighbours

Guidance at RDG3 also requires proposals not to cause excessive overshadowing or dominance of adjacent properties. The proposed development would project approximately 1.5m beyond the rear wall of the adjacent dwelling to the north and would be set some 1m from the site boundary. It is not considered that this would lead to undue overshadowing or dominance being caused to the adjacent residents on that side. The garage would project around 4m beyond the rear wall of the neighbour, however being single storey only it is not considered that this would be unduly overshadowing, obtrusive or dominant.

To the south, the rear wall of the development would be roughly level with the rear wall of the adjacent bungalow. Being to the north of that neighbour, it is not considered that the proposed development would have the potential to overshadow and it is not considered that any loss of amenity would arise as a result.

The properties to the rear of the site have shallow rear gardens of some 5.5m in depth. This falls short of current standards; however, it is due to the historical pattern of development in the area. The proposed development would provide garden depths of some 8.1m. This provides greater space from the rear of the proposed dwellings to the rear boundary of the site than exists at neighbouring properties to the rear, and as a result it is not possible to demonstrate that the new dwellings would be over-dominant when seen from the existing dwellings in Margraten Avenue. The existing properties at the rear of the site have roof heights of some 6.4m. This development would be 7.3m tall, but as deeper rear gardens would be provided, it may not be said that the proposal would be unduly dominant to dwellings at the rear. In light of this, it is not considered that a refusal of the application on this basis could be robustly defended at appeal.

Guidance at RDG5 deals with privacy and overlooking. A distance of 9m should be provided between first floor windows and the boundaries of the site. Where this is not achieved, the use of obscure glazed, fixed or high level windows, or some combination thereof, may be used to prevent overlooking, but only where the windows concerned are secondary windows or serve areas where a high level of privacy is required.

Windows in the rear elevation would be located some 8.1m from the rear boundary and therefore have the potential to result in a loss of privacy to residents at the rear. However, the dwellings have been designed so that only windows serving bathrooms and staircases would be located in the rear elevations. As such it is considered that these windows may be obscure glazed and fixed to 1.7m from floor level to protect adjacent residents' privacy, without leading to unsatisfactory living conditions within the area they serve.

It is considered necessary however, to impose a condition on the grant of any consent preventing the provision of any further glazed or opening areas at first floor level in the rear elevation, without the prior consent of the planning authority.

It is noted that residents at the rear have objected to the development on the basis of loss of privacy. It is worth noting that No.58 Margraten Avenue in particular has a flat roofed rear extension with balcony, from which it is possible to overlook the application site. The new dwellings would therefore be overlooked from the existing properties, rather than the existing properties being overlooked by the proposed development. However, this is not a reason to withhold planning permission since this relationship would be a matter for prospective occupiers to consider.

There are no first floor side windows proposed. The front windows would overlook the street which is within the public realm and would not cause undue loss of privacy to properties opposite. Subject to a condition requiring the first floor rear windows to be obscure and fixed to 1.7m, there is no objection to the proposal on the basis of RDG5.

#### Parking

Policy T8 requires the provision of 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.

Guidance at RDG12 requires parking not to be visually dominant.

The current standards require the provision of two spaces for properties with two or more bedrooms. Garages will only be counted as a parking space where they have internal dimensions of 3m by 7m and should be provided with a forecourt depth of 6m. The proposed development would provide a garage for each property that would comply with these requirements, resulting in the provision of two spaces for each dwelling. It is not considered that parking in such an arrangement would be dominant in the street scene. Subject to a condition requiring this parking to be provided and retained, no objection is raised to the proposal on parking grounds.

#### **Conclusion**

The proposed redevelopment is considered to satisfy the Council's policies and guidance and would not have significant adverse effects on the surrounding area.

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 five 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 development hereby approved shall be built wholly in accordance with the approved materials.

REASON: To ensure a satisfactory form of development in sympathy with the existing development and the character of the surrounding area.

- 3 The proposed windows in the rear elevation of the dwellings at first floor level shall be obscure glazed to at least Level 3 on the Pilkington Scale and non-opening to a height of 1.7m above the finished floor level of the room in which the window is installed and permanently retained as such thereafter.

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

- 4 The garage forecourt areas shall be provided in accordance with SuDs principles prior to occupation of the dwelling that the forecourt serves. Thereafter, these areas together with the garages shall be kept available for the parking of vehicles and not used for any other purpose. In particular, the garages shall not be converted, in whole or part, to habitable accommodation.

REASON: To ensure the provision and retention of a satisfactory level of off-street parking, commensurate with the needs of each dwelling.

- 5 Upon occupation of any dwelling, the approved Flood Response Plan shall be enacted 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 building in the event of a flood.

- 6 The approved dwellings shall be constructed and fitted out in accordance with the approved scheme of flood resistance and resilience measures.

