



Council Offices, Kiln Road,
Thundersley, Benfleet,
Essex SS7 1TF.
Tel. No: 01268 882200
Fax No: 01268 882455



David Marchant LLB (Hons) BSc (Hons) CEng FICE FCMI
Chief Executive

AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 3 March 2020 at 7.30 p.m.

Venue: Council Chamber

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

Membership: Councillors Dick (Chairman), Sharp (Vice Chairman), Acott, Anderson, Blackwell, Cutler, Fuller, Hart, Mrs Haunts, Johnson, Mumford, Taylor and Mrs Wass.

Substitutes: Councillors Palmer, Skipp, Mrs Thornton and Tucker

Canvey Island Town Councillors: Greig and Mrs Sach

Officers attending: Mr Rob Davis - Planning Development and Enforcement Manager
Kim Fisher - Strategic Developments Officer
Jason Bishop – Solicitor to the Council

Enquiries: Miss 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 4 February 2020 is attached.

4. Public Speakers

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

5. Deposited Plans

The report is attached.

	Application No	Address	Page No
1.	19/0697/FUL	341-347 London Road, Hadleigh, Benfleet, Essex, SS7 2BT (St James' Ward)	1
2.	20/0016/FUL	Land Adjcent to 37 Tewkes Road, Canvey Island, Essex, SS8 8HF (Canvey Island North Ward)	32
3.	19/0861/FUL	243 Vicarage Hill, Benfleet, Essex, SS7 1PQ (Boyce Ward)	45

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DEVELOPMENT CONTROL COMMITTEE

TUESDAY 4TH FEBRUARY 2020

PRESENT: Councillors Dick (Chairman), Anderson Blackwell, Cutler, Fuller, Hart, Mrs Haunts, Johnson, Mumford, Palmer* Taylor Mrs Thornton* and Mrs Wass.

Substitute Members Present: Councillor Palmer* for Councillor Acott. Mrs Thornton for Councillor Sharp

Also Present: Councillors Skipp, Smith and Tucker.

Canvey Island Town Council Representatives: Councillor Mrs Sach was also in attendance.

Apologies for absence were received from Councillors Acott and Sharp.

22. MEMBERS' INTERESTS

Councillor Hart declared an interest in relation to 19/0800/FUL Land adjacent to 2 Napier Gardens Thundersley, Benfleet, Essex SS7 3UZ (Victoria Ward) as he was an acquaintance of resident living in Napier Gardens and the application was within his Ward.

23. MINUTES

The Minutes of the meeting held on 7th January 2020 were taken as read and signed as correct.

24. DEPOSITED PLANS

1. 19/0800/FUL LAND ADJACENT TO 2 NAPIER GARDENS THUNDERSLEY, BENFLEET, ESSEX SS7 3UZ (VICTORIA WARD) – DEMOLITION OF EXISTING OUTBUILDINGS AND CONSTRUCTION OF DORMER BUNGALOW – MRS JOANNE HITCHCOCK

The application was presented to the Committee at the request of Councillor Hart, who had requested a Committee decision due to concerns relating to the proposal being overdevelopment, parking concerns and overlooking.

The application sought permission for the provision of a detached dwelling on land adjacent to an existing dwelling, on what was currently a residential garden. When assessed against the Council's policies and guidance the development had been found to have a number of deficiencies. These related to a lack of space around the dwelling necessary to provide it with an adequate setting and a lack of amenity space for both the proposed and retained existing dwelling. The proposal was considered to represent overdevelopment of the site and be contrary to national planning guidance. The proposal was therefore recommended by the planning officer for refusal.

Details of a late representations received were reported and were circulated to the Committee.

Mr Head addressed the Committee objecting to the application.
Mr Green addressed the Committee in support of the application.

Councillor Hart in explaining his reasons for referral to the Committee acknowledged that his concerns had been fully addressed by the planning officer.

The Committee shared the concerns regarding the deficiencies identified by the planning officer and the conclusion that the proposal represented overdevelopment of the site and was contrary to planning guidance.

Resolved – unanimously that the application be refused for the following reasons as recommended in the Planning Officer's report:

1. The proposed dwelling, due to a lack of space between its flank wall and northern boundary and provision of inadequate amenity space, would fail to provide the dwelling with an appropriate setting to the detriment of the visual amenity and character of the area contrary to Policy EC2 of the adopted Local Plan, RDG2 of the council's Residential Design Guidance and government guidance in the National Planning Policy Framework.
2. The proposal would result in the inadequate provision of outdoor amenity space for both the proposed dwelling and the existing dwelling at 2 Napier Gardens and is indicative of the overdevelopment of the plot. If approved, development is therefore unlikely to be capable of meeting the outdoor needs of the occupiers and would offer a poor level of amenity contrary to RDG6 of the council's Residential Design Guidance and government guidance in the National Planning Policy Framework, which states at paragraph 127(f) that decisions should ensure developments create places with a high standard of amenity for existing and future users.
3. The proposed plot, by reason of its shallow depth, would be out of character with the surrounding pattern of development to the detriment of the character and appearance of the area contrary to Policy EC2 of the council's Adopted Local Plan, RDG1 of the council's Residential Design Guidance, and government guidance contained in the National Planning Policy Framework.

2. 19/0853/FUL LAND ADJACENT TO 44 HANDEL ROAD, CANVEY ISLAND, ESSEX (CANVEY ISLAND SOUTH WARD) – CONSTRUCTION OF A TWO-STOREY CHALET-STYLE DWELLING – MR DEAN BULLOCK

The application was presented to Committee at the request of Councillor Campagna over concerns that the proposal would be a dominant feature, overshadow neighbours, be out of character with the surrounding area and

overdevelopment of the site. Concern had also been raised about the loss of open space and formation of a narrow pedestrian footpath and the effect this would have on public safety.

The application sought permission for development of the site with a detached dormer bungalow to mirror the dwelling constructed facing May Avenue. However, the proposal did not meet the Department for Communities and Local Government's Technical housing standards and therefore failed provide the high standard of residential accommodation sought by the National Planning Policy Framework. The proposal also resulted in a loss of outlook to occupiers in the dwelling to the north which would also be worse than the previously dismissed appeal scheme for this site. The proposal was therefore recommended by the planning officer for refusal.

Mr Oliver, an objector addressed the Committee on behalf of objectors to the application.

Discussion took place during which Members of the Committee spoke to support the officer's recommendation. Concerns were expressed regarding the loss of open green space.

Councillor Hart proposed additional recommendations for refusal regarding the loss of an open undeveloped green space to the detriment of the character of the area contrary to Policy HS7 of the Council's emerging New Local Plan and that the proposed footpath would be contrary to paragraphs 91b, 117 and 127 of the National Planning Policy Framework as the proposed footpath would provide an oppressive pedestrian environment that failed to promote public health, safety and wellbeing.

The Planning Officer advised that the additional recommendations would not add weight to the reasons for refusal. These reasons were not supported on dismissal of the appeal for a previous application for development of the site.

The Committee agreed the additional reasons for refusal.

Resolved – unanimously that the application be refused for the following reasons as recommended in the Planning Officer's report:

1. The height and proximity of the proposed dwelling to the bedroom window on the flank wall of No.42 Handel Road would be a dominant and overbearing feature for these occupiers which would materially harm their outlook and living conditions contrary to RDG3 of the council's Residential Design Guidance and government guidance in the National Planning Policy Framework.
2. The proposed dwelling exhibits shortfalls in terms of the amount of internal circulation space provided when assessed against the Department for Communities and Local

Government's Nationally Described Space Standards. The proposal is therefore contrary to RDG16 of the council's Residential Design Guidance and the high standard of residential development the National Planning Policy Framework seeks to achieve.

3. And the additional reasons regarding the loss of an open undeveloped green space to the detriment of the character of the area contrary to Policy HS7 of the Council's emerging New Local Plan and that the proposed footpath would be contrary to paragraphs 91b, 117 and 127 of the National Planning Policy Framework as the proposed footpath would provide an oppressive pedestrian environment that failed to promote public health, safety and wellbeing.

Chairman

ITEM 1

Application Number:	19/0697/FUL
Address:	341-347 London Road Hadleigh Benfleet Essex SS7 2BT (St. James' Ward)
Description of Development:	Demolition of two retail showrooms and erection of one block comprising of 34no. flats with access, parking to the rear and landscaping
Applicant:	Bells Residential Limited
Case Officer:	Ms Kim Fisher
Expiry Date:	31.03.2020

Summary

The proposal represents the residential redevelopment of a brownfield site within the urban area. The proposal is consistent with the provisions of the NPPF and, subject to conditions, is considered satisfactory in terms of all relevant design guidance and planning policy.

The proposal attracts a requirement for the provision of contributions to the following:

- Affordable Housing
- Recreational Disturbance Avoidance and
- Improvements to GP capacity.

These contributions can be secured by agreement.

Subject the applicant being willing to enter into such an agreement, the proposal is recommended for APPROVAL.

Site Visit

Given the proposed scale of development it is considered appropriate for Members to visit the site prior to considering the application.

The Site

The site is located on the northern side of London Road, some 45m south-east of the junction with Oak Road North. The site currently hosts two, 2 storey, flat roofed, commercial units constructed in the late 1960s/early 1970s.

There are four commercial users present within the two buildings: the ground floor of 341 London Road is occupied by a carpet and flooring company, with a pressure washing and paving company occupying the first floor. The ground floor of 343 London Road is occupied by a former car show room, with a computer support company on the first floor.

The site is irregular in shape with a frontage to London Road of some 35.5m, reducing to some 4m at the rear with a maximum depth of approximately 96m. The site covers an approximate area of 0.22 Hectares and falls slightly to the east.

Immediately to the northwest of the site is a recently constructed four storey block of flats. To the south-east is a three storey, mansard roofed building providing office accommodation.

To the north the site abuts the car park of flats on Church Road and the access and car park to the adjoining office building.

Access to the rear of the site and to the carpark of the adjoining office building is taken from Church Road.

To the south is a three storey block of flats and a tyre/exhaust repair workshop.

The Proposal

Permission is sought for a flat roofed, part four storey, part five storey block of 34 flats comprising 7 one bedroomed units and 27 two bedroomed units, with associated parking and amenity space.

Relevant Planning History

Planning permission for the redevelopment of the western part of the site with a four storey building comprising a retail unit with 12 flats above was refused on the 28th April 2011, for the following reasons:

- (i) The proposed development of this site in isolation from adjoining land in the same ownership to the east would fail to take the opportunity to provide a comprehensively designed scheme that would enhance the streetscape in this area and would improve the visual quality of the area generally. It is considered that the proposed scheme would constitute a piecemeal form of development that would fail to make the most efficient and effective use of land, contrary to the provisions of Policy H12 of the adopted Local Plan, Policy DC3 of the emerging Core Strategy and Government Guidance as expressed in Planning Policy Statement 1.
- (ii) The application site, together with the adjoining site to the east in the same ownership, is considered capable of providing mixed use development of a scale that would make a contribution to affordable housing provision, for which there is an identified need. The proposed development of the application site in isolation from the adjoining land would result in piecemeal development that would fail to make a contribution to affordable housing supply, contrary to Policies H7 and H12 of the adopted Local Plan and Policies DC3 and CP8 of the emerging Core Strategy.
- (iii) The proposed development, through the disposition of primary windows to residential accommodation in the side elevations of the building, would lead to poor outlook and living conditions for future residents and would be likely to prejudice and hinder the redevelopment of adjacent sites, contrary to Policies H17 SPG4, SPG5 and H12 of the adopted Local Plan and Policies DC1 and DC3 of the emerging Core Strategy.
- (iv) The proposal fails to make any provision for onsite servicing. As a result it is considered likely that vehicles would service the commercial unit from the London Road, to the detriment of traffic flows and highway safety, contrary to Policies S5 and T8 of the adopted Local Plan and Policy DC2 of the emerging Core Strategy.
- (v) The inadequate provision of cycle parking to serve the residential and commercial elements of the development would discourage cycling to the site and would be likely to further increase demand for car parking. The proposed development would therefore be likely to lead to additional parking in surrounding streets, to the detriment of the free flow of traffic, pedestrian safety and the amenity and convenience of surrounding residents, contrary to Policies S5 and T8 of the adopted Local Plan and Policy DC2 of the emerging Core Strategy.

- (vi) The proposed refuse storage area is of inadequate size and layout to provide satisfactory storage of refuse containers for the proposed development. It is therefore likely to lead to external storage of refuse containers, to the detriment of the amenity of future and existing residents, contrary to Policy H17 SPG27 of the adopted Local Plan and Policy DC9 of the emerging Core Strategy.
- (vii) No information has been provided in respect of existing traffic flows to the site or projected traffic flows to the proposed commercial use which would allow an informed assessment of the commercial parking implications to be made. It is not therefore possible to determine the adequacy of the proposed commercial parking provision in accordance with the requirements of Policy T8 of the adopted Local Plan.

The current proposal now includes the land to the east of the former application site and therefore overcomes the first two reasons for refusal.

The proposal does not seek to provide windows in the side elevations and the absence of any retail use within the proposed scheme avoids the need for on-site commercial servicing facilities.

All other matters will be considered in the evaluation of the proposal.

Supplementary Documentation

The application is accompanied by the following documents:

- Air Quality Assessment
- Construction Management Plan
- Contamination Phase 1 Desk Study
- Phase II Ground Investigation
- Design and Access Statement
- Environmental Management Plan
- Landscaping Planting Scheme
- Noise Assessment
- Planning Statement
- Pre-Construction Site Waste Management Plan
- Suds Assessment
- SUDS Checklist
- Transport Statement
- Viability/Affordable Housing Statement

These documents are available to view on the Council's website.

Relevant Government Guidance and Local Plan Policies

The site is allocated for shopping purposes and located within the Hadleigh Town Centre boundary as defined on the Proposals Map accompanying the adopted Local Plan.

The site is not located within a Primary Shopping Frontage.

The following policies and guidance is applicable:

National Planning Policy Framework (NPPF 2018)

Introduction:

Paragraphs 2, 3, 6

Achieving sustainable development:

Paragraphs 7, 8, 10, 11, 12

Decision Making:

Paragraphs 38, 47, 54, 55, 56

Delivering a sufficient supply of new homes:

Paragraph 62,

Promoting sustainable transport:

Paragraphs 105, 106, 108, 109, 110, 111

Making effective use of land:

Paragraphs 117, 118, 121, 122, 123

Achieving well-designed places:

Paragraphs 124, 127, 130

Meeting the challenges of climate change, flooding and coastal change:

Paragraphs 150, 153, 155, 158, 159, 160, 161, 163

Ecology:

Paragraphs 170, 175, 177, 178, 180, 181

Castle Point Borough Council Adopted Local Plan 1998

Policy S4	Non-Retail Development
Policy S5	Parking and Servicing
Policy H13	Location of Development
Policy H7	Affordable Housing
Policy H9	New Housing Densities
Policy H17	Housing Development – Design and Layout
Policy T8	Car Parking Standards
Policy EC2	Design
Policy EC3	Residential Amenity
Policy EC4	Pollution
Policy EC7	Natural and Semi-Natural Features in Urban Areas
Policy EC13	Protection of Wildlife and their Habitats
Policy EC38	Archaeological Sites and Monuments

Residential Design Guidance

RDG2 –	Space around Dwellings
RDG3 -	Building Lines
RDG5 –	Privacy & Living Conditions
RDG6 –	Amenity Space
RDG9 –	Energy & Water Efficiency & Renewable Energy
RDG10 –	Enclosure & Boundary Treatment
RDG11 –	Landscaping
RDG12 –	Parking & Access
RDG13 –	Refuse & Recycling Storage
RDG16 –	Liveable Homes

Additional Guidance/Policy

Essex Planning Officers Association Vehicle Parking Standards September 2009 (Adopted June 2010)

Developer Contributions Guidance Supplementary Planning Document (Adopted October 2008)

Addendum to the 2016 Strategic Housing Market Assessment (2017)

Strategic Housing Land Availability Assessment Update (31st March 2017)

Planning Minister Statement (25th March 2015)

Written Ministerial Statement (WMS), 'Planning for Growth' (March 2011)

Technical Housing Standards - nationally described space standard (March 2015)

DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015)

Consultation

Legal Services (CPBC)

No comments.

Environment Health (CBC)

Details of glazing and ventilation specification required in order to ensure appropriate living conditions.

Contamination Remediation Method Statement and detailed Risk Assessment required.

Street Scene

No objection subject to conditions.

Anglian Water

No objection subject to condition and informatives.

Essex Highways

No response received

Lead Local Flood Authority

No objection, subject to conditions

Essex Infrastructure

No response received

NHSE England

Proposal would have adverse impact on GP capacity. Mitigation required.

UK Power Networks

No response received

Social Services

No response received

Public Consultation

Consultation responses received raise the following issues:

- Size
- Proximity of development
- Loss of light to side windows/door.
- Loss of amenity
- Obstruction of access during construction period
- Objects to use of (joint) access for building works.
- Potential fire risk due to proximity of adjacent bins.
- Adverse impact on health of future residents
- May prejudice future development proposals on adjoining land.
- Inadequate infrastructure to support development
- Traffic congestion
- Access road will be obstructed causing difficulties for local residents
- Inadequate parking provision
- No visitor parking
- No affordable housing
- Increased noise and disturbance for local residents
- Adverse impact on highway safety
- Development too tall
- Inadequate amenity space
- Loss of retail units
- Impact of road noise on future residents.

Comment on Public Consultation responses

All relevant considerations will be considered in the evaluation of the proposal.

Evaluation of Proposal

The main issues to be considered are:

- (i) The principle of residential development and flats on the site
- (ii) The loss of commercial activity from the site.
- (iii) Sustainability of the site
- (iv) Density and Mix of Development
- (v) Design and Layout (including internal space provision)
- (vi) Highways and Parking Arrangements
- (vii) Refuse and Recycling
- (viii) Provision of Affordable Housing
- (ix) Ecology and Trees
- (x) Landscaping
- (xi) Drainage and Flood Risk
- (xii) Other material considerations including
 - (a) Visual Amenity
 - (b) Residential Amenity
 - (c) Pollution
 - (d) Archaeology
 - (e) Waste Management
- (xiii) Other Objections

(i) The principle of residential development and flats on the site

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

It should be noted that the site is not within a Primary Shopping Frontage.

The proposal seeks to provide residential accommodation over five floors. The provision of residential accommodation would, prima facie, appear inconsistent with this policy provision and should therefore attract a recommendation of refusal.

However, paragraph 118 of the NPPF states that Local Authorities should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

Paragraph 121 states that Local Planning Authorities should support the use of retail and employment land for homes in areas of high housing demand.

Castle Point has a well-publicised housing shortage and the site is considered to represent a brownfield site in the urban area. As such it is considered that the redevelopment of this site for residential purposes would be consistent with the provisions of the NPPF.

No objection is therefore raised to the principle of the provision of residential development on this site.

In respect of the provision of flats, Policy H13 of the adopted Local Plan requires their location to be on, or near, a main road. This is to ensure that the visual impact and higher levels of activity usually associated with such intensive forms of development do not have an adverse impact on the character of the area or amenity of occupiers in more traditional forms of residential development and to encourage sustainable patterns of development.

This is consistent with paragraph 104 of the NPPF which seeks a balance of land uses so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

The site is located on London Road which is one of the major distributors through the Borough. Whilst it is recognised that the site would be accessed via a residential street this relationship is not unusual and indeed reflects the current situation which facilitates access to the site by commercial vehicles.

It should also be noted that flats are located to the north, west and south of the site. As a consequence it is not considered that the proposed development may be argued to be inconsistent with the character of development in the area or consequently damaging to its visual amenity or character.

Furthermore the location of the site provides convenient access to local facilities within the town centre and to public transport. As such it is considered that the site conforms to the principal requirements of Policy H13.

Given the location of the site, the neighbouring forms of development, the contribution the site could make towards the provision of housing in the Borough and the provisions of the revised

NPPF and adopted Local Plan, it is not considered that an objection to the redevelopment of the site for residential purposes could be sustained on appeal. The principle of flats is therefore considered acceptable.

(ii) The loss of commercial activity from the site.

Objection has been received to the proposal on the basis that it would result in the loss of a retail opportunity.

Whilst the site does represent a retail and employment opportunity, it is not considered to be a particularly attractive commercial site being located on the fringe of Hadleigh town centre, some distance from the primary commercial frontage and adjoined on three sides by residential development.

It may also be noted that the site is beyond the focal area of the Hadleigh Town Centre Master Plan and consequently has not been identified as a key retail area.

Whilst it is recognised that the site has for many years performed a retail warehouse and car sales type function, with offices over, it is not considered that these uses particularly satisfy the shopping requirements of local residents as one local objector to the proposal suggests. Furthermore, current uses on the site are considered to have limited employment potential. The loss of these uses is therefore considered unlikely to have a significant adverse impact on the viability or vitality of the Town Centre. No strong economic reason why the redevelopment of the site for residential purposes should not be allowed can be identified.

(iii) Sustainability of the Site

The application site is located some 250m to the east of the centre of Hadleigh Town Centre with its range of retail and service facilities and is located immediately adjacent to the London Road, A13, which is the major distributor road and bus route through Castle Point. The site is within 300m of a doctor's surgery and within 470m of a primary school. In terms of its location the application site is considered to be highly sustainable.

In terms of the availability of local resources, several objectors have commented that existing infrastructure is inadequate to accommodate the demands of the proposed development.

Local Plan Policy CF1 states that where the infrastructure requirements generated by development cannot be met by existing provision, the Council will require developers to provide, prior to occupation of the development, appropriate highway and drainage improvements or appropriate improvements to social infrastructure. These matters are considered below:

Highways

The NPPF seeks to ensure that new development is sustainable. In the case of transport, developments are expected to demonstrate the opportunity for use of sustainable transport modes and limited journeys.

Access to public transport from the site is good with easy access to bus routes on London Road. Employment and shopping opportunities are also within a short distance from the site, as are schools and local facilities. The site would consequently appear to be well placed in terms of the opportunities available to limit use of the private car.

Under the circumstances it is not considered that an objection to the proposal on the basis of undue reliance on private vehicles could be sustained on appeal.

Several local residents have referred to the high levels of traffic congestion that can occur within Hadleigh, particularly during peak commuting hours and state the view that development of the site will lead to further traffic movements and thus further congestion and an adverse impact on on-street parking opportunities. On this basis residents consider that planning permission for the scheme should be refused.

Whilst the sentiment behind this objection can be appreciated, traffic movements associated with the development of this site will be insignificant in the context created by traffic movements within the area generally. The difficulties identified by residents in terms of congestion and delay will not be resolved by the refusal of this scheme, such resolution requiring a much more fundamental and strategic approach than can be achieved from the redevelopment of one site.

The problems experienced with on street parking arise from the deficiencies of other development and cannot be mitigated through the current proposal.

Essex County Council as the Highway Authority has been consulted on the proposal and has made no comment in respect of access or highway capacity. As such it is not considered that an objection to the proposal on this basis may reasonably be raised, nor is it considered that such an objection could be sustained on appeal.

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

In the context of the use of the highway in amenity terms, some residents have objected to the proposal on the basis of the noise and dirt that would be experienced as a result of vehicles accessing the site during both the construction and operational phases.

Noise is considered in more depth elsewhere within this report; however, with regard to the issue of dirt, some dust is inevitable during the construction period but can be adequately mitigated through the use of appropriate dust suppression measures. These can be secured by condition.

With regard to potential deposition of mud on the highway, provision may be made for the effective cleaning of the wheels of vehicles leaving the site to ensure that material is not deposited onto local roads. This provision may be secured by the imposition of a condition on the grant of any consent.

There is no evidence to suggest that operational use of the site for residential purposes will give rise to particular dirt or dust nuisance to adjoining residents.

No objection is therefore raised the proposal on this basis.

Education

Essex County Council, as Education Authority, has raised no objection to the proposal and has not sought a contribution towards to the provision of Early Years, Primary or Secondary education. It must therefore be assumed that the Education Authority does not consider the proposal likely to prejudice education provision and no objection is therefore raised to the proposal on this basis.

Doctors Surgeries

NHSE England has advised that the proposed development will have an adverse impact on existing GP capacity unless mitigated. Such mitigation is requested in the form of a financial contribution towards the improvement of GP capacity. Subject to the provision of such mitigation, which may be secured via a S106 Agreement, no objection is raised to the proposal on this basis.

(iv) Density and Mix of Development

One objection has been received suggesting that the proposal represents overdevelopment of the site.

Whether a proposal represents overdevelopment will be determined by the extent to which the proposal fails to meet the requirements of the NPPF, the provisions of the adopted Local Plan and the adopted Residential Design Guidance.

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

Whilst broadly consistent with paragraph 117 of the NPPF, Policy H9 is somewhat vague and a better test of whether the density of the development is appropriate is assessment of the proposal against the Council's Residential Design Guidance, which will be undertaken later in this report.

It should be noted however the application site has an area of some 0.2ha and it is proposed to provide 34 dwellings. This represents a density of 170 dwellings per hectare which is considered an appropriate density of development in a town centre location.

It should be noted that the National Planning Policy Framework supports the provision of high density residential development on appropriate sites in areas of housing constraint.

Policy H10 of the adopted Local Plan states that in all residential developments the Council will seek an appropriate range of dwelling types. This is also a vague policy which is inconsistent with the requirements of paragraph 122 of the NPPF which requires local planning authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

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

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

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

(v) Design and Layout

Policy EC2 of the current Local Plan requires a high standard of design in all new buildings. This is consistent with paragraphs 124 and 127 of the NPPF. Proposals must have regard to the scale, density, design, layout and external materials which should be appropriate to the setting of the building and which should not harm the character of the surroundings. The appearance and treatment of spaces around buildings shall be enhanced by appropriate hard and soft landscaping. The NPPF also states that all modes of movement shall be made safe and convenient.

Policy H17 states that in assessing the design aspects of proposals for housing regard will be had to the Council's adopted design guidance as contained in appendices 4 and 12 of the adopted Local Plan. This guidance has been superseded by the adopted Residential Design Guidance (RDG).

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

Buildings containing flats should provide space equivalent to 25% of the width of the building.

The proposed development extends across the entire width of the site and fails to provide any isolation. Within the context of RDG2 this would appear to represent an objection to the proposal; however, the site is located within the Town Centre where residential development is generally characterised by a tighter grain and more limited space around buildings. It should be noted that the modern flatted development immediately to the west of the site extends to the boundaries of the site and the current proposal would reflect this site coverage.

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

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

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

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

The proposed development is shown to be broadly in accord with the established building line to London Road. Given this setting and the orientation of the development, it is not considered that the proposal would give rise to the overshadowing or dominance of the front elevations of the adjoining properties.

The proposal would extend approximately 4m beyond the rear elevation of the adjoining properties and would lead to some overshadowing of the building to the west during the morning

and of the building to the east during the afternoon, as the current building does. However, the extent of additional overshadowing caused by the proposed development is not considered likely to be so significant as to represent a robust objection to the proposal.

A local business operator has objected to the proposal on the basis that it would overshadow 14 windows and a glazed door provided in the side elevation of the adjoining building to the east.