REASON: To minimise damage to the buildings caused by floodwater and to enable faster recovery following a flood.

- 7 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 or E 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 formal consent of the Local Planning Authority.

REASON: In order to ensure an adequate level of residential amenity for occupiers of the site and adjacent properties.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, or any statutory instrument revoking, amending or re-enacting that Order, no roof lights, dormer windows or other openings or glazed areas shall be formed in the rear elevations of the dwellings above ground floor level without the approval in writing of the local planning authority.

REASON: To protect the privacy of occupiers to the rear of the site.

- 9 The finished ground floor level of the dwellings shall be set no lower than 1.81m above Ordnance Datum and the finished first floor level shall be set no lower than 4.46m above Ordnance Datum.

REASON: To reduce the risk of flooding to the proposed habitable development and future occupants

### **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 4

<b>Application Number:</b>	<b>15/0544/FUL</b>
<b>Address:</b>	<b>2 Camperdown Road, Canvey Island (Canvey Island North)</b>
<b>Description of Development:</b>	<b>Change of use from 8 bed Bed and Breakfast Units to a house in multiple occupation consisting of 8 bedsits</b>
<b>Applicant:</b>	<b>Castle Point Borough Council</b>
<b>Case Officer</b>	<b>Mr Keith Zammit</b>
<b>Date of Expiry</b>	<b>27.08.2015</b>

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#### Summary

The proposal is for change of use of an existing bed and breakfast establishment to bedsits, for the Council to use to house people in need of accommodation. It is not considered that this would adversely impact the area in any way, and the proposal is therefore recommended for approval.

The application is presented to the Committee as the Council is the applicant.

#### Site Visit

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

#### Introduction

The application relates to a detached former dwellinghouse now in use as bed and breakfast accommodation. It has a hard surfaced frontage and no front wall enabling several cars to be parked on the site.

Either side of the site there are detached houses, whilst opposite the site is a grassed area adjacent to Dovervelt Road.

#### The Proposal

The building is currently in private ownership but is used as temporary residential accommodation by the Council. The Council intend to purchase the building and carry out works to the building to achieve a greater degree of self-containment to the accommodation and the provision of individual kitchenettes to all rooms and en-suites to all ground floor rooms. First floor rooms would continue to share bathroom facilities.

#### Supplementary Documentation

In addition to the plans for the proposed development there is a design and access statement from the architect, which is available to view on the Council's website.

## **Planning History**

None of relevance to this application

## **Relevant Government Guidance and Local Plan Policies**

### National Planning Policy Framework (NPPF)

Paragraph

50 – Wide choice of homes

### Current Local Plan

EC3 – Residential amenity

T8 – Parking standards

## **Consultation**

### Environmental Health

To be reported

### Legal Services

No objection

### Refuse and recycling

To be reported

### Canvey Town Council

To be reported

### County Highways

To be reported

## **Public Consultation**

No representations received at the time of writing.

## **Comments on Consultation Responses**

None at this stage.

## **Evaluation of Proposal**

### Principle

The land is allocated for residential purposes on the Local Plan proposals map. The proposed use as bedsit accommodation is a residential use and therefore consistent with the Local Plan allocation. No objection is therefore raised to the principle of a continuing residential use on this site.

### Impact on nearby residential properties

Policy EC3 of the 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. This is generally consistent with paragraphs 120 to 125 of the NPPF.

It is not considered that the proposed change of use to bedsits would generate significantly more traffic than the existing use as bed and breakfast accommodation. The manner in which the building is occupied would not be significantly different from the current arrangement, the only difference being the greater level of self containment achieved within the units. It is not considered that this would lead to a noticeable change in levels of noise, fumes or other forms of disturbance emanating from the premises.

Taking all things into account, it is not considered that the proposal would result in an adverse impact on the amenity of nearby residents. No objection is therefore raised to the proposal on the basis of Policy EC3.

#### Amenity space provision

The Council's Residential Design Guidance states that buildings containing residential accommodation should be provided with 8m<sup>2</sup> of amenity space per habitable room. 64m<sup>2</sup> of amenity space is therefore required for this proposal. The hard surfaced area to the rear of the building is some 52m<sup>2</sup> in area which is below this requirement; however, the manner of occupation of the building would not be fundamentally altered, except for the provision of additional facilities to the residents in the form of mini-kitchens in the rooms and a new ensuite for one of the ground floor rooms. On this basis, given that no extra bedrooms are proposed and the level of occupation would not alter, it is not considered that an objection to the proposal on the basis of a lack of amenity space would be supported on appeal.