It should be noted that all of these windows are located below the roof height of the current building on the application site and will therefore already experience some overshadowing. This may be exacerbated by the increased height and closer proximity of the proposed building however the affected property is a commercial building and a lower level of amenity may therefore be expected. Furthermore the adjoining building seeks to obtain natural light across land over which the owners/occupiers of that building have no control or ownership. Whilst a 'right to light' may exist, such rights are beyond the remit of the planning system and it is considered inappropriate that the development of the application site should be prejudiced by the poor design of the adjoining property.

Any future development of the adjoining site would need to be of a design that reflected the context into which it was to be placed at the time such a scheme was being developed. The future aspirations of adjoining land owners may not prejudice the appropriate and necessary development of land.

No harm to residential amenity arises as a consequence of the proposed development and no objection is therefore raised on the basis of overshadowing.

The limited extent of projection beyond the rear elevations at close proximity to the boundaries is also considered unlikely to result in undue dominance.

The buildings to the north and south are considered too remote to be overshadowed or dominated by the current proposal.

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

Several local residents have objected to the proposal on the basis of its height.

The proposed building would have a height of some 14.2m and would be approximately 2.7m taller than the building to the west but only 0.9m taller than the building to the east. The building would present as one of the tallest buildings within the Town Centre; however, the fifth floor would be recessed from the front elevation which would significantly reduce the perceived height of the building when viewed from London Road. Furthermore, Government guidance encourages the use of taller buildings to achieve higher densities of development in areas of high housing demand and limited housing land availability, where such development would not be inconsistent with the general character of the area.

This part of Hadleigh is becoming characterised by taller buildings.

It is not considered that the proposed building would be so inconsistent with the scale and general character of the area that its height would represent a robust objection to the proposal.

RDG5 provides guidance on privacy and living conditions; and states that for all development above ground floor level a distance of 9m shall be provided between any first floor opening/balcony and the boundary it directly faces. For development at second floor level a distance of 15m shall be provided and at third floor level a distance of 18m should be provided.

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

At ground to third floor level the building has windows and balconies on the front (southern) and rear (northern) elevations.

At fourth floor level windows and balconies are provided to the eastern and western elevations. In order to protect the privacy and amenity of adjoining occupiers these windows should be obscure glazed and fixed 1.7 m above finished floor level and the balconies should be provided with appropriate screens. A condition requiring such measures can be attached to the grant of any consent.

Those windows and balconies in the southern elevation are located some 2.4m – 3.2m from the front boundary of the site whilst the balconies extend approximately 1.3m further forward of this. These elements are therefore less than the requisite distance from the boundary. However, they overlook the highway and, in this context, it is not considered that the proposal would result in undue overlooking or loss of privacy to the residents occupying the dwellings opposite the site.

Balconies at the eastern and western edges of the building, across all levels, are however in close proximity to the side boundaries of the site and offer the potential for oblique overlooking and loss of amenity. In order to minimise this it is considered that these balconies should be provided with appropriate screens to their outer edges in order to maintain mutual privacy as far as possible.

Subject to a condition to this effect, no objection is raised to the proposal on this basis.

Windows in the northern elevation of the building are located a minimum of some 23m from the opposing boundary. Associated balconies are located in excess of 20m from the rear boundary. This element of the proposal therefore satisfies RDG5, although again the outer edge balconies afford the opportunity to obliquely overlook the adjoining development from close proximity. A condition providing screens to these balconies may also be imposed on the grant of any consent.

RDG5 also considers that all new dwellings should be provided with windows to ensure adequate natural light and ventilation to the rooms they serve. This is consistent with the provision of paragraph 122 of the NPPF which requires planning authorities to achieve well designed, attractive and healthy places.

Those flats facing south are considered likely to receive reasonable levels of natural light and in the view of the planning authority will provide reasonably lit living spaces.

The flats on the northern elevation, by virtue of their orientation are generally likely to receive lower levels of natural light, and as is demonstrated by the submitted Design and Access Statement, will be in shadow for a significant period of each day.

This is not unusual for buildings which face north and whilst less desirable it is not considered that in the normal course of events, living conditions within most of these units would be so poor as to represent an objection to the proposal.

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

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

The proposal would attract a requirement of 850m².

No useable communal amenity space is provided within the scheme. Units 1 and 2 on the northern elevation are provided with terraces providing areas of 15m² and 20.5m² respectively and the units at fourth floor level are provided with roof terraces and balconies totalling between 34m² and 41m². Of the remaining units 10 achieve balcony areas of some 4.2m².

As such the proposal fails to achieve an appropriate level of amenity space to serve the needs of all residents on the site and this would appear to represent an objection to the proposal.

However, the site is located within an area where flats generally have limited amenity space and future residents will have the opportunity to use open space at John Burrows Recreation Ground and within the Hadleigh Castle Country Park, both of which are within reasonable walking distance. Under the circumstances, and in the light of the Government's guidance in respect of the satisfaction of housing needs, it is not considered that an objection to the proposal based on inadequate amenity area provision could be sustained on appeal.

RDG8 requires that all development is designed to provide well-proportioned and balanced properties which complement the surrounding area. The proposed development shares many features common to adjoining flatted developments such as the use of flat roofs, recessed top floors and the provision of balconies, which will allow it to integrate successfully into the area, albeit exhibiting greater height than adjoining buildings.

The proposed building is visually attractive in its own right and would have no adverse impact on the character and appearance of the surrounding area. The elevations are balanced and proportional across the scheme, which is considered to satisfy the requirements of RDG8.

In terms of the palette of materials to be used, the buildings will be finished in facing brickwork, render and timber cladding, steel balconies and a standing seam metal roof. Whilst specific details of the materials are not currently available, the range of materials identified is appropriate and would allow the successful integration of the development into the street scene.

A condition requiring specific details of materials can be imposed on the grant of any consent.

RDG9 requires the design of all development to incorporate measures for achieving high levels of energy and water efficiency, and to demonstrate how its design, siting and layout has maximised the opportunities for solar gain, daylight penetration and the reuse/recycling of water. The design and siting of such measures should be appropriate to the appearance of the building.

This is consistent with paragraph 150 of the NPPF which encourages development which reduces greenhouse gas emissions, and paragraph 151 which requires policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including visual impacts.

The scheme primarily faces north and south, with the southern elevation offering significant potential for passive solar gain. In addition photovoltaic solar panels will be placed upon the flat roof areas to reduce carbon dioxide emissions.

It is considered that these measures are sufficient to satisfy RDG 9.

It is noted that some of the units located on the northern side of the building appear to be susceptible to poor levels of natural light due to their orientation and this may have an adverse

consequence on energy efficiency within these units. However, it is not considered that such minor inefficiency represents a robust objection to the proposal.

RDG10 requires means of enclosure not to dominate the public realm. The submitted drawings suggest the provision of a 1m high railing across the frontage of the site with planting behind. This treatment would complement the proposed development and would not present an oppressive or overdominant feature in the street scene. No objection is therefore raised to this means of enclosure.

No detail of the means of enclosing the rear of the site have been provided, however it is considered that such detail can be secured by the imposition of a condition on the grant of any consent.

Subject to such a condition no objection is raised to the proposal on the basis of RDG10.

RDG16 is concerned with the provision of 'Liveable Homes' and seeks to ensure the provision of appropriate internal and circulation space, reflecting best practice. It is stated that all new dwellings should meet the existing and future needs of occupiers over their lifetime without the need for extensive alteration or adaptation.

Paragraph 127 of the NPPF identifies that planning decisions should seek to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and that planning policies for housing should make use of the nationally described space standard, where the need for an internal space standard can be justified.

The proposal provides seven 1 bedroomed, two person flats and 27 two bedroomed, 3/4 person flats. The National Standard sets out detailed specifications for room sizes and storage areas and specifies that for one and two bedroomed single storey dwellings (flats) the following is provided:

No. of bedrooms	No. of bed-spaces (persons)	Floor space (m ²)
1	1	39
	2	50
2	3	61
	4	70

The proposal indicates that all of the flats have floor areas which can satisfy the requirements of the Guidance.

No objection is therefore raised to the proposal on the basis of the size of units.

(vi) Highways and Parking Arrangements

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

Access to the development is proposed to be taken from the existing access point on Church Road.

It should be noted that the access is a shared access used jointly with the operator of the commercial premises to the east of the site. And

The relevant parking standard for flats (2009 County Parking Standards) requires the provision of one space for one bedroomed properties and two spaces for properties with two or more

bedrooms, plus visitor parking at a rate of 0.25 spaces per dwelling, rounded up to the nearest whole space, consequently the parking requirement for this development would be as follows:

27 units with 2 or more bedrooms:	54 spaces
7 units with one bedroom	7 spaces
Visitors 0.25 x 34	<u>9 spaces</u>
Total	70 spaces.

Only 34 spaces are provided. On this basis the proposal would appear to be deficient in parking provision.

However, it is the practice of this Authority to apply parking standards flexibly in locations which offer good access to public transport and services. The proposal site is appropriate for consideration in this context and would therefore attract a requirement of one parking space for every residential unit. This would equate to the provision of 34 spaces.

No visitor parking is required given the proximity of the site to public car parks within the adjoining area and the availability of public transport.

Concern has been raised in recent months in respect of the validity of maintaining a reduced parking provision for flatted developments in sustainable locations.

Work undertaken by the applicant suggests that within the vicinity of the site persons resident in flats, maisonettes and apartments have an overall car ownership level of 0.78 cars per unit with approximately 36% having no vehicle (2011 Census). On this basis a reduction in parking provision to 1 space per flat is considered justified. No objection is therefore raised to the quantum of parking provided.

It is noted that the manoeuvring space between parking bay 9 and parking bay 10 is less than the requisite 6m for the full width of bay 9, however, the relationship between the two is such that it is considered that vehicles will be able to manoeuvre safely and conveniently in the space available. No objection is therefore raised to the proposal on this basis.

The residential cycle parking requirement for flats is one secure space per unit plus one space per eight dwellings for visitors. Within the context of the proposed development, storage for 39 bicycles is required. This is achieved on the site.

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

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

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

The proposed development will replace the significant potential for heavy vehicles to access the site with cars associated with the use and operation of a 34 unit residential scheme.

Work undertaken by the applicant predicts that there will be approximately 17 two-way vehicle movements in the weekday AM peak hours and 15 two-way vehicle movements in the weekday PM peak hours with an expected reduction in daily vehicle trips from 179 to 141.

The Highway Authority has not challenged this assessment.

On the basis of this evidence it is not considered that an objection may be raised to the proposal on the basis of traffic flow.

One resident has raised concerns in respect of the accessibility of the site to emergency vehicles. The applicant has confirmed that emergency vehicles will be capable of attending the site.

One local resident has objected to the proposal on the basis that it is likely to result in vehicles parking on Church Road. As demonstrated above, the site is considered capable of making adequate provision for on-site parking at an appropriate level.

Concern has also been raised in respect of construction traffic attending the site. It must be recalled however that the construction phase is transitory and that an objection based on the temporary disruption that may be caused by construction traffic would not be sustained on appeal.

Under the circumstances, no objection is raised to the proposal on parking or traffic grounds.

(vii) Refuse and Recycling

RDG13 deals with refuse and recycling storage and requires such facilities to be of adequate size for the development they serve and not to adversely impact on the streetscene. A refuse bin storage area is to be provided within the rear car park. This is identified as a timber clad, pitched roofed building located within the northern part of the proposed car park. The building is located beyond the 25m walking distance from the highway refuse operatives are permitted to walk however the applicant has advised that refuse vehicles will be able to access the site in order to service the refuse area.

The Council's refuse and recycling officer has raised no objection to the proposal on this basis, provided the proposed access is constructed in manner sufficient to accommodate the weight and movements of a 32 tonne vehicle.

Conditions to secure this requirement can be attached the grant of any consent.

Subject to such a condition no objection is raised to the proposal on the basis of waste collection facilities.

(viii) Provision of Affordable Housing

Policy H7 of the Local Plan states that the Council will seek to negotiate a proportion of affordable housing for rent, shared ownership, or outright sale, where appropriate to the scale of development schemes.

It should be noted however the Policy H7 was drafted some twenty years ago and that changes in the housing market have continually informed the Council's view on what constitutes appropriate affordable housing provision. For schemes of individual dwellings the Council now seeks on-site provision of affordable rent properties with nomination rights to the Council. Where this cannot, for good reason, be achieved, consideration will be given to an appropriate capital receipt.

The Council's Developer Contributions Supplementary Planning Document provides the current guidance on the amount and type of capital receipt contribution that is expected in relation to affordable housing provision. This currently requires the provision of 35% affordable housing on sites of 15 units or more. This would equate to the provision of 12 affordable housing units on this site

The viability report prepared to support the emerging Local Plan, suggests however that within the mainland areas of the Borough the provision of 25% affordable housing was more appropriate. This would equate to the provision of 9 affordable housing units.

More recently the NPPF has identified that where major development involving the provision of housing is proposed, planning authorities should expect at least 10% of the homes to be available for affordable home ownership. This would equate to the provision of at least one of the 9 dwellings identified above being available for affordable home ownership.

The applicant has stated that the provision of any contribution towards the provision of affordable housing would render the scheme unviable.

No contribution is therefore offered.

The Planning Authority has challenged this stance and has commissioned a critical review of the financial viability of the scheme. This has identified that a contribution is possible without prejudicing the viability of the proposal.

Failure to make an appropriate contribution, where schemes are viable represents an objection to the proposal.

However, as discussion on the provision of an appropriate level of contribution will continue under the auspices of the preparation of a S106 Agreement to secure the same, it is not considered that the failure of the applicant to currently identify an appropriate contribution would necessitate refusal of the scheme at this stage.

Subject to the achievement of an appropriate contribution, Members may resolve to grant consent for the current proposal.

Should the applicant subsequently fail to agree an appropriate financial contribution, the matter would be reverted back to Members for further consideration.

(ix) Ecology and Trees

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

Policy EC14 encourages proposals to promote the creation of new wildlife habitats. It further states that the Council will take into account the potential for the creation of wildlife habitats, particularly where these would enhance and complement existing elements of nature conservation on adjoining land.

Paragraph 170 of the NPPF states:

Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate

Paragraph 175 states:

When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts),*
- b) adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- c) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- d) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- e) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged.*

In strategic terms, the site is within the zone of influence of one or more of the European designated sites scoped in the Essex Coast Recreation Disturbance Avoidance and Mitigation Strategy.

As such Natural England has identified that the Planning Authority must consider proposals for residential development under the provisions of the Habitats Regulations.

Based on the development type and proximity to European designated sites, a judgement must be made as to whether the development constitutes a 'likely significant effect (LSE)' on a European site in terms of increased recreational disturbance.

The site lies within the Zone of Influence of the Essex Coast RAMS and seeks to provide 34 net new dwellings.

As such it may be concluded that the proposal is within the scope of the Essex Coast RAMS as it falls within the zone of influence for likely impacts and is a relevant residential development type as identified by Natural England. It is anticipated that such development in this area is likely to have a significant effect upon the interest features of the designated site through increased recreational pressure, when considered either alone or in combination. As such the proposal requires appropriate assessment.

Advice provided by Natural England identifies that where a proposal seeks to provide less than 100 dwellings and the proposal is not within or directly adjacent to one of the identified designated sites, mitigation of the impact of the proposal can be secured through the provision of a financial contribution secured in line with the Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS).

Such funding will be secured within a S106 Agreement and provided prior to commencement of development in order that appropriate mitigation may be place prior to occupation of the dwellings.

Provided the mitigation is secured it may be concluded that the proposed development will not have an adverse effect on the integrity of the European Site from recreational disturbance when considered 'in combination' with other development.

In terms of the specific impacts of the proposed development on the ecological value of the site, it is noted that those areas of the site which are not currently covered by buildings are completely hardsurfaced. As such the site is considered to have no significant local ecological value.

However, redevelopment of the site provides an opportunity to improve the biodiversity of the site through the implementation of a wildlife friendly planting scheme.

(x) Landscaping

RDG11 requires the provision of soft and/or hard landscaping, the provision and maintenance of which should be contained in a landscaping scheme.

The applicant has submitted a simple landscaping scheme with full details of type, size, density and planting/management regimes.

The submitted details are considered acceptable.

It is noted that most of the plants proposed are not indigenous and some, such as the laurel bay and Buxus hedging have limited ecological value, however, others such as the Choisya, Prunus and Malus present both flowers and fruit which will be of value to wildlife and will enhance significantly the biodiversity of the site.

As such no objection is raised to the proposed landscaping scheme.

Conditions to ensure the implementation of the scheme can be attached to the grant of any consent

(xi) Drainage and Flood Risk

The site is identified as falling within Flood Zone 1 and is therefore at low risk of fluvial or tidal flooding.

Furthermore, the EA Flood Maps for planning do not identify the site as being susceptible to surface water or reservoir flooding.

As such no objection is raised to the proposal on the basis of its vulnerability to flooding.

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

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

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

The LLFA has raised no objection to the proposal subject to an appropriate scheme being submitted for consideration. Such scheme may be secured by the imposition of an appropriate condition on the grant of any consent.

This is consistent with paragraph 160 of the NPPF which requires local planning authorities to ensure flood risk is not increased elsewhere when determining planning applications.

Subject to appropriate surface water management Anglian Water has raised no objection to the proposal.

(xii) Other Material Considerations

(a) Visual Amenity

Policy EC3 of the Local Plan is concerned with ensuring that development does not have a significant adverse impact on residential amenity in respect of traffic, noise, fumes or other forms of disturbance.

This is generally consistent with the provisions of the NPPF which require development to be appropriate for its location and to take into account the effects of the development on general amenity.

RDG12 seeks to ensure that parking provision is sited so as to avoid adverse impact on visual or residential amenity.

The proposed parking is provided at the rear of the site and will have no adverse impact on visual amenity.

Furthermore, the scale and form of the proposed development is considered compatible with the development within the surrounding area.

It is not considered that the proposed development would have an adverse impact on visual amenity.

(b) Residential Amenity

Concern has been raised in respect of earlier schemes, that the passage of vehicles along the access road to the proposed car park would result in undue noise and disturbance. Despite the fact that the access remains in the same location as previously proposed no comments have been received in respect of this aspect of the proposal at this iteration, however, the impact of development on adjoining residents remains a material consideration in the determination of the application and should therefore be considered.

Whilst it is recognised that the passage of vehicles immediately adjacent to a garden fence could potentially result in noise and disturbance, such activity in the future must be considered in the context of past and current activity levels on the site.

The site represents an operational retail warehouse and car sales facility with no limitation on the number of vehicles which may access the site or the hours of operation. At the present time therefore large vehicles may enter and leave the site at any time. Such vehicles are required to manoeuvre within the open areas of the site in order to exit in forward gear thus resulting in noise and disturbance.

The proposed development will attract movements from potentially 34 cars. It is not considered that the noise and disturbance generated by such activity would be significantly different from that experienced as a consequence of the commercial operation of the site and as such it is not considered that an objection can be raised to the proposal on the basis of such disturbance.

No evidence is available to suggest that residential occupation is, in itself, likely to generate unacceptable levels of noise and disturbance for adjoining occupiers.

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

Consideration must also be given to the potential impact of noise generally experienced in the local environment on the amenity of future occupiers of the site.

The applicant has submitted a Facade Noise Exposure Assessment which indicates that occupiers of the flats overlooking London Road will be exposed to night time noise levels which exceed World Health Organisation Guidelines.

The Council's Environmental Health Officer has expressed some concern in respect of the potential for future occupants to be disturbed by traffic noise and identifies that whilst the submitted noise exposure assessment details the glazing and construction specifications required to reduce noise levels to within the World Health Organisation's guidelines for internal noise, the application does not confirm what materials will be used.

Furthermore, concern is raised that if the windows remain shut when occupied, the flats will suffer from inadequate ventilation and excessive heat during the warmer months.

The EHO has therefore requested further details in respect of the specification of the glazing and construction to be used in the development and details pertaining to the ventilation and air conditioning to be provided to the flats.

Such details can be secured by condition and the EHO has confirmed that he is happy to proceed on this basis.

(c) Pollution

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 noise, dust, vibration, light or heat, will be refused. This is generally consistent with paragraphs 178 to 183 of the NPPF which seek to ensure that ground conditions and pollution sources are adequately considered in the determination of applications.

The site has most recently been used for vehicle sales and as a retail warehouse. The presence of vehicles on the site and other on-site and off-site historical uses may have resulted in contamination, the presence/extent of which should be determined prior to development of the site for residential purposes.

To satisfy this requirement the applicant has submitted a Phase 1 - Preliminary Risk Assessment to assess the potential for the presence of potential contamination on site and to identify potential receptors.

The information from the preliminary risk assessment and site conceptual model has identified a number of potential unacceptable risks relating to sensitive receptors on-site.

In order to fully understand the extent of such risks and the identification of appropriate remediation, it will be necessary for the applicant to undertake further investigation of the site.

This can be secured by conditions attached the grant of any consent.

During the operational phase of development it is considered that measures could be introduced in order to limit impact on the environment. LED lighting to external areas is therefore recommended as is the provision of Electric Vehicle Charging Points in the car park.

Conditions to secure this can be imposed on the grant of any consent.

(d) Archaeology

Policy EC38 of the adopted Local Plan is concerned to ensure that the archaeological record of the Borough is not diminished by insensitive development in zones of identified interest.

The application site lies within an Archaeological Consultation Zone and a number of monuments and spot finds have been recorded within the area which attest to Hadleigh being a site of continuous human occupation since the Neolithic period (circa 4000 -2500BC), examination of the Historic Environment Records however has failed to reveal any finds on or within the immediate environs of the site. Under the circumstances archaeological investigation of the site cannot be justified and no objection may be raised to the proposal under the provisions of EC38.

(e) Waste Management

The proposed development has a construction phase of 12 months with completion anticipated in 2021.

The application is accompanied by a Site Waste Management Plan (SWMP) which considers the appropriate management of waste arising during the demolition and construction phase. The SWMP follows the established hierarchy of prevention, re-use, recycle, energy recovery and

disposal and if implemented is considered likely to result in appropriate site waste management. A condition requiring implementation of the submitted SWMP can be appended to the grant of any consent.

(xiii) Other objections

A further objection had been received from the owner of the land to the east who objects to the existing joint access being used for construction purposes.

The access arrangement between adjoining landowners are private matters beyond the remit of the planning system. Access to the site is currently available and provided this remains the case, no objection may be based on this basis.

Concern has been raised that the proximity of the building to the party boundary represents a potential fire risk due to the proximity of the refuse area serving the adjoining building.

It is the responsibility of the adjoining landowner to ensure that his refuse area does constitute a risk to other persons or property.

Such responsibility does not provide a robust reason for refusal.

Conclusion

The proposal represents the residential redevelopment of a brownfield site within the urban area. The proposal is consistent with the provisions of the NPPF and, subject to conditions is considered satisfactory in terms of all relevant design guidance and planning policy.

The proposal attracts a requirement for the provision of contributions to the following:

- Affordable Housing
- Recreational Disturbance Avoidance and
- Improvements to GP capacity.

These contributions can be secured by agreement.

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 This permission shall be read in conjunction with the agreement entered into under S106 of the Town and Country Planning Act 1990, dated contemporaneously with this permission.

REASON: In order to ensure the provision of an appropriate financial contribution towards the provision of off-site affordable housing, the mitigation of the impact of the proposed development on European designated sites and improvements to GP capacity to meet the needs of the occupiers of the proposed development.

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

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

- 3 No development shall take place on any phase of the proposed development, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - wheel and underbody washing facilities

REASON: To ensure that parking and unloading does not take place within the sensitive areas of the site or in the adjoining streets, in the interests of securing the provision and retention of appropriate landscaping and in the light of the ecological sensitivity of the site and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy EC2 of the adopted Local Plan.

- 4 A Phase II site investigation has been carried out. However, prior to the commencement of works on site, a Remediation Method Statement (RMS) based upon the site investigation results and the detailed risk assessment needs to be carried out. This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

A Closure Report must be submitted upon completion of the works. The closure report shall include full verification details and details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site.

Any material brought onto the site shall be certified clean.

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

REASON: In order to ensure the safety of construction operatives and future residents of the site.

- 5 Prior to the commencement of the development hereby approved details or samples of all materials to be used on the external surfaces shall be submitted to, and formally approved by the Local Planning Authority.

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

- 6 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.

- 7 The proposed demolition and construction works shall be undertaken in accordance with the provisions of the waste management framework provided within the Pre Construction Waste Management Plan (Project ref: 0011-010) dated 07/08/19.

REASON: In order to ensure that construction waste is recycled or re-used in order to make the most efficient use of natural resources.

- 8 Prior to the construction of works above foundation level the detailed specification of the glazing and construction of the windows on the southern elevation of the building shall be submitted to and approved by the Local Planning Authority.

Any scheme approved shall subsequently be implemented in its entirety and permanently maintained as such unless otherwise formally agreed with the Local Planning Authority.

REASON: To ensure the provision of an appropriate form of development, in the interests of protecting the amenity of future occupiers of the proposed units.

- 9 Prior to the construction of works above foundation level the detailed specification of the extract ventilation and air conditioning systems to be provided to those units on the southern side of the building, facing the London Road, shall be submitted to and approved by the Local Planning Authority.

Any scheme approved shall subsequently be implemented in its entirety and permanently maintained as such unless otherwise formally agreed with the Local Planning Authority.

REASON: To ensure the provision of an appropriate form of development, in the interests of protecting the amenity of future occupiers of the proposed units.

- 10 No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to 14.1 l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

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

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

- 11 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

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

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

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

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

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

- 13 Prior to the commencement of works above foundation level, details of all energy and water efficiency measures and renewable energy mechanisms to be installed on and within the building shall be submitted to and approved by the Local Planning Authority.

REASON: In accordance with the provisions of the National Planning Policy Framework.

- 14 Prior to first occupation, the western edge of the proposed balconies and terraces serving flat Nos: 7, 8, 16, 17, 24, 25, 31 and 34 shall be provided with a screen to visibility, to a minimum height of 1.8m, measured from finished floor level.

Such screening shall be obscure-glazed to at least level 3 on the Pilkington Scale (or such equivalent as may be agreed in writing with the local planning authority).

Such screens shall be permanently retained as such.

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

- 15 Prior to first occupation, the eastern edge of the proposed balconies and terraces serving flat Nos: 12, 13, 20, 21, 28, 29, 32 and 33 shall be provided with a screen to visibility, to a minimum height of 1.8m, measured from finished floor level.

Such screening shall be obscure-glazed to at least level 3 on the Pilkington Scale (or such equivalent as may be agreed in writing with the local planning authority).

Such screens shall be permanently retained as such.

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

- 16 Any windows glazed areas or other openings provided in the side elevations shall be
(i) obscure glazed to at least level 3 in the Pilkington Scale (or such equivalent as may be agreed with the Local Planning Authority).
(ii) Non-opening unless the parts of the window which can be opened are located more than 1.7m above the finished floor level of the area they serve.

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

- 17 Prior to the first occupation of the development hereby approved, a 2m high close boarded fence shall be provided along the eastern and western boundaries of the site and thereafter permanently retained.

No fence, wall or other means of enclosure shall be erected along the eastern edge of the proposed access road.