#### Parking implications

Policy T8 of the Local Plan requires the provision of 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 current standards are the 2009 County Parking Standards, according to which use as a boarding or guest house requires the provision of a maximum of one parking space per bedroom. For use as bedsits, or a house in multiple occupation, there is no specific standard; however the parking needs of such a use might be considered similar in nature to that of studio apartments, for which one to one parking provision would be required.

The building currently is used as an eight bedroomed bed & breakfast facility. The proposed use is for eight bedsits. Eight car parking spaces would be required for the existing and proposed uses. Parking is available for four cars on the existing hard surfaced frontage. Whilst this is fewer spaces than would normally be sought, the physical use of the building is not changing and under the circumstances it is not considered that an objection to the proposal based on inadequate parking would be supported on appeal.

There is therefore no objection to the proposal on the basis of car parking provision.

It is noted that there is an area for refuse bins proposed on the site frontage. This is not considered to be visually acceptable and is likely to be detrimental to the amenity of the adjacent bungalow, which would have the bins almost in front of its window. An alternative location should be identified. This may be appropriately dealt with by way of a planning condition.

### Flood Risk

The proposal is for a change of use between uses that are both classified as 'more vulnerable' within the National Planning Practice Guidance.

The change from use as bed and breakfast accommodation to bedsits would not fundamentally change the manner in which the building is occupied, therefore there is not considered to be an increased risk to occupiers from flooding. No objection is therefore raised to the proposal on this basis.

### **Conclusion**

The proposed change of use would secure improved accommodation for occupiers and, subject to appropriate conditions, would not result in any loss of amenity to the surrounding area or conflict with adopted policy to such an extent, to provide a robust basis for refusal.

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 five 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 commencement of the use, details of an area for the storage of refuse bins shall be submitted to and approved in writing by the local planning authority, with reference to an accurately scaled plan. Such details shall include the type, size and number of bins to be provided.

REASON: In the interests of visual amenity and the amenity of adjacent residents.

- 3 Such area as may be approved in relation to condition 2 shall be provided and made available, complete with bins, prior to commencement of the use. Thereafter, this area shall only be used for the storage of domestic refuse from the occupiers of the building and not used for any other purpose.

REASON: To retain satisfactory provision on site for the storage of refuse materials.

### **Informatives**

- 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 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 5

<b>Application Number:</b>	<b>15/0571/ADV</b>
<b>Address:</b>	<b>Waterside Farm Sports Centre Somnes Avenue Canvey Island (Canvey Island West)</b>
<b>Description of Development:</b>	<b>Non illuminated fascia sign to bungalow</b>
<b>Applicant:</b>	<b>Leisure Services</b>
<b>Case Officer</b>	<b>Mr Keith Zammit</b>
<b>Date of Expiry</b>	<b>02.09.2015</b>

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### Summary

The application seeks consent for the display of a fascia sign to indicate the presence of a café within the single storey detached building within the Waterside Farm Complex. It is not considered that the proposed advertisement would cause visual detriment to the area and it is recommended that consent be granted.

The application is presented to the Committee as the Council is the owner of the land.

### Site Visit

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

### Introduction

The application relates to a single storey detached building immediately to the east of the main Waterside Farm Leisure Centre building, between the car park and the skate park.

The site as a whole is located on the south side of Somnes Avenue, adjacent to the Waterside Farm roundabout.

### The Proposal

Consent is sought for the display of a 2.4m by 0.84m sign to the north elevation of the building, to indicate the presence of a café facility within the building. The sign would have its lower edge located 1.32m above the ground and would be primarily blue with white text identifying the facilities available at the Little Centre Café.

### Supplementary Documentation

There is none with this application.

### Planning History

In April 2015 consent was granted for a fascia sign for the café in the main leisure centre building and an advertisement in respect of the Sports Centre, adjacent to the access to the site.

## **Relevant Government Guidance and Local Plan Policies**

### National Planning Policy Framework (NPPF)

#### Paragraph

67 - Advertisements

### Current Local Plan

S12 – Design, siting and illumination of advertisements

S13 – Proliferation of advertisements

S14 – Advertisements and public safety

## **Consultation**

### Legal Services

To be reported

## **Public Consultation**

No neighbours notified due to the distance of the proposal from nearby properties.

## **Comments on Consultation Responses**

None

## **Evaluation of Proposal**

The NPPF states at paragraph 67 that control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Policy S12 of the current Local Plan states that advertisements should be well designed and sited and relate to the character of the building and surrounding area. This is considered to be consistent with paragraph 67 of the NPPF.

Policy S13 of the current Local Plan states that the Council will exercise strict control to prevent a proliferation of advertisements, especially above ground floor level and at petrol filling stations. This policy is negatively worded and inconsistent with the presumption in favour of sustainable development. It is more appropriate therefore to consider proposals for advertisements in the context of Local Plan Policy S12 and paragraph 67 of the NPPF.