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

- 18 The car parking and turning area, as shown on drawing 2879-03 Rev H dated 23.01.20, shall be provided, hard surfaced in bound materials and drained in accordance with SuDS principles, prior to occupation of any flat. Thereafter, the car park and turning areas shall be retained for those purposes and not used for any other purpose unless first agreed in writing with the local planning authority.

REASON: To make and retain satisfactory provision for off-street parking on the site and to ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety, in accordance with Policies EC2 and T8 of the Adopted Local Plan.

- 19 Prior to first occupation of any flat, provision shall be made within the identified bicycle storage facility for the secure and covered storage of no fewer than 39 bicycles as shown on drawing No. 2879-03 Rev H dated 23.01.20.

REASON: To ensure that an adequate level of cycle storage is provided, commensurate with the needs of the site and to encourage cycling as an attractive mode of transport for occupiers of and visitors to the development, in the interest of sustainable travel.

- 20 Prior to the first occupation of the development hereby approved all landscaping works as shown on drawing Nos: 2879 -03 Rev H and 2879 -12 shall be carried out in accordance with the approved landscaping scheme.

Any plant shrub or tree dying or becoming diseased within five years of first occupation of the proposed development, shall be replaced with a similar plant, shrub or tree unless otherwise formally agreed with the Local Planning Authority.

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

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

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

- 22 Prior to the first occupation of the development hereby approved, provision shall be made for at least four electric vehicle charging points within the proposed car park.

REASON: In the interests of sustainability.

- 23 Prior to the occupation of the flats hereby permitted, the approved communal bin store shall be provided for use and thereafter permanently retained as such.

REASON: In the interests of ensuring appropriate refuse storage facilities on the site

- 24 The proposed boundary treatment to the southern boundary of the site shall be installed prior to the first occupation of the proposed development and thereafter permanently retained, unless otherwise agreed with the Local Planning Authority.

REASON: In order to ensure an appropriate form of development consistent with the provisions of the adopted Local Plan and Residential Design Guidance, in the interests of the amenity of existing and future residents.

- 25 Prior to first occupation of the development approved, details of the proposed external lighting of the scheme shall be submitted to and approved by the Local Planning Authority.

REASON: To ensure the safety of proposed residents and amenity of existing and future residents, in accordance with the provisions of Policies EC2 and EC5 of the Adopted Local Plan.

- 26 Any approved lighting scheme shall thereafter be installed in its entirety and thereafter permanently maintained as such.

REASON: To ensure the safety of proposed residents and amenity of existing and future residents, in accordance with the provisions of Policies EC2 and EC5 of the Adopted Local Plan.

- 27 No gates / barriers shall be provide at the entrance to the car park vehicular access without the prior consent of the Local Planning Authority.

REASON: In order to ensure safe and convenient access the car park and avoid the potential for vehicles to wait on the adjacent carriageway, in the interest of highway safety in accordance with Policy EC2 of the Adopted Local Plan.

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

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

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

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

- 30 There shall be no discharge of surface water from the development onto the Highway

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with

Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application and negotiating acceptable amendments to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for a revised scheme, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2 Please note that a site notice was displayed in a publicly visible location at the site. Castle Point Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.
- 3 In undertaking the works hereby approved you are advised to satisfy yourself of your obligations to occupiers of adjoining properties in accordance with the Party Wall etc. Act 1996, details of which can be inspected at these offices or you may obtain details free of charge from the Planning Portal website (www.planningportal.gov.uk) under Building Regulations.
- 4 Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. The site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

The foul drainage from this development is in the catchment of Southend Water Recycling Centre that will have available capacity for these flows.

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

Protection of existing assets

A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

Building near to a public sewer

No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity.

Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

5 Construction: Noise and Dust Control

All relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the development must be taken. Water suppression shall be employed for any stone or brick cutting and it is advisable to notify neighbours of any noisy works in advance.

Please be aware that the accepted times in the Borough for noisy works in terms of construction are:

Monday - Friday: 8am - 6pm

Saturday: 8am - 1pm

Sundays and bank holidays: no works

The site may be in operation outside of these hours. The above times relate to noisy works which will cause a disturbance to residents and businesses in the surrounding area.

The granting of planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received.

6 Contaminated land

Should the works unearth any contaminated land, such as what would be considered in an Environmental Investigation (Contamination) or asbestos containing materials careful consideration must be given to its handling and correct disposal. Waste transfer receipts must be obtained and kept.

7 Under the Clean Air Act 1993 it is an offence to emit dark or black smoke or burn material that is likely to give rise to dark or black smoke on industrial and trade premises, or burnt in connection with any industrial or trade process. If a bonfire is producing or likely to produce dark or black smoke by the burning of trade or commercial waste, then the persons responsible may be liable to fines of up to £20,000.

ITEM 2

Application Number:	20/0016/FUL
Address:	Land Adjacent To 37 Tewkes Road Canvey Island Essex SS8 8HF (Canvey Island North Ward)
Description of Development:	Construction of a 3 Bedroom House with Associated Facilities and New Public Footpath (revised application)
Applicant:	D.R. Bullock Builders Ltd
Case Officer:	Mr Stephen Garner
Expiry Date:	06.03.2020

Summary

The application seeks permission for a new dwelling on a greensward located between existing dwellings, which was a former road and now closed to vehicular traffic.

The narrow width of the plot and top heavy design of the dwelling is uncharacteristic of the area and the erection of a high fence to prevent overlooking from the footpath into No. 37 Tewkes Road would result in an unacceptable loss of outlook for the occupiers of this dwelling. The proposal therefore fails to provide the high quality development the NPPF seeks to achieve and this would outweigh any benefit derived from the addition of a new dwelling.

The proposal is therefore recommended for REFUSAL.

The application is presented to committee at the request of Councillor Hart over concerns that the proposal would: be overdevelopment, lack suitable amenity space, result in overlooking and affect public safety.

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 forming part of Newlands Road that is now closed to vehicular traffic but still subject to Highway Rights. It has an informal public footpath running across it and is allocated for residential purposes in the council's Adopted Local Plan.

The land is bordered by residential properties to the north and south and has bollards at its eastern and western ends. At the western end of the site, adjacent to Brandenburg Road there is a public pumping station for foul sewage.

The Proposal

Permission is sought for the construction of one two storey detached three-bedroomed dwelling facing onto Tewkes Road. Two off street parking spaces are also proposed to the rear of the site which would be accessed from Brandenburg Road.

The dwelling would be a maximum of 11.2m deep by some 5.4m wide, excluding the storm canopy over the front door which adds some 0.5m to the overall width of the dwelling, and would

have an overall height of some 6.9m. It would be finished externally in a mixture of yellow stock brick and grey cladding with grey roof tiles.

A 1.8m high close boarded fence is proposed to the footpath side and rear of the property with a 1.2m high close boarded fence around the front garden. A further 1.2m high fence would be utilised to separate the off street parking at the rear from the foul sewage pumping station.

New 1.8m and 1.2m fencing is also proposed to the southern boundary of the footpath set back some 1.1m from the existing boundary with No.37. The thin strip of land behind the southern boundary of the footpath is to be gifted to the owner of No.37.

As part of the application a 1.5m wide hard surfaced pedestrian footpath, set within a 2.2m wide alleyway would be constructed as per the Essex Highways Development Construction Manual with two new lighting columns as well.

Supplementary Documentation

The application is accompanied by a construction method statement, structural details, flood risk assessment (FRA), flood response plan (FRP) and materials specification.

Planning History

19/0615/FUL – Construction of a 3 Bedroom house with associated facilities and new public footpath. Refused at Development Control Committee 5th November 2019 with decision notice issued 11th November 2019 for the following reasons:

1. The proposal, by reason of the location of the footpath adjacent to the southern boundary of the application site, would allow future users of the footpath an opportunity to look directly, and from a short distance, into the habitable room of No 37 Tewkes Road served by the side window facing the application site and result in a significant and harmful loss of privacy for the occupiers of this property contrary to government guidance contained in the National Planning Policy Framework.
2. The proposed dwelling, by reason of its height, relationship with neighbouring properties and differing plot width and depth, would be a dominant feature in the streetscene, overshadow neighbours and be out of character with the surrounding area to the detriment of the amenity of neighbours and character of the area. As such the proposal is considered to constitute overdevelopment of the site contrary to government guidance as contained in the National Planning Policy Framework.
3. The proposal results in the loss of a valuable community open space and formation of a narrow pedestrian footpath bound by high fencing which would provide an oppressive pedestrian environment that fails to promote public safety and take proportionate steps to reduce vulnerability contrary to government guidance set out at paragraphs 92a) and 95 of the National Planning Policy Framework.
4. The loss of the undeveloped grassed public footpath would be detrimental to the character of the area contrary to paragraph 2d) of Policy HS7 of the council's emerging New Local Plan, which designates the application site as open space, and paragraphs 99, 100 and 101 of the National Planning Policy Framework.

Local Plan Allocation

Residential

Relevant Policies and Government Guidance

National Planning Policy Framework (February 2019)

Local Plan (1998)

EC2 Design
T8 Parking Provision

Emerging Local Plan (December 2019)

HS7 – Open spaces, allotment gardens and playing fields associated with educational uses

Residential Design Guidance (January 2013)

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
RDG16 Liveable Homes

Essex County Parking Standards September 2009 (June 2010)

Technical Housing Standards – Nationally Described Space Standard (March 2015)

Consultation

Anglian Water

No objection and confirms that there is available foul drainage capacity for the development. However, the layout of the development, if located within 15m of the pumping station, should take into account and accommodate the risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station.

Canvey Island Town Council

No response received

Environment Agency

No objection providing the local planning authority has taken into account the flood risk considerations which are its responsibility.

Essex Badger Protection Group

No response received

Essex Highways

No objection to the proposal ensuring the provision of:

- o New public footpath
- o Adequate vehicular access
- o No unbound material to be used in the surface treatment of the access of parking areas
- o No discharge of water onto the Highway

Community Safety Officer

Advises that the police have not raised any issues with the alleyways on Canvey being currently more problematic than those in other areas.

Public Consultation

Four responses to the public consultation from four different addresses have been received making the following comments:

- o It will result in increased traffic congestion
- o It will invade the privacy of adjacent homes
- o The proposal does not compliment the aesthetic of the surrounding area
- o There are safety concerns with the proposed public footpath
- o Drainage infrastructure is already under pressure
- o There are mains services running through the site
- o There will be noise and construction caused during construction
- o The proposal will result in increased flood risk
- o Parking provision at the rear of the property will not be utilised
- o The building is not inline with the building line on Tewkes Road
- o The design demonstrates the UK has the smallest homes in Europe
- o This area is used by the local community
- o There are still inaccuracies on the plan denoting fence heights and windows obscured by said fencing
- o The previous reasons for refusal still stand
- o The gifting of land and re-positioning of the boundary of No.37 has not been discussed or agreed with the owner
- o The ground floor windows of No.37 would look out on a fence and not the greensward
- o The height and width of the proposed property are not in proportion with the character of the surrounding area
- o The lack of front entrance would lead to poor entrance legibility which would impede the delivery of large items as well as lacking natural surveillance and security contrary to paragraph 127 of the NPPF.

Comments on Consultation Responses

The presence of subterranean services is not a planning consideration. Statutory undertakers' apparatus on, over or under the land is a matter between the applicant and the relevant statutory undertaker.

Anglian Water has advised that there is capacity for the disposal of foul sewage from this development.

Noise and disruption caused by construction works is a transitory nuisance and will cease once construction work is complete. Noise and disruption outside of normal working hours forming a statutory nuisance can be controlled under Environmental Health legislation.

The inaccuracy of the site plan with regard to the existing boundary treatments is noted and the evaluation of this application will be based on what is currently at the site not what is on the plans.

All other material considerations raised are considered in the evaluation of the proposal.

Evaluation of Proposal

The main issues with this application are the principle of a housing development, the design and layout of the dwelling, its impact on neighbours, flood risk and drainage, and any parking implications.

Principle

The land is allocated for residential use on the proposals map accompanying the current adopted Local Plan. There can therefore be no objection to the principle of a residential development on this site. However, the land still has highway rights across it and as such is publicly maintainable highway.

A footpath is to be provided as part of this development so that the public would still be able to cross the site. This reflects the current situation where pedestrians and cyclists can use the land as a link between Tewkes Road and Brandenburg Road. Should planning permission be granted the applicant would still need to apply for an extinguishment of highway rights over the majority of the site, but as a free passage for legitimate users of the highway would be maintained it is difficult to see why approval for this would not be forthcoming.

It should be noted that planning permission has already been granted for several similar forms of development, and a stopping up order granted by the Secretary of State for land adjacent to 81 May Avenue and 96 Smallgains Avenue. Subject to the provision of a suitably designed footpath planning permission could not justifiably be refused on the basis that it would inconvenience highway users.

Previously the design of the footpath included a 'dogleg' element which attracted criticism for offering an environment that might increase people's fear of crime and deter them from using it.

The current scheme proposes a straight point to point footpath which has been designed with a hard top 1.5m wide bound by a 0.5m wide grass verge. It would run between two 1.8m tall fences for a length of some 19.3m before opening out at the rear of the site where an Anglian Water pumping station is located. The proposed walkway would never be less than 2m wide, which ought to be sufficient to enable people and mobility vehicles to pass. Additional lighting columns are proposed to improve levels of light in the area at night for pedestrians.

The council's Community Safety Officer has advised that the police have not notified the council that the alleyways on Canvey are currently more problematic than those in other areas.

The footpath is now considered to provide an adequate level of natural surveillance for pedestrians using it and the provision of such infrastructure to be consistent with paragraph 91 of the National Planning Policy Framework (the Framework).

Members will be aware that the pre-submission Castle Point New Local Plan published in December 2019 also includes a policy about open space, HS7.

This policy permits limited minor scale ancillary development on open spaces subject to a number of criteria. However, the proposal is not ancillary to anything and therefore does not fall to be considered under these provisions.

HS7 also supports development resulting in a loss of publicly open space where an assessment has been undertaken which indicates that the existing facility is surplus to requirements. No such assessment has been submitted with the application.

Notwithstanding the above the application of Policy HS7 is only considered appropriate in the context of formal or informal recreational uses. Were this not the case there would be no need to include a requirement for the overall use of the space to be retained for recreational purposes in criteria 2b. Furthermore, unless such open space has a recognised recreational use how can it be assessed against the need for such facilities.

Members should also note that emerging Local Plan has not been submitted for examination and therefore carries minimal weight in the decision-making process at this stage.

There is therefore no objection to the proposal in principle.

Design and Layout

Policy EC2 of the council's Adopted Local Plan seeks a high standard of design in all developments. In particular, regard is to be given to the scale, density, siting, design, layout and external materials of any development, which shall be appropriate to its setting and which should not harm the character of its surroundings. This is consistent with paragraphs 126 and 127 of the NPPF.

RDG1 states that within an existing built up area, plot sizes for all new development should be informed by the prevailing character of plot sizes in the area. Where there is no clear pattern of plot sizes, the size of the plot should be proportionate to the size of the dwelling occupying it. This should be informed by having regard to guidance set out in RDG2, RDG3, RDG5 and RDG6.

Looking at plots within the vicinity of the application site, they vary in width from around 5.5m up to 18.0m in some instances, but frontages at the extremes are in a minority with most properties falling somewhere in the middle. It should be noted that the narrowest of frontages is observed on some terraced properties fronting Brandenburg Road. Once the footpath is excluded from the width of the plot, the proposal would have a plot width of some 7.6m.

This is some 1.0m narrower than the previously refused scheme. Whilst there is no clear uniformity in plot sizes, other than the terraced properties which have frontages between 5.5-6.0m, no other dwellings in the immediate vicinity of the application site have a frontage of less than 8.5m, with the norm appearing to be 9.0m or above.

The width of the plot would therefore be notably narrower than other detached dwellings nearby and out of step with the prevailing character of surrounding development.

Officers are mindful of the guidance set out under chapter 11 of the NPPF which is concerned with making effective use of land and achieving appropriate densities in meeting the need for homes. However, this guidance has to be balanced against other considerations set out in the NPPF.

Such considerations include paragraph 122 of the NPPF, which highlights the importance of development taking into account maintaining an area's prevailing character and setting, and paragraph 127 which states that planning decisions should ensure developments are sympathetic to the local character, including the surrounding built environment as well as establishing or maintaining a strong sense of place.

In terms of the appearance and proportions of the dwelling it would be some 5.4m wide by 6.9m tall. This represents a reduction in width of some 1.9m and increase in height of 0.1m from the previously refused application.

The narrow width of the proposed dwelling combined with a first floor which is taller than the ground floor would, in the opinion of officers, give it a top-heavy and cramped appearance. As such the dwelling would be out of character with other development in the locality.

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

There are mixed forms of development in the vicinity of the application site, made up of detached, link-detached, semi-detached and terraced dwellings, with varying degrees of space around them. There is no clear pattern of development.

The proposed dwelling would have a width of some 5.4m with side accesses on both sides at least 1m wide. The provision of such isolation spaces is considered to be proportionate with the width of the dwelling and consistent with the guidance set out in RDG2.

RDG3 requires proposals to respect established building lines. The front elevation of the proposed dwelling is set in line with the current building line observed between No.37 and 39 Tewkes Road. No objection is therefore raised on the basis of this part of RDG3.

RDG3 also requires proposals not to cause excessive overshadowing or dominance to any elevation of an adjoining property.

The rear wall of the proposed dwelling protrudes ~0.8m beyond the rear of No.37 and is orientated to the north of its neighbour, separated by the proposed footpath. A gap of some 4.3m would be provided between the flank walls of the two dwellings. No overshadowing or dominance to the neighbour would occur from this relationship.

The proposed dwelling is located closer to No.39 and would project some 2.8m past the rear wall of this bungalow. Although the proposed dwelling is orientated to the south of its neighbour the degree of projection is limited and accords with the 45° guidance contained within the supporting text to RDG3. Other neighbouring properties are too remote to be affected by the proposal in terms of overshadowing or dominance.

Members will no doubt recall that the previous application was recommended for refusal by officers because it would allow future users of the footpath an opportunity to look directly, and from a short distance, into a habitable room with a window on the side of No 37 Tewkes Road.

This revised application proposes a 1.8m high fence set back approximately 1.1m from the neighbour's boundary in an attempt to address this problem, but this now raises concern over the impact of the fence on the outlook of the neighbours.

The planning authority does not normally protect side windows when development takes place on adjoining land, as there is no entitlement to a view across a neighbour's land. The circumstances in this particular case are however somewhat different. The application site is open in nature and has highway rights over it. At the time the neighbouring bungalow was built there would have been a reasonable expectation that the application site would never be built on. Accordingly, considerations of overlooking or a loss of outlook would not have been foremost in the mind of occupiers.

The proposed fence adjacent to the footpath would be set much closer to No 37 Tewkes Road than previously, 1.1m and 2.5m respectively, and it is now considered that this closer set fence would result in a poor outlook for the neighbours.

With regard to privacy, the provision of a 1.8m high fence would go some way to overcoming any loss of privacy. However, the neighbouring window is located relatively high up on the flank wall of the dwelling and there remains the potential for passers-by to look over the top of the fence. This could be overcome by increasing the height of the fence, but this would only exacerbate the loss of outlook already identified.

It is concluded that were this development to proceed in its current form there would be a material loss of outlook for the adjoining neighbours at No 37 Tewkes Road contrary to RDG3 and guidance set out at paragraph 127f) of the NPPF, which seeks, amongst other things, to secure a high standard of amenity for existing and future users of development.

It is also worth noting that the owner of No.37 has not been approached by the developer in respect of the gifting of land adjacent to his property. Were members minded to approve the application a condition could not be used to secure the transfer of this land and no unilateral agreement has been submitted by the applicant to facilitate this process.

No.39 has one obscure glazed window set back behind a high fence and a second clear glazed window located nearer to the front of the bungalow located behind a low fence. The window behind the low fence is a small window and appears to be a secondary source of light. Accordingly, it is not considered that there would be any loss of outlook to the occupiers of this dwelling from the proposal.

RDG5 deals with privacy and living conditions, requiring a distance of 9m to be provided between first floor windows and the boundaries of the site. Where this is not achieved the use of obscured glazing and limited openings can be used to protect privacy, but only where the windows concerned do not serve habitable rooms or are secondary sources of light. All windows should be designed to allow adequate natural light and ventilation to the room they serve.

The proposed first floor rear windows would overlook the property's rear garden, which has a depth of approximately 9.5m. The front windows overlook the street. Council guidelines on overlooking are not normally applied to windows overlooking a road as this usually does not result in any loss of privacy to neighbours living opposite.

Two first floor side windows are proposed which serve a bathroom and landing. These spaces are not considered to be habitable rooms as they are not normally occupied for significant periods of the day. Furthermore, a high level of privacy is usually required/expected for a bathroom. On this basis these windows could be suitably conditioned in accordance with the guidance set out in RDG5 were the application to be approved.

RDG6 seeks to ensure the retention of adequate private amenity space/area to serve the needs of the dwelling occupiers. Amenity space is provisioned on the basis of a minimum of 15m² for each habitable room contained in the dwelling.

The proposal has five habitable rooms which requires a minimum private amenity area of 75m². The development satisfies this requirement and the size of its garden would not be out of character with other gardens in the surrounding area.

RDG10 discusses that for all development, public and private space should be clearly defined. This is expected to take the form of a physical means of enclosure and/or change in surface material. The means of enclosure and surface material should be informed by the prevailing character of the area and surrounding forms of enclosure, both in terms of materials and positioning, and must not repeat poor forms of development. Any means of enclosure should not dominate the public realm.

A 1.8m high close boarded fence is proposed to the side and rear garden of the property with a 1.2m high close boarded fence enclosing the front garden. A 1.2m fence would also be utilised to separate the off street parking at the rear from the foul sewage pumping station. New 1.8m and 1.2m fencing is proposed to the southern boundary of the footpath set back some 1.1m from the existing boundary with No.37.

The treatment of such boundary enclosure is consistent with the surrounding area. No objection is raised to the proposal on the basis of RDG10.

Living conditions for future occupiers of the dwelling

RDG16 requires that all new dwellings should provide appropriate internal and circulation space which reflects the character of the surrounding area and also reflects current best practices. All new dwellings should meet the existing and future needs of occupiers over their lifetime without the need for extensive alteration or adaption.

In assessing this, regard has been had to the nationally described space standards. Utilising this document, it was assessed that the proposed dwelling would be required to provide a minimum of 86.5m² internal floor space for a three-bedroom four person dwelling.

The proposal provides a gross internal floor space of some 90m², which is considered acceptable according to the technical space standards.

Parking

Policy T8 of the Local Plan requires the provision of parking in accordance with adopted standards. This is broadly consistent with paragraph 105 of the Framework.

The currently adopted standards are the Essex County Council 2009 Parking Standards. These require the provision of two spaces for properties with two or more bedrooms. The proposal achieves this.

Two off street parking spaces are provided which adequately meet the minimum parking needs of the proposed dwelling as assessed under the adopted standards.

RDG12 states that all forms of parking must not dominate the public realm, enable safe and unhindered access to the dwelling and must utilise a high-quality standard of materials for surface treatment with parking provisions that should seek to incorporate Sustainable Drainage Systems (SuDS).

The parking provision is arranged in-line and is no different than that often provided at other properties. The arrangement of the parking provision is such that the parking of vehicles would not dominate the property or the streetscene. Access through the rear garden would be readily available.

A comment has been received that people are unlikely to use parking spaces at the rear of properties and more likely to park on the road by their front door. However, no evidence to support this assertion has been provided. Furthermore, whilst the retention of garages for parking purposes are often made the subject of a planning condition the use of them has always been a matter of choice for occupiers.

In addition to this, there are other examples close the applicant site, namely Nos.30-34 Brandenburg Road have a similar such arrangement where off street parking is located to the rear of the site.

The application does not include the provision of an electric vehicle charging point in accordance with paragraph 110e of the NPPF. However, this is a matter that can be adequately secured through the use of an appropriately worded condition if planning permission is granted.

No objection is raised to the proposal under Policy T8 and RDG12.

Flood Risk

Paragraph 155 of the Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 158 states that the aim of the sequential test is to steer new development to the areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Paragraph 159 states that if it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national practice guidance.

The site is located on Canvey Island, which is designated as Flood Zone 3A. Since the settlement of Canvey Island is located entirely within Flood Zone 3A 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. Accordingly, it is considered that the proposal passes the sequential test.

Practice guidance requires that proposed dwellings within Flood Zone 3A must also pass the exception test. Paragraph 160 of the Framework states that the application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at planning application stage. For the exception test to be passed it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) 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 respect of the first criterion the continued need for housing development to serve the community of Canvey Island is considered to provide a wider sustainability benefit in that it would contribute to the economic, social and environmental objectives set out in the Framework. The first part of the exception test is therefore considered to have been passed.

In respect of the second criterion, this requires the submission of a site-specific FRA.

The supplied FRA identifies the tidal flood risk at the site from the Thames Estuary as being a residual risk as the site is behind tidal defences. Details supplied within the FRA indicates flood depths for a breach event could be up to 1.0m during a 1 in 200 year and 2.0m during a 1 in 1000 year flood event for the applicant site.

The finished ground floor level for the dwelling is proposed to be 2.34m Above Ordnance Datum (AOD). The property would therefore be liable to flooding in both the 1 in 200 and 1 in 1000 year flood events. The finished first floor level is proposed at a height of 4.97m AOD for the dwelling. This would provide safe refuge for occupants of the proposed dwelling during both the 1 in 200 and 1 in 1000 year flood events. Provided that the response of occupiers to a flood warning being issued or flooding occurring is acceptably managed through a suitable flood warning and response plan, there is no objection to the proposal on tidal flood risk grounds.

The Environment Agency consultation response does not consider the site to be at significant risk from fluvial flooding.

With regard to pluvial (rain water/surface water) flooding, the models that the FRA is based upon indicate that the site would experience 0.16m of pluvial flooding during the 1 in 1000 year event, including climate change. The proposed ground floor of the property is 0.34m above site level which would be above this level of pluvial flooding meaning that the proposed property would not be at risk of flooding.

Even so, assuming a worst case scenario, whereby modelled pluvial depths on the site were to exceed the height of the finished ground floor level of 2.3m AOD, the first floor would be capable of providing a safe refuge from this flood water. Provided a robust flood response plan is in place, it is not considered that pluvial flood risk is an impediment to the development of this site.

The accompanying documents submitted as part of this application details a number of measures to implement flood resistant design within the construction of the dwelling. All of these measures would be a valuable asset to the property and its occupants in the event of a tidal or pluvial flood event.

The application also contains a Flood Response Plan (FRP). The FRP contains a host of useful and relevant information to future residents of the property including procedures of what to do in the event of a flood and useful contact details. This document appears to be consistent with current advice issued by Castle Point Borough Council to residents for a flood situation of “go in, stay in, tune in” as the uncontrolled evacuation of Canvey Island would quickly lead to congestion and people potentially trapped in cars in flood water. This document should be treated as a ‘live’ document by all future occupiers of both dwellings and should be kept up to date with the relevant contact numbers and valid procedures.