The proposed fascia sign is not considered excessive in size in relation to the building, and could reasonably be expected to be provided in the context of an on-site café serving the leisure centre and associated facilities. No illumination is proposed for the fascia sign.

It is noted that other signage for a café within the main leisure centre building has recently been permitted, along with a new welcome sign at the site entrance; however taken together it is not considered that the total quantum of signage proposed across the site would constitute an excessive amount of advertising or unnecessary clutter.

No objection is therefore raised to the proposal on visual grounds.

Policy S14 of the current Local Plan seeks to prevent advertisements that would have an adverse effect on the safety of traffic or pedestrians. This is consistent with paragraph 67 of the NPPF.

The proposed signs would not involve projections over the highway, nor is it considered likely to distract pedestrians or drivers. The proposal is not therefore considered to give rise to any pedestrian or vehicular safety issues.

### **Conclusion**

There are no objections arising as a result of the proposed signage.

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**

### **Informatives**

- 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 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.

**AGENDA ITEM NO. 6**

<b>Application Number:</b>	<b>15/0517/WTCA</b>
<b>Address:</b>	<b>1 Attwell Mews The Close Benfleet Essex SS7 1NZ (St. Mary's Ward)</b>
<b>Description of Development:</b>	<b>Works to reduce crown to provide approx 1m clearance to adjoining buildings and shape to maintain balance.</b>
<b>Applicant:</b>	<b>Mr J Dowdall</b>
<b>Case Officer</b>	<b>Mr Robert Davis</b>
<b>Date of Expiry</b>	<b>04.09.2015</b>

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**Summary**

This is a notification for minor works to an Ash tree growing in the South Benfleet Conservation Area. The works would not be detrimental to the amenity value of the tree or the character and appearance of the Conservation Area. Accordingly there is no objection to the works, and no need to make a Tree Preservation Order to protect the tree.

**Introduction**

This notification relates to a proposal by a member of staff to carry out works to an ash tree located to the rear of a residential property on the east side of The Close approximately 15m south of its junction with the High Street. The site is located within the South Benfleet Conservation Area.

The Ash is not protected by a Tree Preservation Order but its location within the South Benfleet Conservation Areas requires the Local Planning Authority to be notified of any works before they are carried out.

The Local Authority then has a period of six weeks in which to consider whether the proposed works are suitable or an Order should be made on the tree. The notification of works is not an application and the authority cannot refuse consent for the works or grant consent subject to conditions.

**Site Visit**

It is not considered that a site visit is necessary.

**The Proposal**

The applicant seeks consent for works to reduce the crown of 1 Ash tree by approximately 1 metre to provide clearance between its foliage and the fabric of the adjoining buildings and to shape the remaining crown to retain its balanced form.

**Planning History**

CPT/391/04/FUL – Three 2 bed houses & 2 storey pitched roofed side extensions to the existing buildings and refurbishments.



CPT/474/05/FUL – Retrospective revised roof heights and re-design cat slope windows to plot 1 & 2.

### **Local Plan Allocation**

Shopping and the South Benfleet Conservation Area

### **Relevant Policies and Government Guidance**

Local Plan (Adopted November 1998)

EC7                Natural and semi-natural features in urban areas

EC25             Principle of Control

### **Consultation**

None undertaken

### **Evaluation of Proposal**

It is the Council's aim under Policy EC7 to retain and enhance natural and semi natural features in urban areas in order to safeguard their physical, visual, recreational, and wildlife value.

Policy EC25 requires the Council to pay special attention to the desirability of preserving or enhancing the character of constituent buildings, open spaces, trees, views and other aspects of the environment of Conservation Areas.

In considering applications for works to trees government guidance advises that local authorities should assess the amenity value of the tree(s) and the likely impact of the proposal on the amenity of the area, and in the light of this assessment consider whether or not the proposal is justified, having regard to the reasons put forward in support of it.

The ash tree can clearly be seen by adjoining neighbours but the close urban grain of the Conservation Area and extensive presence of buildings surrounding the tree means that it can only being readily viewed by members of the public from the direction of School Lane Car Park. Whilst the ash provides some welcome relief to the built development in this part of the Conservation Area its limited visibility means that its amenity value is fairly modest.

The proposed crown works to clear the fabric of the adjoining buildings are minor in nature and should not have any significant visual impact on the health or amenity value of the tree. Shaping the crown after carrying out these works would help to retain the balanced form of the ash and be likely to enhance its attractiveness. At worst the proposed works have a neutral effect on the character and appearance of the Conservation Area.

### **Conclusion**

The proposed tree works are acceptable and accordingly no objection to the proposed works is raised under Policies EC7 and EC25 of the Council's Adopted local Plan.

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 that there is **NO OBJECTIONS** to the works, and no requirement for a Tree Preservation Order to protect the tree.