The National Planning Practice Guidance states at paragraph 054 Reference ID: 7-054-20150415 that when considering safety, the depth and velocity of flood water and the structural safety of buildings needs to be considered. The submission contains a report by a structural engineer confirming that the design options denoted on the architectural layouts would withstand the hydrodynamic and hydrostatic pressure acting on the buildings during both a 1:200 and a 1:1000 year flood event including allowance for an additional 300mm wave action. Subject to the dwellings being constructed in accordance with these details the dwellings should be able to withstand the forces associated with a flood event.

Drainage

The Framework states on several occasions including at paragraph 163 that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. This includes ensuring that surface water is dealt with appropriately and does not increase the risk of surface water flooding for nearby sites.

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

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

Canvey Island has particular circumstances due to its flat topography, whereby all rain water that falls on the island is drained by gravity through a network of pipes and other watercourses to a number of pumping stations around the perimeter of the island where it has to be pumped over the sea wall.

The ground conditions on Canvey Island are London Clay which offers poor permeability for rain water and combined with a high-water table this severely reduces the effectiveness of items such as soakaways or other infiltration methods. For this reason, infiltration is not considered a suitable method for disposal of surface water.

There is no surface water body on or in the vicinity of the site that could receive surface run off, so the next most suitable option is to discharge to the surface water sewer.

Unlike the previously refused application this revised scheme includes no details of surface water drainage. However, it is clear from the plans submitted as part of the previous application that the provision of a surface water drainage system in accordance with best practice (i.e. attenuated storage with hydro-brake) could be achieved.

Therefore, were this application to be approved this matter could be dealt with by condition.

Other Matters

A construction management plan (CMP) has been submitted as part of this proposal which details methods to reduce the impact of construction traffic on other users of Tewkes Road. It is considered that provided the details contained within the CMP are implemented, which states that any damage caused by construction traffic to the road will be repaired, there should be no unacceptable levels of disruption caused to neighbours.

Conclusion and planning balance

The Framework sets out at paragraph 11 a presumption in favour of sustainable development, which for decision-taking, means:

- o *“approving proposals that accord with an up-to-date development plan without delay; or*
- o *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:*
 - i. *the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.”*

The council’s development plan is not up-to-date. Footnote 7 within the NPPF explains that, for applications involving the provision of housing, policies most important for determining the application will be out-of-date where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites; or where the Housing Delivery Test indicates that the delivery

of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

Castle Point Borough Council is currently unable to demonstrate a five-year supply of deliverable housing sites, therefore the policies most important for determining the application are out-of-date and permission should be granted unless (i) or (ii) above apply.

The application site is within an area at risk of flooding or coastal change which is an area or asset of particular importance for the purpose of (i) above (as defined at footnote 6 of the NPPF). The policies within the Framework that protect that area or asset of particular importance do not, however, provide a clear reason for refusing the development proposed. Permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The proposal has been identified as having several deficiencies which would be inconsistent with guidance set out in the NPPF. These relate to its uncharacteristically narrow plot width and design of the dwelling, and a loss of outlook for the neighbours.

The negative impact of these are considered to outweigh any benefits derived from the boost to housing supply of one additional dwelling and it is therefore recommended that the application be refused.

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 proposal, due to its narrow plot width and design, would result in a dwelling of cramped and top heavy appearance which would be out of character with the surrounding pattern of development, unsympathetic to its surroundings and fail to add to the overall quality of the area, to the detriment of the character and appearance of the area contrary to RDG1 of the council's Residential Design Guidance and Government guidance as set out in paragraph 127 of the National Planning Policy Framework.
- 2 The proposed footpath fencing, by reason of its proximity to the habitable room served by a window on the flank wall of No.37 Tewkes Road, would unacceptably reduce and dominate the outlook of occupiers of that room to the detriment of the amenity of those occupiers contrary to RDG3 of the council's Residential Design Guidance and government guidance at paragraph 127f) of the National Planning Policy Framework which states that developments should create places that promote health and well-being with a high standard of amenity for existing and future users.

Informatives

- 1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.

ITEM 3

Application Number:	19/0861/FUL
Address:	243 Vicarage Hill Benfleet Essex SS7 1PQ (Boyce Ward)
Description of Development:	Demolition of dwelling, garage and outbuilding and replacement of existing dwelling on land to rear
Applicant:	Mr Smith
Case Officer:	Mr Stephen Garner
Expiry Date:	11.02.2020

Summary

The proposal is for the replacement of a detached dwelling with a larger replacement detached five-bedroom house within an area of land allocated as Green Belt in the adopted Local Plan. The proposal does not fall within any of the exceptions set out under paragraph 145 of the NPPF and would be contrary to Policy GB4 of the adopted Local Plan. It therefore constitutes inappropriate development. No very special circumstances have been identified to indicate that permission might exceptionally be approved, and the proposal is therefore recommended for REFUSAL.

The application is presented to the Committee because the applicant is the son of Councillor Smith.

Site Visit

The application is a revised scheme to a recent proposal, so it is not considered necessary for Members to visit the site prior to determination of the application.

Introduction

The application relates to an irregularly shaped site located to the north and west of the junction of Vicarage Hill and the private access road to High Warren Farm. The site is currently occupied by a detached dwelling.

The proposal relates to part of the garden of the existing dwelling set on a slope that extends to the west behind the rear gardens of dwellings fronting Vicarage Hill. There is currently a detached garage serving the existing dwelling located within the area identified as the front garden of the proposal.

Immediately to the north of the site is a large expanse of land which is utilised for agricultural or equestrian purposes whilst to the east, south and west of the site are dwellings set in large plots, all of which are located within the Green Belt. The streetscene of both Vicarage Hill and the private drive to High Warren Fruit Farm is varied with a mixture of different housing types of varying architectural styles.

The Proposal

The applicant seeks permission to demolish the existing detached garage, remove a small wooden shed and construct a replacement dwelling on a plot having a maximum width of some 73m and depth of 74m. Once the proposed dwelling has been constructed it is proposed to demolish the existing dwelling on site.

The proposed dwelling is to front the private drive that leads to High Warren Farm and would have a partially exposed basement containing a cinema/games room, kitchenette, gym, sauna, changing room and WC/shower room.

The ground floor has a large open plan lounge-kitchen-diner with a bar as well as a utility room off of the kitchen section. To the front of the property would be a toilet, a further reception room, and a guest bedroom with walk in wardrobe and an ensuite. There would also be an enclosed porch to the front of the dwelling.

At first floor level, four bedrooms are proposed, two of which have ensembles and walk in wardrobes. The remaining two bedrooms have ensembles. A roof terrace is also provided.

Due to the sloping nature of the land, the ground floor at the front of the property will be at first floor height above the exposed basement at the rear of the site. The dwelling would be some 8.4m in height when viewed from the front and 11.6m at the rear.

The proposed dwelling would be finished externally in a combination of face brickwork and render with dark grey clay roof tiles and timber sash windows. A hardstanding to the front of the proposed dwelling makes provision for three parking spaces.

Supplementary Documentation

This application is supported by a:

1. Planning Statement
2. Ecological Appraisal Including Bat Survey

Planning History

19/0433/FUL – Demolition of garage and outbuilding, erection of additional dwelling on land to rear and new vehicle crossover to existing property. Refused 4th September 2019 for the following reason:

- o The proposed development is located within the Green Belt as delineated within the Council's adopted Local Plan where inappropriate development is not permitted except in very special circumstances. The proposed dwelling is not located on previously developed land and fails to fall within any of the exceptions listed under paragraph 145 of the NPPF. The proposal therefore constitutes inappropriate development which by definition as well as the harm arising from its visual intrusion into the landscape would have a detrimental impact on the openness of the Green Belt. The applicant has failed to demonstrate any very special circumstances to justify why the proposal might exceptionally be permitted and approval of the proposal would therefore be contrary to Government guidance as set out in the National Planning Policy Framework.

Local Plan Allocation

The application site is allocated as Green Belt in the Local Plan.

Relevant Policies and Government Guidance

National Planning Policy Framework (February 2019)

Local Plan (Adopted 1998)

GB4 Rebuilding of Existing Dwellings in the Green Belt

EC2	Design
EC3	Residential Amenity
EC13	Protection of Wildlife and their Habitats
EC22	Retention of Trees, Woodland and Hedgerows
T8	Parking

Emerging Local Plan (Pre-submission Plan December 2019)

GB3	Extensions and Alterations to, and Replacements of Buildings in the Green Belt
GB4	Limited Infill – Special Policy Areas

Residential Design Guidance (Adopted January 2013)

RDG1	Plot Size
RDG2	Space Around Dwellings
RDG3	Building Lines
RDG5	Privacy and Living Conditions
RDG6	Amenity Space
RDG7	Roof Development
RDG10	Enclosure and Boundary Treatment
RDG12	Parking and Access
RDG16	Liveable Homes

Green Belt Boundary Review (2018)

Essex County Parking Standards September 2009 (Adopted June 2010)

Consultation

Essex Highways

No objection

Public Consultation

One objection comment has been received from a neighbouring resident raising the following objections:

- (i) Loss of privacy
- (ii) Massive size of property will dominate nearby properties
- (iii) Noise level during construction and demolition will be unbearable

Comments on Consultation Responses

Comments regarding noise during the construction and demolition phases of the development are noted but such matters are a transitory nuisance and do not form a material objection to this proposal. Should noise from construction work take place during unsocial hours or on Sundays this is something that can be addressed under Environmental Health legislation.

All material concerns raised during the consultation period will be considered during this report.

Evaluation of Proposal

The application site is allocated for Green Belt purposes in the council's adopted Local Plan. Unlike the previous application this proposal is only for a replacement dwelling, not an additional dwelling, and therefore there is no objection in principle to the proposal. The main issue that

needs to be determined is whether the replacement dwelling would be inappropriate development in the Green Belt.

Policy background

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 sets out that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (paragraph 2 of the NPPF).

Paragraph 133 of the National Planning Policy Framework (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 permanence.

Paragraph 134 of the NPPF sets out the five purposes of Green Belt:

- a) "To check the unrestricted sprawl of large built-up areas;*
- b) To prevent neighbouring towns merging into on another;*
- c) To assist in safeguarding the countryside from encroachment;*
- d) To preserve the setting and special character of historic towns; and*
- e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land."*

Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 144 goes on to state that 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 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) "buildings for agriculture and forestry;*
- b) the provision of appropriate facilities for outdoor sport, outdoor recreations, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) 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;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan; and*
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
 - a) not have a greater impact on the openness of the Green Belt than the existing development; or*
 - b) not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority."*

Relevant to this applicant are criteria d) and g) of paragraph 145 of the NPPF.

This proposal is for a replacement dwelling and therefore, in addition to Green Belt guidance set out in the NPPF, Policy GB4 of the adopted Local Plan is applicable.

This states that proposals for the rebuilding of dwellings in the Green Belt would be permitted provided all the following criteria are met:

- a) *"The residential use of the dwelling to be replaced has not been abandoned;*
- b) *The replacement dwelling shall be sited in the same position as the existing or former dwelling unless its resiting would be less obtrusive and would improve the appearance of the Green Belt;*
- c) *The size, general lines and form of the replacement dwelling are similar to that of the previous dwelling. Additional cubic volume up to that of the maximum of the unimplemented permitted development rights of the original dwelling may be included;*
- d) *In all proposals for replacement dwellings in the Green Belt, gaps shall be maintained between the flank walls of any structure and the boundaries of the curtilage which coincide with the gaps around the structures to be replaced, or provide minimum gaps of 3m (10ft), whichever is the greater;*
- e) *A scheme of landscaping, including, where appropriate, substantial strips along curtilage boundaries, shall be provided, implemented and appropriately maintained;*
- f) *The replacement dwelling shall be sympathetic in scale, form, design, height and materials, to the rural character of its surroundings and nearby buildings.*

With the exception of the first bullet point, Policy GB4 is considered to be consistent with the NPPF.

Appendix 2 of the adopted Plan elaborates on what is considered to be an appropriate scale of development. Paragraph A2.23 clarifies that the "size" of the dwelling is the gross cubic volume of the dwelling to be replaced. The cubic volume will include that of the existing roof, porches and conservatories as well as the main body of the dwelling. It will not include the cubic volume of any garages, sheds, barns or other outbuildings within the curtilage of the dwelling, nor the cubic volume of any accommodation provided to the existing dwelling below natural ground level.

On the 1st October 2008 new regulations came into force which removed the volume limitation attached to extensions and replaced it with a series of dimensional criteria designed primarily to limit the impact of proposals on adjoining residents. Whilst it is recognised that the General Permitted Development Order no longer refers to volume, the guidance in respect of the replacement of buildings in the Green Belt still refers to the size of a dwelling and therefore it is considered reasonable to consider volume as well as other measures in any assessment of the reasonable extension of the dwelling and proportionate increases in size.

However, it is considered that the inclusion of unimplemented permitted development rights should be limited to that extant at the time the council's Local Plan was adopted, subject to a measure of appreciation, which would have been 70m³ or 15%, of the volume of the original dwelling up to a maximum of 115 cubic metres. To do otherwise could potentially result in a materially larger replacement dwelling which would be contrary to the exemption set out at paragraph 145d) and constitute inappropriate development.

The first matter to determine in the consideration of this proposal is whether the proposed development represents inappropriate development.

Appropriateness of development

A comparison of figures for the existing and proposed dwelling can be seen below. Where volume has been calculated this only includes that part of the dwelling above natural ground level.

	Existing	Proposed	Times Larger
Footprint	89.5m ²	157.0m ²	x 1.75
Floor Space	143.5m ²	327.0m ²	x 2.28
Volume	430m ³	1025.0m ³	x 2.38

It can be seen from these figures that the size of the proposed property would be significantly larger than the current dwelling on the site and clearly well in excess of any figure that could be arrived at under Appendix 2. As such, the proposed dwelling would be materially larger than the one it replaces and would not fall within the exemption set out at paragraph 145d).

The applicants supporting statement contends that they could extend the existing dwelling under permitted development guidance by an unspecified margin. However, no Certificate of Lawfulness (CLP) or Householder Prior Approval (HPA) applications have been approved by the local planning authority and no details of how the existing dwelling could be extended, if at all, have been submitted for consideration with this application.

As set out in *Mansell v Tonbridge & Malling Borough Council [2018]* ruling where a permitted development fall-back position is proposed it should be an actual intended use of the fall-back position not just a theoretical one. Such proposals demand careful consideration.

Given the paucity of information about the implementation of any permitted development rights to extend the existing dwelling this matter carries no weight and does not demand further consideration.

Criteria 145g) could also be relevant to the proposal. This permits the complete redevelopment of previously developed land provided it would not have a greater impact on the openness of the Green Belt than the existing development.

However, in refusing the previous application for a new dwelling in the same location as this proposal it was held that the land on which this new dwelling is to be built was not previously developed land (PDL).

Officers do not dispute that the land upon which the existing dwelling stands is PDL but merely contend that the garden where the new dwelling is to be constructed contains very little in the way of permanent structures or fixed surface infrastructure. Accordingly, the exemption under paragraph 145g) does not apply.

No other exemptions are relevant to this proposal and therefore given that the proposed dwelling is materially larger than the one it seeks to replace the development represents inappropriate development, which by definition, is harmful to the Green Belt and should not be approved except in very special circumstances.

Very Special Circumstances

Paragraph 143 of the NPPF states that inappropriate development in the Green Belt should not be approved except in very special circumstances.

Paragraph 144 advises that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

In the light of the above it is incumbent on planning authorities to consider if any very special circumstances exist which might outweigh the harm to the Green Belt.

There is no statutory definition of the term ‘very special circumstances’ as the Courts have held that very special circumstances will be specific to the particular scheme under consideration. The courts have also held that very special circumstances do not have to be unique or incapable of frequent repetition but may be factors which in combination amount to very special circumstances.

One such consideration which might constitute a very special circumstance is the visual impact of the development on the openness of the Green Belt.

In undertaking such an assessment regard needs to be had to the findings of both *Turner v Secretary of State for Communities and Local Government* [2016] EWCA Civ 466 and *Euro Garages Limited v Secretary of State for the Environment* [2018 EWHC 1753].

Turner set out that the concept of “openness of the Green Belt” is not narrowly limited to the volumetric approach but is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these factors is how built up the Green Belt is now, how built up it would be if development occurs and factors relevant to the visual impact on the aspect of openness which the Green Belt presents. Furthermore, the openness of the Green Belt has a spatial aspect as well as a visual impact, and the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result of the location of a new or materially larger building.

The *Euro Garages* decision considers both the *Turner* decision and *Samuel Smith Old Brewery (Tadcaster) v North Yorkshire County Council* [2018] EWCA Civ 489. It considers that where the issue of openness arises the visual impact of the development will generally require consideration, and that should be the case whether there is likely to be a visual impact or there is no visual impact. It concludes that the open textured approach to visual impact, as well as spatial impact, requires consideration, subject to a margin of appreciation. It is not sufficient to treat any and all change as having a greater impact on the openness of the Green Belt, it is the impact or harm of the changes, if any, that need to be considered.

This is consistent with a recently updated section of Planning Practice Guidance (64-001-20190722) which states that openness is capable of having both spatial and visual aspects meaning the visual impact of the proposal may be relevant, as could its volume.

It is acknowledged that the location of the new dwelling, due to the presence of vegetation to the north and east of it, will be partially screened and its visual impact will be limited when viewed from public vantage points whilst the current dwelling occupies a much more prominent position when viewed from Hill Top Farm. However, balanced against this is impact of the development on the views and perception of the openness of the Green Belt from the rear of properties fronting Vicarage Hill.

Most notably uninterrupted views of the Green Belt across the entire rear boundary of No.241 would be lost and replaced with the flank wall of the proposed development. The proposed development would also be clearly visible by occupiers of Nos. 227, 231, 235, 239 and 241, and therefore have a detrimental impact on their perception of the openness of this piece of land.

Whilst views across private land are not protected under planning law, the visual impact of development on the openness and perceived openness of the Green Belt is a material consideration, as identified in the aforementioned High Court cases.

This visual intrusion is increased by the fact that properties fronting Vicarage Hill would not just have the view of a two-storey dwelling, but that of a large three storey dwelling which, in the opinion of officers, would appear as a large and intrusive feature on this part of what is currently undeveloped land.

It should also be noted that the recent 2018 Green Belt review, which forms part of the evidence base for the emerging Local Plan, identifies the land upon which the proposed dwelling is to be built as very strongly serving three of the five purposes of the Green Belt, a, b and c, and recommends that it should be safeguarded from future development so that it retains and maintains its strategic function.

This contrasts strongly with the location of the existing dwelling, which is set closer than the proposed dwelling to Vicarage Hill and within the Special Policy Area proposed in the emerging local plan. This policy recognises that the linear development along Benfleet Road and Vicarage Hill form semi-rural locations where there is the potential for infill development without causing harm to the Green Belt.

Given the greater contribution to the openness and strategic function of the Green Belt made by the land where the proposed dwelling is to be built it is considered that the proposal would result in a greater degree of harm to the Green Belt than a similar sized replacement dwelling in the same location as the existing property.

Accordingly, the visual impact of the development is not a factor that constitutes a very special circumstance and no other factors, either individually or in combination, have been identified.

It should also be noted that based on the above assessment of the impact of the proposal on openness of the Green Belt the re-siting of the replacement dwelling would also be contrary to criterion (ii) of Policy GB4 of the council's adopted Local Plan. It would also be contrary to Policy GB3 of the council's emerging New Local Plan.

Design

In design terms the design of the proposed dwelling and detached garage are considered to be broadly acceptable in terms of the councils currently adopted policies contained within both the Local Plan and the Residential Design Guidance.

However, an objection has been received during the consultation period from a property adjoining the applicant site stating that the proposed dwellings massive size will be dominating to nearby properties.

Overshadowing and dominance

RDG3 requires proposals to not result in excessive overshadowing or dominance to any elevation of an adjoining property.

It is acknowledged that the flank wall of the proposed dwelling will extend along the entire rear boundary of No.241's property. However, this is not an uncommon relationship to observe near junctions of roads in residential areas whereby a flank wall is visible at the bottom of a rear garden. Although tall and quite deep, the proposed dwelling is set 3.3m back from the boundary and orientated to the north of the adjoining neighbour, who also benefits from a rear garden depth well in excess of 20m. Accordingly, it is not felt that the proposed dwelling would overshadow the neighbours or unacceptably dominate their outlook contrary to RDG3.

Privacy

Concern has also been raised during the consultation period about a loss of privacy resulting from the proposed development.

RDG5 states that for all development above ground floor level, for windows installed on the 1st floor a distance of 9m shall be provided between the windows, edge of balconies or raised amenity space and the boundary it directly faces. This distance will be increased to 15m at 2nd floor level.

Not all of the front elevation windows meet the 9m required distance under RDG5. However, the front of the property is heavily screened with vegetation and even if this were to be removed, the property would overlook a private road which provides access to this property. This shortfall does therefore not result in a loss of privacy to the neighbours opposite.

Windows located on the northern elevation of the dwelling as well as some of the windows on the western elevation, including the roof terrace, also do not meet the required distance under RDG5. However, these windows overlook Green Belt land which is used in association with farming and equestrian activities. The boundary is also naturally heavily screened, so no actual loss of privacy would occur from these windows. Some of these windows also serve ensembles and so are likely to be obscure glazed anyway.

One window is proposed on the ground floor southern elevation of the dwelling. This window, due to elevational changes within the plot, is effectively at first floor level so ought to provide 9m to the boundary it directly faces. It provides no more than 3.5m to the boundary of the rear garden of No.241, which it would directly overlook. Even with the proposed vegetative screening there would still be the potential for a loss of privacy from these windows.

However, this window serves a non-habitable room (utility room) and could be obscure glazed and fixed shut to protect the privacy of neighbours if consent were to be granted. The use of such a condition is common practice and in accordance with the guidance set out in RDG5.

Subject to such a condition, no objection is raised to the proposal under RDG5.

Amenity Space

RDG6 seeks to ensure the retention of adequate private amenity space/area to serve the needs of the dwelling occupiers. Amenity space is provisioned on the basis of 15m² for each habitable room contained in the dwelling.

The proposed dwelling has 10 habitable rooms requiring the provision of some 150² of outdoor amenity space, which it comfortably satisfies.

No issue is raised to the proposal with regard to RDG6.

Parking

Policy T8 requires adopted parking standards to be taken into account. The current adopted Essex Parking Standards require a minimum of 2 spaces for properties with 2 or more bedrooms. Forecourt parking spaces should be 2.9m x 5.5m whilst garage spaces should be 3.0m x 7.0m.

The proposed dwelling is provisioned with a double garage which meets the required standards as well as an area of hardstanding to the front of the property to provide additional off-street parking provision.

RDG12 states that all forms of parking must not dominate the public realm, enable safe and unhindered access to the dwelling and must utilise a high-quality standard of materials for surface treatment with parking provisions that should seek to incorporate Sustainable Drainage Systems (SuDS).

Parking for the proposed dwelling is arranged such that it enables easy, safe and unhindered access to and from the main entrance of the property. Additionally, there is suitable room to park several vehicles without dominating the property or the streetscene.

No surface finishing details have been supplied for the hardstanding to the front of the dwelling to indicate that it would be SuDS compliant. However, this does not necessarily result in an objection to the proposal as this is a matter that can be secured by condition were the proposal to be approved.

No objection is raised to the proposal under Policy T8 and RDG12.

Other Matters

Policy EC13 of the adopted Local Plan states that development will be refused if it is prejudicial to the interests of all wildlife and the retention and management of important habitats.

The site is not located within an area of recognised habitat interest. A preliminary ecological assessment has been submitted in support of the application which identifies that there may be badgers in the area that forage on the site. Therefore, were permission granted the provision of badger ramps will be required to enable any foraging badgers who may fall into exposed trenches to escape. Subject to such a condition, no objection is raised to the proposal under Policy EC13.

Policy EC22 discusses that in schemes for new development, existing trees shall be retained wherever possible and that the loss of existing tree cover shall be kept to a minimum.

After discussion with the applicant, they are proposing to retain as many trees as possible and avoid harming them during construction. Trees of note on the site include the tree to the front of the existing dwelling adjacent to Vicarage Hill, the tree near the entrance off of Hilltop Farm and trees/hedgerows located on the northern, eastern and western boundaries with trees at the bottom of the garden remaining untouched.

Trees located where the dwelling will be constructed will have to be removed if permission is granted and notably two maple trees fall within this area.

On the site plan indicative root protection areas (RPAs)/crown areas are shown. Were consent to be granted it would be necessary to attach a condition requiring the identification of all trees to be retained and those to be removed from the site. An arboricultural method statement with foundation details and method of construction within the RPA of any trees would also be required.

Subject to such conditions, no objection is raised to the proposal under policy EC22.

It is further noted that Paragraph 110 of the NPPF requires development, where practicable, to incorporate facilities for charging plug-in and other ultra-low emission vehicles. Following the announcement by the government in 2017 that it intends to ban new petrol and diesel cars from 2040, it is considered that the need to provide infrastructure for charging electric or hybrid

vehicles is now even more pressing, to enable drivers to switch to such vehicles ahead of the phasing out of completely petrol- and diesel-powered vehicles.

The application does not include the provision of any electric vehicle charge points and no justification is provided as to why such provision would not be practicable. Whilst this represents an objection to the proposal it is a matter that can be dealt with by condition on any permission granted so does not amount to a reason for the refusal of planning permission.

The proposal is satisfactory in terms of criteria (iv), (v) and (vi) of Policy GB4 although some concern over the planting of 9m tall trees as screening to the side of the proposed dwelling as they might struggle to thrive.

Conclusion

The proposal has been assessed against EC2, EC3, EC13, EC22 and T8 of the current adopted Local Plan as well as RDG1, RDG2, RDG3, RDG5, RDG6, RDG7, RDG10 and RDG12 of the council's supplementary Residential Design Guidance, and subject to mitigation by conditions where appropriate found to be acceptable.

However, the proposed dwelling is materially larger than the existing dwelling it is to replace, both in terms of its footprint and mass (1.75 and 2.38 times larger), and therefore constitutes inappropriate development in the Green Belt.

Furthermore, the part of the site where the new dwelling is to be constructed has been identified in the 2018 Green Belt review as having a strong Green Belt function whereas the existing dwelling is located nearer to Vicarage Hill where the land does not make a significant contribution to the Green Belt and has been included in the emerging Local Plan as a Special Policy Area.

The proposal would also be contrary to Policy GB4 of the council's adopted Local Plan and Policies GB3 and GB4 of its emerging Local Plan.

Consequently, it is considered that this proposal is contrary to national and local Green Belt policy and is accordingly recommended 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 Refusal for the following reasons

1 The proposed development is located within the Green Belt as delineated within the Council's adopted Local Plan where inappropriate development is not permitted except in very special circumstances. The proposed dwelling is materially larger than the one it replaces and does not fall within any of the exceptions listed under paragraph 145 of the NPPF. The proposal therefore constitutes inappropriate development which by definition as well as the harm arising from its re-siting in a more sensitive and strategically important part of the Green Belt would have a detrimental impact on openness. The applicant has failed to demonstrate any very special circumstances to justify why the proposal might exceptionally be permitted and approval of the proposal would therefore be contrary to Policy GB4 of the adopted Local Plan and Government guidance as set out in the National Planning Policy Framework (NPPF).

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. Unfortunately, it has not been possible to resolve those matters. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future.